MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

JANUARY 4, 2006 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 4, 2006 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 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-

(1) STAFF BREIFING – NONE

(2A) (2B) CLOSED SESSION - LAND ACQUISITION/LITIGATION

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

- Tax Parcel 105-111-04 (+/- 11.2 acres) at Plaza Road Extension.

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 go into Closed Session to discuss Land Acquisition and Litigation with respect to Mecklenburg County v. Rozumny Development, LLC.

(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, 14, 17, and 18.
Invocation was given by Chairman Helms, which was followed by the Pledge of Allegiance to the Flag.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) JACK ORR BOYTE DAY

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and carried 8-0, with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a proclamation designating January 4, 2006 as Jack Orr Boyte Day in Mecklenburg County.

Note: Jack Orr Boyte made significant and lasting contributions to the preservation of historic sites in Mecklenburg County, including leading the effort to establish the Charlotte-Mecklenburg Historic Landmarks Commission in 1973.

The proclamation was read by Commissioner Roberts and received by Dan Morrill, Executive Director of the Historic Landmarks Commission and members of Mr. Boyte’s family. Mr. Morrill and Mr. Boyte’s son thanked the Board for this recognition.

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

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

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and carried 8-0, with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to adopt a joint proclamation designating January 16, 2006 as Dr. Martin Luther King, Jr. Day in Charlotte-Mecklenburg.

The proclamation was read by Commissioner Rembert and received by Cherise Belnavis Johnson on behalf of the Charlotte-Mecklenburg Community Relations Committee. Ms. Johnson informed the Board of activities that would be taking place in honor of Dr. King’s birthday.

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

Commissioner Clarke entered the meeting.

(2) PUBLIC APPEARANCE – No one appeared to speak during Public Appearance

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Adult Care Home Community Advisory Committee:

Barbara Edwards

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

Tanya Monroe

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

Chairman Helms announced that Barbara Edwards and Tanya Monroe were appointed to the Adult Care Home Community Advisory Board each for a one-year term expiring January 4,
2007.

**LIBRARY BOARD OF TRUSTEES**

The vote was taken on the following nominees for appointment to the Library Board of Trustees:

Robin Branstrom  Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Gregory Curl  Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

*Voting Ceased*

William Marchant

Chairman Helms announced that Robin Branstrom was appointed to the Library Board of Trustees for a four-year term expiring January 31, 2010 and Gregory Curl to fill an unexpired term expiring March 12, 2008.

*Note: They are replacing Kathi Knier and William Wood, who both resigned.*

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

The vote was taken on the following nominee for appointment to the Nursing Home Community Advisory Committee:

Gene Rogers  Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Chairman Helms announced that Gene Rogers was appointed to the Nursing Home Community Advisory Board for a one-year term expiring January 4, 2007.

**PLANNING COMMISSION**

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

**Round One**

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
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<tbody>
<tr>
<td>John Boatner</td>
<td>None</td>
</tr>
<tr>
<td>John Flynn</td>
<td>Chairman Helms</td>
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<tr>
<td>Ben Griffith</td>
<td>None</td>
</tr>
<tr>
<td>Nina Lipton</td>
<td>Commissioners Clarke, Mitchell, Rembert, and Roberts</td>
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<tr>
<td>Rodney Moore</td>
<td>None</td>
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<tr>
<td>Timothy Murray</td>
<td>None</td>
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<tr>
<td>Michael Ray</td>
<td>None</td>
</tr>
<tr>
<td>LynnErin Tyler</td>
<td>Commissioners Bishop, James, Puckett, and Woodard</td>
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**Round Two**

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<thead>
<tr>
<th>Name</th>
<th>Status</th>
</tr>
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<tbody>
<tr>
<td>John Boatner</td>
<td>None</td>
</tr>
<tr>
<td>John Flynn</td>
<td>None</td>
</tr>
<tr>
<td>Ben Griffith</td>
<td>None</td>
</tr>
<tr>
<td>Nina Lipton</td>
<td>Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard</td>
</tr>
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*Voting Ceased*
Chairman Helms announced that Nina Lipton was appointed to the Planning Commission to fill an unexpired term expiring June 30, 2008.

*Note: Ms. Lipton is replacing Kevin Geddings, who resigned.*

**PUBLIC BROADCASTING AUTHORITY**

The vote was taken on the following nominees for appointment to the Public Broadcasting Authority:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Commissioner Responsible</th>
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<tbody>
<tr>
<td>Andrew Freeman</td>
<td>None</td>
</tr>
<tr>
<td>Matthew Ipsan</td>
<td>None</td>
</tr>
<tr>
<td>Patricia Lambright</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Angela Payne</td>
<td>None</td>
</tr>
<tr>
<td>Shannon Reichley</td>
<td>None</td>
</tr>
<tr>
<td>Ruth Samuelson</td>
<td>It was noted that Ruth Samuelson was already serving on the Public Broadcasting Authority</td>
</tr>
<tr>
<td>Lawrence Seitlin</td>
<td>Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts</td>
</tr>
</tbody>
</table>

*Voting Ceased*

Chairman Helms announced that Lawrence Seitlin was appointed to the Public Broadcasting Authority to fill an unexpired term expiring June 30, 2008.

*Note: Mr. Seitlin is replacing John Nicolay who resigned.*

**REGION F AGING ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment to the Region F Aging Advisory Committee:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Commissioners Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarissy Knox</td>
<td>Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard</td>
</tr>
<tr>
<td>Marilyn O’Connor</td>
<td>Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard</td>
</tr>
<tr>
<td>Hazel West</td>
<td>Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard</td>
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Chairman Helms announced that Clarissy Knox was appointed to the Region F Aging Advisory Committee as an alternate for a one-year term expiring June 30, 2007; Marilyn O’Connor and Hazel West to fill unexpired terms expiring June 20, 2006.

(4) **REAL ESTATE EXCISE TAX REFUND REQUEST**

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 hold a hearing on a request by The Settlement Source for reimbursement of North Carolina excise tax in the amount of $476.
Note: The Settlement Source states that in a previous purchase closing, conducted by another attorney’s office, a Deed and Deed of Trust were erroneously recorded in Mecklenburg County. During a recent refinance closing of the same property, the Deed was correctly filed in Union County. The Settlement Source is requesting reimbursement of $476 from Mecklenburg 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.

No one appeared to speak.

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 hearing and approve the request of The Settlement Source for reimbursement of North Carolina excise tax in the amount of $476.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

(2B) CLOSED SESSION LITIGATION

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 payment of condemnation settlement of $183,260.49 in the Mecklenburg County v. Rozumny Development, LLC.

Note: The subject case involves 49.185 acres located on Brookshire Boulevard (NC16) between Long Creek and the I-485 right of way. The property includes Tax Parcels 033-211-01, -02,-03 and -04 and is known as the Shuffletown District Park site.

(2A1) CLOSED SESSION LAND ACQUISITION

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 approve the purchase of Tax Parcel 105-111-04 (+/- 11.2 acres) at Plaza Road Extension for $21,500 per acre (+/- $240,800) from Sandra H. Allen and Judith H. Beachley.

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 9, 11, 14, 17, and 18 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held December 20, 2005 and Special Meetings held December 20, 2005 and November 15, 2005.
Appoint the following persons to an Advisory Committee for the Home and Community Care Block Grant for Older Adults:

Ms. Jen Algire, Community Health Services
Ms. Rita C. Arundell, Senior Resources
Ms. Nancy Averick
Ms. Evelyn S. Berger, Senior Tar Heel Legislature
Mr. Charles E. Butler, Charlotte Center for Aging Services
Mr. Phil Cooley, President HomeWatch Caregivers
Ms. Judy Dorminey
Ms. Valerie Egzibher, Executive Director Legal Services for the Elderly
Mr. John Eller #, Director, Services for Adults Department of Social Services
Mr. Jim Few
Ms. Joyce Freeman, Loving Touch Adult Day Care
Ms. Maryann Gilmore, Senior Resources
Ms. Jacqueline Glenn, Meck. County Health Department
Mr. Sue Hancharik, Department of Social Services
Mr. John Highfill #, Department of Social Services
Ms. Ruth Huey #
Mr. Nate Huggins, Blessed Assurance Adult Day Care
Ms. Ellis Fields, Executive Director Mental Health Association of Central Carolinas
Ms. Pat Marcum, Executive Director Love, Inc.
Ms. Evelyn Newman #
Ms. Jennifer Pagano, OpenCare
Ms. Theo Robinson
Ms. Trena Palmer #, Executive DirectorDirector Char-Meck Senior Centers, Inc.
Dr. Dena Shenk, Director Gerontology Program UNC-Charlotte
Mr. Julian Underwood #
Ms. Chauna Wall, United Way of Central Carolinas, Inc.
Ms. Gayla Woody *, Centralina Area Agency on Aging
#Steering Committee Member
*Ex Officio

Recognize and appropriate $14,500 from user fees to replace the existing HVAC dampers at Ray’s Splash Planet.

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” to add the following names:

Rawls Costenbader and Lisa McCarter.

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

Approve the purchase of +/- 0.578 acres of Tax Parcel 007-401-34 at Patrick Johnston Lane for $154,100 from the Town of Davidson; and authorize the County Manager to negotiate and execute a 40-year lease with the Town of Davidson for the future development and operation of trails and passive park amenities on the above property.

Approve the purchase of Tax Parcel 015-212-10 (+/- 11.24 acres), less approximately one (1) acre, at Beatties Ford Road for $18,300 per acre (+/- $187,392) from Evelyn M. Reid.
(16) LEASE OF SHARP PROPERTY TO THE TOWN OF DAVIDSON

Authorize the County Manager to negotiate and execute a 40-year lease with the Town of Davidson for the future development and operation of a public park and greenway on the Sharp property (Tax Parcel 007-303-35).

(19) LAND ACQUISITION AT LINCOLN HEIGHTS

Approve the purchase of Tax Parcel 075-043-25 at 1619 Catherine Simmons Avenue for $12,500 as part of the assemblage for a neighborhood park in the Lincoln Heights area.

(20) GOVERNMENT DISTRICT PARKING DECK/FREEDOM MALL – REAL ESTATE AND PROPERTY MANAGEMENT SERVICES

Authorize the County Manager to negotiate and execute two three (3) year real estate and property management agreements with Harris, Murr & Vermillion, LLC for the retail portion of the Government District Parking Deck (4th and McDowell) and Freedom Mall.

THIS CONCLUDED ITEMS APPROVED BY CONSENT.

(9) CHILD CARE RESOURCES, INC. (CCRI) FUNDS

Motion was made by Commissioner Rember, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive and appropriate additional Federal and State revenues for the Child Care Subsidy program in the amount of $2,892,314.

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

(11) CMS BUDGET APPROPRIATION AMENDMENT

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 amendment to the Fiscal Year 2006 appropriation to Charlotte-Mecklenburg Schools (CMS) to reflect the budget adopted by the CMS Board of Education, with the proviso that the County Manager and his staff work with CMS to improve this particular budgetary process.

Commissioner James removed this item from Consent in order to get more information regarding the changes that occurred in CMS’ budget.

Note: The Fiscal Year 2006 Budget Ordinance details the budget allocation to CMS by purpose, function, and project. The budget ordinance also stipulates that any action by the Board of Education to change the budget allocation by more than ten percent (10%) must be approved by the Board of Commissioners.

On September 13, 2005, the Board of Education adopted a Fiscal Year 2005 Budget Resolution, based on the various appropriations made to CMS by the federal government, the state and Mecklenburg County. The budget adopted by the Board of Education modifies the County appropriations by purpose and function categories by greater than 10% in some cases; thus, it is necessary for the Board of Commissioners to approve the new allocations. There is no fiscal impact to the County as the total allocation remains constant. The changes only modify how the County appropriation is distributed within the CMS budget.
Prior to the above vote, Commissioner James said it would be helpful once the Board of County Commissioners adopt its straw vote with respect to school funding, if CMS staff and County staff would work together to determine what the first cut is going to be, understanding that it won’t be perfect. Commissioner James said he knows CMS’ budget can’t be finalized until the state adopts its budget.

Commissioner James said he just wants to see the process become more efficient.

Dr. Francis Haithcock, Acting Superintendent for CMS addressed Commissioner James’ questions. Dr. Haithcock noted the following:

- Nothing in CMS’ budget was new.
- When the Board of Commissioners looks at the financial statement with respect to the requested amendment, CMS’s original budget request of $316+ million, the Board will see that in CMS’ amended budget, nothing was added to any category.
- Things were subtracted from categories because even though CMS received an increase from the County, it was still a decrease of over $25 million from what CMS’ original request was.
- Dr. Haithcock said CMS could not come once their budget was set with something that wasn’t adjusted and in many cases by a fairly good percentage.
- She said the problem was that the County funds a little over 30% of CMS’ budget with the largest remaining part being funded by the State and that because the State doesn’t adopt its budget at the same time as the County, CMS can’t finalize its budget.
- Over 80% of CMS’ budget is personnel.
- CMS doesn’t normally receive a budget from the State until August or September.
- If all of the anticipated funding from the State does not come through then the local funding has to be adjusted.
- She said it was not practical or feasible for CMS to give the County or anyone a completed budget until CMS receives its State budget.
- She said that she was aware that Commissioner James was concerned about the largest adjustment in the amended budget in the amount of $19 million in the “other support services” category, a category that’s mandated by the State to be used.
- The “other support services” category includes employee benefits.
- She said that CMS was 90 days behind in getting this amendment over to the County.
- Dr. Haithcock said the two staffs do need to come together on the best way to handle this particular budgetary process, especially in light of the fact that the State and County budget adoptions are not parallel.

(14) GREENWAY EASEMENT DONATION

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 a greenway easement (+/- 9.0 acres) on a portion of Tax Parcels 005-376-99 and 005-371-99 at McDowell Creek from Greens at Birkdale Village Property Owners Association, Inc.

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

(17) DISPOSAL OF RECORDS – HEALTH DEPARTMENT

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 the disposal of Health Department administrative and program records from 1970-2002.

Commissioner Woodard removed this item from Consent for clarification purposes with respect to the types of records that were being destroyed.

Bobbie Cobb of the Health Department addressed this matter. Mr. Cobb said that most of the records that were being destroyed were program records from 20 – 30 years ago that have to do
with staff activities, etc. He said that the department maintains program records for three – five years. He said immunization records and other records of this nature are kept longer than five years. Further, the department is selective in the records that it destroys.

(18) COMMUNITY HEALTH TRUST BUILDERS

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 recognize, receive and appropriate $47,000 from the North Carolina Office of Minority Health and Health Disparities (OMHHD) to fund a community-driven health education and training program entitled Community Health Trust Builders.

Commissioner Woodard removed this item from Consent to ask a question with respect to the Volunteers in Medicine Clinic, specifically would they receive any of these funds.

Bobbie Cobb of the Health Department addressed this matter. Mr. Cobb said that Volunteers in Medicine was a part of the grant being received. He said that a little over $30,000 was slated to go to Volunteers in Medicine. Mr. Cobb said Volunteers in Medicine would use the funds for health follow-ups and screenings associated with some of the health concerns in the community. Volunteers in Medicine is located in the Greenville community.

(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 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 7:10 p.m.

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

JANUARY 10, 2006 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 of the Charlotte-Mecklenburg Government Center on Tuesday, January 10, 2006 at 3:00 p.m.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, 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: Commissioner Bill James

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

(1) CHARLOTTE-MECKLENBURG SCHOOLS (CMS) FUNDING FRAMEWORK

The Board received a report from the County Manager and Budget/Management Director Hyong Yi on the CMS Funding Guidelines (Framework).

County Manager Jones said they were reporting back, per the Board’s directive to reconstruct the CMS Funding Guidelines.

Commissioners Puckett and Woodard entered the meeting at the start of the presentation.

Commissioner Rembert entered the meeting during discussion of Student Composition.

Highlights

- The purpose of the Guidelines is to provide a tool for the Board to evaluate CMS funding requests, operating and capital.

- It does not obligate the Board to fund a certain dollar amount.

- With respect to operating, funding would be based on per pupil spending, enrollment growth, inflation factors, and state funding.

- If CMS’ request is not consistent with the funding guidelines, it will give the Board a basis for assessing the request.

- CMS can request funding above base as County “grants.”

- The process for how the base is calculated was reviewed. It was noted that the FY06 numbers shown in the handout were actual, but the FY07 were for example purposes only.
• Last year the average inflation rate was based on teacher salaries and insurance, which meant staff was inflating inflation cost for about 70% of CMS’ budget. Under the revised guidelines the average inflation rate would be based on salaries, supplies, equipment & vehicles, and utilities, thus staff would be taking a more comprehensive approach.

• With respect to the per pupil amount, it was noted that this was what staff uses as its starting point.

• Accounting for changes in student composition was also addressed. It was noted that different types of students cost different amounts to provide the same level of service. The differences in student composition would include those students on free and reduced lunch, those that have English as a second language, and exceptional children.

• According to CMS the enrollment growth has proportionally greater percentages of these types of students than the existing enrollment.

• Capital guidelines were reviewed. It was noted that the Board would set an annual capital funding range for County capital needs and CMS needs.

• It was noted that the Board of Education sets policy and prioritizes capital projects based on approved funding.

• It was noted that County Finance and SOI would develop methodology for setting the range for capital spending and report back to the Board in 60 days. The process for doing this was reviewed.

**Comments**

Commissioner Woodard asked if the State took into account the same inflation “buckets” shown in the handout when making their budget decision with respect to CMS. The response was no. The State uses various formulas.

Chairman Helms said it appears from the example shown, that the County essentially funds the difference between what the State funds and the per pupil amount adjusted for inflation that the County has estimated it to be. Staff said this was correct, however, if the State gives more than the County’s estimated per pupil amount adjusted for inflation then the County’s portion of that per pupil cost goes down and vice versa.

Commissioner Clarke said the inflation cost on salaries was really unknown since the County doesn’t know what the State is going to do. Staff said there is a lot of uncertainty with respect to what the State may provide.

General Manager John McGillicuddy said the purpose of the CMS Funding Guidelines was to also help frame the conversation between the Board of Commissioners and the Board of Education (BOE). He said for example, if there’s a significant difference between what the State decides and the way the Guidelines turn out then that leads the conversation between the two entities with respect to why there is such a variance between what the BOE has asked for and what the guidelines indicate they should receive. General Manager McGillicuddy said the Board would have a framework not about dollars necessarily, but about what’s behind the differences. He said this then would allow the Board to talk about policy decisions and why those policy decisions should or shouldn’t effect what the Board ultimately allocates to CMS.

Commissioner Clarke said he thinks there will need to be a process for that conversation to occur. He ultimately thinks it’ll be a way of reaching a consensus if the Board thinks there are differences. Commissioner Clarke stated further that the two staffs should be able to work closely together to come up with an estimate that hopefully both sides can agree on in terms of State funding.

Chairman Helms said his thought was that if you have a funding framework and the BOE comes with a request that is significantly more than the preceding year, then the “burden” shifts to the BOE to tell the Board why it’s more. He said it would be up to the BOE to justify any increase in
the per pupil amount.
Commissioner Puckett said he suspects that CMS would request “grants.”

Commissioner Bishop in response to the presentation on student composition said he would like to see CMS’ statistics with respect to a breakdown of their enrollment growth, the types of students.

Commissioner Clarke suggested at future presentations someone from CMS’ senior management be present. Staff said CMS staff was aware of what was being presented today.

Commissioner Woodard asked if staff factors in the fact that some students may leave the CMS system. The response was yes.

Commissioner Bishop noted that there was no performance base associated with CMS’ base budget for operating.

Chairman Helms said in response to Commissioner Bishop’s remarks with respect to there being no performance base or measure associated with CMS’ operating budget allocation, that if the Board is not satisfied that CMS is achieving the desired results at the base level the County gives them, then the Board would not fund them anymore.

Commissioner Bishop asked Chairman Helms if he was satisfied, per his comment and the response was yes.

County Manager Jones suggested the Board vote on the guidelines at an upcoming meeting.

County Manager Jones also suggested the Board ask themselves two questions with respect to the Funding Framework. 1) An efficiency question of, “Are we paying a reasonable amount per student?” 2) An effectiveness question of, “Are we receiving the results from the investment that we’re making?”

Chairman Helms said he has always said that if the two entities could ever arrive at an agreed upon per pupil cost, taking into consideration the demographics, whether that number was adequate or not, “then as we went forward we would be more likely to improve the delivery of educational services” as we increased funding or left it the same.

Chairman Helms recommended the funding framework as presented by staff be placed on the Board’s February 7, 2006 agenda for consideration. If approved, it would be forwarded to the Board of Education for their consideration. Further, if the Board of Education wants to propose certain amendments then it would come back to a conference committee. The conference committee would work it out and bring a recommendation back to both entities.

Commissioner Clarke said it should be made clear that there is a link between the operating budget and the capital budget. He asked staff to give thought as to how this could be done.

Commissioner Puckett in response to Commissioner Clarke’s comment, suggested that one thing that could be done would be to give a per pupil total expenditure that reflects both operating and capital.

Commissioner Rembert in addressing accountability measures said that often in human service fields like education, measures that might often seem appropriate in some fields may not be the best way to measure outcomes with human subjects. She said there was so much variability in how students might perform on any given day. Commissioner Rembert said that some very effective programs may just cost a lot of money. She said the Board needs to take this into account when it looks at CMS’ budget.

Commissioner Rembert said she doesn’t know how the County could get to a place of providing adequate support to educate the growing numbers of diverse learners we have here in Charlotte/Mecklenburg and “expect it to be cheap.” She said that cost will continue to rise.

Commissioner Roberts said she would like for staff to consider putting the land that goes with schools back in the consideration of the schools’ range and then have County facilities and
County land as a separate amount when we’re trying to think about where those two ranges are when looking at our capital spending.

It was the consensus of the Board to place this matter on the Board’s February 7, 2006 agenda for formal consideration.

Chairman Helms thanked County Manager Jones and Director Yi for their report.

*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.*

The handout related to the above discussion is on file with the Clerk to the Board.

**ADJOURNMENT**

There being no further business to come before the Board, Chairman Helms declared the meeting adjourned at 4:55 p.m.

________________________________________

Janice S. Paige, Clerk

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

January 18, 2006 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 18, 2006.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke, Bill James, Norman A. Mitchell, Sr., Jim Puckett, 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: Commissioner Jennifer Roberts

Chairman Helms was absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Vice-Chairman Rembert, who chaired until the arrival of the Chairman.

-INFORMAL SESSION-

(1A) STAFF BRIEFING - NONE

Commissioner Woodard left the meeting and was absent until noted in the minutes.

(2A) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, and Rembert voting yes, to go into Closed Session to discuss Business Location and Expansion.

Chairman Helms entered the meeting at the time of the above vote.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 6:21 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She returned during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any items they wanted removed from consent.
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.

(1) PROCLAMATIONS AND AWARDS – NONE

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Rev. James Barnett addressed the murder rate in Charlotte. He referenced an article that appeared in The Rhinoceros Times entitled Murder Rate Hit Ten-Year High, James, Blacks to Blame. Rev. Barnett expressed his disagreement with statements made by Commissioner James in the article. Rev. Barnett said the facts given by Commissioner James in the article were false and that they give the wrong impression. Rev. Barnett noted what he said were the correct statistics. He said in 2004 - 43 blacks were killed; 2005 - 45. White males in 2004 - 7 killed and in 2005 - 22; Hispanics in 2004 7 killed and in 2005 - 16. Rev. Barnett said the murder rate for whites and Hispanics doubled. Rev. Barnett said Commissioner James was incorrect in trying to lead people to believe that Blacks were the blame for the increase in the murder rate. Rev. Barnett said he felt Commissioner James owed the public an apology.

Kim Holly addressed the condition of roads in North Mecklenburg. She noted the recent death of a North Mecklenburg High School student who died as a result of a car accident on a road that’s not suited for the amount of traffic that travels it. Ms. Holly asked the Board 1) to realize that there is a tremendous number of young, vulnerable drivers that have to “negotiate” roads that are not meant to handle the kind of traffic or the kind of vehicles that are on these roads; 2) to write to the State and ask them to address this issue; and 3) that the Board organize a commission or task force to see what is being done or not being done and how this issue can be addressed. Finally, with respect to CATS, Ms. Holly said that there was no public transportation supporting North Mecklenburg because there are no bus stops.

Sam Hearn, a bondsman, addressed Pre-trial Release and electronic monitoring. Mr. Hearn spoke in opposition to the use of electronic monitoring with respect to pre-trial release. He said its works fine for post-judgment punishment. Mr. Hearn said if electronic monitoring was going to be done then it should be privatized. Further, if it’s privatized the defendant pays for everything and there’s no cost to the taxpayer. He said the equipment was expensive and that he was familiar with at least one company that provides this service nationally and internationally.

Myra Alexander Seean, on behalf of the Mecklenburg County Bail Bondsmen Association, also addressed Pre-trial Release. She, too, is opposed to electronic monitoring at the pre-trial release level.

Chairman Helms thanked the public appearance speakers for their remarks.

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

(3) APPOINTMENTS

WASTE MANAGEMENT ADVISORY BOARD

The following person was nominated for appointment to the Waste Management Advisory Board by Commissioner Puckett: Corine Thomas.

The appointment will occur on February 7, 2006.
(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER’S REPORT - DOMESTIC VIOLENCE IN CHARLOTTE/MECKLENBURG AND WOMEN’S COMMISSION RESTRICTED CONTINGENCY FUND

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, to 1) receive the report on Domestic Violence in Charlotte/Mecklenburg: An Overview and Assessment of Our Community & Region; 2) Authorize the release of $734,225 from Restricted Contingency to fund the Women’s Commission throughout the remainder of FY06; and 3) Refer the report to the Community Health and Safety Focus Area Leadership Team and the Human Services Council for their review and input, and that recommendations for the Board’s consideration be presented during the FY07 budget process.

The report was given by Carol Morris, consultant, who said domestic violence was on the rise in Mecklenburg County.

The report addressed the following:
1. An overview of domestic violence that included the prevalence of it, who the victims are, the perpetrators, how state law defines and treats it, and the impact on children
2. Charlotte-Mecklenburg’s response to domestic violence
3. The economic cost of domestic violence
4. An assessment of current community response to domestic violence, the needs, gaps and challenges
5. Creating a more integrated and consistent community response to domestic violence
6. The role of Mecklenburg County; its investment of resources, the role/structure of the Women’s Commission, and other ideas/strategies to consider.

Note: During the FY06 budget process, the Board requested that the County review its domestic violence service system design. As a result, the County contracted with a consultant (Carol Morris) to conduct a community audit to identify the full range of needs in the community. It was expected that the audit would conclude during the first six months of the year.

Consequently, funding for the second half of FY06 was held in restricted contingency pending the outcome of the review, which did not recommend budget cuts. Any departmental restructuring would not take place until FY07. Staff concurred that moving forward with Women’s Commission operations in the current form through the end of this fiscal year is appropriate.

Prior to the above vote, Commissioner Puckett asked that staff when reporting back with recommendations and assuming that the Board would not be able to fund all of the options or requests, that there be a prioritization of investment. He noted as an example, would funds be best spent in prevention or on the judicial side.

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 Woodard and carried 7-0, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, to approve the following item(s):
(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 4, 2006, Budget/Public Policy Meeting held December 13, 2005 and Closed Session minutes of Regular Meeting held January 4, 2006.

(8) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

Approve, recognize, receive and appropriate recurring State funds in the amount of $232,944 for Children’s Developmental Services.

Note: These funds will be used to support the provision of occupational therapy, physical therapy and speech-language therapy to children birth to age three with known or suspected developmental disability through the Children’s Developmental Services provider network. This is a new allocation received from the NC Division of Public Health, Women and Children's Health Section, Early Intervention Branch.

(9) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT - GRANT APPLICATION SUBMISSION

Authorize the County Manager to submit two grant applications in an amount up to $7,700,000 to the North Carolina Division of Emergency Management for the Cavalier Apartments acquisition project.

Note: Mecklenburg County Storm Water Services – Flood Mitigation Program staff has been working for over a year to determine the most effective, long-term flood mitigation solution for the Doral and Cavalier Apartments. At the November 15, 2005 Budget/Public Policy Workshop, staff updated the Board on the Storm Water Capital Program, and made a specific recommendation to pursue the acquisition of floodprone buildings within the Cavalier Apartments.

This action is necessary to submit two separate Pre-Disaster Mitigation (PDM) grant applications to acquire the Cavalier Apartments. The first grant will include six buildings containing 80 units, located on a separate condominium parcel. This grant amount will be approximately $3.2M, with a $2.4M Federal share (75%) and a $0.8M (25%) local match. The second grant will include seven buildings containing 112 units, located on two separate condominium parcels. This grant amount will be approximately $4.5M, with a $3M Federal share (67%) and a $1.5M (33%) local match. The grants require a minimum 25% local match, and if both grants are approved matching funds are available through Storm Water’s Capital Program, and the Storm Water available Fund Balance.

(10) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT – FLOOD MITIGATION GRANT ADJUSTMENT

Adjust grant award amount to actual received from the North Carolina Division of Emergency Management.

Note: On November 1, 2005 the Board recognized a total of $4,450,949 in mitigation funding for the voluntary acquisition of 19 floodway properties along Little Sugar Creek and Briar Creek. This action is necessary to adjust the federal and local share on one of the approved properties to reflect the actual amount awarded. The additional local match will be funded from the FY06 Storm Water operating budget. Even with this adjustment, the local funding for this project remains at approximately 25%.

(11) MAINTENANCE SERVICES – NEW GOVERNMENT DISTRICT PARKING DECK
1. Authorize the County Manager to negotiate and execute a one (1) year agreement with two (2), one (1) year renewal options (at County discretion) with Central Parking System of North Carolina, Inc. for maintenance of the New Government District Parking Deck.

2. Recognize and appropriate $58,987 from parking and/or retail lease revenue for maintenance and management services for the New Government District Parking Deck.

(12) FISCAL YEAR 2007 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. Family Court Administrator’s Office</td>
<td>Navigating Family Court: A Guide to Parents</td>
</tr>
<tr>
<td>2. Family Court Administrator’s Office</td>
<td>ICAN! Web-Based Legal Service</td>
</tr>
<tr>
<td>3. Youth Homes, Inc.</td>
<td>Residential Family Reunification Services</td>
</tr>
<tr>
<td>4. Alexander Youth Network</td>
<td>Multisystemic Therapy for Court-Involved Youth</td>
</tr>
</tbody>
</table>

(13) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION JCPC FUNDING

Reduce administrative grant by $10,000; terminate award to Carolinas Medical Center and reduce budget by $82,398; recognize, receive and appropriate funds of $76,928 to Elon Homes for Children for a Court Psychologist program.

Note: The above changes result in a reduction of total JCPC funding by $15,470, a one percent reduction of the original grant amount, which results from the State’s requirement to the JCPC to reduce spending.

(14) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $109,494.82 resulting from clerical errors, audits, and other amendments.

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

(22) CERTIFICATION OF LOCAL APPROVAL FOR NON-PROFIT ORGANIZATIONS

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 2006 Emergency Shelter Grants Program Funding (July 1, 2006 - June 30, 2007): Crisis Assistance Ministry, Charlotte Emergency Housing (Park Place), United Family Services Shelter for Battered Women, the Salvation Army Women’s and Children’s Emergency Shelter, the Uptown Men’s Shelter, and Youth Network.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
(15) LIZ HAIR NATURE WALK ON LITTLE SUGAR CREEK GREENWAY

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, to adopt the Liz Hair Nature Walk Capital Reserve Ordinance.

Note: Partners for Parks, Inc., working with the Park and Recreation Department, has been instrumental in receiving and managing funds raised by the Friends of Liz Hair. These funds are for landscape improvements to the existing Little Sugar Creek Greenway between Morehead Street and East Boulevard. The nature walk will honor Liz Hair as the first woman elected to the Board of County Commissioners and the first woman to serve as chairman. Ms. Hair has always been a strong advocate for parks and greenways.

Prior to the above vote, Doug Youngblood and Betty Chapin Rash addressed this issue and presented the Board with a check on behalf of Partners for Parks in the amount of $88,000 to be placed in the Liz Hair Nature Walk Capital Reserve. Ms. Hair was also present. She thanked the Board for all of its support in these efforts. She also complimented the Park and Recreation Department for the fine work that it does.

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

(16) REGIONAL PLANNING FOR AIR QUALITY PILOT PROGRAM

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, to 1) Approve the transfer of $500,000 from restricted contingency to provide for a Regional Air Pollution Reduction Pilot Program. 2) Approve the submission of a grant application for $500,000 in federal Congestion Mitigation for Air Quality funds. Upon award of the grant, recognize, receive and appropriate the grant award. 3) Authorize the County Manager to negotiate and execute a contract with URS Corporation. 4) Authorize appropriations to be carried forward to subsequent years until completion of project.

The above matter was addressed by Don Willard, director of Air Quality and David Franchino on behalf of the Charlotte Chamber.

Note: During the FY06 budget process, $500,000 was placed in Restricted Contingency pending obtaining commitments from the City of Charlotte and other corporate partners in promoting and implementing voluntary emission reduction initiatives as described in the "Cutting Pollution Where it Counts" program. The Regional Planning Alliance, the City of Charlotte, Mecklenburg County, Charlotte Area Transit System (CATS), the Charlotte Chamber of Commerce, and the Centralina Council of Governments desire to collaborate to promote a regional business and government alliance to reduce the air pollution that is affecting the health of citizens, threatening the region’s economic vitality, and placing the region in violation of a federal air quality standard. Reductions in pollution will also improve quality of life for citizens, reduce the potential for loss of federal transportation dollars and mitigate any additional regulations that will increase the costs to businesses and hinder economic development. Meeting the national ambient air quality standard for ozone has been chosen as a platform for regional unification and topic of common interest, since all in the multi-county region together face the consequences of failing to meet the federal air quality requirements. The primary purpose of the program is to test what organizational approach and implementation elements and methods will produce quantifiable reductions in ozone-forming pollutants (nitrogen oxide) above those obtained through current efforts. Of particular interest is determining the effect of CEO/designee commitment to a program of employee participation, and how the program can be carried out as a regional cooperative venture consistent with the intent of the Regional Planning Alliance (RPA). This program would be funded jointly with the funds from Restricted Contingency and a federal Congestion Mitigation for Air Quality grant. On January 6, 2006 the project was endorsed by the Regional Planning for Air Quality Board (RPAQB). The RPAQB is made up of
representatives from Mecklenburg County, the City of Charlotte, the Charlotte Chamber, the Regional Planning Alliance, the Catawba COG and the Centralina COG. The project will be managed by Mecklenburg County Air Quality with executive oversight provided by the RPAQB.

Prior to the above vote, Commissioner Clarke asked about the City of Charlotte’s role in this effort, which was explained by Director Willard.

Commissioner Clarke said he felt this was a worthy pilot project but that the Board and staff need to be thinking about how the County can make sure this is not just a “one shot” deal. He said the pilot should be used as a “momentum” building effort for the future. Further, that this is something the Board should consider during the budget process.

(17) FUNDING FOR VOTING EQUIPMENT PURCHASE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, to:

A) Authorize the Board of Elections to take any and all necessary steps to secure the State grant funding and upon award of the grant, recognize and appropriate the funds for the purchase of the approved voting equipment.

B) Acknowledge the use of $731,000 from capital reserve funds for voting machine acquisition.

C) Authorize the use of Undesignated Information Technology Reserve funds to pay for the balance of the FY06 voting equipment purchase.

D) Authorize the County Manager to negotiate and execute a contract with ES&S, the sole State-approved voting equipment provider, for the acquisition of 1,000 voting machines and related equipment in FY06, the acquisition of 500 voting machines and related equipment in FY07, the acquisition of 500 voting machines and related equipment in FY08, and maintenance of said equipment, at prices guaranteed in response to the State RFP.

The above matter was addressed by Hyong Yi, director of Management and Budget and Michael Dickerson, director of Elections.

Prior to the above vote, Commissioner James asked about the technology of the new machines compared to what the County currently has. Director Dickerson said the new equipment would be similar to what the County currently has, however, the new machines will produce a voter verifiable paper audit trail, so that the voter can look and see who they voted for. Voters cannot take the receipt but they can verify that what’s shown is indeed the way they voted prior to pressing the go button. It will be voting by “touch screen” like using an ATM.

(18) 2005 PERFORMANCE REPORT AND COMMUNITY & CORPORATE SCORECARD UPDATE

The Board received as information the FY 2005 Performance Report and Community & Corporate Scorecard Update.

The update was given by John McGillicuddy, General Manager and Leslie Johnson, director of Planning and Evaluation.

The purpose of the report was to inform the Board and public about progress over the past year in achieving the Board’s goals for the community, as identified on the Board’s Community & Corporate Scorecard. The purpose of the update was to identify recommended changes to the Board’s Scorecard, which would be discussed at the Board’s Strategic Planning Conference on January 26 & 27.

The following questions were asked and responded to by staff:
Commissioner Puckett asked who were the benchmark counties used with respect to the Performance Goal of Property Tax to Household Income. He asked for the breakout information on these counties.

Commissioner Mitchell asked was it fair to compare Mecklenburg County with those benchmark counties, in light of the tremendous growth that continues to take place in Mecklenburg County.

Commissioner Mitchell also asked about the two-year retention rate results.

Commissioner Rembert asked about the Mental Health Index and Workforce Preparedness, both have a gray light.

Commissioner Rembert also asked about the Public Assistance Rate and how the County compared to other jurisdictions and how the target was set. Staff addressed how the target was set but said they would have to get back to the Board regarding how the County compared to other jurisdictions in this area.

Commissioner James expressed concern about the accuracy of the Violent Crime Rate. He suggested that the County compare itself with other jurisdictions within the state rather than places like New York or Atlanta.

Commissioner James requested a breakout of the 1.72% Benchmark with respect to the Property Tax to Household Income goal. He also wants to know if any of the benchmark counties were higher.

Commissioners James and Puckett requested an explanation on how the Percentage Property Tax Revenue goal could go down after an 11% property tax increase.

Commissioner Clarke with respect to the property tax suggested that staff consider taking into account the fact that Mecklenburg County has done a lot of functional consolidation, which is not the case in the other benchmark counties. He said because of functional consolidation Mecklenburg County has different obligations and responsibilities. He suggested this be footnoted if staff thinks it’s a factor in the equation.

Commissioner Puckett requested information on the benchmark counties with respect to their total per capita tax revenue.

Commissioner Puckett with respect to the CMS Results Index measure, asked staff to see if it was possible to obtain this same type of information from local private and parochial schools.

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

(19) UPDATE ON THE HIGH SCHOOL CHALLENGE

The Board received information on the status of the High School Challenge which involves Garinger High School, West Charlotte, and West Mecklenburg High Schools.

Commissioner Rembert, chair of the Board’s Education Liaison Committee introduced the item and then called upon Hyong Yi, director of Management and Budget to give the report.

Commissioner James asked what Charlotte-Mecklenburg School’s (CMS) plans were with respect to the targets for each of the applicable schools. Would they remain the same or change?

Commissioner Rembert said CMS recognize that the targets were very ambitious. She said CMS wants to maintain the high expectations and standards for performance and to get all of the initiatives they have underway operating to see that they achieve those goals.

Commissioner Rembert said “all things considered, we should really not have expected an
incredible change in student achievement and outcomes as early as the Board originally set them.”

Commissioner Rembert said the kind of achievement challenges that exist at these schools are very dramatic and significant and in light of this there needs to be a realistic timeframe.

Commissioner Puckett said the Board should wait to see if the goals are achieved at the end of the year and then decide if any adjustments need to be made with respect to the program.

Chairman Helms said this population of students can succeed given the right mix of teachers, class size, materials, and resources. He said he feels the platform has been put in place for this to happen.

Commissioner Woodard said she had questions regarding the report and was not pleased with the outcomes thus far, but that in light of time, she would follow up directly with the appropriate CMS officials.

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

**(20) COOPERATIVE EXTENSION SERVICES**

The Board received information on the progress and action plan for urbanization of Cooperative Extension Services in Mecklenburg County.

The presentation was given by Park and Recreation Director Wayne Weston, Extension Director Jim Monroe, Manager of Park Services Jeff Robinson, and Manager of Recreation Centers Lola Massad.

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(21) BROOKLYN RENAISSANCE PROJECT**

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, to receive the presentation from Mr. Jerry Reese regarding the proposed Brooklyn Renaissance Project; and direct the County Manager to include in his fact finding associated with the recent Center City Partners’ proposal, options regarding baseball - major and minor league, the Brooklyn Renaissance Project as outlined by Mr. Reese.

Below are highlights from Mr. Reese’s presentation and comments from the Board that occurred prior to the above vote.

- The Brooklyn Renaissance Project involves “a new vision for Second Ward.”
- It entails the redevelopment of Second Ward with the inclusion of a Major League Baseball stadium.
- It would also involve the expansion of the Charlotte Convention Center with six additional buildings.
- There would be retail and residential development, as well as entertainment venues.
- The project will promote economic activity in the Uptown area with an estimated minimum of 10,000 new jobs being created.
- The project will provide additional housing opportunities in the Uptown area bringing in an estimated 20,000 additional residents.
- It is estimated that once the project is completed in total that it would have about $4 billion of taxable value, including the stadium, which would yield to the county property
tax revenues alone, approximately $50 million per year. It was noted that this would not include sales tax revenues, hotel and prepared food tax revenues, and other revenues to be generated by the economic activity that would be derived out of the facilities in the area.

- Land Design is one of the firms working on this project because of their past involvement with the development of the existing Second Ward Plan.
- The project would involve the relocation of the Aquatic Center and Charlotte Mecklenburg Schools’ Administration Building.
- Mr. Reese has set up a foundation known as the Mecklenburg Aquatic Facilities Foundation which would be responsible for raising $30 million, which is approximately 50% of the cost of a new facility.
- The proposed stadium would seat 38,000 and would have a retractable roof.
- The Second Ward gymnasium would be preserved.
- Mr. Reese was authorized by Major League Baseball to inform the Board of the following:
  - The Florida Marlins have been authorized by Major League Baseball to explore relocation of their company from Miami to another site in the U.S.
  - For over 30 days Mr. Reese has been in direct communication at the Vice-Chairman level with a member of the Marlins organization, who is a part of the site selection process team. That member of the Marlins organization authorized Mr. Reese to indicate to the Board that those discussions have been on-going. Mr. Reese said that it was not “negotiations” that have been taking place, but rather he has been providing the Marlins with information on his project and that they were aware of tonight’s meeting.
  - The Marlins are expected to visit Charlotte/Mecklenburg on a formal fact-finding visit between February and March.

Mr. Reese asked the Board to consider his proposal before making a final decision with respect to baseball being located in the Uptown area.

Comments

Commissioner Puckett asked with respect to the tax increment financing (TIF) whether Mr. Reese was looking at the entire $1 billion being tax deferred or just some portion of it for the parking lot. The response was he does not think the parking facilities and the infrastructure would cost “nearly” $1 billion. It would be approximately a 4,000 space parking facility.

Commissioner Puckett with respect to the Aquatic Center Foundation that Mr. Reese spoke of said he would like to see what Mr. Reese’s guarantees and backups were on those funds.

Commissioner Puckett asked Park and Recreation Director Wayne Weston if what Mr. Reese was proposing for the Aquatic Center and Memorial Stadium consistent with Park and Recreation’s plans. The response was that from the perspective of Park and Recreation it would meet Park and Recreation standards and it does reflect funds that are already identified for future projects in the Ten-Year Capital Needs Assessment.

Director Weston noted that when the Aquatic Center was built it was known that it was underutilization of the land, as the land values would grow in the Center City area. He said that it has been well embedded in the Capital Needs Assessment for about 15 years for the relocation site of the Aquatic Center to be at Grady Cole.

Commissioner Puckett asked was it correct that under the current Second Ward Plan the Aquatic Center would be moved and the response was yes.

Commissioner Puckett said he felt Mr. Reese’s proposal provides a reason to keep Charlotte Mecklenburg Schools’ Administrative Office downtown because it does have some “synergy” with the School of the Arts, the Morgan School, and the training facility.

Commissioner Puckett asked could the stadium be done for minor league baseball. The response was yes, but that the economic impact and lost opportunity would be there because major league
teams don’t relocate that often. Mr. Reese said a minor league team could use the stadium until a major league team was acquired.

Mr. Reese said the stadium would probably be owned by private investors and leased to the entities that would be using it.

Commissioner Puckett said he would like for staff to investigate the validity of the proposal and to do some due diligence and report back to the Board.

Commissioner Puckett said he heard, but was sure if it was true, that the City of Charlotte has said Mr. Reese’s proposal was not consistent with the Second Ward Plan. He would like for this to be confirmed.

Chairman Helms referenced a Proposal and Term Sheet document he had received from Mr. Reese probably a year ago that outlined what the City and County’s obligations would be with respect to the project.

Chairman Helms encouraged Mr. Reese to share that information with staff as they do their due diligence. He asked staff to look at these matters. Also, that staff in reviewing this matter consult with the City of Charlotte, Charlotte Area Transit System (CATS), and Charlotte-Mecklenburg Schools.

County Manager Jones said there were a lot of “moving parts” to Mr. Reese’s proposal. He said there was another step that needs to occur on the part of Mr. Reese, which is to get those respective Boards to do what the County Commission is doing in directing its staff to study this matter in more detail. He said in order for the County to work with the other entities with respect to this proposal, those staffs need be directed by their respective boards to do so.

Mr. Reese said he plans to go to the other entities.

Chairman Helms informed Mr. Reese that it was imperative that the Board know the fiscal underpinning of this project. Who is the developer? Who is going to finance it? He also asked that a dollar figure be put on what the County is being called upon to do with respect to the project.

Mr. Reese said he would be working on all of those components in the upcoming months.

Commissioner James said from his observation it appears that the City’s contribution with respect to this proposal is much more significant than it is under Center City Partners’ proposal, which the County’s cost is more.

A copy of Mr. Reese’s presentation is on file with the Clerk to the Board.

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 Puckett, seconded by Commissioner James, and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:34 p.m.
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at Freedom Park Pavilion, 1900 East Boulevard, Charlotte, N.C. at 8:00 a.m. on Thursday, January 26, 2006.

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

Absent: None

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

The meeting, the Board’s Annual Strategic Planning Conference, scheduled for January 26 and 27, was called to order by Chairman Helms.

County Manager Jones gave an overview of the two-day Strategic Planning Conference schedule, goals and expectations.

Note: The Strategic Planning Conference is a vital step in the County’s Managing for Results efforts. The expectations are 1) that the Board will reaffirm or revise its goals on the Community and Corporate Balanced Scorecard. 2) The Board will start the process of identifying the issues the Board would like to focus on in developing the County Manager’s Recommended Budget and Work Plan for FY07.

County Manager Jones said he would provide the Board with what it’ll take for a “no tax rate increase” budget, as well as, what it’ll take to fund services at current level. Also, that his budget would be based on the Board’s priorities.

County Manager Jones asked that all requests for revisions or other significant work with respect to his recommended budget come from the Board as a whole, rather than individual Commissioners.

County Manager Jones said because of limited staff resources, it would not be possible to develop three, four, or even nine budget variations.

Next:

Board Members introduced and discussed their respective priorities/issues of interest.

Alternate Funding Sources for School Capital Costs – Commissioner Clarke

Goal - To develop a strategy to rapidly implement the Citizens’ Task Force on CMS recommendation that the County have alternative sources of revenue to fund school and other capital costs that will take pressure off the property tax as a funding source.
Request - Direct the County Manager to follow up with additional research

Comments:

Commissioner Clarke said he would support seeking alternative revenue sources as part of the Board’s legislative agenda. Commissioner Clarke referenced legislation that’s pending in the General Assembly providing a menu of local options for raising revenue for all counties in N. C. He said the goal is to have uniformity within the state.

Commissioner Clarke said he’s heard there’s support in the General Assembly for a half cents sales tax that would be dedicated for school capital funding with some type of sunset provision.

County Manager Jones said he’s heard more about the use of real estate transfer taxes rather than impact fees. Also, that the N.C. Association of County Commissioners #1 priority is Medicaid Relief and then alternative funding sources.

Commissioner Puckett entered the meeting.

Commissioner James said he felt his constituents would be more inclined to look at alternative revenue sources if they saw the Board establishing a limit on the amount of money it was going to put into something.

Commissioner Puckett asked the County Manager to consider looking at alternative ways of spending money before looking at alternative ways to raise money.

Commissioner Puckett referenced Sugar Creek Charter School and the fact that they took an old K-Mart store and converted it into a school for “way” less than a multi-million dollar Charlotte-Mecklenburg School two blocks away.

Commissioner Puckett said charter schools are public schools and operate just like Charlotte-Mecklenburg Schools. He said the only difference is that they have no capital dollars.

Chairman Helms asked staff to affirm that Lake Norman Charter School built a school for $800,000 and received no capital funds, as well as the other the information noted by Commissioner Puckett with respect to charter school construction.

School Construction Entity/Intergovernmental Future Schools Planning – Commissioners Helms and Rembert

Goal - To develop a strategy to rapidly implement the Citizens’ Task Force on CMS recommendation that a new entity be created that would combine City and County construction teams to provide more efficiency and speed in school construction. (Helms)

Facilitate a strategic alliance with the CMS Board, City Council and towns to reduce, if not eliminate, further overcrowding and socioeconomic re-segregation of schools that substantially raise the operating and capital costs for P-12 public education. (Rembert)

Request - Receive as information, seek input and feedback, direct the County Manager to follow up with additional research, and direct the County Manager to develop a plan around goal

Comments:

Chairman Helms said he brought this matter forward because the County is responsible for school construction. He would like for staff to report back on the practicality of having a separate entity to be involved in school construction.

Chairman Helms said this would free up the Board of Education and its administration to deal with educating children.
County Manager Jones said the Towns would need to be involved in this as well, and not just the City and County.

Commissioner Rembert said she feels Mecklenburg County is moving in the direction of poor schools vs. wealthy schools.

Commissioner Bishop said if the majority of the school population is poor, then it’ll end up as Commissioner Rembert has alluded to.

Commissioner Bishop said more needs to be done to maintain and attract middle class families. He said discipline also continues to be a problem.

Commissioner Woodard entered the meeting.

Chairman Helms, in response to Commissioner Bishop’s comments, said those matters do not fall within the responsibility of the Board of Commissioners, but rather the Board of Education.

Chairman Helms asked staff to verify the following:

- Are 7,000 new students coming in annually to CMS?
- Is the school system losing 3,000 students annually?
- What are the numbers for free & reduced lunch?

Commissioner Rembert asked staff to find out what proportion of students is coming from private schools to CMS.

Commissioner Mitchell asked staff to find out how many students are coming from other counties and paying tuition to attend CMS.

MedAssist – Chairman Helms

Goal - Discuss and explore further what MedAssist does and what the Board of Health’s role should be in relationship to MedAssist.

Request - Receive as information and direct the County Manager to follow up with additional research

Comments:

Budget/Management Director Hyong Yi addressed MedAssist’s request.

Chairman Helms asked staff to find a way to provide funding to MedAssist or to enter into a contractual relationship or a partnership of some sort.

Commissioner Rembert said that perhaps this should be considered in light of the County’s contract with Carolina’s Healthcare System, either now or during budget considerations. She said she felt the request has merit.

Chairman Helms said he placed this matter on the Board’s agenda to get a feel for how should the Board respond to MedAssist’s request. Should the County consider it as an outside agency and give them a grant? Or, should the County consider making it a subsidiary, perhaps of one of the County’s agencies that deal with these types of issues? Chairman Helms said this was a significant health problem.

Commissioner Puckett suggested this be looked at potentially as a contract.

Chairman Helms asked staff to inform the Board as to how it could provide some collaboration and support to MedAssist within the scope of the County’s responsibility.
The Board recessed for a break at 10:25 a.m. and reconvened at 10:40 a.m.

Commissioner Roberts entered the meeting.

Criminal Justice System Funding – Commissioner James

Goal - Discuss concerns surrounding current funding levels of the Criminal Justice System in the County and in particular, the number and estimated dollars necessary to accomplish full funding over some reasonable period of time (e.g. three years). Because the State has neglected to provide adequate funding, the County out of necessity must step in and provide additional funding to achieve “full funding” levels.

Request - Receive as information, seek input and feedback, direct County Manager to follow up with additional research, direct County Manager to develop a plan around goal

Comments:

Commissioner James asked the Board to consider placing $1.1 million in the budget to address the Criminal Justice System. Commissioner James said he’s concerned that there are people committing crimes and getting away with it because of the lack of resources on the part of the criminal justice system.

Commissioner Mitchell said he could support Commissioner James’ recommendation but is concerned with respect to where the funds would come from to do it.

Commissioner Woodard said all of the pieces of the criminal justice system have to be considered, such as the Public Defender’s Office, the Clerk of Court’s Office, etc. and not just the District Attorney’s Office.

County Manager Jones addressed the Criminal Justice Advisory Group, which he is a member of. County Manager Jones said the advisory group is looking at a variety of issues with respect to improving the criminal justice system in Mecklenburg County.

Commissioner Puckett said the General Assembly needs to know that Mecklenburg County cannot continue to fund what’s a state responsibility without having to cut the County’s budget in other areas, such as, but not limited to, schools.

Commissioner Clarke suggested that perhaps a coalition of elected and appointed officials should go to Raleigh.

Commissioner Clarke said he shares the concern with respect to the criminal justice system but is reluctant to do too much more because it’s the responsibility of the State.

Commissioner Woodard asked staff to find out if any data is available on the number of cases not being processed.

County Manager Jones suggested that perhaps the County should challenge the City of Charlotte and the Towns to assist in addressing this problem.

Commissioner Puckett said you could consider suing the State, since it’s a state responsibility.

Commissioner Rembert asked staff to find out, if possible, what’s the proportion of persons incarcerated not being treated for mental illness.

Commissioner Woodard asked staff to find out, if possible, the numbers on the length of time persons are staying in the jail.
Veterans Issues – Commissioner Mitchell

Goal - To complete an in-depth assessment of veterans issues in Mecklenburg County.

Request - Direct the County Manager to follow up with additional research

Comments:

Commissioner Mitchell said he would like to see a Status of Veterans report done, similar to what was done with respect to the Status of Seniors in Mecklenburg County.

Commissioner Rembert said she supports a comprehensive report on the status of veterans.

Commissioner Rembert said this issue relates to Commissioner Roberts’ issue on poverty.

Economic Development – Commissioner Rembert

Goal - Strengthen the County’s policy on economic development to include expectations and goals relative to broadening participation of historically underrepresented persons/groups.

Request - Receive as information, seek input and feedback, direct the County Manager to follow up with additional research, direct County Manager to develop a plan around goal

Comments:

Commissioner Rembert said she put this matter on the agenda because she has become increasingly aware of the number of ways the County is playing a role in supporting economic development with new businesses coming into the community and with existing businesses in expanding their operations. Commissioner Rembert said she wants the County to be far more deliberate in articulating the County’s expectations for businesses and agencies that the County supports with public dollars.

Commissioner Rembert said she wants businesses to know and understand, as well as, staff, that the Board expects people across this community to have opportunities to participate in economic opportunities that the County provides.

Commissioner Rembert said she wants staff to continue to provide the information she requested in the past with respect to who has contracts with the County; who provides goods and services to the County; and how many of them are minorities/women, small business enterprises.

Commissioner Rembert said this gives the Board a baseline to work from for monitoring purposes to see how much progress is being made.

Commissioner Puckett asked how would you know if a contractor is in compliance or not.

Commissioner Rembert said she was not able to articulate a measure at this point but that she would want staff to make an assessment of who the County is doing business with. She said that information is available on the status of companies with respect to whether or not they are certified minorities/women/small businesses.

Commissioner Rembert said the County needs to look at ways for broadening participation.

County Land Use and Future Land Needs – Commissioner Roberts

Goal - To examine critical land needs over the next 5-10 years, including land needed for water and air quality protection, school sites, the Park and Recreation Master Plan, county facilities, etc. and to develop a prioritization of those needs, with the final objective of structuring a land bond to be placed on the November 2006 ballot, which would cover land needs for the next 3-5 years.
Request: Direct the County Manager to follow up with additional research and direct the County Manager to develop a plan around the goal

Comments:

General Manager McGillicuddy said staff plans to ask the Board for direction with respect to whether or not it wants to have a bond referendum in the fall. It was noted that, per the Board’s policy, this would be the year the County would typically have a bond referendum. However, since one was authorized last year, the Board will need to decide if it wants to stay with the bond referendum cycle, per its policy, or if it wants to change the cycle.

He said the Boards’ Effective and Efficient Government Committee will meet with the chair of the CCBAC to discuss this matter as well.

Commissioner James said he wanted to make sure the Board was not endorsing a bond referendum at this time, but rather was asking the County Manager to research the matter and report back.

Commissioner James said when looking at this matter, it needs to be kept in mind that parks and schools should be taken out of the equation because they’ve been dealt with already in previous referendums.

Chairman Helms said nothing has been determined.

Commissioner Puckett said he would like an assessment on whether the County still needs to purchase land to protect air and water quality. He said he knows this was a major concern years ago. He said if the need is still there, then how much does the County need to purchase. He suggested that there are some best practices that could be implemented to protect the water, rather than having to keep buying land.

The Board recessed for lunch at Noon and reconvened at 12:30 p.m.

Adequate Public Facilities Ordinance – Commissioner Roberts

Request - Direct County Staff to explore possibility of partnering with the City of Charlotte, the three northern towns and the three southern towns to develop Adequate Public Facilities Ordinances.

Request - Direct the County Manager to follow up with additional research

Comments:

Commissioner Roberts said in other parts of the country this has been done with some success and they’ve been able to manage growth in a better way.

Commissioner Roberts said it forces you to tie planning and development to building schools and homes.

Commissioner Roberts said there are a lot of questions associated with this that would have to be addressed, in addition to seeing if the other entities would be interested in pursuing this.

Commissioner Clarke suggested that once this matter is researched that it should be taken to the Planning Liaison Committee for consideration of placing this matter on a future agenda.

Commissioner Clarke said Union County was on the verge of doing this with all of their municipalities.

Commissioner Puckett said there was some “logic” to what was being proposed, but it’s inconsistent with the “majority” of this Board’s actions as it relates to Business Incentive grants.
Commissioner Puckett said if the Board is going to basically say “we’re going to hold up development in certain areas until we have the facilities there and at the same time recruit businesses, then that is inconsistent.” He said the Board needs to look at the ups and downs of this and whether it’s consistent with other things the County is doing.

**Wiping Out Poverty – Commissioner Roberts**

Goal - Receive an update on the progress, gaps, and future needs for County initiatives (including seniors, youth, homeless, etc.) around the County’s mission to wipe out poverty by the year 2015.

Request - Direct the County Manager to follow up with additional research and direct the County Manager to develop a plan around the goal

Comments:

**Commissioner Roberts** said this was a broad issue that touches on everything the County does.

**Chairman Helms** said this was something that needs to be addressed. He said there were other components that play a part as well, such as healthcare.

**Commissioner Clarke** said “what we’re talking about is the working poor,” people who are working hard, but still not earning enough income to be above the poverty level. He said he supports increasing the minimum wage and that it should be done on the state level.

**Commissioner Mitchell** said he spoke recently with Mohammad Jenetian and was informed that his organization was willing to meet with other stakeholders to discuss developing strategies to help workers at the lowest pay scale.

**Commissioner Puckett** suggested the following to the County Manager in the preparation of his budget, in order to address this issue:

- Cap Social Services spending, to some amount a little lower than what’s currently being spent, to the extent that it forces some personal responsibility
- That government takes less money out of the private sector “because as you see jobs going overseas, it’s not because people don’t think Americans are worth hiring, it’s because it’s cheaper elsewhere because of minimum wage and livable wage and all of the other mandates that are placed on business.” He said you have to free up money in the private sector to do it.
- Find a way to eliminate undocumented illegal aliens

**Commissioner James** said there were two elements to poverty the “working poor” and the poor that “stay poor,” that live off of “welfare.”

Commissioner James said to him what’s missing in the wiping out poverty issue is the linking of government money to behavior. He said if the Board wants to get serious about wiping out poverty then it has to get serious about changing the behavior of people.

**Joint BOCC-Board of Education Meetings – Commissioner Roberts**

Goal - Both boards could benefit from the opportunity to discuss issues together, especially with two different task forces ongoing about CMS issues.

Request - Seek input and feedback from other Board members and refer the matter to a Board committee

Comments:
Commissioner Rembert said the Board’s Education Liaison Committee is a mechanism for achieving Commissioner Roberts’ goal.

Commissioner Clarke said it was a desirable goal, but it’s difficult to get all 18 members together.

Commissioner Clarke said he liked Commissioner Rembert’s suggestion of working through the Board’s Education Liaison Committee.

Commissioner Bishop suggested holding a joint meeting with the Board of Education on the Task Force Recommendations.

Chairman Helms suggested sending this matter to the Board’s Education Liaison Committee and to let them develop a protocol for meeting with the Board of Education.

**DWI Court – Commissioner Woodard**

Goal - To have a courtroom dedicated to handling Driving While Impaired (DWI) trials to help eliminate any existing backlog of DWI trials and to help to reduce the heavy volume of DWI cases on the dockets of the criminal courtrooms.

Request - To direct the County Manager to develop a plan around the goal

Comments:

Commissioner Woodard recommended that consideration be given to creating a task force with key stakeholders to determine the structure and procedures for the DWI court, with some of the stakeholders being the key personnel of the criminal justice system.

Commissioner Woodard said coordination with other programs, such as the DWI Step Court needs to occur. Further, that there should be continued funding of the DWI Step Court because it’s an essential component of any DWI dedicated court.

Commissioner Woodard said there should also be regular reviews of the DWI court by the task force or its designee.

Commissioner Mitchell asked staff to provide information on the following:

- Is there a backlog and if so, how much of a backlog?
- How much would it cost to set up a court as suggested by Commissioner Woodard?
- Who would pay for it?

Commissioner Clarke said he supports looking into this matter and suggested that it be combined with the Criminal Justice System matter previously discussed.

**Other Items of Interests not noted in advance of conference – Chairman Helms**

Chairman Helms noted the following, which he said he would pass on to staff to determine if it’s an issue that needs to be addressed or not addressed as they begin the budget process.

- Centex Corporation proposal – Centex is willing to build two schools and lease them back to the CMS with the understanding that the County would pay for them in “due course.”
- World War II Memorial in the park, per an e-mail from Council member Burgess
- Information from Mark Cramer concerning a UNCC proposal to study private school construction
- Women’s Commission Report

*The Board recessed for a break at 1:45 p.m. and reconvened at 2:00 p.m.*
Managing for Results

General Manager John McGillicuddy reported on the County’s Managing for Results performance in FY05, recommended revisions to the Board’s Community and Corporate Scorecard goals, strategies and performance measures.

Note: Staff is recommending that the Literacy Index be eliminated as a measure because the literacy data is no longer being collected and to substitute it with the CMS Results Index.

In response to an inquiry by Commissioner Puckett to consider results in private school, staff’s recommendation does not include that because the County does not fund private schools.

The Social Trust Index is also being eliminated as a measure because of the lack of available data. Another measure will be developed.

Comments:

Commissioner Puckett said he would like staff to include the graduation rate with respect literacy.

Commissioner James asked staff to find out what level is passing, with respect to year end scores for reading and math.

Commissioner Mitchell said he was concerned about the morale of the workforce, per conversations he’s had with employees and because of the turnover rate.

FY 06 Financial Status Report

Finance Director Harry Weatherly, Jr. reported on the County’s financial status for FY 06. He noted that the numbers noted with respect to revenue projections were preliminary.

Comments:

Chairman Helms asked about interests on investments, which was addressed.

Commissioner James asked about assessed value growth, which was addressed.

Commissioner James asked staff to provide information with respect to what the Board has to work with in order to have a revenue neutral budget. He also wants to know what will be the financial impact of Welfare Reform passed by Congress.

Day One Wrap Up

Management/Budget Director Hyong Yi outlined the agenda and process to be followed with respect to Day Two of the Strategic Planning Conference.

A copy of the Strategic Planning Conference agenda is on file with the Clerk to the Board.

Note: The above is not inclusive of every comment and/or question asked but is a summary.

ADJOURNMENT

There being no further business to come before the Board, Chairman Helms declared the meeting recessed at 3:11 p.m. until Friday, January 27, 2006 at 8:00 a.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. Clerk to the Board Janice S. Paige

Absent: None.

The meeting, Day Two of the Board’s Annual Strategic Planning Conference, was called to order by Chairman Helms.

Budget/Management Director Hyong Yi gave an overview of the agenda.

It was noted that the Board would be engaging in two hypothetical Scenario Planning exercises to identify the Board’s priorities for FY06-07.

Scenario One involved the allocation of $30 million across current Program Categories/Services.

Scenario Two involved reducing allocations by $30 million across the same Program Categories/Services.

It was noted that the value of this exercise is that it will allow the Board to engage in a strategic conversation to gain a deeper mutual understanding of the choices before the Board and what the potential consequences of those choices are. It will also allow staff to narrow the universe of choices that staff will need to focus on and support.

The Board received instructions on how the process was to work and then broke out into three groups. The groups were as follows for Scenario One:

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<thead>
<tr>
<th>Group 1</th>
<th>Group 2</th>
<th>Group 3</th>
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<tbody>
<tr>
<td>Chairman Helms</td>
<td>Commissioner Bishop</td>
<td>Commissioner Bill James</td>
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<td>Commissioner Puckett</td>
<td>Commissioner Clarke</td>
<td>Commissioner Mitchell</td>
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<tr>
<td>Commissioner Woodard</td>
<td>Commissioner Rembert</td>
<td>Commissioner Roberts</td>
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Following the group exercise the Board came back together and reported on their respective decisions.

Commissioners Clarke and Rembert were absent when the Board reconvened at 10:43 a.m.

Scenario One Feedback

Commissioner Puckett reported for Group 1.
Staff asked if any matters came up that the group felt it needed more information on and if so, answers to any questions would be addressed during the budget workshops.

Group One had two. Where are the rehab services in the jail? Where is the money that goes to Juvenile girls located in the budget?

**Commissioners Clarke and Rembert returned during Group 1’s report.**

Commissioner Clarke reported for Group 2.

Commissioner Roberts reported for Group 3.

Budget/Management Director Hyong Yi noted that per the Board’s feedback that it appeared that if extra funds were available the following would be the list of priorities for the Board, but not necessarily in this order:

- Charlotte-Mecklenburg Schools
- Jails and Detention
- Criminal Justice Matters
- Domestic Violence
- Parks and Fields
- Debt Service

Thus, the common themes amongst the groups are education, good financial management, and public safety and justice.

**The Board recessed for lunch at 11:45 a.m. and reconvened at 12:17 p.m.**

The Board the participated again in a Scenario Planning exercise and broke out into groups.

The groups were as follows for Scenario Two:

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<th>Group 1</th>
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<tr>
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<tr>
<td>Commissioner Roberts</td>
<td>Commissioner Woodard</td>
<td>Commissioner Rembert</td>
</tr>
</tbody>
</table>

Following the group exercise the Board came back together and reported on their respective decisions.

**Commissioners Bishop, Puckett, Rembert, and Clarke were absent when the Board reconvened at 1:45 p.m. and for the remainder of the meeting.**

**Scenario Two Feedback**

Commissioner Woodard reported for Group 2.

Commissioner Roberts reported for Group 1.

Budget Analyst Paul Smith reported for Group 3, in the absence of group members.

This concluded the exercises and the agenda.

Chairman Helms in his closing remarks complimented and thanked staff for the way in which the Strategic Planning Conference was structured and facilitated.

County Manager Jones in his closing remarks thanked the Board for its participation and staff for the fine job it did in putting the conference together. County Manager Jones said the group information would be compiled and communicated to the Board.
A copy of the Strategic Planning Conference agenda is on file with the Clerk to the Board.

The above is not inclusive of every comment and/or question, but is a summary.

ADJOURNMENT

There being no further business to come before the Board, Chairman Helms declared the meeting adjourned at 2:35 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS
February 7, 2006
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, February 7, 2006.

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

-INFORMAL SESSION-

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1A) STAFF BRIEFING - NONE

(2A) (2B) (2C) CLOSED SESSION – CONSULT WITH ATTORNEY, PERSONNEL MATTER AND BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and carried 6-0 with Commissioners Bishop, Helms, Mitchell, Puckett, Rembert, and Woodard voting yes, to go into Closed Session for the following purposes: 1) Consult with Attorney, 2) Personnel Matter with respect to Carrie Hill v. Mecklenburg County, and 3) Business Location and Expansion.

Commissioner Roberts was not present at the time of the vote, however she returned to the meeting immediately following the vote.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:20 p.m.

Commissioners Clarke and James were present when the Board came back into Open Session. They entered the meeting during Closed Session.

Commissioner Woodard was also present when the Board came back into Open Session. She left during Closed Session.
The Board identified items they wanted removed from consent. The items identified were Items 14, 19, 28, and 31.

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

- FORMAL SESSION -

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Bishop, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

Commissioner Roberts took a moment of personal privilege to acknowledge the passing of Coretta Scott King.

PROCLAMATIONS AND AWARDS

(1A) COMMUNITY MENTAL HEALTH SYMPOSIUM

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 proclamation commending and supporting the Mecklenburg Medical Alliance and Endowment’s Community Mental Health Symposium on Friday, February 10, 2006.

Note: The Mecklenburg Medical Alliance and Endowment is a nonprofit organization of physicians’ spouses dedicated to improving health in Mecklenburg County. The objective of the symposium is to dispel the stigma of mental health disorders.

The proclamation was read by Commissioner Mitchell and received by Kathy Kilmas, President of the Mecklenburg Medical Alliance and Endowment and Joan McDonald, Event Chairman.

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 Dawson addressed Cedar Grove Cemetery, which she said dates back to the 1800s and is the final resting place for some of Charlotte’s early black leaders. Ms. Dawson said the cemetery has not been maintained and asked that assistance be provided for the upkeep of the cemetery.

Chairman Helms informed Ms. Dawson that staff was aware of her concern and would report back to her regarding the Cedar Grove Cemetery.

Tyler Hough-Jenkins (Student) addressed the Charlotte Black Heritage Tour and encouraged everyone to take the tour. Tyler shared a flyer on the tour with the Board.

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

Rob Weigle, Ruth G. Wells, and Anna Bennett representing Homeless Helping Homeless updated the Board on Shelter activity, specifically at the new emergency winter shelter for men. Mr. Weigle said it was a great improvement facility wise, however, it’s three miles from downtown and many have to walk, and it closes at 6:00 a.m. leaving many exposed to the elements during bad weather.
because there’s no shelter to stand under. He said nothing nearby is opened at that time and those that can pay for bus transportation don’t have a dry place to wait. Ms. Wells and Ms. Bennett addressed the need for a women’s emergency shelter for those women that may not meet the Salvation Army or Room In the Inn guidelines.

It was noted that Michael Marks, who appeared before the Board on several occasions on behalf of Homeless Helping Homeless, passed away on January 29, 2006.

Chairman Helms said he would ask staff to look into this matter to see what options may be available to address the concerns that were expressed on behalf of the Homeless.

Myra Alexander Scean, Sam Hearn, and Jimmie Hackett, Sr., Bail Bondsmen, addressed Pre-trial Release, jail overcrowding, electronic monitoring, and inmate outward communication via telephone, specifically the inability of inmates to make outbound calls to cellular phones. Mr. Hackett said this adversely affects their ability to contact family members, friends, Bail Agents and sometimes their attorney. It was also said that electronic monitoring was not suitable for Pre-trial release.

*A copy of handouts provided by the Bail Bondsmen is on file with the Clerk to the Board.*

Chairman Helms thanked public appearance speakers for their remarks.

(3) APPOINTMENTS

WASTE MANAGEMENT ADVISORY BOARD

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 appoint Corine Thomas to the Waste Management Advisory Board for a three-year term expiring February 7, 2009.

*She replaces Henry Allison.*

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER’S REPORT – 1) SCHOOL BUILDING SOLUTIONS COMMITTEE AND 2) MOU BETWEEN U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT, MECKLENBURG COUNTY, & THE SHERIFF’S OFFICE

SCHOOL BUILDING SOLUTIONS COMMITTEE

County Manager Jones reminded the Board that at the February 21st meeting the Board would receive an update on the School Building Solutions Committee. He encouraged Board members that have not submitted the name of their appointee to the committee to do as soon as possible.

MOU BETWEEN U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT, MECKLENBURG COUNTY, & THE SHERIFF’S OFFICE

Sheriff Jim Pendergraph addressed a proposed Memorandum of Understanding (MOU) between the U.S. Department Of Homeland Security, U.S. Immigration & Customs Enforcement,
Mecklenburg County, & The Sheriff’s Office under which Immigration and Customs Enforcement would authorize nominated, trained and certified personnel in the Mecklenburg County Sheriff’s Office to perform certain immigration enforcement functions.

Sheriff Pendergraph asked the Board to consider signing the MOU and funding ten positions to provide this function. He said the positions would be funded with excess federal revenue that was not projected in last year’s budget and came about as a result of housing federal inmates. Sheriff Pendergraph said the federal government was paying for the program but not the positions. Also, the amount needed to fund the positions for the remainder of the fiscal year was $236,700.

*A copy of a Fact Sheet from the U. S. Immigration and Customs Enforcement is on file with the Clerk to the Board.*

County Manager Jones suggested that he and Sheriff Pendergraph meet to discuss in more detail funding for the positions and that the Board at this time only approve the MOU.

Sheriff Pendergraph agreed with Manager Jones.

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to authorize the execution of a Memorandum of Understanding (MOU) between the United States Department of Homeland Security, United States Immigration and Customs Enforcement, Mecklenburg County, North Carolina, and the Sheriff’s Office of Mecklenburg County, North Carolina to create a project under which Immigration and Customs Enforcement authorizes nominated, trained and certified personnel in the Mecklenburg County Sheriff’s Office to perform certain immigration enforcement functions.

Prior to the above vote, Commissioner Roberts asked that the Board receive periodic updates on how the program is working. Sheriff Pendergraph said he would keep the Board updated.

Commissioner James asked whether it would be possible to use Section 287(g) of the Immigration and Nationality Act in other County departments, such as Social Services, to identify people that are applying for “welfare.”

Chairman Helms suggested Commissioner James refer his question regarding the use of Section 287(g) of the Immigration and Nationality Act in other departments to the Mayor’s Immigration Task Force for them to consider.

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

CONSENT ITEMS

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, to approve the following item(s) with the exception of Items 14, 19, 28, and 31 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 18, 2006 and Budget/Public Policy Meeting held January 10, 2006.

(8) CLEAN AIR ACT SECTION 105 GRANT AWARD AMENDMENT
Rescind duplicate Board Action for Clean Air Act Section 105 grant award in the amount of $8,271 that occurred on October 4, 2005.

Note: On August 9, 2005 the Board appropriated $8,271 in Clean Air Act Section 105 grant funds. The same request was submitted and approved again on October 4, 2005 in error. This action will correctly adjust the budget and reflect the actual amount of funding received.

(9) REGISTER OF DEEDS ENHANCEMENT/PRESERVATION SPECIAL REVENUE FUND

Recognize $985,000 of fee revenue in the Register of Deeds Enhancement/Preservation Special Revenue Fund and appropriate the amount for automation and preservation enhancements.

(10) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $10,307.97 resulting from clerical errors, audits, and other amendments.

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

(11) SET SHERIFF FILING FEE FOR OFFICE OF SHERIFF

Adopt Resolution to establish salary for the Office of Sheriff for filing fee purposes.

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

(12) SHERIFF’S SPECIAL REVENUE FUND

Recognize and appropriate for the Sheriff’s Special Revenue Fund, $26,500 from Seized Assets & $182,000 from Concealed Handgun Permit fees; and, recognize and appropriate $60,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.

(13) ROAD ABANDONMENT

Request the North Carolina Department of Transportation to abandon maintenance on the following: 1) The first 0.06 mile section of Withers Cove Rd. (SR 1335) and its right-of-way to right-of-way of Wildlife Road in Mecklenburg County. 2) The last 0.13 miles section of Laine Rd (SR 1627) and its Right-of-Way.

Note: 1) Yarbrough-Williams & Houle requested the abandonment of the first 0.06 mile section of Withers Cove Rd. (SR 1335) and its right-of-way to right-of-way of Wildlife Road due to bad sight distance. 2) Westmoreland Baptist Church of Charlotte requested the abandonment of the last 0.13 miles section of Laine Rd (SR 1627) and its Right-of-Way to minimize cut through traffic and to better control the use of the churches owned property adjacent to this section of roadway.

(15) DSS REVENUE ADJUSTMENTS: ALZHEIMER’S GRANT

Amend the Department of Social Services’ FY 06 budget to recognize and appropriate additional revenue of $12,500 via the North Carolina Division of Aging for the Department of Social Services’ Alzheimer’s Grant.
(16)  **DSS REVENUE ADJUSTMENTS: SERVICES FOR ADULTS**

Amend the Department of Social Services’ FY06 budget to recognize and appropriate additional Federal, State and local revenues of $23,354 via Centralina Council of Governments and customer contributions.

*Note: This funding will provide additional Adult Day Care and Caregiver Support services. The Senior Citizens Nutrition Program also received contributions of $9,034 toward various program activities. This funding will be used to provide additional activities for the elderly citizens who participate in this program.*

(17)  **DSS REVENUE ADJUSTMENTS: TRANSIT**

Amend the Department of Social Services’ FY06 budget to recognize additional local revenues of $76,221 via a year-end settlement with Charlotte Area Transit System and appropriate this funding for capital expenditures.

*Note: The Mecklenburg Transportation Unit of DSS’ Services for Adults Division will purchase three passenger vans to provide Medicaid Transportation services in-house.*

(18)  **COPS 2005 TECHNOLOGY GRANT (CJIS) – INFORMATION SERVICES & TECHNOLOGY**

Recognize, receive and appropriate funds from the COPS 2005 Technology Grant in the amount of $423,322; and recognize, receive, and appropriate interest income earned on this grant during the term of this grant in accordance with grant requirements.

(20)  **ADDITIONAL LAND DEVELOPMENT REVENUE**

1) Approve one additional Project Manager position for the LUESA North Office to perform land development plan review services. 2) Recognize and appropriate $50,000 in additional Land Development permit revenue.

(21)  **ARCHITECT SELECTION – NORTHWEST HEALTH FACILITY**

Authorize the County Manager to negotiate a fee and execute a contract with MHA Works, PA, for Architectural/Engineering services for the Northwest Health Facility. In the event that negotiations with this firm are unsuccessful, the County Manager is authorized to negotiate a fee and execute a contract with Harrell Saltrick & Hopper.

(22)  **FUNDING ADJUSTMENT – AREA MENTAL HEALTH**

Approve funding adjustments for Area Mental Health as follows:

1. Approve, recognize, receive and appropriate recurring Federal funds in the amount of $24,000 for the purpose of increasing interpreter support for the Deaf/Hard of Hearing staff.

2. Approve, recognize, receive and appropriate State funds in the amount of $92,903 for the purpose of Long Term Vocational Support.
(23) **NC HEALTHY AND WELLNESS COLLEGE TOBACCO USER PREVENTION AND CESSATION INITIATIVE**

1) Recognize, receive and appropriate $200,000 from the NC Health and Wellness Trust Fund for the Healthy and Wellness College Tobacco User Prevention and Cessation Initiative over a two year period. 2) Approve the carry forward to the next fiscal year of any unspent grant funds at June 30, 2006.

(24) **FIT TOGETHER GRANT – HEALTH DEPARTMENT**

Approve submission of a $60,000 grant application to the North Carolina Health & Wellness Trust Fund for a two year period to fund a pilot worksite wellness program targeting small to medium size businesses; and upon award of grant, recognize, receive, and appropriate the grant award.

*Note: This program will address two of the leading causes of preventable illness and death, physical inactivity and poor nutrition. Services will be made available based upon the employer's specific need for adopting health and wellness within the workplace.*

(25) **AREA MENTAL HEALTH AUTHORITY SECOND QUARTER FY 2006 REPORT**

Recognize and receive the Second Quarter 2006 Area Mental Health Authority Report.

**Finance:**

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<th>Budgeted Revenues</th>
<th>Actual Revenues</th>
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</table>

<table>
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<th>Service Continuum</th>
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<tr>
<td><strong>Total Expenditures</strong></td>
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<td>$36,675,475.61</td>
<td>37.31%</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.

(26) LAND ACQUISITION FOR BMP SITE AT DANESWAY LANE IN CORNELIUS

Approve the purchase of Tax Parcel 005-255-99 at 10313 Danesway Lane from Charles W. and Stella J. Ange for $247,500 for a best management practice (BMP) site at Danesway Lane in Cornelius; and a lease agreement with the Ange Family until June 30, 2006.

Note: Storm Water Services staff has identified the property as a suitable location for a best management practice (BMP) site that will be designed to help cleanse water draining from a more urbanized area before it reaches the larger creeks, the main creek and ultimately Mountain Island Lake. A member of the Ange family is a displaced Katrina victim and needs to remain in the house until her home in New Orleans is repaired. A rent-free lease is included in the County’s contract for the property to allow that person to occupy the house after closing until the end of June 2006.

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

(27) RECEIPT OF FUNDS – DUKE ENERGY SIREN EASEMENT

Recognize and receive $500 from Duke Energy Corporation as payment for an easement on County property located along Gilead Road for a nuclear emergency notification siren and appropriate these funds to the capital reserve project for real estate expenses, such as appraisals, surveys, etc. related to the management of County property.

(29) SHUFFLETOWN PARK SITE LAND DONATION

Approve acceptance of Tax Parcel 033-012-15 at Bellhaven Boulevard and I-485 from the North Carolina Department of Transportation as part of the land assemblage for the Shuffletown Park site.

(30) 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:

- 9 boxes of permitting and inspections records dated November, 2005 thru January, 2006, that have been imaged on optical disk and verified in lieu of originals.
- 666 commercial plans permitted November 2003 thru January 2004
- 2 boxes of files for minimum housing code and junk vehicles cases, closed out in the year 1999 and earlier.

(32) CAROLINA THEATER UPDATE

Authorize the County Manager to work with the City of Charlotte and Camden Management Partners to develop a complete development funding agreement for redevelopment of the Old Carolina Theater Site consistent with the Carolina Theater Development Framework.
Note: On July 12, 2005, the Board received a report from its Economic Development Committee and authorized 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 towards the redevelopment of the Old Carolina Theater Site (hereafter referred to as “the Theater”). The Theater opened on March 7, 1927. It is located on North Tryon Street, at the corner of Sixth Street. The Theater, which showed its last movie on November 27, 1978, is owned by the City of Charlotte. The Carolina Theater Preservation Society, a non-profit corporation formed in 1997, has partnered with Camden Management Partners, Inc., a private Development Team to restore the Theater, which is presently unoccupied. On January 9, 2006, the Charlotte City Council voted to sell the Carolina Theater site to Camden Management Partners consistent with the attached Carolina Theater Development Framework. The negotiated purchase/sale price is $1,000,000, which the City would then contribute toward the renovation of the Theater. The tax value of the property is $2,700,000. Mecklenburg County and the City of Charlotte would provide annual payments to the Owner/Operator for an "arts center" and "arts program" which will be open to the public. The total amount of the payments would not exceed $4,500,000 or 90% of property taxes collected.

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

A copy of the Carolina Theater Development Framework is on file with the Clerk to the Board.

(33) LITTLE SUGAR CREEK GREENWAY EASEMENTS AT MIDTOWN

Authorize the County Manager to negotiate and execute a permanent storm drainage easement agreement; three temporary construction staging and access easement agreements to be granted to Home Depot U.S.A., Inc.; and one access easement agreement to be granted to the County by Home Depot U.S.A., Inc.

Note: All of the above easements are associated with the redevelopment of the old cinema property and the mall site at Midtown.

(34) INTERLOCAL AGREEMENT WITH CITY OF RALEIGH FOR BUILDING PERMIT SOFTWARE

Authorize the County Manager to negotiate and execute an Interlocal Agreement with the City of Raleigh to share the development of building permit software to enable homeowners to obtain building permits on line.

Note: The City of Raleigh will contract with Sages Networks to develop the software. The County will pay the City of Raleigh incrementally as the software is successfully developed, installed and tested.

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

(35) PROPERTY DISPOSAL AND REDEPLOYMENT POLICY

Adopt Property Disposal and Redeployment Policy; Authorize the County Manager or his designee to declare surplus and dispose of at private sale or exchange pursuant to this policy any item or group of items valued at less than $30,000 (NCGS 160A-266); and Authorize the County Manager to make modifications to this policy consistent with North Carolina law.

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

(36) SALE/DISPOSAL OF SURPLUS RADIO ANTENNAS
Transfer to the University of North Carolina at Charlotte up to two surplus radio antennas currently installed on the Time Warner Tower on W.T. Harris Boulevard.

THIS CONCLUDED ITEMS APPROVED BY CONSENT.

(14) APPLICATION FOR NFL-YFF GRANT

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 submission of a grant proposal for the development of a Football Field at Revolution Park, to the National Football League Youth Football Fund Club Youth and High School Football Field/Stadium Program through the Carolina Panthers Charities nonprofit.

Note: The NFL Youth Football Fund (YFF) is a 501(c) (3) nonprofit entity founded by the National Football League and the NFL Players Association. The YFF seeks to use football as a catalyst to promote positive youth development, afford youngsters with opportunities to learn the game of football, get physically fit, and stay involved in productive after-school activities with adult mentors. It also provides participants with safe and accessible places to play, as well as programs addressing the importance of proper coaching, academics, health and safety and life skills development.

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

The Matching Grant Assurance Form is recorded in full in Minute Book 42-A, Document #

Commissioner Woodard left the dais and was absent for the remainder of the meeting.

(19) DONATION OF FUNDS – WOMEN’S COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to recognize and appropriate donated funds in the amount of $3,000 from American Society for Industrial Security (ASIS) to the Mecklenburg County Women’s Commission for the Domestic Violence Unit.

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

(28) GREENWAY DONATION

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to accept the donation of the following: Tax Parcel 025-091-25 (6.19 acres) and 100’ Swim Buffer on Dixon Branch from the Taubman Company for greenway assemblage along Dixon Branch Tributary.

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

(31) BUSINESS INVESTMENT GRANT: HEWITT ASSOCIATES

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, and Puckett voting no, to approve the County’s share of a Business Investment Grant to Hewitt Associates for a total estimated amount of $251,040 over 5 years. (Total City/County grant for the 5-year term estimated at $377,040).
Prior to the above vote, Commissioner Rembert called the question on the motion and it carried 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, and Puckett voting no. The vote was then immediately taken on the above motion.

Note: Hewitt Associates LLC (Hewitt) is a human resources support and consulting company that administers human resources, health care, payroll and retirement programs on behalf of more than 300 companies to employees and retirees worldwide. Hewitt expects to make a capital investment of $8 million in 2006 and create 900 new jobs over the next 3 – 4 years.

Commissioner Bishop removed this item from Consent in order to express his opposition to the matter.

The above matter was addressed by General Manager Bobbie Shields and Justin Hunt on behalf of the Charlotte Chamber of Commerce.

STAFF REPORTS AND REQUESTS

(37) COUNTYWIDE REVALUATION/REAPPRAISAL

The Board received a presentation from County Tax Assessor Garrett Alexander on options for the next revaluation/reappraisal.

Tax Assessor Alexander asked the Board to consider delaying the 2007 Reappraisal until 2009. He said this would allow he and his staff time to complete the technology improvements that are needed. It would also give him more time to complete his reorganization of the department and allow for adequate training of staff on new technologies and valuation methods.

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

Tax Assessor Alexander said doing this would result in the following:

- With a revaluation occurring in 2009, the Board could then begin two-year cycles in 2011, two years earlier than possible without delay;
- A reduction in time-line required to complete reappraisals and reduce “sticker-shock” for Taxpayers;
- It would create more confident baseline data and values;
- More consistent revenue levels resulting from fewer appeals;
- Improve valuation and revenue forecasting used in the County’s annual budget development, eliminating the annual delay in furnishing taxbase estimates;
- Streamlined land records processes that rely on digital submission and processing of data affecting property records and valuation, increasing the efficiency of all land use agencies and revenues from property tax.

Chairman Helms thanked Tax Assessor Alexander for his report. It was noted that this matter would be placed on another Board agenda for further consideration and action.

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

(38) CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL ORDINANCE AND FRANCHISE AGREEMENT FOR GRIFFIN BROTHERS COMPANIES
Chairman Helms asked to be excused from voting on Item 38 Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies to avoid a conflict of interest.

Vice-Chairman Rembert chaired the meeting until noted in the minutes. Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and carried 6-0 with Commissioners Bishop, Clarke, Mitchell, Puckett, Rembert, and Roberts voting yes, to excuse Chairman Helms from voting on Item 38 Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies.

Chairman Helms left the dais and was away until noted in the minutes.

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 adopt the Amendment to Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies to allow for expansion of the landfill located on Holbrooks Road within the Huntersville extra territorial zoning jurisdiction.

Prior to the above vote, Deputy County Attorney Sandra Bisanar addressed this matter.

It was noted that this matter would require a second reading by the Board and would be scheduled for the February 14, 2006 meeting.

Chairman Helms returned to the dais and resumed chairing the meeting.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(39) UNRESTRICTED CONTINGENCY ALLOCATION- ECHO FOUNDATION

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to approve the allocation of $10,000 from unrestricted contingency for a Black Table Sponsorship at the 2006 Echo Foundation Awards Dinner.

Note: Chairman Helms placed this item on the agenda. The sponsorship would support the dinner and underwrite the educational programs of the Echo Foundation.

Prior to the above vote, Commissioner Puckett suggested that perhaps this matter should be considered during the budget process as an outside agency, since the same request was made last year.

(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.

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

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell, and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:05 p.m.
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 at 3:00 p.m. on Tuesday, February 14, 2006.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke
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: Commissioners Bill James and Jim Puckett

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1) CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL ORDINANCE AND FRANCHISE AGREEMENT FOR GRIFFIN BROTHERS COMPANIES (SECOND READING)

Chairman Helms asked to be excused from voting on the Amendment to the Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies to avoid a conflict of interest.

Chairman Helms turned the gavel over to Vice-Chairman Rembert.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bishop, Clarke, Mitchell, Rembert, Roberts, and Woodard voting yes, to excuse Chairman Helms from voting on the Amendment to the Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies to avoid a conflict of interest.

Chairman Helms left the meeting and was absent until noted in the minutes.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bishop, Clarke, Mitchell, Rembert, Roberts, and Woodard voting yes, to adopt the Amendment to Construction and Demolition Debris Landfill Ordinance and Franchise Agreement for Griffin Brothers Companies to allow for expansion of the landfill located on Holbrooks Road within the Huntersville extraterritorial zoning jurisdiction.

Ordinance and Agreement recorded in full in Minute Book 42-A, Document # _______.

Chairman Helms returned to the meeting and resumed chairing the meeting.
(2) AIR QUALITY PILOT PROGRAM RESOLUTION

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to adopt a resolution approving the Pilot Transportation Demand Management Program Agreement (Project C-4959) between Mecklenburg County and the N. C. Department of Transportation; and authorize the County Manager and the Clerk to the Board to execute the agreement.

Resolution

WHEREAS, the County has requested enhancement funding for a Pilot Transportation Demand Management Program in Charlotte, Mecklenburg County, North Carolina; and,

WHEREAS, the Department of Transportation has programmed funding in the 2006-2012 Transportation Improvement Program, as revised, for said program under Project C-4959, Mecklenburg County; and,

WHEREAS, the County proposes to enter into an Agreement with the North Carolina Department of Transportation for said program as described in said Agreement; and,

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the County to the extent of eighty percent (80%) of the approved eligible costs up to the maximum federal amount of $500,000; and,

WHEREAS, the County shall provide twenty percent (20%) matching funds, and the County shall be responsible for all costs that exceed the federal amount of $500,000.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project C-4959 in Mecklenburg County is hereby formally approved by the Board of Commissioners of the County of Mecklenburg and that the County Manger and Clerk of this County are hereby empowered to sign and execute this Agreement between the County and the Department of Transportation.

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

(3) COUNTYWIDE REVALUATION/REAPPRAISAL

The Board received a presentation from Garrett Alexander, County Tax Assessor on options for the next revaluation/reappraisal.

He asked the Board to delay the next revaluation until 2009 and to support his efforts of pulling together the necessary technology enhancements and departmental reorganization changes needed, in order to achieve a more efficient revaluation process.

County Manager Jones informed the Board that the County was not close to the 90% threshold, therefore it would be okay to delay the next revaluation until 2009 as requested by the Tax Assessor.

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to defer the next revaluation until 2009, with an effective date of January 1, 2009.

(4) FY2007 Budget Process

Hyong Yi, Budget and Management Director addressed the following topics with respect to the FY2007 Budget Process:

Board Priorities
County Manager Priorities
Budget Goals & Strategies
FY2007 Budget Calendar
FY2007 Tentative Workshop Topics

A copy of the report is on file with the Clerk to the Board.
Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to approve the 2007 Budget Calendar as presented by staff.

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

ADJOURNMENT

Motion was made by Commissioner Rembert, 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 4:15 p.m.

Janice S. Paige, Clerk

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

February 21, 2006  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, February 21, 2006.

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-

The meeting was called to order by Chairman Helms, after which the following matters were
addressed:

(1A) STAFF BRIEFINGS - NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent. The items identified were Items
11 and 14.

(2A) (2B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION
B) TO PREVENT DISCLOSURE OF INFORMATION THAT IS
CONFIDENTIAL PURSUANT TO G.S. 105259. (G.S. 143-318.11(A) (1)

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 the following
matters: Business Location and Expansion and To Prevent Disclosure of Information that is
Confidential Pursuant to G.S. 105259(G.S. 143-318.11(a) (1).

The Board went into Closed Session at 5:40 p.m. and came back into Open Session at 6:13 p.m.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Chairman Helms called this portion of the meeting to order.
Invocation was given by Commissioner Bishop, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) STAFF RECOGNITIONS

The Board and County Manager Jones recognized Sheriff Jim Pendergraph for his 35 years of service with Mecklenburg County and presented him with his 35 year service pin.

Sheriff Pendergraph thanked the Board and Manager Jones for this surprised recognition.

(1B) BLACK 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 February 2006 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.

(1C) CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION (CIAA) WEEK

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 joint proclamation designating February 27, 2006 through March 4, 2006 as CIAA Week in Charlotte/Mecklenburg County.

Note: The Central Intercollegiate Athletic Association (CIAA) will hold its 61st Annual CIAA Men’s and Women’s Basketball Tournament in Charlotte/Mecklenburg County February 27 – March 4, 2006. The CIAA is the third largest tournament in the NCAA only behind the ACC and the Big Ten Tournament. This is the first time in the history of the CIAA Men’s and Women’s Basketball Tournament that it has ever been held in Charlotte/Mecklenburg County.

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:

Rev. Willie Simpson with Wee/Kare About You, a non-profit 501C3 organization, informed the Board of an event that would take place on May 13, 2006 at Progress Park on Parkwood Ave. The purpose of the event is to provide food, clothing, and a day of entertainment to the homeless and others in need. This is the fourth year the event has been held. Rev. Simpson said this year’s event will also focus on reaching troubled youth. He asked the Board to support this cause financially and to consider funding it in the County’s upcoming budget.

A copy of a handout provided by Rev. Simpson is on file with the Clerk to the Board.

Robbie Harrison with Fighting Back addressed under-age drinking and noted that April was Alcohol
Awareness Month. She informed the Board of efforts being done by Fighting Back in this area of concern with awareness events beginning in March and throughout April. She specifically noted a Fighting Back event to be held on March 11th at First Ward Recreation Center, a talent show audition from 1:00 p.m. to 4:00 p.m. Youth between the ages of 12 and 18 are encouraged to participate and display their talents, while delivering a specific message to end under-age drinking.

Chairman Helms thanked public appearance speakers for their remarks.

(3) APPOINTMENTS

AIR QUALITY COMMISSION

The following persons were nominated for appointment to the Air Quality Commission by Commissioner James: Laura Burba, Todd Glasier, James Laughlin, Derek Morgan, Sandra Roork, Robert Statnick, Anthony Tindall, and Dale Webster.

Appointments will occur on March 8, 2006.

BICYCLE COMMITTEE

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 Robert Cannon to the Bicycle Committee for a three-year term expiring March 6, 2009.

DOMESTIC VIOLENCE

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 Donna Dukes to the Domestic Violence Advisory Board for a three-year term expiring February 21, 2009.

The following persons were nominated for appointment to the Domestic Violence Advisory Board by Commissioner James: Brenda Adams, Morgan Cromwell, Frances Davis, Serena Fill, Christy Hunt, Pat Kelly, Judy Marshall, Yvonne McJeters, Julie Owens, Nazanin Rostam-Abadi, and Margaret Van Dyke.

Appointments will occur on March 8, 2006.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

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 Mike Brannon, Christy Bryant, Joy Marshall, and Patricia Murphy to the Information Services & Technology Committee for three-year terms expiring March 4, 2009.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to waive the Board’s attendance policy and allow Ralph Boral and John Greenwood to continue their terms on the Information Services & Technology Committee, which expire February 7, 2008.

The following persons were nominated for appointment to the Information Services & Technology Committee by Commissioner James: Deborah Bell, Shannon Chavis-Smith, Anne Marie Giuriceo, Chris Hughes, and Nick Vilord.

Appointments will occur on March 8, 2006.
LAKE NORMAN MARINE COMMISSION

The following person was nominated for appointment to the Lake Norman Marine Commission by Commissioner Puckett: Nathan Davis.

The appointment will occur on March 8, 2006.

(3B) TOWN OF MINT HILL PLANNING 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 change Gray Newman’s appointment expiration date to the Mint Hill Planning Board (Alternate Extraterritorial Jurisdiction (ETJ) representative), to December 31, 2007, as recommended by the Town of Mint Hill Board of Commissioners.

(3C) TOWN OF MINT HILL PLANNING BOARD

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 Debi Powell to the Mint Hill Planning Board as the Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Mint Hill Board of Commissioners for a term expiring December 31, 2008.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS - NONE

(6A) SCHOOL BUILDING SOLUTIONS 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 approve the process design for the School Building Solutions Committee as presented by staff; appropriate $75,000 from unrestricted contingency to support this effort; and direct the County Manager to seek remaining funding from the private sector.

The report was presented by County Manager Jones and General Manager John McGillicuddy.

Note: On November 15, 2005 the Board directed the County Manager to recommend a consensus-building that asks stakeholders to help build a school capital package that will be supported by the community. This action was in response to the failure of the November 8, 2005 bond referendum for $427 million for CMS capital projects.

On December 20, 2005, the Board approved a consensus-building framework that would create a 35-member stakeholders committee chaired by former N.C. Governor Jim Martin. The Board further directed the County Manager to recommend the consensus-building process to be used by the stakeholders committee.

School Building Solutions Committee Members

Appointed by members of the Board of County Commissioners
Jim Martin, Chairman, appointed by the Board
Kelly Alexander Jr., appointed by Norman Mitchell
Tom Davis, appointed by Jim Puckett
Jerry Fox, appointed by Parks Helms
Lyndalin Kakadelis, appointed by Dan Bishop
Richard McElrath, appointed by Valerie Woodard
Violeta Moser, appointed by Jennifer Roberts
Raymond Owens, appointed by Dumont Clarke
John E. Reid, appointed by Bill James
Mary Wilson, appointed by Wilhelmenia Rembert

Appointed by members of the Board of Education
Adam Bernstein, appointed by Kit Cramer
Bruce Boorman, appointed by Molly Griffin
Malachi Greene, appointed by Joe White
J. Bernard Johnson, appointed by George Dunlap
Jason Lewis, appointed by Larry Gauvreau
Mark Miralia, appointed by Kaye McGarry
Tim Morgan, appointed by Ken Gjertsen
Wesley Simmons, appointed by Tom Tate
Rev. Ricky Woods, appointed by Vilma Leake

Appointed by Mecklenburg County Mayors
Mark Erwin, appointed by Cornelius Mayor Gary Knox
Lawrence Kimbrough, appointed by Davidson Mayor Randy Kinkaid
Rhonda Lennon, appointed by Huntersville Mayor Kim Phillips
Bolyn McClung, appointed by Pineville Mayor George Fowler
Ralph McMillan, appointed by Charlotte Mayor Pat McCrory
Lynn Schmidt, appointed by Matthews Mayor Lee Myers
Virginia "Ginny" Scoggins-Setzer, appointed by Mint Hill Mayor Ted Biggers

Appointed by School Building Solutions Committee Chairman Jim Martin
Robert (Bo) Boylan
Morgan Edwards
Buster Glosson
Ed Goode
William H. Grigg
James Kirchner
James C. McCoy
LuAnn Tucker
Teresa Williams

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

(6B) THE ADVANTAGE CAROLINA GRANT

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 receive and appropriate a $25,000 grant from Advantage Carolina to conduct a citizen’s poll for the School Building Solutions Committee.

Note: On December 20, 2005, the Board approved a consensus-building framework that would develop a school capital package supported by the community. As part of this process, County Manager Harry Jones requested a grant from Advantage Carolina to conduct a poll of Mecklenburg County residents to obtain quantifiable data on the reasons why the November 2005 school bond referendum failed. Representatives of Advantage Carolina agreed to provide this grant.

The County’s Planning and Evaluation Director, Leslie Johnson, will oversee the contracting of the vendor to conduct the poll. Poll data will be provided in late-March to the School Building Solutions Committee and the Board as part of the consensus-building process.

Note: Commissioner James said that he would like to understand how the questions were generated and what they specifically are.
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 11, 14, 15, and 16 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 7, 2006 and Closed Session minutes of February 7, 2006 and January 18, 2006.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $36,326.44 resulting from clerical errors, audits, and other amendments.

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

(9) NOTICE OF AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Instruct the Clerk to the Board to publish a notice of proposed amendments to the Mecklenburg County Groundwater Regulations to be considered by the Board on March 8, 2006.

(10) DSS - CRISIS INTERVENTION PROGRAM FUNDING

Amend the Department of Social Services’ FY06 budget to recognize, receive and appropriate additional funds from the NC Department of Health and Human Services for the Crisis Intervention Program (CIP) in the amount of $81,927.

Note: The CIP funds are used to aid Mecklenburg County citizens in alleviating emergency heating and cooling needs due to the high cost of energy.

(12) ARDREY KELL HIGH SCHOOL SITE ANNEXATION BY CITY OF CHARLOTTE

Authorize the County Manager to execute a petition for voluntary annexation of the Ardrey Kell High School property, all of Tax Parcel 229-011-30, into the City of Charlotte.

(13) REPLACEMENT OF THE UPS SYSTEM AT THE KURALT CENTRE

Award a construction contract in the amount of $460,500 to Watson Electrical Construction Company for the replacement of the Uninterruptible Power Source (UPS) System at the Kuralt Centre.

Note: The UPS at the Kuralt Centre is required to ensure that computer systems continue to operate when there is a power outage. Also included in the scope of this project is the replacement of the existing emergency generator to provide sufficient capacity for the anticipated electrical load from the building.

(17) DSS GRANT AWARD – NC HELPING NEIGHBORS FUND

Recognize, receive and appropriate $79,131 grant money from the NC Helping Neighbors Fund to provide additional assistance to FEMA registered Hurricane Katrina evacuees in Mecklenburg
Commissioner James left the dais and was away until noted in the minutes.

(11) ELIMINATING HEALTH DISPARITIES – GRANT APPLICATION

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve submission of a $450,000 grant application, funds to be received over 3 years, to the North Carolina Health and Wellness Trust Fund for a collaborative health prevention/education and disease management program (“Diabetes Connection: Connecting People, Processes and Resources”) to reduce health disparities/complications associated with diabetes among African Americans, Latinos, and Native Americans in Mecklenburg County. Secondly, upon award of grant, recognize the grant award amount and appropriate these funds to be spent until expended for this purpose.

Note: In 2004, the reported diabetes death rate for racial and ethnic populations in Mecklenburg County was nearly 3 times higher than the death rate for whites (BRFSS, Mecklenburg County, 2004), suggesting late diagnosis and limited access to care. The proposed health education/disease management program will help plan, coordinate, manage and develop leadership and information sharing activities among health care providers and educators addressing the needs of high morbidity populations in underserved communities of Mecklenburg County. Specific early detection/prevention education activities will be developed and enhanced, along with weight reduction, referral, and tracking activities and exchanges among the partners.

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

(14) GREENWAY EASEMENT DONATION – IRVINS CREEK

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 1) accept the donation of a greenway easement (4.442 acres) on a portion of Tax Parcel 193-161-01 from Dorothy M. Mullis. 2) Approve the naming of the future greenway trail through the property as the “Carol Mullis Pepper Patch Trail at Irvin’s Creek Greenway” as a condition of the easement donation.

Note: The subject property is located adjacent to Idlewild Road Park and will serve as an important section of the future Irvins Creek Greenway stretching from McAlpine Creek Park to Idlewild Road Park. As a condition of the donation, the owner requested that the section of greenway trail traversing the property be identified through signage as the Carol Mullis Pepper Patch Trail.

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

Commissioner James returned to the dais.

(15) SHERIFF PARTNERSHIP WITH IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

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 recognize and appropriate federal revenue received from housing more federal inmates than projected for FY 2006 for the implementation of the Sheriff’s partnership with Immigration and Customs Enforcement; and authorize ten
additional positions.

Sheriff James Pendergraph addressed this matter prior to the above vote. Sheriff Pendergraph explained that the only time anyone would be checked, would be when they are arrested.

German DeCastro on behalf of the Latino community addressed this matter prior to the above vote. Mr. DeCastro said the Latino community was supportive of the arresting, processing, sentencing, and deporting of anyone that is a “criminal” in the community. Mr. DeCastro said persons are currently being deported on a regular basis. He said he felt the ICE initiative came about as a result of DUI’s by a couple of Latino persons that resulted in the death of innocent people. Mr. DeCastro said DUI’s involving fatalities was not a Latino problem but a community problem with alcohol. He said he felt a better use of the money would be on education, prevention, and treatment, rather than on positions. He said this type of action puts a lot of fear in the Latino community. Mr. DeCastro said he feels this initiative destroys the relationship building efforts that have taken place in the community.

Sheriff Pendergraph clarified that this program would be funded with federal funds resulting from housing federal inmates.

(16) SHERIFF’S ELECTRONIC MONITORING PILOT PROGRAM

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 recognize revenues for housing federal inmates and appropriate that revenue for implementation of the Sheriff’s Office Electronic Monitoring (EM) pilot program; and authorize four new positions for the program.

Sheriff James Pendergraph addressed this matter prior to the above vote. Sheriff Pendergraph explained that the participants in this pilot program would be those persons that can’t make bond, usually because they are indigent.

Sheriff Pendergraph assured the Board that he would keep close check on the pilot program and that if he determines that it’s not working successfully then he would end the program.

Sam Hearn, on behalf of local Bail Bondsmen, expressed opposition to the program.

A copy of a handout distributed by Mr. Hearn is on file with the Clerk to the Board.

STAFF REPORTS AND REQUESTS

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

(18) MOUNTAIN ISLAND LAKE SYMPOSIUM

The Board received information on the Mountain Island Lake Symposium to be held on March 16, 2006 at 10:00 a.m. at the Daniel Stowe Botanical Garden, Great Hall in Belmont, N. C.

Rusty Rozzelle, Mecklenburg County Water Quality Program Manager addressed the Symposium and invited Board members to attend.

The purpose of the Symposium is to discuss current coordination for protecting water quality in Mountain Island Lake through the signed Memorandum of Understanding with neighboring jurisdictions and to consider expanding the agreement to include Lake Wylie.

A copy of the handout concerning the symposium is on file with the Clerk to the Board.
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(19) FY07 CAPITAL IMPROVEMENT PROCESS

The Board received recommendations from the Board’s Effective & Efficient Government Committee regarding the FY07 Capital Improvement Process.

Hyong Yi, Management and Budget Director presented this matter to the Board.

Note: Current Board policy is to develop a CIP every odd budget year with a bond referendum in the fall of that year. Under this policy, the “FY 2007 budget” cycle would be the “on” year for developing a capital plan and budget. The Board approved the development of a Capital Improvement Plan (CIP) for “FY 2006” outside of its regular policy. However, with Pay-As-You-Go (PAYGO) capital funds now available to the County, a biennial capital planning cycle does not address the usage of this annual appropriation. To meet the current capital planning needs of the County, staff is recommending the following modifications to the current Board policy.

First, staff is requesting approval to develop a capital improvement plan and budget annually. This would be a change from the every other year policy currently approved by the Board. The “FY 2007” CIP will be based on updating the previous year’s CIP due to the compressed time frame of the CIP process. In future years, it is expected the CIP process will begin in the fall, in order to allow the CCBAC and staff sufficient time to review and evaluate the request.

Second, staff is seeking to modify the current Board policy of structuring a bond referendum every other year to an “as needed basis” to meet the planning needs of the County. While a bond referendum may not be structured every year, this policy change does provide flexibility to the Board in meeting the capital needs of the County.

The Board will have the option of having a CIP every year, which will include a recommendation for usage of the PAYGO funds, as well as the option of having a referendum in any given year.

Comments

Commissioner Clarke suggested that the wording in Item # 7 of the proposed amended policy be changed to read as follows: The CCBAC assists in educating the public and preparing for “a potential” (rather than “the”) referendum during the summer and fall of even-numbered years.

Also that Item # 8 be changed to read: The bond referendum, “if the Board determines to hold or have one in a given year” is held in the fall of even-numbered years.

Commissioner Bishop said he had not had a lot of time to review the current proposal. He also questioned whether or not the current policy needed changing or should it just be adhered to.

Commissioner Puckett said he, too, had not had enough time to review the current proposal.

Commissioner Puckett suggested the matter be deferred to allow more time for review and to allow Board members an opportunity to make suggestive changes. Commissioner Puckett said that he was not opposed necessarily to what has been presented but feels there are things missing.

Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and carried 8-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to defer consideration of the FY07 Capital Improvement Process until the March 8, 2006 meeting.

Michael Murdock, chair of the Citizens Capital Budget Advisory Committee spoke in support of the proposed change, prior to the above vote.
Commissioner James returned to the dais.

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 Bishop, seconded by Commissioner Puckett, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Robert 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 Special Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, February 28, 2006.

**ATTENDANCE**

**Present:**
- Chairman H. Parks Helms and Commissioners
- J. Daniel Bishop, Dumont Clarke
- 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

**Absent:**
- Commissioner Bill James

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

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

1. **CHARLOTTE MECKLENBURG SCHOOLS (CMS) STUDENT DEMOGRAPHIC TRENDS**

   The Board received a report on CMS Student Demographic Trends from CMS staff members Dr. Susan Agruso, Assistant Superintendent for Assessment Planning and Technical Support and Scott McCulley, Executive Director for Planning and Student Placement.

   The report addressed the following:
   - Enrollment Trends

   Commissioner Rembert entered the meeting during the Enrollment Trends portion of the presentation.

   - Free and Reduced Lunch Recipients
   - Exceptional Children
   - Limited English Proficient Students
   - Private School Enrollment

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

   Commissioners Roberts and Woodard entered the meeting during the question and answer period as noted.

**Comments**

Commissioner Bishop, with respect to Free and Reduced Lunch, asked if CMS staff had the ability to separate essentially the improvement of their measure from actual changes in the population. The response was that staff would have to look deeper into their data file in order to
make that determination by separating out those Free and Reduced Lunch students that are new to CMS vs. those that have been with CMS for some time. It was noted also that records show that a greater proportion of the new students coming into CMS receive either free or reduced lunch. It was noted also that as a result of centralizing its Free and Reduced Lunch process, CMS is getting a better account of existing students. It also has resulted in a greater number of students applying for assistance.

**Commissioner Roberts entered the meeting during this time.**

Commissioner Bishop said he was curious as to how CMS staff was making decisions about things such as poverty and making recommendations to the Board of Education, unless there’s some way of determining whether “you’re actually having more poor kids in school.”

Dr. Agruso said it was important for CMS to get an as accurate count possible of kids that have some level of poverty. Dr. Agruso said it does cost CMS more money, resources, and time to educate children of educational need. Dr. Agruso said as a result of getting a better count of the Free and Reduced lunch students, CMS will be better able to serve this population from an educational perspective.

Commissioner Bishop said he would like to know if CMS is experiencing an increasing level of poverty relative to the background population of the County.

Dr. Agruso said currently CMS does not have specific enough numbers to answer that question completely.

**Commissioner Clarke** with respect to Enrollment by Ethnicity asked if CMS tracked the ethnicity within the kindergarten population over the four year period shown on page 3 of the report. The response was yes and that information would be provided to the Board.

Commissioner Clarke asked what was CMS’ projection for the 20th day enrollment count for 2006-2007. The response was approximately 4,300.

**Commissioner Woodard entered the meeting during this time.**

Commissioner Clarke said he would also like to see a breakdown of Exceptional Children, specifically by types of disabilities.

Commissioner Mitchell asked about the slight decline in CMS’ white population. The response was that the percentage has gone down because of increases in the other ethnicities.

Commissioner Puckett said he would like to see new student enrollment statistics for other years, since the only information provided was 2005-2006.

Commissioner Rembert asked what was the average family size for those in poverty. The response was that staff would have to get back to the Board with an answer.

Commissioner Rembert with respect to Exceptional Children asked which categories do the largest number of children fall into. The response was that staff would have to get back to the Board with an answer.

Commissioner Rembert asked how many Exceptional Children, percentage wise on average, get to move from or out of one category to another. The response was that staff would have to get back to the Board with an answer.

Commissioner Rembert asked if CMS tracked the percentage of students that enter CMS from private schools and how many by grade level. The response was yes and that it’s usually at the 9th grade level, but staff would have to get back to the Board with a specific number of how many.

Commissioner Bishop asked why has there been a decline in the white population of CMS from an actual number perspective. The response was that it was unknown.
Commissioner Rembert asked if CMS had information on the number of students that leave CMS to go to Private School, Charter School, or Home School. The response was that they have some information on these categories but the information is incomplete because they often do not get information from the student as to where they are going when they leave CMS.

Commissioner Rembert asked whether students that drop out and enroll in CPCC’s GED program still considered as “drop outs.” The response was yes.

Commissioner Rembert asked if the counts for those in the category of Free and Reduced Lunch, Exceptional Children and Limited English Proficiency duplicated or unduplicated. The response was yes, in some cases they are duplicated because the same child could be in two or all three of the categories.

Commissioner Puckett with respect to why the decline in the white CMS population said this was something that should be looked into by CMS.

County Manager Jones asked if CMS had data showing the last day enrollment numbers vs. the 20th day enrollment numbers. The response was yes and that it’s usually a smaller number.

Dr. Agruso concluded by noting the following:

- Free and Reduced Lunch guidelines are set by the Federal Government.
- The school district is growing and the demographics are not the same as that of the county as a whole.
- CMS has a greater minority population than that of the overall county, as well as, a poorer population.
- Everyone can speculate about why children leave and/or come to CMS but there is no specific data available, therefore it would be inappropriate for CMS to speculate rather than provide the Board with the best numbers that they can give.

Chairman Helms thanked CMS staff for their presentation.

(2) CHARLOTTE MECKLENBURG SCHOOLS FUNDING EVALUATION GUIDELINES - OPERATING

Hyong Yi, Budget/Management Director presented the Charlotte Mecklenburg Schools Funding Evaluation Guidelines – Operating. Director Yi said the Capital Guidelines would be presented at a later date.

The report addressed:
- The Board’s previous direction to staff
- The purpose of the Guidelines
- How the Base is calculated
- State and County Funding
- Accounting for changing student composition
- Special population growth funding
- County Operating grants
- EBAC recommendations

It was noted that the guidelines does not obligate the Board to fund a certain dollar amount.

Comments

County Manager Jones asked the Board to consider adopting the Guidelines as presented by staff with the understanding that the numbers presented were illustrative.

Chairman Helms urged the Board to approve the Guidelines as presented by staff.

Commissioner Puckett noted the following concerns with respect to the Guidelines:
• No incentives for CMS to show any efficiencies
• He questioned why inflation would be adjusted differently for CMS than that of County operations.
• No reflection of economy of scales
• No reflection of captured savings of utilities which should be significant in light of the renovations that have occurred.
• “Far too liberal” for a number of reasons

Commissioner Bishop said he sees this as enhanced continuation funding.

Commissioner Bishop asked County Manager Jones to comment on the model.

County Manager Jones said he recommends that the Board adopt the model, which is only a funding evaluation guideline for CMS operating.

County Manager Jones said there were some components of the guidelines that he still “struggles” with relating to Free and Reduced Lunch. He said it implies that 100% of free and reduced lunch students require some level of greater attention. County Manager Jones said he does not necessarily subscribe to that. He believes the empirical data does suggest that Free and Reduced Lunch means poverty children require more intense education, but he knows many that were characterized as poverty children and those persons have excelled educationally and have done well for themselves. County Manager Jones said he questions the use of those factors for 100% of that population.

Commissioner Rembert echoed County Manager Jones’ comments.

County Manager Jones said the model will continue to be refined as the Board moves forward in the process.

County Manager Jones noted that the Board’s beginning point in this process is a “policy decision” already made by the Board, which is to use the per pupil cost of $2,325 and that’s taking the $287.8 million and dividing by the number of the 20th day students.

Commissioner Puckett asked about the weights and said he would like to see the background on the weights used in the model.

Chairman Helms said he struggles with some of it also but he feels this is a good process to move forward with vs. how the County has proceeded in the past.

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 Puckett voting no, to adopt the Charlotte Mecklenburg Schools Funding Evaluation Guidelines for Operating.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried 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 5:15 p.m.

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

March 8, 2006 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, March 8, 2006.

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 BRIEFINGS – 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 9 and 14.

The Board then proceeded to the Meeting Chamber.

-FORMAL SESSION -

Chairman Helms called the meeting to order.

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

Invocation was given by Commissioner Clarke, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION
PROCLAMATIONS AND AWARDS

(1A) SPORTS ILLUSTRATED – GOOD SPORTS LEADERSHIP ORGANIZATION FOR YOUTH SPORTS DESIGNATION

Commissioner Puckett entered the meeting.

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 adopt a proclamation designating the Mecklenburg County Park and Recreation Department as a Sports Illustrated – Good Sports Leadership Organization for Youth Sports.

Note: The Mecklenburg County Park and Recreation Department has partnered with Sports Illustrated, Dodge, the National Recreation and Parks Association and local athletic organizations in an initiative to enhance the quality of youth sports nationwide with a goal to make Mecklenburg County the capital of youth sports in the South. Youth sports festivals are being conducted throughout the County with the first festival scheduled for Saturday, March 18, 2006 from 9 a.m. to 1 p.m. at the Steele Creek Athletic Complex on Choate Circle.

The proclamation was read by Commissioner Mitchell and received by Greg Jackson of Park and Recreation and Doug Youngblood on behalf of the National Recreation and Park Association.

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

(1B) GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) BUDGET AWARD

The Board recognized the Office of Strategic Organizational Improvement (SOI) for receiving the 2005 Government Finance Officers Association (GFOA) Distinguished Budget Presentations Award.

Hyong Yi, Director of Management and Budget Office of Strategic Organizational Improvement, addressed the award and recognized members of his staff that were present.

County Manager Jones also expressed thanks to staff for the fine job that they continue to do.

Note: The Distinguished Budget Presentations GFOA Award is the highest award in governmental budgeting and is presented to those government units whose budgets are judged to adhere to program standards. In addition to receiving the award, Mecklenburg County’s budget received the Special Performance Measures Recognition designation. Out of 1,000 submissions, only 15 received this distinction making Mecklenburg County’s Managing for Results philosophy and approach a best practice nationally.

(1C) WOMEN’S HISTORY MONTH

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 March 2006 as Women’s History Month in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Roberts and accepted by Natheley McElrath on behalf of the Women’s Commission.

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:

Valerie McGill addressed homeland security issues and being prepared for disasters. Ms. McGill said she would be willing to assist the County in developing a plan.

Chairman Helms thanked Ms. McGill for her remarks.

(3A) APPOINTMENTS

AIR QUALITY COMMISSION

The vote was taken on the following nominees for appointment to the Air Quality Commission:

**Round One**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Committee</th>
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<tbody>
<tr>
<td>Laura Burba</td>
<td>None</td>
</tr>
<tr>
<td>Todd Glasier</td>
<td>None</td>
</tr>
<tr>
<td>James Laughlin</td>
<td>Commissioners Bishop and Puckett</td>
</tr>
<tr>
<td>Derek Morgan</td>
<td>None</td>
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<tr>
<td>Sandra Roork</td>
<td>None</td>
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<tr>
<td>Robert Statnick</td>
<td>None</td>
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<tr>
<td>Anthony Tindall</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard</td>
</tr>
<tr>
<td>Dale Webster</td>
<td>Commissioners Clarke and James</td>
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**Round Two**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Committee</th>
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<tbody>
<tr>
<td>Laura Burba</td>
<td>None</td>
</tr>
<tr>
<td>Todd Glasier</td>
<td>Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard</td>
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<td>Voting Ceased</td>
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<tr>
<td>James Laughlin</td>
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<td>Derek Morgan</td>
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<td>Sandra Roork</td>
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<td>Robert Statnick</td>
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<td>Dale Webster</td>
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Chairman Helms announced that Todd Glasier was appointed to the Air Quality Commission as the environmental representative to fill an unexpired term, expiring August 31, 2007 and Anthony Tindall as a general public representative to fill an unexpired term, expiring August 31, 2006.

They are replacing Nancy Bryant and Steven Weber.

DOMESTIC VIOLENCE ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Domestic Violence Advisory Board:

**Round One**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Committee</th>
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</thead>
<tbody>
<tr>
<td>Brenda Adams</td>
<td>None</td>
</tr>
<tr>
<td>Morgan Cromwell</td>
<td>Commissioners Clarke, James, and Rembert</td>
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<tr>
<td>Frances Davis</td>
<td>None</td>
</tr>
<tr>
<td>Serena Fill</td>
<td>None</td>
</tr>
<tr>
<td>Christy Hunt</td>
<td>Chairman Helms</td>
</tr>
<tr>
<td>Pat Kelly</td>
<td>Commissioner Puckett</td>
</tr>
</tbody>
</table>
Judy Marshall    Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard
Yvonne McJetters   None
Julie Owens    Commissioners James, Mitchell, Rembert, Roberts, and Woodard
Nazanin Rostam-Abadi   None
Margaret Van Dyke   None

Round Two

Brenda Adams   None
Morgan Cromwell    Commissioners Clarke, Helms, James, Mitchell, Puckett, and Rembert
                  Voting Ceased

Frances Davis
Serena Fill
Christy Hunt
Pat Kelly
Yvonne McJetters
Nazanin Rostam-Abadi
Margaret Van Dyke

Chairman Helms announced that Morgan Cromwell was appointed to the Domestic Violence Advisory Board to fill an unexpired term, expiring April 3, 2007 and Judy Marshall and Julie Owens to fill unexpired terms, expiring October 5, 2007.

They are replacing Linda Lawyer, Victoria Martinez, and Angela Pittman.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

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

Deborah Bell    Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard
Shannon Chavis-Smith   None
Anne Marie Giuriceo    Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard
Chris Hughes    Commissioners Bishop, Helms, James, Puckett, and Roberts
Nick Vilord

Chairman Helms announced that Deborah Bell and Anne Marie Giuriceo were appointed the Information Services & Technology Committee for three-year terms expiring March 4, 2009 and Chris Hughes to fill an unexpired term, expiring February 6, 2007.

They are replacing James Ewald, Sue Fry, and Robert Little.

LAKE NORMAN MARINE COMMISSION

The vote was taken on the following nominee for appointment to the Lake Norman Marine Commission:

Nathan Davis    Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Chairman Helms announced that Nathan Davis was appointed to the Lake Norman Marine Commission for a five-year term with a beginning term date of October 1, 2005 and an expiration date of September 30, 2010.
(3B) JUVENILE CRIME PREVENTION COUNCIL

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 defer an appointment to the Juvenile Crime Prevention Council until the March 21, 2006 meeting; and that it be structured in the normal format for voting on nominees.

Prior to the above vote, the Board asked for clarification on the process used in making appointments to the Juvenile Crime Prevention Council.

The matter was addressed by Steve Newman with the Health Department, who serves on the Council as the Health Director’s designee. He was joined by Richard Halperin, also on the Council. Mr. Newman explained the nominating process used by the Juvenile Crime Prevention Council.

Also, prior to the above vote, Allan Tietleman questioned the process used by the Juvenile Crime Prevention Council in making their recommendation to the Board. Mr. Tietleman informed the Board of his interest in serving, having served in this capacity in Union County.

(4) PUBLIC HEARINGS – REAL ESTATE EXCISE TAX REFUND REQUESTS

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 hold a hearing on the following requests by: (1) Roger S. Cardinal Law Office for reimbursement of North Carolina excise tax in the amount of $550.00 and (2) Surane & Pross Attorneys at Law for reimbursement of North Carolina excise tax in the amount of $822.00.

No one appeared to speak.

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 close the hearing on requests by: (1) Roger S. Cardinal Law Office for reimbursement of North Carolina excise tax in the amount of $550.00 and (2) Surane & Pross Attorneys at Law for reimbursement of North Carolina excise tax in the amount of $822.00; and approve reimbursements.

(5) ADVISORY COMMITTEE REPORTS - MOUNTAIN ISLAND LAKE MARINE COMMISSION

The Board received the Mountain Island Lake Marine Commission FY 2004-2005 Annual Report.

The report was given by Jerry Campbell, Chairman, Gregory Shelton and Alice Battle members of the Commission.

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

(6) MANAGER’S REPORT – 2% ROOM OCCUPANCY TAX NASCAR

The Board received a verbal report from City of Charlotte City Manager Pam Syfert and Tim Newman with the Charlotte Regional Visitors Authority regarding the NASCAR Hall of Fame.

A copy of the NASCAR Hall of Fame Agreement is on file with the Clerk to the Board.
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 resolution calling for a public hearing on
a proposed 2% Room Occupancy Tax on March 21, 2006 at 6:30 p.m.

Prior to the above vote, Chairman Helms, as well as other members of the Board, complimented
City Manager Syfert and others involved for the outstanding job that was done in bringing the
NASCAR Hall of Fame to Charlotte/Mecklenburg County.

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

CONSENT ITEMS

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 following item(s) with the exception
of Items 9 and 14, to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 21, 2006 and Budget/Public Policy Meeting
held February 14, 2006 and Closed Session minutes of February 21, 2006.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the
amount of $313,898.10 resulting from clerical errors, audits, and other amendments.

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

(10) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate $40,000 in one-time funding for the Syphilis Elimination
Program from the NC Department of Health and Human Services.

(11) PROJECT SAFE NEIGHBORHOODS GRANT

Recognize, receive and appropriate year two continuation funding of $156,016 from the US
Department of Justice for the Project SAFE Neighborhoods project from October 1, 2004
through June 30, 2007; and approve the carry forward to the next fiscal year of any unspent grant
funds at June 30, 2006.

Note: The Project SAFE Neighborhoods (PSN) grant managed by the Fighting Back program
provides funding for media outreach and community engagement to educate and reduce gun
violence in the community. The outreach includes effective billboard and radio advertisement
campaigns and community engagement functions such as neighborhood clean-ups.

(12) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

• Approve, recognize, receive and appropriate one-time State funds in the amount of
  $5,006 to support a community Development Disabilities diversion site.
• Approve, recognize, receive and appropriate one-time State funds in the amount of $129,000 to provide MH treatment services to repeat adult offenders within targeted populations for MH/DD/SA.

• Approve, recognize, receive and appropriate one-time State funds in the amount of $284,222 to realign CTSP funds to provide Crisis Care to prevent institutionalization, Work Force and education (Child MH) and programs that will increase community capacity.

• Approve, recognize, receive and appropriate recurring Federal funds in the amount of $69,135 to support the CDC program in establishing and providing evidence based substance abuse prevention program services.

• Approve, recognize, receive and appropriate recurring Federal funds in the amount of $75,000 for SAPS services in association with the Safe and Drug Free Schools and Community Act – SDFSCA.

(13)  MCDOWELL NATURE PRESERVE INFRASTRUCTURE IMPROVEMENTS

Recognize and appropriate Capital Reserve funds generated by entry fees at McDowell Nature Preserve to remove the existing sewer system and install a septic field.

(15)  LINCOLN HEIGHTS LAND ACQUISITION

Authorize the purchase of (1) Tax Parcel 075-043-28 at 2024 Jennings Street from Oren Alexander for $6,500 (2) Tax Parcels 075-043-27 at 2028 Jennings Street and 075-043-02 on Irma Street from Furr Realty for $6,500 each; and (3) Tax Parcel 075-043-40 at Jennings Street from General and Alberta Washington for $12,000.

Note: These properties are part of an assemblage for a neighborhood park in Central Park District I, Lincoln Heights.

(16)  AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Amend the Mecklenburg County Groundwater Regulations.

The proposed regulation amendments include:

- Remove Chapter I Section III Registration - this removes the requirement for Well Contractors and pump installers to register locally.
- Replace all reference to Registered Well contractor to Well Contractors
- Replace all reference to “Inspection of Private Water Supply Wells Policy” to “Inspection of Water Supply Wells Policy”
- Add Chapter II Section III Permits (A) Private water supply wells
  6. Only Certified well contractors shall perform well contractor activities.
- Replace Chapter VI Section VII Inspection and Fees part (F)

"Annual registration fees must be paid by the well Owner, or their legal agent for all active monitoring, injection, or recovery wells. Fees must be paid between July 1 and August 1 of each year the wells are active."

With

"Annual registration fees must be paid by the well Owner, or their legal agent for all active monitoring, injection, or recovery wells. Fees must be paid between
Regulations recorded in full in Minute Book 42-A, Document # _____.

(17) DSS GRANT AWARD AMENDMENT – NC HELPING NEIGHBORS FUND

Recognize, receive and appropriate $275 additional grant award from the NC Helping Neighbors Fund to provide additional assistance to FEMA registered Hurricane Katrina evacuees in Mecklenburg County.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) CULTURAL FACILITIES MASTER PLAN

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 Memorandum of Understanding for the Development of the South Tryon Street Cultural Facilities and First Street Wachovia.

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 authorize the County Manager to negotiate a Development Agreement based on this MOU for the Board’s consideration by July 2006.

Note: On December 20, 2005, the Board approved the Cultural Facilities Plan Financial Framework and authorized the County Manager to negotiate a Memorandum of Understanding with Wachovia.

This Memorandum of Understanding outlines the general understandings for a public/private partnership to construct four cultural facilities (Mint Museum, Bechtler Museum, 1200 Seat Theater and Afro-American Cultural Center) as part of a mixed use project that includes a 1 million square foot office tower, and retail and residential components. Key provisions of the Memorandum of Understanding include:

- A Price Cap, that includes all hard and soft costs for each of the Cultural Facilities, will be set by June 2006 and will be accompanied by an itemized budget for each facility.
- Wachovia will guarantee an incremental real property tax value of not less than $280 million.
- Wachovia will not be responsible for property taxes on the cultural facilities during construction.
- Wachovia has the right to buy a cultural facility for market value if the facility ceases to be used for more than two years.
- Wachovia will manage all consultants, engineers and contractors necessary to construct the projects.
- The City will finance and own the cultural facilities.
- The City and County will enter into an Interlocal Agreement outlining the terms of Acquisition Financing.
- The City and County will share the annual debt service, for the portion of the cultural facilities supported by incremental property taxes, based on the ratio of the City/County Property Tax rate.

Commissioner Bishop removed this item from Consent to express his opposition.
MOU recorded in full in Minute Book 42-A, Document #_____.

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

(14) GREENWAY DONATION

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to accept the donation of the following: Tax Parcel 071-036-91 (11.28 acres) from the LandCraft Properties, Inc.

Note: The above parcel is being donated to the County from LandCraft Properties, Inc. for greenway assemblage along Stewart Creek.

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

Commissioner Puckett returned to the dais.

STAFF REPORTS AND REQUESTS

(18) RENAMING MORGAN STREET PARK TO “CHERRY NEIGHBORHOOD PARK” (ITEM WAS REMOVED FROM THE AGENDA)

(19) NAMING FREEDOM PARK PAVILION IN FREEDOM PARK “THE MAHLON ADAMS PAVILION”

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 recommendation from the Central Park District III Advisory Council and the Park and Recreation Commission to name the Freedom Park Pavilion in honor of Mahlon Adams founding member of the Freedom Park Neighborhood Association and long time advocate for Freedom Park.

Greg Jackson with Park and Recreation and Grady Smith, President of the Freedom Park Neighborhood Association addressed the request prior to the above vote.

Mark Palmer also spoke in support of the naming.

(20) CAPITAL IMPROVEMENT PLAN POLICY CHANGES

Hyong Yi, Budget Director, addressed Capital Improvement Plan policy changes and sought direction from the Board on whether the Board wants to receive a recommended capital improvement plan and budget for FY07; and direction regarding recommendations from staff and the Board’s Effective & Efficient Government Committee to provide the Board with an annual capital improvement plan and budget.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, to approve modifications to the Board’s current Capital Improvement Planning Policy, including changes to the appointment policy for the Citizen Capital Budget Advisory Committee, as recommended by staff.

Substitute motion was made by Commissioner Bishop, seconded by Commissioner Puckett, to approve the Capital Improvement Planning Policy as modified by Commissioner Bishop.
After further discussion, Commissioner Bishop amended his substitute motion, which was seconded by Commissioner Puckett, to defer consideration of a policy change until staff has had an opportunity to review the modifications as proposed by Commissioner Bishop.

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 made by Commissioner Clarke and 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 modifications to the Board’s current Capital Improvement Planning Policy, including changes to the appointment policy for the Citizen Capital Budget Advisory Committee, as recommended by staff.

Note: Michael Murdock, chairman of the Citizen’s Capital Budget Advisory Committee addressed this matter, prior to the above votes.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

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 Puckett, seconded by Commissioner James, and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Robert and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:25 p.m.
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 at 3:00 p.m. on Tuesday, March 14, 2006.

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.
Clerk to the Board Janice S. Paige

Absent: Commissioner Jim Puckett

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

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1) FY2007 REVENUE PROJECTION

This matter was not taken up. It will be scheduled for a subsequent meeting.

Commissioners Bishop and Clarke entered the meeting.

(2) WIPING OUT POVERTY UPDATE

The Board received an update on Wiping Out Poverty in Mecklenburg County from Richard “Jake” Jacobsen, Director of Social Services, who was introduced by General Manager Janice Jackson.

Note: The Board established a goal in May 1997 and renewed it in August of 2002, of Wiping Out Poverty in Mecklenburg County by July 2007. This was a part of the County’s Social, Education and Economic Opportunity Focus Area Goal, which is to “Create an environment where all Mecklenburg residents can become self-sufficient and have equal access to services.”

The update covered the following topics:
1. What is Poverty?
2. Various Poverty Measures
3. Poverty Rates
4. Comparison of Poverty in counties throughout N.C.
5. Public Assistance Rates in counties within the Charlotte/Mecklenburg Region
6. Mecklenburg County Poverty Rates by Household Types – Location
7. Unemployment, Poverty, and Food Stamps Statistics

Commissioner Woodard entered the meeting during this time.
Mr. Safir said although homelessness is not totally a County issue, the County is a leader and stakeholder with respect to the issue. Mr. Safir suggested the Board does the following with respect to its efforts to deal with the issue of Homelessness:

1. “Stay the course;” and
2. Support the development of a 10-Year Plan, which should come to the Board in October;
3. Also, that there needs to be sustained involvement from the business community, the faith community, non-profits, etc.; further, be aware that
4. Shelter Beds is an issue.

Mr. Safir said homelessness was a growing problem and that there are more families and children then most people would expect.

Director Jacobsen concluded by noting the following:

1. Poverty is a complex issue, strongly tied to the economy and employment and influenced by population growth and changes. Further, that when poverty cannot be eliminated, the hardship it causes can still be relieved.
2. Mecklenburg County can organize a conference of employers to encourage them to offer affordable health insurance.
3. Mecklenburg County can continue to support improvements in education through multiple venues.
4. Mecklenburg County can adopt the Homeless Public Policy Framework.
5. The stretch goal of Wiping Out Poverty is a worthwhile challenge for the community and should be continued.

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

Comments

Commissioner Bishop asked why was it that Food Stamps don’t correlate to the Work First pattern. The response was because you pick up a lot of the working poor in the Food Stamps program. It was noted also that the eligibility requirements for Food Stamps were a little more liberal than they are for Work First.

Commissioner Rembert asked if staff knew the number persons that may be eligible for food stamps but don’t apply. The response was that staff would provide the Board with that number.

Commissioner Clarke asked were immigrants who are not here legally eligible for food stamps. The response was yes, but it depends on what alien category they fall in. Mr. Jacobsen said staff could provide a short report on this.

Commissioner Clarke asked if the County controlled any of the terms or conditions of that eligibility? The response was that the rules are made by the Federal Government and passed down to states by in large.
Commissioner Clarke asked were immigrants who are not here legally eligible for Medicaid. The response was that Medicaid will pay for the birth of a child, who is then automatically a U.S. citizen, and as such, is eligible for Medicaid. The child can also become eligible for Cash Assistance and Food Stamps as a “child only” case.

Commissioner Clarke asked if the County determined the eligibility of illegal immigrants for Medicaid. The response was that the State makes the final decision on what they will pay for. The State does not pay for pre-natal care. Director Jacobsen said fortunately the population here in Mecklenburg County is young and very healthy. Staff has not seen a lot of ICU’s. It was stated also that most of the births to illegal immigrants in the N. C. are occurring here in Mecklenburg County, maybe 30%.

Commissioner Bishop asked was it true that illegal immigrants can only be covered by Medicaid if it’s an emergency type situation. The response was yes, only in extreme emergency situations, not for normal care and that eligibility is still a determination by the State.

Director Jacobsen noted also that the statistics show 1) the changing demographics in Mecklenburg County and 2) that there is not enough affordable health care coverage available for a “good chunk” of the County’s population, thus there are high utilization rates of Medicaid.

Commissioner Clarke said he thinks with respect to the issue of poverty that it’s critically important that the Board does everything it can to strengthen and keep the local economy strong and to keep the number of jobs and number of people employed here as “high” as it can. He said the Board should support the efforts of the Charlotte Chamber and the business community in attracting and keeping jobs here in Mecklenburg County.

Chairman Helms thanked Director Jacobsen for his report.

(3) HEALTH DEPARTMENT ACCREDITATION AND HEALTH INDEX

Dr. Earl Wynn Mabry gave an update on Public Health in Mecklenburg County.

Dr. Mabry noted the Health Department’s Vision Statement, which is the Mecklenburg County Health Department assures the health and safety of our diverse and changing community today and for future generations. Also, its Mission Statement, which is To promote and protect the public’s health.

The presentation addressed the
- 10 Essential Services of Public Health
- State Accreditation Process
- Orientation for New Board of Health Members (The Board was given an orientation packet.)
- Analysis of the County Health Index.

Dr. Mabry reminded the Board that it has legislative authority to act as a “Board of Health,” although it is not a “Board of Health,” which has specific membership requirements, for example a physician, pharmacist, etc.

Dr. Mabry informed the Board of a County Health Symposium taking place on April 28th at the Police and Fire Academy on Shopton Road from 7:30 a.m. to 12:30 p.m. He encouraged Board members to attend.

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

Comments

Commissioner Rembert asked would receiving the accreditation qualify the County to receive more federal and/or private funding for some of the County’s Health initiatives. The response
was that the Health Department would certainly look at this as an opportunity. Also, that if the Department can convince the N.C. Institute for Public Health that it has “best practices,” things that are above and beyond what a traditional health department would be doing, then the Department would have an opportunity to get more visibility and a better opportunity to either train other groups or become an arm of the Institute for Public Health. It was noted further that this is the first time the Health Department has gone through an accreditation process. Also, that the State of N.C. in 2002 decided that it wanted to standardize the types of services and quality of the services that are delivered by Health Departments. N. C. is one of the few states in the U.S. that has actually taken it upon themselves to develop a process of accreditation so that over the next five years the Health Departments in N.C. are going to look more similar in terms of the services delivered to the public.

Commissioner Mitchell asked how will Carolinas Medical play a part in the accreditation process. The response was that the accreditation process was being looked at as a joint effort. It was noted that both parties will be evaluated and interviewed by the review team, but they are speaking with “one voice.” They have “one mission, one strategy, one team” and although there are some differences in how those teams work on an internal personnel basis, when it comes to performing and how “we’re judged in outcomes, we’re one group.”

Commissioner Rembert asked was there an accreditation fee. The response was no.

Commissioner James asked if he could receive a report that the Board has received in the past from an outside agency concerning the number of illegitimate births and abortions in Mecklenburg County broken down by race, poverty level, zip codes, etc.

Commissioner Rembert asked about the data that would be available to the County on abortions. The response was that the data that’s available to the County is the same type of report that is filed with the State on births and deaths. Also, that the report only gives race, age, and zip code. It does not list names or where the procedure was performed.

Commissioner Roberts asked about the Health Index Measures used. The response was that many of them were selected because there was state and national data to compare them to. Also, that at the time this was set up, these were the most prevalent measures used.

Commissioner Roberts asked about tracking respiratory illnesses in light of air quality issues. The response was that Asthma Mortality can be tracked, but it’s more difficult to track the number of persons with asthma.

Chairman Helms thanked Dr. Mabry for his report.

Chairman Helms said the relationship between health and poverty was very real and that “good education, and good health, means less poverty.”

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

There being no further business to come before the Board, the meeting was declared adjourned at 5:16 p.m.

Janice S. Paige, Clerk  H. Parks Helms, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS
March 21, 2006 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, March 21, 2006.

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

-INFORMAL SESSION-

Chairman Helms called the meeting to order, after which the following matters were addressed:

(1) STAFF BRIEFING – BASEBALL UPDATE

The Board received a report from General Manager Bobbie Shields on the prospect of professional baseball relocating to Center City - Charlotte.

Commissioners Woodard and Bishop entered the meeting during this time.

Note: On January 18, 2006 the Board received a report from Jerry Reese regarding the proposed Brooklyn Renaissance Project and directed the County Manager to include in his fact finding associated with the recent Center City Partners’ proposal, options regarding professional baseball - major and minor league.

General Manager Shields’ report focused on the feasibility of major and minor league baseball.

General Manager Shields shared staff’s comparison of the two (2) proposals based on the following key issues: 1) confirmed interest, 2) site development plan 3) stadium design/construction, and 4) financing plan. See below.

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<th>KEY ISSUE</th>
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1
General Manager Shields said the relative merit of the two project proposals will depend, in part, on the feasibility of the baseball component.

General Manager Shields asked the Board to provide staff with direction as to how it would like to proceed.

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

**Comments**

Commissioner James said he thought with the proposed land swap, with respect to the Minor League proposal, that the County would end up with a $10 million credit balance on the real estate ledger. He said if this is true, then the response for Minor League with respect to County funding being required should be yes, rather than no.

General Manager Shields said staff was working on getting appraisals. He said the idea was to have a swap where the net county impact would be zero and that the County would be made whole. A subsequent report will be made to the Board with respect to this issue.

There were questions raised regarding the validity of the Florida Marlins interest in relocating to Charlotte.

General Manager Shields said he has been unable to confirm that the Florida Marlins is indeed interested in relocating.

Commissioner Clarke said he felt the chances of a Major League team relocating to Charlotte/Mecklenburg County were very remote, in looking at the relocation record of Major League teams.

Chairman Helms said he would love to see Major League baseball in Charlotte/Mecklenburg County, but doesn’t foresee it occurring any time soon. Chairman Helms noted also that he has been contacted and kept informed by the owners of the minor league team desiring to relocate to the area, but he has not been contacted by anyone from major league baseball.

Chairman Helms said the Board needs to provide direction to staff by making a decision with respect to realistically pursuing major or minor league baseball.

Commissioner James suggested that perhaps the Board needs to inform Mr. Reese or any other interested parties with respect to major league baseball, that unless the County Manager, General Manager Shields, or Chairman Helms receive some sort of affirmative response to those pending issues, within a week, that the County would then consider the major league proposal null and void.

County Manager Jones said he thought Commissioner James’ suggestion was worthy of pursuing, however, it needs to be kept in mind that neither the Board of Education or Charlotte
City Council have directed their staffs to pursue the issue of major league baseball. County Manager Jones said the major league proposal could not be pursued without the Board of Education and Charlotte City Council being at the table.

It was pointed out by General Manager Shields that the Board of Education only received the Major League proposal as information and that it has yet to be presented to Charlotte City Council.

Commissioners Bishop and Puckett expressed concern for placing an April 1st deadline on the Major League sponsor to provide additional information.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 7-2 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to direct staff to pursue the minor league baseball proposal with the understanding that if, on/or before April 1, 2006 the major league proposal sponsor satisfactorily answers the uncertainty about the Confirmed Interest components and Financing, that staff is directed to bring that information back to the Board.

(2A) CLOSED SESSION TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1)

(2B) CLOSED SESSION – LAND ACQUISITION (ITEM WAS REMOVED)

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 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).

The Board went into Closed Session at 6:00 p.m. and came back into Open Session at 6:14 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent. The items identified were Items 8, 12, 13, 16, 17, and 21.

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

-FORMAL SESSION-

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Clarke, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) GERALD G. FOX EMPLOYEE OF THE YEAR AWARD 2005

The Board recognized the runner-up and winner of the Gerald G. Fox 2005 Employee of the Year sponsored by the Charlotte Chamber of Commerce.

Note: Selections are made by a committee of the Chamber’s Business Advocacy Group.
The runner-up was Rusty Rozzelle with the County’s Land Use and Environmental Services Agency, Water Quality Division. Mr. Rozzelle received a plaque and a gift certificate.

The winner of the Gerald G. Fox 2005 Employee of the Year Award was Al Simpson with the Park and Recreation Department. Mr. Simpson received a check, gift certificate and plaque.

The winners were announced and introduced by Susan Manning, Director of Human Resources and Ed Holland, Chairman of the Personnel Commission.

(1B) PROFESSIONAL SOCIAL WORK MONTH MARCH 2006

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 the month of March 2006 “Professional Social Work Month” in Mecklenburg County.

The proclamation was read by Commissioner Rembert and accepted by Richard “Jake” Jacobsen, Director of Social Services, along with two Social Worker representatives from his department.

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:

Corneida Garcia representing the League of Women Voters, informed the Board of an upcoming forum to be held on March 30, 2006, 6:30 – 8:00 p.m., at the Main Library, 310 N. Tryon Street. The forum will focus on proposed changes to School Board elections. She also shared the League of Women Voters Report on the Governance Proposals of the Citizen’s Task Force on Charlotte-Mecklenburg Schools.

A copy of Ms. Garcia’s remarks and handouts are on file with the Clerk to the Board.

James Hines addressed the need for employment services in the Grier Heights Area.

Rev. Roderick L. Ewell, Sr. addressed public safety and specifically, the need for summer activities for youth to keep them off the streets and subject to gang activities. Rev. Ewell said he would be willing to assist in getting some summer programs underway. He also shared his biography that outlines his past experience in working with youth, particularly those involved in gangs. Rev. Ewell relocated to Charlotte from Los Angeles, California.

A copy of Rev. Ewell’s biography is on file with the Clerk to the Board.

Chairman Helms thanked all speakers for appearing.

(3A) APPOINTMENTS

AUDIT REVIEW COMMITTEE

The following persons were nominated for appointment to the Audit Review Committee:

Mary Boyd by Commissioner Bishop
Mercer Ward Simmons by Chairman Helms
An appointment will occur on April 4, 2006.

BOARD OF EQUALIZATION AND 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 Allen Russell, Damon Bidencope, Kenneth Friedman, David Fuller, William Hawkins, Victoria Matias, Alan Turner, and Doug Wynn to the Board of Equalization and Review for one-year terms expiring April 7, 2007.

Commissioner Puckett brought to the Board’s attention the notation made in the letter of recommendation from the Tax Assessor regarding the attendance record of Board of Equalization and Review members Victoria Matias and Doug Wynn.

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 reconsider the previous motion to reappoint Allen Russell, Damon Bidencope, Kenneth Friedman, David Fuller, William Hawkins, Victoria Matias, Alan Turner, and Doug Wynn to the Board of Equalization and Review for one-year terms expiring April 7, 2007.

Substitute 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 Allen Russell, Damon Bidencope, Kenneth Friedman, David Fuller, William Hawkins, and Alan Turner to the Board of Equalization and Review for one-year terms expiring April 7, 2007.

The following persons were nominated for appointment to the Board of Equalization and Review:

JoAnne Allen by Commissioner Clarke
Aretha Blake by Commissioner Mitchell
Jack Morgan by Commissioner Clarke
Meredith (Dick) Stoever by Chairman Helms

Appointments will occur on April 4, 2006.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

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, to waive the Board’s Advisory Board Appointment Policy to allow the following applicants for appointment to the Nursing Home Community Advisory Committee to be nominated and appointed at tonight’s meeting, March 21, 2006: Shawanga Burrell, Maryanne Dailey, and Linda Linfors.

Note: This request was made in light of the desperate need for volunteers to this 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 waive the Board’s Advisory Board Appointment Policy to nominate and appoint Shawanga Burrell, Maryanne Dailey, and Linda Linfors to the Nursing Home Community Advisory Board for one-year terms, expiring March 30, 2007.

Commissioner Puckett suggested that perhaps the Board needs to consider placing in its legislative agenda package, a request of the General Assembly to change the guidelines for serving on the Nursing Home and Adult Care Home Community Advisory Committees to allow persons with relatives in these facilities to serve on the committee. Commissioner Puckett pointed out that usually persons that are most interested in serving are those with relatives in these types of facilities.
REGION F AGING ADVISORY COMMITTEE

The following persons were nominated for appointment to the Region F Aging Advisory Committee:

Judy Clemons   by Commissioner James
Katie Spegal   by Commissioner James

An appointment will occur on April 4, 2006.

WASTE MANAGEMENT ADVISORY COMMITTEE

The following person was nominated for appointment to the Waste Management Advisory Committee:

Mary Beth Ogle  by Commissioner Rembert

The appointment will occur on April 4, 2006.

(3B) JUVENILE CRIME PREVENTION COUNCIL

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 appoint Jerry Swindell, Jr. to the Juvenile Crime Prevention Council to fill an unexpired term, expiring June 30, 2007.

Prior to the above vote, Paul Risk with Youth and Family Services and member of the Juvenile Crime Prevention Council Nominating Committee, clarified that the nominating committee went through the same application review process as that of the Board. He said there were no face to face interviews with any of the applicants.

(4A) PUBLIC HEARING – REAL ESTATE EXCISE TAX REFUND REQUEST

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 hold a hearing on the request by Ryland Title for reimbursement of North Carolina excise tax in the amount of $542.00.

No one appeared to speak.

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 close the hearing on the request by Ryland Title for reimbursement of North Carolina excise tax in the amount of $542.00 and approve the reimbursement.

(4B) PUBLIC HEARING - PROPOSED LEVY OF 2% ROOM OCCUPANCY TAX FOR NASCAR HALL OF FAME

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 hold a public hearing on a proposed Ordinance to levy a 2% Room Occupancy Tax as authorized by SL 2005-68.

The following persons spoke in support of the levy:
• Winston Kelley with Duke Energy
• Mohammad Jenatian with Charlotte Hospitality and Tourism
• Luther Cochran with the Charlotte Regional Visitors Authority
• Marshall Carson with Lowe’s Motor Speedway
• John Tate
• Jeff Beaver with the Charlotte Sports Commission.

No one appeared to speak in opposition.

Commissioner Rembert asked those involved with the NASCAR Hall of Fame to make sure that there are opportunities for participation by women/minority and small businesses.

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 close the public hearing on a proposed Ordinance to levy a 2% Room Occupancy Tax as authorized by SL 2005-68.

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and carried 8-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts and Woodard, voting yes and Commissioner Bishop voting no, to adopt an ordinance entitled, Mecklenburg County Ordinance To Impose And Levy A Two Percent Room Occupancy Tax (Hall Of Fame Complex Tax).

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

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

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Rembert, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, Roberts and Woodard, voting yes, to approve the following item(s) with the exception of Items 8, 12, 13, 16, 17, and 21 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 8, 2006 and Special Budget/Public Policy Meeting held February 28, 2006 and Closed Session minutes of February 21, 2006.

(9) SURPLUS PROPERTY AUCTION

Approve a list (Exhibit A) of vehicles and other miscellaneous items as surplus, and adopt a Resolution Authorizing Sale of Personal Property by Public and Electronic Auction on April 22, 2006, at 10:00 a.m. at 3301 Rotary Drive, Charlotte.

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

(10) TAX REFUND

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the
amount of $17,537.01 resulting from clerical errors, audits and other amendments.

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

(11) POSITION REQUESTS - LUESA-CODE ENFORCEMENT

Approve six additional positions for Code Enforcement and recognize and appropriate $100,000 in additional permit revenue.

*Note:* The positions are two Electrical Reviewers, two Mechanical/Plumbing Reviewers, and two Plan Review Facilitator/Project Coordinators.

(14) IV-E WAIVER FUNDING: DEPARTMENT OF SOCIAL SERVICES

Recognize, receive and appropriate $745,660 of additional federal IV-E Waiver Demonstration Grant funds and reduces State Foster Home funds by $378,748 for a net increase of $366,912.

*Note:* As a result of Mecklenburg County’s participation in the IV-E-Waiver Demonstration Project, the State of North Carolina has converted Mecklenburg County’s reimbursement eligibility for over 200 children in the county’s foster care system from “State Foster Home Funds” (a 50% State-only reimbursement) to “IV-E –Waiver” (a 63% Federal / 18% State reimbursement). A net increase of $366,912 is projected in the County’s reimbursement for Fiscal Year 2005-06. Under the IV-E Waiver Demonstration Project, this additional reimbursement to the County is classified as re-investment funds by the State. Re-investment funds must be utilized to meet the goals and objectives of the IV-E Waiver demonstration project for FY2005-06 or similar funding may not be awarded in FY 2006-07.

(15) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $74,224 for Real Estate Services, $66,411 for Park & Recreation, and $1,463 for Land Use & Environmental Services.

*Note:* All reimbursements are for stolen and damaged items.

(18) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

- Authorize the County Manager to negotiate and execute a lease with Nalinkumar Patel, a Quiznos Sub Franchisee at the retail portion of the new government district parking deck located at 901 E. 4th Street.

- Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Nalinkumar Patel, a Quiznos Sub Franchisee.”

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

(19) PARK AND RECREATION CAPITAL RESERVE FUNDS

Recognize and appropriate $150,000 for user fees in Capital Reserve for the construction/development of a new dog park facility at W.R. Davie Park.

(20) RELOCATION OF THE MEDICAL EXAMINERS OFFICE, ARCHITECT SELECTION
Authorize the County Manager to negotiate a fee and execute a contract with Russ Angelo Architecture for Architectural/Engineering services for the relocation of the Medical Examiners Office.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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*Commissioner Mitchell returned to the dais.*

(8) **RE VALUATION SCHEDULE**

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 to advance Mecklenburg County’s Revaluation Schedule from January 1, 2011 to January 1, 2009.

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

Prior to the above vote, Commissioner James asked for clarification on whether or not the adoption of the resolution also meant the adoption of a two-year revaluation policy. He said he was in favor of the deferral but opposed to a two-year cycle.

Chairman Helms said adoption of a two-year cycle was not a part of the motion. Chairman Helms referenced paragraph two of the resolution, which states,

“WHEREAS, Mecklenburg County desires to conduct a reappraisal of real property earlier than required by G.S. 105-286, to be effective January 1, 2009, and to implement subsequent reappraisals on a schedule to be determined by the Board of Commissioners in compliance with GS 105-286 following the reappraisal January 1, 2009; and.”

Attorney Bethune clarified also that with the adoption of the resolution the Board was changing its revaluation date from January 1, 2011 to January 1, 2009 because the Board has never formally gone to a four-year cycle by resolution filed with the State.

Attorney Bethune said the policy question would be a separate action taken at a later date.

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

(12) **SUSAN G. KOMEN GRANT - SHERIFF’S OFFICE**

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 decrease 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.

*Note: The Sheriff’s Office was awarded a grant by the Susan G. Komen Breast Cancer Foundation, Inc. to provide inmates with breast cancer education and breast exams.*

*Commissioner Rembert removed this item from Consent for clarification purposes.*

Jan Thompson with the Sheriff’s Office addressed the reason for the return of the funds, which had to be spent within a specified timeframe or else returned. It was noted that the Sheriff’s Office has been unable to find a qualified breast cancer education provider, since its contracted provider went out of business.
(13) **ROBERT L. SMITH DISTRICT PARK - PHASE I CONSTRUCTION CONTRACT**

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 award a construction contract to T. K. Browne Construction Company, Inc. for a total amount of $2,190,112.

*Commissioner Woodard removed this item from Consent in order to ask a question regarding minority participation.*

Commissioner Woodard questioned the 90% Small Businesses utilization rate. Commissioner Woodard asked was it not true that the 90% utilization rate for Small Businesses doesn’t necessarily mean women and minorities would be participants at that level.

Laura Gallagher with Real Estate Services could not answer specifically.

Commissioner Woodard said she would check on this through some other means.

(16) **OUTDOOR ART DONATION FOR FOURTH WARD PARK**

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 recommendation from the Central Park District II Advisory Council and the Park and Recreation Commission to accept the donation of a stainless steel piece of art from the Friends of Fourth Ward to be installed at the Seventh Street entrance into Fourth Ward Park.

*Note: The designer of the artwork is artist Shawn Cassidy. The artwork will resemble a skeleton of a typical house design in Fourth Ward as a reflection of time and history.*

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

(17) **BASKETBALL TOURNAMENT AGREEMENT – PARK & RECREATION**

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 authorize the County Manager to enter into a three year agreement with Macker Basketball, LLC to provide tournament services for a 3 on 3 basketball tournament to be held at Camp Greene Park.

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

Greg Jackson with Park and Recreation addressed the tournament.

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

(21) **BUSINESS INVESTMENT GRANT: ODYSSEY LOGISTICS & TECHNOLOGY CORPORATION**

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’s share of a Business Investment Grant to Odyssey Logistics & Technology Corporation for a total estimated amount of $70,605 over 5 years.
Note: Total City/County grant for the 5-year term estimated at $106,042.

Note: Odyssey Logistics and Technology Corporation (Odyssey), headquartered in Danbury, Connecticut, is a full-service third party logistics (3PL) company specializing in the global transport of chemicals. Odyssey is not a trucking or rail company. It owns no assets (trucks, railcars, ships, planes), but uses proprietary Web-based software to handle all aspects of a customers transportation needs.

Odyssey currently employs 50 people in Charlotte at Atrium Business Park (Stuart Andrew Blvd).

On January 23, Odyssey announced that it will create one North American operations center in Charlotte and consolidate employees/positions currently housed in Connecticut, New York and New Jersey. Odyssey expects to make a capital investment of $2.25 million and create 160 new jobs by 2008, with a potential for 140 additional jobs in 2009. Eighty percent of the new jobs will be hired locally and pay an average wage of $35,000 (145% of the average for the Charlotte-Gastonia-Rock Hill). Odyssey is estimated to have a total direct economic impact of $24.2 million per year on Charlotte’s economy, and generate annual new business personal property tax revenues of $9,450 (City) and $18,828 (County).

Commissioner Puckett removed this item from Consent in order to express his opposition.

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

STAFF REPORTS AND REQUESTS

(22) TEMPORARY ACCESS DRIVEWAY TO WHITEWATER CENTER

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 defer consideration of the request from U. S. National Whitewater Center that the County grant a +/- 1.8-acre temporary access driveway easement over Tax Parcel 053-101-02 off Charlie Hipp Road, until the Board can receive additional information from staff regarding the impact of this on the Charlie Hipp Road neighborhood and whether there are any alternatives; and that the matter be brought back for consideration at the Board’s April 4, 2006 meeting.

Prior to the above vote the following occurred:

The issue was addressed by Nancy Brunnemer with County Real Estate Services, Jeff Wise, Executive Director of the Whitewater Project and Scott Putnam with the City of Charlotte DOT.

Mr. Wise commented with respect to access to the Whitewater Park, that the greatest challenge associated with it was the fact that to the west is the Catawba River and to the south is I-85, as Whitewater would be looking at limiting access from the north and the east. He said about 2 1/2 years ago they sat down with the NCDOT regarding possible access routes. He said they proposed using Heavy Equipment School Road, which is right off of I-85. The other option was Charlie Hipp Road and the Whitewater Parkway coming off of Belmeade. Mr. Wise said the parkway option was deemed to be the most favorable in light of the fact that transportation officials said this would be a part of opening up this area for residential development. He noted that Crosland would be building a 2300 home complex in the area and wanted to see a connection back out to Moores Chapel Road. Mr. Wise said it would be a long and expensive road and that Crosland agreed to partner with Whitewater to get the parkway built. He said they have been working for two years to get the parkway developed, however, as of last November/December 2005, Whitewater still did not have an approved road plan. As such, they went back to the State and City DOT regarding options for a temporary access route into the Park while the Parkway was still under review. He said what was recommended for temporary access to the Whitewater site was Charlie Hipp Road.

Mr. Putnam confirmed that it was felt that Charlie Hipp Road was the best option working within
Whitewater’s timeframe for opening. The Whitewater Park is scheduled to open in June of this year.

Mr. Putnam said conditions would be placed on any access permit that is approved and would include some sight distance corrections at Charlie Hipp and Moores Chapel Road, as well as some additional pavement. Mr. Putnam said there would be a term limit on the driveway to be one year or less. Mr. Putnam said whenever Whitewater Parkway opens is when the driveway permit would be expired.

The following persons spoke in opposition to the request: LaFontaine Odom, Tammy Helms, and Donald Tyson.

A copy of handouts distributed by those in opposition is on file with the Clerk to the Board. The handouts included a petition signed by residents of Charlie Hipp Road opposing the use of Charlie Hipp Road as access to the Whitewater Park.

LaFountain Odom spoke on behalf of the residents of Charlie Hipp Road.

Mr. Odom said the Charlie Hipp community was being asked to bare the “brunt” of some planning that never got implemented by Crosland and Whitewater. He said “the fact that they have not been able to get their roads put in should not give them the excuse to ruin the Charlie Hipp neighborhood.”

Mr. Odom said there would be seven or eight residences within anywhere from 75ft. to 150 ft. from where the temporary road is going to be.

Mr. Odom said a gravel/dirt road to accommodate at least a 1000 vehicles, per information they have received, would create an “unbelievable dust bowl” for those residents.

Mr. Odom said the outline in blue on the handout from Whitewater, with respect to the rezoning petition and where the roads were to go based upon that rezoning petition, was not true.

Mr. Odom referenced a June 17, 2005 letter that was sent to the City Clerk concerning the withdrawal of protest regarding rezoning Petition No. 2005-077 from Katherine Taft Sparrow. It was pointed out that Ms. Sparrow, along with others, withdrew her protest because of certain commitments made by the petitioner. Mr. Odom said at that time the road network that was a part of that rezoning petition did not show a road going through the park property itself. He said it was not to be a part of that zoning petition. He said approval of the request from Whitewater would result in dangerous conditions at the intersection of Charlie Hipp Road and Moores Chapel Road.

Mr. Odom said the residents of Charlie Hipp Road only a few months ago, found out about the temporary access request. He said the revisions to the rezoning plan have come in the last two or three months and that it was not part of the rezoning petition.

Mr. Odom cited the following reasons for denying the request:
1. It’s illegal to grant a permit across this County park land because it “flies against the terms and conditions of the rezoning petition that was approved by the City Council.”
2. It will create a deadly intersection where traffic will go from 50 to 1000 vehicles a day.
3. It will create an unhealthy “dust bowl” condition.
4. A creek in the area will also be impacted because the wetland situation in the area has not been protected by the Whitewater developers.
5. The County’s land was purchased using 1999 land bonds and part of it is now going to be used for two private developments, Whitewater and the John Crosland Company, rather than for the community.
6. It’s feared that the temporary access road will go on indefinitely.
7. Also, depending on the traffic, which may be worst than what’s anticipated, it may give rise to potential adverse condemnation by residents with regard to what may be created in the area.
8. It was said that if this access is granted the community may never see a park in this area.
9. Charlie Hipp Road was never designed for this type of traffic.
10. There’s a safety factor involved.

Mr. Odom said his preference would be for the Board to deny the request, but understands that perhaps the Board needs additional information and recommended that the Board defer action, in order to give the Charlie Hipp neighborhood an opportunity to present additional facts with respect to this access issue.

Tammy Helms concurred with Mr. Odom’s remarks and expressed concern for her children’s safety.

Donald Tyson also concurred with Mr. Odom as well. He said he was not opposed to the Whitewater Center, but was opposed to the use of Charlie Hipp Road because of the impact on the community.

Commissioner James asked what would be the impact on Whitewater if the request was denied.

Mr. Wise said they have been asking for 2 ½ years to get a road in place and that regardless of what option is chosen someone will be impacted. He said that what’s before the Board is what was recommended to them.

Commissioner James asked about the timeframe involved with the Parkway.

Mr. Wise said they’ve been informed by their builders that the earliest the Parkway could be built would be 6 months, however, it would probably be more like 8 months.

Mr. Wise said in order to build the road using Charlie Hipp Road and crossing County park property and Crosland property, it would take about 2 ½ months, which would really be pushing it close to their opening. He said if they are not open this summer it will impact the repayment of their loan. He said the summer is the “meat” of their season.

Commissioner James commented on the agreement between the County and Whitewater.

Commissioner James said if Whitewater doesn’t open as scheduled, they would lose money and the County would then likely be on the “hook,” which in essence puts the County “in bed” with the Whitewater Center financially.

Commissioner James said the Board needs a clear understanding not only of the various road options but the financial link also.

Commissioner Bishop asked Mr. Wise if he knew what a 30-day delay would cost Whitewater.

Mr. Wise said they had not run that as a proforma. He said the estimated proforma revenues for the summer, that three month period was about 70% of their revenue for the year and that their projected revenue for the year was $11 million.

Commissioner Bishop asked Mr. Odom to comment on what the neighborhood felt should be done, since they were opposed to the use of Charlie Hipp Road.

Mr. Odom said they should use the roads that were approved in the rezoning plan which is either Hawfield or Belmeade. Mr. Odom said they do not want to use these roads because it will cost them more money.

Commissioners Bishop and Puckett asked why it wouldn’t work if the road went down the west side of the parcel.

Mr. Odom said that would be worst because then you would have ecological problems.

Commissioner Roberts asked about the original plan for entry using the Whitewater Parkway and whether there were homes along that route as well.
Mr. Wise again said that wherever the road is built there will be people impacted.

Mr. Wise said he would have to take issue with Mr. Odom’s “accusation” that Hawfield or Belmeade were approved roads. Mr. Wise said the Whitewater rezoning is a residential development by Crosland. He said Hawfield and Belmeade were a part of Crosland’s rezoning. He said U.S. National Whitewater Center had no part of that rezoning and no action or involvement in that rezoning. He said there is no “so call” approved road and it was inaccurate to suggest that Hawfield and Belmeade were approved roads.

Commissioner Roberts suggested that perhaps someone from Crosland should be present when the matter comes back to the Board.

Mr. Wise said if the County property is to be developed it will need a driveway and this would be the driveway for that County park and it would also serve as the southern access out of the area as part of the rezoning plan submitted by Crosland to the City.

Commissioner Puckett said he would like to receive better clarity on what is “temporary.” How is it defined in this instance?

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

(23) SITE MASTER PLAN FOR SHUFFLETOWN SPORTSPLEX

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell, and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the proposed site master plan for the Shuffletown Sportsplex to be located in the Coulwood community of Northwest Mecklenburg County adjacent to Hwy. 16 and Bellhaven Blvd.

The plan was presented by Blaine Gregory of Park and Recreation, Brad Pearce of the Park and Recreation Commission and Consultant Andrew Pack.

(24) SITE MASTER PLAN FOR MERRY OAKS NEIGHBORHOOD PARK

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 approve the proposed site master plan for the existing Merry Oaks Neighborhood Park.

The plan was presented by Blaine Gregory of Park and Recreation, Laura McClettie of the Park and Recreation Commission and Consultant Andrew Pack.

(25) AREA MENTAL HEALTH SERVICES

The Board received a report on the status of mental health reform within Mecklenburg County from Area Mental Health Authority Director Grayce Crockett.

Chairman Helms thanked Director Crockett for her report.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

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 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 9:58 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, March 28, 2006.

ATTENDANCE

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

Absent:  
Commissioners Bill James and Jim Puckett

Commissioners Rembert and Woodard were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chairman Helms and then turned over to Budget Director Hyong Yi.

Director Yi reviewed the agenda topics and then called upon the presenters as noted below.

(1)  INITIAL REVENUE AND EXPENSE PROJECTIONS

Finance Director Harry Weatherly addressed revenue projections. Director Weatherly pointed out that the projections were preliminary.

Note: The total preliminary growth revenue estimate is $40,888,528, which encompasses the property tax, sales tax, other revenue, available fund balance, and interest on investment.

Commissioner Rembert entered the meeting during the presentation.

Comments

Commissioner Roberts asked for clarification on the 4% interest earnings and where are those dollars reflected in the information provided, since she only saw where $2 million of it was being shown. Finance Director Weatherly explained that the remainder is being used to offset some of the increased debt service cost.

Commissioner Roberts asked about sales tax and whether the increase shown in the information provided was all the County’s or does it include what would go to the other localities. Finance Director Weatherly said it all belonged to the County.

Commissioner Woodard entered the meeting.

Budget Director Yi addressed expense projections. Director Yi pointed out that the projections were preliminary.

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

Comments

Commissioner Woodard asked that information be provided showing what all is included in miscellaneous. Director Yi said the Board would receive that information as it goes through its budget deliberations.

Commissioner Bishop asked about the amount listed for Medicaid. Director Yi said staff was still working to refine the number.

Chairman Helms asked whether the bill that’s pending in the legislature would impact the County’s FY07 budget with respect to Medicaid. Director Weatherly said it’s possible if it passes. Director Weatherly explained that the bill would call for counties to give up the one-cent sales tax (90 million for Mecklenburg). He stated further that the County would lose about $30 million in expenditures and $90 million in revenue. There is also a provision in the proposal that says the counties must hold the towns and cities “harmless.” The counties would then be required to re-implement another penny sales tax which would then hold the towns and cities “harmless.”

Commissioner Clarke noted that the Board of Directors for the NCACC was split almost evenly on a straw poll with respect to the Medicaid proposal. He’s not certain if the Board of Directors will even take a vote on this matter at its next meeting since the straw poll was so split.

Commissioner Clarke inquired about the lottery proceeds. Director Weatherly said lottery revenue was not shown in the information provided because it has not been received. He said the General Assembly has to officially appropriate the funds to the counties and that action has not been taken yet. Also, that there is nothing in the legislation that says how or when those funds would be appropriated.

Director Weatherly said there was also some uncertainty with respect to the amount being $18million, however this could change between now and May. He stated further that one of the pending discussions that will need to occur on the Management level and for the Board is on the use of the lottery proceeds. Director Weatherly said the funds can be used for pay-as-you-go capital for the schools or existing debt service.

Chairman Helms noted that there was some “movement” to submit a constitutional amendment to the voters to provide all of the proceeds to school construction. Chairman Helms said the purpose would be to make sure the proceeds are not used to supplant other funding.

It was noted that included as a handout was a summary on the Education Lottery and what it means for Mecklenburg County.

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

(2) EMPLOYEE COMPENSATION/BENEFITS (BUSINESS IMPERATIVE)

Director Yi addressed Employee Compensation. General Manager John McGillicuddy and Human Resources Director Susan Manning also commented.
The presentation covered the following:

- Market-Based Compensation
- Pay-for-Performance
- Competitive Benefits
- Insurance Reserves

Note: Potential impact of all of the above categories on FY07 Budget is $15.8 million

Comments

Commissioner Clarke asked if employees received a cost of living increase. The response was no.

Commissioner Rembert asked whether the new approach, market-based compensation, accommodates those employees who might be experiencing salary compression. The response was that what staff was trying to avoid was compression at the low end. It was stated that what the system tries to do to some degree is compress employees around the market, which is why pay for performance increases are based on the market and not the current salary, so that people who are below the market rate will accelerate to the market quicker.

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

(3) MECKLENBURG COUNTY CAPITAL FUNDING RANGE GUIDELINES AND CMS RANGE OPTIONS

Director Weatherly addressed the Capital Funding Range Guidelines.

The presentation covered the following:

- The purpose of the Debt Management Guidelines
- Recommendations for FY07, 08, 09, and 10 bond ranges

_Notices noted that staff would come back at a later date with a final recommendation._

- Projection assumptions

_Notices noted that the impact of Paygo and Lottery funds were not included in the projections._

- A list of the guidelines and use

The guidelines noted were

- Debt as a percentage of assessed valuation
- Debt per capita
- Debt service as a percentage of the operating budget
- The capital range setting process
- The capital range parameters
- County capital range
- Effect of limit on percentage of assessed value
- Effect of limit on debt per capita
- Effect of limit on percentage of operating budget
- Other considerations, such as unreserved general fund balance and ten-year payout ratio
- Charlotte-Mecklenburg Schools (CMS) capital range
- CMS range options

_Commissioner Clarke left the meeting during this part of the presentation and was absent for the remainder of the meeting._

- The Education Budget Advisory Committee recommendations
- The next steps, which was to consider Board feedback, answer questions and bring back a final recommendation to the Board.

Comments
Chairman Helms said it appears to him that if the Board uses these guidelines it would generate over the next four years the capital funds needed to keep the County on track based on CMS’ capital needs assessment.

General Manager McGillicuddy said another way to say this would be that using these guidelines would frame for the Board and the Board of Education the expectations about the annual spending that would be appropriate for the County to maintain its AAA bond rating.

Commissioner Rembert asked about the retirement of debt and how it’s factored in. Director Weatherly explained.

Chairman Helms encouraged Board members to review the guidelines and to provide feedback to staff.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert, and carried 6-0 with Commissioners Bishop, 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 5:20 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
ATTENDANCE

Present:  Vice-Chairman Wilhelmenia I. Rembert and Commissioners
         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:  Chairman H. Parks Helms and Commissioner J. Daniel Bishop

-INFORMAL SESSION-

Vice-Chairman Rembert called the meeting to order, after which the following matters were addressed:

(1) STAFF BRIEFINGS - NONE

(2) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-2 with Commissioners Clarke, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners James and Puckett voting no, to go into Closed Session to discuss Business Location and Expansion.

The Board went into Closed Session at 5:25 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. Only one item was identified, Item 29.

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

-FORMAL SESSION-

Vice-Chairman Rembert called this portion of the meeting to order.

Invocation was given by Commissioner James, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the following matters were addressed:
CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) ALCOHOL AWARENESS MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating April 2006 as Alcohol Awareness Month.

The proclamation was read by Commissioner Woodard and accepted by Dr. Wynn Mabry, Mecklenburg County Health Director.

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

(1B) WEEK OF THE YOUNG CHILD

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating April 2-8, 2006 as the Week of the Young Child.

The proclamation was read by Commissioner Clarke and accepted by Kim Vanover with the N.C. Association for the Education of Young Children-Southwest and Barbara Rein with Smart Start of Mecklenburg County.

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

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

(1C) FAIR HOUSING MONTH

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 6-0 with Commissioners James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating April 2006 as Fair Housing Month.

The proclamation was read by Commissioner Roberts and accepted by Chapin Ferguson, Chair of the Charlotte-Mecklenburg Community Relations Committee.

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

(1D) SCOTTISH HERITAGE MONTH

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and carried 6-0 with Commissioners James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating April 2006 as Scottish Heritage Month.

The proclamation was read by Commissioner Puckett and accepted by Bob Deaton, Chairman of the Catawba Valley Scottish Society, Inc. Board of Directors.

Mr. Deaton shared a stewardship report on Rural Hill Farm – Center of Scottish Heritage after the adoption of the proclamation.

A copy of the proclamation is on file with the Clerk to the Board.
Commissioner Clarke returned to the dais.

(2) PUBLIC APPEARANCE

No one appeared to speak during public appearance.

(3) APPOINTMENTS

AUDIT REVIEW COMMITTEE

The vote was taken on the following nominees for appointment to the Audit Review Committee:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Appointees</th>
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<tbody>
<tr>
<td>Mary Boyd</td>
<td>None</td>
</tr>
<tr>
<td>Mercer Ward Simmons</td>
<td>Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard</td>
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</tbody>
</table>

Vice-Chairman Rembert announced that Mercer Ward Simmons was appointed to the Audit Review Committee for a three-year term, expiring April 30, 2009.

BOARD OF EQUALIZATION AND REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Appointees</th>
</tr>
</thead>
<tbody>
<tr>
<td>JoAnne Allen</td>
<td>Commissioners James, Puckett, and Woodard</td>
</tr>
<tr>
<td>Aretha Blake</td>
<td>Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard</td>
</tr>
<tr>
<td>Jack Morgan</td>
<td>Commissioners Clarke, James, Mitchell, Rembert, Woodard</td>
</tr>
<tr>
<td>Meredith (Dick) Stoever</td>
<td>Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard</td>
</tr>
</tbody>
</table>

Vice-Chairman Rembert announced that Aretha Blake, Jack Morgan, and Meredith (Dick) Stoever were appointed to the Board of Equalization and Review for one-year terms, expiring April 7, 2007.

Note: They replace Kenneth Hammond, Victoria Matias, and Doug Wynn.

Selection of Board of Equalization and Review Chairman

Commissioner James nominated Kenneth Friedman to serve as Chairman of the Board of Equalization and Review.

There were no other nominations.

The vote was as follows: Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes.

Vice-Chairman Rembert announced that Kenneth Friedman was appointed Chairman of the Board of Equalization and Review for the duration of his existing term.

REGION F AGING ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Region F Aging Advisory Committee:
Vice-Chairman Rembert announced that Katie Spegal was appointed to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2008.

WASTE MANAGEMENT ADVISORY COMMITTEE

The vote was taken on the following nominee for appointment to the Waste Management Advisory Committee:

Mary Beth Ogle Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Vice-Chairman Rembert announced that Mary Beth Ogle was appointed to the Waste Management Advisory Committee to fill an unexpired term expiring October 5, 2007.

Note: She replaces Steve Thomas.

(3B) NURSING HOME COMMUNITY ADVISORY

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Nancy Hough to the Nursing Home Community Advisory Committee for a three-year term, expiring March 30, 2009.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER’S REPORT REPORTING OF CHILD ABUSE

The Board received a report from County Manager Jones on notification procedures regarding Charlotte-Mecklenburg Schools (CMS) and the Department of Social Services with respect to suspected child abuse matters, in light of recent allegations involving a CMS employee.

County Manager Jones noted the following:

- N. C. Law requires all persons or institutions who suspect child abuse to report the case to the Director of Social Services.
- The Department of Social Services has a hotline for the purpose of reporting suspected child abuse, 704-336-2273.
- The County receives in excess of 8,000 reports of child abuse, neglect, and dependency each year.
- The N. C. Juvenile Code establishes the scope of the government’s authority to intervene in families for the purposes of protecting children, regardless of whether the family wants assistance.
- Accordingly, under the N.C. law, if the allegation of abuse, neglect, or dependency involves a parent, guardian, caretaker, or custodian, the Department of Social Services has the authority to investigate and to file court actions to remove children from these individuals for the purpose of keeping the children safe.
- Investigations of allegations of child abuse against an individual who is not a child’s parent, guardian, caretaker, or custodian, are not within the jurisdiction of the Department of Social Services under the N.C. Juvenile Code. Instead, these allegations are covered
under the criminal laws of N.C. because the purpose of the law is to bring potential criminals to justice, not to intervene in the family setting, which is the role of the Department of Social Services.

- When the Department of Social Services receives an abuse referral involving someone other than the parent, guardian, caretaker, or custodian, the Department of Social Services (DSS) is obligated by law to notify the appropriate law enforcement agency and the District Attorney or his designee.
- It is up to law enforcement and the prosecutor to investigate and to determine whether charges should be filed and individuals should be prosecuted.

County Manager Jones said also that there was a confusing editorial in a recent Saturday edition of the Charlotte Observer that needed clarifying. County Manager Jones said the editorial read, that N.C. law is flawed in that it requires child abuse involving janitors to be reported to DSS but not child abuse involving teachers. He said it further stated, “It just doesn’t make sense to report suspicions about janitors to Social Workers and not teachers, who spend more time with children.”

County Manager Jones said the term “custodian” as used in the Juvenile Code does not mean janitor. He said a “custodian” in this context means a person who has assumed custody of a child.

County Manager Jones then addressed the recent matter involving a CMS employee. He informed the Board that as a result of several Board member inquiries regarding the role of the Department of Social Services in this matter, he asked Deputy County Attorney Sandra Bisanar to look into this matter with respect to the Department of Social Services involvement, if any. County Manager Jones said Attorney Bisanar reported her findings to the Board in a memorandum dated March 27, 2006.

County Manager Jones said the Department of Social Services fulfilled its role in accordance with N. C. law and its own procedures.

County Manager Jones said on March 30, 2006 he sent a letter to the District Attorney with a copy of recent written news accounts, a copy of the memorandum sent by the School Superintendent to her Board, and a copy of the memorandum from Deputy County Attorney Bisanar.

County Manager Jones said the District Attorney has in his possession specific information with respect to the referrals made to the Department of Social Services in December 2005 and February 2006 for the “case at hand.”

County Manager Jones said he has asked the District Attorney for suggestions, if any, on changes that the Department of Social Services could make in its procedures for the future handling of cases.

County Manager Jones said he also talked with Superintendent Frances Haithcock regarding this matter and invited Dr. Haithcock to meeting to address any questions and to discuss the procedures followed by CMS.

County Manager Jones said the Department of Social Services and CMS have a “strong” cooperative relationship.

Vice-Chairman Rembert invited Dr. Haithcock to the podium to review the procedures followed by CMS.

Dr. Haithcock noted the following with respect to allegations involving a teacher at Bradley Middle School, Mr. Grubbs.

- The appropriate procedures were in place and were followed by CMS.
- On April 7, 2005 the principal at Bradley Middle School was notified by a parent regarding an allegation of inappropriate conduct by Mr. Grubbs (teacher) that occurred in
Myrtle Beach, S.C.

- The principal immediately contacted CMS Employee Relations and CMS Law Enforcement.
- Also, on April 7, 2005 Mr. Grubbs was suspended with pay and was barred from the campus and any CMS activity, pending the outcome of the internal investigation.
- The internal investigation was launched immediately by CMS Law Enforcement.
- CMS Law Enforcement informed the Huntersville Police Department about the allegation and invited the Huntersville Police Department to participate in the investigation.
- This type of communication between CMS Law Enforcement and other local law enforcement agencies in joint investigations is “common place” when dealing with this type of investigation.
- The Huntersville Police Department informed CMS Law Enforcement that it would not participate in the investigation because of a lack of jurisdiction since the alleged incident took place in Myrtle Beach, S. C.
- It was CMS’ Law Enforcement understanding that the Huntersville Police Department would contact law enforcement officials in Myrtle Beach.
- The Huntersville Police Department has said that it was their understanding that CMS Law Enforcement officials would contact Myrtle Beach officials because when they offered to contact Myrtle Beach on behalf of CMS, CMS declined the offer.
- CMS continued to investigate the allegations as a personnel matter.
- Mr. Grubbs resigned effective May 6, 2005, and as a result of that resignation the CMS investigation as a personnel matter was closed.
- CMS has, however, sent this information to the State for further action as the investigation proceeds.
- In late 2005 new allegations about Mr. Grubbs surfaced and a criminal investigation was launched by the Huntersville Police Department.
- In keeping with state law and CMS protocol, CMS required a written subpoena or court order prior to sharing confidential personnel records with the Huntersville Police Department, which was subsequently shared.
- CMS did not contact the Department of Social Services.
- Although CMS was not required to contact the Department of Social, as advocates for children “we must hold ourselves to a higher standard.” As such, CMS Law Enforcement has been instructed to report any and all allegations of child abuse to the Department of Social Services, even though they will in turn, in cases like the Grubbs case, report it immediately to the local police department, as CMS will do also.
- Child Abuse is a significant problem and is “uncacceptable.”
- CMS is currently reviewing all of its procedures with respect to these types of issues and if there are “problems” that need to be fixed, CMS will do so.
- In the future CMS will make sure each involved agency is clear on who’s doing what and that information will be documented.
- The facts show that CMS acted promptly to ensure the health and welfare of its students by immediately suspending Mr. Grubbs and barring him from any school grounds and activities, and by contacting the Huntersville Police Department.
- CMS will improve any situation that it can to have better communication in working together to solve these types of problems.

Comments

Commissioner James asked has or will CMS’ new procedure of contacting the Department of Social Services with respect to allegations against its staff be placed in writing. The response was yes.

Commissioner James said a question that needs to be answered is whether or not a teacher is a caretaker or custodian in “some meaningful way.”

Commissioner James encouraged Dr. Haithcock to involve the appropriate County staff as it moves forward with reviewing and revising its procedures, so that there will be some common understanding of terms used.
Commissioner Puckett said that he has asked the County Manager to give the Board his opinion on whether or not the Board needs to broaden or better define the term “caretaker,” which may require legislative action. Commissioner Puckett said he would appreciate receiving feedback from CMS on this issue as well.

Commissioner Puckett said it needs to be made very clear as to who gets reported to the Department of Social Services.

Commissioner Puckett asked for clarification on whether there is any legal requirement that would require a sworn officer to report an alleged allegation to the proper jurisdiction.

Attorney Bisanar said she would check into this and report back to the Board.

Attorney Bisanar said with respect to child abuse matters that are reported to the Department of Social Services not involving a parent, guardian, caretaker, or custodian, the Department of Social Services has a legal obligation to report those matters to the appropriate law enforcement agency with jurisdiction within 24 hours. The Department of Social Services also has the legal obligation to turn that information over to the District Attorney or his designee in writing and by phone.

Board of Education General Counsel Maurice Green said that he would work with Attorney Bisanar on getting an answer to Commissioner Puckett’s question.

Commissioner Puckett said he would also like to know whether the Myrtle Beach Police Department could take any action with only an alleged perpetrator’s name.

Vice-Chairman Rembert asked County staff and CMS staff to follow up with Commissioner Puckett regarding his questions with respect to who has responsibility for what from a legal perspective.

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

Vice-Chairman Rembert thanked Dr. Haithcock for appearing before the Board.

County Manager Jones said he has asked Attorney Bisanar to have an answer to the question regarding the legal obligations of one law enforcement agency to another with respect to the reporting of allegations by mid-afternoon on Wednesday, April 5, 2006. Also, that because of the community’s interest in this matter, that response will also be available through the County’s Public Service and Information Office.

Attorney Bisanar said that she was informed by Chief Deputy Bailey that there was not a statute requiring notification by one law enforcement agency to another, but it is a practice under “common law.” It was stated that if a felony is known to be committed and the agency knowing of the felony chooses not to investigate, then there is an obligation to notify the agency that has proper jurisdiction.

Commissioner Puckett returned to the dais.

Attorney Bisanar said she would put her findings in writing to the Board.

CONSENT ITEMS

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried, with Commissioners Clarke, James, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Item 29 to be voted upon separately:
(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 21, 2006 and Budget/Public Policy Meeting held March 14, 2006 and Closed Session minutes of March 21, 2006.

(8) SET PUBLIC HEARING: NC DEPT. OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT APPLICATION

Publish notice of intent to hold a public hearing and schedule a public hearing at the April 18, 2006 Board of County Commissioners meeting to receive comments on the Mecklenburg County Department of Social Services’ grant application for the NC Department of Transportation’s Rural Operating Assistance Program for Fiscal Year 2006-2007.

(9) DISPOSAL OF EQUIPMENT

Declare a truck scale currently in use at the County’s Metal and Tire Facility, 5470 Rozzellles Ferry Rd., that is in deteriorating condition, including varying degrees of corrosion around the weigh bridge and internal structural supports, as surplus; and approve disposal of the surplus equipment.

Note: The scale cannot be maintained within acceptable tolerance levels required by the Weights and Measurements division of the North Carolina Department of Agriculture and Consumer Services.

(10) PROFESSIONAL SERVICES AGREEMENT FOR FLOODPLAIN ACQUISITIONS

Authorize the County Manager to negotiate and execute a contract with THC Inc. to provide professional land acquisition services.

Note: This action is necessary to procure professional land acquisition services to implement $4,450,949 in voluntary floodplain buyouts as part of numerous Hazard Mitigation Grants approved at the November 1, 2005 BOCC meeting.

(11) FEDERAL EMERGENCY MANAGEMENT AGENCY - FLOODPLAIN MAPPING ACTIVITY STATEMENT

Authorize the County Manager to negotiate and execute a Floodplain Mapping Activity Statement with the Federal Emergency Management Agency.

Note: Charlotte-Mecklenburg Storm Water Services has been working with the Federal Emergency Management Agency (FEMA) for years to receive delegation to locally review and process floodplain Letters of Map Change (LOMCs). These LOMCs make conditional and permanent changes to our Flood Insurance Rate Maps, which are used for floodplain management activities such as rating flood insurance, regulating development, assessing existing flood risk, etc. On July 1, 2006 Charlotte-Mecklenburg Storm Water Services will be the first local government in the country to be given the authority to process LOMCs as part of a 1 year FEMA pilot program. It is anticipated that the agreement would be renewed on an annual basis thereafter. Also, this action is necessary to negotiate and execute a Mapping Activity Statement (MAS) with FEMA to allow the County’s Flood Mitigation Program to assume the responsibility for LOMCs in Mecklenburg County, the City of Charlotte, and all six towns. In addition the MAS will define our roles, responsibilities, and contractual obligations. FEMA will provide funding to Mecklenburg County through a Flood Map Modernization Management Support Grant Agreement, based on the actual cost for processing LOMCs.
(12) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT - GRANT APPLICATION

Authorize the County Manager to submit a grant application in an amount up to $650,000 to the North Carolina Division of Emergency Management for the acquisition of two floodprone Structures within the McMullen Creek floodplain.

(13) PROFESSIONAL SERVICES AGREEMENT FOR FLOOD MITIGATION SERVICES

Authorize the County Manager to negotiate and execute a contract with Watershed Concepts to provide professional engineering services for flood mitigation.

(14) PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES - STREAM RESTORATION

Authorize the County Manager to negotiate and execute a contract with Kimley-Horn and Associates, Inc. to provide professional engineering services for a Stream Restoration Project, one mile in length, on Four Mile Creek upstream of Providence Road.

Note: The purpose of this project is to control erosion and scouring of the channel, provide a stable aquatic habitat, improve water quality, and enhance vegetated buffers along the channel.

(15) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $6,594 for the Sheriff’s Office and $3,093 for Park & Recreation for stolen and damaged items.

(16) FUNDING ADJUSTMENTS - AREA MENTAL HEALTH

- Approve, recognize, receive and appropriate recurring State funds in the amount of $56,000 for Adult MH HUD Housing.
- Approve, recognize, receive and appropriate State funds in the amount of $238,323 for Developmental Therapy.
- Approve, recognize, receive and appropriate increase of State funds in the amount of $200,000 for Children’s Developmental Services Agencies (CDSA).

(17) GOVERNMENT DISTRICT PARKING DECK - RETAIL TENANT LEASE - QUIZNOS SUB FRANCHISEE

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Nalinkumar Patel, a Quiznos Sub Franchisee.”

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

(18) ELON PARCEL GRADING PROJECT

Adopt the “US 521 Landfill Improvements Capital Reserve Project Ordinance;” and authorize the County Manager to negotiate and execute a contract for the Elon Parcel Grading Project with Thalle Construction Company, Inc. in the amount of $2,730,560.
(19) **LITTLE SUGAR CREEK GREENWAY - PHASE IA - CSX UNDERPASS - CONSTRUCTION CONTRACT**

Award a construction contract to Blythe Development Co. for a total amount of $885,148.75 for the Little Sugar Creek Greenway-Phase Ia-CSX Underpass.

*Note: The project is located near Belmont Avenue and Alexander Park. The proposed work includes the installation of a portion of the LSC Greenway that includes asphalt and concrete paving, retaining walls, safety rails, a pedestrian bridge, and a covered pedestrian underpass below a CSX railway trestle.*

(20) **PUBLIC ART PROGRAM - INTERIM REPORT ON FY2006 ANNUAL WORK PLAN**

Receive as information an interim report on the Annual Work Plan of the Public Art Program.

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

(21) **LUESA NORTH SATELLITE - LEASE SPACE**

Authorize the County Manager to negotiate and execute a lease renewal with Keith A. Spring for the Land Use and Environmental Services Agency’s (LUESA) satellite office in the northern part of the County.

(22) **GOVERNMENT DISTRICT PARKING DECK - RETAIL TENANT LEASE - BACK BY FIVE DRY CLEANERS**

Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to Sheila Murphy, owner of Back by Five Dry Cleaners.”

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

(23) **SHEFFIELD NEIGHBORHOOD PARK RENOVATIONS & ADDITIONS - CONSTRUCTION CONTRACT**

Award a construction contract to T. K. Browne Construction Company, Inc. for a total amount of $373,448 for Sheffield Neighborhood Park renovations & additions.

(24) **MEDICAID TRANSPORTATION SERVICES BUDGET AMENDMENT**

Amend the Department of Social Services’ FY 06 budget to recognize additional revenues (Federal revenues of $1,274,000 and State revenues of $618,000) and expenditures for Medicaid transportation services.

(25) **TAX REFUNDS**

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $29,250.24 resulting from clerical errors, audits, and other amendments.

*A list of the refund recipients is on file with the Clerk to the Board.*
(26) GAS CAP REPLACEMENT AGREEMENT RESOLUTION

1. Adopt a resolution as required by the North Carolina Department of Transportation empowering the County Manager to sign and execute the CMAQ Agreement between the County and the Department of Transportation. The resolution reads:

WHEREAS, the County has requested enhancement funding for a gas cap replacement program to produce quantifiable reductions in volatile organic compounds. MECKLENBURG COUNTY AIR QUALITY to recruit inspection stations to include a gas cap test as part of regular state emissions test in Charlotte, Mecklenburg County, North Carolina; and,

WHEREAS, the Department of Transportation has programmed funding in the 2006-2012 Transportation Improvement Program, as revised, for said program under Project C-4964, Mecklenburg County; and,

WHEREAS, the County proposes to enter into an Agreement with the North Carolina Department of Transportation for said project as described in said Agreement; and,

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the County to the extent of sixty-three and eight tenths percent (63.8%) of the approved eligible costs up to the maximum federal amount of $89,500; and,

WHEREAS, the County shall provide thirty-six and two tenths percent (36.2%) matching funds, and the County shall be responsible for all costs that exceed the federal amount of $89,500.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project C-4964 in Mecklenburg County is hereby formally approved by the Board of Commissioners of the County of Mecklenburg and that the County Manager and Clerk of this County are hereby empowered to sign and execute this Agreement between the County and the Department of Transportation.

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

2. Approve the submission of a contract application for $89,500 in federal Congestion Mitigation for Air Quality funds. Upon award of the grant, recognize, receive and appropriate the grant award.

3. Authorize appropriations to be carried forward to subsequent years until completion of project.

(27) KILBORNE PARK LAND ACQUISITION

Approve purchase of 2.711-acre Tax Parcel 101-163-36 off Temple Lane from the North Carolina District Council of the Assemblies of God for $113,800.

Note: This purchase will expand Kilborne Park.

(28) LINCOLN HEIGHTS LAND ACQUISITION

Authorize the purchase of Tax Parcel 075-043-04 on Irma Street from Willie Mae R. Young for $12,000.

Note: The property is part of an assemblage for the Lincoln Heights neighborhood park in Central Park District I.

(30) GOVERNOR’S CRIME COMMISSION GRANT APPLICATION

Approve the submittal of a grant application to the N.C. Department of Crime Control and Public Safety, Governor’s Crime Commission for 2nd year funding.
Note: The Board approved first year funding 8/9/05. If second year funding is awarded, the grant will be used for child dependency mediation through the Community Relations of City of Charlotte Dispute Settlement Department.

The required local match of $36,207 will be funded by the City of Charlotte and the Administrative Office of the Courts.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(29) GOVERNOR’S HIGHWAY SAFETY PROGRAM GRANT/ DWI COURT

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve submission of a $584,773 grant application for a Driving While Intoxicated (DWI) Court Grant from the Governor’s Highway Safety Program.

Note: Per the discussion at the Board’s 2006 Strategic Planning Conference, staff researched the creation of a Driving While Intoxicated (DWI) Court. This grant, if awarded, would be used to offset the cost of establishing a DWI Court in Mecklenburg County. Funding will be used primarily for personnel costs associated with operating this problem-solving court (i.e., an assigned judicial officer, two district attorneys, two legal assistants, two clerks of court, two courtroom deputies, and a public defender).

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

County Manager Jones pointed out that a local match would be required and that the contribution for the local match would increase over a period of five years and at the end of the five-year period the County would assume the full cost of the program. County Manager Jones said during the five-year period staff would evaluate the program with respect to its success.

STAFF REPORTS AND REQUESTS

(31) PARTNERS FOR PARKS, INC. LITTLE SUGAR CREEK PRESENTATION

The Board received a video presentation about Little Sugar Creek greenway, which was presented by Joe Cogdel, on behalf of Partners for Parks, Inc.

Note: Partners for Parks, Inc., working with the Park and Recreation Department, was instrumental in producing a promotional DVD about the mission, history, progress, future goals and needs for the developing project to create the greenway on Little Sugar Creek. Amenities for residents and businesses in the community at large are emphasized as is the opportunity for community support and participation.

Commissioner James returned to the dais during the presentation.

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

Note: Commissioner Woodard suggested that copies of the DVD be placed in libraries and Vice-Chairman Rembert suggested they be placed in Schools as well.
(32) TEMPORARY ACCESS DRIVEWAY TO WHITEWATER CENTER

Nancy Brunnemer with Real Estate Services and Jeff Wise with the U.S. National Whitewater Center addressed Whitewater’s request for a temporary access driveway at Tax Parcel 053-101-02 off Charlie Hipp Road to U.S. National Whitewater Center.

Mr. Wise informed the Board that Whitewater was withdrawing its request for a temporary access driveway at Tax Parcel 053-101-02 off Charlie Hipp Road. Mr. Wise said as a result of meetings held since the Board’s March 21, 2006 meeting, Whitewater has decided to pursue other options.

Scott Cronwell, who lives on Hawfield Road said he was supportive of the access being off of Hawfield Road.

Ron McLeod, who lives on Hawfield Road said he was opposed to the use of Hawfield Road. Mr. McLeod said he has already experienced lots of problems with construction and utility vehicles using Hawfield Road. He said the edges of his property is being eroded as a result of vehicles driving up on his property to pass one another on the road. He said he has complained to the City but nothing has been done. Mr. McLeod said Hawfield Road residents have the same concerns as the residents on Charlie Hipp Road. Mr. McLeod said if Hawfield Road was going to be used as the temporary access to the Whitewater Center, he would like to see in writing who’s responsible for what and also what type of improvements will be done to the road.

Donald Tyson, on behalf of the residents on Charlie Hipp Road, thanked the Board for deferring this matter at its March 21, 2006 meeting and for looking into this matter. He also thanked County staff and Whitewater officials for meeting with the residents of the Charlie Hipp Road community and for getting this matter resolved.

It was noted that since the U.S. National Whitewater Center has withdrawn its request to use a portion of County property for its temporary access to the Center, the County is no longer involved in the access issue.

Residents of Hawfield Road were encouraged to follow up and address their concerns with the State, City of Charlotte, and/or Whitewater officials.

(33) PROJECT BRYTON

Commissioner Clarke asked to be excused from participating in the discussion and vote on Item 33, Project Bryton, in order to avoid a conflict of interest.

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and carried 6-0 with Commissioners James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to excuse Commissioner Clarke from participating in the discussion and vote on Item 33, Project Bryton.

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

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and carried 6-0 with Commissioners James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to receive a report from the Economic Development Committee and authorize the County Manager to work with the Town of Huntersville and Project Bryton’s developers to outline conceptual business terms pursuant to a joint economic development agreement.

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

Commissioner Clarke returned to the dais.
COUNTY COMMISSIONERS REPORTS AND REQUESTS – NONE

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Puckett, and unanimously carried with Commissioners Clarke, James, Mitchell, Puckett, Rembert, Robert and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:45p.m.

Janice S. Paige, Clerk                                Wilhelmenia I. Rembert, Vice-Chairman
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 John McGillicuddy, Clerk to the Board Janice S. Paige

Absent: Chairman H. Parks Helms and Commissioner Bill James

Commissioners Bishop, Clarke 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. Vice-Chairman Rembert noted, however, that the meeting would not be officially called to order until the arrival of another Commissioner. Staff was directed to proceed.

BUSINESS IMPERATIVES

General Manager John McGillicuddy noted the topics of discussion, Business Imperatives and Reserves – Fleet, Capital, and Technology.

He then called upon Budget/Management Director Hyong Yi to proceed with the agenda.

The presentation addressed the following:

- What is a Business Imperative?
- Ties to the Scorecard Perspectives
- The County’s Business Imperatives
- Managing the Business
- Reserves – Why have a Reserve?
- Capital Reserve

Commissioner Clarke entered the meeting during the discussion of Capital Reserve, thus the meeting was officially called to order.

- Capital Asset Portfolio and Analysis
- Status of Capital Reserve
- FY2007 Project Spending

Commissioner Woodard entered the meeting during the discussion of FY2007 Project Spending.

- Technology Reserve
  - Type of IT Investments
A written copy of the presentation is on file with the Clerk to the Board.

Comments

Commissioner Roberts asked how many new facilities would be coming on-line in fiscal year 07. Staff could not give a specific number but noted that the major facility would be the new courthouse. Preliminary estimates indicate that it’ll take $4.5 million to maintain and operate the new courthouse. There would also be new parks and recreation facilities coming on-line.

Commissioner Clarke asked about the Current Replacement Value figure of $185,800,000 that was shown on the section of the handout titled Capital Asset Portfolio for the replacement of all of the county’s facilities. Staff noted that the new courthouse was not included in the assessment. Also, that the assessment was done by an outside consultant.

Commissioner Clarke asked if the current replacement value figure included the jail. The response was no.

Note: Staff was asked to provide the Board with information on what facilities were included in the current replacement value assessment. It was noted that it only includes those county owned facilities that are maintained by the County’s Buildings and Grounds division, such as the Kuralt Centre and Hal Marshal Center. Staff will provide the Board with more detail.

Commissioner Mitchell asked about the impact of higher fuel cost. It was noted that General Services’ budget had to be increased. Its been estimated that for this fiscal year General Services would need an additional $600,000 in order to cover fuel cost and for FY07 it’s being projected that there will need to be an increase of $290,000. It was noted also that the County’s utility cost has increased significantly.

Commissioner Roberts asked whether the recommendation to reduce fleet size by 49 vehicles was the result of the Fleet Rightsizing Study. The response was yes.

Commissioner Puckett asked about the age of the fleet and mileage at the time of replacement, which was addressed by Jim Cathey with General Services. It was noted that 100,000 miles is the point at which the vehicle is evaluated for replacement but according to the consultants the best mileage mark for evaluating replacement is between 75,000 – 90,000 miles.

Commissioner Puckett asked whether employees take cars home. The response was yes, some do.

Commissioner Puckett asked were employees who live outside of Mecklenburg County allowed to take vehicles home. The response was yes. Commissioner Puckett said he was a little uncomfortable with that practice.

Commissioner Clarke asked about the mileage reimbursement recommendation and whether employees could be made to use their own vehicles. The response was that this would have to be a business/policy decision.

Commissioner Clarke noted that if this occurs the County would be subject to the employee’s upkeep with the maintenance of their vehicle. It was noted that in some instances this would not work because some vehicles have special equipment installed, such as computers. There is also the issue of safety, especially for social workers, who prefer to be in marked cars. Commissioner Clarke said this recommendation may not be a simple as it may seem.
Commissioner Roberts asked about the use of hybrid vehicles. *It was noted that additional hybrids will be purchased for use by Environmental Protection.*

Commissioner Roberts asked for confirmation on whether the County has a no idling policy. *The response was yes, as a part of the Air Quality Pilot Project. It was noted that in order to enforce this, County vehicles would have to be equipped with special monitoring equipment. The cost of such equipment would be around $400 per unit.*

Commissioner Woodard asked about the auctioning of used County vehicles. *Jim Cathey explained how the process works and said the County usually does well.*

Commissioner Woodard asked if the auction proceeds went into the general fund. *The response was yes but this may change. Staff is looking into other options such as the proceeds being placed in the Fleet Reserve or some other capital expenditure that relates to maintaining the vehicles.*

Commissioner Woodard requested a report on the amount of proceeds received from the auctions and where the funds have gone.

**Commissioner Bishop entered the meeting.**

Commissioner Mitchell said he would recommend that the auction proceeds go into the Fleet Reserve.

Commissioner Puckett asked whether the current replacement value information included anything for Freedom Mall. *The response was no.*

This concluded the discussion.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.*

**ADJOURNMENT**

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, 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 4:30 p.m.

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Janice S. Paige, Clerk

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Vice-Chairman Wilhelmenia Rembert
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 Clarke and Woodard were absent when the meeting was called to order and until noted in the minutes.

-INFORMAL SESSION-

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1A) STAFF BRIEFING – 2006 LEGISLATIVE AGENDA

Deputy County Attorney Sandra Bisanar presented the proposed 2006 Legislative Agenda for the Board’s consideration. The Board took the following actions:

Juvenile Detention

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, and Roberts voting yes, to include in the Mecklenburg County 2006 Legislative Agenda Package, the following local initiative with respect to Juvenile Detention, an Act or request to appropriate State funds to build in Mecklenburg County a juvenile detention facility to house both males and females.

Note: Commissioner Rembert was not present at the time of the above vote, but returned immediately afterwards.

School Personnel to Report Child Abuse

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to include in the Mecklenburg County 2006 Legislative Agenda Package, the following local initiative with respect to School Personnel to Report Child Abuse, an Act or request to amend GS115C-400 to require school administration to report suspected child abuse allegedly perpetrated by school personnel to the appropriate law enforcement agency, to the child’s parents
and to the Department of Social Services within 24 hours of learning of the suspected child abuse, and require the appropriate law enforcement agency to initiate a criminal investigation within 48 hours.

Commissioner Clarke entered the meeting.

Cultural Facilities Funding

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, James, and Puckett voting no, to include in the Mecklenburg County 2006 Legislative Agenda Package, the following local initiative with respect to Cultural Facilities Funding, an Act or request for an increase in rental car tax to help fund a comprehensive cultural facilities program in Mecklenburg County.

Nursing Home and Adult Care Home Community Advisory Committees

Motion was made by Commissioner Rembert, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert and Roberts voting yes, to include in the Mecklenburg County 2006 Legislative Agenda Package, the following local initiative with respect to Membership on Nursing Home and Adult Care Home Community Advisory Committees, an Act or request to allow persons with relatives in a Nursing Home and/or Adult Care Home facility to serve on the Nursing Home or Adult Care Home Community Advisory Committee, but that they do not participate in committee visits to facilities where their relatives reside.

Criminal Justice Funding

Motion was made by Commissioner James, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert and Roberts voting yes, to include in the Mecklenburg County 2006 Legislative Agenda Package, the following Statewide initiative with respect to the Criminal Justice Funding Recommendation, the Board’s support for the Chief Justice’s budget request that would provide for additional Assistant District Attorneys, personnel for the Clerk of Superior Court, and technology and equipment enhancements.

Medicaid Relief

Medicaid Relief – Support NC Association of County Commissioners’ (NCACC) efforts.

The Board discussed this matter but took no action with respect to this request. Finance Director Harry Weatherly assisted Attorney Bisanar in this presentation. The following was noted during the discussion of this matter:

- The proposal would require counties to enact a one cent sales tax.
- The proceeds from the one cent sales taxes already in effect would be retained by the State of N. C. to fund Medicaid.
- In Mecklenburg County that would generate to the County, using State numbers, $90 million.
- Mecklenburg County would still receive the $90 million it would have received from the first one cent sales tax by the implementation of this new additional one cent sales tax.
- The County would lose the State’s number of $30 million in expenditures from its budget.
- The legislation also requires counties to “hold harmless” the municipalities within that jurisdiction from their lost of sales tax.
- The total amount in sales tax that comes to Mecklenburg County from the original one cent sales tax is approximately $135 - $140 million, which the County gets $90 million of.
- In order to hold the towns “harmless” the Board would have to implement the new one cent sales tax, otherwise the “hold harmless” provision requires the County to begin to distribute up to $45 - $50 million to the City and the towns.
The NCACC Board of Directors considered the proposal but did not take a vote. Although a vote was not taken it appeared from the discussion that it would have been about an even split for and against.

Another NCACC Board of Directors meeting is coming up and this matter will be discussed again. Commissioner Clarke, a member of the NCACC Board of Directors said he plans to vote against the proposal.

Commissioner Clarke said he was opposed to the County increasing its sales tax “essentially by a full penny” to cover the cost of Medicaid.

Chairman Helms said it appears to him that the General Assembly, through the Tony Rand proposal, is shifting the responsibility for raising the tax to the counties. He said the enticement is that the County would lose the $30 million expenditure.

Chairman Helms said the Board needs to give thought to this matter.

County Manager Jones said according to an analysis done by the NCACC staff about 80 of the 100 counties would benefit from the Rand proposal but Mecklenburg and other larger counties would not benefit as much.

Chairman Helms said he thinks everyone can support efforts to deal with Medicaid that’s fair.

Commissioner James said he could support efforts if those efforts don’t require counties to raise taxes.

Commissioner Mitchell said consideration should be given to how this would benefit “low wealth” counties and that “we” should be “sympathetic” to that.

**Day Care Funding**

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and carried 6-2 with Commissioners Clarke, Helms, James, Mitchell, Rembert and Roberts voting yes and Commissioners Bishop and Puckett voting no, to include in the Mecklenburg County 2006 Legislative Agenda Package, the following Statewide initiative with respect to Day Care Funding, the Board’s support of the Department of Social Services Directors Association request with respect to Day Care Funding.

**HB 648/SB508 – Builders Discount Bill**

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert and Roberts voting yes, to include in the Mecklenburg County 2006 Legislative Agenda Package, the Board’s opposition to HB 648/SB508 – Builders Discount Bill.

**Commissioner Woodard entered the meeting.**

**Half Cent Sales Tax For School Construction**

Support legislation to allow referendum on half cent sales tax for school construction.

The Board discussed this matter but took no action. Chairman Helms and Commissioner Clarke suggested during the discussion that no action be taken until more is known with respect to what is going on in the General Assembly regarding this matter. Also, it was felt the Board needs more time to review this matter.

A copy of the proposed 2006 Legislative Agenda is on file with the Clerk to the Board.

(2A) (2B)  CLOSED SESSION – LAND ACQUISITION - 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 015-214-01 and 015-214-02
- Tax Parcel 075-043-30.
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 go into Closed Session to discuss the following matter: Land Acquisition.

It was noted that it would not be necessary for the Board to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 6:09 p.m. and came back into Open Session at 6:12 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 10, 11, 14, 15, and 16.

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

-FORMAL SESSION-

Invocation was given by Commissioner James, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) NATIONAL CHILD ABUSE AWARENESS AND PREVENTION 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 recognizing April 2006 as “National Child Abuse Awareness and Prevention Month” in Mecklenburg County.

The Board also through the adoption of the proclamation encouraged all citizens to support the “You CAN (Child Abuse and Neglect) Make A Difference” campaign to prevent and report suspected child abuse in Mecklenburg County.

The proclamation was read by Commissioner Rembert and received by Natalie Jones, Chairperson of the Child Fatality Team and Richard Jacobsen, Director of the Department of Social Services.

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

(1B) VOLUNTEER APPRECIATION WEEK

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 adopt a proclamation recognizing April 23-29, 2006 as Volunteer Appreciation Week in Mecklenburg County.

The proclamation was read by Commissioner Roberts and received by Richard Jacobsen, Director of the Department of Social Services.

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

The Board also recognized and thanked four outstanding DSS volunteers for their service to the
citizens of Mecklenburg County and the staff and customers of the Department of Social Services. They were:

**Ms. Emma Mark** selected as Volunteer of the Year by the Department of Social Services (DSS). Ms. Mark has volunteered in the Community Resources Office since October 2004, working on the holiday seasonal programs and matching customers with community donors for Thanksgiving and Christmas. She has been a dedicated volunteer for over 16 months now, having given over 198 hours of service to assist the citizens of Mecklenburg County. A former County employee, Ms. Mark now works for Wachovia. Wachovia is so supportive of volunteerism that Ms. Mark was encouraged to find somewhere to volunteer. She chose DSS because of her familiarity with the agency.

**Terry and Robert Garrard** contacted the DSS Community Resources Office and said they wanted to know if they could donate bread and other baked goods to the emergency food pantry that is housed at DSS. They deliver bread to DSS twice a week, and serve eight other nonprofits as well. On time off from their own business, they use their personal vehicles to collect the bread and pastries from five different locations and deliver them to nine separate destinations. They have delivered bread faithfully twice a week for ten months now, for a total donated value of close to $30,000.

**Talton Sanders** owns Sanders Furniture & Appliance Company, located in northwest Charlotte. For over 20 years, Mr. Sanders has been reconditioning donated appliances for DSS families and doing home repairs for elderly and disabled clients. He is an outstanding citizen who has chosen to spend his life serving the less fortunate residents of Mecklenburg County.

(1C) NATIONAL COUNTY GOVERNMENT WEEK

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 proclamation designating April 23-29, 2006 National County Government Week.

The proclamation was read by Commissioner James and received by Alex Burnett with Public Service and Information.

Note: Since 2000, Mecklenburg County has supported National County Government Week by hosting a community outreach celebration. The Public Service & Information Department is partnering with Eastland Mall to take County services to the people via “Mecklenburg at the Mall.” This year’s outreach event will be on Saturday, April 29 from 11:00 am to 3:00 pm and will include health screenings and immunizations as well as information booths featuring most of the services offered by Mecklenburg County.

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

(1D) BLUE DIAMOND AWARD

The Board recognized the Land Use and Environmental Services Agency (LUESA) Code Enforcement Division for receiving the 2006 Blue Diamond Award sponsored by Charlotte Chamber of Commerce for Best Information Technology Business Value.

Jerry Pinkard, Director of Information Services and Technology and Edward Prince, Director of Trades Inspections for LUESA addressed the award.

Note: Mecklenburg County Code Enforcement won the award “Best IT Business Value (small to medium)” for the creation of meck-si.com, a paperless special inspection management system. This is a comprehensive management system that serves as a working resource for architects, engineers, and the construction team. This system enables them to complete mandated Special Inspections, while minimizing the possibility of missing required steps, or violating the document retention policy. Although meck-si.com was originally intended to serve only the Department, it eventually evolved into a patented management system that any regulatory agency throughout the nation that adopts the International Building Code could utilize.
The winning team members included: Edward Prince, AIA, Esq., James N Bartl, AIA, Gene Morton, Patrick Granson, Jeff Rudisill, Brenda Hill, Jodie Barns, Kathleen Batey, and Geraldine Walton.

(2) PUBLIC APPEARANCE

The following person appeared to speak during Public Appearance:

Beth Marlin updated the Board on activities taking place at her medical clinic (Primary Health Care) located at 508 Beatties Ford Road and on her work with the Domestic Violence Advisory Committee.

Chairman Helms thanked Ms. Marlin for her work in the community.

A copy of handouts distributed by Ms. Marlin is on file with the Clerk to the Board.

(3) APPOINTMENTS

NURSING HOME COMMUNITY ADVISORY 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 waive the Board’s Advisory Board Appointment Policy to allow Alan Elam to be both nominated and appointed to the Nursing Home Community Advisory Committee at tonight’s meeting; and to likewise nominate and appoint Alan Elam to the Nursing Home Community Advisory Committee for a one-year term expiring April 18, 2007.

PARK AND RECREATION COMMISSION

Commissioner Woodard nominated all eligible applicants for the vacant Northeast and Southwest Park District slots. They were: John Barry, John Boatner, Tillie Clark, Dennis Dixion, Owen Furuseth, Jelese Lowe, Rodney Moore, Gary Rhinehart, and William Woodard.

Appointments will occur on May 3, 2006.

(4A) PUBLIC HEARING – NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT APPLICATION

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 open a public hearing to receive comments on the Mecklenburg County Department of Social Services’ submittal of a grant application to the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2006-2007. 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 public hearing and adopt a resolution/certified statement for the Mecklenburg County Department of Social Services to submit a grant application to the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2006-2007.

Resolution/Certified Statement is recorded in full in Minute Book 42-A, Document # _____.

6
(4B) REAL ESTATE EXCISE TAX REFUND REQUESTS

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 hold a hearing on the following requests by:

1. Ryland Title Company for reimbursement of North Carolina excise tax in the amount of $588.

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 requests for reimbursement of North Carolina excise taxes by Ryland Title Company in the amount of $588 and McMillan & Terry, P.A. in the amount of $929 and approve reimbursements.

(2A1) LAND ACQUISITION - JONES LAND ACQUISITION AT GAR CREEK

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and carried 8-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, and Commissioner Bishop voting no, to approve purchase of Tax Parcels 015-214-01 (0.68 acre) and 015-214-02 (0.69 acre) encompassing +/- 1.37 acres along Gar Creek for $52,000 from David A. and Shirley A. Jones.

Note: The subject properties are part of the County’s on-going assemblage of land along Gar Creek for open space preservation and watershed protection.

(2A2) LAND ACQUISITION - LINCOLN HEIGHTS

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 authorize the purchase of Tax Parcel 075-043-30 at 2012 Jennings Street from Phillip Osborne for $7,000.

Note: The property is part of an assemblage for a neighborhood park in Central Park District 1, Lincoln Heights.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER'S REPORT - NONE

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 item(s) with the exception of Items 10, 11, 14, 15, and 16 to be voted upon separately.

(7) APPROVAL OF MINUTES
Approve minutes of Regular Meeting held April 4, 2006.

(8) GRANT APPLICATION - DEPARTMENT OF SOCIAL SERVICES

Approve a grant application by the Community Resources Office of the Department of Social Services to Second Harvest Food Bank. If awarded, recognize, receive and appropriate the grant funds.

(9) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $35,110.09 resulting from clerical errors, audits, and other amendments.

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

(12) MAINTENANCE SERVICES - MECKLENBURG COUNTY COURTS COMPLEX

Authorize the County Manager to negotiate and execute a five (5) year service contract with The Keith Corporation / Keith & Keith Corrections in the amount of $10,044,620 (maximum) for maintenance of the Courts Complex.

(13) REVENUE/EXPENSE MODIFICATION TO PARK AND RECREATION OPERATING BUDGET

Recognize and appropriate $15,255 in participant fees for senior trips coordinated by the Park and Recreation Department.

(17) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Sheila Murphy, Owner of Back by Five Dry Cleaners.”

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) MI CASA SU CASA RESTRICTED CONTINGENCY FUNDS

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 authorize the release of $28,000 from Restricted Contingency to fund Mi Casa Su Casa.

_Commissioner Roberts removed this item from Consent for more Public Awareness. She noted that an audit was performed in response to questions raised during the Board’s budget deliberations last year and it was determined that funds were being spent properly._

(11) ROOF REPLACEMENT – FREEDOM MALL PHASE 1

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 award a construction contract in the amount of $1,530,000 to Interstate Roofing Co., Inc. for roof replacement at Freedom Mall.
Commissioner Woodard removed this item from Consent to address MWSBE participation. She encouraged staff to put forth as much effort as possible to achieve more MWSBE participation. Doug Buchanan with Real Estate Services addressed this issue.

(14) ACTION DEFERRED - PARK & RECREATION DEPARTMENT REVENUE & PRICING POLICY FOR FY 2006-2007

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 defer until budget deliberations consideration of new fees, changes to existing fees and amendments to the Park & Recreation Department Revenue & Pricing Policy for FY 2006-2007.

Commissioner Woodard removed this item from Consent to inquire as to whether or not this matter could be addressed during budget deliberations rather than now. Staff’s response was yes.

(15) 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 129-041-52 (1.13 acres) on Briar Creek from Johnson-Dewberry, LLC.

Commissioner Roberts removed this item from Consent for more Public Awareness.

Note: The donated parcel is located south of Central Avenue off Ivey Drive and provides approximately 400 linear feet of creek frontage. This parcel is part of the on-going assemblage of land for the Briar Creek Greenway.

(16) 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 the following properties on Back Creek Tributary from Forest City Land Group, Inc., and on Gum Creek from Adams Homes AEC, LLC:

1. 051-203-67 (33.046 acres) - Forest City Land Group, Inc
2. 051-217-59 (4.075 acres) - Forest City Land Group, Inc
3. 051-217-99 (2.7926 acres) - Forest City Land Group, Inc
4. 035-233-85 (.10 acres) - Adams Homes AEC, LLC
5. 035-233-86 (.052 acres) - Adams Homes AEC, LLC

Commissioner Roberts removed this item from Consent for more Public Awareness.

STAFF REPORTS AND REQUESTS

(18) CENTRAL PIEDMONT COMMUNITY COLLEGE PARKING DECK PROJECT ITEM REMOVED

(19) CAROLINA THEATER GRANT AGREEMENT

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 authorize the County Manager to execute a Grant
Agreement with the City of Charlotte and CMP Carolina Theatre, LLC as a means of defraying some of the costs to redevelopment the old Carolina Theater.

General Manager Bobbie Shields and Ruffin Pierce with CMP Carolina Theatre, LLC addressed this issue prior to the above vote.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(20) RESOLUTION IN SUPPORT OF LAND FOR TOMORROW (COMMISSIONER ROBERTS)

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 7-2 with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, and Commissioners Bishop and Puckett voting no, to adopt Resolution Urging the 2006 General Assembly To Enact Legislation Authorizing A Bond Referendum To Increase Conservation Spending in North Carolina by $200 Million Per Year.

Dave Cable with the Catawba Lands Conservancy and Darrel Williams former County Commissioner addressed this matter prior to the above vote.

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

(21) JOINT MEETING WITH CMS (COMMISSIONER REMBERT)

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 proposed agenda for a joint meeting of the Board of County Commissioners and Board of Education on the CMS Task Force recommendations to be held on May 4, 2006 at 1:00 p.m.

Proposed Agenda

1:00 – 1:30 p.m.  
Welcome and Review of Meeting Purpose

1:30 – 2:00 p.m.  
Executive Overview of CMS Task Force Recommendations

2:00 – 2:30 p.m.  
Presentation of Board of Education's Theory of Action

2:30 – 3:10 p.m.  
Identify common ground between Theory of Action and Task Force Recommendations

3:10 – 3:50 p.m.  
Identify difference between Theory of Action and Task Force Recommendations

3:50 – 4:30 p.m.  
Select up to five differences to address as priorities

4:30 – 5:00 p.m.  
Next Steps

Note: The location has not yet been determined. Also, prior to the above vote, Commissioner Roberts asked that consideration be given to compressing the overview time with respect to the CMS Task Force recommendations and that more time be spent on the Board of Education’s Theory of Action parts of 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 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 8:17 p.m.

____________________  
Janice S. Paige, Clerk

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

APRIL 18, 2006  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 18, 2006. 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 John McGillicuddy and Bobbie Shields, Finance Director Harry Weatherly, Director of Real Estate Services Mark Hahn, Nancy Brunnemer, Steve Law, and Jacqueline McNeil with Real Estate Services

(2A2) LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed the purchase of Tax Parcel 075-043-30 at 2012 Jennings Street from Phillip Osborne for $7,000.

Note: The property is part of an assemblage for a neighborhood park in Central Park District 1, Lincoln Heights.

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 approve the purchase of Tax Parcel 075-043-30 at 2012 Jennings Street from Phillip Osborne for $7,000.

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to end Closed Session.
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

APRIL 18, 2006 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 18, 2006. 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 John McGillicuddy and Bobbie Shields, Finance Director Harry Weatherly, Director of Real Estate Services Mark Hahn, Nancy Brunnemer, Steve Law, and Jacqueline McNeil with Real Estate Services

(2A1) LAND ACQUISITION

Steve Law with Real Estate Services addressed the purchase of Tax Parcels 015-214-01 (0.68 acre) and 015-214-02 (0.69 acre) encompassing +/- 1.37 acres along Gar Creek for $52,000 from David A. and Shirley A. Jones.

Note: The subject properties are part of the County’s on-going assemblage of land along Gar Creek for open space preservation and watershed protection.

Motion was made by Commissioner Clarke, 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 purchase of Tax Parcels 015-214-01 (0.68 acre) and 015-214-02 (0.69 acre) encompassing +/- 1.37 acres along Gar Creek for $52,000 from David A. and Shirley A. Jones.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
ATTENDANCE

Present: Chairman H. Parks Helms and
Commissioners Dumont Clarke
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

Absent: Commissioners J. Daniel Bishop and Bill James

Chairman Helms and Commissioners Clarke 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, who noted the fact that at least one
additional Commissioner was needed in order for there to be a quorum, but that in the interest of
time, the Board would move forward. Vice-Chairman Rembert then called upon
Budget/Management Director Hyong Yi.

Director Yi noted the topics to be discussed, which are noted below.

(1) PROGRAM REVIEW BRIEFING

The Board received a Program Review overview from Planning and Evaluation Director Leslie
Johnson.

The following was noted:

The objective of the Program Review was to assess the value of County-funding with regards to
the following three broad criteria:

1. Relevance (To what degree is and should the County be in this business?)
2. Performance (Do the results justify the investment?)
3. Efficiency (Are resources being managed in the most efficient way?)

The overview addressed the following:

- Service Performance Summaries for each reviewed service that highlighted performance
  and noted strengths and opportunities for improvement identified from the review.
- Service Ratings - Services received a rating of Exemplary, Successful, Moderately
  Successful, or Results Not Demonstrated.
- 51 categories of services and specifically 172 individual services were reviewed.
- Because a service received a red (Results Not Demonstrated) does not mean the service
was “bad.” What it means in these instances is that there were no measures available in order to appropriately conduct the review.

Comments

Vice-Chairman Rembert asked would measures be developed for those services that lacked them. The response was yes. It was noted that in some cases the red lights are in areas that the County has no real control of from a day to day management perspective because they’re related to a number of the County’s outside partners. It was noted further that one way to deal with this would be through the written agreements that the County has with these partners with respect to performance measures. Staff plans to work with these partners to develop measures.

Commissioner Puckett asked was the weighing consistent or did it vary. The response was that it was consistent across categories.

Director Johnson said if Board members have any questions regarding the more detailed report, to please contact her.

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

(2) BEHAVIORAL HEALTH BRIEFING

General Manager Janice Jackson addressed the annual Mental Health Behavioral Health Hospital, known as CMC-Randolph, report. The presentation was given by Laura Thomas who manages the day to day operations at CMC-Randolph and Phyllis Jones.

Commissioner Woodard entered the meeting during this presentation. Thus, there was now a quorum.

The report addressed the following:

- The history and goals of the partnership between the County and Carolinas HealthCare System for mental health services and accomplishments per the partnership
- Services provided
- The environment as it relates to the population served
- Volume of services provided
- Growth Areas
- Government Funding
- Challenges, which were noted as being:
  - Lack of bed capacity in Mecklenburg County makes meeting the community based service goals a challenge
  - Services are not available to treat the community at the level expected by the state
  - Continuation at current service level requires increased funding at above average level due to reimbursement changes and structural changes brought about through State Mental Health Plan as well as capacity limitations
- The Next Steps, which were noted as being:
  - Address capacity challenges for inpatient services
  - Evaluate effectiveness of mental health system changes in light of 2015 goals

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

Comments

Commissioner Mitchell asked about the 17% increase for Inpatient Volume. The response was that it’s felt the increase is because of growth in the community.

Commissioner Clarke entered the meeting at this time, which was during the Question & Answer portion of the Behavioral Health presentation.
Commissioner Roberts asked how Mecklenburg County compares to other medical centers in the state with respect to that balance of the revenue mix, inpatient versus outpatient, and capacity. She asked with respect to capacity was this something unique to the system here in Mecklenburg County or was it a problem across the state. The response was that it was unknown specifically how they compared to others in the state, but that there is no one else doing the level of inpatient/outpatient psychiatry that CMC-Randolph does.

Commissioner Roberts asked was the percentage of government funding a mix. The response was yes, state, local and federal, but that what’s shown in the presentation is state and local.

Vice-Chairman Rembert asked what proportion of the cost for services does Medicaid pay. The response was that Medicaid pays a percentage of the cost and that it varies. Also, that across the state it’s in the 90% range but it varies based on the service.

Commissioner Puckett, as a follow up to Commissioner Mitchell’s question about the 17% increase in Inpatient Volume, asked what was the percentage of growth in population for the last eight years. The response was that staff would have to get back to the Board with a specific answer.

Commissioner Puckett asked about the 141% growth in emergency room visits over the last eight years. The response was that when there’s a lack of access to primary services, like primary psychiatrist, people tend to go to the emergency room.

Commissioner Puckett requested information on the decrease in beds over the last eight years.

Commissioner Woodard asked about services for youth. The response was that services are provided to adults and youth but in different areas of the hospital. Also, that there are plans to expand accommodations for youth.

Commissioner Clarke asked what percentage of their total revenue is everything except self-pay and private insurance. How much is taxpayer funded healthcare for mental health? The response was that 52% of their funding is Medicaid but an overall figure would be about 70% when you add Medicaid, Medicare, state and local funding.

Vice-Chairman Rembert asked what percentage of youth is Mecklenburg County unable to serve in the community and have to do so out of town because of the lack of capacity or because of the nature of the type services they require. The response was that staff would have to get back to the Board with a specific answer. However, it was noted that very few youth are sent to Broughton Hospital for inpatient care. They do send most of the residential needs out of county and sometimes out of state.

Vice-Chairman Rembert asked the County Manager to provide additional information on what needs to be done with respect to planning for youth.

Vice-Chairman Rembert asked what the utilization rate was for people of color for outpatient and inpatient care. The response was that the percentage has increased for Hispanics and that for African Americans it has remained about the same around 58% and that it varies by services.

Vice-Chairman Rembert asked are people who need mental health services receiving the services. The response was no, statistics show that everyone that needs services is not receiving them and this could be for a variety of reasons.

Commissioner Woodard asked about services for students within CMS. The response was that they do work with CMS and provide services to students in the area of anger management.

Commissioner Mitchell requested information on the criteria for receiving services.

Commissioner Puckett requested population demographics.

Vice-Chairman Rembert thanked the presenters for their report.
General Manager Janice Jackson introduced the topic of Indigent Care. The presentation was given by Patrick Easterling with Novant Health (Presbyterian Healthcare) and Michael Tarwater and Greg Gumbar with Carolinas HealthCare System (CHS) respectively.

Novant Health (Presbyterian Healthcare)

The report from Mr. Easterling on behalf of Novant Health (Presbyterian Healthcare) addressed the following:

- An update on Novant Health
- Review of Novant Health financial assistance policies
- Response to questions from the Manager’s Office

Highlights:

- Presbyterian is not requesting an increase in funding from Mecklenburg County.
- Presbyterian does not believe the current model introduced in the early 90’s continues to fully recognize how patients seek care in today’s healthcare environment.
- Presbyterian does not operate any pure indigent clinics and the current indigent formula does not provide for reimbursement for the care provided to the indigent through the Physician Reach Out program or charity care rendered from the 83+ Presbyterian Medical Group physician offices.
- Presbyterian only receives a small allocation of the total indigent funding budget each year.
- Presbyterian’s position on the greatest areas of need would be the following:
  - Continued investment in preventive care
  - Increased access to diagnostic screening and testing
  - Increased points of access for Primary Care services
  - More options for services rendered by Specialists

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

Comments

Commissioner Clarke asked for clarification with respect to Charity Care and whether this meant services for which no payment was received for and services billed at their standard rates. The response was yes.

Vice-Chairman Rembert asked whether Metrolina Comprehensive Healthcare (CW Williams) was the only facility of its type that will see indigent patients that need to be seen within one week. The response was yes, from the standpoint of access within this type of timeframe.

Commissioner Clarke with respect to the statement made that Presbyterian “provides free care to the indigent with internal resources and as part of the mission …, not based on the County funding” asked if this was cost shifting and if not where is the money coming from to cover the expenses. The response was no and that it’s a matter of managing other internal costs and also “marging” they have on other services provided to patients that do pay and through other economies of scale.

Commissioner Mitchell asked had there been any dialogue between Novant and CHS on how the two can work together to serve the indigent. The response was there are opportunities for that to occur and there is commitment on Novant’s part to have such discussions.

Commissioner Mitchell said competition is good, but he would like to see the two entities come together to try to work together to better serve the indigent population in Mecklenburg County.

Commissioner Roberts asked if Novant had a good working relationship with the Latino
population. The response was yes. They have interpreters at various facilities so that when patients come in their needs can be addressed.

Commissioner Roberts said she would be interested in seeing trend data on the community’s progress in the area of health overall for the last five years.

Vice-Chairman Rembert asked what was being done to address the health disparities in the areas of heart disease, diabetes, cancer, and HIV/AIDS. The response was providing access to primary care physicians.

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

Carolinas HealthCare System (CHS)

The report from Mr. Gumbar on behalf of Carolinas HealthCare System (CHS) addressed the following:

- The history of indigent care in Mecklenburg County
- Patients Served

Chairman Helms entered the meeting during the Patients Served discussion.

- The Places of Caring
- Present Pressures

Highlights:

- CHS is asking for an increase in indigent care funding.
- “CHS can’t continue to absorb the significant increases in indigent care costs in Mecklenburg County.”
- CHS staff has diligently worked to provide tangible, measurable savings to Mecklenburg County through initiatives at Medic, Public Health and CMC-Randolph.
- Increasing volumes of uninsured patients, higher costs to care for the uninsured, and an unwillingness of other providers in the community to adequately absorb more of the burden makes the flat funding going forward an unrealistic management expectation for CHS.
- County funding and the partnership with the County are critical to CHS’s ability to access the bond market at reasonable rates.
- Clinics are at capacity and access to specialists is getting to be more and more of an issue.
- From a physician and facility standpoint they are at capacity
- Studies show that fewer and fewer doctors are seeing indigent patients and it’s dropping in every specialty.

- The Plea for Help
  - Expand access at the indigent care clinics to more evenings and weekends
  - Increase indigent care funding pool to offset additional cost of expanded service
  - Provide at least an indexed increase to indigent care funding pool going forward to cover cost increases and volume growth
  - Inflationary cost increase to indigent care funding - $906,525
  - Increase to cover County population growth increase - $426,600
  - Increase to allow expanded access at the CMC community based clinics, so that they can better address County issues with adult internal medicine and OB prenatal care - $1,200,000

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

Comments
Commissioner Woodard asked whether CHS provides transportation for seniors to medical facilities. The response was yes through their own transportation services and through existing agencies that provide that service.

Commissioner Clarke asked for clarification on their capital needs and whether they are using the pay-as-you-go concept. The response was yes and they realize it is an ambitious goal.

Commissioner Mitchell reiterated again his desire that the two entities work together to better serve the indigent of the community when it comes to health care. The response was that they are willing to do that and that taking care of indigent patients requires resources and that any partner that “comes to the table with resources is welcome.”

CHS noted that they have spent $18 million over the last ten years to bring new physicians to the market to take care of the indigent burden increase.

Chairman Helms asked CHS what it would cost the County to provide indigent care if the partnership between the County and CHS didn’t exist. The response was that they spent in cost and “not charges” $116 million last year, which is in addition to what Presbyterian may have spent for indigent care.

Chairman Helms recalled when the County entered into this agreement that it was at a cost of about $17 million and that capped the County’s cost. Chairman Helms said it appears from the presentation that what CHS is talking about is the inflationary cost related to the past years operations.

The response was that they entered into a contract, where they agreed in order to rationalize the indigent care that was going on in the community, that they were providing and that the County was helping to fund, public health and a number of other things were all put into a contract so that they could use combined operations for efficiency purposes and to make that work better for the patient and improving access. When they signed the contract they agreed and offered and the County accepted, to cap that cost for five years. At the end of the contract it was renewed and they did not ask for an increase but they did ask for the right under the contract to come back to talk about the types of things addressed in their presentation. It was noted further that in the time between the first five years and to date, “in essence” they’ve been “eating” the cost increases.

Chairman Helms said the point he wanted to make was that this has been a “good” arrangement for the County. He said what CHS is asking for is a nominal increase based on experience. He said as the Board moves forward this needs to be given careful consideration.

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

Vice-Chairman Rembert asked if their request included anything for school nurses. The response was no. It was noted that school nurses was a part of the public health contract.

Commissioner Mitchell said he was supportive of an increase for CHS and Novant.

Commissioners Clarke and Vice-Chairman Rembert concurred that consideration does need to be given to increasing indigent care funding.

Vice-Chairman Rembert thanked the presenters for their report.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT
Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and carried 5-0 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.
The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1A) STAFF BRIEFINGS – NONE

(2A) (2B) CLOSED SESSION - LAND ACQUISITION, 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 # 005-071-12 (Robbins Park site) and 005-071-11, both located off West Catawba Avenue in Cornelius.
- Tax Parcels 081-083-07 and 081-083-08 at 1012 and 1008 North Myers Street.

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 go into Closed Session to discuss the following matters: Land Acquisition and Consult with Attorney, including Consult with Attorney with respect to Tax Collector for Charlotte/Mecklenburg County vs. U.S. Airways.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:07 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 18, 23, 26, 28, and 29.
The Board then proceeded to the Meeting Chamber for remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Mitchell, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) MENTAL HEALTH AWARENESS MONTH

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 adopt a proclamation designating May 2006 as Mental Health Awareness Month in Mecklenburg County and in support of the Mecklenburg CARES initiative, proclaim May 8, 2006 as “National Children’s Mental Health Awareness Day”.

The proclamation was read by Commissioner Rembert and received by Grayce Crockett, Director of Area Mental Health.

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

(1B) OLDER ADULTS MONTH

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 adopt a proclamation designating May 2006 as Older Adults Month in Mecklenburg County.

The proclamation was read by Commissioner Mitchell and received by Richard Jacobsen, Director of Social Services, Aaron McKeithan, Chairman of the Council on Aging, and John Eller, Director of Services for Adults at the Department of Social Services.

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

(1C) ASTHMA AWARENESS 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 May 2006 as Asthma Awareness Month in Mecklenburg County.

The proclamation was read by Commissioner Roberts and received by Dr. Wynn Mabry, Health Director, Beth Burton, School Health Asthma Control Nurse, and asthmatic students John Tavis Hall, a 3rd grader at First Ward Elementary and Scott Alvereze, a 7th grader at Quail Hollow Middle School.

A copy of the proclamation is on file with the Clerk to the Board.
(1D) CHARLOTTE-MECKLENBURG STORM WATER SERVICES VOLUNTEER RECOGNITION

The Board recognized Charlotte-Mecklenburg Storm Water Services volunteers of the Adopt-A-Stream and Storm Drain Marking Programs.

Rusty Rozzelle, Water Quality Program Manager addressed the programs and introduced the volunteers present.

*Note: Volunteers that participate in the Adopt-A-Stream Program are assigned a section of stream that they walk a minimum of twice a year removing trash and debris. The volunteers also document pollution problems that are turned over to County staff for elimination. During the past five (5) years, volunteers have completed 286 stream cleanups and removed over 65,000 pounds of trash from the County’s waterways. Volunteers participating in the Storm Drain Marking Program place markers on storm drains that read “Do Not Dump, Drains To Creek” in both English and Spanish. This serves as a valuable educational tool for preventing illegal dumping of waste oil, paint and other pollutants down these drains, which negatively impacts water quality. During the past five (5) years, volunteers have marked over 2,500 storm drains in Charlotte-Mecklenburg.*

(1E) CONFEDERATE HISTORY WEEK

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop, to adopt a proclamation designating May 7 - 13, 2006 as Confederate History Week in Mecklenburg County.

The following persons spoke in support of the proclamation:

Shanna and Mark Palmer, Keith Smith, Kurt Carter, and A. Chris Bakis (Mr. Bakis also expressed opposition to an alternative proclamation to be suggested by Commissioner Clarke. He also expressed disappointment with Commissioner Clarke’s response to a storm water issue he had.), and Donna Jenkins Dawson.

The following person spoke in opposition of the proclamation: Johnathan Mickle. Mr. Mickle suggested the week of May 7-13, 2006 be designated as Civil War History Week rather than Confederate History Week.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, to adopt an alternative proclamation designating May 2006 as Civil War History Remembrance Month in Mecklenburg County.

Commissioner Clarke said he feels the designation of Confederate History Week tends “to divide us rather than unite us as Americans.” He said “we need to be united and reconciled as we move forward” and that changing the proclamation to Civil War History Remembrance Month was a better approach. Commissioner Clarke said his proclamation allows individuals to celebrate the sacrifices and services of persons on either side of the Civil War.

A copy of Commissioner Clarke’s proclamation is on file with the Clerk the Board.

Commissioner Puckett said the only significant difference between his proclamation and Commissioner Clarke’s is that his proclamation speaks of the confederacy because he lives in the south. Commissioner Puckett said if he lived in the north then he probably would speak of union soldiers. Commissioner Puckett said he does not want his southern heritage lost.

Commissioner Puckett said what the substitute motion suggest to him is that “we forget the specificity of why the southern part of this war is some how seen differently.” He said the “complete truth of the confederacy is being ignored and is fading and being replaced with a lie; and just like many understand the need to highlight the oversight of the Black community in history and to draw attention to the many misrepresentations about that group of individuals. I feel the same need for specificity regarding the south and those who cling to some love of
southern heritage.”

Commissioner Mitchell noted in the discussion of this matter, conversations he has had with Dr. Gyasi A. Foluke and Mr. and Mrs. Mark Palmer around this issue. He said both parties have agreed to meet to discuss these types of divisive issues in more detail, with the hope that it would result in some type of workshop for community dialogue on these types of issues.

Commissioner Rembert made the following comments with respect to this issue. “Had Commissioner Clarke presented his proclamation before a proclamation from Commissioner Puckett, I would in all likelihood be very inclined to say I support that proclamation, because I do not really see any problem with the nature and scope of the proclamation. The difficulty it presents tonight is around the notion that it is offered as a substitute to a motion that I supported last year because I did not find the proclamation offensive. I do not find the original proclamation offensive this year.”

Commissioner Rembert stated further that she understands what the problem may be about the notion of the confederacy and what all that represented and the symbol surrounding that. She also understands what happened in the Civil War, that she cannot rewrite that history. Commissioner Rembert said what she does get to do is to contemplate that history, reflect on it and use what she has learned from that history to help build a better future.

Commissioner Rembert said she does not accept any group suggesting that we should substitute Black History Month and make it America Diversity or any kind of history month. “I think we should reflect on the contributions of African Americans during Black History Month, appreciate those contributions and build on those.”

Commissioner Rembert said she does not find it offensive that Commissioner Puckett wants to recognize a part our history and what he calls “his southern heritage.” Commissioner Rembert said it does not take anything away from her or her history, heritage, or background.

Commissioner Rembert said she hopes this opportunity will be used to say, yes, we have unresolved issues in our community. “To say this is our history and we need to reflect on what we can learn from it, the good, the bad, the ugly” and commit ourselves to having the conversation that Commissioner Mitchell suggested with Dr. Foluke and the Palmers.

Note: The above is not inclusive of every comment made with respect to this issue.

The vote was then taken on the substitute motion and failed 5-4 with Commissioners Bishop, Helms, James, Puckett, and Rembert voting no and Commissioners Clarke, Mitchell, Roberts, and Woodard voting yes.

The vote was then taken on the original motion and carried 6-3 with Commissioners Bishop, Helms, James, Puckett, Roberts, and Rembert voting yes and Commissioners Clarke, Mitchell, and Woodard voting no, to adopt a proclamation designating May 7 - 13, 2006 as Confederate History Week in Mecklenburg County.

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

(32) CENTRAL PIEDMONT COMMUNITY COLLEGE PARKING DECK PROJECT

Motion was made by Commissioner Rembert, seconded by Commissioner Puckett and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve an additional $1 million in Certificates of Participation (COPs) funding for the CPCC parking deck, and amend the Central Piedmont Community College Facilities 2004 Capital Project Ordinance.

Prior to the above vote, Dr. Tony Zeiss, President of Central Piedmont Community College addressed the project.

Ordinance recorded in full in Minute Book 42-A, Document #_____.
Commissioner James left the meeting and was absent for the remainder of the meeting.

(2) PUBLIC APPEARANCE

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

Dr. Donna Dillon-Stout expressed concern for the creditability of three psychologists working in the court system. She said their credentials were fraudulent and that one was guilty of insurance fraud. Dr. Dillon-Stout provided the Board documentation supporting her claim. She said the documentation was given to the District Attorney two years ago. Dr. Dillon-Stout asked the Board to hold the District Attorney’s Office and the Court System responsible for investigating these psychologists.

A copy of information supporting her claim is on file with the Clerk to the Board.

Chairman Helms informed Dr. Dillon-Stout that her issue of concern was not a matter under the jurisdiction of the County Commission, but rather the Courts. Chairman Helms said he would, however, forward her documentation to the Senior Resident Superior Court Judge, who is the person Dr. Dillon-Stout needs to address this with.

Commissioners Bishop and Puckett left the dais and were away until noted in the minutes.

Dan Farris, Chairman of Bikes of Charlotte/Mecklenburg, a bicycle advocacy group and Martin Zimmerman, Executive Director of BIKES updated the Board on strives that have been made to promote and increase bike riding and walking opportunities within the last ten years. Examples cited were 50 miles of bike lanes throughout the City of Charlotte, there’s a Bike Master Plan, all of CATS buses are now equipped with bike racks, and there are more greenway trails. They also informed the Board of Bike Charlotte 2006 events that would be taking place over the span of eight days, starting Friday, May 5th. They thanked the Board for supporting bicycling in the community and invited the Board to participate in the upcoming events.

Valerie McGill addressed recidivism and the meaning of colors in various flags.

McKeyla Weaver with Delta Sigma Theta Sorority, Inc. noted various community focused activities the sorority is involved in. She also asked the Board in its upcoming budget deliberations to support funding for 1) more beds at the Women’s Shelter 2) Charlotte-Mecklenburg Schools and 3) any programs to reduce and eradicate health disparities for HIV/AIDS patients. Ms. Weaver also reminded Commissioner James, who was not present at this time, of the challenge her sorority made to him last year to mentor a child in an equity plus school. She said although they did not hear from Commissioner James they hope he did mentor a child.

Commissioner Bishop returned to the dais during Ms. Weaver’s comments.

Rev. Malloy addressed an upcoming event entitled Powerfest 2006. Rev. Malloy said this was a community event for the purpose of making people aware of the various resources that are available in the community when it comes to issues of health, finances, gang intervention, housing, food, etc.

Commissioner Puckett returned to the dais during Rev. Malloy’s comments.

Chairman Helms thanked all of the speakers for appearing.

(3A) APPOINTMENTS
PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission as the Northeast park district representative:

Round 1

John Boatner   None
Tillie L. Clark   None
Dennis Dixon   None
Owen Furuseth Commissioners Clarke, Helms, and Roberts
Jelese Jones-Lowe   None
Rodney W. Moore Commissioners Mitchell and Rembert
William Woodard Commissioners Bishop and Puckett

Round 2

John Boatner   None
Tillie L. Clark   None
Dennis Dixon   None
Owen Furuseth Commissioners Clarke, Helms, and Roberts
Jelese Jones-Lowe   None
Rodney W. Moore Commissioners Mitchell and Rembert
William Woodard Commissioners Bishop and Puckett

Round 3

John Boatner   None
Tillie L. Clark   None
Dennis Dixon   None
Owen Furuseth Commissioners Clarke, Mitchell, and Roberts
Jelese Jones-Lowe   None
Rodney W. Moore Chairman Helms
William Woodard Commissioners Bishop, Puckett, and Rembert

Round 4

John Boatner   None
Tillie L. Clark   None
Dennis Dixon   None
Owen Furuseth Commissioners Clarke, Mitchell, and Roberts
Jelese Jones-Lowe   None
Rodney W. Moore Chairman Helms
William Woodard Commissioners Bishop, Puckett, and Rembert

Round 5

John Boatner   None
Tillie L. Clark   None
Dennis Dixon   None
Owen Furuseth Commissioners Roberts
Jelese Jones-Lowe   None
Rodney W. Moore Commissioners Clarke, Helms, Mitchell, and Rembert
William Woodard Commissioners Bishop and Puckett
Chairman Helms announced that Owen Furuseth was appointed to the Park and Recreation Commission as the Northeast Park District representative to fill an unexpired term expiring June 30, 2007.

The vote was taken on the following nominees for appointment to the Park and Recreation Commission as the Southwest district representative:

John Barry Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts

Voting Ceased

Chairman Helms announced that John Barry was appointed to the Park and Recreation Commission as the Southwest Park District representative to fill an unexpired term expiring June 30, 2007.

(3B) SCHEDULE OF UPCOMING APPOINTMENTS

The Board received as information the list of upcoming appointments for May 2006.

- Adult Care Home Community Advisory Committee (Urgent need for Volunteers)
- Air Quality Commission (Health Professional Needed)
- Alcoholic Beverage Control Board
- Architectural Selection Committee (General Contractor Needed)
- Central Piedmont Community College Board of Trustees
- Citizen’s Transit Advisory Committee
- CMUD Advisory Committee
- Groundwater Advisory Committee (Well Owner and Health Professional needed)
- Nursing Home Community Advisory Committee (Urgent Need for Volunteers)
- Park and Recreation Commission
- Personnel Commission
- Planning Commission
- Public Broadcasting Authority
- Waste Management Advisory Board
- Women’s Commission

Nominations will occur on May 16 and appointments on June 7, 2005

(2A1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange a +/- 46-acre portion of Tax
Parcel 005-071-12 (Robbins Park site) for a +/- 59-acre portion of Tax Parcel 005-071-11, both located off West Catawba Avenue in Cornelius.

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

(2A2) CLOSED SESSION – LAND ACQUISITION

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, to approve the purchase of Tax Parcels 081-083-07 and 081-083-08 at 1012 and 1008 North Myers Street for $15,000 from Mrs. Mary D. Taylor.

Note: The subject parcel is part of a land assemblage within the floodplain of Little Sugar Creek between Parkwood Avenue and the CSX railroad trestle off 12th Street.

(4) PUBLIC HEARINGS – NONE

(5A) ADVISORY COMMITTEE REPORTS - MECKLENBURG COUNTY CHILD FATALITY PREVENTION AND PROTECTION TEAM 2005 ANNUAL REPORT

The Board received the Community Child Fatality Team Annual report as mandated by North Carolina State statute 7B-1409/1.

The report was given by Nalini Jones, Guardian Ad-Litum District Administrator Judicial District 26 Mecklenburg County and Chair of the Mecklenburg County Child Fatality Prevention and Protection Team and Dr. Stephen Keener, Health Department Medical Director.

Note: The Community Child Fatality Team presents this report each year to allow the Board of County Commissioners to learn about causes of death for Mecklenburg County children and to provide suggestions on ways to prevent child deaths.

Ms. Jones noted that Commissioners Clarke, Rembert, and Woodard made several suggestions to the Team at a prior subcommittee meeting. They were 1) to include trend data, which would assist in showing how things are progressing or not progressing 2) to gather data from geo-districting efforts so that they are able to focus prevention and protection efforts according to how they gather and understand the data that comes out of geo-districting 3) to provide the Board with updates more often.

Commissioner Rembert noted that she had also asked the Team to consider broadening the participation of partners, specifically representation from independent schools.

Commissioner Rembert noted also that Commissioner Woodard suggested that there be a more deliberate effort for representation with respect to daycare centers that may not ordinarily be on the “radar screen.”

Commissioner Rembert asked that attention be given to more efforts towards the prevention of attempted suicide and that they invite different populations that are directly involved with young people, children and infants to participate in discussions on ways to prevent attempted suicide or suicide.

Commissioner Woodard asked were the Team’s efforts inclusive of other areas surrounding Mecklenburg County with respect to being aware of issues others are dealing with.

Ms. Jones said there were Teams in every County and that some counties are combined. She said there’s a report that’s issued by the State that provides information on what’s occurring in all of the counties.

Chairman Helms thanked Ms. Jones and Dr. Keener for their report.
A copy of the report is on file with the Clerk to the Board.

(6) RECEIVE MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Puckett, 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 18, 23, 26, 28, and 29 to be voted upon separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 18, 2006 and Closed Session Minutes of meetings held April 18th and April 4th 2006.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $5,382.55.

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

(9) ENVIRONMENTAL DATABASE MANAGEMENT SYSTEM

1) Adopt The Resolution Authorizing Execution Of The Interlocal Agreement For The Environmental Database Management System Between The City Of Charlotte And Mecklenburg County;

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

2) Authorize the County Manager to amend the Master Agreement for System Integration for the implementation and maintenance of the System;

3) Recognize, receive and appropriate approximately $359,600 in revenue from the City of Charlotte as its share of Phase 2 funding for the software and implementation costs of the System and authorize carry-forward of said funds to subsequent fiscal years until completion of project;

4) Authorize the carry-forward of $240,000 in unspent Storm Water Services funds at June 30, 2006, as part of the County’s funding of the System, to subsequent fiscal years until completion of project; and

5) Authorize the appropriation of $47,000 from Solid Waste Unrestricted Net Assets for its share of the EDMS project, transfer funds to the Storm Water Special Revenue Fund, and allow the carry-forward to subsequent fiscal years until completion of project.

(10) BOND FORFEITURE – HEATHFIELD SUBDIVISION, MINT HILL

Recognize $80,779 in revenue from Forfeited Bonds and appropriate said funds to complete project.

Note: The Mint Hill Subdivision Ordinance requires developers to post a bond to guarantee the completion of infrastructure improvements in accordance with an approved subdivision plan. In
the event the developer does not complete the improvements, Mecklenburg County/Mint Hill may use the bond proceeds to complete the improvements. On March 27, 2006, the Heathfield subdivision developer, R.P. Providence, LLC, notified the County (in writing) of his intention not to complete improvements and authorized Mecklenburg County/Mint Hill to use cash bond funds to complete the improvements. The funds, in the form of three cash bonds totaling $80,779, are estimated to be sufficient for completing improvements.

(11) DSS - SYSTEM OF CARE FUNDING

Recognize and appropriate $26,345 in additional federal funds received by Mecklenburg County Department of Social Services in FY06 to support the System of Care (SOC) initiative.

(12) DSS SENIOR CITIZENS NUTRITION PROGRAM MEAL CONTRACTS

Approve unit price contracts for providing hot bulk congregate meals and individual frozen meals to the Social Services Senior Citizens Nutrition Program (SCNP) program for a term of three years with the option to renew up to two (2) additional one-year terms as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
<th>Estimated annual amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canteen Corporation/Compass Group</td>
<td>Charlotte, NC</td>
<td>$750,000 (Hot Meals)</td>
</tr>
<tr>
<td>Traditions/Valley Services, Inc.</td>
<td>Jackson, MS</td>
<td>$450,000 (Frozen Meals)</td>
</tr>
</tbody>
</table>

(13) DSS – NC HOUSING FINANCE AGENCY (NCHFA) FUNDING

Recognize, receive and appropriate $4,000 in additional funds received by Mecklenburg County Department of Social Services in FY06 from the North Carolina Housing Finance Agency (NCHFA) to support the Individual Development Account (IDA) demonstration; and authorize carry forward of the amount not spent at June 30, 2006 to the next fiscal year.

(14) SHERIFF’S SPECIAL REVENUE FUND

Recognize and appropriate $90,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.

(15) ROAD ABANDONMENT – BOYS TOWN ROAD

Request the North Carolina Department of Transportation to abandon maintenance of Boys Town Road.

(16) STORM WATER FEE – SET PUBLIC HEARING

Set a public hearing on May 16, 2006 at 6:30 p.m. concerning the proposed increase in the Storm Water fee for the minor system inside the City.

(17) AREA MENTAL HEALTH AUTHORITY THIRD QUARTER FY 2006 REPORT

Receive the Third Quarter 2006 Area Mental Health Authority Report.

Finance:
<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budgeted Revenues</th>
<th>Actual Revenues*</th>
<th>% Received</th>
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<tbody>
<tr>
<td>Medicaid</td>
<td>$23,429,004.00</td>
<td>$14,206,753.79</td>
<td>60.64%</td>
</tr>
<tr>
<td>Medicaid-CAP</td>
<td>867,860.00</td>
<td>884,743.11</td>
<td>101.95%</td>
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<tr>
<td>State and Federal</td>
<td>34,873,415.00</td>
<td>11,838,620.67</td>
<td>33.95%</td>
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<td>Third Party/Other</td>
<td>167,000.00</td>
<td>199,397.51</td>
<td>119.40%</td>
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<tr>
<td>Grants</td>
<td>682,813.00</td>
<td>435,378.70</td>
<td>63.76%</td>
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<td>County</td>
<td>40,905,107.00</td>
<td>32,226,565.47</td>
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<tr>
<td><strong>Total Revenues</strong></td>
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<td><strong>$59,791,459.25</strong></td>
<td><strong>59.24%</strong></td>
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<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>$5,804,670.00</td>
<td>$3,782,640.51</td>
<td>65.17%</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
<td>23,885,416.00</td>
<td>11,124,212.37</td>
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<td>Adult Mental Health</td>
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<td>Adult Substance Abuse</td>
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<td>7,683,659.51</td>
<td>63.95%</td>
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<td>Local Management Entity</td>
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<td>BHC Randolph</td>
<td>15,290,542.00</td>
<td>11,394,867.41</td>
<td>74.52%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>23,479,338.50</td>
<td>14,301,008.18</td>
<td>60.91%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$100,925,199.00</strong></td>
<td><strong>$59,791,459.25</strong></td>
<td><strong>59.24%</strong></td>
</tr>
</tbody>
</table>

*Actual revenues are lower than expected due to computer complications and new billing requirements from the state. It is expected that revenues will be on target by the end of the fiscal year.

Note: Regulations stipulate that the Financial Management portion of the report be included in the minutes.

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

(19) PASSENGER AND CARGO VANS

Approve the award of a low bid unit price contract of $20,874 for Passenger Vans and $17,308 for Cargo Vans to Parks Chevrolet, Charlotte, NC. The contract will be for one year with options to renew for two one-year terms.

(20) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

Set a public hearing on June 6, 2006 at 6:30 p.m. on Street Lighting Preliminary Assessment Rolls for the Brantley Oaks, Capps Hollow, and Cardinal Woods Subdivisions.

Resolutions recorded in full in Minute Book 42-A, Documents # ______.

(21) PRELIMINARY ASSESSMENT - HEARTHSTONE SUBDIVISION SANITARY SEWER PROJECT – SET PUBLIC HEARING

Set a public hearing on June 6, 2006 at 6:30 p.m. on the Sanitary Sewer Project Preliminary Assessment Rolls for the Hearthstone Subdivision.

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

(22) HUNTERSVILLE REIMBURSEMENT OF LAND BOND FUNDS

Recognize $320,532 from the Town of Huntersville as reimbursement for the acquisition of the Doris V. Pennington property in the County Facilities Special Revenue Fund and appropriate that
amount for the acquisition of land.

(24) AMEND IST FY2006 BUDGET
Recognize and appropriate $55,000 of additional IST fee revenues for professional services.

(25) DESTRUCTION OF DOCUMENTS – LUESA
Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

Note: These records comprise:
- Six (6) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.

(27) ROBINSON PROPERTY ACQUISITION AT BRIAR CREEK
Approve purchase of Tax Parcels 129-041-42 (+/- 0.25 acre) and 129-041-44 (+/- 0.14 acre) at St. George Street for $14,300 from Maxie J. Robinson.

Note: The subject properties are adjacent to Briar Creek and are part of the on-going assemblage of land for the extension of Briar Creek Greenway.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(18) ROOF REPLACEMENT – FREEDOM MALL – PHASE 2
Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 8-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to award a construction contract in the amount of $1,169,000 to Carolina Roofing, Inc.

Commissioner Woodard removed this item from Consent to inquire about MWSBE participation with this particular project.

Prior to the above vote, County Manager Jones said staff is doing all that it can to seek MWSBE participation on projects and that this is a high priority. He said the staff at the Biz Hub was working very closely with departments. County Manager Jones said with respect to this particular project he feels certain that there was significant due diligence performed in trying to locate a contractor or subcontractors to do this work.

Commissioner Rembert asked whether staff in doing its due diligence in trying to make sure there is broad participation, going outside of Mecklenburg County to solicit participation. County Manager Jones said he would get an answer to Commissioner Rembert's question.

(23) NEW COURTHOUSE – NAMING OF CHILD CARE SPACE
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 approve naming the child care center in the new courthouse the “Larry’s Court Clubhouse (in memory of Larry King).” Commissioner Mitchell removed this item from Consent for more public awareness.
Prior to the above vote, the Honorable Judge Jane Harper spoke in support of the naming.

Commissioners Clarke and Mitchell left the dais and were absent until noted in the minutes.

(26) GREENWAY DONATIONS – IRVINS CREEK

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 6-0 with Commissioners Bishop, Helms, Puckett, Rembert, Roberts, and Woodard voting yes, to

1) Accept the donation of +/- 7.0 acres (part of Tax Parcel 193-161-01) along Irvins Creek from Dorothy M. Mullis.

2) Accept the donation of +/- 1.2 acres (part of Tax Parcel 193-151-05) along Irvins Creek from Carolina Conference Association of Seventh Day Adventist, Inc.

3) Approve the naming of the future greenway trail through both properties (Sam Newell Road to Idlewild Road Park) as the “Carol Mullis Pepper Patch Trail at Irvins Creek Greenway” as a condition of the land donation.

Note: The subject properties are adjacent to Briar Creek and are part of the on-going assemblage of land for the extension of Briar Creek Greenway.

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

(28) GREENWAY DONATION – GUM CREEK

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 6-0 with Commissioners Bishop, Helms, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of the following properties on Gum Creek from Beazer Homes Corporation:

(1) 035-231-99 (10.887 acres)
(2) 035-235-50 (.0328 acres)
(3) 035-233-56 (.226 acres)

Note: The parcels will add to greenway assemblage along Gum Creek.

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

(29) GREENWAY DONATION – MCALPINE CREEK

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 6-0 with Commissioners Bishop, Helms, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of +/- 0.7 acre (part of Tax Parcel 187-291-14) along McAlpine Creek from Frank and Sandra Blanchfield.

Note: This parcel is part of the on-going assemblage of land for the extension of McAlpine Creek Greenway.

Commissioner Roberts removed this item from Consent for more public awareness.
STAFF REPORTS AND REQUESTS

Commissioners Clarke and Mitchell returned to the dais.

(30) SOLID WASTE MANAGEMENT 10-YEAR PLAN

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 8-0 with with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt the Resolution Approving the Mecklenburg County Solid Waste Management Plan Dated July 1, 2006.

Prior to the above vote, the Plan was addressed by Bruce Gledhill with the County’s Land Use and Environmental Services Agency.

Plan recorded in full in Minute Book 42-A, Document # 128.

(31) BUSINESS INVESTMENT GRANT: PAVCO INCORPORATED

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 approve the County’s share of a Business Investment Grant to Pavco for a total estimated amount of $47,070 over 5 years. (Total City/County grant for the 5-year term estimated at $70,695).

Prior to the above vote, the Business Investment Grant was addressed by General Manager Bobbie Shields.

Note: Pavco Incorporated, currently headquartered near Cleveland, Ohio, is a U.S. based manufacturer and global distributor of chemicals for the Metal Finishing Industry. Pavco’s products and services include metal plating processes, chemical coatings, chromate dyes, lacquer, nickel activators, and rinse aids.

Pavco plans to relocate its corporate headquarters as well as its research and development lab to the Charlotte region this year. In Charlotte, Pavco would lease space at an existing facility in the Wilkinson Business Park within the City’s Business Investment Zone. Pavco is expected to make a capital investment of $1.5 million and create 25 new jobs over two years with an average wage of $85,000 (225% of the average for the Charlotte MSA). Five additional jobs are expected in 2008 as they relocate their automotive division to this facility. Pavco’s relocation is estimated to have a direct economic impact of $13.9 million per year on Charlotte’s economy, and generate annual revenues of $42,000 to the City and $83,000 to the County.

Commissioners Puckett and Bishop noted their support of this because of where it’s going to be located and because of the more exact analysis performed by staff.

(33) DEBT MANAGEMENT GUIDELINES

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to defer consideration of the debt ranges as Debt Management Guidelines and to discuss the matter at a future Budget/Public Policy Workshop.

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 note worthy.
Commissioner Rembert, for the record, asked Commissioner Roberts if her committee, the Building Community Committee, would formally invite those that appeared at tonight’s meeting to address Confederate History Week to one of its meetings, so that dialogue can be held around how “we can work together” to bring the different groups in the community around the issues of race, class and the intersection of those in our community. Commissioner Rembert said now was an opportunity for the community to acknowledge and recognize the contributions of different populations in the community and to begin to work together for healing and reconciliation. Commissioner Rembert said different groups have been going at this but in isolation of other groups. Commissioner Rembert said “it is time in Mecklenburg County for us to bring people together, leaders with different perspectives no matter how strongly we disagree with them,” but to hear and respect their perspective to try to see if we cannot move forward.

Chairman Helms noted that the Community Building Initiative has a program call I See Your Point that brings together people with different points of view. He noted also that the County supports the Community Building Initiative.

Commissioner Rembert said she respects the Community Building Initiative and what they are doing but that what she was asking for is that the Board invites people who often strongly disagree with the approach that has historically been taken on these issues.

**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 9:29 P.M.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
ATTENDANCE

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

Absent: Commissioners Dumont Clarke and Bill James

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

The meeting was called to order by Chairman Helms and then turned over to Budget and Management Director Hyong Yi.

Director Yi reviewed the agenda topics and then called upon the presenters as noted below.

(1) WATER QUALITY – COG REQUEST–2006 CLEAN WATER BOND RESOLUTION

Dave Canaan, Director of Storm Water Services and Commissioner Roberts addressed a resolution that was received from the Centralina Council of Governments entitled 2006 Clean Water Bond Resolution.

Commissioners Puckett and Bishop entered the meeting during this presentation.

Note: The resolution urges the N. C. General Assembly to enact a $1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and storm water facilities. It also calls upon the Governor and the General Assembly to activate the State Water Infrastructure Commission to address the state’s long-term water infrastructure needs with a visionary plan for sustained funding of water, sewer and storm water system improvements.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 5-2 with Commissioners Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to adopt the 2006 Clean Water Bond Resolution.

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

(2) AIR QUALITY PILOT PROJECT UPDATE

Don Willard, Director of Air Quality, gave an update on the Air Quality Pilot Project.

County Manager Jones entered the meeting during this presentation.
Note: On April 15, 2004, Mecklenburg County and seven surrounding counties (Iredell-partial, Rowan, Cabarrus, Union, Gaston, Lincoln and York County, S.C.-partial) were designated non-attainment for ozone. The region identified by the N.C. Division of Air Quality as “Metrolina” is now required to meet the national ozone standard by the end of summer 2009.

The update covered the following:

1. Problem Air Pollutants, specifically Ozone and Particulate Matter 2.5 (PM 2.5).
   - **Note:** Ozone is the County’s long term problem pollutant caused by Nitrogen Oxide and Volatile Organic Compound emissions from power plants and cars and trucks.
   - PM 2.5 is a more recently identified problem pollutant for Mecklenburg County. Fine particles are formed in atmospheric reactions or emitted directly from construction sites, unpaved roads, fields, smokestacks or fires. In Mecklenburg County most of the fine particle pollution is formed by reactions in the atmosphere of chemicals such as sulfur dioxides and nitrogen oxides that are emitted from power plants, industries and automobiles.

2. The specifics of the “Clean Air Works” pilot project, which is sponsored by the County, the City of Charlotte, the Charlotte Chamber of Commerce, the Regional Planning Alliance, the Centralina Council of Governments and the Catawba Regional Council of Governments.

3. A proposed Air Quality Betterment for FY07

4. Achieving Attainment

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

Comments

Commissioner Rembert inquired about the measures that would be used to know if the pilot is working. Director Willard addressed this.

The Board received the report as information, no action was required.

(3) **FEE CHANGES**

Director Yi reviewed the following proposed fee changes for FY07:

**Human Resources:** Fitness Membership fee

**LUESA:** 1) Code Enforcement Permit fees – Total Construction Cost 2) Ground & Wastewater Class Registration Fee to Contractors 3) Private Wells – New Wells fee 4) Zoning Code Enforcement – Zoning Use Permits, Signs, Letters of Certification/Verification, Residential Plan Review, Commercial Plan Review, Fees to be charged in the unincorporated County, Matthews and Mint Hill, Fees to be shared in Davidson, Huntersville, Cornelius and Pineville

**Park and Recreation:** 1) James Dowd House 2) Skate Parks 3) Soccer Fields (Synthetic Turf) 4) Golf Rate Cards – Renaissance Park Golf Course, Revolution Park Rates, and Sunset Hills Golf Course

*An list of FY07 Proposed Fee Changes is on file with the Clerk to the Board.*

Comments

Commissioner Woodard referenced the comment made on the handout concerning Golf Rate Cards that said the changes were requested in order to keep the charges in line with private golf course fees. Commissioner Woodard questioned the County wanting its fees at the same level as private
golf course fees.

Park and Recreation staff present said the fees were less but still competitive.

Commissioners Roberts and Mitchell also commented with respect to the golf course fees, noting the importance of keeping the fees at a reasonable amount so that all citizens would be able to take advantage of engaging in this sport.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the FY2007 Fee Changes as presented by staff for the Departments noted below:

Human Resources: Fitness Membership fee

Land Use & Environmental Services Fee Ordinance (LUESA) Revisions – Building Permit Fees effective July 1, 2006: 1) Code Enforcement Permit fees – Total Construction Cost 2) Ground & Wastewater - Class Registration Fee to Contractors 3) Private Wells – New Wells fee 4) Land Use & Environmental Services Fee Ordinance (LUESA) Revisions – Zoning Services effective July 1, 2006: Zoning Code Enforcement – Zoning Use Permits, Signs, Letters of Certification/Verification, Residential Plan Review, Commercial Plan Review, Fees to be charged in the unincorporated County, Matthews and Mint Hill, Fees to be shared in Davidson, Huntersville, Cornelius and Pineville; and

Note: A second reading will be required on the Land Use & Environmental Services Fee Ordinance (LUESA) Revisions – Building Permit Fees and Zoning Services.


A copy of the Park and Recreation Department Revenue and Pricing Policy for FY 06-07 is on file with the Clerk to the Board.

(4) COURT SYSTEM FUNDING STRATEGY

Director Yi presented Mecklenburg County’s Court System Strategy.

District Attorney Peter Gilchrist was present and expressed his support of staff’s recommendations.

The presentation consisted of 1) background information on the make up of the court system, court system issues, and prior reviews of the system 2) a comparative review of the District Attorney’s Office, and conclusions 3) the County Manager’s Strategy.

Note: The conclusions were

- The County cannot address all the resource needs of the entire judicial system in Mecklenburg County. This is the State’s responsibility.
- Because it is a system, investing resources in critical areas can have a positive ripple effect throughout the entire court system.
- Additional funds provides the County and court system an opportunity to identify and implement potential improvements before a “crisis” occurs.
- More resources address an immediate need to deal with increasing caseloads, but will not impact the crime rate.
- However, without parallel improvements in process, technology, and overall strategy, more resources will not address the issue of court system efficiency in a long-term fashion.
- The better the County/court system can address the caseload issue, the greater the
benefit to the County in terms of money NOT spent on jail expansion, costs for inmate management, etc.

The County Manager’s Strategy for the Court System consist of three components

1. Support the Chief Justice’s Budget Request
2. Invest resources in the District Attorney’s Office
3. Enhance court system oversight in the County Manager’s Office.

The Board received the report as information, no action was required.

*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.*

**ADJOURNMENT**

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell , and unanimously carried with Commissioners Bishop, 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 4:50 p.m.

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

May 16, 2006 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 16, 2006.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke 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 Bill James

- INFORMAL SESSION -

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1A) STAFF BRIEFINGS – NONE

(2A) (2B) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), CONSULT WITH ATTORNEY

Motion was made by Commissioner Rembert, seconded by Commissioner Clarke and carried 7-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to discuss the following matters: To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1) and Consult with Attorney.

Note: Commissioner Puckett was present when the meeting was called to order but stepped away prior to the above motion.

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 5:55 p.m.

Commissioner Puckett was present when the Board came back into Open Session. He returned 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, 23 and 27.
The Board then proceeded to the Meeting Chamber for remainder of the meeting.

- FORMAL SESSION -

Invocation was given by Commissioner Mitchell, which was followed by the Pledge of Allegiance to the Flag and introductions, after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) ASIAN PACIFIC AMERICAN HERITAGE MONTH

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating May 2006 as Asian Pacific American Heritage Month in Mecklenburg County.

The proclamation was read by Commissioner Roberts and received by Lola Massad with Park and Recreation, Nini Bautista and Dr. John Chen on behalf of the Asian American Chamber.

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

(1B) NATIONAL HAND IN HAND WITH CHILDREN GUIDING AND PROTECTING WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating May 21-27, 2006 as National Hand in Hand with Children Guiding and Protecting Week in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Mitchell and received by Dr. Wynn Mabry, Health Director, Rae Robinson and Faye Hyslop with the National Center for Missing & Exploited Children.

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

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

(1C) EMS WEEK

Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and carried 7-0 with Commissioners Bishop, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating May 14-20, 2006 as Emergency Medical Services (EMS) Week in Mecklenburg County.

The proclamation was read by Commissioner Puckett and received by Joe Penner, Director of Medic.

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

Commissioner Clarke returned to the dais.

(2) PUBLIC APPEARANCE
The following persons appeared to speak during public appearance:

Theresa Elder and Rev. Davius Miller informed the Board of the work that is occurring at The Elite Academy. They were joined by several students from the Academy. The Elite Academy is a private school that was founded in 2003 for at-risk students. It seeks to assist at-risk young people to overcome the challenges and obstacles that are “all-too prevalent” in the traditional school setting.

*A copy of information concerning The Elite Academy is on file with the Clerk to the Board.*

Jeanie Welch informed the Board of an upcoming event called Charlotte East Summer Fest. The event will be held June 10, 2006, Noon until 7:00 p.m. at CitySide located at the Plaza and Eastway Drive.

Rev. Marvin Cuffe, signed up to speak regarding Revolution Park Center but stated when he arrived at the podium that his concern had been addressed and therefore it was not necessary for him to discuss it.

Donna Jenkins-Dawson expressed her disappointment with the closing of the Upward Bound Program at Central Piedmont Community College. She asked the Board to impress upon the appropriate officials the importance and need for the program.

Neisha Dawson, daughter of Donna Jenkins-Dawson, also expressed her disappointment with the closing of the Upward Bound Program at Central Piedmont Community College. Neisha addressed how the program had benefited her as well as other students.

(3) APPOINTMENTS

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to waive the Board’s policy to allow applicant, Barbara Benningfield to be nominated and appointed to the Adult Care Home Community Advisory Committee at tonight’s meeting, in light of the desperate need for volunteers for this committee; and to likewise appoint Barbara Benningfield to the Adult Care Home Community Advisory Committee for a one-year term expiring, May 31, 2007.

Note: Per Board policy, persons are nominated at the 2nd Regular meeting and voted upon at the 1st Regular meeting, unless the Board decides to waive its policy.

**ALCOHOLIC BEVERAGE CONTROL BOARD**

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint John Chanon and James Polk to the Alcoholic Beverage Control Board for three-year terms expiring, June 30, 2009.
CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and failed 5-3, with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Bishop, Puckett, and Woodard voting no, to waive the Board’s term limit policy and to reappoint John Luby to the Central Piedmont Community College Board of Trustees for another term.

Note: Per Board policy, it requires a unanimous vote to reappoint someone at the first stage of the appointment process. If the vote is not unanimous then that person can subsequently be nominated for consideration at the next meeting.

Chairman Helms nominated Mr. Luby.

A request was received from the Central Piedmont Community College Board of Trustees asking that the Board waive its term limit policy and allow Mr. Luby to serve another term. Mr. Luby has served for two consecutive terms.

The following persons were nominated for appointment to the Central Piedmont Community College Board of Trustees:

- Anthony Aycock    by Commissioner Roberts
- Tyyawdi Baker     by Commissioner Woodard
- Raphael Basisa    by Commissioner Woodard
- Mark Horn         by Commissioner Puckett
- John Luby         by Chairman Helms
- Nick Mackey       by Commissioner Roberts
- Mark Mealy        by Commissioner Puckett
- Susan Shellhorn   by Commissioner Bishop
- Brian Trippodo    by Commissioner Roberts

An appointment will occur on June 6, 2006.

CMUD ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Charles Teal to the Charlotte Mecklenburg Utility Department Advisory Committee for a three-year term expiring, June 30, 2009 as the real estate development representative.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to waive the Board’s policy to allow applicants Steven Mabel and Judy Smith to be nominated and appointed to the Nursing Home Community Advisory Committee at tonight’s meeting, in light of the desperate need for volunteers for this committee; and to likewise appoint Steven Mabel and Judy Smith to the Nursing Home Community Advisory Committee for a one-year term expiring, May 31, 2007.

Note: Per Board policy, persons are nominated at the 2nd Regular meeting and voted upon at the 1st Regular meeting, unless the Board decides to waive its policy.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Laura McClellie (Central Park District 2
representative), Robert Patterson (Central Park District 3 representative), and Stephanie Taylor
(North Park District representative) to the Park and Recreation Commission for three-year terms expiring, June 30, 2009.

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and unanimously carried with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to add to the list of nominees for appointment to the Park and Recreation Commission, Teresa Sharp.

Note: Ms. Sharp’s application was received late.

Note: Since all applicants are eligible for the At-large slot on the Park and Recreation Commission, Commissioner Roberts said it was important that persons be aware that the At-large position has added responsibilities.

Commissioner Puckett echoed this point and said only a few applicants had indicated a specific interest in the At-large slot.

Chairman Helms nominated all applicants for the At-Large slot and asked that staff indicate when this matter comes back to the Board, which applicants would like to be considered for the At-large slot in light of the added responsibilities that come with serving in this capacity. The nomination of all applicants also included all those that were eligible for the Northern Town slot. The nominees are:

John Boatner
Kenneth Brown
Tillie Clark
J. Marshall Dean
Dennis Dixon
Michael Grosz
R. Jayson Johnston
Avis Lewis
Jelese Lowe
Paige McThenia
Vernetta Mitchell
Rodney Moore
David Morgan
Ernest Nichols
Thomas O’Brien
Joseph Pata
Gary Rhinehart
Samuel Spencer
Teresa Sharp
Paul Strickland
Daniel Ward
Chris Willingham
Mary Wilson
William Woodard

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and failed 6-2 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to waive the Board’s term limit policy and allow Stephanie Carter to be reappointed for another term as the At-large representative.

Note: Ms. Carter has served two consecutive terms but via letter asked the Board, to consider waiving its policy to allow her to serve another term.
Note: Per Board policy, it requires a unanimous vote to reappoint someone at the first stage of the appointment process. If the vote is not unanimous then that person can subsequently be nominated for consideration at the next meeting.

Commissioner Woodard nominated Stephanie Carter.

Appointments will occur on June 6, 2006.

PLANNING COMMISSION

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Roberta Farman, David Howard, and George Shield to the Planning Commission for three-year terms expiring, June 30, 2009.

(4A) PUBLIC HEARING – STORM WATER FEE INCREASE – MINOR SYSTEM

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, 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.

No one appeared to speak from the public.

Dave Canaan, Director of Storm Water Services and Tim Richards with the City of Charlotte addressed the proposed increase.

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 close the public hearing on a proposed increase in the Storm Water fee for the minor system inside the City.

Note: Chairman Helms in his repeat of the motion mistakenly said the motion was to close the public hearing and adopt the fee increase, however, Director Canaan in his presentation said the request for approval would be placed before the Board for consideration at a later date; which is why Commissioner Mitchell stated the motion as noted above.

(5) ADVISORY COMMITTEE REPORTS – DOMESTIC VIOLENCE REPORT – 2005

The Board received as information the Domestic Violence Report for 2005.

Rona Karacaova, Donna Dukes, and June Kimmel, representing the Domestic Violence Advisory Board, gave the report.

The report included a personal testimony by Ms. Dukes.

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

STAFF REPORTS AND REQUESTS

(30) CMC RANDOLPH CAPITAL RESERVE PROJECT

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and
unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize $1.2 million in revenue from the Carolinas Medical Center due to one time cost report settlements; and appropriate same to be used at CMC Randolph to address cost increases for the Emergency Room/Outpatient Renovation project.

*Prior to the above vote, Greg Gumbar with Carolinas Medical Center addressed this matter.*

(31) RENOVATIONS TO THE MEDICATION SERVICES CLINIC CMC-RANDOLPH, BEHAVIORAL HEALTH CENTER

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to award a construction contract in the amount of $953,000 to Streamline Construction, LLC. for renovations to the Medication Services Clinic CMC-Randolph, Behavior Health Center.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(32) N.C. COUNCIL OF COMMUNITY PROGRAMS

The Board received as information a report from the North Carolina Council of Community Programs.

*Note: The North Carolina Council of Community Programs is a non-profit membership association whose mission is “To improve and expand N.C.’s mental health, developmental disabilities, and substance abuse services through the collective voice of Area Authority/County programs in the development and delivery of a cohesive system of care.” Board members of the Council are visiting counties throughout the State to update them on the activities of the Council.*

Steve Eperson with the The North Carolina Council of Community Programs gave the report.

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

(6) MANAGER’S REPORT - PRESENTATION OF COUNTY MANAGER’S RECOMMENDED FY2006-07 BUDGET

County Manager Jones presented his Recommended FY2006-07 Budget.

Highlights:

- The total recommended budget for FY06-07 is $1.34 billion.
- The required countywide property tax rate is 82.66 cents, a one-cent (1.02 cents) decrease from the current rate of 83.68 cents per $100 valuation.
- The recommended budget includes:
  - Additional funding to add 20 school health nurses and 11 public health inspectors.
  - A $2.1 million increase to indigent care funding.
  - $267,000 to reduce or eliminate waiting lists for domestic violence protection and prevention services.
  - $1 million to expand this year’s air quality improvement pilot that encourages area businesses to adopt practices to reduce the production of ozone.
  - An additional $610,000 for court-related resources to speed adjudication of criminal cases.
  - A $10.4 million increase in funding for Charlotte Mecklenburg Schools (CMS).
operations.
  o An additional $1.3 million to maintain the $6 million in funding for the third year of the three-year High School Challenge.
  o $500,000 in restricted contingency to fund a study on a weighted student funding methodology and CMS decentralization implementation strategies, consistent with the recommendations of the CMS Task Force.
  o The second-year funding of a two-year phase-in of market-based compensation for County employees approved by the Board last fiscal year.
  o A 2% increase to payroll for merit increases. County employees will receive between 0% - 5% based on performance.
  o A decrease in the Law Enforcement Service District property tax rate. This tax rate is added to the county-wide property tax rate for those properties within the unincorporated areas. The LESD tax rate pays the cost of police services provided by the Charlotte-Mecklenburg Police Department (CMPD) within the unincorporated areas. This results in a 0.71 cent tax decrease for the LESD from 17.68 to 16.97 cents to generate this level of revenue.
  o That $9 million of the lottery funds be used to offset CMS debt services costs to be incurred by the County in FY2007. The remaining $9 million will be allocated to an Education Paygo Fund.

Following the County Manager’s presentation, Budget Director Hyong Yi reviewed the funding details.

Note: The Board will hold a public hearing to receive public comment on the County Manager’s Recommended Budget for FY2006-07 on May 18, 2006 at 6:00 p.m. The Board will begin its budget deliberations on May 23, 2006.

No action was taken or required at this time with respect to the County Manager’s Recommended Budget for FY2006-07.

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

CONSENT ITEMS

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 7, 9, 23 and 27 to be voted upon separately:

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department in the amount of $11,436 as requested by the Tax Assessor and Director of Revenue Collection resulting from clerical errors, audits and other amendments.

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

(10) STORM WATER INTERLOCAL AGREEMENT WITH THE TOWN OF DAVIDSON

Adopt Resolution Approving An Amendment To The Amended And Restated Agreement For Operation Of A Single Storm Water System In Mecklenburg County Between The Town Of Davidson And Mecklenburg County.

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

8
(11) STORM WATER FEE (TOWN OF DAVIDSON) – SET PUBLIC HEARING

Set a public hearing on June 6, 2006 at 6:30 p.m. concerning the proposed increase in the Storm Water fee for the minor system inside the Town of Davidson.

(12) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – ZONING SERVICES

Amend the LUESA Fee Ordinance to reflect revisions for Zoning Services.

Note: This was the second reading. The first reading occurred on May 9, 2006.

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

(13) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT

Approve the submission of the County’s Clean Air Act, Section 103, Special Purpose federal grant application for FY07 and upon award of grant, recognize, receive and appropriate the Section 103 grant award.

(14) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – BUILDING PERMIT FEES

1) Amend the LUESA Fee Ordinance to reflect a 10 percent decrease on Building Permit Fees with a construction value greater than $3,000, and minor adjustments made for clarity.

2) Approve adjustment for Sheathing Inspections, a $25 fee for sheathing inspections on townhouses.

Note: A $50 sheathing fee was initially approved by the Board in November 2005 for inspections of single family dwellings. This fee will more accurately reflect the inspection cost for townhouses.

Note: This was the second reading. The first reading occurred on May 9, 2006.

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

(15) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT - FLOOD MITIGATION GRANT APPROVAL

1) Recognize, receive and appropriate $720,204 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.

(16) SHARE OF LOCAL ABC PROFITS

Recognize and appropriate $15,600 of additional local ABC profits to be received in FY06.

Note: The distribution of the local share of ABC profits due to towns is greater than the amount expected at the time the budget was established.

(17) AREA MENTAL HEALTH CARRY OVER FUNDING
Approve request to carry over into FY07 state Local Management Entity (LME) funding for dedicated LME projects associated with the implementation of state mental health reform.

(18) **PURCHASE OF MOTOROLA RADIO EQUIPMENT**

Approve a contract for the purchase of radio equipment from Motorola as authorized by the sole source exception of G.S. 143-129(f).

*Note: The contract will include a comprehensive price list to address radio needs as required. The contract will be for one year, with renewal options for four additional one-year periods.*

(19) **TOBACCO USE PREVENTION GRANT**

Recognize, receive and appropriate $300,000 from the Health and Wellness Trust Fund Commission over a three-year period beginning July, 2006 for the Community and Schools Phase III Tobacco Use Prevention and Cessation Initiative.

(20) **BUDGET ADJUSTMENTS – HEALTH DEPARTMENT**

1) Reduce the Community Health Trust Builders Grant approved by the Board with agenda item 15 of October 18, 2005 from $50,000 to an actual $47,000; and

2) Rescind agenda item 18 of January 4, 2006 which is a duplicate of agenda item 15 of October 18, 2005 for the Community Health Trust Builders grant.

3) Rescind agenda item 11 approved by the Board on March 8, 2006, which duplicated agenda item 19 dated October 19, 2004 for the two-year grant “Project Safe Neighborhoods.”

(21) **NEW FEES – HEALTH DEPARTMENT**

Amend the Mecklenburg County Fee Schedule to include the following new fees:
- Private Well – Retained Fee if request is denied - $100
- Class Registration for Contractors - $70.

(22) **PANDEMIC FLU STATE FUNDING**

Recognize and appropriate revenue in the amount of $13,175 to reflect additional one-time Pandemic Flu Phase I funds from the NC Department of Health and Human Services.

*Note: These funds are designated to promote planning, exercises, communications and recovery capacities for pandemic influenza response. Preparations are underway for an exercise in July, 2006.*

(24) **TANF DOMESTIC VIOLENCE REVENUE DECREASE – DSS**

Amend the Department of Social Services’ FY06 budget, decreasing the Federal revenues for TANF Domestic Violence by $3,475.

(25) **KATRINA EVACUEES’ CHILD CARE FUNDS REVENUE – DSS**

Amend the Department of Social Services’ FY06 budget to recognize additional State revenues of $83,544 intended to reimburse Mecklenburg County for costs incurred providing child care to
Hurricane Katrina evacuee families.

(26) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

Approve funding adjustments as follows:

A. Recognize, receive and appropriate State funds in the amount of $97,431 for Mobile Crisis Services.

Note: These start up funds will be used for support and/or development of Mobile Crisis Services. This is a mobile unit that goes out to see consumers who are in crisis to help divert consumers going to the emergency room and other more expensive services. This is a new service in the state of NC as of March 20, 2006 with the implementation of the new State Medicaid plan amendment. It will be available to developmental disability, mental health, and substance abuse consumers.

B. Recognize, receive and appropriate State funds in the amount of $66,657 for System of Care for Child Mental Health.

Note: These funds will be used for the implementation and on-going support of local community collaborative activities. This is an existing initiative, where funds will be used in conjunction with the SAMHSA grant to cover services that were not included in the grant.

C. Reduce State funding in the amount of $7,917 for the transfer of a consumer from Mecklenburg to Crossroads LME.

Note: This reduction is due to transfer of MR/MI client #LAMF110457 to Crossroads.

(28) LAND EXCHANGE WITH WESTMORELAND COMMUNITIES, LLC

1) Adopt a resolution authorizing the County Manager to negotiate, execute and implement the exchange of +/- 46 acres of Tax Parcel 005-071-12 (Robbins Park site) for a +/- 59-acre portion of Tax Parcel 005-071-11, both located off Catawba Avenue in Cornelius; and

2) Authorize the County Manager to modify the County’s current lease with the Town of Cornelius to include the correct properties to be developed and managed as a park as a result of the above land exchange and to include management by the Town of that portion of the County’s property designated as nature preserve.

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

(29) ANIMAL SHELTER LEASE AND VERHOEFF DRIVE EXTENSION IN HUNTERSVILLE

1) Authorize the County Manager to negotiate and execute a long-term lease for +/- 4 acres of Tax Parcel 017-204-01 to the Town of Huntersville for an animal holding shelter to serve northern Mecklenburg County; and

2) Approve conveyance of +/- 0.7-acre from Tax Parcels 017-204-01 and 017-421-10 to the North Carolina Department of Transportation for the extension of Verhoeff Drive.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(7) APPROVAL OF MINUTES
Motion was made by Commissioner Puckett, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve minutes of Regular Meeting held May 3, 2006, as amended and Closed Session Minutes of meeting held May 3, 2006.

Note: Commissioner Puckett asked that the minutes of Regular Meeting held May 3, 2006 be amended to place the statement concerning Commissioners Bishop and Puckett being away from the dais during Public Appearance after the first speaker, Donna Dillon Stout rather than before Ms. Stout spoke.

(9) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY07 FUNDING

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive and appropriate allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,423,209 for fiscal year 2007 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

<table>
<thead>
<tr>
<th>Program</th>
<th>Sponsoring Agency</th>
<th>Proposed FY07 Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intensive FACET</td>
<td>DSS-Youth and Family Services</td>
<td>$262,348</td>
</tr>
<tr>
<td>Court Psychologist</td>
<td>Elon Homes for Children</td>
<td>$ 93,000</td>
</tr>
<tr>
<td>Theft Diversion Program</td>
<td>Life Connections, Inc.</td>
<td>$ 36,780</td>
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<td>Life Connections, Inc.</td>
<td>$ 36,780</td>
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<tr>
<td>Multi Systemic Therapy (MST)</td>
<td>Alexander Youth Network</td>
<td>$ 80,189</td>
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<tr>
<td>Restitution and After School Program</td>
<td>Present Day Cares</td>
<td>$380,000</td>
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<tr>
<td>MST, Group Home and Foster Care</td>
<td>Youth Homes, Inc.</td>
<td>$311,172</td>
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<tr>
<td>JCPC</td>
<td>County Manager’s Office</td>
<td>$ 5,500</td>
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<tr>
<td>Reserved</td>
<td></td>
<td>$254,220</td>
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<td></td>
<td></td>
<td>$1,423,209</td>
</tr>
</tbody>
</table>

Commissioner Woodard removed this item from consent for more Public Awareness.

(23) ROOF REPLACEMENT – FREEDOM MALL PHASE 3

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to award a construction contract in the amount of $1,253,000 to Radco Construction Services, Inc. for roof replacement at Freedom Mall Phase 3.

Commissioner Woodard removed this item from Consent to note that some progress has been made with respect to MWSBE participation.

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

(27) BRIAR CREEK GREENWAY LAND ACQUISITION

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of a portion of Tax Parcel 095-102-71, which formerly was lot #17 in Block 2 of Country Club Village on Masonic Drive, from Charlotte Country Club.

Note: This donation is a part of the Briar Creek Greenway.
Commissioner Roberts removed this item from Consent for more public awareness.

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 Woodard, and carried 7-0 with Commissioners 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 9:14 p.m.

Janice S. Paige, Clerk

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

MAY 18, 2006 5:30 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in an Informal Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center at 5:30 p.m. and in Formal Special Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Thursday, May 18, 2006.

ATTENDANCE

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

Absent: Commissioner Bill James

The Board’s informal session consisted of dinner only.

Following dinner, the Board convened in the Meeting Chamber.

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

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

Chairman Helms said that the purpose of the meeting was to receive citizen input on the County Manager’s proposed budget for FY07. Chairman Helms outlined the rules and procedures for conducting the public hearing.

FY07 BUDGET PUBLIC HEARING

The following persons spoke and asked the Board to support funding for their respective organization and/or cause:

1. Claire Tate, Zana Shaban, Carson Duffy, Joshua Laws, Devonte McLean, Blake Pereira, Brianna Beamon, Monique Hardin, Christal Caldwell, Mollie Strawn, Jesse Schwab, Amanda Davis, and Sarah Acuff representing United Agenda for Children Youth Advisory Council on increasing the ratio of school nurses to students.

2. Dr. Tony Zeiss, President, CPCC thanked the Board for their continued support and requested restoration of CPCC’s capital reserve request.

3. Armah Shiancoe on behalf of CPCC.

4. Barbara Pellin and Mordecai Scott on behalf of Communities In Schools.

5. Jim Hess, Marilyn Nelson and Lyonetta Myers on behalf of Charlotte Emergency
6. Karen Montaperto, Executive Director of Charlotte Emergency Housing on behalf of Homeless Services Network.

7. Alan Pritchard, Chair for the Board of Charlotte Advocates for Education, respectfully requested the Board, County Manager, School Board, CMS Superintendent and administration to **undertake a process of budget analysis which would be transparent, specific and informative.**

8. Susan Albach representative of APPLE on behalf of CMS’ budget.

9. Larry Cedrone, PTA President McKee Road Elementary School, on behalf of CMS’ budget.

10. Sylvia Casey, SLT, Martin Luther King, Jr. Middle School, on behalf of CMS’ budget.

**Commissioner Bishop left the meeting at this time and was absent for the remainder of the meeting.**

11. Tracy Edwards, Marie Rogers and Nancy Better with CMS’ Instructional Excellence Department, on behalf of **CMS’ budget request and the retention of school teachers.**

12. David Hull and James White on behalf of the **Uptown Shelter.**

13. Vernon Herron on behalf of **Comprehensive Genealogical Services.**


15. Talia Saxe, Myers Park High School student in support of **increasing the number of school nurses.**

16. Lorie Vanbuskirk, SLT Chair, McAlpine Elementary School, on behalf of **CMS’ budget request.**

17. Kim Graham on behalf of **CMS’ budget request.**

18. Carol Sawyer, parent of Randolph Middle School student on behalf of **CMS’ budget request.**

19. Rebecca Grant with Junior League of Charlotte in support of **increasing the number of school nurses.**

20. Diane English on behalf of **Community Building Initiative.**

21. Mike Farris on behalf of **CMS’ budget request.**

22. Aaron McKeithen and Rev. Mark Diehl on behalf of **Council on Aging.**

23. Antonio Lovo, Cory Gordon and Nikeeta Pal on behalf of **NCCJ Empowering Youth Programs.**

24. Rev. Steve James, chair Mecklenburg County Mental Health Association of Central Carolinas spoke in support of **funding services for people in the community with mental disorders.**

25. Louise Woods on behalf of **CMS’ budget request.**
26. Kate Downing on behalf of CMS’ budget request.
27. Mary Ann Gilmore on behalf of services for senior citizens.
28. Pamela Espinosa on behalf of CMS’ budget request.
29. Jeffrey Blackey on behalf of CMS’ budget request.
30. Lucille Howard, co-president, League of Women Voters on behalf of CMS’ budget request.
31. Beth Anderson on behalf of CMS’ budget request.
32. Brennon Graham, Beverly Logan and Billy Maddalon requested funding be restored to Alexander Children’s Center and The Relatives.
33. Pamela Grundy on behalf of CMS’ budget request.
34. Randy Perkins, chair of Mecklenburg County Air Quality Commission, requested the $1 million placed in restricted contingency for air quality enhancement be released.
35. Fran Meta on behalf of Charlotte-Mecklenburg Senior Center.
36. Deronda Metz on behalf of Salvation Army Center of Hope Emergency Shelter for Women and Children.
37. Park and Recreation Commissioner, Brad Pearce on behalf of the Park and Recreation budget.
38. Rusty Rozelle, a county employee spoke in support of the Manager’s Recommended Budget and thanked the Board and Manager Jones for valuing county employees.
39. David Howard and Raphine Caldwell, on behalf of Charlotte-Mecklenburg Housing Partnership.
40. Andrew Hoxie and Peter Lehmuller from Johnson & Wales University in support of increasing the number of restaurant health inspectors.
41. Joe Marinello on behalf of United Family Services.
42. Neal Houze on behalf of the Manager’s Recommended Budget.
43. Blaine Wallace, parent at Olympic High School on behalf of CMS’ budget request.
44. Roslyn Freeman, Dr. Metcalf and Larry Green on behalf of C.W. Williams Community Health Center.
45. Matt Emich, organizer for Teamster Local 71, on behalf of CMS’ hourly paid employees.
46. Ruth Huey, on behalf of CMS’ budget request.
47. Shateerah Harrison, on behalf of CMS’ budget request.
48. Cliff Carattini on behalf of the Charlotte Metro Restaurant Association in support of additional Environmental Health Inspectors.
49. Bo Boylan on behalf of CMS’ budget request.
50. Clare Campagna, a school bus driver, on behalf of hourly paid employees with CMS.
This concluded the public hearing.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and carried 7-0 with Commissioners 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 9:55 p.m.

______________________________ _________________________________
Tonette F. Spears, Deputy Clerk                                           H. Parks Helms, Chairman
ATTENDANCE

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

Absent: Chairman H. Parks Helms and Commissioners Bill James and Jim Puckett

FY 2006 - 2007 BUDGET DELIBERATION

The meeting was called to order by Vice-Chairman Rembert.

Vice-Chairman Rembert said the purpose of the meeting was to begin the Board’s deliberation on the County Manager’s FY06-07 Recommended Budget.

Vice-Chairman Rembert called upon County Manager Jones, who then turned the meeting over to Budget and Management Director Hyong Yi.

Director Yi addressed the following:

- The Budget Workshop Schedule
- Technical Adjustments
- Responses to Commissioner Questions
- The Process for Identifying Service Items Commissioners would like to discuss

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

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Mitchell, Rembert, Roberts, and Woodard voting yes, to accept and approve the technical adjustments as outlined by staff.

Director Yi noted for the record that it was Commissioner Mitchell who initiated the Status of Seniors Report and not the Council on Aging as it was noted in budget documents.

Comments

Commissioners then went through the list of services pulling those they had questions about.

Commissioner Clarke requested a breakout of the amount shown for Charlotte-Mecklenburg Schools (CMS) Capital Replacement. He also wants to know how this responds to CMS’ budget request.

County Manager Jones said he believed the amount was in the $9 million range but that staff would
Commissioner Clarke asked what was the amount budgeted last year for CMS Capital Replacement. *The response was $5.2 million.*

Commissioner Roberts asked about CMS High School Challenge.

Director Yi explained how the funding works for this program.

Commissioner Roberts asked for clarification about the Funding Framework for CMS, which Director Yi addressed.

Commissioner Clarke also asked about the Funding Framework with respect to the enrollment growth dollar amount and the per pupil amount. He asked staff to provide information on how they derived at these amounts.

*Director Yi explained both and said a written explanation would also be provided.*

Commissioner Woodard asked whether Childcare Services received funding from other sources. *The response was yes, federal and state funding.*

Commissioner Rembert asked about Dr. Zeiss’, President of Central Piedmont Community College (CPCC), comment at the Budget Public Hearing with respect to an oversight on the County Manager’s part. *Staff said Dr. Zeiss was referring to the fact that Central Piedmont Community College’s capital replacement cost was not funded. It was noted that CPCC’s request is on the County’s list, but that there were other projects that ranked higher.*

Commissioner Rembert asked about Indigent Care and where was the $2.1 million as recommended by the County Manager. *Staff said it was included in the $19.1 million.*

Commissioner Woodard asked whether the amount shown for STD/HIV Tracking & Investigation the same as last year’s. *The response was yes and that this amount should be adequate and that progress is being made.*

Commissioner Roberts asked whether Physician’s Reach Out was connected with indigent care. *The response was yes.*

Commissioner Roberts asked would this amount allow them to increase the number of patients they can see. *The response was yes.*

Commissioner Rembert asked why Physician’s Reach Out was recommended for funding and not C.W. Williams Health Center, who also serves the indigent population. *Staff will report back.*

Commissioner Woodard raised the same question for Volunteers in Medicine. *Staff will report back.*

Commissioner Clarke asked staff to provide the facts that lead them to the conclusion that Physician’s Reach Out had greater value then C.W. Williams Health Center.

Commissioner Woodard asked for clarification on Contracted Lobbying. *It was explained that this covers the lobbying firms used by the County on the state and federal levels.*

Commissioner Roberts asked what was not being funded in the Salvation Army’s request, in light of the fact that the recommended funding was $75,000 and they requested $125,000. *Staff will report back.*

Commissioner Mitchell asked about the Structured Day Services program. *It was explained that this was a grant funded program.*

Commissioner Clarke asked staff to provide information on the increase in the Court Services Coordination Category compared to last year. *Commissioner Roberts asked that the response with respect to the Court Services Coordination*
Category, include the number of additional positions.

**Commissioner Woodard** asked about the DWI grant and whether the County’s match was included in the amount shown. *The response was yes, $20,000.*

**Commissioner Rembert** asked for an explanation with respect to the County’s role with Advantage Carolina. *It was explained that this was a part of a contractual arrangement.*

She also asked about the Charlotte Regional Partnership and Nextel NASCAR, which was addressed.

**County Manager Jones** noted with respect to Nextel NASCAR, that the $125,000 in the recommended budget was funding for two years, this year and next year. He noted that the Charlotte Regional Visitors Authority (CRVA) failed to the bill the County for $62,500 for FY06.

**Commissioner Roberts** asked for more information on what was included in the Charlotte-Mecklenburg Housing Partnership request and what part of that request would County funds be used for.

**Commissioner Rembert** asked about the YMCA - Strengthening Families program and whether this was at a particular YMCA or all YMCA’s. *The response was that the request came from the Central “Y” and that the information does indicate those communities that would be served.*

**Commissioner Woodard** asked was the amount in the recommended budget for Communities In Schools ($624,000) the amount requested. *The response was no. The amount requested was $724,917.*

Cynthia Marshall, Executive Director of Communities In Schools addressed their request. She said the $624,000 that has been recommended would not enable them to keep current level services.

**Commissioner Woodard** asked about the Beatties Ford Road Family Counseling-Mental Health Outside Agency request.

Grayce Crockett, Director of Area Mental Health said she was not familiar with their services to any great extent but recalled them requesting Area Mental Health’s assistance with Medicaid billing certification. However, they redrew their request for assistance because they decided they were not ready to move forward at that time. Director Crockett said she would be willing to assist them in getting Medicaid certified.

**Commissioner Woodard** requested more information on St. Peter’s Homes, which was given by a representative from St. Peter’s Homes.

Commissioners Mitchell and Woodard asked why was Pat’s Place not funded. *Staff will report back.*

**Commissioner Woodard** requested more information on the Sickle Cell Regional Network. *Staff will report back.*

**Commissioner Rembert** asked about Community Building Initiative, which was not recommended for funding, although they’ve been funded in the past. *The response was that when staff looked at the demonstrative results, the value was not there from a value per dollar perspective.*

*Staff said this was probably something the Board might want to discuss with respect to what is it they want to be achieved. Staff indicated further that the Community Building Initiative does not have outcome measures.*

**Commissioner Mitchell** noted that it may be difficult to come up with specific outcome measures.

**Commissioner Rembert** suggested there needs to be some discussion with Community Building Initiative with respect to what should be the community goal.

**County Manager Jones** said he would provide the Board with an explanation with respect to why
each of the outside agencies listed were not funded.

Commissioner Roberts asked about WTVI. General Manager John McGillicuddy gave a brief update on the long-term planning process. It was noted that several meetings have been held and four scenarios with respect to WTVI’s future have been developed. WTVI is now in the process of exploring the favorite of those scenarios.

Commissioner Rembert asked if staff knew what prompt the Youth Homes, Independent Living request. She noted that the agency has been in existence for quite some time but this was the first time they’ve submitted a request. Staff said one explanation may be that more agencies are aware of the County’s process now than they have been in the past.

Commissioner Woodard commented on the need for the types of services provided by Alexander Youth Network.

Commissioner Clarke requested the list of outside agencies funded last year. He also asked that any outside agency that the County Manager recommended an increase last year be pointed out and the reason for the increase.

This concluded the discussion.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

Motion was made by Commissioner Roberts, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be recessed at 7:45 p.m. until 5:00 p.m., Wednesday, May 24, 2006.

Janice S. Paige, Clerk

Wilhelmenia I. Rembert, Vice-Chairman
ATTENDANCE

Present: Chairman H. Parks Helms, Vice-Chairman
Wilhelmenia I. Rembert and Commissioners
J. Daniel Bishop, Dumont Clarke
Norman A. Mitchell, Sr., 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

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

FY 2006 - 2007 BUDGET DELIBERATION

The meeting was called to order by Vice-Chairman Rembert.

Vice-Chairman Rembert said the purpose of the meeting was to continue the Board’s
deliberation on the County Manager’s FY06-07 Recommended Budget.

The Board received budget presentations from Central Piedmont Community College (CPCC),
Charlotte-Mecklenburg Schools (CMS), and the Education Budget Advisory Committee (EBAC).

Note: Although, Funding Evaluation Guidelines Explanation was listed on the agenda, this topic
was not addressed.

Dr. Tony Zeiss, president of CPCC presented CPCC’s budget request.

Highlights:
- CPCC is requesting an increase in the 2006-07 operating budget to a total of $24,244,142
  plus $810,000 in capital reserve funds.
- A 14% growth in space necessary to support enrollment growth is the primary factor in
  increased cost plus a 3% addition to salaries and the faculty/staff supplement.
- This additional funding is necessary for CPCC to continue to support its programs, facilities,
  and students at current service levels.

Commissioner Puckett entered the meeting at the conclusion of Dr. Zeiss’ presentation.

Bill Reeside, chairman of the EBAC presented the committee’s CMS budget recommendation.

Highlights:
- Fund the CMS operating budget for 2006-07 at $320,825,713. This is $2,455,247 less than
  the $323,280,960 requested by CMS.
• To not fund the $2.2 million for District Decentralization in the operating budget.
• Remove the primary years IB Magnet Program foreign language instruction funding ($252,327) from the operating budget.
• Consider the foreign language funding for county grant funding, and
• Place $500K in restricted contingency to pay for consultants necessary to advise CMS on decentralization.

Dr. Frances Haithcock, Interim Superintendent presented CMS’s budget request.

Note: Board of Education Chairman Joe White was present and thanked the Board for the opportunity to present CMS’ budget request. Sheila Shirley, CMS’ Chief Financial Officer and Brian Casher, CMS Manager of Environmental Health and Safety assisted Dr. Haithcock in responding to questions.

Highlights:

• Three main reasons CMS needs additional money for 2006-07
  o 4,442 new students are coming – more of those students will have complex learning needs
  o Opening five new facilities and rising fixed costs
  o Rising personnel costs.

Commissioner Bishop entered the meeting during Dr. Haithcock’s presentation.

Chairman Helms entered the meeting near the conclusion of the question and answer period on CMS’s budget, but Vice-Chairman Rembert continued to chair the meeting.

Vice-Chairman Rembert thanked each of the presenters for their presentation.

A copy of handouts from each entity, as well as, EBAC is on file with the Clerk to the Board.

Comments

Commissioner Woodard asked if there were any funds in the County Manager’s recommended budget in contingency for salaries for CPCC or CMS employees. County Manager Jones said no funds were placed in contingency for CPCC or CMS salaries predicated upon the Governor’s budget.

Commissioner Clarke asked Dr. Zeiss what was each one percent salary supplement increase. The response was about $170,000.

Commissioner Roberts asked Mr. Reeside to comment on the committee’s recommendation with respect to the IB magnet foreign language program, decentralization, and the weighted student staffing issue. The response was that based on information received from CMS, the committee felt the IB magnet foreign language piece was more of an experimental piece and that it should be treated more as a grant rather than placing it in the baseline budget, that might then accumulate year after year. With respect to decentralization, the response was that the committee felt the school system was basically putting that $2.2 million in the budget as a “place holder,” waiting to see what the details would be based on hearing from consultants. The committee felt further, that when the system was asking for $20 -30 million more than last year, that it was not appropriate to go in the baseline budget until the plans had moved further along. With respect to the weighted student staffing, the committee felt that piece was well developed. The committee did not see that as being connected with the decentralization.

Commissioner Roberts noted that per pupil funding was less now then it was six years ago.

Commissioner Roberts asked over the years has CMS’ prediction of state funding come in close to what was predicted. The response was yes.

Commissioner Roberts asked about the decrease in federal funding. The response was that the
primary reason was because Title I in this current year received some additional funds late in last year, so there was some carryover, just over $5 million in Title I funds for this year. Also there are several grants that expire in this fiscal year.

Commissioner Woodard asked about salaries for bus drivers, cafeteria and maintenance staff and whether these persons are local or state employees. The response was that it was a combination of both, some are paid with local funds and some with state funds. The proposed local increase in the budget for any non-certified county paid employees is 3% but the Governor has proposed 4%.

Commissioner Woodard asked what was the minimum salary of someone in this category of employees. The response was that it was about $15,000 for a 10-month employee.

Commissioner Woodard asked about incentives for teachers to go to Focus Schools. The response was there is an allotment in the regular budget for persons coming into the system. Also, that one of the new initiatives is to set aside an allotment for teachers and principals that are already in the system.

Commissioner Woodard asked about the High School Challenge program and the progress of students in these schools with respect to End of Grade test. The response was that this information was not available yet, however, there is indication that the high schools will show improvement.

Commissioner Puckett said he would like to receive information on the amount of projected and adopted federal funding that has been projected and received by CMS for the last four or five years.

Commissioner Puckett asked about savings based on economies of scale and where in the budget could that be found, which was addressed.

Commissioner Puckett asked were the growth numbers for 02-03 inclusive of Bright Beginnings. The response was no.

Commissioner Puckett commented that part CMS problem with respect to its changing demographics is that CMS is not appealing to the people that are in the best position to help CMS.

Commissioner Puckett in his final remarks said one way to attract the parents that are needed to support the system is to build schools in their area.

Commissioner Bishop commented on his take of CMS keeping pace with inflation and growth.

Commissioner Bishop asked had the total budget (CMS), over the last eight years, increased faster than the combined rate of increase in student population and the rate of inflation. The response was that CMS staff has not done that type of calculation, but it appears the budget has increased by about 60% overall, but the piece associated with “pure” growth to maintain the current service level has only been increased by 24%.

Commissioner Bishop said the rate of increase in impoverished students was far faster than the rate of poverty in Mecklenburg County. The response from CMS was that this was because 70% of the population in Mecklenburg County does not have children in school. This population consists of older, wealthier people, whose children are grown, and young professionals who do not have children, and who normally have a higher salary. It was stated that this population was increasing to some extent, therefore, the poverty level of the children that CMS gets in school-aged poverty and family poverty that have school aged children was growing.

Commissioner Bishop said the comparison he was suggesting was not between the general background level of poverty at all ages and the free and reduced lunch population, but rather he’s comparing the 48% free and reduced lunch population to the rate of poverty among children in Mecklenburg County. The response was that part of that growth was because of the methodology used to gather federal requested information with respect to free and reduced lunch students.

Commissioner Bishop said he also was concerned as to why CMS can’t attract more middle class and affluent families.
Commissioner Clarke noted that some of CMS costs have increased because of efforts to improve student achievement.

Commissioner Clarke said it’s true, the Charlotte-Mecklenburg School System needs to be attractive to parents, particularly parents of young children who could “afford” other choices.

Commissioner Clarke said the involvement of these parents in the school system is “absolutely” critical. Commissioner Clarke said if their children are there, they’ll care about how the school system is funded. If their children are in private school or if they’ve relocated to other counties to a school system that has less challenges, then their political support for bonds and additional support to the Schools operating system is not here.

Commissioner Clarke said he doesn’t think what Commissioner Puckett was suggesting was to shift funds from schools where there is a high concentration of students on free and reduced lunch, where “we’re” struggling to get these kids to perform on grade level, to other areas where this is not the case.

Commissioner Clarke said the question needs to be asked, however, of what can be done to attract and keep middle class students in CMS and to “dispel” the myths that CMS is not providing a high quality of education for all students, including those of parents of greater means.

The response was that this was CMS’ number one issue. Dr. Haithcock said as they’ve gone down the path of trying to be sure that every child is reading by the first grade, they have “equally and dramatically” ensured that there was a rigorous program in the high schools, even though they have challenges with children reading on grade level that are coming into the high schools that they are dealing with. Dr. Haithcock said CMS has exceptional programs.

Dr. Haithcock said the problem was, “for whatever reason,” was that the community doesn’t understand the good foundation the system has, both for very rigorous types of work for high skilled students and those that are “struggling.” Also, that CMS has a great number of high performing students.

Commissioner Clarke asked what was the vote of the Board of Education on its budget. The response was 5-4.

Commissioner Clarke asked were any suggestions made by those that opposed the budget as to where cuts could occur. The response was no.

**Commissioner Clarke left the meeting at this time and was absent for the remainder of the meeting.**

Commissioner Roberts asked was it not true that end of grade test across the board for all grades has increased and that the disparities between minority students and white students has decreased. The response was yes with respect to end of grade test, except on the high school level, which has been relatively flat until this past year. Dr. Haithcock said some programs will take two or three years to mature but results are being seen. With respect to disparities at the high school level, it has decreased some but not like on the elementary school level.

Vice-Chairman Rembert asked if the full amount requested was received, what would be the most remarkable outcome the community could expect to see next year. The response was that one thing would be the continuation of the growth CMS has been showing over the past six years in the academic areas in elementary, middle, and high school; because that growth would allow CMS not to “really touch” the schools. It would allow them to keep the classroom sizes the same and to have the support people at the schools directly that exist today.

Dr. Haithcock said the quality of the teacher and the support of that teacher in the school and the leadership in that school were the two variables that are the most important in driving student achievement.

Vice-Chairman Rembert asked Dr. Haithcock to clarify her use of the term “continued growth” and whether she meant improvement in student achievement. The response was yes, she meant growth in
student achievement by every measure that they use.

Vice-Chairman Rembert noted that student assignment also increased CMS costs.

Vice-Chairman Rembert asked if CMS provided funding to Communities In Schools The response was no, but this past year CMS did have some funds in the High School Challenge program to have some additional types of Communities In Schools service at those three high schools. It was noted further that Communities In Schools is a great CMS partner and provides services to many schools.

Vice-Chairman Rembert asked about in-kind services to Communities In Schools. The response was that they are provided space within the schools to work and have access to school equipment, such as copiers.

Vice-Chairman Rembert commented on the status of African American males in public schools across the country and in N.C. and specifically in the large urban areas of the State.

Vice-Chairman Rembert noted as examples that the graduation rate of African American males was “dreadfully” below what it should be; that the graduation rate between African American males and White males in this community was approximately 33%, but more importantly, there is such a disproportionate number of African American males in the special education program; and they drop out at an incredible rate.

Vice-Chairman Rembert said you don’t have to go very far to see that if they’re not successful by the third grade, their chances of ending up in jail and/or the prison system is very high. She asked Dr. Haithcock what plans were in the district’s future to look at that population and what’s happening because there are costs associated with that. She asked what plan is there to significantly change that pattern. Vice-Chairman Rembert said she realizes that all of that responsibility does not rest with CMS. The response was that this particular data, especially, in the last two years, is something that CMS has studied very carefully. It was noted that one thing that was done this year was that within the charters is a mandatory strategic plan to address this issue of African American males at each level in every classroom and for each school to have a specific plan to address this group of students as a high risk priority area. CMS also through their partnering programs is strongly advocating mentoring programs.

This concluded the discussion.

Note: The above is not inclusive of every comment and/or question asked.

ADJOURNMENT

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and carried 7-0 with Commissioners Bishop, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be recessed at 8:22 p.m. until 5:00 p.m., Tuesday, May 31, 2006.

Janice S. Paige, Clerk
Wilhelmenia I. Rembert, Vice-Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in
a recessed Special Session Budget Workshop in Conference Center Room 267 of the Charlotte-
Mecklenburg Government Center at 5:00 p.m. on Wednesday, May 31, 2006.

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

FY 2006 - 2007 BUDGET DELIBERATION

The meeting was called to order by Chairman Helms.

Chairman Helms said the purpose of the meeting was to continue the Board’s deliberation on
the County Manager’s FY06-07 Recommended Budget.

Chairman Helms addressed the process to be followed for deliberation, after which he then turned
the meeting over to Budget and Management Director Hyong Yi.

Director Yi addressed handouts that were distributed to the Board.

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

Finance Director Harry Weatherly addressed revised revenue estimates.

Director Yi addressed options for the use of additional revenue. He also addressed Charlotte-
Mecklenburg Schools Funding Evaluation Guidelines.

Director Yi also informed the Board of a letter the County Manager received from City Manager
Pam Syfert regarding City support for School related programs, specifically School Resource
Officers, School Crossing Guards, and After-School Programs.

County Manager Jones said City Manager Syfert, per direction from City Council spoke with him
concerning the feasibility of the County taking responsibility for the above mentioned programs.

It was noted that City Council has not taken any formal action on this matter.

A copy of City Manager Syfert’s letter is on file with the Clerk to the Board.

County Manager Jones was directed to inform the City Manager that the Board would be willing to
discuss this matter with the City some time in the future, but that it would not be something for
consideration for the County’s FY07 budget.

Board members expressed an interest in knowing what current County services would the City be willing to take responsibility for if the County was interested in taking responsibility for the services they have suggested. Commissioners also questioned whether funding School Resource Officers and School Crossing Guards was an appropriate County function. It was pointed out also that discussions would need to occur with the Towns because many of them provide this service through their police department.

**House of Grace**

Prior to the start of the straw voting, Commissioner Woodard suggested funding the House of Grace but placing the funds in restricted contingency, until the issues of concern, per staff’s audit of the agency are resolved.

**Lottery Revenue**

Also, prior to the start of the straw voting, Commissioner Clarke suggested that all of the lottery proceeds be allocated towards school construction and not debt service.

Commissioner Clarke said doing this would be in keeping with the original intent of those in the legislature that supported the lottery. Commissioner Clarke said this would also put the County’s tax rate back to the current level.

Commissioner James noted that Wake County plans to do the same thing County Manager Jones recommended in his budget with respect to the use of lottery revenue, as well as other counties.

*The Board then started the straw vote process as noted below.*

_Note: During the straw vote process it is not necessary for a motion to have a second in order to be voted upon. Also, under the straw vote process, motions can be made by the Chairman. Commissioners can also abstain._

**STRAW VOTES**

**Tax Rate**

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 set the tax rate for FY07, 3 cents lower than the current tax rate and to direct the County Manager to bring back a budget recommendation to reflect this new rate.**

_Note: Commissioner Puckett noted that if necessary he could recommend possible cuts to the County Manager._

**Adult Social Work (DSS)**

Motion was made by Commissioner Mitchell and **carried 6-1** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Bishop voting no, **to increase funding for Adult Social Work by $323,972.**

_Note: Commissioners James and Puckett abstained._

**Charlotte-Mecklenburg Council on Aging (Outside Agency) (contingency)**

Motion was made by Commissioner Mitchell and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, **to increase funding for the**
Charlotte-Mecklenburg Council on Aging by $107,669.

Note: Commissioners Bishop, James, and Puckett abstained.

Charlotte-Mecklenburg Schools Operational Funding

Motion was made by Commissioner Rembert and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase CMS Operational Funding by $15.5 million.

Note: Commissioner Rembert’s initial amount was $13 million but she changed it to $15.5 million following discussion.

Note: Commissioners Bishop, James, and Puckett abstained.

Charlotte-Mecklenburg Schools Debt

Motion was made by Commissioner Clarke and carried 4-2 with Commissioners Clarke, Mitchell, Roberts, and Woodard voting yes and Commissioners Helms and Rembert voting no, to increase CMS-Debt funding by $9 million.

Note: Commissioners Bishop, James, and Puckett abstained.

CMS High School Challenge

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 place the CMS High School Challenge funding in restricted contingency until a status report is received on the success of the program and that in the interim, request the District Attorney’s Office to inform the Board of how it would use this same amount of funding if it were to be given to them.

Air Quality (Restricted Contingency)

Motion was made by Commissioner Rembert and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to reduce the Air Quality funding placed in restricted contingency by $500,000.

Note: Commissioners James and Puckett abstained.

Unrestricted Contingency

Motion was made by Chairman Helms and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to add $50,000 to unrestricted contingency.

Note: Commissioners Bishop, James, and Puckett abstained.

Shelter for Battered Women

Motion was made by Commissioner Roberts and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase funding for the Shelter for Battered Women by $137,000.

Note: Commissioners James and Puckett abstained.
Charlotte Emergency Housing

Motion was made by Commissioner Rembert and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase funding for Charlotte Emergency Housing by $15,000.

Note: Commissioners Bishop, James, and Puckett abstained.

Women, Children & Family Shelter – Salvation Army (Outside Agency)

Motion was made by Commissioner Rembert and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase funding for the Women, Children & Family Shelter – Salvation Army by $25,000.

Note: Commissioners Bishop, James, and Puckett abstained.

Mental Health Transitional Living – Uptown Shelter

Motion was made by Commissioner Rembert and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase funding for Mental Health Transitional Living – Uptown Shelter by 50,000.

Note: Commissioner Rembert originally recommended an increase in the amount of $25,000 but accepted Commissioner Roberts recommendation for $50,000.

Note: Commissioners Bishop, James, and Puckett abstained.

District Attorney Support Staff

Motion was made 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 increase funding for District Attorney Support Staff by $4.9 million.

Property and Asset Management

Motion was made by Chairman Helms and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to include in the budget for FY07 under Property and Asset Management $45,000 to be appropriate for one position involved in Greenway Planning.

Note: Commissioners Bishop, James, and Puckett abstained.

Catawba Lands Conservancy

Motion was made by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase funding for the Catawba Lands Conservancy by $50,000.

Note: Commissioners Bishop, James, and Puckett abstained.
Motion was made by Commissioner Roberts and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase funding for **Charlotte-Mecklenburg Housing Partnership** by $41,139.

*Note: Commissioners Bishop, James, and Puckett abstained.*

**Communities and Schools**

Motion was made by Commissioner Puckett and **unanimously carried** with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to increase funding for **Communities and Schools** by $100,000 or by whatever amount provides them with full funding.

**Beatties Ford Road Family Counseling-Mental Health**

Commissioner Rembert recommended funding the outside agency request of Beatties Ford Road Family Counseling-Mental Health. After discussion of this request and other requests from Beatties Ford Road Family Counseling, it was the consensus of the Board to defer consideration of these requests until tomorrow’s meeting. In the interim, staff will provide the Board with additional information on the requests, how they relate to one another.

**St. Peter’s Homes**

Motion was made by Chairman Helms and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, **to fund the outside agency request of St. Peter’s Homes in the amount of $178,640.**

*Note: Commissioners Bishop, James, and Puckett abstained.*

**Pat’s Place**

Motion was made by Chairman Mitchell and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, **to fund the outside agency request of Pat’s Place in the amount of $100,000.**

*Note: Commissioners Bishop, James, and Puckett abstained.*

**Metrolina Comprehensive Healthcare**

Motion was made by Chairman Rembert and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, **to fund the outside agency request of Metrolina Comprehensive Healthcare in the amount of $488,519.**

*Note: Commissioners Bishop, James, and Puckett abstained.*

**Charlotte Volunteers in Medicine**

Motion was made by Chairman Mitchell and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, **to fund the outside agency request of Charlotte Volunteers in Medicine in the amount of $99,192.**

*Note: Commissioners Bishop, James, and Puckett abstained.*
Sickle Cell Regional Network

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 the outside agency request of the Sickle Cell Regional Network in the amount of $19,500.

Community Building Initiative

Motion was made by Commissioner Clarke and carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to fund the outside agency request of the Community Building Initiative in the amount of $100,000.

Note: Commissioners James and Puckett abstained.

Genealogical Research Education

Motion was made by Commissioner Woodard and carried 5-2 with Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard voting yes and Commissioners Bishop and James voting no, to fund the outside agency request for Genealogical Research Education in the amount of $12,500, but that the funding be placed in restricted contingency until a report is received regarding the work that has been done.

Note: Commissioners Puckett and Roberts abstained.

Alexander Youth Network

Motion was made by Commissioner Woodard and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to fund the outside agency request of Alexander Youth Network in the amount of $375,000.

Note: Staff was asked to provide the Board with additional information on this agency with respect to funding it already receives from DSS.

Note: Commissioners Bishop, James, and Puckett abstained.

House of Grace

Motion was made by Commissioner Woodard and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to fund the outside agency request of the House of Grace in the amount of $36,000 and that the funding be placed in restricted contingency until such time as those matters of concern that were addressed in the County’s audit of the House of Grace can be resolved.

Note: Commissioners Bishop, James, and Puckett abstained.

CGS-Inquest for Enslaved Cemeteries

Motion was made by Commissioner Woodard and carried 6-1 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner James voting no, to fund the outside agency request of Comprehensive Genealogical Services – Inquest for Enslaved Cemeteries in the amount of $35,000 and that the funding be placed in restricted contingency until additional information is received regarding this program and whether the County is required to maintain cemeteries.
Note: Commissioners Bishop and Puckett abstained.

Mi Casa Su Casa – Adolescent Program

Motion was made by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to fund the outside agency request of Mi Casa Su Casa in the amount of $8,500 for its Adolescent Program.

Note: Commissioners Bishop, James, and Puckett abstained.

Mi Casa Su Casa- Health Fair

Motion was made by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to fund the outside agency request of Mi Casa Su Casa in the amount of $12,000 for its Health Fair.

Note: Commissioners Bishop, James, and Puckett abstained.

Youth Homes Inc., Independent Living

Motion was made by Commissioner Rembert and carried 6-0 with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to fund the outside agency request of Youth Homes Inc., Independent Living in the amount of $125,000.

The Board recessed at 8:00 p.m. and reconvened at 8:22 p.m.

Commissioner Woodard was absent when the meeting reconvened and until noted in the minutes.

It was announced that the proposed tax rate, per the above actions taken by the Board would be 85.20 cents.

Pay-as-you-go Capital Funding

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 reduce Pay-as-you-go Capital Funding by $18,024,873 and to apply all of the US Airways settlement proceeds in the amount of $4,890,166 to Pay-as-you-go Capital Funding.

Note: Commissioner Woodard returned to the meeting during discussion of the above motion.

It was announced that the proposed tax rate, per the above motion by Commissioner Clarke would be 83.66.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried that there being no further business to come before the Board that the meeting be recessed at 8:40 pm. until 5:00 p.m., Thursday, June 1, 2006.
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS
JUNE 1, 2006 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in a recessed Special Session Budget Workshop in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 5:00 p.m. on Thursday, June 1, 2006.

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.

FY 2006 - 2007 BUDGET DELIBERATION

The meeting was called to order by Chairman Helms.

Chairman Helms said the purpose of the meeting was to continue the Board’s deliberation on the County Manager’s FY06-07 Recommended Budget.

Chairman Helms addressed the process to be followed for deliberation, after which he then turned the meeting over to Budget and Management Director Hyong Yi.

Director Yi addressed handouts that were distributed to the Board.

Commissioner Clarke entered the meeting during this time.

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

Prior to the start of the straw voting, Commissioner Puckett asked at what level was fund balance budgeted. The response was 10%.

Commissioner Puckett also asked whether any funds had been set aside with respect to the CJIS dispute. The response was no.

Commissioner Roberts asked staff to clarify the process for funding outside agencies, specifically why some agencies are funded as outside agencies and some via their contractual relationship with County departments. Commissioner Roberts suggested perhaps all of the outside agencies should establish a contractual relationship with the appropriate department.

Director Yi explained how the process worked.

Commissioner Rembert said she would not want to limit any agency’s ability to seek County
funding and that the opportunity for agencies to come directly to the Board should always be available.

*The Board then started the straw vote process as noted below.*

Note: During the straw vote process it is not necessary for a motion to have a second in order to be voted upon. Also, under the straw vote process, motions can be made by the Chairman. Commissioners can also abstain.

**STRAW VOTES**

**Adult Protective Services**

Motion was made by Commissioner Mitchell and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to increase funding for Adult Protective Services by $250,396.

Note: Commissioners Bishop, James, and Puckett abstained.

**Charlotte-Mecklenburg Council on Aging (Outside Agency) (contingency)**

Motion was made by Commissioner Mitchell and **carried 5-1** with Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard voting yes and Commissioner Roberts voting no, to remove funding for the Charlotte-Mecklenburg Council on Aging out of restricted contingency.

Note: Commissioners Bishop, James, and Puckett abstained.

**Charlotte-Mecklenburg Schools Debt**

Motion was made by Commissioner Clarke and **carried 8-0** with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to apply $9 million of the lottery proceeds for CMS-Debt and the other $9 million for CMS Pay-as-you-go, as originally recommended by the County Manager.

Note: Commissioner Clarke said based on some new information he received concerning the use of lottery proceeds and on the history of the County ‘s funding to CMS, he made the above motion, which reverses the action the Board approved at the May 31st budget workshop.

Note: Commissioner James abstained.

**Charlotte-Mecklenburg Schools Operational Funding**

Motion was made by Commissioner Rembert and **carried 5-1** with Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard voting yes and Commissioner Roberts voting no, to increase CMS Operational Funding by $13, 303, 83 rather than by 15.5 million as approved at the May 31st budget workshop.

Note: Commissioners Bishop, James, and Puckett abstained.

**CMS High School Challenge**

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 place the CMS High School Challenge funding in restricted contingency until a status report is received on the success of the program and that in the
interim, request the District Attorney’s Office to inform the Board of how it would use this same amount of funding if it were to be given to them.

District Attorney Support Staff

Motion was made 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 increase funding for District Attorney Support Staff by $4.9 million.

Motion was made by Commissioner James and failed 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard voting no and Commissioners Bishop, James, and Puckett voting yes, to increase funding for District Attorney Support Staff by $3.9 million.

Note: Commissioner Roberts abstained.

Motion was made by Commissioner James and failed 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard voting no and Commissioners Bishop, James, and Roberts voting yes, to increase funding for District Attorney Support Staff by $2.9 million.

Note: Commissioner Puckett abstained.

Motion was made by Commissioner James and failed 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Woodard voting no and Commissioners Bishop and James voting yes, to increase funding for District Attorney Support Staff by $1.9 million.

Note: Commissioner Puckett abstained.

Specialized Park Maintenance

Motion was made by Chairman Helms and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes, to add $1 million to Specialized Park Maintenance to be used to accelerate the development of the Queens University and Mecklenburg County Partnership Program for the Tyvola Road project.

Note: Commissioners Bishop, James, Puckett, and Woodard abstained.

Communities and Schools

Motion was made by Chairman Helms and failed 6-3 with Commissioners Bishop, Clarke, James, Puckett, Roberts, and Woodard voting no and Commissioners Helms, Mitchell, and Rembert voting yes, to reduce funding for Communities and Schools by $50,000.

Note: Chairman Helms after receiving some clarification on this suggested prior to the vote that his colleagues defeat his motion.

Beatties Ford Road Family Counseling-Mental Health

Commissioner Woodard asked for clarification regarding funding the outside agency requests of Beatties Ford Road Family Counseling Center.

Area Mental Health Director Grayce Crockett said her department would be willing to work with the Beatties Ford Road Family Counseling Center to help them manage whatever funds they may receive from the County.

After further discussion of this matter, County Manager Jones suggested that the Board allow County staff an opportunity to meet with the staff at Beatties Ford Road Family Counseling
Center to determine what the best course of action is. Further, that when staff reports back and the Board desires to fund their request(s) that those funds would come out of unrestricted contingency; and that if there are not sufficient funds in unrestricted contingency at that time, that he would work with staff on finding the resources needed.

It was the consensus of the Board to take the County Manager’s suggestion.

**Metrolina Comprehensive Healthcare**

Commissioner Rembert commented on the valuable services provided by Metrolina Comprehensive Healthcare (The C.W. Williams Health Center).

Motion was made by Commissioner Roberts to fund Metrolina Comprehensive Health at $250,000 rather than at $488,519 as approved at the May 31st budget workshop. Commissioner Roberts questioned the quality of the provision of their services.

Commissioner Rembert addressed the work of the C. W. Williams Health Center, noting the 25 years of experience it has in providing services to the indigent community and the highly skilled and trained professionals providing the service.

Commissioner Roberts following this discussion withdrew her motion.

**Genealogical Research Education**

Motion was made by Chairman Helms and **carried 5-0** with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes, to **delete funding for Genealogical Research Education in the amount of $12,500.**

*Note: Commissioners Bishop, James, Puckett and Woodard abstained.*

**Alexander Youth Network**

Motion was made by Chairman Helms and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to **reduce funding for Alexander Youth Network to $225,000**, in light of the additional information provided by staff with respect to funding it already receives from DSS.

*Note: Commissioners Bishop, James, and Puckett abstained.*

**House of Grace**

Motion was made by Chairman Helms and **carried 5-1** with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioner Woodard voting no, to **delete funding for the House of Grace.**

*Note: Commissioners Bishop, James, and Puckett abstained.*

**CGS-Inquest for Enslaved Cemeteries**

Motion was made by Chairman Helms and **carried 6-0** with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to delete funding for Comprehensive Genealogical Services – Inquest for Enslaved Cemeteries, in light of the additional information provided by staff with respect the County’s responsibility for cemeteries.

*Note: Commissioners Bishop, James and Puckett abstained.*
Mi Casa Su Casa – Adolescent Program

Motion was made by Chairman Helms and carried 4-2 with Commissioners Clarke, Helms, Mitchell, and Rembert, voting yes and Commissioners Roberts and Woodard voting no, to delete funding for Mi Casa Su Casa-Adolescent Program.

Note: Commissioners Bishop, James, and Puckett abstained.

Mi Casa Su Casa- Health Fair

Motion was made by Chairman Helms and carried 5-1 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioner Woodard voting no, to delete funding for Mi Casa Su Casa- Health Fair.

Note: Commissioners Bishop, James, and Puckett abstained.

Youth Homes Inc., Independent Living

Motion was made by Chairman Helms and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Rembert, and James voting yes, to delete funding for Youth Homes Inc., Independent Living.

Note: Commissioners Bishop, Puckett, Roberts, and Woodard abstained.

Charlotte-Mecklenburg Schools Operational Funding

Motion was made by Commissioner Roberts and carried 4-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners Helms, James, and Woodard voting no, to increase CMS Operational Funding by $1 million.

Chairman Helms asked that the vote on the above motion be retaken because he thought it failed 4-4. The vote was then retaken as noted below.

Motion was made by Commissioner Roberts and failed 4-3 with Commissioners Helms, James, Mitchell, and Woodard voting no and Commissioners Clarke, Rembert and Roberts voting yes, to increase CMS Operational Funding by $1 million.

Motion was made by Commissioner Roberts and carried 6-3 with Commissioners Bishop, James, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioners Clarke, Helms, and Mitchell voting no, to increase CMS Operational Funding by $1 million and to delete from Specialized Park Maintenance the $1 million that was placed in it to accelerate the development of the Queens University and Mecklenburg County Partnership Program for the Tyvola Road project.

It was announced that per the above actions, the proposed tax rate would be 81.89 cents.

Staff was directed to prepare the appropriate budget ordinance documents for the Board’s consideration on June 6, 2006 reflecting a tax rate of 81.89 cents.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

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, that there being no further business to come before the Board that the meeting be adjourned at 7:55 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, June 6, 2006.

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-

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1A) STAFF BRIEFINGS - NONE

(2A) (2B) CLOSED SESSION – LAND ACQUISITION, BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session, County Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcel # 003-361-13 at 14915 E. Rocky River Road
- Tax Parcels 119-043-13 and 119-043-18 at 1030 and 1100 Remount Road.

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 go into Closed Session to discuss Land Acquisition.

Note: The Business Location and Expansion Closed Session Item was removed from the agenda.

The Board went into Closed Session at 5:50 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 11, 14, 20, 23, 24, 25, and 26.

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

-FORMAL SESSION-

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Puckett, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) LIZ HAIR 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 proclamation designating June 14, 2006 as Liz Hair Day in Mecklenburg County.

Note: The Liz Hair Nature Walk is the first named section of the Little Sugar Creek Greenway to be approved by the Mecklenburg County Board of Commissioners. The Liz Hair Nature Walk is named for Liz Hair, the first woman to chair the Mecklenburg County Board of Elections and the first woman to chair the Mecklenburg Board of County Commissioners. She founded the Democratic Women’s Club and the Women’s Political Caucus. Mrs. Hair helped establish the Council on Aging, Council for Children, Mecklenburg County Women’s Commission, Spirit Square and the Public Arts Program. In 1975 she was named Charlotte Woman of the Year. June 14, 2006 is the day of the formal dedication for the Liz Hair Section of Little Sugar Creek-Greenway.

The proclamation was read by Chairman Helms and received by Former Commissioner Liz Hair.

Mrs. Hair thanked the Board for honoring her in this manner and for its support of the Little Sugar Creek Greenway.

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:

Pat Martinez – Executive Director of Mi Casa Su Casa addressed programs and services provided by Mi Casa Su Casa.

Blanche Penn representing Winners Plus thanked Board members for their support, specifically Chairman Helms, Commissioner Woodard, and County Manager Jones. Ms. Penn was joined by several students that are involved with Winners Plus.

APPOINTMENTS

(3A) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS
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 appoint Mark Billings to the Mecklenburg EMS Joint Agency Board of Commissioners effective as of the Agency’s next Board of Commissioners meeting.

*Note: Mr. Billings will be replacing Steven Burke.*

(3B) CHAIRMAN FOR ABC BOARD

The vote was taken on the following persons for appointment as Chairman of the Alcoholic Beverage Control Board:

John Chanon Commissioners Bishop, Clarke, Helms, James, Puckett, Roberts, and Woodard

*Voting Ceased*

Danielle B. Obiorah
James Polk, Sr.
Elton Shoemaker
Spencer Thompson

Chairman Helms announced that John Chanon was reappointed Chairman of the Alcoholic Beverage Control Board for the duration of his term expiring, June 30, 2009.

(3C) APPOINTMENTS

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 Aycock None
Tyyawdi Baker Commissioners Mitchell, Roberts, and Woodard
Raphael Basisa None
Mark Horn None
John Luby Commissioners Clarke, Helms, James, Puckett, and Rembert

*Voting Ceased*

Nick Mackey
Mark Mealy
Susan Shellhorn
Brian Trippodo

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 6-3 with Commissioners Clarke, Helms, James, Puckett, Rembert, and Roberts voting yes and Commissioners Bishop, Mitchell, and Woodard voting no, to reappointment John Luby to the Central Piedmont Community College Board of Trustees for another four-year term expiring June 30, 2010 because of extraordinary circumstances.

*Note: Board Policy states that “except in extraordinary circumstances” or where otherwise restricted by legislative authority creating or authorizing the creation of County boards, committees, commissions, or councils, it shall be the policy of the Board of Commissioners of Mecklenburg County that terms of membership on County boards, committees, commissions, and councils shall be staggered and that members serve not more than six consecutive years.*
A request was received from the Central Piedmont Community College Board of Trustees asking that the Board waive its term limit policy and allow Mr. Luby to serve another term.

PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission as an At-large representative:

At-large Appointment

Stephanie Carter None
Dennis Dixon None
Michael Grosz None
Jayson R. Johnston Commissioner Woodard
David Morgan None
Ernest Nichols None
Thomas O’Brien None
Joseph Pata None
Samuel Spencer None
Daniel Ward None
Chris Willingham None
Mary Wilson Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts

Voting Ceased

William Woodard

Chairman Helms announced that Mary Wilson was appointed to the Park and Recreation Commission for a three-year term, expiring June 30, 2009 as an At-large representative.

Note: She replaces Stephanie Carter whose term expires June 30, 2006.

Northern Town Appointment

The vote was taken on the following nominees for appointment to the Park and Recreation Commission as the Northern Town representative:

Avis Lewis Commissioner Puckett
Ernest Nichols None
Teresa Sharp Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard

Chairman Helms announced that Teresa Sharp was appointed to the Park and Recreation Commission for a three-year term expiring, June 30, 2009 as the Northern Town representative.

Note: She replaces Paul Pettie whose term expires June 30, 2006.

PUBLIC HEARINGS

(4A) TOWN OF DAVIDSON STORM WATER FEE

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 open a public hearing to hear comments related to a proposed increase in the Storm Water fee for the minor system inside the Town of Davidson.

No one from the public appeared to speak.

Dave Canaan, Director of Storm Water Services addressed the proposed increase and noted
Town Manager Leamon Brice’s regrets for not being able to attend.

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 public hearing on a proposed increase in the Storm Water fee for the minor system inside the Town of Davidson.

(4B) FINAL ASSESSMENT - HEARTHSTONE SUBDIVISION SANITARY SEWER PROJECT

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 acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all the property owners in the Hearthstone Subdivision.

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 open a public hearing on the Preliminary Sanitary Sewer Assessment Roll for the Hearthstone Subdivision.

No one appeared to speak.

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 close the public hearing on the Preliminary Sanitary Sewer Assessment Roll for the Hearthstone Subdivision and adopt the Final Assessment Roll Resolution Sanitary Sewer Assessment Project for the Hearthstone Subdivision.

_Resolution recorded in full in Minute Book 42-A, Document #________._

(4C) STREET LIGHTING ASSESSMENT FOR BRANTLEY OAKS, CAPPS HOLLOW AND CARDINAL WOODS SUBDIVISIONS

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 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, Capps Hollow and Cardinal Woods Subdivisions.

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 open a public hearing on Street Lighting Preliminary Assessment Resolutions for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow and Cardinal Woods Subdivisions.

No one appeared to speak.

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 close the public hearing on Street Lighting Preliminary Assessment Resolutions for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow and Cardinal Woods Subdivisions; and adopt the Final Assessment Resolutions for the Brantley Oaks, Capps Hollow and Cardinal Woods Subdivisions.

_Resolution recorded in full in Minute Book 42-A, Documents #________._
(4D) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Bishop, 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 the request by McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $716.

No one appeared to speak in opposition.
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 close the hearing on the request by McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $716 and approve the reimbursement.

(2A1) 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 approve the purchase of +/- 2.2 acres of Tax Parcel # 003-361-13 at 14915 E. Rocky River Road for $6,000 per acre from Robert and Charlotte Miller.

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 approve leasing Tax Parcel # 003-361-13 to the Town of Davidson for future parkland/greenway development.

Note: The subject property is that portion of the larger 5.81 acre tract of land situated on the north side of the West Branch Rocky River. The acquisition encompasses approximately 0.7 acre of floodplain. The Town of Davidson is pursuing acquisition of this property for greenway purposes. This future greenway corridor will protect water quality, preserve wildlife habitat and provide a pedestrian/bicycle pathway between the River Run Neighborhood and Fisher Farm Park. The Town requested the County purchase this land using the Town’s allocation of the open space bond funds. The Town further requested that the County lease this property to the Town for future parkland/greenway development.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

(30) SALARY INCREASES FOR THE BOARD OF COUNTY COMMISSIONERS

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and carried 7-2, with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to approve 3.5% salary increases for the Board of County Commissioners effective June 21, 2006.

Note: Based on the policy approved by the Board September 8, 2004, the salary increase for Board members is based upon the average merit increase received by County employees in the current fiscal year. The salary for the Board Chairman will increase from $25,003.00 to $25,878.11 and the salary for the other Board members will increase from $20,002.32 to $20,702.40.

(29) OPERATING BUDGET AND WORK PROGRAM FOR FY 2006-2007
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 adopt a budget ordinance approving the Mecklenburg County FY 2006-2007 Budget and Work Program.

Note: The following occurred prior to the above vote:
- Budget & Management Director Hyong Yi gave an overview of the proposed budget per the results of the Board’s budget workshops.
- Motion was made by Commissioner Woodard but died for lack of a second, to increase FY07 funding for Alexander Youth Network to $375,000.
- The following persons appeared to speak in support of funding for Charlotte-Mecklenburg Schools: Donna Gaskin, Katya Levin, Hannah Lieberman, and Adriane Shelton.
- Pat Martinez, Executive Director of Mi Casa Su Casa asked the Board to reconsider funding Mi Casa Su Casa programs.
- Martin Davis spoke in opposition to the budget.

Note: The budget ordinance reflects a tax rate of 81.89 cents based on Estimated Assessed Valuation of $89,050,000,000 and a Law Enforcement Service District Tax Rate of 16.47 cents Based on Estimated Assessed Valuation in the Law Enforcement Service District of $7,520,371,271.

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

CONSENT ITEMS

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Woodard voting yes, to approve the following item(s) with the exception of Items 11, 14, 20, 23, 24, 25, and 26 to be voted upon separately.

Note: Commissioner Roberts was away from the dais at the time of the above vote and returned immediately following the vote.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held May 16, 2006, Budget/Public Policy Meetings held March 28th and May 9th 2006, FY07 Budget Workshops held May 31st and June 1st 2006 and Closed Session held May 16, 2006.

(8) TAX REFUNDS

Approve refunds in the amount of $32,222.60 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

(9) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $17,641 for the Sheriff’s Office, $1,995 for Real Estate Services, and $1,934 for Land Use and Environmental Services.

Note: All reimbursements are for stolen and damaged items.

(10) HOME AND COMMUNITY CARE BLOCK GRANT - DSS
Approve the Home and Community Care Block Grant funding plan for Fiscal Year 2007.

Note: Annually, the Services for Adults Division of the Department of Social Services submit 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 $2,559,928 for aging services, which includes a County match of $255,994. Funding for the match is included in the Fiscal Year 2007 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.

(12) **NCDENR, DIVISION OF WATER QUALITY, GRANT REQUEST**

Authorize the County Manager to submit a grant request in the amount of $411,661 to the North Carolina Department of Environment and Natural Resources, Division of Water Quality, for the environmental restoration of a portion of the McDowell Creek Watershed. Upon award of grant, recognize, receive and appropriate the grant funds.

(13) **CONTRACT FOR IRIS SCAN – SHERIFF’S OFFICE**

1) Recognize and appropriate $60,000 from Concealed Handgun Permit fees for the Sheriff’s Special Revenue Fund.

2) Approve contract in the amount of $110,960 from special revenue fund for procuring Iris Scan technology (software and hardware) from The Child Project.

(15) **SPONSORSHIP AND UNDERWRITING POLICY**

Approve Sponsorship and Underwriting Policy.

Note: This policy would permit private sponsorship of government programs or services in limited circumstances. The purpose of the policy is to define the conditions upon which sponsorship messages may be placed upon property or in publications of the County, and to establish definitive guidelines for the acceptance and placement of such messages. This policy would not apply to philanthropic contributions, gifts, grants or unsolicited donations to Mecklenburg County in which no benefits are granted to the donor and where no business relationship exists.

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

(16) **STATE GRANT APPLICATION – AREA MENTAL HEALTH AUTHORITY**

1) Approve submission of a one-year grant application in the amount of $196,393 for Children’s Developmental Services to provide early intervention to families with pre-term infants; and recognize, receive and appropriate funds for the amount awarded for fiscal year 2007.

(17) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT APPLICATION – LUESA**

1) Authorize the County Manager to submit a grant application to the Federal Emergency Management Agency (FEMA) for processing Letters of Map Change; recognize, receive and appropriate funds for the amount awarded by the Federal Emergency Management Agency (FEMA).
2) Authorize the County Manager to execute funding agreements with the Federal Emergency Management Agency (FEMA) after the grant is awarded.

(18) DISPLACED HOMEMAKER GRANT APPLICATION – WOMEN’S COMMISSION

Approve submission of a grant application for funding in the amount of $18,000 for the competitive grant and $49,240 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 (FY07); and if awarded, recognize, receive and appropriate such funds, and approve increasing the Administrative Support Assistant from 35 to 40 hours per week.

Note: This grant submission will provide continuation funding of the New Choices program, which offers training and support for displaced homemakers in their return to self-sufficiency. The grant requires a local match of $4,500 which will come from the Women’s Commissions Fiscal 2007 operating budget.

(19) FOUR MILE CREEK STREAM RESTORATION PROJECT

Authorize the County Manager to negotiate and execute a permanent conservation easement to the State of North Carolina on a portion of Tax Parcel # 227-051-35 as part of the Four Mile Creek Stream Restoration Project.

(21) POSITION APPROVAL – AREA MENTAL HEALTH

Approve establishing three positions, effective July 1, 2006, to be funded for the duration of the SAMHSA System of Care grant, two Resource Coordinator positions and a Senior Quality and Training Specialist.

(22) 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” to designate Mark R. Boone as a Review Officer and to delete the names of Sherry Ashley from the Resolution of September 16, 1997; Lindsey Hobbs from the Resolution of December 18, 2001; Jenny Kaage from the Resolution of December 5, 2000; Kelly Neal from the Resolution of November 3, 1999; and Charlotte Waldron from the Resolution of December 18, 2001.

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

(27) NFL-YFF GRANT FOR THE DEVELOPMENT OF FOOTBALL FIELD AT REVOLUTION PARK

Recognize and appropriate $200,000 from the National Football League Youth Football Fund Club Youth and High School Football Field/Stadium Program through the Carolina Panthers Charities nonprofit, with said funds appropriated until expended for the development of a football field at Revolution Park.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

Chairman Helms left the dais and was away until noted in the minutes.

(11) CARLTON WATKINS CENTER RENOVATIONS

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 7-0, with Commissioners Bishop, Clarke, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to award a construction contract in the amount of $645,500 to Edison Foard, Inc. to renovate approximately 13,500 square feet of building space at The Carlton Watkins Center.

Commissioner Woodard removed this item from Consent to highlight the MWSBE participation on this project.

14) ROBERT C. BRADFORD PARK - CONSTRUCTION CONTRACT

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 7-0, with Commissioners Bishop, Clarke, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to award a construction contract to Burney & Burney Construction Company, Inc. for a total amount of $3,723,026.66 for the Robert C. Bradford Park project.

Commissioner Woodard removed this item from Consent to highlight the MWSBE participation on this project.

(20) GREENWAY DONATION

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and carried 7-0, with Commissioners Bishop, Clarke, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of a portion of Tax Parcel 073-242-21 (0.451 acres) from Citiline, Inc.

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

Note: The above parcel is being donated to the County from Citiline, Inc. for greenway assemblage along Irwin Creek.

Chairman Helms returned to the dais.

(23) HISTORIC LANDMARKS COMMISSION PROJECTS

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and carried 6-2, with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and Puckett voting no, to 1) amend the Historic Landmarks Facilities – 2005 Capital Project Ordinance for the purpose of providing funds, together with any other available funds, for the acquisition of the Grace AME Zion Church located at 219 South Brevard Street, up to $1,300,000 is hereby appropriated from property sale proceeds in the Historic Landmarks Revolving Fund; and 2) to approve the Historic Landmarks Commission purchase of Grace AME Zion Church located at 219 South Brevard St, Charlotte NC for historic preservation and adaptive redevelopment.

Commissioner Bishop removed this item from Consent to express his opposition to the purchase price. Commissioner Puckett also expressed opposition and questioned the historical significance of the church.

Note: The Historic Landmarks Commission (HLC) Revolving Fund contains mostly unrecognized funds that are proceeds from previous property sales. In order to use these funds for specific HLC
projects, the funds must be recognized and appropriated by the Board of County Commissioners.

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 black 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.

The Church has purchased land 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.

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

(24) **FLAT BRANCH ELEMENTARY SCHOOL AGREEMENT**

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve a joint use agreement with Charlotte-Mecklenburg Schools for Flat Branch Elementary School.

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

Note: Park and Recreation and Charlotte Mecklenburg Schools (CMS) desire to enter into a joint use agreement for the siting of a new elementary school on park property off Tom Short Road in southern Mecklenburg County, referred to as “Flat Branch.” This is a 91-acre park tract that will accommodate a 15-acre school site in addition to traditional district park amenities such as ballfields, playgrounds, trails, etc. According to the agreement, Park and Recreation will have access to school facilities and CMS will have access to park facilities, per approval guidelines.

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

(25) **RECOGNITION OF FUNDS – WOMEN’S COMMISSION**

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 recognize, receive and appropriate funding in the amount of $1,439 from Shelter Alliance, funding from Pace Butler in the amount of $508, and an honorarium of $150 from Substance Abuse Prevention Services to the Mecklenburg County Women’s Commission for the Domestic Violence Unit.

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

(26) **PROJECT SAFE NEIGHBORHOODS GRANT – HEALTH DEPARTMENT**

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve submission of a $75,000 continuation grant application for the Project SAFE Neighborhoods – Community Engagement Project to the Governor’s Crime Commission, serving as fiscal agent for the U.S. Department of Justice; and upon award of grant, recognize, receive, and appropriate the grant award; and also upon award of grant, approve the
carry forward of any unspent grant funds at June 30, 2007 into County fiscal year 2008 as the grant is effective through the completion of the federal fiscal year (October 1, 2006 through September 30, 2007).

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

Note: The Project SAFE Neighborhoods (PSN) grant provides funding for Media Outreach and Community Engagement to educate and reduce gun violence in the community.

STAFF REPORTS AND REQUESTS

(28) 2006 STATE OF THE ENVIRONMENT REPORT

The Board received as information the 2006 State of the Environment Report.

Note: The State of the Environment Report describes Mecklenburg County’s current environmental status for the public and Board of County Commissioners; gives objective measures to evaluate progress toward a clean, healthy environment; highlights the major environmental issues facing the County; and recommends direction concerning those issues. The theme of this year’s report is “New Expectations.”

Cary Saul, Director of LUESA gave the report.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSIONERS’ COMMENTS

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 9:44 p.m.
ATTENDANCE

Present: 
Chairman H. Parks Helms and Commissioners 
J. Daniel Bishop, Dumont Clarke 
Wilhelmenia I. 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, Norman A. Mitchell, Sr. and 
Jim Puckett

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

The meeting was called to order by Chairman Helms. Chairman Helms noted a change in the order of items to be discussed. He said the Board would first take up Agenda Item 2 Interbasin Transfer Matters and then Item 1 Temporary Access Driveway to Whitewater Center.

(2) INTERBASIN TRANSFER MATTERS

Update On The Concord/Kannapolis Interbasin Transfer (IBT) Certificate

Rusty Rozzelle with the Water Quality Division of Land Use and Environmental Services Agency (LUESA) gave an update on the Concord/Kannapolis Interbasin Transfer Certificate.

Commissioner Bishop entered the meeting during Mr. Rozzelle’s presentation.

Highlights:

The cities of Concord and Kannapolis are jointly requesting an interbasin transfer (IBT) certificate to meet their projected water supply shortfall during the next 30 years. These cities and their respective service areas in Cabarrus County are located in the Rocky River Subbasin. They are requesting an average IBT of 22 million gallons per day (MGD) from a combination of the Catawba and Yadkin-Pee Dee River Basins with an associated maximum day IBT of up to 36 MGD from the Catawba and 10 MGD from the Yadkin River Basins. If the IBT from the Yadkin River Basin is granted then the transfer amount from the Catawba River Basin can be proportionately reduced.

In February 2005, the N.C Environmental Management Commission (EMC) approved the Cities' request to hold a hearing to receive public comment on the IBT petition and supporting Environmental Impact Statement (EIS). The public hearings were held on June 22 in Charlotte and on June 23 in Albemarle. The public comment period ended on Thursday, August 11, 2005. Comments received during the review and comment period were subsequently addressed in the
supporting EIS. An important part of addressing the concerns involved using the updated CHEOPS (Duke Power) model of the Catawba Basin to evaluate impacts. A number of scenarios were examined by the model, the results of which are presented in the revised EIS dated May 17, 2006. The State has opened a comment period for this revised EIS from May 26 through July 26, 2006.

Staff supports the proposed Concord/Kannapolis IBT, with the following comments and recommendations:

1. **Comment:** Discrepancies exist between the results of CHEOPS modeling performed by the DWR for the IBT and Duke Power as part of the FERC relicensing process.
   **Recommendation:** DWR identify the source(s) of the discrepancies and resolve as necessary.

2. **Comment:** The minimum flow regimes used in the modeling are based on stakeholder negotiations as part of the FERC relicensing process and will not be formally adopted until the FERC license is issued.
   **Recommendation:** DWR assess model sensitivity, evaluate the impact of possible changes in the minimum flow regimes and modify the IBT as necessary.

3. **Comment:** If the IBT is granted for the Yadkin River Basin, then the amount of the transfer from the Catawba River Basin can be proportionately reduced.
   **Recommendation:** If the Yadkin IBT is awarded, the Catawba IBT should be limited to a 16 MGD ADD and a 26 MGD MDD.

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

Comments

Commissioner Bishop asked for clarification with respect to if the Yadkin application is not approved, then staff would not limit them to under 36 million gallons per day. The response was yes, that’s true because they would still need 36 million gallons per day to meet their shortfall in water demands for thirty years, however there’s very little chance that it won’t be approved.

Commissioner Clarke asked who makes the decision to grant the IBT. The response was the N.C. Environmental Management Commission.

Commissioner Clarke asked if counties within these basins required to take action when communities make these requests. The response was no, but the public comment period has been opened and that’s standard for an IBT.

Commissioner Roberts commented on the Board’s Natural Resources Committee review of this matter. It was noted that the Environmental Impact Statement was not ready at the time this matter was brought before the committee. Since there were a lot of issues involved, the committee decided to wait until the Environmental Impact Statement was completed and brought before the full Board, which was why it’s on today’s agenda.

Commissioner Roberts asked about the status of proposed legislation to restrict IBT’s across the state. The response was that staff was not sure.

Commissioner Rembert said in response to Commissioner Roberts question regarding the proposed legislation, that it was her understanding that it was still in committee.

The following persons then addressed this issue:

**Catawba Riverkeeper, Donna Marie Lisenby** spoke in opposition of the request.

Ms. Lisenby said the Catawba Riverkeeper Foundation and its attorneys have reviewed the draft and the final Environmental Impact Statement and the petition. They have concluded, per their review of the data that the preferred alternative of taking a total of 48 million gallons per day from the Catawba and Yadkin Pee Dee is the most consumptive, excessive, and one of the largest IBT’s in the history of either N. C. or S. C. under the current laws. Also, that it’s the most expensive alternative and calls for the acquisition of more property, construction of more water.
lines, pump stations, and treatment facilities. Ms. Lisenby said because of all these things, it’s the most detrimental to the environment. She noted also that there were mistakes made in the modeling, which was being corrected.

Ms. Lisenby concluded and asked the Board to join the counties of Lincoln, Gaston, York (S.C), Chester (S.C.), and Lancaster (S.C.), regional stewardship partners of the Catawba River, by sending a message to the EMC that it serves “no interest” to grant IBT Certificates based on incomplete and inaccurate information. Further, to join the other 17 counties in the Catawba basin by encouraging the EMC to make better long term public policy decisions for how water resources are shared in N. C.

Mayor Scott Padgett of Concord, City Manager Brian Hyatt, and Kannapolis City Manager Mike Legg addressed this issue.

Mayor Padgett said they disagreed with many of the statements made by Ms. Lisenby, but that he would not address them individually. He instead wants the Board to know the following:

- The IBT process that the State has is a very fair process that they have been going through since 2001 and that it has been a thorough process.
- Their request represents a real need that is essential to welfare and health, and jobs for each entities economy.
- He said Cabarrus County was a good steward of water and has proof of that.

City Manager Hyatt noted the following:

- They actually started talking about this need back in 1999.
- In order for the entire region to be healthy there must be adequate resources including water.
- Even with conservation there will be a need for more water.
- He said they have done some pretty drastic things with respect to conservation, such as putting in a conservation rate.
- The bottom line is that the cities of Concord and Kannapolis are located in the basin that doesn’t have enough water.
- By the year 2035 their demand is projected to exceed the available water amounts by an average of 22 million gallons per day.
- The basin line runs through Iredell County, through the eastern part of Mecklenburg County and on down. What this means is that those that are located on the river are now discharging their wastewater into the Rocky River, which is the only river in Cabarrus County. Cabarrus County is treating the IBT that Mecklenburg County residents have. Also, the Charlotte-Mecklenburg Utilities has the Mallard Creek Water Treatment Plant that goes into the Rocky River.
- These discharges into Rocky River impacts Cabarrus’ ability to use it as a water source but they have done this for regionalism purposes and because it makes more sense economically.
- Existing regional partnerships were noted such as Mecklenburg County’s use of the landfill in Concord and with respect to Air Quality, they are a part of Centralina’s Clean Fuel Coalition and Clean Cities Program.

Kannapolis City Manager Mike Legg addressed the importance of working together from a regional perspective. City Manager Legg said this issue was about collaboration and economic prosperity, and partnerships. He asked the Board to look beyond the political boundaries of these issues, beyond city limits, beyond county lines and support sharing needed resources to foster economic change in the region.

Chairman Helms thanked all speakers for their comments.

Comments

Commissioner Bishop asked officials from Concord and Kannapolis to comment on County staff’s suggestion that a cap be placed the Catawba IBT. The response was that this would be
acceptance.

Commissioner Rembert asked what would be their option if the IBT is not granted. The response was that they would have to look to the Yadkin River even more, however, they’ve been informed that the Yadkin is not a strong body of water; and that there are other issues that would come up in trying to get the water into Cabarrus. There have been conversations with Stanley County in Albemarle, with Salisbury, and with Charlotte-Mecklenburg Utilities because connections already exist with Charlotte-Mecklenburg at the Speedway and two others at the Highland Creek area where they can transport 10 million gallons per day immediately, but they can’t use them because they don’t have the IBT.

Commissioner Clarke asked for clarification with respect to their use of treated water versus raw water, which was addressed.

**Update on the Catawba-Wateree FERC Relicensing Process**

Rusty Rozzelle with the Water Quality Division of Land Use and Environmental Services Agency (LUESA) gave an update on the Catawba-Wateree FERC Relicensing Process.

**Highlights:**

The Catawba-Wateree Hydro Project begins in western North Carolina and flows easterly and southerly into South Carolina, where it joins Big Wateree Creek to form the Wateree River. The Project consists of 13 hydropower stations and 11 reservoirs, spanning more than 200 river miles and encompassing approximately 1,700 miles of shoreline. The Project represents the backbone of Duke Energy’s generation fleet in the Carolinas, providing 841 megawatts of hydropower and cooling water to more than 8,100 megawatts of fossil and nuclear generation. The Catawba-Wateree reservoirs and the associated hydroelectric power plants are a critically important source of economic sustainability for the Carolinas. Today, more than 1.5 million people depend on the river and its reservoirs for drinking water, recreation, power generation, wastewater assimilation and industrial uses. Duke Energy is currently in the process of renewing its license from the Federal Energy Regulatory Commission (FERC) to operate the Catawba-Wateree Project. The Federal Power Act requires non-federal hydroelectric projects to relicense after the original license expires, with the new license being granted for 30-50 years. The original license was issued by FERC in 1958 as Duke Power was building the 11th and largest reservoir on the Catawba River at Lake Norman. FERC license conditions for operation ensure that equal consideration is given to both power and non-power production benefits such as water quality, recreation, fish and wildlife and wildlife habitat enhancement and protection.

In February 2003, Duke Energy filed its First Stage Consultation Document with FERC and formally began the relicensing process. The process involves over 160 stakeholders organized into two (2) state licensing teams and four regional advisory groups, representing more than 80 organizations in both N.C. and S.C. that have an interest in the river and its resources. Mecklenburg County represented by LUESA staff participated in the Metro Advisory Group, which met from June 2003 through May 2006. The intent of this stakeholder process is to reach a mutually acceptable agreement on all issues related to the project and include those agreements in Duke Energy’s Federal Energy Regulatory Commission (FERC) license application which is due in August 2006. As part of the stakeholder process, the Mecklenburg County Manager is to sign a legally binding Final Agreement in support of the issues agreed to as part of the stakeholder process to be considered by FERC for incorporation into the writing of the new license, provided authorization is received from the Mecklenburg County Board of Commissioners.

**What’s Next**
• A Final Agreement Final Agreement is being prepared as a legally binding agreement of the stakeholders to be considered by FERC for incorporation into the writing of the new license.
• The signature copy of the Final Agreement now in its third draft, is scheduled to be completed by July 11, 2006.
• The Final Agreement is scheduled to be signed on July 26, 2006 with the last date to sign as August 1, 2006.
• Various stakeholders are requesting a delay in the signing of the Final Agreement. This should be resolved later this month.
• During the July 18, 2006 Board meeting, staff will request that the Board authorize the County Manager to sign the Final Agreement for the FERC relicensing. Staff believes that the AIP is of benefit to the citizens of Mecklenburg County and therefore recommend that Mecklenburg County sign the document. The stakeholder charter states that members can sign with consensus levels of 1 to 5. Levels 1 to 4 represent levels of agreement ranging from total agreement (1) to stand aside with major reservations (4). Level 5 is not signing. Staff believes that the AIP as it now stands merits a consensus level of 3 for the interests of Mecklenburg County.
• Execution of the Final Agreement by Mecklenburg County will imposes on the County (as well as all parties signing the Final Agreement) the express obligation not to advocate for requirements in the FERC license, or in the state water quality certifications required under the Clean Water Act, that would be inconsistent with or conflict with the provisions in the Final Agreement. Parties also would have continuing obligations for the full term of the new FERC license not to take actions inconsistent with the Final Agreement. Violation of this requirement could result in a party losing all the benefits it obtained under the Final Agreement, and possibly incurring other adverse financial consequences.

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

Commissioner Roberts asked whether the items listed in the report of Mecklenburg County issues requested but not addressed means that Duke Power will not do any of those things. The response was yes.

Attorney Bethune encouraged the Board to submit to Rusty Rozzelle any questions or comments with respect to this issue by July 1, 2006.

Board Resolution Regarding Concord/Kannapolis Interbasin Transfer (IBT) Certificate

Commissioner Roberts commented again on the Board’s Natural Resources Committee review of this matter. It was noted that the Environmental Impact Statement was not ready at the time this matter was brought before the committee and that there were a lot of issues involved, so the committee decided to wait until the Environmental Impact Statement was completed and brought before the full Board, which was why it’s on today’s agenda.

Commissioner Roberts also noted the following:

• That this was a very complex issue.
• The S. C. Legislature passed a resolution opposing this IBT request.
• The Mecklenburg County Marine Commissions are opposed to this request, also.
• Gaston County delayed making a decision.
• The modeling has been an issue.
• This matter does concern future growth and neighbor relations with several cities and counties.

Commissioner Roberts asked the Board to consider adopting a resolution encouraging the EMC to do one of the following options:

• Delay consideration of the interbasin transfer request from the cities of Concord and Kannapolis, North Carolina until water quality and quantity implications associated with
this request are adequately studied in conjunction with Catawba River FERC relicensing effort.

- Include provisions in the interbasin transfer certificate for an interim maximum limit of 10 MGD for the Catawba River Basin until such time that the Catawba FERC relicense has been issued.
- Limit the Catawba interbasin transfer to a 16 MGD average and a 26 MGD maximum if the Yadkin interbasin transfer is awarded.

Chairman Helms made the following final comments with respect to this matter:

- All of this was a part of the EMC public hearing process.
- If the Board decides not to take a position that the process would continue to go forward and the EMC will make a decision “one way or the other.”
- This is something that will have a dramatic impact on this region.
- He’s aware that some counties have taken a position.
- Removing the volume of water that has been discussed would literally have no impact based on the information available.

Mr. Rozzelle confirmed the statements made by Chairman Helms and noted that the Environmental Impact Statement states “no significant” impact with respect to the volume of water to be removed.

Chairman Helms said he was not prepared to, nor wants to make a decision that may skew the EMC’s decision one way or the other.

Chairman Helms asked Mr. Rozzelle if the County also has the option of saying it has heard the report and choose not to adopt any resolution at this point in time. The response was yes, the Board has that option.

Motion was made by Commissioner Rembert, seconded by Commissioner Bishop, to not take a position with respect to the Concord/Kannapolis Interbasin Transfer.

Commissioner Clarke suggested that rather than passing a motion to indicate that a position was not taken, that staff be authorized to convey the staff comments/recommendations outlined in the report to the EMC as the position of the Board or as this Board comments through the public hearing process.

Chairman Helms noted that under the Staff Comments/Recommendations, it says staff supports the proposed Concord/Kannapolis IBT.

Commissioner Clarke said he was not suggesting including that statement but what he meant was that the Board could say it supports the comments and recommendations of staff without saying it supports or oppose the request.

Commissioner Bishop asked Mr. Rozzelle, which was developed first the resolution or staff’s comments/recommendations because it seems to track the draft resolution with respect to the options. The response was that the staff comments was put together first. It was noted further that the resolution was developed by Commissioner Roberts.

General Manager Shields said all seven jurisdictions within Mecklenburg were contacted and none of them took an official position with respect to this matter, except to acknowledge the State’s process and to wait for it to work through the EMC.

Per the above discussion, Commissioner Rembert restated the motion for clarity purposes, which was as follows:

Motion was made by Commissioner Rembert, seconded by Commissioner Bishop and carried 5-1 with Commissioners Bishop, Clarke, Helms, Rembert, and Woodard voting yes and
Commissioner Roberts voting no, to go on record that the Mecklenburg Board of County Commissioners take no position with respect to endorsing or opposing the Concord/Kannapolis Interbasin Transfer, but that the Board submits to the State as they consider this issue, Items 1 & 2 under Staff Comments/Recommendations as outlined in the report presented by staff as Item 2a.

*The Board recessed the meeting at 4:57 p.m. and reconvened at 5:04 p.m.*

(1) **TEMPORARY ACCESS DRIVEWAY TO WHITEWATER CENTER**

Chairman Helms noted that no action was necessary at this time with respect to consideration of granting a +/- 1.3-acre temporary access driveway at Tax Parcel 053-101-02 off Charlie Hipp Road to U.S. National Whitewater Center (USNWC) because of negotiations that were taking place between Whitewater officials and residents in the area.

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, Rembert, Roberts, and Woodard voting yes, to defer consideration of granting a +/- 1.3-acre temporary access driveway at Tax Parcel 053-101-02 off Charlie Hipp Road to U.S. National Whitewater Center (USNWC) until the Board’s June 20, 2006 meeting.

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.*

**ADJOURNMENT**

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, Rembert, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:11 p.m.

______________________________    _______________________________
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

Absent: None.

Commissioners Bishop, Clarke, Rembert, and Woodard were absent when the Informal Session was called to order and until noted in the minutes.

- INFORMAL SESSION -

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

(1) STAFF BRIEFINGS - SPIRIT SQUARE PROPERTY

General Manager Bobbie Shields addressed the current Spirit Square Lease Agreement between the County, the City of Charlotte, and the North Carolina Performing Arts Center at Charlotte, which expires in September 2007.

General Manager Shields reviewed options for future use of the property and County support.

The options outlined were:

- Extend existing contract with Blumenthal Performing Arts Center
- Negotiate with the City of Charlotte regarding ownership and potential land transactions; and
- Determine the highest and best use of the Spirit Square property.

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 5-0 with Commissioners Helms, James, Mitchell, Puckett, and Roberts voting yes, to authorize staff to pursue the following options with respect to the Spirit Square Property:

- Negotiate with the City of Charlotte regarding ownership and potential land transactions; and
- Determine the highest and best use of the Spirit Square property.
A copy of the report is on file with the Clerk to the Board.

(2) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1); LAND ACQUISITION; BUSINESS LOCATION AND EXPANSION; AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

Tax Parcels: 129-041-35 (+/- 1.77 acres) and 129-041-43 (+/- 0.32 acre) at St. George Street.

Also, that one of the Consult with Attorney matters had to do with Adelphia Bankruptcy issue.

Commissioner Clarke entered the meeting.

Commissioner Roberts left the meeting and was absent until noted in the minutes

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and carried 5-0 with Commissioners Clarke, Helms, James, Mitchell, and Puckett voting yes, to go into Closed Session for the following purposes: To Prevent Disclosure Of Information That Is Confidential Pursuant To G.S. 105-259, (G.S. 143-318.11(A) (1); Land Acquisition; Business Location and Expansion; and Consult with Attorney.

Commissioner Roberts returned to the meeting.

Commissioner Bishop entered the meeting.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:10 p.m.

Commissioners Rembert and Woodard 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 upon separately. The items identified were Items 9, 12, 15, 21, and 24.

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

- FORMAL SESSION -

Invocation was given by Commissioner Puckett, which was followed by the Pledge of Allegiance to the Flag and introductions, after which, the following matters were addressed:

CITIZEN PARTICIPATION

(1A) MCGUIRE NUCLEAR STATION 25TH ANNIVERSARY

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 proclamation recognizing the McGuire Nuclear Station’s 25th Anniversary.

The proclamation was read by Commissioner Puckett and received by Gary Peterson.

A copy of the proclamation is on file with the Clerk to the Board.
(1B) CAROLINA HURRICANES 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 joint proclamation designating June 20, 2006 as Carolina Hurricanes Day in Charlotte/Mecklenburg County.

Note: The Carolina Hurricanes are the 2006 winners of professional Hockey’s most coveted honor, the century-old Stanley Cup. The Hurricanes have become the first professional sports team in the Carolinas to win a championship.

The proclamation was read by Commissioner Roberts.

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

(2) PUBLIC APPEARANCE

Sam Hearn, a Bail Agent, said in March members of the Bail Agents Association met with Sheriff Pendergraph regarding the operation of telephones in the jail, but to date, they have not received a response. Mr. Hearn said he was disappointed in the way the meeting started out because Sheriff Pendergraph approached him and questioned his political affiliation, his having spoken at previous Board meetings, and his support of the other candidate. Mr. Hearn said he was not sure what Sheriff Pendergraph meant by his remark of, (“If you keep pushing somebody you’ll make them very angry.”), but he viewed it as a threatening comment and thought it was inappropriate. He said subsequently his telephone has been turned off in the jail that persons can call in him from the initial lock-up area but not from other areas of the jail. Mr. Hearn said when persons call him from other areas of the jail they receive a recording saying “this is not an accessible phone” and it hangs up. He said the Sheriff has also stopped any incoming calls for information regarding inmates and the public has to either make a trip to the jail or go to the Office website.

Chairman Helms told Mr. Hearn that he would look into the matters he has addressed and respond back to him.

Natalie Jones, on behalf of the Guardian Ad Litum program and the Mecklenburg County Child Fatality Team addressed summer safety awareness for children in Mecklenburg County.

Valerie McGill addressed the bird flu.

Jeanie Welch invited the Board to the 38th Hickory Grove Parade and Celebration on July 4, 2006, 10:30 a.m. – 2:00 p.m.

Kevin Zolot addressed the Polaris Real Estate Website. Mr. Zolot expressed concern for the safety of law enforcement personnel and asked that consideration be given to removing law enforcement personnel from the system.

Chairman Helms informed Mr. Zolot that someone would be following up with him regarding his concern.

Chairman Helms thanked all speakers for appearing.

(26) TEMPORARY ACCESS DRIVEWAY TO WHITewater CENTER

At the suggestion of Chairman Helms, the Board without objection deferred indefinitely the National Whitewater Center, Inc. request to utilize the County’s 21-acre, Tax Parcel 053-101-02 off Charlie Hipp Road as a temporary access driveway to the Whitewater Center.
Chairman Helms said the parties (residents in this area and Whitewater officials) were still in negotiations to find an alternative site. Further, that this matter would not come back to the Board unless the alternative site involves County property.

Commissioner James said if the matter comes back to the Board, he wants clarification regarding the permanency of the road, if state funds are used to construct the road.

Commissioner James said the State doesn’t generally fund temporary roads. Also, he would not want residents in the area to think that the access road would be temporary when in fact it would probably be permanent if state funds are used.

Attorney Bethune said staff shared Commissioner James’ concern and have brought this to the attention of Whitewater officials. Further, that Whitewater officials have been informed that if this matter comes back to the Board, that they be very specific as it relates to the timeframe involved and be prepared to answer the question of whether the road would be temporary or permanent.

(3A1) APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

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 the following persons to the Board of Motor Vehicle Review for one-year terms expiring July 18, 2007: James Barnett, Charles Roberts, Jr., Wilton Savage, and Andrew Sliwinski.

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 waive the Board’s two-step appointment policy and to nominate and appoint Tommie Blakeney to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2007.

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 reappoint James Barnett as chairman of the Board of Motor Vehicle Review for the duration of his term.

BUILDING DEVELOPMENT COMMISSION

The following person was nominated for appointment to the Building Development Commission as the National Association of Remodeling Industry representative:

Trent Haston by Commissioner Mitchell

The appointment will occur on July 18, 2006.

GROUNDWATER ADVISORY COMMITTEE

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 reappoint Mark Lisy to the Groundwater Advisory Committee for a three-year term expiring May 3, 2009 as the Realtor/Developer representative and Edwin Sullivan for a three-year term expiring June 7, 2009 as the Industry, Manufacturing or Commercial representative.

The following person was nominated for appointment to the Groundwater Advisory Committee as a Public/Well Owner representative:
Anne Radke by Commissioner Clarke

The appointment will occur on July 18, 2006.

WOMEN’S COMMISSION

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

Melissa Behrens by Commissioner Woodard
Cora Dickerson by Commissioner Woodard
Jacqueline Dienemann by Commissioner Woodard
Kelly Gaines by Commissioner Woodard
Ann Grass by Commissioner Woodard
Janice Habash by Commissioner Roberts
Terri Jarina by Commissioner Woodard
Kathy Jones by Commissioner Woodard
Jeannie Lee by Commissioner Woodard
Susan Luck by Commissioner Woodard
Aileen Maddox by Commissioner Woodard
Joseph Marinello by Commissioner Woodard
Lisa Matthews by Commissioner Woodard
Sharon Maxwell by Commissioner Woodard
Pamela McCarter by Commissioner Woodard
Lora McDowell by Commissioner Woodard
Anita Moss by Commissioner Woodard
Libby Vagnoni by Commissioner Woodard
Marsha Withrow by Commissioner Woodard

Appointments will occur on July 18, 2006.

(3A2) APPOINTMENTS ADULT CARE AND NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to waive Board Policy to allow Adult Care and Nursing Home Community Advisory Committee applicants to be nominated and appointed at tonight’s meeting, in light of the desperate need for volunteers for these committees; and appoint the following applicants to the Adult Care and Nursing Home Community Advisory Committees respectively for one year terms, expiring June 20, 2007.

Adult Care Community Home Advisory Board Appointees
Julie Elliott
Barbara Pace
Bryon L. Samuels, Sr.
Ashley L. Smith
Catherine Williams
Linda Williams

Nursing Home Community Advisory Board Appointees
Tara Boyd
Charles Burdick
Alan Wingate Elam, Jr.
Marta Fales
Edna Fielder-Sherer
Steven Keaton
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 appoint Pamela Harris Lawton to the Public Arts Commission for a three-year term beginning July 1, 2006 and ending June 30, 2009 as recommended by the Arts & Science Council.

(3C) CENTRALINA ECONOMIC DEVELOPMENT COMMISSION

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 recommend the appointment of Joel Randolph to the Centralina Economic Development Commission as recommended.

(4) PUBLIC HEARINGS – NONE

(2B) 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 tax parcels 129-041-35 (+/- 1.77 acres) and 129-041-43 (+/- 0.32 acre) at St. George Street for $41,000 from Kathy Kanellopoulus.

Note: The subject properties are adjacent to Briar Creek and part of the on-going assemblage of land for the extension of the Briar Creek Greenway.

(5) ADVISORY COMMITTEE REPORTS

Commissioner Rembert reported on the Board’s Education Budget Advisory Committee (EBAC).

The report addressed the committee’s year-end review and assessment of its work plan for 2005-2006; the committee’s discussion with respect to the County Commission’s action on the Schools FY07 budget request; the role, responsibilities and relevance of the committee.

Commissioner Rembert offered the following recommendations for the Board’s consideration at some later date:

1. Formally recognize and thank the members of EBAC (and other citizen advisory committees, as appropriate) for their leadership and service; and
2. Direct the County Manager to bring to the Board, at a time certain, recommendations on how best to optimize the value of the various citizen advisory groups (EBAC, CCBAC, School Building Solutions Committee and CMS Task Force on Governance and Management) concerning CMS operations and capital issues, e.g., redefine missions and...
deliverables, as appropriate. In addition, further clarify and define how we may better manage the flow of citizen advisory information.

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 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 9, 12, 15, 21, and 24 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 6, 2006, Budget/Public Policy Meeting held April 11, 2006, FY07 Budget Workshop held May 23, 2006 and Closed Session held June 6, 2006.

(8) CLEAN AIR ACT SECTION 105 GRANT AWARD AMENDMENT

Amend the LUESA - Air Quality budget to reflect a decrease in Section 105 Grant revenue by $5,634.

(10) WORK FIRST CASH ASSISTANCE REIMBURSEMENT – DSS

Amend the Department of Social Services’ FY06 budget in the amount of $150,000 to recognize and appropriate additional Federal reimbursement revenues for Work First Cash Assistance.

(11) TAX REFUNDS

Approve refunds in the amount of $132,582 to be made by the Finance Department as requested by the Tax Assessor 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 FOR VOTING EQUIPMENT PURCHASE

Recognize and appropriate $168,790 in additional Help America Vote Act (HAVA) grant funds.

(14) ARCHITECT SELECTION - MECKLENBURG COUNTY JAIL NORTH

Authorize the County Manager to negotiate a fee and execute a contract with Millennium 3 Design Group, for Architectural / Engineering services for the Youthful Offender and Vocational Training Addition to Mecklenburg County Jail North, and in the event negotiations with this firm are unsuccessful, approve negotiations with other short-listed firm of Ware Bonsall Architects.
(16) CONTRACT AWARD - MAINTENANCE, REPAIR AND OPERATION (MRO) SUPPLIES

Approve a unit price contract for one year with Grainger, Inc. for maintenance, repair and operation supplies to the County, and authorize the County Manager to renew the agreement for three (3) additional one-year terms.

(17) PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN

1) Authorize the County Manager to negotiate and execute an Agreement for the administration of the Public Art Program for Mecklenburg County.

2) Receive and approve the Arts & Science Council (ASC) Public Art Work Plan-FY2007 for Mecklenburg County.

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

(18) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate one-time State Mental Health Trust funds in the amount of $52,500.

*Note: This Board Action is necessary due to an additional allocation received from the North Carolina Division of MH/DD/SA Services for Mecklenburg Open Door to provide funds to cover costs associated with the development of a curriculum and materials for recovery model practices; and provide stipend vouchers to underwrite costs and time of training.*

B) Approve, recognize, receive and appropriate one-time State funds allocated in the amount of $5,000.

*Note: This Board Action is necessary due to additional allocation received from the North Carolina Division of MH/DD/SA Services for Mecklenburg area program. The basis of this program is to provide TBI (Traumatic Brain Injury) related services and equipment for a specific consumer.*

C) Approve, recognize, receive and appropriate one-time State funds in the amount of $1,708.

*Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. The purpose of this allocation is for reimbursing expenditures incurred but not reimbursed in SFY 04-05.*

(19) ABC BOARD GRANT APPLICATION – HEALTH DEPARTMENT

Approve submission of a $22,309 grant application to the Mecklenburg County ABC Board for Alcohol Awareness Month in April 2007 and upon award of grant, recognize, receive, and appropriate the grant award.

*Note: Alcohol Awareness month is a campaign to end underage drinking. Mecklenburg County will provide prevention/education programs, activities and events that will cover issues related to the negative effects of alcohol abuse such as health related illness and mental set backs to a diverse population.*

(20) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT FLOOD MITIGATION GRANT APPROVAL

1) Rescind May 16, 2006 Board Action, Item 15, for NC Division of Emergency
Management grant approval, to recognize, receive and appropriate $720,204 in Hazard Mitigation funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.

2) Recognize, receive and appropriate $740,204 in Hazard Mitigation funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management. 
Note: This request is to correct a typographical error in the Board Action approved May 16, 2006, and to appropriate the correct amount of the grant award.

(22) LAND ACQUISITION - WHITE PROPERTY

1) Approve purchase of +/- 28 acres of Tax Parcel 007-451-01 on Davidson-Concord Road (Hwy 73) from Hugh Allan White and Laura Anne Hite for $30,000 per acre.

2) Authorize the County Manager to negotiate and execute a 40-year lease with the Town of Davidson for management of the subject property for the preservation of open space and rural viewsheid.

3) Authorize the Historic Landmarks Commission to seek Local Historic Landmark Designation for the Cashion/Moore Family Cemetery located on the subject property.

Note: The Town of Davidson requested the County acquire, and subsequently lease to the Town, the subject property for the preservation of open space, farmland and rural viewsheid in the Highway 73 corridor. The Town wants to preserve this property in its current natural state. This preservation effort is supported by the Davidson Planning Ordinance. Upon execution of the lease, the Town intends to enter into an agreement with the Catawba Lands Conservancy to provide monitoring and stewardship services.

As a condition of sale, the sellers are requesting the right to establish two (2) burial sites on the property in the existing family cemetery. This cemetery, known as the Cashion/Moore Cemetery or the Rocky River Baptist Church Cemetery, dates back to the early 1800s. The Historic Landmarks Commission has researched the history of this cemetery and is proposing to seek Local Historic Landmark Designation.

(23) GREENWAY TRACT ANNEXATION BY CITY OF CHARLOTTE

Authorize the County Manager to execute a petition for voluntary annexation of a greenway tract on Dixon Branch adjoining NorthLake Mall, all of Tax Parcel 025-091-25, into the City of Charlotte.

(25) MCINTYRE CREEK SANITARY SEWER EASEMENT

Authorize the County Manager to execute a 6-foot sanitary sewer easement to Adelaide and Sonja Hunt for property at 4620 Meridian Drive, Tax Parcel 037-121-16.

Note: This is a sanitary sewer easement for connection to trunk line at McIntyre Creek.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) STORM WATER SERVICES – CITY’S MINOR SYSTEM FEE

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 adopt the Resolution “Authorizing Increasing the Minor System Cost Component of the Storm Water Service Charges to be Levied Within the City of Charlotte.”

Note: City’s fee to increase as follows:

- From $3.27 to $3.50 per month for single family residences with less than 2,000 square feet of impervious area (lower tier);
- From $4.81 to $5.15 per month for single family residences with 2,000 or more square feet of impervious area (upper tier); and
- From $80.18 to $85.85 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

Commissioner Puckett removed this item from Consent to express his opposition.

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

(12) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION JCPC FUNDING

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 1) Adjust FY06 Juvenile Crime Prevention Council (JCPC) grant awards as follows:

- Reduce administrative grant by $3,344
- Reduce Court Psychologist grant by $6,928
- Increase Youth Homes grant by $10,272

2) Apply for Juvenile Accountability Block Grant (JABG) funding and upon award of the grant, recognize, receive and appropriate $15,867 to the JCPC.

Commissioner Woodard removed this item from Consent for clarification with respect to the reductions in some of the grant funding.

General Manager Janice Jackson responded and noted what the reductions involved.

(15) STORM WATER SERVICES – TOWN OF DAVIDSON’S MINOR SYSTEM FEE

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 adopt the Resolution Authorizing Increasing The Minor System Cost Component Of The Storm Water Service Charges To Be Levied Within The Town Of Davidson.

Note: The Town’s increase in the minor system fee inside the Town would be:

- $0.65 per month for single family residences ($0.35 increase)
- $10.83 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof ($5.83 per acre increase)

Commissioner Puckett removed this item from Consent to express his opposition.

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

(21) PIZZAGALLI PROPERTIES LAND DONATION – MCDOWELL CREEK

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 accept the donation of +/- 14 acres (part of Tax Parcels 005-371-21 and 005-371-22) along McDowell Creek from Pizzagalli Properties, LLC.

Note: The donated land is located on the east side of McDowell Creek, immediately north of Sam Furr Road, and provides approximately 2,200 linear feet of creek frontage. This land will contribute to water quality protection and be incorporated into the McDowell Creek stream restoration project coordinated by Mecklenburg County Storm Water Services. The McDowell Creek Greenway will be constructed on County property across the creek.

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

(24) GREENWAY DONATION AT WALKERS BRANCH

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 accept +/- 8-acre greenway donation at Rivergate Center off S. Tryon Street from Childress Klein.

Note: The subject donation was negotiated during the rezoning for the new shopping center site. The donated area includes all of Tax Parcel 219-061-19, which is all SWIM Buffer, as well as The SWIM Buffer portion of Tax Parcel 219-061-15. The developer will also build a greenway trail to Park and Recreation Department specifications on the donated property.

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

STAFF REPORTS AND REQUESTS

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 note worthy.

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 7:36 p.m.

____________________  __________________________
Janice S. Paige, Clerk                  H. Parks Helms, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Scheduled Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 2:00 p.m. on Tuesday, June 27, 2006.

**ATTENDANCE**

Present: Chairman H. Parks Helms and Commissioners J. Daniel Bishop, Dumont Clarke 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: Commissioners Bill James and Jim Puckett

Also Present: Members of the Charlotte-Mecklenburg Board of Education

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

The meeting was called to order by Chairman Helms.

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

Chairman Helms said the purpose of the meeting was to receive the School Building Solutions Committee report.

Note: On November 8, 2005, Mecklenburg County voters said, "No" to a $427 million bond referendum for schools. In February 2006, the Board of County Commissioners created the School Building Solutions Committee to develop a school capital package that would be supported by the community. The Board directed the School Building Solutions Committee to provide recommendations to the Board of County Commissioners and Board of Education by July 1, 2006.

(1A) **SCHOOL BUILDING SOLUTIONS COMMITTEE REPORT**

Former Governor James Martin, Chairman of the School Building Solutions Committee gave the report and addressed questions.

Report Highlights

Committee Recommendations:

A. Use COPs to Address Most Critical Needs Immediately

Certificates of Participation (COPs) should be approved in the amount of $171,831,648. This issuance of COPs should be done as soon as possible before the end of the 2006 calendar year.
B. Schedule Bond Referendum for November 2007
General Obligation Bonds up to $400 million should be submitted to a public referendum of the voters of Mecklenburg County at the time of the general election in November 2007. The referendum would cover all capital needs for Charlotte-Mecklenburg Schools (CMS) until November 2009. Projects to be included would be the most urgent CMS capital needs determined later based on an assessment of proposed CMS projects by a citizen advisory group.

C. Examine New Ideas for Cost Savings
CMS should evaluate additional cost savings measures in new construction, renovation and additions with a target of achieving at least a 10% reduction in total construction costs without reducing square footage of buildings.

D. Build Accountability and Trust
CMS must address community concerns about accountability and trust, particularly to improve the likelihood of community support for a future bond referendum.

In addition to the specific recommendations regarding a short-term school capital package, the committee also reached the following conclusions:

- The capital needs identified within the 2005 school bond referendum are real.
- Because of the failed bond referendum, the community is behind in addressing these school needs. As a result, many of these needs are critical and must be addressed immediately. This includes the need for more classroom space and other additions due to growth, renovation needs, and the need to address facility mandates and facility lifecycle requirements.
- Residents throughout Mecklenburg County recognize these needs and want them addressed. Of particular note is that in addition to needs they see for schools close to where they live, residents are aware of and concerned about facility needs (growth and renovation) in areas of the community other than where they live.
- There is no specific evidence of wasteful use of capital funds based upon the current construction strategy and standards. However, there is a strong desire to explore alternative strategies and standards to determine if and how schools can be built more efficiently and effectively.
- A variety of factors led to the failed bond referendum; the lack of leadership by the Board of Education appeared most frequently. While there was some opposition to the referendum package itself, most voters indicated they do want both growth and renovation addressed, even most of those who voted “no” for other reasons.
- There is a pervasive climate of distrust about CMS within segments of the community. Whether the distrust is based on reality or perception, these concerns must be reduced and/or eliminated for a future CMS bond referendum to be supported by voters.
- During the committee’s research and decision-making processes, CMS staff demonstrated responsiveness, deep knowledge and technical skill, gaining the confidence of the committee members.

Results of School Bonds Perceptions Survey:
Voters who favored the school bonds, as well as non-voters who reported they would have voted for the school bonds, indicated the following three reasons they supported the 2005 school bond referendum:

- Schools need improvement
- Overcrowding
- Public school advocate

Both proponents and opponents of the bond referendum recognized overcrowding as a serious
issue. While this was top concern among those who favored the bonds, those who opposed the bonds were even more concerned about the following:

- The lack of accountability of the school board
- CMS leadership
- High property taxes
- Board of Education funds mismanagement
- Lack of discipline in schools
- Lack of accountability in CMS administration
- Previous bonds spending

The leading conclusion from the perceptions survey is that “no” votes can be converted to “yes” votes. To gain support from a majority of voters for a future referendum, the following strategies would be effective.

- Restructure the school district and its leadership to become more effective
- Inform the public about past and future spending for schools
- Emphasize equity by addressing inner city and suburban needs and by addressing new construction and renovations.
- Get out the vote because people who did not vote last November were more likely to favor the bonds referendum.

**Commissioner Woodard entered the meeting during Governor Martin’s presentation.**

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

Governor Martin noted that a Minority Report would be presented by Rhonda Lennon. He said the following regarding the Minority Report:

“I am pleased that it is not negative in tone and style. It offers some additional ideas that deserve to be considered by your elected Boards. We simply did not have a majority to recommend some of them. We did, of course, recommend their first numbered proposal, the 10% cost-saving measures. That was Ms. Lennon’s amendment, and it carried unanimously. We did not consider their second proposal that the County Commissioners dictate building standards to the school board, and they never made that motion during weeks of deliberation.”

“I just fail to see anything in their additional ideas that would justify anyone voting against $172 million in COPs or $400 million in bonds. If it’s there, it’s too subtle for me. So I regard this Minority Report as just a few more interesting ideas, and not as an appeal for anyone to oppose our Committee recommendations.”

“Just be sure you understand that ours is not a Minority Report, but the recommendation of better than two-thirds majority of those voting. You must consider it on its merits.”

Rhonda Lennon presented the Minority Report.

**Minority Report Highlights**

Ms. Lennon said the minority endorsed many points of the School Buildings Solution Committee, but felt there were other issues that needed to be raised, “for the good of our children.”

The minority recommended the following changes:

1. Strongly recommend that Charlotte-Mecklenburg Schools’ (CMS) staff begin to find 10% cost reduction in new construction without jeopardizing the quality of education; learning is the goal.
2. Return to the prioritized Most Critical Needs List provided by CMS staff to determine projects.
3. County Commission should mandate CMS to pursue innovative solutions to maximize the effectiveness of our tax dollars.

4. County Commission, the Board of Education, and the community should support a lobbying effort in Raleigh to remove the cap on the number of charter schools in our county and statewide.

The Minority Report was submitted by the following committee members: Mark Erwin, Rhonda Lennon, Tom Davis, Tim Morgan, Lindalyn Kakadelis, Ginny Scoggin-Setzer, Ralph McMillan, Jeff Ross, and Lynn Schmidt.

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

Chairman Helms thanked Governor Martin and Ms. Lennon for their reports. Thanks was expressed also to the entire committee and staff for its work, not only by Chairman Helms and members of the Board, but Board of Education members, as well.

Comments

Commissioner Mitchell questioned why the committee did not recommend a school bond referendum for this fall. The response was that the committee felt it would be too soon and that citizens want to see changes within CMS before they’ll support school bonds. Further, that delaying a referendum until 2007 would provide time for changes to occur.

Commissioner Mitchell said he would not be supportive of issuing COPS. His preference would be to place another bond referendum before the voters and to do so this fall.

Commissioner Roberts asked if any consideration was given to setting aside funds for land acquisition using COPS. The response was that the recommended $172 million in COPS does have some land acquisition funds in it for specific projects. It was noted that ordinarily you would not place land acquisition in COPS because you have to specify the property on which the lien is going to be written and if you do that before there’s an option to buy at a particular price, then that’ll just drive the price up. It was noted further that what’s included in the COPS recommendation was done because CMS staff said they have agreements on those properties.

Commissioner Rembert expressed concern as to why the committee recommended $172 million in COPS rather than putting it to the voters in the form of a referendum, if this was the amount the committee felt the community would support.

Commissioner Rembert said she had hoped to have received a recommendation for an amount that the voters could vote on because the County Commission always had the option of issuing COPS.

The response was that the committee did consider this but per the results of the citizens’ poll, with respect to why voters voted no to the 2005 School bond, hardly anyone said they voted against it because of the amount or because they felt something else needed to be included or taken out, but rather it was because of reasons that were “more personal, more critical of the responsiveness and accountability of leadership.” Also, that when those polled were asked what it would take for them to vote for a school bond, and a list of responses was presented to them, they responded yes but until certain changes occur they can’t support it. The committee feels the voters need to see changes before they will support another school bond.

Commissioner Rembert said she questions whether the community, after having said no in November, would approve of the Board of County Commission moving ahead anyway with COPS.

School Board member Kaye McGarry asked if the committee discussed trying to get the cap lifted with respect to charter schools. The response was yes, an amendment was offered to encourage charter schools rather than discourage them but it did not receive a majority vote. It was noted that one of the recommendations, does, however, address charter schools.

Commissioner Clarke asked about alternative revenue sources, such as a land transfer tax. The response was yes, this was discussed but not to any lengthy degree. If was noted further that per the survey responses with respect to alternative resources the two that received the most favorable
responses were support for impact fees for developers or persons that buy new homes and cigarette taxes. The Committee feels this is something the Board of County Commissioners needs to address.

Commissioner Clarke also expressed reservations about issuing COPS, in light of the failed school bond referendum last November. He’s concerned about breaking faith with the community.

He noted further that the majority of the Board of County Commissioners opposed the COPS proposal that was put forth by one-third of the Board after the school bond referendum failed because it consisted of a list of “cherry picked” communities.

Governor Martin noted with respect to the concern for broken promises that when you use COPS, it specifically states what the funds will be used for and that general obligation bonds typically are not that specific.

Commissioner Woodard asked if the survey asked anything about the lack of resources in schools. The response was that the message that the committee got loud and clear was that the failure of the bonds to pass was largely because of issues of leadership, and not the size of the bond.

School Board member Molly Griffin asked with respect to issuing COPS, how soon could schools get built. The response was that the design phase could be started right away.

School Board member George Dunlap said he felt the committee had failed because rather than bringing back a recommendation on what the community would support, the committee brought back a recommendation with respect to what the Board of County Commissioners and Board of Education could do. He also said he had hoped that the committee’s resolution with respect to this issue would have passed unanimously.

Member Dunlap asked whether the committee would communicate to the public that per their study of CMS, no waste was found. Governor Martin said, yes, he would.

Commissioner Bishop questioned why Harding and Idlewild were added to the list. The response was that the following was taken into consideration:

- There were persons who wanted to add them.
- They were always on the list.
- It was a renovation project. It was also noted that there were some who said this was too heavy for construction of new projects, new schools and expanded schools, and that it’s not fair to ignore people who are paying taxes and whose schools are “run down.” Further that how can you expect people to choose to go to those schools if they’re not fixed up properly.
- Also, they were added because it could be done, even when it was realized that you could not count on those 10% cost savings right away.
- It’ll fit in the schedule of issuing COPS.

Commissioner Bishop asked whether those persons poll expressed concern with respect to previous bond spending. The response was that when it was mentioned it was about a specific project and not overall spending. Further, that the need for additional capacity was supported by those that voted yes and by those that voted no.

School Board member Vilma Leake asked if there was any discussion of school assignment, placing caps on schools, neighborhood schools, and how these things impact the process. The response was that there was no specific discussion of these matters because these were policy matters for the Board of Education.

School Board member Leake also asked was there any discussion of Charlotte City Council’s role when it comes to zoning issues. The response was yes, briefly, but no action was taken.

School Board member Larry Gauvreau said he hopes there will be an opportunity for the Board of Commissioners and Board of Education to discuss the School Building Solutions Committee recommendations in more depth at a future joint meeting.

Board member Gauvreau asked did the committee get information outside of CMS’ baseline
standards for its consideration. The response was yes, and the committee feels there needs to be an effort to do more of that. Further, that’s not a reflection on CMS staff but it’s felt that the more information you can get, “particularly about innovations” the better off you’re going to be.

This concluded the discussion. No action was taken or required at this time.

Chairman Helms said the School Building Solutions Committee recommendations would be considered by the Board at its July 18, 2006 meeting. Also, that in the interim Board members and the County Manager and his staff, will review the report, including the minority report. The Board will also expect to receive a recommendation from the County Manager with respect to school capital funding.

Chairman Helms said the Board would also want feedback from the Board of Education.

Note: The above is not inclusive of every comment and/or question asked, but rather of key points.

**ADJOURNMENT**

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop, 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 4:20 p.m.

Janice S. Paige, Clerk

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

JULY 18, 2006 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, July 18, 2006.

ATTENDANCE

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

Absent: Commissioner Valerie C. Woodard

- INFORMAL SESSION -

Chairman Helms called the meeting to order, after which the following matters were addressed:

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

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcel 011-271-04 (+/- 1.3 acres) at Ramah Church Road
- Tax Parcel 129-041-34 (+/- 0.50 acre) at St. George Street
- Tax Parcels 080-131-08 & 080-131-09 at Kings Drive/Seventh Street
- Tax Parcel 080-132-02 at Kings Drive/Armory Drive
- Tax Parcels 125-096-01 & 125-096-02 at Kings Drive/Elizabeth Street
- Tax Parcel 080-172-12 at Kings Drive/Seventh Street

Motion was made by Commissioner James, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to go into Closed Session to discuss the following matters: Land Acquisition and Consult with Attorney, with one item being the Adelphia Bankruptcy issue.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:11 p.m.

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

STAFF BRIEFINGS
(1A)  MECKLENBURG COUNTY PROPERTY AT I-485 AND INDEPENDENCE BOULEVARD

There was no discussion of this item because of time constraints. It was the consensus of the Board that this matter be rescheduled for the August 15, 2006 meeting.

(1B)  FLEET MANAGEMENT LAND EXCHANGE

There was no discussion of this item because of time constraints. It was the consensus of the Board that this matter be rescheduled for the August 15, 2006 meeting.

Commissioner Mitchell returned to the meeting.

(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 and 15.

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

____________________

-FORMAL SESSION-

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Rembert, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were discussed:

CITIZEN PARTICIPATION

(1)  PROCLAMATIONS AND AWARDS – NONE

(2)  PUBLIC APPEARANCE

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

Valerie McGill addressed the symptoms of malaria.

Donna Jenkins Dawson addressed community needs with respect to education and asked that the needs of all areas of the community be addressed and not just certain areas. She also expressed disappointment in the Upward Bound Program at CPCC being discontinued. Ms. Dawson said there were also judicial system needs and that the judicial system needs to treat everyone fairly.

Rev. Drorester Alexander (Russell) addressed a program he founded in 2003 called Children In Crisis. The mission of the program is to operate a community based enrichment program for youth.

Handouts distributed by Rev. Alexander are on file with the Clerk to the Board.

Mark Sprinkle addressed storm water concerns in the Briar Creek community. He specifically addressed the Briar Creek Community Encroachment Line. A petition was presented to the Board with signatures of residents in support of the removal of future flood plain restrictions.

Mr. Sprinkle showed a video of the areas of concern.
A copy of Mr. Sprinkle’s remarks and the petition is on file with the Clerk to the Board.

Natalie Givens, Sharon Bennett, and William Belk informed the Board about the North Carolina Coalition of Family Justice’s Court Watch Group. The following was noted: 1) the organization was established to create a forum and establish a coalition to improve the social, psychological, economical, and legal position of families faced with problems related to divorce, separation, child abuse and neglect, and child custody. 2) To offer assistance, encouragement and support to parents leading single-parent households. 3) To organize and conduct workshops for families who cannot afford an attorney. The Court Watch Group will monitor individual cases to determine if the present judicial system is being responsive to family issues. The Group will also develop public awareness of injustices to families interacting with the legal system and promote attitudes that support justice in family matters; including public advocacy, activities to defeat or support legislation, to communicate and support the appointment and election of candidates for public office or the removal of officials from office; to help the public be better informed about those that are running for judgeships. They want to improve the family court system. It was noted also that the law permits trial transcripts to be destroyed after two years, however, the Coalition feels this needs to be changed because it does not promote due process. It is their recommendation that transcripts be maintained until the time that the right of appeal has expired. They asked the Board to look into the transcript issue and to support the efforts of the Court Watch Group.

Chairman Helms thanked all speakers for appearing.

(3) APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to appoint Trent Haston to the Building Development Commission as the National Association of Remodeling Industry representative, to fill an unexpired term expiring, November 18, 2006.

Mr. Haston is replacing Bryan Bennight.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to appoint Anne Radke to the Groundwater Advisory Committee as a Well Owner representative, for a three-year term expiring, July 18, 2009.

WOMEN’S COMMISSION

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

<table>
<thead>
<tr>
<th>Round One</th>
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<tbody>
<tr>
<td>Melissa Behrens</td>
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<tr>
<td>Cora Dickerson</td>
</tr>
<tr>
<td>Jacqueline Dienemann</td>
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<tr>
<td>Kelly Gaines</td>
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<tr>
<td>Ann Grass</td>
</tr>
<tr>
<td>Janice Habash</td>
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<tr>
<td>Terri Jarina</td>
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<tr>
<td>Kathy Jones</td>
</tr>
</tbody>
</table>

Commissioners Clarke, James, and Roberts
Commissioner Rembert
None
None
None
Commissioners Clarke, Helms, James, Mitchell, Rembert, and Roberts
Commissioner James
Commissioner Rembert
Chairman Helms announced that Melissa Behrens was appointed to the Women’s Commission to fill an unexpired term expiring, June 19, 2007; Janice Habash for a three-year term expiring, July 18, 2009; Aileen Maddox and Joseph Marinello to fill an unexpired terms expiring, October 31, 2008.
They are replacing Diann Cockerham, Debra Nesbitt, Yanina Razak, and Marion Sullivan.

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Rembert, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to appoint Gregory Scharlemann to the Waste Management Advisory Board as recommended by Charlotte City Council, to fill an unexpired term expiring, May 18, 2007.

He is replacing Linda Nutting.

**NOMINATIONS/REAPPOINTMENTS**

**CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to reappoint Jerome Alexander, Thomas Fitch, Christopher Gegg, Mark Leggett, Tim Morgan, Michael Murdock, William Rakatansky, and Barney Stewart to the Citizen’s Capital Budget Advisory Committee for one and two year terms, to be determined by staff and/or the committee itself.

*Note: This is the first time the Committee has been structured based on staggered terms.*

Commissioner Roberts nominated the following persons for appointment to the Citizen’s Capital Budget Advisory Committee: Emma Allen, Bo Boylan, Michael Cassarino, James Diana, Norm Gundel, Landrum Henderson, Gary Rassel, and Wilton Savage.

*An appointment will occur on August 15, 2006.*

**HISTORIC LANDMARKS COMMISSION**

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to reappoint Yolanda Law to the Historic Landmarks Commission for a three-year term expiring, July 31, 2009.

The following persons were nominated for appointment to the Historic Landmarks Commission:

- Donald Copeland by Commissioner Puckett
- William Hobbs by Commissioner Helms

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to close nominations for appointment to the Historic Landmarks Commission.

*An appointment will occur on August 15, 2006.*

**PUBLIC BROADCASTING AUTHORITY**

The following persons were nominated for appointment to the Public Broadcasting Authority:

- Liz Downing by Commissioner Roberts
REGION F AGING ADVISORY BOARD

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to reappoint Marilyn O’Connor and Hazel West to the Region F Aging Advisory Board for two-year terms expiring, June 30, 2008.

STORM WATER ADVISORY BOARD

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to reappoint Fred Monroe as the Financial/Accounting/Legal Professional representative to the Storm Water Advisory Board for a three-year term expiring, June 30, 2009.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to reappoint Daryle Benson to the Waste Management Advisory Board for a three-year term expiring, June 3, 2009.

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

(4A) PUBLIC HEARING REAL ESTATE EXCISE TAX REFUND REQUESTS

Motion was made by Commissioner Puckett, seconded by Commissioner Roberts and carried 7-0, with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, and Roberts voting yes, to hold a hearing on the request by Ryland Title for reimbursement of North Carolina excise tax in the amount of $448 and by Foodman Hunter & Karres, PLLC in the amount of $1,287.

No one appeared to speak.

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, and Roberts voting yes, to close the hearing on the request by Ryland Title for reimbursement of North Carolina excise tax in the amount of $448 and by Foodman Hunter & Karres, PLLC in the amount of $1,287 and approve the reimbursements.

(2A1) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Rembert, seconded by Commissioner James and carried 7-0, with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, and Roberts voting yes, to approve the purchase of Tax Parcel 011-271-04 (+/- 1.3 acres) at Ramah Church Road for $156,000 from Joe and Melinda Bell.

Note: The subject property is contiguous to the existing 213-acre Bradford Park site and has frontage on Ramah Church Road. The property will expand Bradford Park and provide additional open space east.
of I-77 to serve the towns of Huntersville, Davidson and Cornelius.

(2A2) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 7-0, with Commissioners Bishop, Clarke, Helms, James, Puckett, Rembert, and Roberts voting yes, to approve the purchase of Tax Parcel 129-041-34 (+/- 0.50 acre) at St. George Street for $17,000 from Chris P. Kanellopoulus.

Note: The subject property is adjacent to Briar Creek and part of the on-going assemblage of land for the extension of Briar Creek Greenway. There will be a deed restriction limiting the use of the property to greenspace, greenway, watershed protection, park, or public recreation purposes.

Commissioner Mitchell returned to the dais.

(2A3) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to 1) request Charlotte City Council to release deed restrictions on Tax Parcels 080-131-08, 080-131-09 and 080-132-02 conveyed to the County as part of the parks consolidation; and

2) Adopt a resolution to exchange +/- 2.161 acres of County property (Tax Parcels 080-131-08, 080-131-09, 080-132-02) for +/- 1.74 acres of CPCC property (Tax Parcels 125-096-01, 125-096-02, 080-172-12) for Little Sugar Creek Greenway contingent upon City Council release of deed restrictions.

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

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

Note: Prior to the discussion of Items 6a – 6c, County Manager Jones announced the retirement of Park and Recreation Director Wayne Weston, effective August 1, 2006. County Manager Jones expressed his appreciation for the 22 years of service that Director Weston has given to Mecklenburg County and the community. He wished him well in his retirement.

(6A) CMS CERTIFICATES OF PARTICIPATION

County Manager Jones addressed the use of Certificates of Participation (COPs) funding for Charlotte-Mecklenburg School (CMS) projects and spoke in support of the School Building Solutions Committee recommendation to approve $172 million in Certificates of Participation (COPs) funding for Charlotte-Mecklenburg School (CMS) projects.

The following persons also spoke in support of COPs funding for CMS projects: Superintendent Peter Gorman, Former Governor and Chair of the School Building Solutions Committee James Martin, Norm Gundell, Malachi Greene, and George Young.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts to approve $172 million in Certificates of Participation (COPs) funding for School Building Solutions Committee (SBSC) recommended Charlotte-Mecklenburg School (CMS) projects as requested by the Board of Education.
There was considerable discussion of this matter. The following Commissioners made remarks with respect to the above motion:

Commissioner Clarke expressed his support of the motion, which he made. He acknowledged that he had previously stated he would not support COPs for this purpose. He acknowledged that he made that statement prior to the failure of the School Bond Referendum last fall, as well as afterwards, but he feels this is the right solution to address the needs of CMS at this time. He noted also that he would be supportive of a school bond referendum next fall as recommended by the School Building Solutions Committee.

Commissioner James addressed the history of this issue and showed video clips of past meetings that dealt with the issuance of COPs and the School Bond Referendum last fall. Commissioner James said the current COPs proposal as recommended by the School Building Solutions Committee in most respects is the same as the proposal presented by he and the other republican members of the Board last year after the school bond referendum failed. He noted the differences, which included the amount and five schools that were not in their proposal.

Commissioner Mitchell expressed his opposition to the motion. He said he could not go back on his word, which was that if the School Bond Referendum last fall failed, he would not support using COPs to achieve what could have been done if the referendum passed. Commissioner Mitchell said his preference is that another school bond referendum be placed on the ballot this fall. He feels it would pass.

Commissioner Roberts expressed her support of the above motion, which she seconded.

Commissioner Rembert expressed her opposition to the motion. Commissioner Rembert said “now that the voters voted their preference, we’re being encouraged to act outside of their votes anyway.” Commissioner Rembert said she was not prepared to do that “in part because my integrity is on the line.” Commissioner Rembert said for her, there isn’t the compelling evidence at this time, for her to change her position from last year that the voters should “weigh in on this” and that she shouldn’t “after the voters have said no, come back and do it anyway.” Commissioner Rembert said she could not go back on her word, which was that if the School Bond Referendum last fall failed she would not support using COPs to achieve what could have been done if the referendum passed.

Chairman Helms expressed his support for the above motion. He acknowledged that he had previously stated that he would not support COPs for this purpose, but he has changed his mind. Like Commissioner Clarke, he feels this is the right solution to address the needs of CMS at this time. Chairman Helms noted that the debt would not be serviced by property taxes but rather by lottery proceeds, which he said was not available the last time this was discussed.

Substitute motion was made by Commissioner Puckett, seconded by Commissioner James and failed 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting no and Commissioners Bishop, James, and Puckett voting yes, to approve the use of Certificates of Participation (COPs) funding for School Building Solutions Committee (SBSC) recommended Charlotte-Mecklenburg School (CMS) projects as requested by the Board of Education with the following changes and additions:

1. Change the amount for Harding High School Phase I to $1.3 million in pre-construction and design because that is “effectively all they can do in the next three years anyway, even if you gave them all of the $13.2 as recommended.”
2. Change the amount for Idlewild Elementary School to $700,000 for pre-construction and design.
3. Add Long Creek Elementary, design and pre-construction, at $1.4 million.
4. Add South Mecklenburg High School at $700,000 for design. (Note: Commissioner Puckett said it’s possible that he flipped Long Creek and South Mecklenburg and he would defer to CMS on their appropriate design only.

Prior to the above vote, Commissioner Puckett said his motion allows everyone to have a piece
of this package. Commissioner Puckett said it maintains the priority list that CMS developed. He said it keeps it in the same order and does not move anyone in front of someone else.

Commissioner Bishop expressed his support of the substitute motion. He also commented on his view of the failure of the school bond referendum.

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

(6B) FY07 CAPITAL IMPROVEMENT PROGRAM RECOMMENDATION (CIP)

The Board received the Citizen’s Capital Budget Advisory Committee recommendation on the FY2007 Capital Improvement Program.

Michael Murdock, Chairman of the Citizen’s Capital Budget Advisory Committee presented the recommendation.

Chairman Helms thanked Mr. Murdock for presenting the committee’s recommendations.

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

Budget/Management Director Hyong Yi addressed and presented the County Manager’s recommended FY2007 Capital Improvement Program.

The following was noted:

- The County Manager’s recommendation is based on projects requiring funding in FY 07.
- A bond referendum is not recommended this fall.
- Certificates of Participation and Paygo funds are utilized to fund projects.
- The County Manager recommends delaying moving forward with an expansion of Jail North until some policy issues can be worked out, particularly as it relates to the housing of federal inmates.

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

Sheriff Jim Pendergraph expressed concern for delaying the Jail North expansion. He addressed current space issues.

Chief Deputy Wayne Shirley also addressed the current housing situation.

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to receive the Citizen’s Capital Budget Advisory Committee recommendation on the FY2007 Capital Improvement Program as information; and approve the County Manager’s recommended FY2007 Capital Improvement Program.

(6B2) LIBRARY FACILITIES 2006 CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to adopt the Mecklenburg County, North Carolina Library Facilities 2006 Capital Project Ordinance.

Note: The Library Facilities 2006 Capital Project Ordinance is for the purpose of providing funds, together with any other available funds, for the following projects:
Hickory Grove Community Library Relocation
Scaleybark Library Relocation
Sharon Road West Community Library Relocation

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of necessary furnishings and equipment and the acquisition of interests in real property required therefor, $14,825,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Proceeds from Installment Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-2007 fiscal year</td>
<td>$2,200,000</td>
</tr>
<tr>
<td>2007-2008 fiscal year</td>
<td>9,635,000</td>
</tr>
<tr>
<td>2008-2009 fiscal year</td>
<td>2,990,000</td>
</tr>
<tr>
<td></td>
<td><strong>$14,825,000</strong></td>
</tr>
</tbody>
</table>

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

(6B3) LAW ENFORCEMENT FACILITIES 2006 CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to adopt the Mecklenburg County, North Carolina Law Enforcement Facilities 2006 Capital Project Ordinance.

Note: The Law Enforcement Facilities 2006 Capital Project Ordinance is for the purpose of providing funds, together with any other available funds, for constructing and renovating the Jail Central Intake Facility, including the acquisition and installation of necessary machinery and equipment and the acquisition of land or rights-in-land required therefor, $1,755,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Proceeds from Installment Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-07 fiscal year</td>
<td>$1,755,000</td>
</tr>
</tbody>
</table>

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

(6B1) PUBLIC BUILDINGS 2006 CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to adopt the Mecklenburg County, North Carolina Public Buildings 2006 Capital Project Ordinance.

Note: The Public Buildings 2006 Capital Project Ordinance is for the purpose of providing funds, together with any other available funds, for constructing and renovating County buildings, including renovations to the Freedom Mall property for use as a County facility, and including the acquisition and installation of necessary furnishings and equipment required therefore, $14,785,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Proceeds from Installment Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-07 fiscal year</td>
<td>$2,199,000</td>
</tr>
<tr>
<td>2007-08 fiscal year</td>
<td>8,181,000</td>
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<tr>
<td>2008-09 fiscal year</td>
<td>4,405,000</td>
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</table>

Ordinance recorded in full in Minute Book 42-A, Document #_____.
$14,785,000

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

(6C) ADDITIONAL CAPITAL FUNDING FOR COMPLETION OF NEW COURTHOUSE

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to receive the update on Courthouse construction as information and approve the amendment of Court Facilities Approved in November 2, 1999 Referendum Capital Project Ordinance authorizing an additional $2 Million in funding from Certificates of Participation to complete Courthouse construction.

Mark Hahn, Director of Real Estate Services addressed this matter prior to the above vote.

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

(33) NOVEMBER 7, 2006 BOND REFERENDUM – LAND ACQUISITION

Commissioner Roberts addressed placing a land bond referendum on the November 2006 ballot for the approval of General Obligation bonds in the amount of $76 million and why this is needed.

The following persons spoke in support of Commissioner Roberts’ proposal for Land Bonds: Beth Henry and Susan Tompkins.

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert, to instruct staff to begin the process required to place a land bond referendum on the November 2006 ballot for the approval of General Obligation bonds in the amount of $76 million.

Commissioner James suggested to Commissioner Roberts that she consider going about this in a different manner. He said there were a variety of options to provide a “stop gap” solution in order to put a “real” water quality matter on the ballot in 2007 when everything else is going to be on the ballot.

Commissioner Clarke said he would like a clearer understanding of Charlotte-Mecklenburg Utilities Department’s (CMUD) role with respect to the protection of water quality.

Commissioner Clarke said he has often wondered why CMUD, which can raise enormous sums of money through rates and user charges, should not be bearing the costs or a significant portion of the costs of this type of land acquisition, the purpose of which is to protect the water supply, rather than relying on the property tax.

Substitute motion was made by Commissioner Clarke and seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to defer consideration of Commissioner Roberts’ proposal with respect to instructing staff to begin the process required to place a land bond referendum on the November 2006 ballot for the approval of General Obligation bonds in the amount of $76 million, until the August 15, 2006 meeting.

(31) THIRD WARD PARK - CENTER CITY PARTNERS’ PROPOSAL

General Manager Bobbie Shields and Michael Smith, with Center City Partners, gave an update on discussions about the Third Ward Park and Center City Partners’ Proposal.
Note: On December 20, 2005, the Board authorized the County Manager to participate with Charlotte Center City Partners and other appropriate parties in a concept development process with respect to a proposal outlined by Michael Smith with Charlotte Center City Partners. The proposal had the following objectives:

1. Optimize the location of the Third Ward Park with frontage on Tryon Street;
2. Bring baseball back to the Center City Charlotte; and

Commissioner James asked about the sizes of the proposed parks. Mark Hahn, Director of Real Estate Services said Third Ward Park would be a little over five acres and Second Ward between three – four acres.

Commissioner Rembert asked that consideration be given to using Minority, Women, and Small Businesses in developing this project from to architectural design participation, to retail vendors. Mr. Smith said they have every intention of making this a part of the plan.

Commissioner Puckett asked about land value with respect to the CMS property, which was addressed.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to receive the status report with respect to ongoing discussions about the Third Ward Park and Center City Partners’ Proposal and to direct staff to move forward with the process as outlined, which includes the development of business terms and draft agreements.

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

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

(29) CATAWBA-WATEREE FERC RELICENSING PROCESS

Motion was made by Commissioner Bishop, seconded by Commissioner James and carried 7-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, and Roberts voting yes, to receive the update on the Catawba-Wateree FERC Relicensing Process and authorize the County Manager to sign the Final Agreement for the FERC Relicensing Process.

Rusty Rozzelle with the Water Quality Program addressed this matter, prior to the above vote.

- Note: Staff recommended that the Board authorize the County Manager to sign the Final Agreement for the FERC re-licensing. Even though staff did not get all that it requested from the process, it believes that the Final Agreement is of benefit to the citizens of Mecklenburg County and therefore recommends that Mecklenburg County sign the document. The stakeholder charter states that members can sign with consensus levels of 1 to 4, which represent levels of agreement ranging from total agreement (1) to stand aside with major reservations (4). Level 5 is not signing. Staff believes that the Final Agreement as it now stands merits a consensus level of 3 for the interests of Mecklenburg County.

Commissioner Rembert returned to the dais.

(30) THE SALVATION ARMY CENTER OF HOPE EMERGENCY SHELTER EXPANSION
Motion was made by Commissioner Rembert, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to appropriate $47,483 from unrestricted contingency to allow The Salvation Army to operate the Emergency Winter Shelter on Statesville Road from July 12 through October 12, 2006.

Major Christine Smith and DuRhonda Metts, representing The Salvation Army, addressed this request, prior to the above vote.

(32) SELECTION OF NACO VOTING DELEGATE

Commissioner James nominated Commissioner Norman A. Mitchell, Sr. to serve as the County’s voting delegate at the 2006 Annual National Association of Counties (NACo) Conference to be held August 4-8, 2006 in Chicago, Illinois.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to appoint Commissioner Norman A. Mitchell, Sr. as the Board’s voting delegate at the 2006 Annual National Association of Counties (NACo) Conference to be held August 4-8, 2006 in Chicago, Illinois.

CONSENT ITEMS

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to approve the following item(s) with the exception of Items 13 and 15 to be voted upon separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 20, 2006, Special Meeting held June 27, 2006, Budget/Public Policy meeting held June 13, 2006, FY07 Budget Workshop held May 24, 2006, and Closed Session meeting held June 20, 2006.

(8) UNITED STATES DEPARTMENT OF JUSTICE 2006 JUSTICE ASSISTANCE GRANT—SHERIFF’S OFFICE

Recognize, receive and appropriate funds from the U. S. Department of Justice, Justice Assistance Grant in the amount of $157,625 awarded to the Sheriff’s Office; and recognize, receive, and appropriate interest income earned on the unspent grant funds during the term of this grant in accordance with grant requirements.

(9) MECKLENBURG COUNTY AQUATIC CENTER CAPITAL RESERVE EXPENDITURE

Recognize and appropriate $114,068 from Mecklenburg County Aquatic Center capital reserve user fees to complete the following renovation projects:

1. Replace light fixtures over warm pool and hot tub area. (Total project cost is $21,200.)

2. Replace toilet partitions in men’s and women’s locker rooms with new solid plastic partitions. (Total project cost is $22,550.)

3. Rehab of bleachers in main tank. Remove wooden boards and replace with Synthetic decking boards. (Total project cost is $36,688.)
4. Construct picnic area outside the Aquatic Center. (Total project cost is $23,630.)

5. Re-plumb the warm pool pump room. (Total project cost is $10,000.)

(10) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

These records comprise of:

- 547 commercial plans permitted April 2004 thru May 2004.
- 2,866 Contractor Notifications from 7/05 - 3/06.
- 1,539 Old Bonds from 7/28/05 - 11/21/05.
- 212 Credit Refunds from 1/06-2/06.
- 1,136 Daily Revenue Reports from 6/1/05-6/20/05.
- 76 Daily Revenue Reports for 7/26/05.

(11) TAX REFUNDS

Approve refunds in the amount of $89,998.31 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

(12) STORM WATER MANAGEMENT FACILITIES CAPITAL RESERVE ORDINANCE

Adopt the Storm Water Management Facilities capital reserve ordinance.

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

(14) NAMING BASEBALL FIELDS AT HUNTERSVILLE ATHLETIC PARK

1) Approve the recommendation from the North Park District Advisory Council and the Park and Recreation Commission to name the baseball fields at the Huntersville Athletic Park in memory of Hoyt Wilhelm.

_**Note:** Mr. Hoyt Wilhelm was a Major League baseball player born in Huntersville, NC. He had a 20-year pitching career playing for the Cardinals, Giants, Angels, Orioles, Indians, White Sox, Braves and Dodgers. Mr. Wilhelm was elected into the Baseball Hall of Fame in 1985._

2) Approve the plans to erect a statue or archway naming the fields at Huntersville Athletic Park (the baseball field area) “Hoyt Wilhelm Fields.”

(16) ADDITIONAL STATE FUNDING – HEALTH DEPARTMENT

Recognize and appropriate revenue in the amount of $74,470 to reflect additional one-time Pandemic Flu Phase I, additional Bioterrorism Laboratory, and Cancer Initiative funds received by the Health Department from the NC Department of Health and Human Services.
(17) RECORDS RETENTION AND DISPOSITION SCHEDULE – SHERIFF’S OFFICE

Approve the new County Sheriff’s Office Records Retention and Disposition Schedule.

A copy of the Records Retention and Disposition Schedule is on file with the Clerk to the Board.

(18) WORK FIRST BIENNIAL COUNTY PLAN - DSS

Designate Mecklenburg County a “standard” county for the Work First Program and approve the organizations and agencies from which representatives will be appointed to assist in developing the County plan.

Note: The Committee membership should include representatives from the following:

- Mecklenburg County Health Department
- Chamber of Commerce
- Workforce Development Board
- Charlotte Housing Authority
- United Way of Central Carolinas
- Child Care Resources, Inc.
- Goodwill Industries of the Southern Piedmont
- Area Mental Health Authority
- NC Child Support Enforcement
- NC Employment Security Commission
- Charlotte-Mecklenburg Schools
- Central Piedmont Community College
- Vocational Rehabilitation

(19) COUNTY AND COURTS OFFICE BUILDING - ROOF REPLACEMENT

Award a construction contract in the amount of $399,850 to Roofing Service, Inc. for County and Courts Office Building - Roof Replacement.

(20) 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 $87,000 for Multi-Systemic Therapy services as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

(21) FUNDING ADJUSTMENT – AREA MENTAL HEALTH (ITEM WAS REMOVED FROM THE AGENDA)

(22) HEAVY EQUIPMENT AND VEHICLES PURCHASE – LUESA

(1) Authorize the County Manager to negotiate and execute unit price contracts for the purchase of one (1) hydraulic excavator, (1) trommel screen, (1) large wheel loader, (1) small wheel loader, and one (1) articulated truck for a total amount of $895,524 to the following lowest responsible bidders:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Linder Industrial Machinery, Inc.</td>
<td>$195,950.00</td>
</tr>
<tr>
<td>Screen Tech, LLC</td>
<td>$170,000.00</td>
</tr>
<tr>
<td>James River Equipment, Carolina, LLC</td>
<td>$120,874.00</td>
</tr>
<tr>
<td>James River Equipment, Carolina, LLC</td>
<td>$98,727.00</td>
</tr>
</tbody>
</table>
(2) Authorize the County Manager to negotiate and execute one-time contracts for the purchase of one (1) lube truck and (1) tandem drive truck for a total amount of $226,289.02 to the following lowest responsible bidders:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volvo GMC</td>
<td>$123,724.84</td>
</tr>
<tr>
<td>Volvo GMC</td>
<td>$102,564.18</td>
</tr>
</tbody>
</table>

(3) Authorize the County Manager and the Director of Finance to negotiate and execute financing for the abovementioned equipment and vehicles to include vehicles and equipment that were bid informally.

(23) **COMPOST CENTRAL FACILITY LAND LEASE**

Authorize the County Manager to negotiate and execute a contract with the City of Charlotte for the lease of property to support the Compost Central Facility.

(24) **GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to Tiwanna Hagans, Owner of Kokomo’s Coffeehouse.”

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

(25) **NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT FLOOD MITIGATION GRANT – LUESA**

1) Recognize, receive and appropriate $124,875 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.

2) Recognize, receive and appropriate $41,625 from Property Owner Robert Agnelli to be used as match for Grant.

3) Authorize the County Manager to execute a contract with the NC Department of Crime Control and Public Safety, Division of Emergency Management for Mitigation Assistance Grants.

4) Authorize the County Manager to sign an agreement with the property owner (Robert Agnelli) with respect to the work to be performed on the property located at 5022 Sentinel Post Road.

5) Authorize appropriations to be carried forward to subsequent years until completion of project.

(26) **HOUSING AUTHORITY STEPPING STONE PROGRAM**

Recognize and receive payment in lieu of taxes (PILOT) in the amount of $44,260 from Housing Authority of the City of Charlotte for allocation to the Authority for the Stepping Stone housing program.

(27) **FURNITURE FOR NEW COURTHOUSE CONSTRUCTION**

1) Approve the purchase of office furniture without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3); and 2) Approve a contract with Office
Environments for the purchase of Steelcase furniture in the amount of $2,519,955.

(28) NEW COURTHOUSE PROJECT – HI-DENSITY SHELVING & SIGNAGE

Award contracts for multiple bid packages to the following vendors in the amounts indicated for the courthouse project – Hi density shelving and signage:

<table>
<thead>
<tr>
<th>Bid Package</th>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signage</td>
<td>ASI Modulex</td>
<td>$296,935</td>
</tr>
<tr>
<td></td>
<td>Spacesaver Storage Systems, Inc./ Patterson Pope</td>
<td>$299,588.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$596,523</td>
</tr>
</tbody>
</table>

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(13) MOWER DONATION – PARK AND RECREATION

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to accept the donation of a Jacobsen Turfcat 628D mower from Jacobsen, a Textron Company to be used by the Park and Recreation Department.

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

(15) RENAMING MORGAN PARK – “CHERRY NEIGHBORHOOD PARK”

Motion was made by Commissioner Mitchell, seconded 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 approve the recommendation from the Central Park District III Advisory Council and the Park and Recreation Commission to name Morgan Park in honor of the historic Cherry Neighborhood.

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to approve a plaque to recognize and honor the Myer’s Family who gave the land for the park.

Commissioner James removed this item from Consent to express his desire to keep the name of the park, Morgan Park for historical purposes. Commissioner James said the Board needs to develop a policy to address changing the name of an existing park.

STAFF REPORTS AND REQUESTS

See Items 29, 30, & 31.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

See Items 32 and 33

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 James and unanimous carried, with Commissioners Bishop, Clarke, Helms, 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 11:56 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, August 15, 2006.

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

Note: Commissioner Bishop was absent but joined in via teleconference for Items 6 and 10 as noted in the minutes.

-INFORMAL SESSION-

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

The meeting was called to order by Chairman Helms, after which the following matters were addressed:

STAFF BRIEFINGS

(1A) MECKLENBURG COUNTY PROPERTY AT I-485 AND INDEPENDENCE BOULEVARD


Note: The above property is the majority of the remaining acreage acquired for the Ridge Road landfill in the 1980’s. A section of I-485, a conveyance to Central Piedmont Community College for the Levine Campus and another undeveloped tract (+/- .36 acres) south of I-485 across from the campus account for the original land assemblage for the landfill (in addition to the above 160 acres). The subject property is within the corporate limits of the Town of Matthews. It is currently zoned R-20 and will be subject to the zoning jurisdiction of the town once it is sold by the County. The R. D. Harrell Company has submitted an offer to acquire the subject property at just over six million dollars, which is the market value estimate secured by real estate services earlier this year.

In addition, Mr. Harrell has over eighty (80) acres of adjoining land owned by the Brigman
Family under contract. The Brigman property provides critical access to the County’s land. The master planning and development of the Brigman and County properties together resolve the County’s access problem and takes advantage of the visibility of the entire land assemblage from I-485 and Independence Boulevard, i.e. greatly improves the marketability of the whole site.

The County’s property, or a large portion of it, is included in a proposal from the Town of Matthews that was submitted to the County Park and Recreation department for the development of a sportsplex (in this case a soccer complex) that would combine private monies with a portion of the 2004 park bond development funds.

Cary Saul, Director of LUESA addressed the history of the property. It was noted that Solid Waste Enterprise funds were used to purchase the property. Director Saul said if the property is sold he would like $3.5 million of the proceeds to go back into the Solid Waste Enterprise fund.

It was noted that when the property was purchased all of the municipalities in the County, except for the Town of Matthews, joined into the Solid Waste Management Plan for the next twenty years. He said that those municipalities through their solid waste fees have paid for and invested in the property.

Commissioner James asked about the $8 million set aside in park bonds for the development of sportsplexes and the status of the Town of Matthews’ request for sportsplex funds. This was addressed by Nancy Brunnemer. Ms. Brunnemer said it was her understanding that what’s being proposed by the Park and Recreation Commission is that the Town of Matthews would receive funds, but it would be less than what the Town requested and that two other requests would be granted out of the remaining funds.

Commissioner James said he was not certain but he thought the Town of Matthews went into this thinking they would receive the entire $8 million. It was noted by staff that the Town of Matthews requested $8 million, but there was no commitment on the County’s part that they would receive $8 million.

Commissioner James asked about a proposal from Friendship Baptist Church, which was addressed by Attorney Bethune. Attorney Bethune said the property would be owned by the County and leased to the church.

Chairman Helms said additional information was needed on the types of questions being asked with respect to this matter. He asked that answers or clarification be provided when this matter comes back before the Board.

Commissioner Clarke suggested that this matter be scheduled for a future Budget/Public Policy meeting so that the Board could discuss it in more detail.

No action was taken or required at this time.

(1B) FLEET MANAGEMENT LAND EXCHANGE

Nancy Brunnemer with Real Estate Services addressed the concept of a land exchange with the ARK Group of Tax Parcel 078-425-12 on W. 12th Street for Tax Parcel 061-151-01 on Queen City Drive near Freedom Mall.

Note: Noah Lazes’ company, the ARK Group, is in the process of renovating buildings, including the old mill, on thirty acres off Seaboard and Hamilton Streets adjoining the County’s fleet management property. Lazes would like to expand his mixed-use and entertainment complex by incorporating the County’s five-acre tract into his project. He has identified a 5.68-acre site where fleet management could be relocated that is in close proximity to Freedom Mall, the future location of staff and operations currently at the Hal Marshall Center. Including the County’s property in the Lazes project will add to the uptown tax base and support growth of restaurant and entertainment venues to serve both residents and visitors.
It was noted that land values and other costs would need to be identified before moving forward with this proposed exchange.

Chairman Helms suggested that staff move forward with getting appraisals on the properties involved and that staff make a recommendation with respect to this matter.

Gustavo Mibelli with Real Estate Services addressed the advantages of this proposal, one of which, it would be returning land to the tax roles.

Chairman Helms asked that a list of the pros and cons be provided when this matter comes back to the Board.

Commissioner Mitchell asked about clean-up responsibility. *It was noted that the buyer was aware of this and would be responsible for the clean-up.*

Chairman Helms said this should be clarified also when the matter comes back to the Board.

No action was taken or required at this time.

*Commissioner Woodard left the meeting and was away until noted in the minutes.*

(2A) CLOSED SESSION - CONSULT WITH ATTORNEY

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 6-0, with Commissioners Clarke, Helms, James, Mitchell, Puckett, and Roberts voting yes, to go into Closed Session to Consult with Attorney with respect to the following matters: the Adelphia Bankruptcy Proceeding; a lawsuit entitled Frank William Spencer, Jr. v. Roger Allen Brown and Mecklenburg County (a car accident); and a lawsuit entitled Rygene Gabriel v. Mecklenburg County Social Services (workers comp).

The Board went into Closed Session at 5:37 p.m. and came back into Open Session at 6:02 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She returned to the meeting during Closed Session.

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

(2B) CLOSED SESSION - BUSINESS LOCATION AND EXPANSION (REMOVED FROM THE AGENDA)

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 8, 9, 12, 16, 21, and 28.

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

Invocation was given by Commissioner Rembert, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were discussed:
CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) 2006 NACO ACHIEVEMENT AWARDS

The Board recognized the following Health Department staff for receiving 2006 NACo Achievement Awards for various programs and initiatives:

Note: The National Association of Counties’ Achievement Award Program is a non-competitive program that recognizes counties for improving the management of and services provided by county government.

- Sylvia Daniel & Steve Wood: A Collaborative & New Way to Win the War Against Clandestine Methamphetamine
- Sara Zimmerman: After School Enrichment Program
- Beth Burton: Asthma Education Initiative
- Geoffrey Jordan: HIV Outreach & Testing Incentive Program
- Lynn Lathan: Local Health Department Response to Hurricane Katrina
- Bobby Kennedy: Matthews Elementary School Disease Outbreak May 2005
- Donna Smith: Rapid Health Needs Assessment of Hurricane Katrina Evacuees
- Jack Stutts: Safe Well Ordinance
- Linda Sullivan: School Health Staff Development Program
- Joy Beck: Teen Tobacco Use Prevention at the Racetrack

Dr. Wynn Mabry, Health Director addressed the above programs and introduced staff that was present.

A description of the winning programs is on file with the Clerk to the Board.

(1B) MEN TAKING CHILDREN TO SCHOOL ON THEIR FIRST 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 proclamation designating August 25, 2006 as “Men Taking Children to School on Their First Day.”

The proclamation was read by Commissioner Woodard and received by Blanche Penn. Ms. Penn was joined at the podium by Dwayne Collins, John Moore, III, and Tim Drayton, who spoke in support of the effort.

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

(1C) WOMEN’S EQUALITY DAY

Motion was made by Commissioner Roberts, 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 August 23, 2006 as Women’s Equality Day.

The proclamation was read by Commissioner Roberts and received by Peter Safir, Interim Director of the Women’s Commission, Debbie Guilbault with the Women’s Commission staff.
Katie Simmons, Co-chair of the Women’s Commission Advisory Board and board member Joe Marinello.

Commissioner Roberts noted a correction in the proclamation which was that August 26, 2006, marks the 86th anniversary of the ratification of the 19th Amendment, guaranteeing women’s right to vote and not August 23rd.

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

(1D) HOMELESS WORLD CUP SOCCER WEEK

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and carried 7-1, with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner Puckett voting no, to adopt a proclamation designating August 13-20, 2006 as “Homeless World Cup Soccer Week.”

The proclamation was read by Commissioner Roberts and received by Lawrence Cann, Ray Isaac, and Abdula Wright.

Note: Commissioner Puckett said he could not support this proclamation because to him it enables and celebrates homelessness.

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

(1E) FOUR POSITIVE FOUR-LETTER WORDS

Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation supporting the use of four positive four-letter words, Able, Best, Care and Done, words that inspire and help to build student character, as we educate children for today and tomorrow.

Note: Thornton Howard, III, an author and CMS math teacher at Martin Luther King Middle School developed this concept and has written a book entitled “Going Fourward-Using Four Letter Words In A Positive Way.” It is the desire of Mr. Howard that elected officials, community leaders, parents, guardians, and the community as a whole, come together beginning this school year and annually thereafter, to focus on a four-letter word for four consecutive weeks to inspire and encourage children.

The proclamation was read by Commissioner Rembert and received by Thornton Howard, III.

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:

Valerie McGill addressed cures for cancer.

Rev. Droester “Russell” Alexander with Children In Crisis introduced two youth that were former members of gangs, Matthew Henderson and Delgottio Falls. Both students addressed their past involvement with gangs. They asked the Board to consider coming up with activities to involve youth as an alternative to being on the streets. Matthew suggested that rather than youngsters selling guns and drugs on the corner that perhaps business owners can be encouraged
August 15, 2006

to allow youth that reach the age to obtain a worker’s permit, to sell legitimate merchandise on
corners rather than guns and drugs.

Rev. Alexander said there are many youth that feel there’s nothing for them to do and that they
are not being heard. He said youth in the community would appreciate an opportunity for
dialogue.
Chairman Helms noted that there are programs out there for youth, some of which are sponsored
by the County’s Park and Recreation Department and by the YMCA. Chairman Helms said what
they have suggested was really a private sector matter but perhaps someone on the Board could
follow up with merchants with respect to the suggestion that was made.

Chairman Helms, as well as other Board members, thanked both students for sharing their stories
and bringing attention to this matter.

(3A) APPOINTMENTS

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Citizen’s Capital Budget
Advisory Committee:

Emma Allen    Commissioners Clarke, Helms, Mitchell, Rembert, Roberts,
 and Woodard

Bo Boylan
Michael Cassarino
James Diana
Norm Gundel
Landrum Henderson
Gary Rassel
Wilton Savage

Chairman Helms announced the appointment of Emma Allen to the Citizen’s Capital Budget
Advisory Committee for a one or two-year term to be determined by the Committee.

She is replacing Heath Gilbert.

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 reappoint Michael Murdock as chairman of the Citizen’s
Capital Budget Advisory Committee for the duration of his term.

HISTORIC LANDMARKS COMMISSION

The vote was taken on the following nominees for appointment to the Historic Landmarks
Commission:

Donald Copeland    Commissioners Puckett and Woodard
William Hobbs     Commissioners Clarke, Helms, James, Mitchell, Rembert,
                  and Roberts

Chairman Helms announced the appointment of William Hobbs to the Historic Landmarks

He is replacing Michael Sullivan.
The vote was taken on the following nominees for appointment to the Public Broadcasting Authority:

Liz Downing    Commissioners Clarke, Helms, James, Mitchell, Rembert, and Roberts
Timothy Flanagan   Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts
Andrew Freeman   None
William Fuller    Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts

Voting Ceased

Chairman Helms announced the appointment of Liz Downing, Timothy Flanagan, and William Fuller to the Public Broadcasting Authority for three-year terms expiring June 30, 2009.

They are replacing Marilynn Bowler, Thomas Hodges, IV, and Jonathan Pullin.

(3B) APPOINTMENTS – ADULT CARE AND NURSING HOME COMMUNITY ADVISORY COMMITTEES

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 waive Board Policy to allow applicants interested in the Adult Care and Nursing Home Community Advisory Committees to be nominated and appointed at tonight’s meeting, in light of the desperate need for volunteers for these committees.

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 appoint the following applicants to the Adult Care and Nursing Home Community Advisory Committees respectively for one-year terms, expiring August 15, 2007.

Adult Care Home Community Advisory Committee

Evelyn Hochstat
Joan C. Kirk
Nancy Litaker

Nursing Home Community Advisory Committee

L. Marie Busteed
Carol J. Clem
Peggy McClain
JoAnne Jacquin
Nikki Stamps

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

(3C) NOMINATIONS/RE-APPOINTMENTS

AIR QUALITY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried
7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to reappoint Ray Fuentes, Kris Knudsen, Fletcher Roberts, and Anthony Tindall to the Air Quality Commission for three-year terms, expiring August 31, 2009.

**BIZHUB**

The following persons were nominated for appointment to the BizHub Advisory Committee:

Malachi Greene       by Commissioner Puckett  
John Murphy          by Chairman Helms     
Carolyn Swiger       by Commissioner James

*An appointment will be made on September 6, 2006.*

**BUILDING DEVELOPMENT COMMISSION**

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to waive the Board’s Term Limit Policy and reappoint Charles Watts to the Building Development Commission as the Charlotte Apartment Association representative for a three-year term expiring July 11, 2009, as requested by the Charlotte Apartment Association.

*Commissioner Rembert returned to the dais.*

**CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE**

The following persons were nominated for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Tyyawdi Baker       Commissioner Roberts 
Raphael Basisa      Commissioner Woodard 
Gwendolyn High      Commissioner Woodard 
Keith Proctor       Chairman Helms 
Tammy Proctor       Chairman Helms 
Carolyn Swiger      Commissioner Clarke 

*Appointments will be made on September 6, 2006.*

**INFORMATION SERVICES & TECHNOLOGY COMMITTEE**

The following persons were nominated for appointment to the Information Services & Technology Committee by Commissioner Clarke: Shannon Chavis-Smith and Dave Clarke.

*An appointment will be made on September 6, 2006.*

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to reappoint Elaine Powell to the Waste Management Advisory Board for a three-year term expiring, September 6, 2009.

**PUBLIC HEARING REAL ESTATE EXCISE TAX REFUND REQUEST**

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, to hold a hearing on the request by McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $735.

No one appeared to speak.

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 close the hearing on the request by McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $735 and approve the reimbursement.

(5) ADVISORY COMMITTEE REPORTS – NONE

Commissioner Bishop joined the meeting at this time via teleconference for participation in Items 6 and 10.

MANAGER’S REPORT

(6) MANAGER’S REPORT - CMS CERTIFICATES OF PARTICIPATION

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and carried 7-2, with Commissioners Bishop, Clarke, Helms, James, Puckett, Roberts, and Woodard voting yes and Commissioners Mitchell and Rembert voting no, to approve $123,165,000 in Certificates of Participation (COPs) funding for Charlotte-Mecklenburg School (CMS) projects.

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and carried 7-2, with Commissioners Bishop, Clarke, Helms, James, Puckett, Roberts, and Woodard voting yes and Commissioners Mitchell and Rembert voting no, to adopt the School Facilities 2006 Capital Project Ordinance to provide budgetary authority for Charlotte-Mecklenburg School (CMS) projects.

Note: For the purpose of providing funds, together with any other available funds, for the following projects:

- Alexander Graham MS – Phase I
- Cochrane MS
- Harding High Phase I
- Mandates/Initiatives Lifecycle
- New Belmeade Rd. Area MS
- New Bradley ES
- New Matthews/Mint Hill Area HS
- New Ridge Rd. Area MS
- Palisades MS and HS
- South Mecklenburg HS
- Alexander MS
- North Tryon St./Pavilion Blvd. Area ES
- Idlewild ES
- New Bailey Rd. Area HS
- New Belmeade Rd. ES
- New Hucks Rd. Area ES
- New Providence Rd. West Area ES
- North Mecklenburg HS – Phase I
- Sedgefield MS – Phase I
- Long Creek ES

including the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide those additional school facilities in said County to maintain the nine months’ school term as required by Section 2 of Article IX of the North Carolina Constitution, $123,165,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction and acquisition period to meet the appropriations in Section I, as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Proceeds from Installment Financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006-07</td>
<td>$34,000,000</td>
</tr>
<tr>
<td>2007-08</td>
<td>59,000,000</td>
</tr>
<tr>
<td>2008-09</td>
<td>8,000,000</td>
</tr>
<tr>
<td>2009-10</td>
<td>2,165,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$123,165,000</strong></td>
</tr>
</tbody>
</table>
August 15, 2006

Note: This funding is based upon the recommendations of the School Building Solutions Committee and will allow the Charlotte-Mecklenburg Schools to move forward with all the projects recommended by this committee. However, four of these projects and two additional projects, Long Creek Elementary and South Mecklenburg High School, would receive funding for pre-construction/design work rather than full construction costs. These six projects would be evaluated for development using a lease/purchase method recently ratified by the N.C. General Assembly and awaiting the Governor’s signature. These six projects are:

- New Providence Road West Elementary
- New Hucks Road Elementary
- Idlewild Elementary
- Harding High School
- Long Creek Elementary
- South Mecklenburg High School

In the event that lease/purchase proves to be not feasible for any of these projects, the members of the Board supporting this proposal would also support the Board of Education requesting construction funding for these projects either through certificates of participation or placing these projects on the School Building Solutions Committee’s recommended bond referendum for November 2007.

This compromise package was developed at the initiative of and through the collaboration of County Manager Harry Jones and CMS Superintendent Peter Gorman.

**Ordinance recorded in full in Minute Book 43-A, Document # 1.**

**10) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND BUILDING-DEVELOPMENT ORDINANCE – REVISIONS**

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 1) Amend the LUESA Fee Ordinance to reflect the Code Compliance Task Force process changes; the CC/CO/TCO additional changes needed to support the 8/31 program change startup; minor changes to the Mechanical-Electrical-Plumbing small project permit fee changes; and to specifying how the Building Valuation data formula replaces the permit fee schedule in certain cases; and miscellaneous changes to fees. 2) Amend the Building-Development Ordinance to provide added definitions and “high failure rate process” description required by the Code Compliance Task Force process changes.

**Ordinances recorded in full in Minute Book 43-A, Documents # 2 and 3.**

**Commissioner Bishop signed off from the meeting at this time.**

**CONSENT ITEMS**

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett 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 8, 9, 12, 16, 21, & 28 to be voted upon separately:

**7) APPROVAL OF MINUTES**

To approve minutes of Regular Meeting held July 18, 2006, including Closed Session.

**11) TAX REFUNDS**

Approve tax refunds in the amount of $15,945 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.
A list of the refund recipients is on file with the Clerk to the Board.

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

Recognize and appropriate for the Sheriff’s Special Revenue Fund:

- $74,000 from Inmate Commissary,
- $5,400 from Seized Assets, and
- $25,800 from Concealed Handgun Permit Fees.

(14) **MEMORANDUM OF AGREEMENT - COUNTY/STATE ENVIRONMENTAL RESTORATION**

Authorize the County Manager to negotiate and execute a Memorandum of Agreement (MOA) between Mecklenburg County (Storm Water Services) and the state of North Carolina (Department of Environment and Natural Resources Ecosystem Enhancement Program) for the environmental restoration of Irwin Creek along Whitehurst Road.

(15) **ROAD CLOSURE - BOYS TOWN ROAD – SET PUBLIC HEARING**

Adopt a resolution of intent to close Boys Town Road; and set a public hearing for 6:30 p.m. on September 19, 2006 to hear public comment on the proposed road closing.

*Resolution recorded in full in Minute Book 43-A, Document # 4.*

(17) **ROOF REPLACEMENT - OLD CREDIT UNION BUILDING AT FREEDOM MALL**

Recognize and appropriate $53,000 in lease revenue collected from tenants at Freedom Mall for roof replacement of the old credit union building at Freedom Mall.

(18) **PURCHASE OF HUBBELL PREMISE WIRING EQUIPMENT – FREEDOM MALL**

Allow the County to specify Hubbell Premise Wiring Equipment, under Sole Source Exemption, for the Telecommunication System for all Phases of the Renovation of Freedom Mall.

(19) **AREA MENTAL HEALTH AUTHORITY FOURTH QUARTER FY 2006 REPORT**

Recognize and receive the Fourth Quarter 2006 Area Mental Health Authority Report.

*Note: It’s required that the budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program be read into the minutes.*

**Finance:**

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Budgeted</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Revenue Source

<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>$6,021,805.00</td>
<td>$5,261,778.96</td>
<td>87.38%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>23,572,208.00</td>
<td>15,045,483.25</td>
<td>63.83%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,444,356.00</td>
<td>5,686,319.59</td>
<td>76.38%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,069,295.00</td>
<td>10,651,010.14</td>
<td>88.25%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>13,087,742.50</td>
<td>10,445,764.13</td>
<td>79.81%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>15,290,542.00</td>
<td>15,214,673.46</td>
<td>99.50%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>24,089,744.50</td>
<td>20,146,247.65</td>
<td>83.63%</td>
</tr>
</tbody>
</table>

Total Expenditures $101,575,693.00 $82,451,277.18 81.17%

Expenditures

* Includes prior year encumbrances carried forward due to implementations of county upgrade to the Advantage system. County adopted budgeted amount was $35,796,028.

Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
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</table>

Total Expenditures $101,575,693.00 $82,451,277.18 81.17%

Source: 13th Run of Mecklenburg County General Ledger.

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

(20) WINGET ELEMENTARY SCHOOL JOINT USE FUNDING AGREEMENT (REMOVED FROM THE AGENDA)

(22) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE – SABRETT

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to Dogma Enterprises, owner of Sabrett.”

Resolution recorded in full in Minute Book 43-A, Document # 5.

(23) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE – KOKOMO’S COFFEEHOUSE

Adopt a resolution entitled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Tiwanna Hagans, Owner of Kokomo’s Coffeehouse.”

Resolution recorded in full in Minute Book 43-A, Document # 6.

(24) CHARLOTTE EAST LEASE – 5800 EXECUTIVE CENTER DRIVE SUITE 400 – YFS

Authorize the County Manager to negotiate and execute a lease renewal with East Park Associates, LLC for the Department of Social Services’ Youth and Family Services Division at 5800 Executive Center Drive, Suite 400, which will include minor upgrades to portions of the existing space.
(25) CHARLOTTE EAST LEASE – 5800 EXECUTIVE CENTER DRIVE SUITE 400A – YFS

Authorize the County Manager to negotiate and execute a lease renewal with East Park Associates, LLC for the Department of Social Services’ Youth and Family Services Division at 5800 Executive Center Drive, Suite 400A, which is an additional 10,486 SF adjacent to Suite 400, which will include minor upgrades to portions of the existing space.

(26) AREA MENTAL HEALTH GRANT APPLICATIONS

1) Approve submission of the following separate, multi-year applications for Shelter Plus Care (SPC) programs:
   a) Grant for $248,820 for fiscal years 2007 thru 2010;
   b) Grant for $384,876 for fiscal years 2007 thru 2008;
   c) Grant for $366,298 for fiscal years 2007 thru 2008;
   d) Grant for $483,039 for fiscal years 2007 thru 2009;
   e) Grant for $634,795 for fiscal years 2007 thru 2010.

2) Recognize, receive and appropriate the amount of the awards when received.

Note: These grants are from the U.S. Department of Housing and Urban Development to address the needs of homeless individuals with a disability and their families. These SPC grants provide tenant based rental assistance to approximately 150 individuals and families in the Charlotte/Mecklenburg area.

AMH conducts an ongoing assessment of the rental assistance and supportive services required by the participants in the program. The program goals are to assist homeless individuals and their families by increasing their housing stability, their skills and/ or income and obtain greater self-sufficiency.

(27) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of the following LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

- 1,749 Contractor Notifications from 12/05 - 5/06.
- 2,908 Monthly Transaction Listings (12/98-6/00 – 1,449; 10/00-12/00 – 1,459).
- 20 Credits (1/13-1/24/06).
- 460 Charge Activity Reports 10/00 – 12/00.
- 852 Daily Revenue Reports (9/15/05 – 14; 6/21-6/30/05 – 838).
- Nine (9) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.

(29) ORDER OF COLLECTION – 2007 AD VALOREM TAXES

Authorize the Tax Collector to collect fiscal year 2007 ad valorem taxes by adopting an Order of Collection that reads as follows:

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 43-A, Document # 6.

(30) PAY-AS-YOU-GO-2007 CAPITAL PROJECT ORDINANCE

Adopt the Pay-As-You-Go – 2007 Capital Project Ordinance for projects approved by the Board in the capital improvement program for the purpose of providing funds for the Capital Improvements Program projects approved by the Board on July 18, 2006, together with any other available funds, for constructing and renovating County and library facilities as described below, including the acquisition and installation of necessary furnishings and equipment required therefore, $8,484,000 is hereby appropriated.

Medical Examiner Equipment and Additional Areas $1,259,000
County Files and Equipment Storage Facility 986,000
DA Expansion at Historic Courthouse – Phase 1 6,062,000
Freedom Mall DSS Senior Enrichment Center 177,000

$8,484,000

Ordinance recorded in full in Minute Book 43-A, Document # 7.

(31) FLEET MANAGEMENT PLAN

Approve the Fleet Management Plan and authorize the purchase of vehicles in Phase I and II of the Plan.

Note: As part of approving the County’s FY 2006 budget, the Board created a Vehicle Replacement Reserve Fund to ensure a consistent and sustainable source of funding for replacing vehicles. The Fleet Management Plan implements a three-part strategy for vehicle replacement, as follows:

- Conduct a right-sizing study to determine the optimal number of vehicles to support County departments’ customer service needs; maintain right size through annual utilization analysis.
- Decommission County-owned vehicles in excess of the optimal number of vehicles
- Maintain the average age of vehicle at between 3.5 and 4.5 years and a replacement cycle between 7 to 9 years.

Implementing these strategies will result in the decommissioning of 38 vehicles and the replacement/purchase of 320 vehicles over the next two fiscal years, using $6,458,289 from the Vehicle Replacement Reserve Fund. Phase I and II of these purchases will occur in FY2007 at a cost of approximately $4.4 million for 220 vehicles.

Plan recorded in full in Minute Book 43-A, Document # 8.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
(8) PARK AND RECREATION CAPITAL PROJECT ORDINANCE

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 amend the Park and Recreation Facilities Approved in November 2, 1999 Referendum Capital Project Ordinance.

Note: Amending this ordinance will provide budgetary authority for the remainder of the Park and Recreation projects approved in the 1999 referendum.

Commissioner Woodard removed this item from Consent to find out how the N.E Park Plan fits into this schedule. Staff said it would provide a response at a later date, since there was no one present from Park and Recreation to respond.

Ordinance recorded in full in Minute Book 43-A, Document # 9.

(9) BUSINESS INVESTMENT GRANT: MAERSK INC.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Rembert, and Roberts voting yes and Commissioners James, Puckett, and Woodard voting no, to approve the County's share of a Business Investment Grant to Maersk Inc. for a total estimated amount of $1,504,566 over eight years.

Note: (Total City/County grant for the eight-year period is estimated at $2,259,726).

Note: Maersk, Inc. is a subsidiary of APMoller-Maersk A/S, a Danish corporation in the business of container shipping, oil/gas exploration and other related businesses. Maersk currently has 647 employees at a location in the Southpark area and is planning a significant expansion of the Charlotte office that would add 238 new jobs over the next three years.

On May 11, Maersk announced their plans to acquire the Royal-Sun Alliance Building at 9300 Arrow Point Boulevard in Charlotte. Maersk will purchase the building for $31 million and invest an additional $29 million in facility upgrades, furniture, fixtures and equipment. Upon completion, the facility will accommodate up to 1,300 employees.

Maersk’s expansion meets the following BOCC/ Council-approved requirements for an eight-year Business Investment Grant:

- Maersk’s new taxable investment of $29 million exceeds the recommended threshold of $10 million for large economic impact projects;
- Eighty percent of the 238 new jobs are expected to be hired locally and will pay an average wage of $46,000 (122% of the average for the Charlotte-Gastonia-Rock Hill);
- Maersk is estimated to have a total direct economic impact of $19.6 million per year on Charlotte’s economy, and generate annual tax revenues of $333,000 (City) and $629,000 (County);
- On May 11, Maersk was awarded a Job Development Investment Grant (JDIG) from the State of North Carolina valued at approximately $3.6 million.
- There was competition for this project from Lancaster County, South Carolina.

Commissioner Puckett removed this item from Consent in order to cast his vote in opposition.
(12) U.S. NATIONAL WHITewater CENTER, INC.

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 adopt a Resolution in Support of State Funding for the U.S. National Whitewater Center, Inc.

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

Resolution recorded in full in Minute Book 43-A, Document # 10.

(16) MCDowell STREET PARKING DECK REPAIRS

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 award a construction contract in the amount of $2,153,485 to Lesco Restorations, Inc. for repairs at the McDowell Street Parking Deck.

Commissioner Woodard removed this item from Consent in order to comment on the good faith effort that was demonstrated by this company to find minorities to work with them.

(21) DONATION OF FIELD TARP – PARK AND RECREATION

Motion was made by Commissioner Roberts, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve acceptance by the Park & Recreation department of field tarps to be donated by the Carolina Panthers organization.

Note: The tarps will be used at Memorial Stadium to protect the turf from undue damage during special events. The tarps have a value of approximately $20,000.

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

(28) TAX COLLECTOR’S ANNUAL SETTLEMENT FOR FISCAL YEAR 2006

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to receive and accept the Tax Collector’s Annual Settlement for fiscal year 2006 as noted below.

Tax Collector’s report of settlement to the Mecklenburg County Board of Commissioners for FY 2005-2006 (Tax year 2005). The settlement also includes the collection of prior year’s taxes during fiscal year 2005-2006 as reflected on the attached report.

Current Year Collections

<table>
<thead>
<tr>
<th>Tax</th>
<th>Tax Charged</th>
<th>Collected</th>
<th>Uncollected</th>
<th>Pct. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real &amp; Personal</td>
<td>$683,261,020.56</td>
<td>$673,527,744.64</td>
<td>$9,733,275.92</td>
<td>98.58%</td>
</tr>
<tr>
<td>Reg. Motor Vehicle</td>
<td>$ 59,379,408.68</td>
<td>$ 50,910,281.68</td>
<td>$ 8,469,127.00</td>
<td>85.74%</td>
</tr>
<tr>
<td>Total</td>
<td>$742,640,429.24</td>
<td>$724,438,026.32</td>
<td>$18,202,402.92</td>
<td>97.55%</td>
</tr>
</tbody>
</table>
August 15, 2006

The totals above reflect the uncollected taxes for all accounts. Of this total, the Tax Collector was barred from collecting 976 real estate and personal property tax records totaling $725,284.82 by the U.S. Bankruptcy Court. When the above totals are adjusted to remove this amount from the Tax Collector’s charge, the total percent collected increased to 97.64%.

* The total tax charged to the Tax Collector is adjusted to credit the Tax Collector with releases and adjustments as permitted by N.C.G.S. 105-373(b)(1 -6).

Reference is hereby made to reports in the Office of the Tax Collector that list the persons owning real property and personal property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person. These reports are available for inspection and review upon request. The Tax Collector has made diligent efforts to collect the taxes due from the persons listed out of their personal property and by other means available to him for collection.

Prior Year Collections

During FY 2005-2006, the Tax Collector pursued collection of delinquent prior year taxes.

Real Estate and Personal Property Tax:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Tax Charged</th>
<th>Uncollected Bal.</th>
<th>Collected in FY 2006</th>
<th>Pct. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>$309,702,228.85</td>
<td>$ 387,439.52</td>
<td>$ 27,173.85</td>
<td>99.87%</td>
</tr>
<tr>
<td>1996</td>
<td>$308,957,995.09</td>
<td>$ 448,966.46</td>
<td>$ 47,771.13</td>
<td>99.85%</td>
</tr>
<tr>
<td>1997</td>
<td>$319,433,814.02*</td>
<td>$ 546,518.17</td>
<td>$ 53,135.96</td>
<td>99.83%</td>
</tr>
<tr>
<td>1998</td>
<td>$362,905,771.14*</td>
<td>$ 673,799.06</td>
<td>$ 85,381.31</td>
<td>99.81%</td>
</tr>
<tr>
<td>1999</td>
<td>$404,004,618.21*</td>
<td>$ 861,919.38</td>
<td>$116,682.55</td>
<td>99.79%</td>
</tr>
<tr>
<td>2000</td>
<td>$429,170,758.85*</td>
<td>$1,299,020.99</td>
<td>$194,455.54</td>
<td>99.70%</td>
</tr>
<tr>
<td>2001</td>
<td>$528,416,052.33*</td>
<td>$1,811,981.40</td>
<td>$384,132.98</td>
<td>99.66%</td>
</tr>
<tr>
<td>2002</td>
<td>$542,254,068.05*</td>
<td>$3,636,549.88</td>
<td>$3,563,955.00</td>
<td>99.33%</td>
</tr>
<tr>
<td>2003</td>
<td>$582,863,492.12*</td>
<td>$2,976,249.97</td>
<td>$1,380,258.27</td>
<td>99.49%</td>
</tr>
<tr>
<td>2004</td>
<td>$602,382,519.73*</td>
<td>$3,926,920.78</td>
<td>$7,345,967.95</td>
<td>99.35%</td>
</tr>
</tbody>
</table>

Registered Motor Vehicle Tax:

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>$53,444,067.20*</td>
<td>$2,061,352.54</td>
<td>$ 9,253.05</td>
</tr>
<tr>
<td>2003</td>
<td>$49,891,403.50*</td>
<td>$2,104,186.93</td>
<td>$ 202,035.29</td>
</tr>
<tr>
<td>2004</td>
<td>$49,162,670.75*</td>
<td>$2,316,885.81</td>
<td>$3,666,473.68</td>
</tr>
</tbody>
</table>

* The total tax charged to the Tax Collector is adjusted to credit the Tax Collector with releases and adjustments as permitted by N.C.G.S. 105-373(b)(1 -6).

Commissioner Puckett removed this item from Consent to address the growth in revenue, the growth of government, and number of tax increases during this time period..

Chairman Helms noted the excellent collection rate during this time period.

Annual Settlement Statement recorded in full in Minute Book 43-A, Document # 11.

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS
August 15, 2006

(32) SELECTION OF NCACC VOTING DELEGATE

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 appoint Commissioner Clarke as the Board’s voting delegate for the 2006 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held September 7-10, 2006 in Forsythe County, N.C.

(33) NOVEMBER 7, 2006 BOND REFERENDUM – LAND ACQUISITION

Commissioner Roberts addressed her proposal for a possible land bond referendum on the November 2006 ballot for the approval of General Obligation bonds in the amount of $76 million.

She noted that after further consideration of this matter, she has concluded that this matter would be better served if placed on the November 2007 ballot rather than this fall.

No action was taken or required at this time.

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.

Note: Commissioner Rembert noted that she had recently listened to a radio broadcast that addressed the incidence and prevalence of rape in juvenile detention facilities and the impact that it is having on the youth not just while they’re in the facility, but when they get out as well. Commissioner Rembert said this was trauma that does not heal itself quickly and it may manifest itself in a number of other ways in our community.

Commissioner Rembert asked that staff investigate the nature and scope of this problem in Mecklenburg County and then take appropriate action.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner James, 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 8:44 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 Wednesday, September 6, 2006.

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, 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 Chairman Helms, after which the following matters were addressed:

-INFORMAL SESSION-

(1) STAFF BRIEFINGS – NONE

(2) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY, C) LAND ACQUISITION

Prior to going into Closed Session Attorney Bethune announced that the land acquisition matter to be discussed in Closed Session was White Oak Plantation located at 7729 Hood Road and 7756 Hammond Drive; the Consult with Attorney involves Mecklenburg County v. Landgreen, LLC and Mecklenburg County v. Time Warner.

Motion was made by Commissioner James, seconded by Commissioner Roberts and carried 6-0, with Commissioners Clarke, Helms, James, Mitchell, Rembert, and Roberts voting yes, to go into Closed Session to discuss the following: Business Location and Expansion, Consult with Attorney, and Land Acquisition.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:07 p.m.

Commissioners Bishop, Puckett, and Woodard were present when the Board came back into Open Session. They entered the meeting during Closed Session.
The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 12, 14, and 20.

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

-FORMAL SESSION-

Invocation was given by Commissioner Roberts, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were discussed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) 2006 NACO ACHIEVEMENT AWARDS

The Board recognized the following Mecklenburg County departments and employees for receiving 2006 NACo Achievement Awards for various programs and initiatives:

Peter Cook, Park Services Manager: Catch-A-Wave: Wi-Fi
James Worsley, Park & Recreation: Young Achievers
Rodney Sellars, Park & Recreation: Growing Minority Aquatics – Queen City Dolphins
Neal Dixon, Tax Collector’s Office: Privilege License System

Note: The National Association of Counties’ Achievement Award Program is a non-competitive program that recognizes counties for improving the management of and services provided by county government.

A description of the winning programs is on file with the Clerk to the Board.

(1B) NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY 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 joint proclamation designating September 2006 as “National Alcohol and Drug Addiction Recovery Month.”

The proclamation was read by Commissioner Woodard and received by Larry Snider, Executive Director of the Chemical Dependency Center.

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

(1C) FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

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 joint proclamation designating September 9, 2006 as “Fetal Alcohol Spectrum Disorders Awareness Day.”

The proclamation was read by Commissioner Rembert and received by Karen Samuel-Fitts with ARC.

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:

Continental Tire employees Mark Crislikowski (Union President/Local 850, Charlotte Facility), Craig Washington, Larry Long, and Ronnie McCurrie addressed Continental Tire’s work ethics. They expressed disappointment in the way employees of Continental Tire of North America, union and non-union have been treated with respect to salaries and benefits. Continental Tire workers shared a statement outlining the history of Continental Tire’s unfair labor practices.

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

They also said Continental Tire’s Charlotte facility has been illegally dumping waste in an area behind the facility. They said it has been reported to the proper authorities but they continue to be told to provide more evidence.

They acknowledged that these unfair labor practices by Continental Tire was not a matter the Board has jurisdiction over, however, since Continental Tire is a corporate citizen in Mecklenburg County, they would like the Board to go on record stating that it does not support any company that engages in unfair labor practices.

Chairman Helms said the Board would review the statement provided and assess if there is some appropriate role that the Board can play in connection with this matter.

Commissioner James noted the statement made with respect to illegal dumping taking place at Continental Tire. He asked Mr. Crislikowski and the others to provide any information they may have to the County Manager or his designee for review and investigation. Commissioner James said this was perhaps a matter that needs to be placed on the Board’s Community Health and Safety Committee’s agenda with respect to illegal dumping.

Martin Davis addressed Commissioner Roberts’ attendance at the Gay Pride Festival on August 26, 2006, where he said she had a campaign booth. Mr. Davis asked Commissioner Roberts to respond to the following three questions: 1) If you’re elected in November will you advocate domestic partner benefits for County employees? 2) Are you in favor of homosexual marriage? and 3) Do you advocate the teaching of homosexuality as an acceptable and appropriate lifestyle for school children?

Commissioner Roberts did not respond.

Chairman Helms thanked all speakers for appearing.

APPOINTMENTS

(3A) TOWN OF HUNTERSVILLE PLANNING BOARD

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 appoint Jo Anne Miller to the Huntersville Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Huntersville Board of Commissioners for a three-year term expiring June 30, 2009.

Note: Statutory and Ordinance requirements require that appointments of this nature be approved by the Board of County Commissioners.
(3B) APPOINTMENTS

BIZHUB

The vote was taken on the following nominees for appointment to the BizHub Advisory Board:

Malachi Greene  Commissioners Clarke, Helms, Rembert, Roberts, and Woodard

Voting Ceased

John Murphy
Carolyn Swiger

Chairman Helms announced the appointment of Malachi Greene to the BizHub Advisory Board for a three-year term expiring September 30, 2009.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

**Round One**

Tyyawdi Baker  Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard

Raphael Basisa  Commissioners Mitchell, Rembert, Roberts, and Woodard

Gwendolyn High  Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard

Keith Procter  None

Tammy Procter  Commissioners Clarke, Helms, James, and Puckett

Carolyn Swiger  None

Voting Ceased

Chairman Helms announced the appointment of Tyyawdi Baker, Raphael Basisa, and Gwendolyn High to the Charlotte-Mecklenburg Community Relations Committee to fill unexpired terms expiring July 2, 2008.

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

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

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

Shannon Chavis-Smith  Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard

Voting Ceased

Dave Clarke

Chairman Helms announced the appointment of Shannon Chavis-Smith to the Information Services & Technology Committee to fill an unexpired term expiring March 4, 2009.
(4A) PUBLIC HEARINGS - REAL ESTATE EXCISE TAX REFUND REQUESTS

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to hold a hearing on the request by Parham, Helms, Harris, Blythe & Morton Attorneys At Law for reimbursement of North Carolina excise tax in the amount of $4,575 and a request by Griffin Brunson & Perle, L.L.P in the amount of $206. No one appeared to speak.

Motion was made by Commissioner Woodard, seconded by Commissioner James and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to close the hearing on the request by Parham, Helms, Harris, Blythe & Morton Attorneys At Law for reimbursement of North Carolina excise tax in the amount of $4,575 and a request by Griffin Brunson & Perle, L.L.P in the amount of $206 and approve the reimbursements.

(2C) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to approve the Historic Landmarks Commission purchase of the White Oak Plantation located at 7729 Hood Road and 7756 Hammond Drive, Charlotte, NC for historic preservation and adaptive redevelopment; and recognize and appropriate $1,250,000 proceeds from previous property sales for the purchase.

Note: White Oak Plantation, built by Revolutionary War soldier William Johnston, is among the oldest dwellings in Mecklenburg County. Local tradition holds that the house dates from 1792. It was once the centerpiece of an ante-bellum cotton plantation and is among the finer local examples of Federal style architecture. White Oak retains its rural setting and is evocative of the patterns of living that characterized Mecklenburg County in the late 18th century.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6) MANAGER'S REPORT - ELIMINATING HEALTH DISPARITIES: A CALL TO ACTION

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

The Board received a report entitled Eliminating Health Disparities: A Call To Action – Recommendations for Addressing Health Disparities in Mecklenburg County.

General Manager Janice Jackson introduced the report, which was presented by Dr. Wynn Mabry, Health Director. Dr. Mabry was also joined by Barbara Pullen-Smith, director of the N. C. Office of Minority Health and Health Disparities.

Note: According to the US Census, the population of Mecklenburg County has grown by 9 percent since 2000 to about 756,016 residents in 2004. Racial and ethnic minorities make up 43 percent of the county’s population. County Manager Harry L. Jones, Sr. declared “Eliminating Health and Mental Health Disparities” a priority for Mecklenburg County in October 2005. He charged the Mecklenburg County Health Department (MCHD) with lead responsibility for developing the MCHD Call to Action to Eliminate Health Disparities.

The MCHD Call to Action to Eliminate Health Disparities builds upon the work of the NC Office of Minority Health and Health Disparities and the Department of Health and Human Services (NC DHHS) Steering Committee for Eliminating Health Disparities. The Call to Action provides
a strategic framework to identify, monitor and address health disparities in Mecklenburg County.

Dr. Mabry reviewed the following Key Recommendations and Action Steps:

1. Increase awareness of health and service disparities, especially disparities related to race/ethnicity, disability, and socioeconomic status.
2. Promote, develop, and enhance the community’s capacity to engage in healthy living and the elimination of disparities in health status.
3. Monitor progress toward the elimination of health disparities.
4. Promote customer-friendly services that meet the needs of underserved populations (i.e., the poor and minority groups).
5. Identify and advocate for public policies that aid in closing the health status gap.

Chairman Helms thanked Dr. Mabry, his staff, and others involved with the formulation of the report.

A copy of the report is on file with the Clerk to the Board, including a copy of the Racial and Ethnic Health Disparities in N.C. Report Card 2006 produced by the Office of Minority Health and Health Disparities and State Center for Health Statistics.

Comments

Commissioner Rembert returned to the dais during the question and answer period.

Commissioner Woodard asked about continuing health education efforts, especially in those areas where statistics show the disparities are high with many of those areas being in District 3. The response was that staff has been aggressive in going out in the community in the past year and educating the public about health risks. Staff is now in the process of assessing this intervention strategy of going directly into the community where the problems exist.

Commissioner Puckett commented on the elimination of health disparities and how socioeconomics is a factor. Commissioner Puckett said the Health Department cannot do it alone and that he was not sure of the next step. The response was that this was a strategic plan, which is really just “starting the framework that then has to be built upon.” Dr. Mabry said in military terms “there’s a difference between a strategic plan and “tactical execution.” Dr. Mabry said when you develop a strategic plan “what you’re really doing is setting some very general goals and objectives and through these various collaborative meetings that will take place with the stakeholders, the question will be asked, what do you think of the plan and what role will you take to help make these goals and objectives a reality.”

Commissioner Puckett said he would like to see information with respect to the population the Health Dept. has served over the last ten years.

Commissioner Puckett commented on the diversity of the Health Dept.’s staff as it relates to the population served and trying to increase the number of African American’s on staff when African Americans only make up 28% of the general population. Commissioner Puckett said staff should be looking at “lowering the percentage of African Americans served by the Health Dept. rather than increasing the percentage of staff people to meet that.”

Commissioner Puckett suggested the Health Dept. try to get some “handle” around how, to the extent that the County subsidizes people’s food purchases through food stamps, etc., the County can start limiting how those funds can be spent in a more nutritious way. He said right now it’s very broad. Dr. Mabry said he believed this was being done already in the Women and Infants Program, so the precedence to do more in this area is already there.

Commissioner Mitchell asked for clarification with respect to Commissioner Puckett’s comment regarding the diversity of the Health Dept. staff.

Commissioner Puckett noted that a section of the report said the Health Dept. should actively recruit under represented racial and ethnic minorities to increase diversity, particularly at the
management level. Commissioner Puckett said currently the County’s African American population is 28% and that 32% of the Health Dept.’s management staff is African American, and 46% of the general staff, thus “there are more African Americans in public health management then there are in the general population.” Commissioner Puckett said to him that’s not being unrepresentative and if you have more minority staff members then the population then why would you make the diversity statement that was made. Commissioner Puckett said to him the goal is not to increase staff but to make people healthier so you don’t have to increase staff.

County Manager Jones said he reads the statement with respect to the diversity of staff to mean not necessarily African Americans but other minorities as well, Latino or others that are under represented.

Dr. Mabry noted that the diversity statement came from an accreditation team and unfortunately “they saw the staff divided up and they never really saw the statistics or the whole picture of the Health Dept.” Dr. Mabry said with respect to the diversity of the Health Dept. staff they have been trying to make it more reflective of the clients they serve rather than with the population in general. Dr. Mabry said the gap that exists is not with African Americans but with the Latino population. He said there are no Latino senior managers or mid-level managers, or executive managers and the Latino client base is now 30% of their client population.

Commissioner James commented on health risk behaviors particularly when it comes to African Americans. Commissioner James said the County does not have measurable results for sexual behavior that’s defined as a risk behavior and the reason is because “we don’t want to truly fix the problem.” Commissioner James asked Dr. Mabry if he would be willing to develop measures to begin closing the gap between African Americans and Whites when it comes to HIV/AIDS and other sexually transmitted diseases.

Dr. Mabry said he would abide by the “will” of the Board as the Board of Health in terms of what standards and goals the Board would want staff to measure and how they want them measured.

County Manager Jones reminded the Board that the report presented was a strategic plan that’s broad in nature and that staff will come back to the Board and will focus “like a laser beam” on the results that the Board would want to achieve. County Manager Jones said staff will present to the Board some results.

Commissioner Rembert acknowledged the comments made by Commissioner James and discouraged Commissioner James from just focusing on “what he sees as perhaps individual causes for many of these problems.” Commissioner Rembert noted that many of these problems do not just have individual causes that there are many instances where there are environmental and structural causes, or a combination thereof and that intervention must be carefully identified and addressed and will require multiple approaches by multiple entities.

This concluded the discussion. No action was taken or required at this time.

CONSENT ITEMS

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 approve the following item(s) with the exception of items 12, 14, and 20 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held August 15, 2006 and Special Budget/Public Policy Meeting held April 25, 2006 and Closed Sessions held May 3, 2006 and August 15, 2006.
(8) TAX REFUNDS

Approve refunds in the amount of $3,235 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

(9) DSS GRANT APPLICATION: CAREGIVER SUPPORT PROGRAM

Approve submission of a $5,000 grant application for a “Goody’s” community grant; and if awarded, recognize, receive and appropriate the amount awarded.

Note: The Caregiver Support Subcommittee of the Mecklenburg County Status of Seniors Initiative wishes to apply for a Goody’s community grant in the amount of $5,000 to be used to produce, print, distribute and publicize a brochure containing information for caregivers of elderly adults. The information contained in the brochure specifically addresses the unique needs of caregivers; provides resources for both new and experienced caregivers; and increases community awareness of the significant role played by caregivers.

(10) GOVERNOR’S CRIME COMMISSION GRANT AWARD

Recognize, receive and appropriate the Governor’s Crime Commission grant award for second year funding in the amount of $108,620 for the City of Charlotte Dispute Settlement – Mecklenburg County Child Dependency Mediation Program.

(11) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $2,665 for Sheriff, $8,517 for Real Estate Services and $2,995 for Park and Recreation.

Note: All reimbursements are for stolen and damaged items.

(13) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE – SABRETT

Adopt the resolution entitled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Dogma Enterprises, Owner of Sabrett."

Note: Sabrett will be the fourth and final tenant placement for the retail portion of the Government District Parking Deck at 4th and McDowell Streets.

(15) CHILD CARE RESOURCES, INC. (CCRI) CHILD CARE SUBSIDY

Amend the Department of Social Services’ FY07 budget to recognize, receive, and appropriate $1,280,527 in additional federal and state revenues for the Child Care Subsidy program.

(16) TANF DOMESTIC VIOLENCE REVENUE - DSS

Amend the Department of Social Services’ FY07 budget to recognize and appropriate additional federal revenues for TANF Domestic Violence in the amount of $51,603.

(17) LIMITED ENGLISH PROFICIENCY (LEP) FUNDS – DSS

Amend the Department of Social Services’ FY07 budget to recognize, receive, and appropriate $5,000 in additional revenue for the Limited English Proficiency (LEP) program.
(18) **JETTON PARK CAPITAL RESERVE FUND – PARK AND RECREATION**

Adopt an ordinance to establish a capital reserve fund for Jetton Park effective July 1, 2006.

*Ordinance recorded in full in Minute Book 43-A, Document #12.*

(19) **LATTA EQUESTRIAN CENTER SHOW RENTAL FEES – PARK AND RECREATION**

Approve recommendations by the Latta Equestrian Center Advisory Council and the Mecklenburg County Park & Recreation Commission Fees & Charges Subcommittee to increase show rental fees at the Latta Equestrian Center as follows:

<table>
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<tr>
<th>Amenity</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Arena A</td>
<td>$275 – County</td>
<td>$375.00</td>
</tr>
<tr>
<td></td>
<td>$350 – Non County</td>
<td></td>
</tr>
<tr>
<td>2. Arena B</td>
<td>$175–County</td>
<td>$275.00</td>
</tr>
<tr>
<td></td>
<td>$250–Non County</td>
<td></td>
</tr>
<tr>
<td>3. Stalls</td>
<td>$10.00 per stall</td>
<td>$10.00 – clean</td>
</tr>
<tr>
<td>(168 each)</td>
<td>$15.00 – dirty</td>
<td></td>
</tr>
<tr>
<td>4. Arena Lights</td>
<td>$5.00-$6.00/hour</td>
<td>$20.00/hour</td>
</tr>
<tr>
<td>5. Jumps</td>
<td>$75.00/arena/day</td>
<td>$125/arena/day</td>
</tr>
<tr>
<td>6. Security</td>
<td>$125.00/night</td>
<td>$150.00/night</td>
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</table>

*Note: Approximately ninety-five (95%) of the shows held at the Latta Equestrian Center are scheduled by non-County promoters who are getting a deal compared to other sites.*

(21) **HISTORIC LANDMARKS COMMISSION – SIDNEY AND ETHEL GRIER HOUSE**

Recognize and appropriate $30,000 in proceeds from previous property sales for additional Stabilization and Improvements for the Sidney and Ethel Grier House.

(22) **WINGET ELEMENTARY SCHOOL JOINT USE FUNDING AGREEMENT**

Approve amendment to the existing Winget Elementary School joint use funding agreement with Charlotte-Mecklenburg Schools.

*Note: Park and Recreation and Charlotte-Mecklenburg Schools (CMS) desire to enter into a joint use agreement for partial funding and joint use of a new elementary school gymnasium on park property and the school’s campus off Winget Road in southern Mecklenburg County referred to as “Winget Elementary School” and Thomas McAllister Winget Park. Park and Recreation has agreed to provide funding in the amount of $300,000 towards the construction of a gymnasium component at this school. This updates the planned multi-purpose room into a full-sized gymnasium with hardwood floors, six (6) basketball goals and a room divider. Per the agreement, Park and...*
Recreation will have access to this school facility for their community programs.

(23) **SALARY INCREASE FOR SHERIFF**

Approve a 4% salary increase for the Sheriff, Jim Pendergraph, effective July 1, 2006.

(24) **CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2006-07 BUDGET**

Approve CMS Budget Amendments.

Note: The Board of Education requested approval of changes in the allocation of the county appropriation by purpose and/or function of the amount included in the Board of County Commission (BOCC) budget resolution in June of 2006. As part of the approved FY 2007 budget, the Board of County Commissioners approved a total operating funding level of $316,160,298 for CMS. The changes are the result of adjustments and reductions required to adjust the County appropriation to CMS to the funding level of $316,160,298 as approved by the BOCC. These changes are only adjustments in the allocation of funds, with no additional funds being requested.

The previous allocations were established by County staff as placeholders in the budget resolution, subject to revision by CMS after the BOCC approved CMS funding and after the Board of Education approved the CMS budget.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(12) **AUCTION FOR DISPOSAL OF EQUIPMENT**

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to declare the lists (Exhibit A and Exhibit B), included in the Board’s agenda packet, as surplus; and

Adopt a resolution authorizing sale of personal property (Exhibit A and Exhibit B), by public auction on September 23, 2006 at 10:00 am at 3301 Rotary Drive, Charlotte, North Carolina and electronic auction (Govdeals website) on October 19, 2006 at 4:00 pm.

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

Resolution recorded in full in Minute Book 43-A, Document # 13.

(14) **PIERCE PROPERTY ACQUISITION AT TOBY CREEK**

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of +/- 0.43 acres of Tax Parcel 049-252-20 at 708 Carolyn Lane for $8,500 per acre from Laura Pierce.

Note: The subject property is part of a land assemblage for the future extension of the Toby Creek Greenway between University City Blvd and Rocky River Road. This acquisition will encompass the 100-foot SWIM Buffer.

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

(20) **NAMING OF KIRK FARM ATHLETIC FIELDS – PARK AND RECREATION**
Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve naming the athletic fields at the corner of Highway 29 and Mallard Creek Church Road to Kirk Farm Fields in honor of the Kirk family who farmed the land for four generations.

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

**STAFF REPORTS AND REQUESTS**

(25) **STATE SECONDARY ROAD PROGRAM – FY 2006-2007**

The Board received a report from the North Carolina Department of Transportation on the FY 2006-2007 Secondary Road Program for Mecklenburg County.

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 approve the FY 2006-2007 State Secondary Road Program for Mecklenburg County.

Note: This program is presented to the Board of County Commissioners annually for approval. It provides for paving unpaved roads in Mecklenburg County for the 2006-2007 Fiscal Year. There was not a secondary road program for FY 2005 - 2006 due to a lack of available funding by NCDOT.

Desmond Cole with LUESA and Doug Sossamon and Wendy Abe with the N. C. Dept. of Transportation were present to address any questions, however, there were none.

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

(26) **CULTURAL FACILITIES AGREEMENTS**

The Board received a staff briefing regarding the proposed Charlotte-Mecklenburg Cultural Facilities Master Plan Draft Agreements and approval schedule.

General Manager Bobbie Shields presented the report and noted that a more detailed discussion of this matter would occur at the Board’s September 12th Budget/Public Policy Workshop.

The Board received a booklet that contained draft agreements necessary to implement the cultural facilities master plan.

The following was also noted:

- The City of Charlotte will be responsible for acquiring and financing the acquisition of the cultural facilities as well as entering into agreements to lease the facilities to the cultural arts groups.
- Mecklenburg County is expected to be a party to the Development Agreement, the Financing and Acquisition Interlocal Agreement, and the Car Rental Tax Interlocal Agreement.
- Mecklenburg County is expected to pass a resolution approving a new car rental tax of at least 4 cents but not more than 5 cents.
- Wachovia intends to make an investment commitment of $600 million.
- Wachovia will pay not less than $4.6 million in taxes.
- The County would pay the City of Charlotte its portion of the debt service which would be $2.948 million per year for 25 years.
- If the County levies the new car rental tax and reduces it below 4 cents or repeal the tax, then the County would be responsible for the difference between what would have been collected had the tax stayed in place.
- The County can’t repeal the tax unless it also pays the difference in lost revenue.
• The County’s contribution represents about 30% of the total public funds going towards the Cultural Arts Facilities.
• The County would have 30% of the ownership.
• The County would also have a 30% building and maintenance responsibility, estimated at approximately $390,000 per year beginning with FY 2010.
• The Board will be asked to hold a public hearing on the proposed increase in the car rental tax on September 19th.
• With respect to the “U Drive It” car rental tax, the Board has between September 19, 2006 and October 31, 2006 to approve the car rental tax; and
• The effective date would have to be either November 1, 2006 or December 1, 2006.
• If everything is not completed by December 31, 2006 and if the County has already signed the Development Agreement then that agreement would terminate as of December 31, 2006.
• Staff has gone through a very long process to get these agreements to the point where they are.
• Staff has had a very good partnership with the private sector and the City of Charlotte with respect to this matter.

The Board was encouraged to share with staff any specific questions that they would like addressed on September 12th.

Comments

Commissioner James asked about Section 3.11, Termination by County of Funding for Cultural Facilities and the reimbursement responsibility on the part of the County if the County desired to terminate the agreement. Attorney Bethune addressed and clarified this section.

Commissioner James requested that it be noted in the minutes that if the Board approves participating in the Cultural Arts Facilities Master Plan and if there’s a shift in the “make-up of the Board” per the upcoming November election, he will bring this matter back before the Board prior to December 31, 2006 for consideration of canceling the agreement and rescinding the tax; and to try to at least return to the taxpayers the money that would be collected from this “skyscraper,” to schools, parks, and libraries and “to not have it siphoned off for in essence to elite artistic functions, which is not as important as schools, parks, libraries, jails, and welfare.”

Commissioner James asked for clarification with respect to the effective date of the agreement and the “end point” at which the County could get out of the agreement and when does the tax “start rolling in.” The response was that the tax could be collected at any date in the future but the proposal is that it begins either November 1st or December 1st, 2006.

Commissioner Puckett asked for clarification on Section 3.4 Implementation of Acquisition Financing and the phrase, “The Acquisition Financing may come in whole or in part from other revenue sources.” He asked whether this meant something other than the car rental tax and the taxes that will be rebated back. General Manager Shields said he believed that section was referring to either COPs or industrial revenue bonds, which is another technique that could be used to secure the acquisition financing.

Commissioner Puckett asked whether this meant the County was limited to repayment by the two that’s being discussed and nothing more. The response was yes with regards to the car rental tax and the property tax.

Attorney Bethune noted that the County’s promise is only to levy the car rental tax in the amount of 4 cents and to pay the $2.948 million for debt service for 25 years. He noted further that the model indicates that the City’s property tax, the County’s property tax and the car rental tax will pay for the debt service. He said the statement referenced by Commissioner Puckett was placed in the agreement to assure the City that if for some reason something goes wrong with the financial model, they would not get as much as they were planning on, then the City would have to come up with whatever revenues they need to pay the debt service. He said it was a broad statement that they aren’t necessarily restricted to just those sources of funds even though that is the current model.
Commissioner Puckett asked how staff came up with the $2.948 million for 25 years. The response was that this was a fixed figure for the County and it’s based on 90% of the $400 million investment at the current FY 07 tax rate.

Commissioner Puckett asked whether the estimated $390,000 in maintenance cost includes the replacement of furniture, fixtures, and equipment. The response was that the definition of maintenance was under Section 4.3.

Commissioner Puckett asked about the status of the car rental industry on this issue. General Manager Shields said he was not sure but it’s his understanding that they did not support the increase.

Commissioner Puckett said he would like to invite someone from the car rental industry to be present at the meeting on September 12th.

General Manager Shields said they would also have an opportunity to speak at the public hearing on September 19th.

Commissioner Rembert requested information on the demographics of patrons of cultural arts in the community because she disagrees with statements that it’s the “elite” that participate in cultural art activities. She asked that this information be provided at the meeting on September 12th. In addition, she would like to know Wachovia’s status thus far in this project with respect to MWBE participation.

Chairman Helms said this proposal was more than just the “Cultural Facilities, more than the Bechtler Museum, or the Mint Museum, or the Afro-American Cultural Center, it says something about the character of this community and where we’re going for the next fifty years.”

The above is not inclusive of every comment made but reflects key points. No action was taken or necessary at this time.

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

(27) VEHICLE RENTAL TAX – SET PUBLIC HEARING

The Board received as information the draft ordinance contained in a resolution entitled: Resolution Adopting An Ordinance Levying A Privilege Tax On Retailers Engaged In The Business of Leasing “U-Drive-It Vehicles.”

Attorney Bethune explained how this tax would work.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 7-1, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes and Commissioner James voting no, to set a public hearing for September 19, 2006 at 6:30 p.m. on a proposed increase in the vehicle rental tax.

(29) MI CASA SU CASA

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

Commissioner Roberts addressed a request for funding from Mi Casa Su Casa. Richard Jacobsen, Director of Social Services spoke in support of Mi Casa Su Casa’s request.

Carlos Beteta, one of the co-founders of Mi Casa Su Casa addressed their request.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 7-0 carried, with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and
Woodard voting yes, to approve the allocation of $27,500 from unrestricted contingency to Mi Casa Su Casa for the following four (4) programs: Adolescent Programs, Health Clinics, Boy Scouts, and Parenting Classes to be allocated as deemed appropriate by Mi Casa Su Casa; however the Board’s preference would be, in light of the remarks made by Social Services Director Richard Jacobsen with respect to the Health Clinics and Parenting Classes, that it be primarily allocated to those two programs.

(28) BUSINESS INVESTMENT GRANT: BMB STEERING INNOVATIONS

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 6-1, with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioner James voting no, to approve a Business Investment Grant to BMB Steering Innovations for a total estimated amount of $712,443 over 8 years.

General Manager Bobbie Shields addressed this matter prior to the above vote. Justin Hunt on behalf of the Chamber of Commerce also spoke and asked the Board to consider changing the grant period from 5 years to 8 years.

Note: BMB Steering Innovation, Inc. is a wholly owned subsidiary of BMB Steering Innovation GmbH of Schönebeck, Germany. The parent company is a “Tier 2” automotive supplier. The company manufactures steering racks, and its customers include such “Tier 1” auto suppliers as ZF, Delphi, Visteon, TRW and ThyssenKrupp.

BMB is a 50/50 joint venture between the ThyssenKrupp of Germany and Bishop Steering Technology of Australia. ThyssenKrupp AG is a major German manufacturing and technology conglomerate with operations in steel, industrial equipment, and industrial services. The company employs 184,000 people around the world and has annual sales of Euro 42 billion (US $ 55 billion).

Bishop Steering Technology is a division of the Bishop Technology Group with headquarters in Australia.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) RESOLUTION – NACO BID FOR 2012 (COMMISSIONER MITCHELL)

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 7-0, with Commissioners Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to adopt a resolution requesting that Mecklenburg County be the site of the 2012 NACo Annual Conference.

Resolution recorded in full in Minute Book 43-A, Document # 14.

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 note worthy.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, and carried 7-0, with Commissioners Clarke, James, 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 9:54 p.m.
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 6, 2006  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 6, 2006. 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,
Associate General Manager Michelle Lancaster, Finance Director J. Harry Weatherly, Jr., Attorney Ham Wade, Historic Landmarks Commission Director Dan Morrill, Historic Landmarks Commission Chairman Harold Norman, and Bryan Turner with Real Estate Services

Note: Commissioner Bishop was not present for this Closed Session matter.
Commissioner Woodard was absent until noted in the minutes.

(2C)  CONSULT WITH ATTORNEY

Historic Landmarks Commission Chairman Harold Norman addressed the proposed purchase of the White Oak Plantation located at 7729 Hood Road and 7756 Hammond Drive, Charlotte, NC for historic preservation and adaptive redevelopment for $1,250,000 using proceeds from previous property sales.

Note: White Oak Plantation, built by Revolutionary War soldier William Johnston, is among the oldest dwellings in Mecklenburg County. Local tradition holds that the house dates from 1792. It was once the centerpiece of an ante-bellum cotton plantation and is among the finer local examples of Federal style architecture. White Oak retains its rural setting and is evocative of the patterns of living that characterized Mecklenburg County in the late 18th century.

It was also noted that the original sale price was $2 million.

Commissioner Clarke asked whether the owners would receive any type of tax benefit for selling the property to the Historic Landmarks Commission. The response was that it’s possible but that would be a matter for the owners and the IRS.

Commissioner Woodard entered the meeting.
Commissioner James asked about renovations. The response was that this was one of the best properties the Historic Landmarks Commission has obtained with respect to the condition of the property. Mr. Morrill said it was in excellent condition.

It was also noted that the Historic Landmarks Commission plan is to sell the property with certain deed restrictions.

Commissioner Roberts asked for clarification on the maps that were provided, which was given.

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the Historic Landmarks Commission purchase of the White Oak Plantation located at 7729 Hood Road and 7756 Hammond Drive, Charlotte, NC for historic preservation and adaptive redevelopment.

Janice S. Paige, Clerk

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

SEPTEMBER 12, 2006  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 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, September 12, 2006.

ATTENDANCE

Present:  Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke
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 Bill James

Commissioners Rembert and Woodard were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chairman Helms.

Chairman Helms noted the agenda had been revised to reflect the discussion of only one item, Cultural Arts Facilities.

CULTURAL ARTS FACILITIES

The Cultural Arts Facilities Plan was addressed by General Manager Bobbie Shields, Bob Burgess from Wachovia and Lee Keesler from the Arts and Science Council.

General Manager Shields

Highlights

- Charlotte City Council has authorized the execution of the various agreements associated with the Cultural Arts Facilities Plan as presented by City staff with a few technical corrections.
- Bank of America has adjusted the way they were going to participate in the project. (A copy of a letter from Bank of America to City Manager Pam Syfert dated September 11, 2006 was shared with the Board and is on file with the Clerk to the Board.)
- Bank of America will now donate $8.2 million to the project instead of buying the Mint Museum of Craft & Design for $10 million as previously planned.

General Manager Shields reviewed two spreadsheets, Mecklenburg County Summary of Cultural Facilities Costs and Expected Distribution of Rental Car Tax Revenues.

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

Bob Burgess addressed the overall project and its importance to Wachovia, the City, and the County.
Highlights

- The project will bring about a tremendous amount of economic benefit to the City, County, and State.
- When Wachovia started out with this project it was going to be a 700,000 sq. ft. building, but when it decided to expand its vision the property tax value increased to $280 million. Now the project has evolved and Wachovia will pay not less than $4.6 million in taxes.
- When you add up the property taxes, income taxes, personal income taxes, all of the construction that’s going to happen because of this project, you’re looking at a billion dollar project.
- Preliminary drawings of the arts facilities were shared. Design work is still being done.
- Wachovia will build the parking deck that will be associated with these facilities at a cost of about $100 million.
- With respect to MWBE participation, Wachovia always asks those that do business with them to agree to a 20% MWBE participation goal, which is the goal for this project.
- Thus far, Wachovia has contracted and/or subcontracted with a number of minority firms with respect to this project.

Commissioner Rembert entered the meeting.

- Wachovia has put forth various education and awareness efforts with respect to making opportunities known to MWBE’s.

Mr. Burgess concluded by saying this was a unique opportunity for this type of investment.

Comments with respect to Mr. Burgess’ presentation

Commissioner Puckett asked whether the Mint leases or owns the Craft & Design Museum. The response was it’s owned by the Mint Museum.

Commissioner Bishop asked why Bank of America decided not to purchase the Mint Museum. It was explained that Bank of America donated the current Mint Museum of Craft & Design property to the Mint and that as part of that donation it was stipulated that if the property was to ever not be used for a museum, then the property would revert back to Bank of America.

Commissioner Woodard asked would the entrance fees to these facilities and events be such that the “average” person could afford to attend. The response was yes.

Commissioner Roberts asked about the buildings with respect to them being environmentally friendly. The response was yes, they would be. It was stated that Leadership in Energy & Environmental Design (LEED) will be used and some buildings will be “LEED” certified, but not all because of budgetary reasons. All of the buildings, however, will be built with a sustainable design and with LEED properties in them.

Commissioner Roberts asked about the underground tunnel. The response was there are three proposed underground tunnels, one of which will be employee access only. It was noted that there would be no amenities in the tunnels.

Commissioner Bishop asked what would be built on this property if the cultural facilities are not a part of this project. The response was that something would eventually be built on the property but it will take capital and some risks. Also, Wachovia would not be willing to make this kind of investment if these other facilities were not a part of the project.

Commissioner Bishop asked Mr. Burgess to comment on the use of tax dollars for this project, in light of other needs such as schools. The response was that Wachovia was making a huge investment, which is good for the community as a whole.

Commissioner Puckett asked was there a schematic of the entire complex. The response was yes, but it has not been revealed to the public yet.
Commissioner Puckett asked about the retail and condo proforma. *The response was that retail will not be a money maker because downtown retail is still tough. With respect to the condos, they’re being built for tax base purposes. Wachovia plans to sell them as quickly as possible to remove their risks.*

Commissioner Mitchell asked about build out time. *The response was that the goal is to be completed by June 30, 2009 and no later than December 31, 2009.*

Commissioner Mitchell asked about the sharing of the auditorium and possible scheduling conflicts. *The response was that this was being studied. Also, they do plan to have a master scheduler.*

Commissioner Rembert acknowledged that retail will not be a money maker for Wachovia but that it will be important. She asked about incentives to attract retail. *The response was that they do want a diverse retail. There would be a mixture of restaurants, cafés, a dry cleaners, etc. None of the major retailers would be located there because it would not be cost effective.*

Commissioner Rembert asked when persons should contact Wachovia if they have an interest in obtaining a retail spot. *The response was that they can do so now.*

Commissioner Clarke expressed his support of the project.

Commissioner Bishop referenced a 2001 Advisory Referendum on a package of cultural facilities that included a NBA arena and baseball stadium uptown that failed. He asked what would be the impact on this project if there was a desire to seek an advisory referendum. *The response was that it was not the cultural facilities aspect of the 2001 referendum, necessarily, that caused it to fail. Also, with respect to this project, there has been tremendous effort to get support and it’s believed that the support is there. It was noted further that there’s been a huge consensus building effort.*

Chairman Helms said this was a “window of opportunity that we need to take advantage of.”

Commissioner Puckett commented, with respect to an advisory referendum, that if the consensus is there, then there should not be a problem with having a referendum on this project.

Mr. Keesler addressed community support and participation in the Arts and the fund raising campaign.

**Highlights**

- The private campaign is going well.
- The bulk of the private campaign will raise endowment dollars, which will generate an income stream to the five cultural arts facilities, including Discovery Place, to help these organizations absorb the facility operating costs expenses that will become their responsibility.
- They anticipate raising about $80 million and will need to raise about $66 million of that amount for the five organizations.
- They plan to raise $5 million in contingency revenue to be in place to ensure that the endowment income stream happens.
- $1.8 million will be raised to go back into the project to make sure the financing model that was set up is preserved around the transactions with the Mint Museum of Craft & Design.
- There is $40 million in commitments thus far, with the hope of having $50 million by the October kickoff.
- Ken Lewis and Ken Thompson are chairing the campaign.
- There is broad participation on the part of the community with respect to participation in the arts.
- There are 38,000+ individual donors and 57% of those donors give $50 or less.

*A copy of a handout from Mr. Keesler is on file with the Clerk to the Board.*
Comments with respect to Mr. Keesler’s presentation

Commissioner Roberts asked about the commitment by the banks (Wachovia & Bank of America). The response was that both have committed $15 million and Duke Energy $5 million. It was noted that they are making investments in other ways as well.

Chairman Helms thanked Mr. Burgess and Mr. Keesler for their remarks.

The Board then heard from Mohammed Jenatian, President of the Greater Charlotte Hospitality and Tourism Alliance. Mr. Jenatian noted the following:

- His industry’s support of this project, which he said was due to the fact that they’ve been involved in the process. He acknowledged that initially they were not supportive.
- He was not speaking on behalf of the Car Rental Industry but there are car rental agencies that are members of his organization.
- It should not be called an Arts and Cultural Facilities tax because it’s more than about the cultural facilities. His industry, as well as others, will benefit from the corporate business that will be coming to Charlotte/Mecklenburg because of Wachovia’s investment.
- “Timing” is everything.
- The Hospitality and Tourism Industry made a commitment to the Car Rental Industry that they would do whatever it could to increase their business in real numbers, taking their actual revenues for 2006 and using that as a measurement.
- The car rental industry was given the opportunity to express their concerns.

General Manager Shields made the following concluding remarks:

- Representatives from Enterprise Car Rental were invited to the meeting but were not available. They are aware of the public hearing on September 19, 2006, which would be an opportunity to express any concerns they may still have.
- Enterprise has been included in the process from the beginning.
- Enterprise is the largest car rental company in the nation, which is why they were invited to participate.
- Nationwide there is a concern about car rental tax and that while there is a concern, the representatives he has spoken with acknowledged that they are a part of this community.

Commissioner Puckett said he was still hoping for clarification with respect to the Car Rental Industry’s take on this matter.

Phil Kline with the Mint Museum commented with respect to the arts being accessible, and noted that many of the arts facilities currently have “free hours” and that this would continue.

General Manager Shields reviewed changes that were made to the Development Agreement, Sections 3.10 Termination by the City for Cultural Facilities and 3.11 Termination by the County for funding. He said those sections were removed because it was realized that these sections were not necessary for the Development Agreement because the same concept is covered for Mecklenburg County in Section 3.4 under the Interlocal Agreement. It was noted that if the County signed the agreement and did not carry through, it would be a default under Article 15 page 34 of the Development Agreement. The remedy would be through the courts under Section 15.2.

It was noted that originally Wachovia put these sections in because they were going to fund the construction, but now the City will be funding the construction.

General Manager Shields reviewed the schedule for the September 19th meeting, which is when a public hearing will be held with respect to the car rental tax. General Manager Shields also reviewed the following options:

OPTIONS FOR NEW CAR RENTAL TAX LEVY
Note: With the passage of HB 1963, Mecklenburg County now has the authority to levy up to a 5¢ increase in the car rental tax in Mecklenburg County. Each 1¢ generates approximately $1.5 million. The City of Charlotte intends to keep approximately 90% of the new car rental tax revenues and distribute the balance to the six towns and Mecklenburg County based on actual car rentals in the towns and unincorporated Mecklenburg County, respectively. Over time, Mecklenburg County’s share would diminish due to annexations.

**OPTION 1: 4¢ Increase**

Discussion - The financing plan for the cultural arts facility anticipates a 4¢ increase. Additionally, the Cultural Facilities Development Agreement is contingent upon the City and County obtaining Acquisition Financing achieved when the Board of County Commissioners approves a new car rental tax of at least four percent (4%). If the Board approves any increase, it should be at least 4¢; otherwise, the Development Agreement will not be approved. If this option is chosen, the Board could increase the car rental tax by the additional 1¢ after conducting another public hearing and passing a resolution as required.

**OPTION 2a: 5¢ Increase – Joint Cultural Facility Ownership**

Discussion - The proposed Interlocal Agreement between the City and County outlines responsibility for financing and maintaining the cultural arts facilities. After the City has obtained ownership of the cultural arts facilities, Mecklenburg County will receive a 30% ownership interest and will be responsible for 30% of future building maintenance costs (estimated to be $390,000 annually beginning in FY2010). If this option is chosen, the Board should recommend that City Council use a portion of the extra 1¢ to create a cultural facilities maintenance funds to cover the County’s share of future building maintenance costs.

**OPTION 2b: 5¢ Increase – Alternative Cultural Facilities Ownership**

Discussion - The cultural facilities ownership arrangement proposed in the Interlocal Agreement is somewhat similar to the arrangement Mecklenburg County has with the City of Charlotte for ownership and maintenance of Spirit Square. Mecklenburg County’s ownership interest in the cultural arts facilities is expected to be approximately $38 million in FY 2010 (PV approximately $29.5M). Joint ownership of facilities is usually not desirable because for obvious reasons, such as disagreements about facility management, cost accountability, and real estate encumbrances. This option is designed to simplify facility ownership and support the park/baseball/2nd Ward land swap concept.

The City of Charlotte’s ownership interest in Spirit Square is approximately $7.5 million. The present value of the County’s share of twenty-five years of cultural facilities building maintenance expense is approximately $5 million. Additionally, the City of Charlotte owns Marshall Park, which has been appraised at approximately $13 million. If the City of Charlotte would consider those values in exchange for sole ownership of the cultural arts facilities, Mecklenburg County would then be in a position to negotiate a better urban park site and proceed with park design and construction. Additionally, Mecklenburg County would retain ownership of its Third Ward land thereby creating an opportunity for joint use of certain baseball stadium facilities, such as public restrooms, concessions, and security.

**OPTION 3: No Increase**

Discussion - This option would result in no new car rental tax and no Cultural Facilities Development Agreement.

Chairman Helms asked staff to ask the City of Charlotte if they would entertain Option 2b and that if it can’t be done now, perhaps this is something that can be done at a later date.

Commissioner Roberts asked could Option 2b be amended to somehow work into this some contribution from the 5 cents for amateur sports facilities that would not necessarily be uptown. General Manager Shields said that could certainly be asked of the City. He said it was his understanding that early on there was some interest in having a portion of that go towards amateur sports, but he has not heard that option being advanced by City staff. He noted further
that the County basically would not get any additional revenue, so this would be something that would have to be asked of City Council. Would they be willing to devote a portion of this to amateur sports?

It was noted that the County only receives $12,000 annually and that this was decreasing.

Commissioner Clarke asked if Option 2b set aside $1 million for maintenance. The response was no. The County’s maintenance obligation would go away and the City would be the sole owner of the Cultural Arts.

Commissioner Puckett asked would Enterprise be supportive of the five cents.

Mr. Jenatian said he felt, they would be supportive with the understanding that the additional one cent would go toward amateur sports, which the car rental industry has said would help their business; otherwise they probably would not come to the table in the future.

General Manager Shields noted that each one cent generates approximately $1.5 million. Further, that it was his understanding that the City was considering 30% of the $1.5 million to go towards amateur sports.

General Manager Shields said the County should be looking at a much larger vision for amateur sports than could be funded by the 30% of the $1.5 million.

General Manager Shields said the Park and Recreation Commission would be looking at the issue of amateur sports in a more comprehensive way.

Chairman Helms asked the Board to direct staff by consensus to ask the City of Charlotte to consider Option 2B and that if 2B is not acceptable then Option 2A.

Note: Commissioners Bishop and Puckett asked that the record show that they were not supportive of this directive.

Commissioner Bishop said he was not clear as to why the same couldn’t be done using 4 cents rather than increasing it to 5 cents.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

Motion was made by Commissioner Rembert, seconded by Commissioner Clarke, and unanimously carried 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 6:07 P.M.

Janice S. Paige, Clerk

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

SEPTEMBER 19, 2006 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 19, 2006.

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.

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

-INFORMAL SESSION-

Chairman Helms called the meeting to order, after which the following matters were addressed:

STAFF BRIEFINGS – NONE

(2A) (2B) (2C) CLOSED SESSION – A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)(1), B) LAND ACQUISITION, AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcels 005-071-18 and 005-071-66 adjacent to the reconfigured boundaries of Robbins Park and Nature Preserve
- Tax Parcel 223-441-61 located at 6930 Wolf Run Drive.

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 go into Closed Session to discuss the following matters: A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1), B) Land Acquisition, and C) Consult with Attorney, with one matter being the Adelphia Bankruptcy Proceedings.
The Board went into Closed Session at 5:33 p.m. and came back into Open Session at 6:15 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. Only one item was identified, Item 13.

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

- FORMAL SESSION -

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Roberts, which was followed by the Pledge of Allegiance to the Flag and introductions; after which the following matters were discussed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) FAMILY DAY PROCLAMATION

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 proclamation designating September 25, 2006 as Family Day – A Day to Eat Dinner With Your Children.

Note: The National Center on Addiction and Substance Abuse (CASA) at Columbia University asked for the County’s support of this proclamation, an initiative that helps to reduce substance abuse among children and teens throughout America. President Bush, 47 governors, more than 500 cities and counties proclaimed Family Day last year. They were joined by a host of community and national organizations across the country. The proclamation will be forwarded to The National Center on Addiction and Substance Abuse (CASA) at Columbia University.

The proclamation was read by Commissioner James.

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

(1B) 2006 ENERGY STAR MILLION MONITOR DRIVE CONTRIBUTOR

The Board acknowledged the recognition of Mecklenburg County as a 2006 Energy Star Million Monitor Drive Contributor.

Note: Mecklenburg County participated in the U.S. Environmental Protection Agency’s ENERGY STAR 2005 Million Monitor Drive campaign. With Mecklenburg County’s help, the 2005 Million Monitor Drive will save more than $25 million and prevent the release of more than 250,000 tons of carbon dioxide emission annually. The initiative was set forth by Sean Garner (Air Quality Specialist) & Evelyn Minter (IST Project Manager).

Jeff Vince from IST addressed this matter.

(1C) NC ELECTRICAL INSPECTOR OF THE YEAR – LUESA
The Board recognized Darryl Bryant, Mecklenburg County Land Use and Environmental Services Agency (LUESA) employee, as the 2006 North Carolina Electrical Inspector of the Year.

Note: The International Association of Electrical Inspectors, Ellis Cannady Chapter, named Mecklenburg County Code Enforcement Electrical Inspector, Darryl Bryant as its 2006 North Carolina Electrical Inspector of the Year. Many years of dedication and hard work are required to achieve this award.

Mr. Bryant was introduced by Eddie Prince, director of Trade Inspections.

(1D) PARTNERS FOR PARKS, INC. SCHOLARSHIP CHECK PRESENTATION

The Board recognized representatives from Partners for Parks, Inc. and accepted a check from Partners for Parks, Inc. in the amount of $17,085 for Mecklenburg County Park and Recreation, Therapeutic Recreation Summer Day Camp Scholarships 2006.

Note: Partners for Parks, Inc., working with the Park and Recreation Department, has been instrumental in developing and managing a scholarship fund for the Therapeutic Recreation Division’s summer day camp programs. This scholarship fund helps to ensure that children who have barriers to participating in traditional summer programs (specifically children who have disabilities and those children who are currently homeless or in transitional housing) do not have an additionally financial barrier limiting their participation. During the summer of 2006, a total of forty-nine (49) participants received scholarships in ten (10) Therapeutic Recreation summer day camps. A total of 213 weeks of camp were funded through the Therapeutic Recreation Scholarship Fund. The total amount of scholarships awarded was $17,085.

Lola Massad with Park and Recreation addressed the Therapeutic Recreation Summer Day Camp. Doug Youngblood and Chris Perry representing Partners for Parks presented the check.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Annette Albright on behalf of the Mecklenburg County Child Fatality Prevention and Protection Team addressed child safety and gave tips for increasing child safety.

Martin Davis asked Board members, in light of the upcoming election, to indicate their stance on the issue of Domestic Partner Benefits for County employees.

Note: Two Commissioners responded with an answer, Bishop and Puckett, both said they would not be supportive of domestic partner benefits for County employees.

Chairman Helms informed Mr. Davis that Public Appearance was a time in which the Board listened to the public regarding their concerns and not for engaging in dialogue. Mr. Davis was invited to address any other matters of concern he had and there being none, Mr. Davis left the podium.

(3) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment to the Alcoholic Beverage Control Board by Commissioner Rembert: Patrick Clark, William Conroy, Dottie Coplon, Mary Howerton, Priscilla Johnson, Richard Kingsberry, Mary Richardson, Sid Sowers, Samuel Spencer, and Candy Wilhite.
An appointment will occur on October 3, 2006.

CMUD ADVISORY COMMITTEE

The following persons were nominated for appointment to the CMUD Advisory Committee by Commissioner Woodard: Edward Elliott, Raiford Smith, Sid Sowers, and Keva Walton.

An appointment will occur on October 3, 2006.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

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 Robert Griffin, Michael McNamara, and Charles Stewart to the Industrial Facilities and Pollution Control Financing Authority for six-year terms expiring October 31, 2012.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

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 reappoint Daniel DuVall to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2009.

WOMEN’S COMMISSION

The following persons were nominated by Commissioner Woodard for appointment to the Women’s Commission: Cora Dickerson, Jacqueline Dienemann, Kelly Gaines, Ann Grass, Terri Jarina, Kathy Jones, Jeannie Lee, Susan Luck, Lisa Matthews, Sharon Maxwell, Pamela McCarter, Lora McDowell, Anita Moss, Julie Owens, Libby Vagnoni, and Marsha Withrow.

Appointments will occur on October 3, 2006.

(4C) EXTENSION OF AUTHORIZATION PERIOD FOR 1999 PARK AND RECREATION BONDS

Commissioner Roberts moved that the Board of Commissioners of the County of Mecklenburg proceed to hold a public hearing on the question of whether the time period for issuing bonds and bond anticipation notes under the bond order entitled, “Bond Order Authorizing the Issuance of $52,000,000 Park and Recreation Bonds of the County of Mecklenburg,” adopted by the Board of Commissioners on September 8, 1999, should be extended from seven to ten years. The motion was seconded by Commissioner Rembert and was unanimously adopted.

At 6:50 P.M., the Chairman of the Board of Commissioners of the County announced that the Board of Commissioners would hear anyone who wished to be heard on the question of the above authorization extension.

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

After the Board of Commissioners had heard all persons who requested to be heard, (Note: No one appeared to speak.) Commissioner Roberts moved that the public hearing be closed. The motion was seconded by Commissioner Rembert and adopted 8-0. (Commissioner Bishop was away from the dais.)
Commissioner Rembert presented the following order, read it by title, and moved that it be adopted:

**Commissioner Bishop returned to the dais.**

“ORDER EXTENDING THE PERIOD DURING WHICH BONDS AND BOND ANTICIPATION NOTES MAY BE ISSUED UNDER A BOND ORDER ENTITLED ‘ORDER AUTHORIZING THE ISSUANCE OF $52,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG,’ ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG ON SEPTEMBER 8, 1999”

**WHEREAS**, the Board of Commissioners of the County of Mecklenburg has filed an application with the Local Government Commission requesting an extension of the period during which bonds and bond anticipation notes may be issued by the County pursuant to a park and recreation bond order adopted by said Board of Commissioners on September 8, 1999 from a period of seven years to a period of ten years expiring on November 2, 2009; and

**WHEREAS**, the Commission has entered an order approving said proposed extension; and

**WHEREAS**, the Board of Commissioners has held a public hearing on said proposed extension as required by G.S. 159-64;

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of the County of Mecklenburg, as follows:

Section 1. The period of time during which bonds and bond anticipation notes may be issued by the County pursuant to the park and recreation bond order adopted by the Board of Commissioners of the County on September 8, 1999 shall be extended from seven to ten years, such ten-year period to expire on November 2, 2009.

Section 2. This order shall take effect 30 days after its publication following adoption as provided by G.S. 159-64.

The motion was seconded by Commissioner Mitchell and the order 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

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

Commissioner Rembert moved that the Clerk to the Board of Commissioners be authorized and directed to publish the above order with an accompanying notice of adoption in the form required by law.

Commissioner Mitchell seconded the motion and the motion was adopted 8-0. (Commissioner Puckett was away from the dais.)

Resolution and Extracts recorded in full in Minute Book 43-A, Document # 15.

Commissioner Puckett returned to the dais.

(4A) PUBLIC HEARINGS - ROAD CLOSURE - BOYS TOWN ROAD
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 open a public hearing to hear comments on whether to close Boys Town Road and its right-of-way as required by G.S. 153A-241.

No one appeared to speak.

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 close the public hearing on whether to close Boys Town Road and its right-of-way and adopt the Order for Closing Boys Town Road and its right-of-way.

*Order recorded in full in Minute Book 43-A, Document # 16.*

(4B)  “U-DRIVE-IT VEHICLES” - CAR RENTAL TAX

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 open a public hearing to hear comments regarding the proposed “U-Drive-It Vehicles” car rental tax in accordance with G.S. 105-551.

General Manager Bobbie Shields addressed this matter.

The following persons spoke in support of the increase in the “U-Drive-It Vehicles” car rental tax: Natalie English on behalf of the Charlotte Chamber of Commerce, Jennifer Appleby on behalf of the Arts and Science Council, and Tim Newman on behalf of the Charlotte Regional Visitors Authority.

The following person spoke in opposition: Martin Davis.

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 close the public hearing regarding the proposed “U-Drive-It Vehicles” car rental tax in accordance with G.S. 105-551; and adopt a resolution adopting an ordinance levying a 5% privilege tax on retailers engaged in the Business of Leasing “U-Drive-It Vehicles” with an effective date of December 1, 2006.

*Resolution recorded in full in Minute Book 43-A, Document # 17.*

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

(5)  ADVISORY COMMITTEE REPORTS – NONE

(6)  MANAGER’S REPORT - NONE

**CONSENT ITEMS**

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Item 13 to be voted upon separately.

(7)  APPROVAL OF MINUTES
Approve minutes of Regular Meeting held September 6, 2006, including Closed Session.

**Minutes recorded in full in Minute Book 43.**

(8) **TAX REFUNDS**

Approve refunds in the amount of $4,848 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

(9) **UNRESTRICTED CONTINGENCY FUND APPROPRIATION – AREA MENTAL HEALTH**

Appropriate $50,000 from unrestricted contingency funding to Area Mental Health to be allocated to Beatties Ford Road Family Counseling and Vocational Rehabilitation Center to provide services to mental health and substance abuse consumers.

*Note: During the 2007 budget process, Beatties Ford Road Family Counseling and Vocational Rehabilitation Center requested monetary support. This was a new agency in the community previously unknown to Area Mental Health. It was determined at a budget workshop that Area Mental Health would meet with the agency and identify any potential funding opportunities up to $50,000 to be allocated by the Board of Commissioners from unrestricted contingency funds. Area Mental Health met with the Center numerous times and believe they are going to be a strong provider.*

A contract has been developed with the Center whereby the $50,000 will be earned only as services are provided to children, adolescents and their families. Additional state monies added to their contract include: $10,000 from state adult substance abuse funding to provide adult substance abuse services; $15,000 of expenditure based Work First funding to coordinate and collaborate with DSS regarding Work First assessments completed; and $2,000 of State funding for forensic assessments.

(10) **POSITION APPROVAL – AREA MENTAL HEALTH**

Approve the creation of one Area Mental Health position (Administrative Support Assistant III) to be funded for the duration of the SAMHSA System of Care grant.

(11) **STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING**

Adopt Preliminary Assessment Roll Resolutions setting a public hearing for October 17, 2006 at 6:30 p.m. on Street Lighting Preliminary Assessment Rolls for the Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

*Resolutions recorded in full in Minute Book 43-A, Documents # 18 - 28.*

(12) **CHARLES T. MYERS PUBLIC GOLF COURSE – MANAGEMENT AGREEMENT**

Authorize the County Manager to enter into a Management Agreement for the operations, maintenance and management of the Charles T. Myers Public Golf Course with Ratcliffe Golf Services from October 1, 2006 – December 31, 2008.
(14) 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 scheduled for October 1, 2006.

(15) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1) Accept the “Offer Of Sale Of Land” for the following properties:
   - Elizabeth T. Diaferia and William L. Tourtellot and Sandra Q. Tourtellot of 312 Rocklyn Place for $270,000.
   - Douglas L. Lawrie of 319 Rocklyn Place for $250,000.
   - Clarence Eugene Fraley, Jr. of 1043 Andrill Terrace for $55,000.
   - Robert Earl Baker of 3243 Westfield Road for $218,000.

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.

Resolution recorded in full in Minute Book 43-A, Document # 29.

3) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

(16) GOVERNOR’S CRIME COMMISSION GRANT AWARD

Recognize, receive and appropriate the Governor’s Crime Commission grant award for funding in the amount of $30,075 for the Navigating Family Court – A Guide to Parents Project.

(20) APPROPRIATION OF FUNDS – UNRESTRICTED CONTINGENCY

Appropriate $50,000 from Unrestricted Contingency to County Manager’s budget to be used toward the expenses of the February 7, 2007 dedication ceremony for the new courthouse.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(13) ARBOR GLEN OUTREACH CENTER DONATION – PARK AND RECREATION

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 recognize, receive and appropriate funds in the amount of $7,500 for Mecklenburg County Park and Recreation, Arbor Glen Outreach Center from The Leon Levine Foundation.

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

STAFF REPORTS AND REQUESTS

(17) BUSINESS INVESTMENT GRANT: GERDAU AMERISTEEL
Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes and Commissioners Bishop and James voting no, to approve the County’s share of a Business Investment Grant to Gerdau Ameristeel for a total estimated amount of $807,640 over five years.

Note: Total City/County grant is estimated at $1.2 million.

Gerdau Ameristeel of Tampa, Florida, is the fourth-largest steel company in North America. The company produces a wide range of steel products for the civil construction, manufacturing, automotive, mining and agriculture industries. Gerdau’s Charlotte Mill, one of 15 similar mini-mills in North America, opened in 1961 and currently employs 266 people at its location at 6601 Lakeview Road in north Charlotte. Gerdau employs make an average wage of $81,000, which is in the top 1.5% of wages statewide and more than double the average for the region. Since 2003, Gerdau has considered an expansion of the Charlotte Mill. One of the requirements for the expansion is the successful design and procurement of emerging technology to enable Gerdau to better regulate energy used for its electric arc furnace, which is used to melt recycled scrap metal for production of new steel.

The cost for the new technology is approximately $9 million, without which, the company has indicated there will be no further investment in the Charlotte Mill. With the new technology, Gerdau has committed to an additional investment of $17.3 million by the end of 2008 bringing the total investment in new taxable property to $26.3 million. Since 2004, staff has worked with Gerdau, the State of North Carolina, and Duke Energy to position the Charlotte Mill for the expansion.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

Commissioner Puckett returned to the dais.

(18) RESOLUTION IN SUPPORT OF FAIR AND REASONABLE LABOR PRACTICES BY EMPLOYERS

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 Resolution in Support of Fair and Reasonable Labor Practices by Employers.

Note: On September 6, 2006 employees and/or former employees of Continental Tire of North America’s Charlotte facility located in Mecklenburg County appeared before the Board. They expressed disappointment in the way employees of Continental Tire of North America, union and non-union, have been treated with respect to salaries and benefits. The Board acknowledged the fact that this is a matter wherein the Board lacks any authority or jurisdiction but is concerned about the general welfare and quality of life of its residents and desires and expects all employers to treat their employees fairly and equitably regardless of their affiliations.

The following persons spoke in support of the resolution, prior to the above vote: Mark Cieslikowski, Dave McGriffs, Matt Emmick, Karen Washington, and Ginnie Watson, each of whom had an affiliation with Continental Tire.

Also, prior to the above vote Commissioner Rembert called the question and the vote to do so was unanimously carried and the above vote was immediately taken as noted above.

Resolution recorded in full in Minute Book 43-A, Document # 30.

(19) MAYOR’S IMMIGRATION STUDY COMMISSION UPDATE

The Board, at the request of Commissioner James, received an update on the Mayor’s Immigration Study Commission.
Commissioner James noted the following:

- The Study Commission has done a “good” job to this point.
- He would like clarification with respect to the funds transfer issue and to fix some of these issues. For example, he’s interested in knowing what percentage of illegal immigrant wages are being sent to other countries.
- The report when finalized needs to be inclusive of more detailed items, in particular, things that are County specific, not just government specific, but specific to the County with respect to contracting and subcontracting.
- He favors English being the primary language.
- He favors revising the DMV process.
- The County needs to aggressively seek to reverse Plyer v. Doe.
- He feels illegal aliens are not under the jurisdiction of the U. S. government and therefore are not entitled to the benefits of being American citizens even if they are born here.
- He favors having an immigration court, increasing jail space and the prosecution of illegal aliens who commit federal and state crimes.
- He favors considering DUI’s as a deportable offense.

Following Commissioner James’ remarks Alan Gordon, Chairman of the Mayor’s Immigration Study Commission, gave an update on the Commission’s work.

It was noted that the Study Commission’s Charge is to

- “Analyze the impact of immigration on Charlotte’s (and region) quality of life, public safety, and economic opportunities.”
- Gather data and review existing policies
- Identify impacts of legal and illegal immigration
- Make recommendations/options to policy makers.

Mr. Gordon addressed the following:

- Economic Development Subgroup Data
- Public Safety Subgroup Data
- Education Subgroup Data
- Healthcare Subgroup Data

It was noted that the final report is to be completed in December 2006. The final report will provide “local perspective”, recommendations, and will be presented to all public policy makers and elected bodies.

The following persons addressed this issue:

German DeCastro addressed issues raised by Commissioner James with respect to monies being transferred to other countries, which Mr. DeCastro said was helping to take people out of poverty in those countries. Mr. DeCastro said monies are sent to other countries and also left in communities in this country, which is a plus for the U.S. and other countries. He said $165 billion is sent out of the country and $385 billion is left in the U.S.

Mr. DeCastro said although illegal immigrants use “make believe” social security numbers, social security and other taxes are deducted from their pay checks; and if the social security numbers cannot be matched, those funds are put in a “suspense” account. Mr. DeCastro said this account is growing at a rate of $7 billion annually and is helping to support Social Security. He said this is money that illegal immigrants will “never see.”

Mr. DeCastro ended his comments by repeating a quote he said someone else made, which was “We need them. We have them here, let’s give them the papers.”

Lloyd Seher, a former County Commissioner, expressed opposition to remarks he said were made by Commissioner James blaming “this County Commission” for the illegal immigrants problem. He said a motion should be made asking the federal government for funds to address these issues, rather than “complaining that the democratic county commissioners did this wrong.”
Mr. Scher said the problem is not with the local Board but with the “republicans” that are in Washington, DC. Mr. Scher said this was an unfunded mandate.

Sergio Rocha said he was a republican but he disagrees with the republican view on the Commission with respect to this issue. Mr. Rocha addressed Commissioner James’ remarks that illegal immigrants don’t pay taxes. He said this was not true.

Mr. Rocha said he was Hispanic and he does not believe in breaking the laws. He said this issue needs to be addressed and corrected to stop the flow of people coming without any type of restrictions. He said this was a very complex issue that needs to be looked at in a comprehensive way. He said politics should be removed from the issue because this was not a republican or democratic issue, but an issue that concerns “all of us.”

Chairman Helms said this was an issue that he has had some difficulty with just in his own ethical and moral beliefs about how you treat other human beings on the one hand, and how do you deal with immigrants, legal, illegal, in a fiscally responsible manner, in a humane manner. He said this was a complex issue.

Commissioner Roberts asked that the Study Commission in its final report give an update on how the program is going in the Sheriff’s Office. Also, an update on any concerns there might be from a public safety standpoint of persons being afraid to report crimes, etc. because there is confusion between what the police do and the Sheriff’s Office and who can and cannot do the identification.

Commissioner Roberts commented on actions taken in other communities with respect to the implementation of policies restricting contractors or the number of people living in houses, etc. She suggested the Study Commission look in parts of Georgia where this has happened and subsequently they lost a huge part of the community because contractors left, building stopped, construction stopped, etc. She said it’s important to look at those unintended consequences. She would like to know of some examples where this has occurred if they can be located.

Commissioner Clarke said the one thing he hears from his constituents is that they want immigrants to obey the existing laws on zoning and housing enforcement, vehicle tagging, vehicle parking, etc. He said it’s all of these little things that are real components of what “our quality of life is in our neighborhoods and in our city.” He said one of the key recommendations the Study Commission should consider is putting greater resources behind enforcement of these type of regulations that will hopefully address a lot of citizen concerns in neighborhoods.

Commissioner Clarke also asked that the Study Commission include in its final report an assessment of the recent changes by the state in the DUI laws.

This concluded the discussion of this matter. No action was taken or required at this time.

The above is not inclusive of every comment or question asked but reflects key points and requests of the Board members.

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

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding matters which they deemed note worthy.

ADJOURNMENT - Motion was made by Commissioner Rembert, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodward voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:28 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 21, 2006 11:00 A.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center at 11:00 a.m. on Thursday, September 21, 2006.

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, Clarke, and Woodard were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chairman Helms.

Chairman Helms said the purpose of the meeting was to go into Closed Session to Consult with the Attorney with respect to matters related to the Adelphia Bankruptcy Proceedings.

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 6-0 with Commissioners Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to go into Closed Session to Consult with the Attorney with respect to matters related to the Adelphia Bankruptcy Proceedings.

The Board went into Closed Session at 11:15 a.m. and came back into Open Session at Noon for lunch.

Commissioners Bishop, Clarke, and Woodard were present when the Board came back into Open Session. They entered the meeting during Closed Session.

The Board went back into Closed Session at 12:15 p.m. and came back into Open Session at 2:25 p.m.

Commissioners Rembert, Roberts, James, and Bishop were absent when the Board came back into Open Session. They left during Closed Session.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and carried 5-0 with Commissioners Clarke, Helms, Mitchell, Puckett, and Woodard voting yes, that there being no further business to come before the Board, that the meeting adjourned at 2:25 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 3, 2006.

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

Chairman Helms called the meeting to order, after which the following matters were addressed.

STAFF BRIEFINGS – NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matter to be discussed in Closed Session, property located at 5014 North Sharon Amity Road. He announced also that the Consult with the Attorney matter had to do with matters related to the Adelphia Bankruptcy Proceedings.

Motion was made by Commissioner James, seconded by Commissioner Rembert 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 and to Consult with Attorney.

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 5:59 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, 11 and 12.

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

- FORMAL SESSION -

*Chairman Helms called this portion of the meeting to order.*

*Invocation was given by Commissioner Woodard, which was followed by the Pledge of Allegiance to the Flag, and introductions, after which the following matters were addressed.*

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) SUBSTANCE ABUSE AWARENESS MONTH

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating October 2006 as Substance Abuse Awareness Month.

*The proclamation was read by Commissioner Clarke and received by Mark Johnson, Winona Chestnut, and Joanne Jenkins.*

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

(1B) BIG SWEEP DAY

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 joint proclamation designating October 7, 2006 as Big Sweep Day.

*The proclamation was read by Commissioner Roberts and received by Rusty Rozzelle.*

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

(1C) NATIONAL 4-H WEEK

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 adopt a proclamation recognizing October 1-7, 2006 as National 4-H Week.

*The proclamation was read by Commissioner Puckett and received by Lola Massad with Park and Recreation, Robbie Furr, 4-H Director, and Rebecca Oliver, youth participant.*

*A copy of the proclamation is on file with the Clerk to the Board.*
(1D) LIGHTS ON AFTERSCHOOL DAY

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 joint proclamation designating October 12, 2006 as Lights On Afterschool Day.

The proclamation was read by Commissioner Rembert and received by Claire Tate.

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:

Mary Howerton on behalf of the Charlotte Mecklenburg Drug Free Coalition addressed the issue of substance abuse in the community. Ms. Howerton said the number one goal of the Coalition is to reduce underage drinking in the community. Ms. Howerton reviewed an Executive Summary of the 2005 Substance Abuse Indicators Report.

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

Jason McAuliffe addressed storm water concerns, the FEMA 100 Year Flood Plan and the Future Conditions Flood Plan for Mecklenburg County. Mr. McAuliffe said he was representing a group called Charlotte Water.Info. Mr. McAuliffe said they support the passage of the ordinance to protect those within a floodplain, however they would like assurance that the Future Conditions analysis will be based on the appropriate district plans.

Martin Davis addressed the upcoming election and his desire to know where Commissioners stand on issues, such as domestic partner benefits for County employees, raising taxes, and illegal immigrants.

Chairman Helms thanked all speakers for appearing.

(3) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

The vote was taken on the following nominees for appointment to the Alcoholic Beverage Control Board:

Patrick Clark
William Conroy
Dottie Coplon
Mary Howerton
Priscilla Johnson
Richard Kingsberry
Mary Richardson

Commissioners Puckett and Woodard
None
None
Commissioner Bishop
None
Commissioners Clarke, Helms, James, Mitchell, Rembert, and Roberts

Voting Ceased

Sid Sowers
Samuel Spencer
Candy Wilhite

Chairman Helms announced the appointment of Mary Richardson to the Alcoholic Beverage Control Board to fill an unexpired term, expiring June 30, 2007.
She is replacing Danielle Obiorah.

CMUD ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the CMUD Advisory Committee:

<table>
<thead>
<tr>
<th>Name</th>
<th>Commissioner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edward Elliott</td>
<td>Commissioners Bishop and Puckett</td>
</tr>
<tr>
<td>Raiford Smith</td>
<td>None</td>
</tr>
<tr>
<td>Sid Sowers</td>
<td>None</td>
</tr>
<tr>
<td>Keva Walton</td>
<td>Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard</td>
</tr>
</tbody>
</table>

Chairman Helms announced the appointment of Keva Walton to the CMUD Advisory Committee as a Neighborhood Representative to fill an unexpired term, expiring June 30, 2007.

He is replacing Allen Harrington.

WOMEN’S COMMISSION

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Commissioner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cora Dickerson</td>
<td>None</td>
</tr>
<tr>
<td>Jacqueline Dienemann</td>
<td>None</td>
</tr>
<tr>
<td>Kelly Gaines</td>
<td>None</td>
</tr>
<tr>
<td>Ann Grass</td>
<td>None</td>
</tr>
<tr>
<td>Terri Jarina</td>
<td>Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard</td>
</tr>
<tr>
<td>Kathy Jones</td>
<td>None</td>
</tr>
<tr>
<td>Jeannie Lee</td>
<td>None</td>
</tr>
<tr>
<td>Susan Luck</td>
<td>None</td>
</tr>
<tr>
<td>Lisa Matthews</td>
<td>None</td>
</tr>
<tr>
<td>Sharon Maxwell</td>
<td>None</td>
</tr>
<tr>
<td>Pamela McCarter</td>
<td>None</td>
</tr>
<tr>
<td>Lora McDowell</td>
<td>None</td>
</tr>
<tr>
<td>Anita Moss</td>
<td>None</td>
</tr>
<tr>
<td>Julie Owens</td>
<td>Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard</td>
</tr>
</tbody>
</table>

Voting Ceased

Chairman Helms announced the appointment of Terri Jarina to the Women’s Commission to fill an unexpired term, expiring December 3, 2006 and to a three-year term expiring December 3, 2009 at the completion of the unexpired term; and Julie Owens to the Women’s Commission to fill an unexpired term, expiring June 30, 2007.

They are replacing Marcia Harrison and Melissa Behrens.

(2A) CLOSED SESSION – LAND ACQUISITION - THE N.S. ALEXANDER HOUSE

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 the Historic Landmarks Commission purchase of the N.S. Alexander House and 4 acres of land located at 5014 North Sharon Amity Road, Charlotte, NC for historic preservation and adaptive redevelopment; and to recognize and appropriate up to $225,000 for the purchase.
(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) RECEIVE MANAGER’S REPORT – (#23 HIGH SCHOOL CHALLENGE)

(23) HIGH SCHOOL CHALLENGE

The Board received a presentation from Dr. Peter Gorman, Superintendent, Charlotte-Mecklenburg Schools regarding the High School Challenge (HSC).

Dr. Gorman was assisted in his presentation by Dr. Ann Clarke, Regional Superintendent of High Schools.

A copy of Dr. Gorman’s presentation is on file with the Clerk to the Board.

Chairman Helms asked Dr. Gorman if he felt the programs being put in place now were creating a different kind of learning environment that will result in the increased success of these schools. The response was that the goal was student achievement.

Commissioner Rembert asked for responses to the following questions either now or at a later date:

- Are the HSC schools currently fully staffed with certified teachers? The response was no, not in every area.
- What percentage of National Certified teachers are in the HSC Schools? A specific answer could not be given at this time.
- What was the largest single expenditure last year out of HSC funds? The response was pay-for-performance.
- What’s been the single most significant intervention in the HSC schools? The response was the PEAK training for teachers and the Truancy program for students.
- Do the HSC schools have an assigned Social Worker and how are they used? The response was yes and that they work closely with the truancy officers. The Social Workers also participate in the Student Intervention Team that meets weekly to do case management.

Commissioner Bishop asked for the drop-out rates at the HSC schools and Waddell High School. A specific answer could not be given at this time.

Commissioner Roberts asked for additional information with respect to

- The percentage of students who have moved up a grade level
- The drop-out rates of the schools
- What do the pass rates at Waddell and West Charlotte mean in terms of actual students
- How many students have gone from below grade level to grade level
- What’s the percentage of special needs students at these schools, since they are included in the averages?

Commissioner Puckett asked for responses to the following questions either now or at a later date:

- Has any consideration been given to reconstituting senior staff because those who proposed the last High School Challenge are still a part of proposing this one? The response was that everyone is under review right now for alignment and where they will
be in the future within the district.

- Is this amount sufficient enough to reach your goal? Dr. Gorman said he has no intention to ask for more money. He noted that they have had to fund pieces of adding Waddell out of other funds. Dr. Gorman said the amount is not sufficient, more funding is needed, but he does not intend to ask for it. Dr. Gorman said CMS needs to ask for what is “reasonable and appropriate.” He said CMS needs to make this plan work.
- Is it because of the addition of Waddell that this amount is not sufficient? The response was yes.
- What’s the per pupil expenditure at each of the high schools, district wide? A specific answer could not be given at this time.

Commissioner James asked Dr. Gorman to comment on whether or not he feels a reform school is a viable option to raise the test scores at the High School Challenge Schools, including Waddell? Commissioner James said did not expect a response on this tonight.

Commissioner James suggested the agreement between the County and Charlotte-Mecklenburg Schools be revised to reflect the changes now being proposed, such as, the inclusion of Waddell and changes in the percentages.

Commissioner Clarke asked what year is it now for the High School Challenge program. The response was that last school year was the first full year because when it was originally approved the school year had already begun. Thus, this is the second full year of the program.

Commissioner Mitchell asked would staffing levels be adequate in light of the fact that low performing staff will be dismissed. Dr. Gorman responded by noting the recruitment efforts they will be pursuing.

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 receive the presentation from School Superintendent Dr. Peter Gorman, Charlotte-Mecklenburg Schools, regarding the High School Challenge; and to appropriate $4,900,000 from restricted contingency for the High School Challenge Program.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requests for information and action taken by the Board on the above matter.

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 item(s) with the exception of Items 9, 11 and 12 to be voted upon separately.

(7) APPROVAL OF MINUTES

To approve minutes of Regular Meeting held September 19, 2006, Budget/Public Policy Meeting held September 12, 2006 and Closed Session minutes of September 19, 2006.

(8) TAX REFUNDS

Approve refunds in the amount of $7,512 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

(10) 4-H DONATION FROM WINDSTREAM COMMUNICATIONS
Recognize, receive and appropriate a $3,000 donation from Windstream Communications for the County 4-H program.

Note: Windstream Communications is donating $3,000 to Mecklenburg County’s 4-H program as a part of their “green truck tour” in 2006-2007 to promote their new land line telephone service. They will visit 33 cities across the southeast with this tour, and are donating $3,000 to the local 4-H programs in each county as part of their outreach program.

(13) SCHOOL FACILITIES CAPITAL PROJECT ORDINANCE – AMEND

Amend the School Facilities Approved in November 7, 2000 Referendum Capital Project Ordinance for the purpose of providing funds, together with any other available funds, for the following projects at locations as determined by the Board of Education:

- Elementary, Middle and High School replacements and/or renovations
- New elementary schools
- New middle schools

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months’ school term as required by Section 2 of Article IX of the North Carolina Constitution, $256,000,000 is hereby appropriated.

Note: This amendment will provide continuation funding for previously approved projects included in the upcoming bond sale.

Ordinance recorded in full in Minute Book 43-A, Document # 33.

(14) GOVERNOR’S CRIME COMMISSION GRANT AWARD

Recognize, receive and appropriate the Governor’s Crime Commission grant award for third-year funding in the amount of $82,389 for the Multi-systemic Therapy (MST) for Court Involved Youth project.

(15) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

Approve the following adjustments to Area Mental Health funding:

1) Reduce State funding for LME systems by $2,074,657;
2) Recognize, receive and appropriate additional State funds of $52,500.

(16) AREA MENTAL HEALTH GRANT APPLICATIONS

1) Approve submission of the following separate, single-year and multi-year applications for HUD Mental Health ACCESS program:
   a) Grant for $316,764 for fiscal years 2007 thru 2008;
   b) Grant for $44,363 for fiscal years 2007 thru 2008;
   c) Grant for $52,794 for fiscal year 2007;
   d) Grant for $9,588 for fiscal year 2007.

2) Recognize, receive and appropriate the amount of the awards when received.

Note: These grants are a renewal of current grants from the U.S. Department of Housing and
Urban Development. The goal of the program is to provide mental health treatment and case management for consumers who have severe and persistent mental health illness and are homeless.

(17) NATL. REC. & PARK ASSOC. YOUTH FOOTBALL “HUB” GRANT

Receive, recognize and appropriate funds in the amount of $50,000 per year for three years from the National Recreation and Park Association for the employment of a full-time Athletic Coordinator/Supervisor responsible for youth football programming.

(18) GRIER-REA HOUSE – ADDITIONAL STABILIZATION AND IMPROVEMENTS

Recognize and appropriate proceeds of $40,000 from previous property sales for additional stabilization and improvements for the Grier-REA House.

(19) STRUCTURED DAY PROGRAM – SHERIFF’S OFFICE

Recognize, receive and appropriate additional grant funds of $44,261 awarded by NC Department of Correction for the Structured Day Program for FY07.

(20) SETTLEMENT AGREEMENT - FRANK WILLIAM SPENCER, JR. V. ROGER ALLEN BROWN AND MECKLENBURG COUNTY

Receive as information that the case of Frank William Spencer, Jr. v. Roger Allen Brown and Mecklenburg County (05-CVS-15881) was settled by payment of $50,000.00 as authorized by the Mecklenburg County Board of Commissioners in closed session on August 15, 2006; and instruct the Clerk to record the action taken by the Board of Commissioners in the official minutes.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioners Bishop, Puckett, and James left the dais and were away until noted in the minutes.

(9) LIGHTING OF ATHLETIC FIELD AT FRAZIER PARK

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 6-0, with Commissioners Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to approve the recommendation of the Park and Recreation Commission and authorize the County Manager to negotiate and execute a multi-year contractual agreement with Johnson and Wales University for the lighting of Frazier Park athletic field.

Note: Johnson and Wales University will partner with the Park and Recreation Department to light the field at Frazier Park to use for their athletic programs. Park and Recreation will retain use of the field for special events and athletic programs. Johnson and Wales University will pay for installation of the lighting estimated at $100,000 and will get a credit for the cost of the lights that will be used to pay rental fees for their use of the field.

Commissioner Woodard removed this item from Consent for more public awareness.
Commissioner Puckett returned to the dais.
(11) GREENWAY DONATIONS

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of the following properties on McIntyre Creek from Beazer Homes and on McMullen Creek from Rhein Medall Communities:

1) 037-312-41 (3.866 acres)  2) 037-312-99 (0.76 acres)
3) 037-071-69 (16.547 acres)  4) 037-079-09 (0.089 acres)
5) 037-072-98 (0.024 acres)  6) 037-071-70 (0.108 acres)
7) 037-072-89 (0.323 acres)  8) 209-223-76 (3.427 acres)
9) 209-223-75 (3.762 acres)  10) 209-223-79 (0.759 acres)

Note: Parcels 037-312-41 and 99 are donated by Beazer Homes based on approved subdivision plans for the Barrington development. Parcels 037-071-69, 037-079-09, 037-072-98, 037-071-70, and 037-072-89 are also donated by Beazer Homes based on the approved subdivision plans for the Sunset Village development. These parcels will add to greenway assemblage along McIntyre Creek and are located in the Northwest Park District.

Parcels 209-223-76, 209-223-75 and 209-223-79 are donated to the County from Rhein Medall Communities based on approved subdivision plans for the Heydon Hall Subdivision. These parcels will add to greenway assemblage along McMullen Creek and are located in the South Park District.

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

(12) GREENWAY DONATION – HOOVER CREEK/WALKER BRANCH

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept the donation of 4.023 acres of SWIM Buffer on Tax Parcel 219-061-18 along Hoover Creek from Childress Klein RiverGate Shopping Center, LLC.

Note: This property will add to the greenway assemblage along Hoover Creek/Walker Branch in the Southwest Park District.

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

Commissioners Bishop and James returned to the dais.

STAFF REPORTS AND REQUESTS

(21) CULTURAL FACILITIES AGREEMENTS

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, Puckett voting no, to adopt the following Resolution authorizing the Chairman of the Board of County Commissioners to execute the Cultural Facilities Agreements.

MECKLENBURG COUNTY
BOARD OF COUNTY COMMISSIONERS

RESOLUTION
AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE THE CULTURAL FACILITIES AGREEMENTS

WHEREAS, Charlotte and the County have been working with Wachovia Bank to prepare a Development Agreement for a proposed public/private project to be located in downtown Charlotte, which project would include
certain publicly financed “Cultural Facilities” (i.e., a new Mint Museum of Art, the Bechtler Art Museum, a Performing Arts Theater, and a new Afro-American Cultural Center; and

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, Charlotte and the County have negotiated an Interlocal Agreement that establishes the rights and responsibilities of Charlotte and the County with respect to the financing, acquisition, ownership, maintenance, and disposition of the Cultural Facilities; and

WHEREAS, the financing model for the Cultural Facilities was based, in part, on tax proceeds from vehicle transactions with a situs within Charlotte pursuant to a contemplated county-wide vehicle rental tax; and

WHEREAS, in considering a new county-wide tax, the City, County, and the towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville have prepared an Interlocal Agreement whereby Charlotte will provide funding to each Mecklenburg Town and to the County in an amount equal to the portion of the vehicle rental tax proceeds transfer that is attributable to vehicle rentals that have a situs in each Mecklenburg Town and the unincorporated portion of the County, if any (“Interlocal Rental Car Tax Agreement”); and

WHEREAS, N.C. Gen. Stat. 160A-461 requires that such Interlocal Agreements “be ratified by resolution of the governing board of each unit spread upon its minutes”, now, therefore

BE IT RESOLVED by the Mecklenburg Board of County Commissioners, in regular session duly assembled, that the Cultural Facilities Agreements (the Development Agreement among the City of Charlotte, the County of Mecklenburg, Wachovia Bank, and R.B.C. Corporation; the Interlocal Agreement between the City of Charlotte and Mecklenburg County with respect to the financing, acquisition, ownership, maintenance, and disposition of the Cultural Facilities; and the Interlocal Rental Car Tax Agreement among the City, County, and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville) are hereby approved and the Chairman of the Board of County Commissioners is hereby authorized to execute such Agreements in substantially the form presented to the Board of Commissioners with technical corrections and minor modifications as he may deem necessary consistent with the spirit and intent of the transactions, and that this resolution shall be spread upon the minutes.

General Manager Bobbie Shields addressed this issue prior to the above vote. He said per the Board’s directive at the September 12, 2006 meeting, the City of Charlotte was asked to consider Option 2b (1st preference) or 2a with respect to the Options for New Car Rental Tax Levy. General Manager Shields said the City went with Option 2a. Option 2a makes the City of Charlotte one hundred percent responsible for building maintenance and repair, but the County would still retain 30% ownership in the Cultural Arts Facilities.

Resolution and Agreements recorded in full in Minute Book 43-A, Documents # 34.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(22) HALF CENT TRANSIT TAX

Commissioner Puckett addressed information from the County Attorney regarding options the Board of County Commissioners has as it relates to a referendum, alteration, reallocation, etc. of the half cent transit tax.

Note: On February 16, 1999 the Board of County Commissioners adopted a resolution levying a one-half percent (1/2%) local sales and use tax for public transportation systems effective April 1, 1999.

Commissioner Puckett said in light of recent discoveries of continued cost overruns and questions from the public regarding options for future corridors, the BOCC, as the taxing authority, should debate its role as the keeper of public trust as it relates to tax expenditures, oversight and the role of the public to reconsider their commitment to this project.

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 direct the County Manager to 1)
confer with the City Manager to attain the amount needed to accelerate the capital retirement of the debt of the south light rail line. 2) To discover the date soonest that reserve figure would be attained via the current half cent sales tax. Thirdly, to ask the County Attorney in consultation with the County Manager to bring back to the Board language and options for consideration for a referendum calling for a repeal.

Commissioner Puckett noted the following prior to the above vote:

- There may be a number of different options that are available.
- The Board can sunset this. A repeal happens at a predetermined date but that could be one, two, three, or four years “down the road.”
- If the Board chooses to use the leverage it has as a taxing authority to place a referendum on the ballot, it can remove that referendum if the City shows “in good faith,” makes attempts to regain the “confidence” of the public, makes adequate changes in the pressure that they “bring to bare on CATS management, then the Board can “see fit” to pull a referendum sometime around September of 07.
- If the Board were to place a referendum on the ballot, with the understanding that it could be removed, it would place some pressure and some leverage to make sure that the City and CATS, 1) thinks about its priorities, 2) confirms that the public is still engaged like they were in 1998 before the change “of reality,” and 3) take adequate measures to ensure that they are changing the process and getting this back under control.

The following persons spoke in support of Commissioner Puckett’s motion, prior to the above vote: Martin Davis, Mark Palmer, and Shanna Palmer.

Also, prior to the vote, Commissioner Clarke said in 1998 a vision was embarked upon to give the public choices. He said “we want to have good roads and good choices in terms of public transportation.” He stated further that there’s a lot work implementing and putting in place what is really a very complex and very expensive part of the infrastructure that’s going to serve our future. Commissioner Clarke said “we must not turn back that we have to commit to work together towards this.” “We have to build a foundation for this community for the long term.”

Chairman Helms said this was an enormously complex issue. He said the problem should be figured out and fixed. He said he doesn’t think this is something that requires the consideration of a referendum. Chairman Helms said the system that is being built today is something that will serve the 2025 Plan. Chairman Helms said he believes there’s “an obligation to put in the infrastructure, the systems, and programs that can only be done now.” He said “you can’t wait until 2025 to do these things.”

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requests for information and action taken by the Board on the above matter.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding matters which they deemed note worthy.

ADJOURNMENT – 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, that there being no further business to come before the Board that the meeting be adjourned at 9:20 p.m.

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

OCTOBER 3, 2006 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 3, 2006. 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, Associate General Manager Michelle Lancaster, Finance Director J. Harry Weatherly, Jr., and Bryan Turner with Real Estate Services.

Commissioner Bishop was absent until noted in the minutes.

(2A) LAND ACQUISITION

Bryan Turner with Real Estate Services addressed the Historic Landmarks Commission’s request to purchase the N.S. Alexander House and 4 acres of land located at 5014 North Sharon Amity Road for Historic Preservation and adaptive redevelopment.

Commissioner Bishop entered the meeting.

Note: The Historic Landmarks Commission (HLC) Revolving Fund contains mostly unrecognized funds that are proceeds from previous property sales. In order to use these funds for specific HLC projects, the funds must be recognized and appropriated by the Board of County Commissioners.

The N. S. Alexander House, built in 1903 by a direct descendent of early white settler Hezekiah Alexander, is among the most significant examples of Queen Anne style farmhouses surviving in Mecklenburg County. It was once the centerpiece of a large cotton farm, complete with barns,
The house has a high probability to be demolished to make room for higher density residential development unless the Historic Landmarks Commission can secure the home and limited surrounding property through a purchase, incorporate deed covenants to assure the preservation of the structure in perpetuity, and work with developers that are sensitive to the need for the preservation of the homes’ limited rural character.

Commissioner Roberts asked would covenants be placed on the sale of the property. The response was yes.

Commissioner Puckett asked about and expressed concern for potential development around the property. The response was that staff has spoken with Planning Commission staff with respect to getting the property rezoned.

Motion was made by Commissioner James, 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 approve the Historic Landmarks Commission purchase of the N.S. Alexander House and 4 acres of land located at 5014 North Sharon Amity Road, Charlotte, NC for Historic Preservation and adaptive redevelopment.

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 at 3:00 p.m. on Tuesday, October 10, 2006.

ATTENDANCE

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

Absent: Commissioners Dumont Clarke, Bill James, Jim Puckett, and Valerie C. Woodard

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

The meeting was called to order by Chairman Helms, however, he acknowledged that a quorum would not be present until the arrival of at least one more Commissioner. The following topics were discussed.

(1) JAIL OVERCROWDING

County Manager Jones and Sheriff Jim Pendergraph addressed the issue of jail overcrowding and offered broad options, short-term/long-term solutions, and recommendations for next steps.

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

Commissioner Bishop entered the meeting during Sheriff Pendergraph’s remarks, thus a quorum was now present.

Highlights:

- Three options were presented:
  - Add more jail beds (short-term and long-term considerations)
  - Reduce jail population
  - Combination of 1 and 2
- The Short-term solution would involve temporary housing (modular units). It was noted that the cost of 680 beds would be about $7,820,000.
- The timeframe for construction of the modular units would be about 6-8 months.
- This Short-term solution would also require an additional 133 positions at an estimated cost of $5.3 million.
- There is some uncertainty in being able to fill these positions.
- These positions would have to be filled in order to operate the 680 bed facility.
- Staff will have to consult with the County Attorney’s Office to see if this type of temporary housing can be done because this may be a lease purchase concept.
- The Long-term solution would involve jail expansion, a permanent facility.
- The timeframe for construction of a permanent facility (1,000 beds) would be four years.
The operating costs are estimated to be $16.4 million. 

- Until the court system is able to handle the caseload that’s put before them, jail overcrowding will continue to be a problem.
- More resources are needed from the State to improve the court system.
- The vast majority of inmates in the jail are pre-trial.
- There are less than 300 sentenced inmates in jail currently.
- Recommendations for reducing the jail population involve working with the Criminal Justice Advisory Group (CJAG) to implement recommendations from the 2005 Jail Pretrial Study. Also, implementing a Jail Diversion Program through Area Mental Health.

The Jail Diversion Program was addressed by Grayce Crockett, Director of Area Mental Health.

County Manager Jones presented his recommendations for addressing the issue of jail overcrowding.

Comments

Commissioner Rembert asked about the lifespan of the modular housing being considered. The response was 20 years.

Commissioner Rembert inquired about the education level and the mental health of inmates, which the Sheriff addressed.

Commissioner Mitchell expressed concern for the cost of the temporary housing.

Chairman Helms said something needs to be done in the short-term to address the problem of jail overcrowding. He said the Board also needs to be thinking about a long-term solution. Chairman Helms said the causes for jail overcrowding are beyond the Board’s control. He encouraged Board members to support the County Manager’s recommendations for moving forward in addressing this issue.

Motion was made by Commissioner Mitchell, seconded by Commissioner Rembert and unanimously carried with Commissioners Bishop, Helms, Mitchell, Rembert, and Roberts voting yes, to approve the County Manager’s recommendations, thus directing the County Manager to do the following:

1. Identify:
   a. Definitive costs and financing options for construction of short-term modular temporary housing
   b. Strategies to ensure positions can and will be filled

2. To work with CJAG to develop plan to implement appropriate recommendations from 2005 Pretrial Jail Study
3. To develop recommendations for a jail diversion program, including potential operational and capital costs, goals, and performance measures
4. To hire a consultant to develop a comprehensive cost estimate for increasing detention capacity to meet long-term needs.

(3) ENVIRONMENTAL LEADERSHIP POLICY ANNUAL REPORT

Cary Saul, director of the Land Use and Environmental Services Agency introduced Heidi Pruess, Environmental Policy Administrator to present the Environmental Leadership Policy Annual Report.

Note: In 2004, the Mecklenburg County Board of Commissioners adopted the Environmental Leadership Policy prescribing the environmental principles to be adopted in daily activities
conducted by the County. The Environmental Leadership Team (ELT) implementing the policy includes members from: Land Use and Environmental Services, General Services, Real Estate Services, Park and Recreation, Health, and Char-Meck Purchasing. Programs to implement the policy evolve as accomplishments are realized and the ELT strives for continual improvement.

The report identifies previous accomplishments, current projects and future plans envisioned to carry out the policy.

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

Commissioner Bishop asked, if it’s possible, in future presentations to show the costs and costs savings, as a result of doing things differently.

Chairman Helms thanked Ms. Pruess for her report.

(2) REGIONAL PLANNING FOR AIR QUALITY PILOT PROGRAM – “CLEAN AIR WORKS”

Don Willard, director of the County’s Air Quality Division, Margaret Dwyer with URS Corporation, and David Franchina with the Charlotte Chamber of Commerce addressed the status of the Air Quality Pilot Program, “Clean Air Works.”

Highlights

- On January 18, 2006 the Board of County Commissioners approved the release of $500,000 Restricted Contingency funds in support of partnering with the Regional Planning Alliance, the City of Charlotte, the Charlotte Chamber of Commerce, and the Centralina Council of Governments to promote a regional business and government alliance to reduce the air pollution that is affecting the health of citizens, threatening the region’s economic vitality, and placing the region in violation of a federal air quality standard. Reductions in pollution will also improve quality of life for citizens, reduce the potential for loss of federal transportation dollars and mitigate any additional regulations that will increase the costs to businesses and hinder economic development.

- The region is to be in compliance by 2009

- County funds were combined with $500,000 in federal Congestion Mitigation for Air Quality dollars and URS Corporation was hired in February 2006 as the lead consultant to initiate and manage the Pilot Program.

- The Clean Air Works! Pilot Program was launched in March 2006 as an effort to lower emissions of nitrogen oxides (NOx) in the eight county non-attainment region including and surrounding Mecklenburg County. Since the program’s inception, 52 major employers have signed on as Clean Air Works! Partners, launching and implementing emission-reducing programs at their worksites, and encouraging employee participation in clean-air practices.

- The Pilot Program has proven successful at achieving widespread employee/commuter participation in trip-reducing behaviors, and in building corporate support of business and operational practices that improve air quality.

Comments

Commissioner Rembert suggested consideration be given to tracking the number of hybrid vehicles that are being purchased because this impacts air quality also.

Chairman Helms asked how much federal money would be lost if we fail to come into attainment. The response was according to the City of Charlotte Department of Transportation around $6 billion over a period of 20 years.
Chairman Helms asked staff to comment on whether or not mass transit can intervene in helping to solve the air quality problem. The response was that the Clean Air Works Program advocates the use of transit, be it buses, light rail, etc., carpooling, and vans. It was said that all of these things are methods that work and contribute and help in reducing the number of vehicles on the road, and in reducing congestion.

Chairman Helms asked staff to comment on how the Clean Air Works Program will impact our ability to meet our non-attainment goal and will we succeed. The response was that staff is in the process of developing a recommendation. It’s strongly felt the program can make a difference.

Director Willard said this matter would be back before the Board at the November 8, 2006 meeting, at which time, staff will be presenting its recommendations with respect to the Clean Air Works Program.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts, and unanimously carried with Commissioners Bishop, Helms, Mitchell, Rembert, and Roberts voting yes, that there being no farther business to come before the Board that the meeting be adjourned at 5:15 p.m.

______________________________ ____________________________
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

Absent: None.

-INFORMAL SESSION-

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

Chairman Helms called the meeting to order, after which the following matters were addressed:

STAFF BRIEFINGS – NONE

(2A) (2B) (2C) CLOSED SESSION – A) LAND ACQUISITION, B) CONSULT WITH ATTORNEY, AND C) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session: Tax Parcel 027-153-18 on Hucks Road and Tax Parcel 053-061-01 on Belmeade Drive. He noted also that the Consult with the Attorney had to do with matters related to the Adelphia Bankruptcy Proceedings.

Motion was made by Commissioner Woodard, seconded by Commissioner Roberts and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to go into Closed Session to discuss the following matters: Land Acquisition, Consult With Attorney with respect to the Adelphia Bankruptcy Proceedings, and Personnel Matter.

The Board went into Closed Session at 5:27 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 items identified were Items 15, 20, and 21.

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

-FORMAL SESSION-

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Woodard, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) DOMESTIC VIOLENCE AWARENESS MONTH

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 adopt a proclamation designating October, 2006 as Domestic Violence Awareness Month.

The proclamation was read by Commissioner Woodard and received by Mike Sexton from the Women’s Commission.

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

(1B) PARENT-COMMUNITY INVOLVEMENT IN SCHOOLS

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 resolution supporting Parent-Community Involvement in Schools.

The resolution was read by Commissioner Roberts and received by Kim Graham, who was joined at the podium by her daughter Erin, and Larry Sojourn, all on behalf of Charlotte-Mecklenburg PTA’s and PTSA’s.

Resolution recorded in full in Minute Book 43-A, Document # 35.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Kelvin Jones, II, a 4th grade student at Wingate Park Elementary, at the request of Commissioner Rembert, shared his research project with the Board, which was on Albert Einstein.

Valerie McGill addressed the history of political parties.
Clinton Cort, Tod Brabson, and Robert Cole addressed the McAlpine Creek Relief Sewer Alignment. They asked that all construction be kept on the south side of McAlpine Creek. Handouts and a petition were distributed to the Board, a copy of which is on file with the Clerk to the Board.

Chairman Helms, in response to the presentation, said he would ask staff to look into this matter.

Commissioner James asked staff to also find out how much County money has been expended for greenway improvements in this area, which is something he said CMUD also needs to take into account.

Martin Davis addressed the upcoming election and his desire to know where Commissioners stand on issues, such as domestic partner benefits for County employees, raising taxes, and illegal immigrants.

Chairman Helms thanked all speakers for appearing.

APPOINTMENTS

(3A) RE-APPOINTMENTS/ NOMINATIONS

WOMEN’S COMMISSION

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 reappoint Maxine Eaves and Robert Fuller to the Women’s Commission for three-year terms expiring October 31, 2009.

(3B) ADULT CARE AND NURSING HOME COMMUNITY ADVISORY COMMITTEES

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 waive Board Policy to allow applicants to be nominated and appointed at tonight’s meeting, in light of the desperate need for volunteers for the Adult Care and Nursing Home Community Advisory Committees.

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, to appoint the following applicants to the Adult Care Home Community Advisory Committee for one-year terms, expiring October 31, 2007: Roland W. Provost, Patricia M. Provost, Susan Schoonmaker, and George W. Pierson.

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 appoint the following applicants to the Nursing Home Community Advisory Committee for one-year terms, expiring October 31, 2007: Melinda B. Vinson and Kathy Willits.

PUBLIC HEARINGS

(4A) STREET LIGHTING ASSESSMENTS
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 acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all the property owners in the Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

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 open a public hearing on Street Lighting Preliminary Assessment Resolutions for Mecklenburg County’s participation in the Street Lighting Assessment project for the Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

No one appeared to speak.

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 close the public hearing on Street Lighting Preliminary Assessment Resolutions for Mecklenburg County’s participation in the Street Lighting Assessment project for the Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions; and adopt Final Assessment Resolutions for Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

Resolutions recorded in full in Minute Book 43-A, Documents #36 - 46.

(4B) REAL ESTATE EXCISE TAX REFUND

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 hold a hearing on the request by Ryland Title for reimbursement of North Carolina excise tax in the amount of $470.

No one appeared to speak.

Motion was made by Commissioner Rembert, 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 the request by Ryland Title for reimbursement of North Carolina excise tax in the amount of $470 and approve the reimbursement.

(2A) CLOSED SESSION - LAND ACQUISITIONS FOR ELEMENTARY AND MIDDLE SCHOOL SITES IN NORTHEAST AND WEST MECKLENBURG AREAS OF THE COUNTY

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 approve the purchase of the following school site by the Charlotte-Mecklenburg Board of Education, Tax Parcel 027-153-18 (25.5-acres) on Hucks Road for $1,453,500.

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 approve the purchase of the following school site by the Charlotte-Mecklenburg Board of Education, Tax Parcel 053-061-01 (50.2698-acres) on Belmeade Drive for $2,249,573.

(5) ADVISORY COMMITTEE REPORTS – BOCC COMPENSATION COMMITTEE

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 the recommendation of the Board’s Compensation Committee with respect to the County Manager’s Compensation as follows:

1. Base Salary- Approve a 4.5% increase in the County Manager’s base salary from $187,200 to $195,624.
2. Performance Bonus – Approve a bonus based upon the County Manager’s performance during the fiscal year ended June 30, 2006 in the amount of $40,154, which is 70% of the previously agreed upon maximum bonus potential of 30% of his current base salary.
4. Deferred Compensation – Approve an increase in the County Manager’s deferred compensation payment in the amount of $12,540 (a 4.5% increase) for the current fiscal year.
5. Longevity Pay – Approve an additional compensation in the form of longevity pay during the current fiscal year that is calculated using the same formula that is used for all County employees entitled to receive longevity pay based on their number of years of service. The amount of longevity pay the County Manager will receive in the current fiscal year is $5,643, a 56.7% increase over the amount he received in fiscal year ended June 30, 2006.
6. Auto/Expense Allowance – Approve a 4.3% increase in the County Manager’s non-accountable auto/expense allowance to $11,268.

(6) MANAGER'S REPORT - NONE

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 15, 20, and 21, to be voted upon separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held October 3, 2006; Budget/Public Policy Meeting held October 10, 2006; Special Meeting held September 21, 2006; and Closed Session minutes of October 3, 2006 and September 21, 2006.

(8) TAX REFUNDS

Approve tax refunds in the amount of $5,230 to be made by the Finance Department as requested by the Tax Assessor.

(9) NON-ROAD CONSTRUCTION EQUIPMENT RETROFIT GRANT

Recognize, receive and appropriate the $20,000 federal Non-road Construction Equipment Retrofit Grant awarded to retrofit non-road construction equipment with flow through diesel particulate filters; and authorize the carry-forward of unspent grant funds to subsequent years until completion of project.
Note: Mecklenburg County Air Quality (MCAQ) will partner with Rea Contracting, a local construction company in Charlotte, North Carolina to retrofit non-road construction equipment with flow through diesel particulate filters. In addition to reducing harmful air pollution, this project will demonstrate the feasibility of installing flow through particulate filters on construction equipment, as well as, the effectiveness of a public/private partnership.

(10) MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO) - SET PUBLIC HEARING

1) Approve opening a public review and comment period beginning October 17, 2006 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO); and

2) Schedule a public hearing for 6:30 PM on November 21, 2006 to receive public comment and to adopt the proposed revisions to MCAPCO.

(11) TRANSFER OF REUSABLE BUILDING MATERIALS - HABITAT FOR HUMANITY

Adopt a resolution approving the transfer of reusable building materials to Our Towns Habitat for Humanity of Davidson, Cornelius, Huntersville and Mooresville to allow for the salvage of materials prior to demolition of the structure at 10313 Danesway Ln. in Cornelius, which has been purchased by Mecklenburg County; and authorize the Cornelius Police Department to utilize the structure for training exercises prior to demolition.

Resolution recorded in full in Minute Book 43-A, Document # 47.

(12) POSITIONS REQUEST – LUESA – CODE ENFORCEMENT

1) Approve four (4) additional Inspector III positions to address the growing workload associated with the NC Rehab Code.

2) Approve one additional Plans Examiner position to estimate time required to perform reviews in the OnSchedule Commercial Plan Review process.

3) Recognize and appropriate $215,150 in additional permit revenue.

(13) CDC REACH 2010 FUNDING

Recognize, receive and appropriate $306,403 from the Charlotte-Mecklenburg Hospital Authority for the year seven 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, 2007.

Note: Year seven funding of the CDC REACH 2010, Lay Health Advisor Program, is effective October 1, 2006 through September 30, 2007. Through community advisors, this program provides education to reduce the risk factors associated with diabetes and hypertension in the Northwest corridor of Mecklenburg County.

(14) SYSTEM OF CARE GRANT - DSS

Recognize, receive and appropriate additional federal funds in the amount of $58,850 for the System of Care Grant.

Note: These funds are a supplement to the original $100,000 grant awarded to Mecklenburg
County in FY07 that is contracted to four Family Partner agencies. The additional funds will be utilized for: (1) SOC community engagement and training; (2) extension of a contract with North Carolina Families United around the family engagement and community partnership piece of the SOC initiative; (3) SOC social marketing activities (including web page, brochures, and resource guides); (4) SOC Conference; (5) Facilitator training in conjunction with national Families to Families (F2F) Facilitator Training; (6) a contract to assist in the development of ad hoc reports for the Family Centered Meetings (FCM) database to allow for tracking of FCM outcome data and marrying data to CFSR mandates; and (7) strategic planning meetings.

(16) **NC DEPARTMENT OF TRANSPORTATION COMMUNITY TRANSPORTATION GRANT APPLICATION (DSS) – SET PUBLIC HEARING**

Schedule a public hearing for November 8, 2006 at 6:30 pm to receive comments on the Mecklenburg County Department of Social Services’ application for the NC Department of Transportation’s Community Transportation Grant for Fiscal Year 2007-2008; and direct the Clerk to the Board to publish notice of intent to hold a public hearing.

(17) **EASEMENTS AT LITTLE SUGAR CREEK**

Authorize the County Manager to execute a temporary construction easement and a permanent storm drainage easement to Midtown Redevelopment Partners, LLC at the Metropolitan at Midtown mixed-use development.

*Note: The above easements are associated with the development of Metropolitan at Midtown. The County property affected is Tax Parcel # 125-227-04. A temporary construction easement will allow for the removal of a +/- 80’x 50’ section of the cap over Little Sugar Creek and the installation of a storm drain pipe. A 50-foot wide permanent storm drainage easement is requested within the resulting uncapped area to accommodate the storm drain pipe.*

(18) **CELL TOWER LEASE RENEWAL AT PROVIDENCE HIGH SCHOOL**

Decline to exercise statutory right of first refusal for New Cingular PCS cell tower site at Providence High School campus.

*Note: North Carolina General Statute (NCGS) 115C-518(a) requires local school boards of education to give local boards of county commissioners the first opportunity to acquire any school owned real estate that is proposed for disposal. To comply with this statute, CMS must offer the above cell tower site to the County prior to renewing its lease with New Cingular Wireless which is scheduled to expire October 20, 2006. CMS does intend to renew the lease, and is thus following the statute, by giving the County right of first refusal for the tower site.*

(19) **HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION**

1. Accept the “Offer Of Sale Of Land” for the following properties:
   - Everette B. Curlee Family LLC owners of 3139 Cullman Avenue for $184,000
   - Everette B. Curlee Family LLC owners of 3143 Cullman Avenue for $175,000
   - Everette B. Curlee Family LLC owners of 3147 Cullman Avenue for $321,000
   - Sevenson Properties LLC owners of 3209 Cullman Avenue for $124,000

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; and authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

*Resolution recorded in full in Minute Book 43-A, Document # 48.*
(22) **TRANSIT REVENUE ADJUSTMENT - DSS**

Amend the Department of Social Services’ FY07 budget to receive, recognize and appropriate additional revenues of $207,534 for Elderly General Purpose transportation expenses.

*Note: The County received $207,534 from a settlement with the Charlotte Area Transit Authority for the fiscal year ended June 30, 2006. The Mecklenburg Transportation Unit of DSS’ Services for Adults Division will provide additional elderly transportation services. These trips are provided to senior citizens for medical, dental, pharmacy, grocery, employment and senior center destinations.*

(23) **NAVIGATIONAL SYSTEM ON LAKE NORMAN**

Allocate $15,000 from unrestricted contingency to the Lake Norman Marine Commission to be used for the maintenance and expansion of the navigational system (NavAids) on Lake Norman.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(15) **WORK FIRST BIENNIAL COUNTY PLAN - DSS**

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 the Mecklenburg County Work First County Plan for 2007-2009.

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

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

(20) **NAMING OF TOM SYKES RECREATION CENTER**

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve naming the newly completed gymnasium at Euclid Center/Dilworth Elementary School the Tom Sykes Recreation Center, after former Park and Recreation Commissioner Tom Sykes.

Kirk Otey spoke in support of the naming request, prior to the above vote.

*Note: Mr. Sykes was a tireless youth sports supporter and served on the Dilworth Little League Softball commission. He was also the chair of the Central Park District III advisory council, serving on the Park Commission from 1997 to 2003. He was the vice chair from 1999-2000. Mr. Sykes is well known for his efforts to have Park and Recreation and CMS jointly plan the renovations and development of the historic Euclid Center and Dilworth Elementary School. These efforts resulted in the recent park/school renovations and the inclusion of a recreation center.*

*Commissioners Clarke and Roberts removed this item from Consent for more public awareness and to allow Mr. Otey to speak to the request.*
(21) NEW COURTHOUSE PROJECT – SECURITY IMAGING EQUIPMENT

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 award a contract for the Courthouse Security Imaging Equipment to Point Security Inc. in the amount of $273,319.

Commissioner Woodard removed this item from Consent because of a question she had regarding MWBE participation, which she said was answered prior to coming into Formal Session.

STAFF REPORTS AND REQUESTS

(24) SPORTSPLEX PARTNERSHIP PROGRAM

Dot Law, Interim Director of Park and Recreation, and staff members Greg Jackson and James Alsop addressed the Sportsplex Partnership Program.

Note: Mecklenburg County Park and Recreation allocated $8.0 million from the 2004 park bonds for partnerships to increase the development and operation of multi-field sportsplexes by the County. An ad hoc committee of Park and Recreation Commissioners and external tourism professionals devised an application submission and review process. Ten (10) organizations submitted proposals and four (4) were selected for formal presentations—Friendship Missionary Baptist Church, Queens University of Charlotte, the Town of Huntersville and the Town of Matthews.

The ad hoc selection committee and Park and Recreation Commission recommend allocating the $8.0 million as follows:
- Town of Matthews - $5 million to develop a thirteen (13) field soccer complex
- Friendship Missionary Baptist Church - $2 million, not to include land acquisition and to modify their proposal to include four like fields in phase I
- Town of Huntersville - $1 million for Bradford Park improvements only.

Town of Matthews

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

1. Endorse concept of developing sportsplex at I-485/Independence Blvd. in partnership with the Town of Matthews, and authorize the County Manager to develop a recommended site design and master plan, including projected development costs, for a sportsplex that is consistent with County Park and Recreation Department standards.
2. Authorize County Manager to negotiate terms of the partnership agreement with the Town of Matthews, including an investment of at least $2 million by the Town for site improvements and/or infrastructure, and potential rezoning of the property to enhance private investment options.
3. Approve $5 million for this project, to come from 2004 park bonds, contingent on an agreement between Mecklenburg County and the Town of Matthews.
4. Authorize County Manager to evaluate and determine the most appropriate options for private investment in the project, including the potential sale of property and recommended use of proceeds from any sale.

Note: This matter is contingent upon the County Manager negotiating the terms of the
partnership agreement and will be brought back to the Board for approval.

**Town of Huntersville**

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 funding of $1 million from 2004 park bonds for Bradford Park improvements (sports lighting, irrigation system, and dugouts) for 5 softball fields and 3 soccer fields under construction.

**Friendship Missionary Baptist Church**

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

1. Endorse the concept of developing a sportsplex on property owned by the Friendship Missionary Baptist Church, and authorize the County Manager to develop a recommended site design and master plan, including projected development costs to build four athletic fields, and a park concession/restroom facility.
2. Authorize the County Manager to negotiate terms of the development agreement, and the terms of a long-term lease with Friendship Missionary Baptist Church to allow Mecklenburg County to operate the sportsplex as a County facility.
3. Approve $2 million funding for this project, to come from 2004 park bonds, contingent on an agreement between the County and Friendship Missionary Baptist Church.

*Note: This matter is contingent upon the County Manager negotiating the terms of the development agreement and lease agreement and will be brought back to the Board for approval.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

(25) **RESOLUTION SUPPORTING LOCAL LEGISLATIVE AUTHORITY TO ENACT LOCAL SMOKING REGULATIONS**

Commissioner Clarke addressed the need for local legislative authority to enact local smoking regulations to protect people from the harmful effects of secondhand smoke.

*Note: Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer.*

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 adopt a Resolution Supporting Local Legislative Authority To Enact Local Smoking Regulations.

The following persons spoke in support of the above motion: Juddson Rupp, Dr. Robert M. Shepard, John L. Bisson, and Christopher Jackson, members of Smoke Free Mecklenburg.

Prior to the above vote, Commissioner James asked Commissioner Clarke to consider amending his resolution by adding the following statement to the Now, Therefore, paragraph: *including, but not limited to, authorizing a public referendum on the issue.*

Commissioners Clarke and Mitchell consented to Commissioner James’ suggestion. Thus, the
Now, Therefore, paragraph would read:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Mecklenburg County that the NC General Assembly enact appropriate legislative enabling authority, including, but not limited to, authorizing a public referendum on the issue, in order to authorize local governments (counties and municipalities) to develop and adopt their own regulations of their choice with regard to smoking in enclosed, indoor public places.

Note: Commissioner Puckett noted for the record that he was not supportive of all of the Whereas paragraphs, but was supportive of the Now, Therefore, Be It Resolved paragraph and thus voted in favor of the motion.

Resolution recorded in full in Minute Book 43-A, Document # 49.

(5) ADVISORY COMMITTEE REPORTS – BOCC COMPENSATION COMMITTEE

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 reconsider the Board’s early vote with respect to the County Manager’s Compensation.

Note: The Board reconsidered this matter because the effective date was omitted originally

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 approve the recommendation of the Board’s Compensation Committee with respect to the County Manager’s Compensation as follows with an effective date of July 1, 2006:

1. Base Salary- Approve a 4.5% increase in the County Manager’s base salary from $187,200 to $195,624.
2. Performance Bonus – Approve a bonus based upon the County Manager’s performance during the fiscal year ended June 30, 2006 in the amount of $40,154, which is 70% of the previously agreed upon maximum bonus potential of 30% of his current base salary.
4. Deferred Compensation – Approve an increase in the County Manager’s deferred compensation payment in the amount of $12,540 (a 4.5% increase) for the current fiscal year.
5. Longevity Pay – Approve an additional compensation in the form of longevity pay during the current fiscal year that is calculated using the same formula that is used for all County employees entitled to receive longevity pay based on their number of years of service. The amount of longevity pay the County Manager will receive in the current fiscal year is $5,643, a 56.7% increase over the amount he received in fiscal year ended June 30, 2006.
6. Auto/Expense Allowance – Approve a 4.3% increase in the County Manager’s non-accountable auto/expense allowance to $11,268.

(26) DWI TREATMENT COURT AND ILLEGAL ALIENS

Commissioner Bishop requested information on DWI Treatment Court policies and procedures with regard to illegal alien status of participants, dispositions of such participants, breakdown of funding, and employees funded by the County.

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

In response to his request, County Manager Jones and Deputy County Attorney Sandra Bisanar shared their findings thus far.
A copy of the County Manager’s memorandum is on file with the Clerk to the Board.

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to approve the County Manager’s recommendation to do the following with respect to the DWI Treatment Court and illegal aliens:

1. Place this matter on the agenda for consideration by the Criminal Justice Advisory Group. (This group consists of the Chief Superior Court Judge, the Chief District Court Judge, the Clerk of Court, the District Attorney, the Public Defender, the Trial Court Administrator, the Sheriff, and the Chief of Charlotte-Mecklenburg Police Department. The County Manager will invite Robert Lee Guy, Director, N. C. Division of Community Corrections, to attend the meeting so that they can identify all of the issues to be addressed by the Local Drug Court Management Committee.) The Board asked the County Manager to also invite Judge Phil Howerton.

2. To direct staff to examine the court records of the names on the list of DWI Treatment Court participants to determine the disposition of their cases. (The County Manager will also ask the Sheriff to work with the ICE Program to determine the immigration status of the participants.

3. To place this matter on the Board’s agenda for its consideration at a future meeting after the above has occurred.

Prior to the above vote, Sheriff Jim Pendergraph addressed the ICE Program and how the deportation process works.

The Honorable District Court Judge Phil Howerton addressed the success of the DWI Treatment Court. Judge Howerton said they began some time ago taking Latino defendants into the DWI Treatment Court, but he didn’t know which defendants were legal and which were not. Judge Howerton said he feels that the concerns of the Commission with respect to illegal aliens will now get addressed because of the Sheriff’s ICE program. He said as a result of the screening that’s being done by the Sheriff’s Office, anyone that’s found to be an illegal alien will not qualify to enter into the DWI Treatment Program.

It was noted that the DWI Treatment Court was started in 1996, Mecklenburg County was the first in the U. S. to have this type of court. In 2000 the DWI Treatment Court and the Drug Court were separated out. When this occurred the Judge said he noticed an increase in the number of Latino defendants charged with DWI.

Also, prior to the above vote, Martin Davis addressed this issue and expressed his view as it relates to dealing with illegal aliens.

(27) TRANSIT GOVERNANCE INTERLOCAL AGREEMENT - AMEND

Commissioner Puckett addressed amending the Transit Governance Interlocal Agreement. The following was noted:

On November 15, 2005 the Board unanimously approved several amendments to the Transit Governance Interlocal Agreement. Some of those amendments were to certain provisions of the Interlocal Agreement that were potential impediments to continue implementation of the System Plan, one of which involved budget approval. Budget approval amendments, included, but were not limited to, the Board of Commissioners removing itself from being required to approve the capital program and operating program/second-year adjustments. The Mecklenburg County Board of Commissioners review was discontinued. Prior to this amendment the chief transit official would appear annually before the Board to present the capital and operating programs. In light of recent discoveries of continued cost overruns and questions from the public regarding options for future corridors, the Mecklenburg County Board of Commissioners as the taxing authority, and in its role as the keeper of public trust as it relates to tax expenditures and oversight, should consider re-involving itself in the transit budgetary process.

Motion was made by Commissioner Roberts, seconded by Commissioner Mitchell and carried
8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Roberts, and Woodard voting yes, to approve amendment(s) to the Transit Governance Interlocal Agreement to reinstate the Mecklenburg County Board of Commissioners review and approval of the transit capital program and operating program/second-year adjustments.

Secondly, to direct the County Attorney to prepare the appropriate amendment language for final approval by the Board and subsequent submission to Charlotte City Council for approval.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding matters which they deemed note worthy.

ADJOURNMENT - Motion was made by Commissioner Bishop, seconded by Commissioner Roberts, and carried 8-0, with Commissioners Bishop, Clarke, James, 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 8:40 p.m.

Janice S. Paige, Clerk

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

OCTOBER 17, 2006 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 17, 2006. 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, Associate General Manager Michelle Lancaster, Deputy County Attorney Sandra Bisanar, Nancy Brunnemer and Jacqueline McNeil with Real Estate Services and Kevin Bringewatt with Charlotte-Mecklenburg Schools

Commissioner Puckett was not present for this Closed Session Matter.

(2A) LAND ACQUISITION

Jacqueline McNeil with Real Estate Services addressed the proposed purchase of the following school sites by the Charlotte-Mecklenburg Board of Education:

- Tax Parcel 027-153-18 on Hucks Road, 25.5-acres, $1,453,500 purchase price, and
- Tax Parcel 053-061-01 on Belmeade Drive, 50.2698-acres, $2,249,573 purchase price.

Note: Tax parcel 027-153-18 (25.5 acres) off Hucks Road is adjacent to County owned property in Northeast Mecklenburg County. The Charlotte-Mecklenburg Board of Education would like to purchase the property to create a joint elementary school, middle school, and park site. The site is currently owned by William and Mary Davis.

Tax parcel 053-061-01 (50.2698 acres) on Belmeade Drive is located within the Crosland
development of Riverside. The Board of Education would like to purchase the property for an elementary and middle school site. The property is currently owned by Crosland Whitewater, LLC.

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, to approve the purchase of the following school site by the Charlotte-Mecklenburg Board of Education, Tax Parcel 027-153-18 (25.5-acres) on Hucks Road for $1,453,500.

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop and carried 8-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Rembert, Roberts, and Woodard voting yes, to approve the purchase of the following school site by the Charlotte-Mecklenburg Board of Education, Tax Parcel 053-061-01 (50.2698-acres) on Belmeade Drive for $2,249,573.

Janice S. Paige, Clerk

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

NOVEMBER 8, 2006 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, November 8, 2006.

ATTENDANCE

Present: Chairman H. Parks Helms and Commissioners
J. Daniel Bishop, Dumont Clarke
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 Bill James

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-INFORMAL SESSION-

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

Chairman Helms called the meeting to order, after which the following matters were addressed.

STAFF BRIEFINGS – NONE

(2A) (2B) (2C) CLOSED SESSION – A) LAND ACQUISITION, B) CONSULT WITH ATTORNEY, AND C) BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

- 93.4976 acres on Matthews-Mint Hill Road
- Tax Parcels 119-043-13 and 19-043-18) at 1030 and 1100 Remount Road
- Tax Parcel 075-042-15 located on Haines Street.

He noted also that the Consult with the Attorney had to do with matters related to the Adelphia Bankruptcy Proceedings.

Motion was made by Commissioner Bishop, seconded by Commissioner Roberts and carried 6-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, and Roberts voting yes, to go into Closed Session to discuss the following matters: A) Land Acquisition, B) Consult With Attorney, and C) Business Location and Expansion.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:10 p.m.
Commissioners Puckett and Woodard were present when the Board came back into Open Session. They arrived at the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent. The items identified were Items 7, 14, 18, and 26.

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

- FORMAL SESSION -

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Bishop which was followed by the Pledge of Allegiance to the Flag and introductions; after which the following matters were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) AMERICAN INDIAN HERITAGE MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation designating November 2006 as “American Indian Heritage Month.”

The proclamation was read by Commissioner Woodard and received by Tina Hunt.

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

(1B) HOMELESS AWARENESS MONTH

Motion was made by Commissioner Roberts, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a joint proclamation designating November 2006 as “Homeless Awareness Month.”

The proclamation was read by Commissioner Roberts and received by Karen Montaperto, director of Charlotte Emergency Housing and current president of the Homeless Services Network and Peter Safir, vice president. They were accompanied by Penelope Brown and her children, clients of Charlotte Emergency Housing. Ms. Brown expressed her appreciation to Charlotte Emergency Housing.

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

(1C) CHILDHOOD CANCER AWARENESS WEEK

Motion was made by Commissioner Bishop, seconded by Commissioner Rembert and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert,
Roberts, and Woodard voting yes, to adopt a proclamation designating November 6 through November 13, 2006 as “Childhood Cancer Awareness Week.”

The proclamation was read by Commissioner Bishop.

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

(1D) NATIONAL ADOPTION AWARENESS MONTH

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a proclamation recognizing November 2006 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 and received by Richard Jacobsen, Director of Social Services and the Honorable Judge Lisa Bell, who adopted a child.

*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:

Pat Martinez addressed the Hispanic Scholarship Fund.

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

Commanders Patsy and Sam Gordon, Paul Cook, and Rory Brady addressed Disabled Veterans and upcoming events honoring them. They were joined at the podium by Kevin Seabrooks.

Martin Davis expressed his view of public education and crime in the community per actions he said taken by the majority party of the Board. Mr. Davis also expressed his view of the majority party of the Board.

(3) APPOINTMENTS – NONE

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

PUBLIC HEARINGS

(4A) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 7-0 with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to hold a hearing on the request by Lancaster & Trotter, Attorneys At Law for reimbursement of North Carolina excise tax in the amount of $362.

No one appeared to speak.

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and carried 7-0 with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to close the hearing on the request by Lancaster & Trotter, Attorneys At Law for reimbursement of North Carolina excise tax in the amount of $362 and approve the reimbursement.
Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to open the public hearing on the Mecklenburg County Department of Social Services’ submittal of an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2007-2008.

No one appeared to speak.

Motion was made by Commissioner Rembert, seconded by Commissioner Puckett and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to close the public hearing and adopt a resolution granting approval for the Mecklenburg County Department of Social Services to submit an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2007-2008.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

FY 2007-2008 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.

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 administering 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 receive 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 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 43-A, Document # 50.

(5) ADVISORY COMMITTEE REPORTS – NONE

(2A1) CLOSED SESSION - LAND ACQUISITION

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve acquisition of 93.4976 acres on Matthews-Mint Hill Road from the Town of Matthews for $5,000,000 and authorize the County Manager to negotiate and execute a 50-year lease of the property to the Town of Matthews for park use.
(2A2) CLOSED SESSION - LAND ACQUISITION

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve the purchase of +/- 8.78 acres (Tax Parcels 119-043-13 and 19-043-18) at 1030 and 1100 Remount Road from JMDJ, Inc. for $1,645,000 for Revolution Park site expansion.

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

MANAGER’S REPORT

(6A) AREA MENTAL HEALTH CULTURAL COMPETENCE INITIATIVE

The Board received a report from the Area Mental Health Cultural Competence Committee on the initiatives and plans to improve the cultural competence of Area Mental Health and their “community of providers.”

Grayce Crockett, Director of Area Mental Health and Dr. Elizabeth Peterson Vita, chair of the Committee gave the report.

Note: As Mecklenburg County continues to expand in size, so does the population’s cultural diversity. AMHA and its providers need to be ready to manage these shifting demographics and consumer needs. The AMHA Cultural Competence Committee was established to meet those needs. This committee directs how AMHA and the community of providers can better serve consumers from all different cultural backgrounds.

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

(6B) LAND SWAP PROPOSAL

The Board received a report regarding a simplified approach to the land swap concept.

County Manager Jones and Director of Real Estate Services Mark Hahn gave the report.

Commissioners Bishop and Woodard returned to the dais during this time.

Highlights of the County Manager’s Concept:

1. The City conveys Marshall Park to the County at no cost to the County. The appraised value of that property is $13,010,000.
2. The City conveys its ownership in Spirit Square to the County at no cost to the County. The City’s portion of the property has an appraised value of $7,528,613.
3. The City conveys the rights-of-way (primarily Poplar Street within the new park site and Third Street within the proposed baseball stadium) to the County at no cost to the County. The appraised value of the Poplar Street right-of-way is $2,694,000. The appraised value of the Third Street right-of-way has not been determined.
4. The County conveys its ownership in the Wachovia cultural facilities to the City at no cost to the City. The estimated value of that property is $29,500,000.
5. The County retains ownership of the proposed baseball site in Third Ward.
6. The County provides the infrastructure for baseball (estimated at $7.8 million), under the terms of a lease mutually agreeable to the County and the Charlotte Knights.
7. The County provides the infrastructure for Brooklyn Village (estimated at $3.2 million) under terms mutually agreeable to the County and the buyer.
8. Proceeds from the sale of Spirit Square in excess of $7.8 million will be shared with the City in the pro rata proportions of the property owned by the City and the County.
9. Once the swaps of public land are completed, the County will:
   a. Enter into appropriate agreements with Spectrum properties to ensure the property is
devoted in concert with the Second Ward Master Plan and in keeping with the
September 20, 2006 letter, vision statement and master plan submitted by Spectrum
properties to the City Manager;
   b. complete land swaps or sales with private parties under terms mutually agreeable to
the County and those parties.

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

County Manager Jones said if the Board approves his recommendation, then this will allow him
to work on the details of this by negotiating the swap arrangement with Mass Mutual. He will
also be working on the swap language and the Interlocal agreement with the City of Charlotte.

County Manager Jones said once they “memorialize” those agreements he will come back to the
Board and explain things in more detail. He said the Board was being asked to endorse the
concept.

The following persons spoke in support of the County Manager’s concept and asked the Board to
support baseball coming to Charlotte/Mecklenburg County:

Bob Morgan representing the Charlotte Chamber of Commerce
Graham Denton representing Bank of America
Ben Williams representing Wachovia
Valada Tinnen representing Second Ward National Alumni (Ms. Tinnen suggested that members
of the Second Ward High School graduating class of 1940 be invited to throw out the first ball.)
Bill McMillan representing the Charlotte Regional Sports Commission

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

Motion was made by Commissioner Rembert, seconded by Commissioner Woodard and carried
7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, and Woodard
voting yes, to extend the speaking time to allow all persons desiring to speak to this issue the
opportunity to do so.

Commissioner Roberts returned to the dais.

Robert Bush representing the Arts and Science Council
Tim Newman representing the Charlotte Regional Visitors Authority & Hospitality and Tourism
Eric Davis representing the Third Ward Neighborhood Association
Harvey Gantt (former Mayor) as a professional architect and interested citizen
David Furman as a professional architect
Rob Cummings representing Friends of 4th Ward
Michael Smith representing Charlotte Center City Partners

No one appeared to speak in opposition.

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 Bishop and Puckett voting no, to 1) approve in concept the land swap proposal
and direct the County Manager to negotiate and bring back a proposed interlocal agreement with
the City of Charlotte for Board approval.

2) Authorize the County Manager to continue negotiations with Mass Mutual and to bring back
a proposed agreement for Board approval.

Prior to the above vote, the following comments were made.

Commissioner Roberts asked with respect to affordable housing being a part of the Second Ward
Plan, who would be working to require this and how will it play out as far as percentages or
area? County Manager Jones said it was his understanding that Spectrum Properties will be working with a variety of agencies, including, but not limited, to the Charlotte Housing Authority around the issue of affordable housing to define what that means.

Commissioner Roberts asked about the timing of the development of the Second Ward Plan and the baseball stadium. County Manager Jones said he would be responding to these types of questions in his follow up report to the Board.

Commissioner Bishop asked the County Manager a series of questions with respect to his specific knowledge of and involvement in the latest proposal, specifically, the decision to have the County take the lead on this project rather than the City of Charlotte.

Commissioner Bishop noted that he was not aware of this change in the concept until last Friday.

County Manager Jones said with respect to this particular concept he became involved about two weeks ago and that General Manager Bobbie Shields has worked directly on this with City staff.

Commissioner Bishop expressed concern for the change in the concept, which he said was “pretty significant,” since the City of Charlotte was going to be the economic development partner for this project to subsidize baseball.

County Manager Jones said General Manager Shields has continued to work around the direction of the Board with respect to this project, which was to move forward and come up with a development plan to meet the three objectives. He said while in these discussions General Manager Shields began thinking that there has to be a simpler way to make this work. Thus, he sort of developed this concept of the County taking the role in creating this kind of swap approach that would put the County in the leadership role.

Commissioner Bishop asked what were the three concepts or objectives in the Board’s previous direction to staff.

County Manager Jones said they were jump start Second Ward, optimize location of park at Tryon Street, and to bring baseball back to the Center City.

County Manager Jones said this has been the concept that has been presented to the Board.

Commissioner Bishop said he was concerned about the shift in the County’s role and would have liked to have been informed of this sooner.

County Manager Jones said the concept is just being presented now because prior to this it was still being developed and there are still details to be worked out.

Commissioner Bishop said this project is a City of Charlotte core economic development project. He said it was not the proper role of the Board of County Commissioners.

Commissioner Bishop said “it was inappropriate for the staff, for the County Manager, to undertake that sort of direction in consultation and I would suspect with the knowledge of some members of this Board without the entire Board being informed.” He said further that it was “inappropriate to drop it on this Board the Friday before election day, so even the Charlotte Observer has barely been able to cover the story.”

Commissioner Bishop asked the following questions, which were addressed.

- What is the total cost of the subsidies to the baseball team owner proposed in this project? The response was that if you’re speaking in reference to the infrastructure cost, it’s $7.8 million.
- What is the underlying analysis of that and has that information been provided to the Board? The response was that all of those details need to be worked out and would be part of any lease agreement that would be worked out with the Charlotte Knights.
• What work has been done to come up with the $7.8 million? *The response was that this was the figure that the City of Charlotte used when it was discussing the original plan of providing infrastructure for baseball.*

• What about the value of the property that will be used for the baseball stadium and what is it based on, current appraisal or what the County paid for it? *The response was $28 million and it’s based on current appraisal costs.*

• What’s the cost of acquiring the Charlotte Mecklenburg Schools (CMS) property for the related project of swapping the land? *The response was that the appraised value of the CMS property was $13,750,000.*

• What about the cost to put CMS in new quarters. *The response was that the replacement of space is not to exceed the value of their property, the $13,750,000.*

• What’s the present value of assuming the City of Charlotte’s responsibilities of operating Marshall Park, in the substitute park? *The response was that it’s envisioned that it would be concurring land swaps, such that there would not be any holding period or at least one where there’s any larger amount of maintenance required before the property goes to Mass Mutual and they would began development.*

• What would be the present value of the new park maintenance cost? *The response was that an answer cannot be given at this time.*

• What about the selling of Spirit Square and how this fits in? *The response was that it’s believed that the plan is to sell it for redevelopment.*

• Has staff heard about any concept of TIF financing for Spirit Square’s redevelopment? *The response was no.*

• Who will maintain the historic parts of the property that will not be sold? *The response was that this is a detail that has yet to be worked out with the City of Charlotte.*

• How does financing a professional baseball stadium in the urban core advance any scorecard component? *The response was that from the standpoint of its economic impact, the specific scorecard component can’t be pointed out at this time but there is one.*

*County Manager Jones* said this was a “bold” approach being recommended and it’s being recommended this way because staff felt this was a better way to go forward.

County Manager Jones said yes it could be done by the City of Charlotte and whether or not it should is a question for the Board and Charlotte City Council.

*County Manager Jones* noted for the record in light of some of the statements made and questions asked of him by Commissioner Bishop, that he felt his “professionalism” and “professional integrity” has been challenged and attacked and he does not think it’s justified.

County Manager Jones said he has not done anything that the Board has not directed him to do relative to this issue. He said the Board directed staff in a unanimous vote December of last year to continue working with the partners around making those three objectives happen. He said on July 18 of this year the Board received another update from Charlotte Center City Partners and staff was directed to move forward and to work out the developmental details to make those objectives happen. County Manager Jones said this is what he has done.

County Manager Jones said what’s before the Board is only a concept. He said “the devil is in the details” relative to costs, relative to how you put it together and that he has informed the Board that he would report back on this matter on a frequent basis as to how “we’re going to construct going forward in this particular process.”
County Manager Jones said as things move forward staff may find that some of the things they’ve proposed may not work and that he has the obligation to come back to the Board with that information.

Chairman Helms, in response to comments made by Commissioner Bishop, said the County Manager has followed the instructions of the Board. Chairman Helms noted that he received the latest information, the same time as Commissioner Bishop and in his opinion the County Manager has followed the specific instructions he received and has done so in a very professional manner.

Commissioner Woodard expressed concern with respect to affordable housing (Will it be affordable for the average citizen?) and with the proposed school in Second Ward (Where will the student population come from and the diversity of that population.).

Commissioner Woodard said she does not want people to assume that the redevelopment of Second Ward will be like it was 40 years ago. Commissioner Woodard said that it’s possible that the planned housing will not be affordable for the average citizen, who may desire to live in Second Ward.

Commissioner Rembert asked the County Manager to comment on his sense of how the Superintendent feels with respect to having an urban high school as a part of the Second Ward Plan. County Manager Jones said that Dr. Gorman, Superintendent of Schools has indicated that he is willing to discuss this matter with the Board of Education.

Commissioner Rembert asked was having a high school a part of the 2010 Plan. The response was that it was a component of the Second Ward Neighborhood Master Plan.

Commissioner Rembert said she supports having affordable housing and having a high school in the area if the Board of Education feels it’s appropriate.

Commissioner Rembert said she wants to make sure that the project provides Minority/Women/Small Business Enterprises opportunities for participation.

Commissioner Clarke asked about the urban park and how will the development of it be funded under this proposal. He feels this should be considered in this concept and should be a high priority because the Board has waited a long time for this park to be something that the entire community can enjoy.

Commissioner Clarke said he would like information on the funding and timing of the development of the park. The response was that the 2004 bond package called for $9 million for construction and design. It’s anticipated that ground would be broken a year from now and having construction documents and bidding completed and probably another year to build the park.

Commissioner Clarke said it’s important that the urban park be a part of this proposed concept. He said for purposes of presentation that park needs to be added in the discussion documents and concept documents, so that people really understand that the park will be one of the results of this.

Commissioner Puckett questioned when the County became responsible for the development of Second Ward.

Commissioner Puckett asked about the park component of the Second Ward Master Plan and the size of the park. The response was that in the Second Ward Master Plan the park was larger than 3.8 acres but under this proposal the park is split by Second street and that the portion under this proposal is 3.8 acres and on the other side would be the location of the original Second Ward high school gym and the remainder of the park, the exact acreage can’t be stated at this time but it’s probably around 2 acres.

Commissioner Puckett suggested the County sell its holding to the City of Charlotte, use those proceeds to buy land from Mass Mutual and the City of Charlotte could swap with whoever they
wanted and build a baseball park if they desire to. He said this simplifies the issue.
Commissioner Puckett said the County is in the park business but not as a core subject in the
economic development business.

Commissioner Puckett suggested this matter be deferred until more information can be provided.

*Note: The above is not inclusive of every comment with respect to this issue.*

(6C) MANAGER'S REPORT - COUNTY MANAGER’S FY 2007 STRATEGIC MANAGEMENT PLAN

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and
unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the County Manager’s FY 2007 Strategic Management Plan.

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

CONSENT ITEMS

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and
unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts and Woodard voting yes, to approve the following item(s) with the exception of Items 7, 14, 18, and 26 to be voted upon separately.

(8) TAX REFUNDS

Approve refunds in the amount of $19,112 to be made by the Finance Department as requested by the Tax Assessor.

(9) NC DIVISION OF EMERGENCY MANAGEMENT FLOOD MITIGATION GRANT

1) Recognize, receive and appropriate $237,331 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 NC Department of Crime Control and Public Safety, Division of Emergency Management for Mitigation Assistance Grants.

(10) GREATER CHARLOTTE AIR AWARENESS GRANT

1) Recognize, receive and appropriate $203,799 from the North Carolina Department of Environment and Natural Resources (NCDENR), Division of Air Quality, for the administration of the “Greater Charlotte Air Awareness Program.”

2) Approve the creation of one part-time Environmental Specialist position to be funded by the grant funds.

3) Authorize unexpended appropriations to be carried forward to subsequent years for the duration of the grant.

(11) DSS REVENUE ADJUSTMENTS
Amend the Department of Social Services’ FY07 budget to recognize additional Federal and State revenues of $321,147 via Centralina Council of Governments and the North Carolina Division of Aging and Adult Services, and appropriate expenses in the same amount.

(12) 911 SURCHARGE SPECIAL REVENUE FUND

1) Recognize and appropriate to MEDIC $596,609 which is the estimated County share of surcharge revenue to be received in FY07.

2) Appropriate $250,000 of the 911 Surcharge fund balance for allowable expenditures.

(13) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $6,728 for Social Services and $550 for Park and Recreation for damaged or stolen property.

(15) LATTA RECREATION CENTER LEASE AGREEMENT

Approve a resolution of intent for a lease agreement between Mecklenburg County and The Charlotte Bridge Association, in partnership, for the operation and maintenance of the Latta Recreation Center for duplicate bridge and for general public recreation use.

Resolution recorded in full in Minute Book 43-A, Document # 51.

(16) CHARLES T. MYERS PUBLIC GOLF COURSE

Appropriate up to $548,270 in parking revenues from the New West Park site to reimburse American Golf Corporation for the capital improvements made at the Charles T. Myers Public Golf Course.

(17) WHITE PROPERTY ACQUISITION - DAVIDSON

Accept conveyance of +/- 28 acres of Tax Parcel 007-451-01 on Davidson-Concord Road (Hwy 73) from Hugh Allan White and Laura Anne Hite with a deed restriction limiting land-use of the property to agricultural or public open space for a term of forty (40) years.

(19) RENAISSANCE PARK LEASE AMENDMENT

Authorize the County Manager to negotiate and execute a lease amendment for Renaissance Park with the City of Charlotte that will release parcels 143-181-05 (5.36 acres), 143-181-03 (1.13 acres), and 143-181-04 (0.56 acres) from the existing lease the County has with the City of Charlotte so that the City may build a Fire and Life Safety Village.

(20) RIGHT-OF-WAY EASEMENT

Authorize the County Manager to negotiate and execute a temporary construction easement, a permanent drainage easement, and a permanent right-of-way easement with the City of Charlotte at the Caroline Love Myers Building (Tax Parcel 078-454-05) at Spratt and Graham Streets.

(21) AREA MENTAL HEALTH AUTHORITY FIRST QUARTER FY 2007 REPORT
Recognize and receive the First Quarter 2007 Area Mental Health Authority Report.

Note: It’s required by statute that the following financial information be included in the minutes.

Finance

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<table>
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<th>Expenditures</th>
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</table>

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

(22) SYSTEM OF CARE FUNDING - DSS

Recognize, receive and appropriate additional federal funds in the amount of $1,874 to support the System of Care Grant.

(23) SHERIFF’S SPECIAL REVENUE FUND

Recognize and appropriate $78,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.
(24) SALARY INCREASE FOR REGISTER OF DEEDS

Approve a 4% salary increase for the Register of Deeds, effective July 1, 2006.

*Note: By statute, the Board of County Commissioners must approve any change in salary for the Register of Deeds.*

(25) REALTY DEALERS LTD. PROPERTY ACQUISITION

Approve purchase of Tax Parcel 223-441-61 (+/- 8.442 acres) located at 6930 Wolf Run Drive for $40,000.

*Note: This acquisition will expand Big Rock Park acreage and potentially provide connectivity for a future greenway. The subject property is immediately adjacent to an undeveloped 14-acre County property known as Big Rock Park (PID # 223-441-60) and adjoins a tributary to McAlpine Creek in the Four Mile Creek Watershed.*

(27) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

A. Approve, recognize, receive and appropriate Federal funds in the amount of $1,046,679 to reflect changes in the FY07 allocation from the North Carolina Department of Health and Human Services.

B. Approve, recognize, receive and appropriate State funds in the amount of $243,819 to reflect changes in the FY07 allocation from the North Carolina Department of Health and Human Services.

C. Approve, recognize, receive and appropriate State funds in the amount of $25,000 for the purpose of implementing a pilot program for the development of a Center for Prevention Resources in collaboration with the Chemical Dependency Center, Inc.

D. Approve, recognize, receive and appropriate State funds in the amount of $40,000 for the provision of services and equipment needs for individuals with Traumatic Brain Injuries.

E. Reduce Area Mental Health – Substance Abuse Services Center State funding in the amount of $123,023.

F. Reduce Area Mental Health – Substance Abuse Services Center Medicaid funding in the amount of $182,918.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(7) APPROVAL OF MINUTES

Motion was made by Commissioner Rembert, seconded by Commissioner Roberts and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to approve minutes of Regular Meeting held October 17, 2006 with one amendment, that the maker and the seconder of the motion with respect to Friendship Missionary Baptist Church, Item 24 Sportsplex Partnership Program, be reversed to reflect the motion being made by Commissioner Rembert and seconded by Commissioner Mitchell. Secondly, to approve minutes of Closed Session minutes of October 17, 2006.

Commissioner Rembert removed this item from Consent in order to note the above correction to the minutes.

*Commissioner Clarke left the dais and was away until noted in the minutes.*
(14)   LITTLE SUGAR CREEK, HIDDEN VALLEY ECOLOGICAL GARDEN – SANITARY SEWER REPAIRS

Motion was made by Commissioner Woodard, seconded by Commissioner Rembert and carried 7-0, with Commissioners Bishop, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to recognize, receive, and appropriate $87,109 from Charlotte-Mecklenburg Utilities and Camp, Dresser & McKee for sanitary sewer repairs.

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

(18)   GREENWAY DONATION

Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 7-0 with Commissioners Bishop, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to accept donation of Tax Parcel 165-193-79 (10.405 acres) on McAlpine Creek from Strider Drive, LLC.

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

Commissioner Clarke returned to the dais.

(26)   ALIGNMENT OF MCALPINE CREEK RELIEF SEWER – JOHNSTON ROAD TO I-485 PROJECT

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and carried 7-0, with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, and Roberts voting yes, to receive information on the process and issues being considered for the McAlpine Creek relief sewer alignment between Johnston Road and I-485.

Chairman Helms removed this item from Consent because there were citizens present to address it.

Prior to the above vote, Clinton Cort and Tod Brabson addressed this issue. They asked that all construction be kept on the south side of McAlpine Creek. They said they would like to see a community forum on this issue. Also, that if a meeting is held on the issue that signage be posted in the greenway area regarding the meeting. Mr. Cort said currently such signage is prohibited in the greenway area.

Also, prior to the above vote, Commissioner Woodard left the dais and was away until noted in the minutes.

County Manager Jones said he would direct staff to place signage in the greenway area regarding upcoming meetings on this subject matter. It was noted that a meeting would be held November 29th at 6:30 pm by the South Park District Advisory Council at the William R. Davie Conference Center.

STAFF REPORTS AND REQUESTS

(28)   SIZING OF GENERAL OBLIGATION BOND SALE AND CERTIFICATES OF PARTICIPATION (COPS) SALE

The Board received information regarding the size of the January 2007 bond and COPs sales.

Finance Director Harry Weatherly, Jr. addressed this matter with the Board. A copy of the report is on file with the Clerk to the Board.

Motion was made by Commissioner Bishop, seconded by Commissioner Puckett and carried 7-0,
with Commissioners Bishop, Clarke, Helms, Mitchell, Puckett, Rembert, and Roberts voting yes, to set public a hearing for November 21, 2006 regarding the size of the January 2007 bond and COPs sales.

(29) CLEAN AIR WORKS! AIR QUALITY PILOT PROGRAM

The Board received a report regarding Clean Air Works! and a recommendation for future action.

Don Willard, Director of Mecklenburg County Air Quality Division, gave the report. Mr. Willard noted that funds that are currently available for the program will not always be there. He said if the program continues, then one of the main focuses will be to find a continuing source of revenue, regionally and maybe from the state and federal government.

Mr. Willard said those dollars have not been identified but by continuing the project for one more year, it will give staff an opportunity to have something to sell to the business community and to explain to any funding source what’s being done.

Randy Perkins, Chairman of the Air Quality Commission also addressed this matter. Mr. Perkins said the Air Quality Commission feels strongly that Mecklenburg County should not be the only funding source of the project.

Commissioner Woodard returned to the dais.

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

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

Commissioner Rembert left the dais and was absent until noted in the minutes.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 6-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Roberts, and Woodard voting yes, to do the following: 1) approve the release of $500,000 from restricted contingency to continue and expand Clean Air Works! 2) approve the submission of a grant application for $500,000 in federal Congestion Mitigation for Air Quality funds and upon award of the grant, recognize, receive and appropriate the grant award. 4) Authorize the County Manager to negotiate and execute a contract extension with URS Corporation, but with the approach and input from the Air Quality Commission in their recommendation as to how the County should structure the contract. 5) Authorize appropriations to be carried forward to subsequent years until completion of project.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

Commissioner Rembert returned to the dais.

(30) TRANSIT GOVERNANCE INTERLOCAL AGREEMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to adopt a Resolution approving an amendment to the Transit Governance Interlocal Agreement to reinstate the Board of Commissioners’ review and approval of the transit capital program and operating program for submission to the Charlotte City Council and the Towns for their approval.

Resolution recorded in full in Minute Book 43-A, Document # 52.

(31) FISCAL IMPACT RESOLUTION - DEFERRED
Motion was made by Commissioner Roberts, seconded by Commissioner Rembert and carried 7-0, with Commissioners Clarke, Helms, Mitchell, Puckett, Rembert, Roberts, and Woodard voting yes, to defer until the November 21, 2006 meeting, consideration of a resolution requiring County staff to conduct a fiscal impact analysis on all economic development initiatives in which the County is asked to participate.

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

COMMISSIONERS’ COMMENTS – General comments were made at this time by various commissioners regarding matters which they deemed note worthy.

ADJOURNMENT - Motion was made by Commissioner Woodard, seconded by Commissioner Roberts, and carried 6-0, with Commissioners 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 10:00 p.m.

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

NOVEMBER 8, 2006 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, November 8, 2006. 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
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: Commissioner Bill James

Also Present: General Managers Janice Jackson and John McGillicuddy, Associate General Manager Michelle Lancaster, Nancy Brunnemer with Real Estate Services, Finance Director Harry Weatherly, Jr. and Sarah Heasley of Finance

Commissioners Puckett and Woodard were not present for this Closed Session Matter.

(2A1) LAND ACQUISITION – MATTHEWS PARK SITE ACQUISITION

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of 93.4976 acres on Matthews-Mint Hill Road from the Town of Matthews for $5,000,000.

Note: The acquisition request is based on an inter-local agreement with the Town of Matthews approved by the Board on November 15, 2005. Terms of the agreement stated that the County would be willing to reimburse the Town up to $5,000,000 from 1999 land bonds once the purchases of both the Hulsey and Purser properties were completed, if requested to do so by the Town. If the purchase is approved, and consistent with the inter-local agreement, the County will lease 93.5 acres to the Town of Matthews for 50 years. The property will be developed, operated and maintained as open space/park land by the Town during the leasehold.
Motion was made by Commissioner Clarke, seconded by Commissioner Rembert and carried 6-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, and Roberts voting yes, to approve the purchase of 93.4976 acres on Matthews-Mint Hill Road from the Town of Matthews for $5,000,000.

Janice S. Paige, Clerk

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

NOVEMBER 8, 2006 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, November 8, 2006. 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 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 Bill James

Also Present: General Managers Janice Jackson and John McGillicuddy, Associate General Manager Michelle Lancaster, Nancy Brunnemer with Real Estate Services, Finance Director Harry Weatherly, Jr. and Sarah Heasley of Finance

Commissioner Puckett was not present for this Closed Session Matter.

Commissioner Woodard entered the meeting at this time.

(2A2) LAND ACQUISITION - REVOLUTION PARK SITE EXPANSION

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of +/- 8.78 acres (Tax Parcels 119-043-13 and 19-043-18) at 1030 and 1100 Remount Road from JMDJ, Inc. for $1,645,000 for the Revolution Park site expansion.

Note: The owner will be allowed to continue to utilize the property for his business until 9/30/08 when construction is scheduled to begin on this portion of Revolution Park. A running track and other support amenities are planned for this new section of the park.

Motion was made by Commissioner Mitchell, seconded by Commissioner Roberts and
carried 7-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Rembert, Roberts, and Woodard voting yes, to approve the purchase of +/- 8.78 acres (Tax Parcels 119-043-13 and 19-043-18) at 1030 and 1100 Remount Road from JMDI, Inc. for $1,645,000 for the Revolution Park site expansion.

Janice S. Paige, Clerk

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

NOVEMBER 21, 2006 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, November 21, 2006.

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
Deputy Clerk to the Board Tonette F. Spears

Absent: None.

____________________

-INFORMAL SESSION-

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

Chairman Helms called the meeting to order, after which the following matters were addressed:

(1) STAFF BRIEFINGS – NONE

(2A)(2B)(2C) CLOSED SESSION – A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)(1), B) CONSULT WITH ATTORNEY

(2C) BUSINESS LOCATION AND EXPANSION
This item was removed from the agenda.

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 6-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, and Roberts voting yes, to go into Closed Session to discuss the following matters: A) To Prevent Disclosure Of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(A)(1) and B) Consult with Attorney.

The Board went into Closed Session at 5:32 p.m. and came back into Open Session at 6 p.m.

Commissioners Puckett, Rembert, and Woodard 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. The items identified were items
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Chairman Helms called this portion of the meeting to order.

Invocation was given by Commissioner Bishop, followed by the Pledge of Allegiance to the Flag and introductions; after which, the following matters were discussed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) INDUCTION INTO THE ORDER OF THE HORNET

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 induct retiring Finance Director, J. Harry Weatherly, Jr. into the Order of the Hornet.

The Commissioners and County Manager Jones commended retiring director of Finance, J. Harry Weatherly, Jr. for exemplary service to the county and gave their sincere appreciation and thanks for his service.

Note: The Order of the Hornet was established in 1972. It 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.

Note: Due to circumstances beyond his control, Director Weatherly was not able to be present.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Blanche Penn with Winners Plus Agency addressed the Youth Awareness Program.

Martin Davis expressed his views of Democratic Racism.

Chairman Helms thanked all speakers for appearing.

APPOINTMENTS

(3A) RE-APPOINTMENTS/NOMINATIONS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

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 reappoint Janet Ernst, Susan Shellhorn and Scott TenBroeck to the Adult Care Home Community Advisory Committee for three-year terms.

Note: Janet Ernst's term would expire November 6, 2009, Susan Shellhorn's term would expire...

BUILDING DEVELOPMENT 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 Trent Haston to the Building Development Commission for a three-year term expiring November 18, 2009.

Note: Trent Haston will represent the National Association of Remodeling Industry (NARI).

SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE

The following individual was nominated for appointment to the Shelter for Battered Women Advisory Committee:

Victor Alexander by Commissioner James

Note: The appointment will be made on December 5, 2006.

WASTE MANAGEMENT ADVISORY BOARD

The following individuals were nominated for appointment to the Waste Management Advisory Board by Commissioner James: Scott Currie, Angela Haigler, and Charles Rogers.

Note: Appointments will be made on December 5, 2006.

(3B) ENVIRONMENTAL POLICY COORDINATING COUNCIL

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 Andy Zoutewelle as chairman for the Environmental Policy Coordinating Council for a three-year term expiring November 30, 2009.

(3C) WASTE MANAGEMENT ADVISORY BOARD

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 appoint Collette Andrea Alston to the Waste Management Advisory Board to replace Gregory Scharlemann as recommended by Charlotte City Council.

Note: Collette Andrea Alston’s term would expire November 3, 2009.

PUBLIC HEARINGS

(4A) CERTIFICATES OF PARTICIPATION (COPS)

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 $117,135,000, 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 9, 2006.

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:

No one appeared to speak.

After the Board had heard all persons who had requested to be heard, Commissioner Roberts moved that the public hearing be closed. The motion was seconded by Commissioner James 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 forms of the following:

1. An Installment Financing Agreement to be dated as of February 1, 2007 (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, 2007 (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, 2007 (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, 2007 (the “Liquidity Facility”) between the County and a provider (the “Bank”); and
A Remarketing Agreement dated as of February 1, 2007 (the “Remarketing Agreement”) among the County, the Corporation and Wachovia Bank, National Association (the “Remarketing Agent”).

WHEREAS, the Board of Commissioners of the County wants 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, the Director of Finance and any Deputy or Interim 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 employees of the County 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, any Deputy or Interim 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, the Director of Finance, or any Deputy or Interim 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, or any Deputy or Interim 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, or any Deputy or Interim 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 $117,135,000), 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, the Director of Finance or any Deputy or Interim 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 Roberts seconded the motion and the motion was adopted by the following vote:

AYES: Chairman H. Parks, Helms, Commissioners Wilhelmenia Rembert, Jennifer Roberts, Jim Puckett, Dan Bishop, Valerie Woodard, Dumont Clarke, Norman A. Mitchell, Sr., and Bill James

NAYS: None

Resolution and Extracts recorded in full in Minute Book 43-A, Document # 53.

Note: Commissioner Rembert requested the minutes to reflect that she would support the resolution; but, with the qualification that she articulated much earlier this year maintains her position of not supporting the 2006 Certificates of Participation.

(4B) REAL ESTATE EXCISE TAX REFUNDS

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 open a public hearing on requests by Knox, Brotherton, Knox & Godfrey for reimbursement of North Carolina excise tax in the amount of $314 and Griffin Brunson & Perle, L.L.P. in the amount of $504.

No one appeared to speak.

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 close the public hearing on requests by Knox, Brotherton, Knox & Godfrey for reimbursement of North Carolina excise tax in the amount of $314 and Griffin Brunson & Perle, L.L.P. in the amount of $504 and approve the reimbursements.

(4C) REVISIONS TO THE MECKLEMBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

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 open a public hearing to receive comments on revisions to the Mecklenburg County Air Pollution Control Ordinance.

No one appeared to speak.
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 close the public hearing on revisions to the Mecklenburg County Air Pollution Control Ordinance and adopt the revisions.

Ordinance recorded in full in Minute Book 43-A, Document # 54.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) MECKLENBURG COUNTY LOGO

County Manager Jones presented Mecklenburg County's new marketing and communications logo. He said effective December 1, 2006 the County would begin using the new logo as a primary symbol for communications and marketing of Mecklenburg County internally and externally.

He noted two key reasons for adopting this new logo.

1) One of the Board’s scorecard goals is to increase public awareness of the County's responsibilities, services and results, and
2) Over the years departments and divisions of Mecklenburg County have developed and are using multiple logos as part of their communication and marketing. He believes there needs to be more consistency in the county's branding. He said there are currently over 30 logos being used. He further stated that the new logo would allow a more consistent way of symbolizing Mecklenburg County as an innovative and progressive organization.

County Manager Jones called on Director of Public Service and Information Danny Diehl to provide examples of how the logo would be used.

Director Diehl said the County would use the new logo as the primary symbol for Mecklenburg County government. He further stated it would be used as an icon on business cards, letterhead, vehicles, brochures, on welcome signs around Mecklenburg County along the highways as you enter the county, on the website and other similar applications.

The expectation is that all County departments use the new logo. The following agencies are not being required to use the new logo: the Public Library, the Sheriff's office, the Elections office, and MEDIC. Director Diehl said it is hoped the entire transition for the use of the logo would take place in one year.

County Manager Jones noted after the conclusion of Director Diehl’s presentation, that he would provide the Board some information on how he envisions the continued use of the seal.

Several Commissioners expressed dissatisfaction with the look of the new logo and concern about it replacing the existing county seal. They feel the new logo, which consist of the initials “MC” only, would not be easily recognized by the public as being representative of Mecklenburg County, since the words Mecklenburg County are not imprinted on the logo.

Comments:

Commissioner Mitchell said there was a lot of history behind the current seal. He said he understands the new logo would not take the place of the County seal, but that he could not support replacing it on the side of County vehicles.

County Manager Jones said that it is not envisioned that the logo would take the place of the County seal. He said the County seal would continue to be used on all official County
documents, i.e. Proclamations, Resolutions and that the communications and marketing logo could be used along with the seal, however is not required.

Commissioner Woodard said looking at the logos currently being used by various departments, she can associate herself with them but not the logo. She feels it will be confusing to the community to have a seal and logo. Commissioner Woodard said she could not support the change.

Commissioner Puckett expressed his dissatisfaction with the appearance of the logo. And, further stated he thinks it runs the risk of replacing the current seal.

Commissioner Rembert did not express support or opposition for the logo; however, she spoke in support of the placement of welcome signs into Mecklenburg County.

Chairman Helms suggested the Board have an opportunity for input on the branding of Mecklenburg County.

Commissioner James addressed the financial aspects of the logo and requested financial information on development and marketing costs.

County Manager Jones said that although he has the authority to implement the new logo, he would not move forward, based on the Board’s comments.

County Manager Jones said he would not implement use of the new logo until such time he has an opportunity to sit down with the Board to work through focus groups or by whatever means necessary to reach a consensus. He said his hope is that the Board would support some type of branding for the County; by either retaining the seal or something else that is a strong symbol. He said staff would continue to evaluate the logo and report back to the Board.

No action was taken or required at this time.

(6B) INTERIM DIRECTOR OF FINANCE

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 1) appoint Sarah A. Heasley as Interim Director of Finance pursuant to N.C.G.S. 159-24, effective December 1, 2006. This action authorizes Sarah A. Heasley to have responsibility for all the statutory duties of the Director of Finance, including signature authority, and 2) approve resolution to appoint Interim Director of Finance, Sarah A. Heasley as Mecklenburg County’s agent of Federal flood mitigation grants as requested by the North Carolina Division of Emergency Management.

Resolution recorded in full in Minute Book 43-A, Document #____.

CONSENT ITEMS

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 following item(s) with the exception of Items 20, 21 and 22 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 8, 2006, Special Meetings held May 18, 2006, January 26 and 27, 2006, and Closed Session minutes of November 8, 2006.
(8) DESTRUCTION OF DOCUMENTS

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina record retention policies.

Note: These records are comprised of:
- 693 commercial plans permitted August 2004 through September 2004
- 1,907 Contractor Notifications from 8/22-9/2/05 & 6/5-8/24/06
- 346 Refunds for 2005
- 859 Dead Bonds
- 11,224 Monthly Transaction Listings (7/98-6/01)
- 3,737 Journeyman Vouchers 5/99 - 12/00
- 637 Credits for 2005
- 2,534 Charge Activity Reports 12/99-5/01
- 293 Daily Revenue Collection Reports (7/25, 8/8, 8/10, 8/25/05)
- Nine (9) boxes of permitting and inspection records. These records have been imaged, stored and migrated to an on-line system for secure retrieval over the Internet.

(9) TAX REFUNDS

Approve refunds in the amount of $2,171.64 to be made by the Finance Department as requested by the Tax Assessor.

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

(10) DSS GRANT AWARD AMENDMENT – NC HELPING NEIGHBORS FUND

Recognize, receive and appropriate $8,074, additional grant award from the NC Helping Neighbors Fund to reimburse assistance provided to FEMA registered Hurricane Katrina evacuees in Mecklenburg County.

(11) HAZARD MITIGATION PROGRAM - TRANSFER OF REUSABLE BUILDING MATERIALS

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.

Resolution recorded in full in Minute Book 43-A, Document # 56.

(12) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1) Accept the “Offer Of Sale Of Land” for the following properties: Gregory A. Moran of 116 Placid Place for $305,000, and Kris D. Tullos of 134 Placid Place for $300,000 and 2) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

(13) CITIES READINESS INITIATIVE GRANT – HEALTH DEPARTMENT

1) Recognize, receive and appropriate $180,000 from the Department of Health & Human Services, Public Health Preparedness and Response and 2) approve the carry forward to the next fiscal year of any unspent grant funds at June 30, 2007.

(14) LATTA RECREATION CENTER LEASE AGREEMENT
Approve a resolution authorizing a ten-year lease agreement between Mecklenburg County and The Charlotte Bridge Association, in partnership, for the operation and maintenance of the Latta Recreation Center for duplicate bridge and for general public recreation use.

*Resolution recorded in full in Minute Book 43-A, Document # 57.*

(15) **KNOX/HOLLINGS PROPERTY ACQUISITION**

Approve purchase of Tax Parcel 017-145-98 (+/- 7.21 acres) at Cordial Lane for $30,000 from Charles Randolph Knox and Richard Wayne Hollings.

*Note: The subject property located in the Huntersville ETJ, lies along a tributary of Torrence Creek and will be incorporated into the Torrence Creek Greenway currently in design. This parcel will provide greenway connectivity to Rosedale Shopping Center and the adjacent residential development.*

(16) **STATE FUNDING FOR REGIONAL PARTNERSHIP – AERIAL MAPPING PROJECT**

Recognize, receive and appropriate State funds in the amount of $8,004 for the Regional Partnership Aerial Mapping Project.

(17) **ALLISON FARM DEED RESTRICTION**

1) Approve placing a permanent restriction on the use of the Allison Farm property to limit its use to outdoor public recreation in perpetuity and 2) Request the Town of Davidson to subordinate the previously recorded lease from the County to Davidson to the recorded restriction.

(18) **GRANT FUNDING FOR MCDOWELL CREEK BMP PROJECT**

1.) Recognize, receive, and appropriate $287,050 in grant funds from the North Carolina Department of Environment and Natural Resources (NCDENR), Division of Water Quality, for the McDowell Creek BMP Project, and 2) Authorize the County Manager to execute the contract with NCDENR, and 3) Authorize the carry-forward of unspent grant funds to subsequent years until completion of project.

(19) **KNOX/WHITEHOUSE PROPERTY ACQUISITION**

Approve purchase of Tax Parcel 017-145-97 (+/- 6.00 acres) at Hickorywood Hill Avenue for $19,000 from Charles Randolph Knox and Mary Hollings Whitehouse.

*Note: The subject property located in the Huntersville ETJ, lies along a tributary of Torrence Creek and will be incorporated into the Torrence Creek Greenway currently in design. This parcel will provide greenway connectivity to Rosedale Shopping Center and the adjacent residential development. County ownership of this parcel will also facilitate the proposed future extension of the greenway under I-77 to points east of the interstate highway.*

(23) **RIGHT-OF-WAY ENCROACHMENT AGREEMENT**

Authorize the County Manager to negotiate and execute a right-of-way encroachment agreement at Rea Road and Elm Lane.
(24) ENGINEERING SERVICES FOR COMPOST CENTRAL

Authorize the County Manager to negotiate a fee and execute a contract with Kimley-Horn for Engineering Services for the master planning, process optimization, and market analysis for Compost Central and in the event that negotiations with this firm are unsuccessful, approve negotiations with HDR Engineering.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(20) GREENWAY DONATION – MCALPINE CREEK TRIBUTARY #6

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 +/- 7.975 acres (part of Tax Parcel 109-281-01) along McAlpine Creek Tributary #6 from D.R. Horton, Inc.

Note: This property is located just north of Lawyers Road and is being donated as a required condition of subdivision approval for Bentcreek Townhomes. This donation will add more than 1700 linear feet to the land assemblage for McAlpine Creek Greenway.

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

(21) GREENWAY DONATION – SUGAR CREEK

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 167-231-03 (+/- 33.2 acres) along Sugar Creek from McDowell Investments, LLC.

Note: The subject property is located along Sugar Creek between South Tryon Street and Arrowood Road. Approximately 70 percent of this parcel lies within the floodplain. This property will be added to the greenway assemblage along Sugar Creek in the Southwest Park District and facilitate future greenway connectivity to the Springfield Subdivision and possibly to Waddell High School.

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

(22) GREENWAY DONATIONS – LITTLE SUGAR CREEK AND WALKER BRANCH TRIBUTARY

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 Little Sugar Creek and Walker Branch Tributary from Rhein Medall Communities:

1) 221-103-93 (0.744 acres)
2) 221-103-94 (0.131 acres)
3) 221-103-95 (0.565 acres)
4) 221-103-98 (0.882 acres)
5) 221-091-06 (8.279 acres)
6) 219-073-99 (6.988 acres)

Note: Portions of parcels 221-103-93, 94, 95, 98 and 221-091-06 are donated by Rhein Medall
Communities based on approved subdivision plans for the Carolina Crossing subdivision. These parcels will add to greenway assemblage along Little Sugar Creek, and are located in the South Park District.

Parcel 219-073-99 is also donated to the County from Rhein Medall Communities based on approved subdivision plans for the Coventry subdivision. This parcel will add to greenway assemblage along Walker Branch Tributary, and is located in the Southwest Park District.

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

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(25) FISCAL IMPACT RESOLUTION (COMMISSIONER ROBERTS)

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 resolution requiring County staff to conduct a fiscal impact analysis on all economic development initiatives in which the County is asked to participate.

Resolution recorded in full in Minute Book 43-A, Document # 58.

COMMISSIONERS' COMMENTS - NONE

REMARKS BY OUTGOING COMMISSIONERS

Commissioners Puckett and Rembert made their outgoing remarks. Amongst other remarks they made, the Commissioners stated they have enjoyed working with County Manager Jones and the entire County staff. They thanked County staff for their dedication and hard work for the citizens of Mecklenburg County.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Rembert, 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 8:12 p.m.
ATTENDANCE

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

 Absent: None.

 CALL TO ORDER

 County Manager Harry L. Jones, Sr. called the Swearing-In Ceremony for the 2006-2008
 Mecklenburg Board of County Commissioners to order.

 County Manager Jones presided until the election of a temporary chairman.

 INVOCATION

 Reverend Michelle Jones of Friendship Missionary Baptist Church gave the Invocation.

 Next was the entrance of the Hornet’s Nest Council Girl Scouts Color Guard for the presentation of
 the colors, followed by the Pledge of Allegiance to the Flag, which was then followed by the singing
 of the Star Spangled Banner by Montana Roberts (daughter of Commissioner Roberts).

 OATHS OF OFFICE, BOARD OF COUNTY COMMISSIONERS

 The Oaths of Office were administered by the Honorable Nancy Black Norelli, District Court Judge
 26th – A Judicial District, State of North Carolina to the following persons who were elected to the
 Mecklenburg Board of County Commissioners in the general election held November 7, 2006 for a
 two-year term expiring Monday, December 1, 2008:

    Jennifer Roberts, At-Large
    H. Parks Helms, At-Large
    Dan Ramirez, At-Large
    Karen Bentley, District 1
    Norman A. Mitchell, Sr. District 2
    Valerie C. Woodard, District 3
    Dumont Clarke, District 4
    J. Daniel Bishop, District 5
    Bill James, District 6

 Copies of the Oaths are on file with the Clerk to the Board.
ELECTION OF TEMPORARY CHAIRMAN

County Manager Jones called for nominations for the election of a Temporary Chairman.

Commissioner Roberts nominated Commissioner Dumont Clarke for appointment as Temporary Chairman, which was seconded by Commissioner James.

There were no other nominations for Temporary Chairman.

Motion was made by Commissioner Helms seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close nominations and elect Commissioner Dumont Clarke as Temporary Chairman of the Mecklenburg County Board of Commissioners by acclamation.

County Manager Jones turned the gavel over to Commissioner Clarke.

ELECTION OF CHAIRMAN

Acting Chairman Clarke called for nominations for the position of Chairman of the Mecklenburg Board of County Commissioners.

Commissioner Helms nominated Commissioner Jennifer Roberts for Chairman of the Mecklenburg County Board of Commissioners, which was seconded by Commissioner James.

There were no other nominations for Chairman.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to elect Commissioner Jennifer Roberts as Chairman of the Mecklenburg County Board of Commissioners.

Note: The chairman serves for one-year and at the end of that first year, the election of a chairman for the remaining year of the two-year term of office is considered again by the Board.

Commissioner Clarke turned the gavel over to Chairman Roberts.

Chairman Roberts thanked the Board for its support.

Chairman Roberts called for nominations for the election of Vice-Chairman.

ELECTION OF VICE-CHAIRMAN

Chairman Roberts nominated Commissioner H. Parks Helms for Vice-Chairman of the Mecklenburg County Board of Commissioners, which was seconded by Commissioner James.

There were no other nominations for Vice-Chairman.

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to elect Commissioner H. Parks Helms as Vice-Chairman of the Mecklenburg County Board of Commissioners by acclamation.

Note: The vice-chairman serves for one-year and at the end of that first year, the election of a vice-chairman for the remaining year of the two-year term of office is considered again by the Board.
REMARKS

Commissioners made remarks in the following order: Commissioners Bishop, Bentley, Mitchell, Woodard, James, Clarke, Ramirez, Helms, and Roberts.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:10 p.m.

Note: A reception followed in the Lobby of the Charlotte-Mecklenburg Government Center.

______________________________ ____________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 5, 2006 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 located at 600 East Fourth Street 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 5, 2006.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
Bill James, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

____________________

-INFORMAL SESSION-

The meeting was called to order by Chairman Roberts, after which the following matters were addressed:

(1)  STAFF BRIEFINGS – NONE

(2A, 2B)  CLOSED SESSION, LAND ACQUISITION, 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 Parcel 081-098-02 (+/- 0.13 acre) at E. 15th Street
- Tax Parcel 069-083-13, a 50’ x 125’ lot, on Dawson Avenue and Tax Parcel 069-084-16
- Tax Parcels 005-071-18 (+/- 14.37 acres) and 005-071-66.

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

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:20 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.

1
Invocation was given by Commissioner Bentley, which was followed by the Pledge of Allegiance to the Flag and then introductions; after which, the following matters were addressed:

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) BOARD OF COMMISSIONERS PLAQUE PRESENTATION

Chairman Roberts presented plaques to members of the 2004-2006 Board of County Commissioners: J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Wilhelmenia I. Rembert, Jennifer Roberts, and Valerie C. Woodard, in recognition of their service to Mecklenburg County Government and the community from 2004-2006.

Note: Commissioner Rembert was present to receive her plaque. Commissioners Helms and Puckett were unable to be present.

(1B) PRESENTATION OF GAVEL

Chairman Roberts acknowledged the absence of Commissioner H. Parks Helms and noted for the record that he was being presented with another plaque displaying a Gavel in recognition of his tenure as Chairman of the Mecklenburg Board of County Commissioners 2004-2006.

(1C) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to induct former County Commissioners Wilhelmenia I. Rembert and Jim Puckett into the Order of the Hornet.

Former Commissioner Rembert thanked the Board for bestowing this honor upon her.

Note: Former Commissioner Puckett was unable to be present.

The Order of the Hornet was established in 1972. It 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.

(1D) SO MUCH TO SEE, SO MUCH TO DO @ YOUR LIBRARY MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating December 2006 as “So Much To See, So Much To Do @ Your Library Month.”

The proclamation was read by Commissioner Woodard and received by Charles Brown, Director, Public Library of Charlotte & Mecklenburg County and Nancy Snyder, Children
Services Manager at Morrison Regional Library and coordinator of this initiative.

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:

David Cable on behalf of the Catawba Lands Conservancy updated the Board on some of their activities. He thanked the Board for its continued support. A plaque was presented to the Board as a token of appreciation.

Valerie McGill addressed local city and county flags and symbols. She spoke in support of keeping the current County Seal as the County’s logo.

Harvey Boyd, designer of the current County Seal, addressed the development and history of the County Seal, which he said he designed almost forty years ago. Mr. Boyd said the seal “describes our country.” He said if you analyze it, it talks about “all of the struggles we’ve been through, all nationalities. It talks about our modern, the things that are happening today and it brings in our past, and for some people they say this is full circle.” Mr. Boyd said this is what makes the County seal a classic in his view. Mr. Boyd said before the County decides to make a change that he would like to offer his service to work with staff to modify it in some way or to consolidate the concept into a new logo. He said until recently, he was not aware that there were as many as thirty different logos representing Mecklenburg County. Mr. Boyd said when he designed the current seal there was a proclamation that said the seal was to be placed on everything that dealt with Mecklenburg County.

Juan Whipple, a local tour guide, spoke in support of keeping the current County Seal. He said he echoed Mr. Boyd’s remarks with respect to the history of the seal, which he shares with visitors. Mr. Whipple said he agrees there are too many different logos representing Mecklenburg County and suggested the County seek input from Mr. Boyd, since he designed the current seal.

Chairman Roberts noted for clarification purposes that the County Manager has said that there is no proposal to do away with the current County Seal. It will continue to be recognized and honored for its significance. Further, that regardless of what happens with the communications/marketing logo, the seal will remain the “official” Mecklenburg County seal.

Chairman Roberts noted also that there were two options being considered by the County Manager. The first is to maintain the seal and to use it as a communication/marketing logo. The second is to maintain the seal but have a separate communication/marketing logo.

County Manager Jones thanked Mr. Boyd for appearing and said he would contact Mr. Boyd regarding his offer of assistance.

Martin Davis questioned Chairman Roberts with respect to her stance on domestic partner benefits for County employees, raising taxes, and illegal immigrants.

Chairman Roberts acknowledged Mr. Davis’ comments but did not respond.

Chairman Roberts thanked all speakers for appearing.

(3) APPOINTMENTS

SHELTER FOR BATTERED WOMEN ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez,

Mr. Alexander is filling a vacant slot.

**WASTE MANAGEMENT ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Waste Management Advisory Board:

Scott Currie  Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts
Angela Haigler  Commissioners Clarke, James, and Woodard
Charles Rogers  Commissioners Bentley, Bishop, Mitchell, Ramirez, and Roberts

Chairman Roberts announced the appointment of Scott Currie and Charles Rogers to the Waste Management Advisory Board.

*Note: Scott Currie will fill an unexpired term expiring March 14, 2007 and Charles Rogers an unexpired term expiring October 5, 2007.*

*They are replacing Thomas Atwood and Mary Herold.*

(4) **PUBLIC HEARINGS – NONE**

(5) **ADVISORY COMMITTEE REPORTS – NONE**

(6) **MANAGER’S REPORT – NONE**

(2A1) **CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel 081-098-02 (+/- 0.13 acre) at E. 15th Street for $22,000 from William C. Davis.

*Note: The subject property is located near Little Sugar Creek in the Belmont Community. This parcel is surrounded by County land previously acquired for greenway, park and watershed protection purposes.*

(2A2) **CLOSED SESSION - LAND ACQUISITION**

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange Tax Parcel 069-083-13, a 50’ x 125’ lot, on Dawson Avenue for a portion of Tax Parcel 069-084-16 (7.34 acres).

*Note: The parcel (069-084-16) to come under County ownership is along Stewart Creek and largely within the floodplain. If exchanged, this parcel will add to greenway assemblage along the creek. A small portion of the parcel will be excluded from the exchange to increase the depth of three existing lots.*

*Resolution recorded in full in Minute Book 43-A, Document # _____.*
(2A3) CLOSED SESSION - LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to 1) approve the purchase of Tax Parcels 005-071-18 (+/- 14.37 acres) and 005-071-66 (+/- 4.831 acres) for $1,567,500 from Westmoreland Athletic Complex, LLC. 2) Authorize the County Manager to negotiate and execute a 40-year lease with the Town of Cornelius for development and management of the site as an athletic complex.

Note: The Town of Cornelius has requested the County acquire and subsequently lease to the Town, the subject properties for the development and management of an athletic complex. These parcels are adjacent to the proposed reconfigured boundaries of Robbins Park. Robbins Park is currently subject to a land exchange with Westmoreland Communities, LLC.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following items:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 21, 2006 and Closed Session minutes of November 21, 2006.

(8) TANF REPLACEMENT OF IV-E ADMINISTRATIVE FUNDING – DSS

Recognize and receive additional federal funds in the amount of $149,489 in the DSS FY07 budget and reduce County funding.

Note: Through the State of North Carolina, the Department of Social Services has received an additional TANF allocation in the amount of $149,489, to replace the loss of federal Title IV-E Administrative funding. These funds will replace County funds appropriated to cover the loss of Title IV-E Administrative funding during the FY07 budget process.

(9) VEHICLE PURCHASES – DSS

Approve the purchase of four 25-foot light transit vehicles equipped with wheelchair lifts.

Note: The North Carolina Department of Transportation provides funding for the capital requirements of the Mecklenburg County Department of Social Services’ Mecklenburg Transportation System. The purchases will be made through National Bus Sales & Leasing, Inc. on State Contract #500424, at a unit cost of $49,540. Funds granted by the State require the utilization of a State contract to qualify for reimbursement. These funds will allow for the replacement of older vehicles in the fleet and provide trips to adult day cares, sheltered workshops for the disabled, and transportation related to the Senior Nutrition program. The total cost of these vehicles is $198,160. A County match of $20,176 is required, which will be met by existing allocations in the DSS FY07 budget.

(10) POSITION REQUEST – LUESA – WATER QUALITY DIVISION

Approve two Environmental Assistant positions for the Water Quality Division of LUESA – Water & Land Resources.
(11) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
JCPC FUNDING

1) Rescind the portion of the action taken on June 20, 2006, with respect to Item 12, part 2 that dealt with the recognition, receipt, and appropriation of $15,867.

Action Taken: 2) Apply for Juvenile Accountability Block Grant (JABG) funding and upon award of the grant, recognize, receive and appropriate $15,867 to the JCPC.

and instead

2) Recognize, receive and appropriate $14,280 in Juvenile Accountability Block Grant funding from the North Carolina Division of Governor’s Crime Commission.

Note: On June 20, 2006, the amount to be recognized, received, and appropriated per the award of the grant was incorrectly stated. The amount should have been $14,280 rather than $15,867. The $15,867 reflected the 10 percent match ($1,586.67) which would be met by the Juvenile Crime Prevention Council.

(12) STATE GRANT APPLICATION – AREA MENTAL HEALTH AUTHORITY

1) Approve submission of a one-year grant application in the amount of $194,969 for Children’s Developmental Services to provide early intervention to families with pre-term infants.

2) Recognize, receive and appropriate funds for the amount awarded for fiscal year 2008.

(13) UNC CHARLOTTE NATURAL HISTORY COLLECTIONS

Recognize and accept donation of the UNC Charlotte Natural History Collections.

Note: UNC Charlotte offers Mecklenburg County Park and Recreation on permanent loan, the natural history collections of the University. The collections (herbarium and zoological collections) contain over 60,000 specimens collected over 40 years throughout the region. The donation has been valued at over $750,000. The collections offer students, researchers, the public, and Division of Natural Resources staff an incredible resource for future land planning and natural areas management. They are currently heavily used by staff for research. The collection will be permanently housed at Reedy Creek Nature Center and made available to the public.

(14) WORK FIRST DEMONSTRATION GRANT – (STIPEND) DSS

Recognize, receive and appropriate federal TANF funds in the amount of $200,000 for the Work First Demonstration Grant.

(15) 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.

Note: Whitney Hodges and Jordon Cook are hereby designated as Review Officers in addition to those persons already designated. The names Kimberly Reilly, Jorge Peralta, Rawls Cosenthader, David Weatherman, Scott Moore, Pam Holbrooks, Mary Sandkam, and Joshua R. Watkins shall be deleted.
(17) SET PUBLIC HEARING FOR 2007 CERTIFICATES OF PARTICIPATION (COPS) SALE

Schedule a public hearing for December 19, 2006, 6:30 p.m. regarding the 2007 Certificates of Participation (COPS) Sale.

Note: This item is intended to set a public hearing to encompass the prior approved COPs amount of $117,135,000 and include an additional amount for school facilities. The total amount requested to be approved for issuance of COPs is yet to be determined. The Board will be asked to hold a public hearing and approve a resolution at the December 19 meeting to finalize the amount of the 2007 COPs sale.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(16) 2007 BOARD OF COUNTY COMMISSIONERS’ MEETING SCHEDULE

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the 2007 Board of County Commissioners’ Meeting Schedule.

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

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 Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:39 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
### MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 5, 2006 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 5, 2006. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

#### ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners 
Karen Bentley, J. Daniel Bishop, Dumont Clarke 
Bill James, Norman A. Mitchell, Sr. 
Dan Ramirez and Valerie C. Woodard 
County Manager Harry L. Jones, Sr. 
County Attorney Marvin A. Bethune 
Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields, Associate General Manager Michelle Lancaster, Interim Finance Director Sarah Heasley, Wanda Reeves of Finance, Nancy Brunner, Jacqueline McNeil, and Steve Law with Real Estate Services

#### (2A1) LAND ACQUISITION

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcel 081-098-02 (+/- 0.13 acre) at E. 15th Street for $22,000 from William C. Davis.

*Note: The subject property is located near Little Sugar Creek in the Belmont Community. This parcel is surrounded by County land previously acquired for greenway, park and watershed protection purposes. It was noted, per an inquiry by Commissioner Ramirez, that something could be built on the property because it’s not in the floodway.*

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcel 081-098-02 (+/- 0.13 acre) at E. 15th Street for $22,000 from William C. Davis.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman

1
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 5, 2006 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 5, 2006. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
Bill James, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Associate General Manager Michelle Lancaster, Interim Finance Director Sarah Heasley, Wanda Reeves of Finance, Nancy Brunner, Jacqueline McNeil, and Steve Law with Real Estate Services

(2A2) LAND ACQUISITION

Jacqueline McNeil with Real Estate Services addressed the proposed exchange Tax Parcel 069-083-13, a 50’ x 125’ lot, on Dawson Avenue for a portion of Tax Parcel 069-084-16 (7.34 acres).

Note: The parcel (069-084-16) to come under County ownership is along Stewart Creek and largely within the floodplain. If exchanged, this parcel will add to greenway assemblage along the creek. A small portion of the parcel will be excluded from the exchange to increase the depth of three existing lots.

Motion was made by Commissioner Clarke, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange Tax Parcel 069-083-13, a 50’ x 125’ lot, on Dawson Avenue for a portion of Tax Parcel 069-084-16 (7.34 acres).

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 5, 2006  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 5, 2006. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present:  Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
Bill James, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:  Commissioner H. Parks Helms

Also Present:  General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Associate General Manager Michelle Lancaster, Interim Finance Director Sarah
Heasley, Wanda Reeves of Finance, Nancy Brunner, Jacqueline McNeil, and
Steve Law with Real Estate Services

(2A3) LAND ACQUISITION

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcels 005-071-18 (+/- 14.37 acres) and 005-071-66 (+/- 4.831 acres) for $1,567,500 from Westmoreland Athletic Complex, LLC.

Note:  The Town of Cornelius has requested the County acquire, and subsequently lease to the Town, the subject properties for the development and management of an athletic complex. These parcels are adjacent to the proposed reconfigured boundaries of Robbins Park. Robbins Park is currently subject to a land exchange with Westmoreland Communities, LLC. It was noted that the Town of Cornelius would like the Board to view this purchase as an independent project and not in connection with Robbins Park.

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the purchase of Tax Parcels 005-071-18 (+/- 14.37 acres) and 005-071-66 (+/- 4.831 acres) for $1,567,500 from Westmoreland Athletic Complex, LLC.

Janice S. Paige, Clerk  Jennifer Roberts, Chairman
DECEMBER 5, 2006 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 5, 2006. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
Bill James, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

Also Present: General Managers Janice Jackson, John McGillicuddy, and Bobbie Shields,
Associate General Manager Michelle Lancaster, Interim Finance Director Sarah Heasley, Wanda Reeves of Finance, and Jeff Edge with the Charlotte Chamber of Commerce

(2B) BUSINESS LOCATION AND EXPANSION

General Manager Bobbie Shields gave an update report regarding a Shutterfly. This matter was previously presented to the Board on November 8, 2006.

Highlights:

- Shutterfly will fall under the County’s Economic Development Grant Program, rather than the Charlotte-Mecklenburg Business Investment Grant Program, because it’s outside of city limits.
- Shutterfly is an Internet-based photography printing and publishing service founded in 1999 with its headquarters in California’s Silicon Valley.
- The company plans to initially invest $34.5 million in new taxable property and employ 233 people at an average wage of $40,000 by 2009.
- In 2009, the company plans to build a new data center.
- The local site under consideration is off of Shopton Road in unincorporated Mecklenburg County.
- Mecklenburg County is competing with Louisville, KY and Philadelphia, PA for this business investment.
- The firm contemplates a phased approach.
- Its initial investment is estimated at $34.5 M. $1.5 M in buildings and infrastructure, 30 M in machinery & equipment, 3 M in IT equipment for the data center.
• It’s staff’s understanding, per the Charlotte Chamber, that the State has indicated its intent offer the firm a $250k grant from the One North Carolina Fund as long as they can obtain a local government match.

• Although the grant would break even with respect to county services w/o a grant and although if a grant is awarded it’s estimated at a negative NPV of $676k over 15 years, it’s being recommended because it will do the following:
  o Have a positive impact on 2 balanced scorecard measures i.e. New business growth rate and the new jobs growth rate
  o Attract a west coast, high-tech firm in a targeted market
  o Increase the tax base.
  o It makes sense for the County to offer this incentive grant only if the data center is built.

• The Board was asked to consider directing the County Manager to move forward with negotiating with Shutterfly for the award of an 8 year investment grant as outlined.
• Also, to authorize the County Manager to submit the County’s portion of the One NC Grant application.

Commissioner Bishop asked for clarification with respect to the investment to be made, which was addressed by General Manager Shields.

General Manager Shields said if the data center is built, then the total investment in the community would be approximately $105 million.

Commissioner Woodard asked what’s the difference between the report today and the one received on November 8, 2006. The response was that Shutterfly will commit to building the data center.

Commissioner James asked whether staff took into consideration that some of the potential jobs would probably be occupied by residents from other counties, such as Gaston. The response was yes.

Commissioner James asked what would happen if Shutterfly builds the data center and later experience financial problems. The response was that if Shutterfly was to go into bankruptcy, there would be a claw back provision in the County’s contract.

Commissioner Clarke noted that this was a “high” growth company.

Mr. Edge said the Chamber envisions this company really “taking off” and that Charlotte will be its east coast facility. Mr. Edge also confirmed that the State will offer the firm a $250k grant from the One North Carolina Fund as long as they can obtain a local government match.

Commissioner Bishop expressed concern for the company coming back later and wanting more incentives.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 5-3 with Commissioners Clarke, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and James voting no, to authorize the County Manager to move forward with negotiating an 8 year business investment grant to Shutterfly, contingent upon the company making the initial $34.5 million investment and building the approximately $75 million data center.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to end Closed Session.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 12, 2006 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 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, December 12, 2006.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, Norman A. Mitchell, Sr., Bill James, and Dan Ramirez. County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune. Clerk to the Board Janice S. Paige.

Absent: Commissioners H. Parks Helms and Valerie C. Woodard.

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

The meeting was called to order by Chairman Roberts. The following topics were discussed.

(1) PROJECT DEVELOPMENT FINANCING PROPOSAL: PROJECT BRYTON

The Board received information regarding a possible strategy that could enable Mecklenburg County and the Town of Huntersville to provide project development financing for Project Bryton.

Commissioners Bishop and Clarke entered the meeting during this time.

General Manager Bobbie Shields reported on this matter. General Manager Shields said a more in depth presentation would be made with respect to Project Bryton at the December 19, 2006 meeting. This update was being provided in advance to allow additional time for board members to prepare questions or inform staff of any public policy issues or concerns.

Highlights

- On April 4, 2006, the Board authorized the County Manager to outline conceptual business terms pursuant to a joint economic development agreement with the Town of Huntersville and the Project Bryton development team. The Project Bryton Development Team is a joint venture with the Town of Huntersville and two local firms, American Asset Corporation and Rhien-Medall Communities.

- Project Bryton is a mixed-use project that is proposed for the southeastern corner of the Town of Huntersville. The project will be situated on a 400-acre site east of Old Statesville Road (N.C. 115) and Hambright Road intersection. The development program for this project contemplates residential construction of varying densities, as well as retail, restaurant, and other commercial development including a business park with space designated for general office and medical facilities.

- The site has been rezoned to accommodate the proposed development, however there are...
significant infrastructure costs that make the development of the site difficult.

Due to the significant infrastructure costs, the development team is seeking financial assistance from Mecklenburg County and the Town of Huntersville in order to complete the following:

- Relocate a rail line;
- Construct offsite road improvements;
- Extend a thoroughfare road for the proposed project, and possibly
- Build a multi-functional parking deck.

One key outstanding issue for County staff was to identify and evaluate available financing options that could enable Mecklenburg County and the Town of Huntersville to participate in this project.

A possible strategy that could achieve this objective is to use Certificates of Participation (COPS) financing.

American Asset Corporation and Rhien-Medall Communities would grant the County a first lien on their respective portions of the site.

The estimated value of the property, unimproved is $30 million.

Commissioner Bentley asked about Charlotte-Mecklenburg Schools' involvement in this and the response was that they were aware of the proposal.

No action was required at this time. As stated above, this matter will be on the Board’s December 19, 2006 agenda for consideration.

A copy of a letter from the developers is on file with the Clerk to the Board.

(2) URBAN PARKS AND CENTER CITY LAND SWAP

The Board received a presentation regarding urban parks and the County Manager’s simplified approach to the land swap concept.

General Manager Bobbie Shields reported on this matter. General Manager Shields said this matter would be on the Boards December 19, 2006 agenda for consideration.

Highlights

On December 20, 2005, the Board authorized the County Manager to participate with Charlotte Center City Partners and other appropriate parties in a concept development process with respect to a proposal outlined by Michael Smith, president of Charlotte Center City Partners. The proposal had the following objectives:

1. Optimize the location of the Third Ward Park with frontage on Tryon Street;
2. Bring baseball back to the Center City Charlotte; and

Since that time, the parties have discussed conceptual business terms and specific transactions necessary to achieve the objectives.

General Manager Shields gave a detailed review of actions taken by County staff pursuant to those objectives, which consisted of a review of the following:

- Actions taken by the Board pursuant to urban parks in Second and Third Wards
- November 2, 2006 Memorandum from County Manager Jones to City Manager Syfert
- Public Assets-Value before and after land swap
Highlights

- Since 2001 the County has been trying to build a park in Third Ward.
- Reference was made to the 2010 Vision Plan.
- Reference was made to the recommendations of consultants with respect to the location of a park.
- There is no net lost of public value as a result of the proposed land swap.
- Spectrum/Mass Mutual are ready to move forward with their plans and need to know if the County wants to participate.
- At the Board’s December 19, 2006 meeting representatives from Spectrum/Mass Mutual and Knights Baseball will be present to address the Board regarding their respective proposals.
- Staff would like to talk with Charlotte-Mecklenburg School officials about the possibility of housing their administrative offices in the Charlotte-Mecklenburg Government Center.
- This is still a very complex issue.
- Non-binding Memorandums of Understanding are needed in order to take the next steps.
- $9.1 million is estimated annually in new economic revenue.
- If the park remains at the current site, it will not generate much economic development.
- The goal was for the park to be placed in the right location in order to generate economic development.

Comments

Commissioner James referenced the 2010 Plan, the Third Ward Plan, and the Board’s Baseball Committee report. He said the 2010 Plan and/or the Third Ward Plan concept was for the County to buy the two blocks it currently owns for a park and to build and allow spur development of high-rise residential development around it. Commissioner James said this is why the current location was selected.

Commissioner James said the economic development numbers shown in tax revenues can be generated as well by building multi-family high-rise development around the existing park area.

General Manager Shields noted that he staffed the baseball committee and also served on a staff committee concerning baseball. General Manager Shields said when the debate from a staff perspective came down to a park or baseball stadium in Third Ward, staff “quickly” said it should be a park.

Commissioner James said he recalled that baseball was okay for the Memorial Stadium site. He noted other sites studied also. Commissioner James said the Memorial Stadium site was the preferred site of the Baseball Committee and not the Third Ward site.

Commissioner James said in his opinion that’s why when the 2004 ballot issue came up “Parks” and others who would have been “gung ho baseball” didn’t have a problem placing the restricted language on the ballot.

Commissioner James asked that it be noted in the minutes that the economic development numbers summarized by General Manager Shields are “no better or worst” than the economic development numbers planned for with having multi-family high-rise development.

Commissioner James said it just takes longer for the multi-family high-rise to build out as opposed to the alternative of more commercial development.

Commissioner James said the big difference, in his opinion, is that the Board specifically went
into this with that early plan to design a residential park. He said with respect to the Civitas report what occurred there was that “certain people” in Uptown wanted a commercial park.

Commissioner James also referenced the Center City Partners proposal.

Commissioner James said with respect to Spirit Square contributing to the bottom line as outlined by staff that he would contend that the County could get the same money from Spirit Square without doing the land swap deal.

Commissioner James said that staff when presenting the economic development argument for this proposal should also present the argument that generated the original vote that resulted in the decision to put a park there in “the first place.”

Commissioner James said he recalled that on the eve of the defeat of the arena bond referendum, the Board went into Closed Session and voted to pursue condemnation against Wachovia because Wachovia was trying to save it for the arena. He said when the arena bond referendum failed, Wachovia decided to let the County have the property.

General Manager Shields noted that records show that during that same time referenced by Commissioner James that the County was also building a courthouse. He noted at that time that staff thought the better site for a courthouse would be on Trade Street. He said more than $500,000 was spent designing a courthouse on Trade Street. Also, that the Board went through a process and decided to build the courthouse where the parking deck was and this is what was done. General Manager Shields said the point he wanted to make was that $500,000 spent to design a courthouse on Trade Street was not recovered. Thus, he said the precedent for the County to start a design and then finding out later that it’s not the right site because of other things occurring and then designing somewhere else was there already.

Commissioner James said the County should not be presenting an economic development argument about the number of jobs that are going to be created and the amount of money generated, “when if you did the exact same thing (the current plan for a park) the County would still get the money from Spirit Square, still create jobs, still have about a quarter of a million or three quarters of million dollars in real estate, if the County does nothing except what the County has been planning all along.

Commissioner James said he would like to see an economic development comparison between what was presented in the original proposal, adjusted for current dollars, that original proposal being what was in the Third Ward Plan or the 2010 Plan or whatever it was in 1998 or 1999 and the current proposal.

Commissioner James wants Spirit Square eliminated from the economic development comparison because “it has no impact on the bottom line” because it’s going to be sold regardless.

Commissioner James wants factored into the economic development comparison the fact that the County already has $9 million for the Third Ward park.

Commissioner James said when the City of Charlotte wanted to place the arena in this area, they were willing to close Third Street. He feels if the County pursues its current plan that the City of Charlotte will agree to close Third Street.

General Manager Shields said it’s very unlikely that the City of Charlotte will close Third Street. He said staff pursued this very hard previously.

Chairman Roberts asked General Manager Shields if staff already has information with respect to economic development had baseball not been a part of this proposal. The response was no and that staff would have to make some big assumptions regarding what development might occur and when.

General Manager Shields said to his knowledge no developers have come forward with plans for
development around the current site. He said they might at some point but he has no way of knowing this.

General Manager Shields said the economic development information with respect to the land swap proposal is based on actual developments that have been proposed.

General Manager Shields said he’ll try to find something to address Commissioner James’ concern but is not sure if there is anything available.

General Manager Shields said staff was ready to proceed, however, directed by the Board.

General Manager Shields said the new proposed park site would provide a connector to Wachovia’s cultural arts campus. He said there is a lot of synergy that wasn’t there before to having the park at this location with the new cultural arts. He said there are a lot of advantages above and beyond what has been outlined. As well as, above and beyond what Civitas knew at the time of their recommendation. He said there’s new information favorably supporting the earlier recommendation from Civitas.

Commissioner Bishop said if the County’s objective related to its core mission of providing a park (and he noted that he somewhat agrees that a park appending Tyron Street would be “superior” to one at the current location, particularly if it’s divided by Third Street), then the County should condemn the site, buy it, and build the park, and take the County’s $28 million property and sell it. He said if the County was to do this then it could accomplish its goal of improving the park the site.

General Manager Shields said the County could go through the condemnation process.

Attorney Bethune concurred that the County could condemn the Mass Mutual site for a park and sell the two lots the County owns and is referred to as the Third Ward Park site. He said the money would have to be reinvested in other land.

Commissioner Bishop said if condemnation is an option then why does the County need to be involved in all of the current proposals. The response was because the County also approved the Second Ward Vision Plan and that if the County simply condemns then you still have Marshall Park being unused. Further, the new proposal would jump start the Second Ward Vision Plan and working in partnership rather than through condemnation.

Commissioner Bishop asked would the County not produce greater opportunity and subject itself less to the time pressure that appears to be involved in the new proposal if the County said it was going to buy the property on Tryon Street and build a park and as for the Second Ward Master Plan, the County would proceed to then entertain proposals from developers to compete for the most efficient, least cost option for the County to see that Second Ward Master Plan vision carried forward.

General Manager Shields said that was the path the County was on and noted Commissioner Bishop’s reference to buying the property but Mass Mutual was not interested in selling their property, that they County never mentioned condemning the property.

Commissioner Bishop suggested the following scenario, government has this plan (Second Ward Master Plan) that it wants to move forward; it has property assembled; ask developers to come forward and show the County what their ideas are. Commissioner Bishop said perhaps someone would come forward with a plan that’s better than the one being proposed. Thus, the County wouldn’t have to pay $3million dollars to move the water facility and make road improvements, etc.

General Manager Shields said “in concept” he agreed with Commissioner Bishop and that’s what staff wanted to do but staff knows that when a Request for Proposal is issued (noting that this was tried with the Hal Marshall property) developers are not just going to come in and buy the property and develop it. He said what the developers will want is for the County to give them the property and they will in turn partner with the County to develop the property. He said this is
what typically happens.

County Manager Jones said the question is what public purpose is the Board trying to achieve. He said one of the points made by some members of the Board is that the location of a park closer to Tryon Street makes greater sense. County Manager Jones said to have the park closer to Tryon Street would require placing the park on land the County doesn’t own. The question then becomes how do you get control over that land. He said that then leads you to a few more options, 1) you have a revenue source or source of funding you can acquire the land with, given the owners willingness to sale; or 2) use the powers of government and through condemnation.

County Manager Jones said what the County has is a property owner who agrees with the concept that having the park closer to Tryon Street makes more sense. However, the “quick pro quo” for the property owner is that he is willing to trade that property with the County if the County is able to assemble some other property that the owner can obtain to develop that would also help to expand the tax base.

County Manager Jones said the Board needs to frame this issue in the context of what public purpose are you trying to achieve and how do you get your hands on the land without going through a process of condemnation.

Chairman Roberts suggested that what the Board needs to focus on at this point is looking at the outlines of the Memorandums of Understanding, the purpose of what’s being proposed and try to get a handle on the details but make a decision as to whether or not this fits with the mission of the best and highest use of those properties along our mission as a county.

Chairman Roberts noted that she was “on the fence” with respect to should this occur now, but after having read more and speaking with involved parties and looking at the Master Plans, and looking at what this is going to do and knowing that properties have set vacant for years and not been used as they could have, and being aware of the Civitas report, she has come to the conclusion that this is actually a “good” deal for the County.

Commissioner Clarke said when he came on the Board there was a lot of the debate over this land (the Third Ward property). He said it was an interesting bi-partisan collaboration between Commissioner James and former Commissioner Becky Carney. He said what he finally figured out was that Commissioner James was really interested in making sure the Mayor and Charlotte City Council couldn’t get that land for the arena. Commissioner Clarke said this is really how the County came about purchasing this land.

Commissioner Clarke said he views this as an opportunity to get two urban parks, one in Third Ward and one in Second Ward. He said you get a new headquarters for Charlotte-Mecklenburg Schools; a redevelopment of Brooklyn Village; and it’s supportive of the cultural arts facilities. The park would be where the people are; plus you get a baseball stadium that will be built by the team and not the County.

Commissioner Clarke said when he voted for the restricted language in the 2004 park and recreation bond, he did so with the understanding that the purpose of that language was to prevent any spending of that bond money for the “construction” of a stadium.

Commissioner Mitchell expressed his support for moving forward.

Commissioner Ramirez asked for clarification with respect to Spirit Square, which was addressed by General Manager Shields.

Commissioner Bentley asked General Manager Shields if he thought the historic nature of the old First Baptist Church would impede in any way the ability to sell Spirit Square and the response was no.

Commissioner Bentley with respect to the Brooklyn Village vision statement asked about status the of Charlotte-Mecklenburg Schools (CMS) placing a high school in the area. General Manager Shields said that would be the sole decision of CMS.
Attorney William Diehl was present and asked to speak to this matter.

Attorney Diehl said after listening to the discussion, it seems that the Board has already made up its mind with respect to the land swap matter.

Attorney Diehl suggested the Board “carefully” look at the history of this and if the real issue is how do we get around what the people voted to do. Attorney Diehl referenced the passage of the 1999 bond referendum to buy land with bond money for open space. Attorney Diehl said a baseball park is not open space. Attorney Diehl said the 2004 bond referendum authorized the acquisition of land among other things, for open space and that there was language on the ballot that said a baseball park was not going to be on the open space.

Attorney Diehl said the presentation made by General Manager Shields was very appealing, but that it’s not okay to build a baseball diamond on the Third Ward site despite all of the glowing economic reports that the Board has.

Attorney Diehl said if the County puts a baseball park on this property that the Board’s real lost is going to be in public confidence. He said despite the great economic impact of this, the Board should consider the concept of what it has done and what the people voted and that it’s a matter of integrity, which is “priceless.” Attorney Diehl said the Board’s concern should be one of integrity and not money.

Commissioner Mitchell asked Attorney Diehl who he was representing.

Attorney Diehl said he would not disclose that information but that he has been working on this for about six weeks. Attorney Diehl said when a lawsuit is filed there will be a plaintiff, if the County approves this proposal and that it will not be him.

Chairman Roberts said the County would work very carefully to ensure that any legal restrictions on any expenditure that exists are followed.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to Consult with the Attorney.

The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 6:07 p.m.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

(3) MECKLENBURG COUNTY POST-CONSTRUCTION ORDINANCE

This matter was not discussed because of time constraints. It will instead be addressed at the December 19, 2006 meeting.

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner James, and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 6:07 p.m.

______________________________  ____________________________
Janice S. Paige, Clerk                Jennifer Roberts, Chairman
ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
Bill James, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard
General Manager Bobbie Shields
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: *Commissioner H. Parks Helms

*Note: Commissioner Helms participated in the discussion of Items 6a and 25, only, via teleconference.

-INFORMAL SESSION-

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

The meeting was called to order by Chairman Roberts, after which the following matters were addressed:

(1A) STAFF BRIEFINGS - MECKLENBURG COUNTY POST-CONSTRUCTION ORDINANCE

The Board received a report from Rusty Rozzelle, Water Quality Program Manager regarding a Mecklenburg County Post-Construction Ordinance.

Commissioners Bishop and Woodard entered the meeting during this time.

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

Note: Mecklenburg County and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville are required by their joint Phase II Storm Water Permit to develop and implement an ordinance to control and treat storm water pollutants from new developments. The deadline for the adoption of the ordinance is July 1, 2007. Mecklenburg County is required to implement this post-construction ordinance for the approximately two (2) square mile area near the Town of Pineville that remains under County zoning jurisdiction. The City of Charlotte is required to implement a similar ordinance for their zoning jurisdiction.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and carried
7-0 with Commissioners Bentley, Bishop, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to acknowledge receipt of the report from Rusty Rozzelle, Water Quality Program Manager regarding a Mecklenburg County Post-Construction Ordinance and to schedule a public hearing to receive citizen input on a Mecklenburg County Post-Construction Ordinance at the Board’s January 17, 2007 meeting.

(2A)(2B) CLOSED SESSION – A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), B) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced that one of the Consult with Attorney matters had to do with the Adelphia Bankruptcy proceedings.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to go into Closed Session to A) To Prevent Disclosure of Information that is Confidential Pursuant To G.S. 105-259. (G.S. 143-318.11(A) (1) and B) Consult with Attorney.

The Board went into Closed Session at 5:45 p.m. and came back into Open Session at 6:15 p.m. Commissioner Clarke 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 16, 17, 20, 21, and 23.

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

- FORMAL SESSION -

Invocation was given by Commissioner Bentley, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the following matters were addressed:

PROCLAMATIONS AND AWARDS

(1A) KETNER EMPLOYEE PRODUCTIVITY AWARD

The Board recognized the Office of the Tax Collector and IST as recipients of the Ketner Employee Productivity Award from the N.C. Association of County Commissioners (NCACC).

Neal Dixon, Tax Collector addressed the award and introduced employees involved with the project.

Note: Each year, the N.C. Association of County Commissioners presents Ketner Employee Productivity Awards. It is sponsored by Ralph W. Ketner, co-founder of Food Lion, and recognizes productivity enhancements that improve the efficiency of county programs, services and general administration. Improvements are seen as delivering the same level of service for less money, rendering a higher level of service at the same cost, or avoiding future cost increases.

Mecklenburg County's Office of the Tax Collector and IST were presented with the award during the NCACC's 99th annual conference for the Privilege License System (PL-Sys).
The Windows based PL-Sys program is a Web-based intranet application that allows for faster, easier and efficient processing of new and existing privilege licenses. The system also allows other Mecklenburg County departments access to information of their particular interest in real time, providing seamless integration with other pivotal county operations such as tax collections.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Valerie McGill addressed the U.S. Dept. of Housing and Urban Development Action Plan that she said was discussed at a recent Charlotte City Council meeting. She also addressed the Regional Housing Consortium, which said was a partnership between the City of Charlotte and Towns of Cornelius, Pineville, Matthews, Mint Hill, and Huntersville. Ms. McGill said despite the provision of funds made available, there is still a need for low income housing. She said that she was still waiting to receive assistance.

Martin Davis addressed the Chairman’s Swearing-In Statement as it relates to statements he said that were made with respect to women in a male dominated society.

Joyce Waddell, on behalf of Family and Housing Connection, addressed the need for low income housing in the Center City.

(3) APPOINTMENTS – NONE

(1A) STAFF BRIEFINGS - MECKLENBURG COUNTY POST-CONSTRUCTION ORDINANCE

Chairman Roberts noted for the record that a public hearing would be held on January 17, 2007 to receive citizen input with respect to a Mecklenburg County Post-Construction Ordinance.

Note: Mecklenburg County and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville are required by their joint Phase II Storm Water Permit to develop and implement an ordinance to control and treat storm water pollutants from new developments. The deadline for the adoption of the ordinance is July 1, 2007. Mecklenburg County is required to implement this post-construction ordinance for the approximately two (2) square mile area near the Town of Pineville that remains under County zoning jurisdiction. The City of Charlotte is required to implement a similar ordinance for their zoning jurisdiction.

The Board took action to set the public hearing during the Staff Briefing portion of the meeting as previously noted in the minutes.

(4A) PUBLIC HEARING CERTIFICATES OF PARTICIPATION (COPS) SALE

Prior to the Public Hearing with respect to the Certificates of Participation Sale, Commissioner Bentley addressed the addition of Ridge Road Middle School to the list of School projects.

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and carried 6-3 with Commissioners Bentley, Bishop, Clarke, James, Ramirez, and Roberts, voting yes and Commissioners Helms, Mitchell, and Woodard voting no, to amend the amount of the Certificates of Participation to be discussed and a public hearing held on, from $124,135,000 to $136,135,000.

Commissioner Bentley said the increased amount would be for the addition of a new middle school in the Ridge Road area, known as Ridge Road Middle School. Commissioner Bentley said this would be for the inclusion of construction money because designed dollars have already
been approved.

Commissioner Bentley said this middle school will relieve the severe overcrowding at Alexander Middle School. Commissioner Bentley said that according to the Huntersville Police Department, Alexander Middle is becoming increasing volatile. Commissioner Bentley said volatility leads to disruption of the learning environment. She would like to see Ridge Road Middle populated by 09.

Commissioner Bentley asked that it be noted for the record that her desire to have Ridge Road Middle added, does not mean she was not supportive of Elon Elementary. She plans to support the inclusion of Elon, as well.

*Note: Commissioner Helms was absent physically from the meeting but participated in the discussion of this item via teleconference.*

**PUBLIC HEARING**

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 $136,135,000, 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 December 9, 2006.

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open the public hearing regarding financing the Courthouse, Schools, Law Enforcement Facilities, Community College Facilities, County Facilities, and Library Facilities through Certificates of Participation.

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:

**Julia Kelada,** 10528 Stallions Glen Lane, Charlotte, N. C. 28277, spoke in support of the schools recommended by the Charlotte-Mecklenburg Board of Education and specifically, Elon Park elementary school.

There were no other speakers.
After the Board had heard all persons who had requested to be heard, Commissioner Clarke
moved that the public hearing be closed. The motion was seconded by Commissioner Woodard and
was unanimously adopted.

* * *

Commissioner Clarke 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 forms of the following:

1. An Installment Financing Agreement to be dated as of February 1, 2007 (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, 2007 (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, 2007 (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, 2007 (the
   “Liquidity Facility”) between the County and a provider (the “Bank”); and

7. A Remarketing Agreement dated as of February 1, 2007 (the “Remarketing
   Agreement”) among the County, the Corporation and Wachovia Bank, National
   Association (the “Remarketing Agent”).

WHEREAS, the Board of Commissioners of the County wants 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.
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.

The County Manager, the Director of Finance and any Deputy or Interim 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 employees of the County relating to such matters are hereby approved, ratified and confirmed.

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, any Deputy or Interim 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.

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.

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, the Director of Finance, or any Deputy or Interim 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.

The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy or Interim 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, or any Deputy or Interim 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 $124,135,000), 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, the Director of Finance or any Deputy or Interim Director of Finance, shall conclusively evidence approval of all such details of the financing.

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.

This Resolution shall become effective immediately upon its adoption.

Commissioner Woodard seconded the motion.

Substitute Motion was made by Commissioner Bentley, seconded by Commissioner Bishop and failed 5-4 with Commissioners Bentley, Bishop, James, and Ramirez voting yes and Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no, to adopt a Resolution Authorizing And Approving An Installment Financing in the amount of $136,135,000, which
would include the addition of a new middle school in the Ridge Road area, known as Ridge Road Middle School.

The vote was then taken on the original motion by Commissioner Clarke and seconded by Commissioner Woodard and adopted by the following vote:

**AYES:** Commissioners Karen Bentley, Dan Bishop, Dumont Clarke, H. Parks Helms, Bill James, Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard

**NAYS:** Commissioner Norman A. Mitchell, Sr.

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Extracts recorded in full in Minute Book 43-A, Document # _____.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - CMS STRATEGIC PLAN

The Board received information on Charlotte-Mecklenburg Schools’ (CMS) Strategic Plan. Dr. Peter Gorman, Superintendent of Schools gave the report.

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

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appropriate to Charlotte-Mecklenburg Schools $500,000 from restricted contingency.

*Note: As part of adopting the FY 2007 budget, the Board placed $500,000 in restricted contingency as potential funding for CMS to develop a plan for and/or implement weighted student funding and decentralized operations. These are two elements contained within the CMS Strategic Plan.*

(25) CENTER CITY LAND SWAP

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell, to

1. **Authorize the Chairman of the Board of County Commissioners to execute a non-binding Memorandum of Understanding with Spectrum Investment Services and Cornerstone Real Estate Advisers, Inc. for the development of Brooklyn Village.**

   and

2. **Authorize the Chairman of the Board of County Commissioners to execute a non-binding Memorandum of Understanding with Knights Baseball, LLC for the development of a minor league baseball stadium.**

   General Manager Bobbie Shields addressed this matter, in particular, the economic assessment of the three options for a park in Third Ward.

   Jim Dulin, president of Spectrum Properties gave an overview of their project and involvement in the development of the MOU.

   Highlights:
Mass Mutual is a client of Spectrum Properties. As they approached this project, they reviewed the 2010 Vision Plan and the Second Ward Master Plan. The project is on the site of the old Brooklyn neighborhood and they have embraced the history of that neighborhood as called for in the Second Ward Master Plan. Hopefully, they will be able to renovate the Second Ward gym into a community center. There will be “workforce” housing, meaning housing for teachers, government workers, fireman, etc., income levels in the $35,000 - $60,000 range. They have a proposal out to the Charlotte Housing Authority for 30 affordable apartment units. The Charlotte Housing Authority has countered that proposal, however, an agreement has not yet been reached, but they are committed to having affordable housing in this project. They have committed and are working with Charlotte-Mecklenburg Schools to establish apprenticeships and internships in every area of this project.

Harvey Gantt spoke in support of the project. He said this project in his opinion has all of the “right elements” in it. “It does no harm.” Mr. Gantt said it increases the tax base, takes an area of the city and offers the promise of mixed-use development.

Commissioners Mitchell and James asked Mr. Dulin to respond to a letter he received from Charles Woodyard, executive director of the Charlotte Housing Authority.

Mr. Dulin said he had not seen the letter referenced but was aware that one was being sent. Mr. Dulin said it’s their desire to have affordable housing in the Brooklyn Village project.

In response to a question raised by Commissioner Woodard regarding Mr. Dulin having an opportunity to see and respond to the letter from the Charlotte Housing Authority, Charles Woodyard said the letter was sent today to Mr. Dulin and that it was possible he has not had an opportunity to review it. Mr. Woodyard said the letter is not new information, but rather, it “memorializes” information that was discussed with Mr. Dulin several weeks ago.

Commissioner Bentley asked about conversations with Charlotte-Mecklenburg Schools (CMS).

General Manager Shields said CMS staff has been involved in the discussions with respect to this project.

Commissioner Mitchell asked that the apprenticeship and internship programs be included in the MOU. Mr. Dulin said he would not have a problem adding it to the MOU.

Commissioner Clarke asked that a citizens’ advisory board be established to ensure that the vision is implemented and that the establishment of that citizens’ advisory board be included in the MOU. Mr. Dulin said he would not have a problem adding it to the MOU.

Commissioner Clarke suggested that the citizens’ advisory group include in its membership, a representative from the Second Ward High School Association, the Charlotte-Mecklenburg Planning Commission, and Charlotte Center City Partners.

Commissioner Ramirez accepted both Commissioners Mitchell and Clarke’s suggestions as friendly amendments to his motion.

Commissioner James raised questions regarding a high school in Second Ward and the minority participation goals in the overall project.

Mr. Dulin clarified that the decision to have a high school back in Second Ward is solely the decision of the Board of Education. Secondly, that the participation goal that they have set was completely their choice.

Motion was made by Commissioner Ramirez, to amend his original motion for the purpose of voting on the two issues separately, rather than as one motion, but failed because Commissioner Mitchell, seconder of the original motion did not agree to second Commissioner Ramirez’s motion to amend the original motion.
The Board then heard from Don Beaver, owner of the Knights Baseball.

**Highlights**
- They are committed to this project and have the means to make it happen.
- It will be a “state of the art” minor league ballpark.

**Commissioner Clarke** asked Mr. Beaver for the amount of his financial commitment to this project. The response was that it’s around $30 - $35 million.

Commissioner Clarke asked Mr. Beaver if the County was putting any money into constructing the stadium. The response was no, not from the ground up. The only assistance is in infrastructure.

**Commissioner Woodard** asked Attorney Bethune to clarify how the County’s participation in this project is different from what was on the bond referendum in 2004.

**Attorney Bethune** said the 2004 referendum was not on whether there would be a ballpark downtown, but rather on whether any of the $69 million dollars could be spent for a professional baseball stadium and that it was not site specific. Attorney Bethune said none of the $69 million could be spent for a professional baseball stadium. He said it was a restriction on the use of the funds and not the use of the land.

**Commissioner Woodard** asked whether money that would be spent on infrastructure affects that referendum.

**Attorney Bethune** said it was his understanding that the proposal is that money for infrastructure would come from the sale of the Spirit Square property.

**Commissioner Mitchell** asked about the Knights minority participation efforts. Mr. Beaver said they plan to make this a top priority.

**Commissioner James** noted that he was in disagreement with some members of the Board as to whether or not the County’s participation in this project is legal or not, but he does understand Mr. Beaver’s desire to bring baseball uptown. He said he doesn’t oppose the use of Memorial Stadium, but has a problem with the other site.

Note: Commissioner James requested that the following information be included in the record of this discussion, a series of e-mails dating back to 2004 concerning Park and Recreation bond referendum language and other baseball matters. Commissioner James reviewed these e-mails with the Board.

---Original Message-----
From: Marvin A. Bethune [mailto:mbethune@rbcbw.com]
Sent: Tuesday, August 17, 2004 9:11 AM
To: 'Commissioner Bill James'; 'Wanda F. Reeves'; ELucas@rbh.com
Cc: 'Russell Crider'; 'Sarah A. Heasley'; 'J. Harry Weatherly'
Subject: RE: park & rec referendum language

Bill,

The limitation is not reversible and applies to any and every location. However, it does only apply to this bond authorization.

Marvin A. Bethune
Mecklenburg County Attorney
(O) (704) 377-1634
(FAX) (704) 342-3308
mbethune@rbcbw.com

From: Commissioner Bill James [mailto:Wjames@carolina.rr.com]
Sent: Monday, August 16, 2004 8:12 PM
To: 'Marvin A. Bethune'; 'Wanda F. Reeves'; ELucas@rbh.com
Cc: 'Russell Crider'; 'Sarah A. Heasley'; 'J. Harry Weatherly'
Subject: RE: park & rec referendum language
Importance: High

Thanks. This looks OK to me. Does this limitation mean that it is for all time for any site for which the bonds are used OR is it temporal and could be reversed?

Commissioner Bill James
Mecklenburg County Board of Commissioners
Matthews, NC 28105
Wjames@carolina.rr.com
http://billjames.org

Chairman: Effective and Efficient Government Committee
Member: Community Health and Safety Committee

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-----Original Message-----
From: Marvin A. Bethune [mailto:mbethune@rbcbw.com]
Sent: Monday, August 16, 2004 2:46 PM
To: ‘Wanda F. Reeves’; ELucas@rbh.com; Bill James
Cc: ‘Russell Crider’; ‘Sarah A. Heasley’; ‘J. Harry Weatherly’
Subject: RE: park & rec referendum language

Based an e-mail from Ed Lucas, it appears to me that the option that would provide the County with the greatest flexibility, yet still possibly satisfy Commission James’ request for limiting language, would be for the bond referendum language to read as follows:

The Board determines that it is necessary to provide park and recreation facilities (other than a stadium for professional baseball), including the acquisition and construction of new park and recreation facilities, the improvement and expansion of existing park and recreation 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.

Bill, would this be something you would like to propose to the Baseball Committee, or do you want to see other options?

Marvin A. Bethune
Mecklenburg County Attorney
(O) (704) 377-1634
(FAX) (704) 342-3308
mbethune@rbcbw.com

-----Original Message-----
From: Marvin A. Bethune [mailto:mbethune@rbcbw.com]
Sent: Thursday, August 12, 2004 10:05 AM
To: 'Commissioner Bill James'
Cc: 'Ruth Samuelson Vnet'; 'Harry Weatherly (Harry Weatherly)'; 'Russell Crider'; 'Wanda Reeves'; 'Ed Lucas'; Ed Lucas
Subject: RE: Language for ballot & other baseball matters

Bill,

I will pass along the theory you outlined below as to how spending some money from this next bond referendum on a Third Ward Park (with restrictions in the bond referendum language) would prevent the site from ever becoming the site for a baseball stadium to our Bond Counsel and we will take it into consideration as we develop options for you and the Baseball Committee to review.

Marvin A. Bethune
Mecklenburg County Attorney
(O) (704) 377-1634
(FAX) (704) 342-3308
mbethune@rbcbw.com

-----Original Message-----
From: Commissioner Bill James [mailto:Wjames@carolina.rr.com]
Sent: Wednesday, August 11, 2004 4:59 PM
To: 'Marvin A. Bethune'
That is why I wanted to have "some" money for development in THIS bond referendum. Once the bond money from this referendum is spent on the SITE then it seems to be the SITE becomes ineligible to be used (as this bond money will have been spent to create the beginnings of a park. At that point, future bond money would have to be used to build ON TOP OF the prohibited bond money creating a conundrum of sorts (one bond that prohibits money for it and another at a latter time that might allow it). The only way I know to insure that the site remains a park is to spend development money WITH THE RESTRICTIONS today and tie the site up that way. This is why I am not for eliminating ALL of the $24 million (just a chunk of it) - just enough to allow them to push dirt and plant grass so that it will result in money being spent under this more restrictive ballot wording.

---Original Message-----
From: Marvin A. Bethune [mailto:mbethune@rbcbw.com]
Sent: Wednesday, August 11, 2004 3:35 PM
To: 'Commissioner Bill James'
Cc: 'Ruth Samuelson Vnet'; Harry Weatherly (Harry Weatherly); Russell Crider; Wanda Reeves; Ed Lucas
Subject: Language for ballot & other baseball matters

Bill,

I will work with Finance and Bond Counsel to get some options for ballot language together. By the way, bond referendum language that would prohibit money from that bond issue from being used for a stadium would not protect the Third Ward site from being used as the location for a stadium, it would simply prevent money from that bond issue from being used for that purpose. I don't believe that there is any way that the language in a bond referendum could exclude a legal use from a currently County-owned parcel of property, but I will discuss that with Bond Counsel and include an option that accomplishes that result if it is possible.

PS to Wanda Reeves: See if you can find a time that we can discuss this with Bond Counsel as soon as possible.

Marvin A. Bethune
Mecklenburg County Attorney
(O) (704) 377-1634
(FAX) (704) 342-3308
mbethune@rbcbw.com

---Original Message-----
From: Commissioner Bill James [mailto:Wjames@carolina.rr.com]
Sent: Wednesday, August 11, 2004 3:14 PM
To: 'Marvin A. Bethune'
Cc: 'Ruth Samuelson Vnet'; Harry Weatherly (Harry Weatherly); Russell Crider; Wanda Reeves; Ed Lucas
Subject: Language for ballot & other baseball matters

Bill,

I will work with Finance and Bond Counsel to get some options for ballot language together. By the way, bond referendum language that would prohibit money from that bond issue from being used for a stadium would not protect the Third Ward site from being used as the location for a stadium, it would simply prevent money from that bond issue from being used for that purpose. I don't believe that there is any way that the language in a bond referendum could exclude a legal use from a currently County-owned parcel of property, but I will discuss that with Bond Counsel and include an option that accomplishes that result if it is possible.

PS to Wanda Reeves: See if you can find a time that we can discuss this with Bond Counsel as soon as possible.
proceeds - redirecting them for stadium/area usage.

I think Rebecca is working up the dates with Bobbie Shields.

I also believe that the $24 million request for 3rd ward is excessive. I do however believe that SOME amount of development money (with the restrictive ballot language) is necessary for several reasons. One reason is that it will tie up the project with bonds that PROHIBIT its future development (a protective measure) AND another reason is that some amount of initial development will allow the transformation of the parking lots into a cohesive "Green" area.

To recap, I see three needed actions:

1. To reject the usage of the 3rd ward site as a location for any stadium.
2. To interject language into the ballot (as recommended by the committee) to protect the site from future baseball usage.
3. To provide some initial development funds (way less than the $24 million) along with the items 1 and 2 to lock in that the site can NEVER be used for a baseball/sports facility.

I am copying Ruth on this as she is the chair of the baseball committee. Dumont resigned last night and Tom replaced him with Parks. This should not effect the vote but it might improve the debate.

Commissioner Bill James
Mecklenburg County Board of Commissioners
Matthews, NC 28105
Wjames@carolina.rr.com
http://billjames.org

Chairman: Effective and Efficient Government Committee
Member: Community Health and Safety Committee

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disclosed to third parties.

-----Original Message-----
From: Dumont Clarke [mailto:dumontclarke@mvalaw.com]
Sent: Wednesday, August 11, 2004 12:20 PM
To: Jacqueline C. Kish; wjames@carolina.rr.com; ruth@ruthsamuelson.com
Cc: Bobbie Shields; Parks Helms
Subject: RE: Baseball Committee Meeting

Tom has appointed Parks Helms to serve on the committee to fill the vacancy created when I submitted my resignation last night to Tom. If my work schedule permits, I will attend the committee meeting, so please provide me with the same notice that you provide other commissioners who are not on the committee.

Dumont Clarke

-----Original Message-----
From: Jacqueline C. Kish [mailto:KISHJC@co.mecklenburg.nc.us]
Sent: Wednesday, August 11, 2004 12:09 PM
To: wjames@carolina.rr.com; Dumont Clarke; ruth@ruthsamuelson.com
Cc: Bobbie Shields
Subject: Baseball Committee Meeting

Commissioners Samuelson, Clarke and James,

We need to set a date and time for the Baseball Committee to meet.
Bobbie would like to have the meeting on Tuesday, August 24th--the
Knight's Consultants will be in town that day. Anytime that day will
work for Bobbie. The Committee will need to meet before the BOCC meeting
on September 8th. Would you please let me know your availability
asap--thank you!

Jacqueline Kish
Staff Assistant to
Bobbie Shields, General Mgr.
Dr. Wynn Mabry, Director Homeland Security
Commissioners/County Manager's Office
704-336-2494
kishjc@co.mecklenburg.nc.us

Posted on Wed. Aug.11,2004
Commissioner James said he was not opposed to building a baseball park. He said also that he was not particularly opposed to the land swap, except for the provisions in the MOU about “quotas” and the “illusion” to Second Ward high school and certain other things.

Commissioner James said he does have a problem with the fact that there is both written information and video where the County Attorney outlined that “once spent you can’t reverse.”

Commissioner James said the Board is “sitting around, acting like everything that happened in 2004 never happened.”

Attorney Bethune said he stands by his earlier statement that the Board can now not decide to use the $9 million for a professional baseball stadium. He noted further that the Board has never voted to spend any money on a professional baseball stadium.

Attorney Bethune said the following:

He was “not trying to be creative.” He said he was simply trying to inform the Board of what the law is. He said the Board would have to decide what it wants to do with respect to this matter. He said he was not trying to “manage the process.” He is not trying to change his mind. He said he doesn’t believe he’s ever rendered an opinion and it’s not currently his opinion that the expenditure of any money from that bond sale will make that site unusable for professional baseball. He said he has never said that and was not currently saying that.

Attorney Bethune said what he was saying was that it would be “illegal for this Board to vote to use any of the $9 million to build a professional baseball stadium.”

Commissioner James asked about the $300,000 that has already been spent on the site.

Attorney Bethune said he does not believe the $300,000 has been spent for professional baseball.

Commissioner James asked about the development of a professional baseball stadium on the site and was this the reason he (Atty. Bethune) suggested reversing the entry.

Attorney Bethune said it’s his legal opinion that it doesn’t require that the money be replenished but staff feels it should be open and honest with the public and that none of that money be invested in the site. Further, that if a stadium is placed on that site then that $300,000 should be restored so that there is a full $9 million to be used for an uptown park.

Attorney Bethune noted that investment in the property was for a different purpose and not for a professional baseball stadium.

Attorney Bethune said it was not reversing an entry but rather finding another source of funds to replenish the $300,000.

Note: Commissioner Clarke asked that it be noted in the record that his intent with respect to the bond referendum in 2004 was that the limitation would be that money from that bond referendum would never be spent on the construction of a stadium from the ground up.

He noted further that when he approved laying the ground work for the development of the Third Ward park that the land swap concept was not on the table.

Commissioner Clarke said the County will be getting the park in the “right” place as a result of this land swap.

Note: The following persons spoke in support of the Center City Land Swap: Betty Turner on behalf of Bank of America, Michael Smith, executive director of Charlotte Center City
Partners, and Dwayne Collins on behalf of the Black Political Caucus. Mr. Collins noted the following expectations with respect to the Brooklyn Village project: 1) that Section 8 housing is a part of the housing dynamic of this proposal, 2) that there be a mixed resident profile to be represented in this proposal.

Note: The following persons spoke in opposition to the Center City Land Swap:

Jerry Reese

Mr. Reese informed the Board that he has retained the legal services of Attorney William Diehl in the firm of James McElroy & Diehl, PA in any action that may have to be filed against Mecklenburg County, the City of Charlotte, the Charlotte-Mecklenburg Board of Education, and the Charlotte Knights, to “block this unlawful and ill advised transaction.”

Mr. Reese addressed integrity and vision. Mr. Reese noted the following:

- In 1999 the voters passed land bonds to facilitate the purchase of land by the County for open space.
- In 2001 the County used that money to purchase an 8+ acre tract in Third Ward for an urban park.
- He said for a number of years the County resisted efforts by the City of Charlotte to acquire this track for an uptown arena on the grounds that the land was set aside for a major uptown open space park.
- In 2004 the County included the 8+ acre site in a park bond issue. The land was specifically described and budgeted in the official documents ancillary to the bond issue. The Third Ward West Park was one of the sites to be built by the proceeds of that bond issue.
- Because of concerns expressed by many, wording was included in the ballot specifically prohibiting any of the bond proceeds from being used for a professional baseball stadium. The bond issue passed and the County spent $300,000 to clear and prepare the site for the park.
- There was an extensive public participation process for the planning of the park.
- Preliminary plans were completed and approved by the Commission.
- Signs were erected announcing the coming of the park.
- Everything was proceeding in accordance with the plans until Charlotte Center City Partners, “the most powerful special interest group” in this City, intervened in the process.
- Charlotte Center City Partners saw an opportunity to channel $28 million worth of public property to private development interests without compensation.
- “The scheme before you is nothing more than a land grab dressed in flowery language and meaningless statistics.”

Mr. Reese said his position is that the 2004 park bond issue binds the County to construct a park on the Third Ward West site under the terms and conditions of the 1999 and 2004 bond issues.

Mr. Reese said “if necessary” he will take his case to a court of competent jurisdiction to mandate such integrity and that ultimately he will rely on the judgment of “twelve of our peers” to bring this matter to justice.

Mr. Reese said he has spent the last five years trying bring professional baseball to Charlotte.

Mr. Reese said minor league baseball has no place in uptown Charlotte.

He said Charlotte is now the size and demographic composition to warrant a major league baseball franchise.

Mr. Reese said Charlotte is still being considered by the Florida Marlins as a relocation site.

Mr. Reese addressed the advantages of major league baseball versus minor league.
Commissioner Bishop asked Mr. Reese was he paying Attorney Diehl’s firm or was someone else.

Mr. Reese said he was paying Attorney Diehl’s firm. He said he was “not a cover for anybody.”

Commissioner Bentley asked Mr. Reese was it his intent, if the motion fails, to come before the Board and ask for public financing of a major league baseball stadium.

Mr. Reese said Charlotte has a unique opportunity to build a major league stadium with almost no public participation, other than perhaps ancillary parking facilities, which would be used for the downtown in general.

Attorney William Diehl signed up to speak in opposition to the motion but decided not to speak, in light of the remarks made by Mr. Reese. Attorney Diehl said there would be little he could add.

Martin Davis spoke in opposition to the motion.

Chairman Roberts thanked those who appeared to speak to this issue.

Commissioner Bishop spoke in opposition to the baseball proposal. Commissioner Bishop said the County was subsidizing this to the tune of $36 million, even though it’s the opinion of staff that the County is not providing any subsidy to baseball.

Commissioner Bishop said the subsidy is that the County is going to fund, out of other property that it now holds, $8 million roughly, for infrastructure.

Commissioner Bishop spoke in opposition to the $1 per year lease on a $28 million piece of property that was purchased with general obligation bonds. Commissioner Bishop said he disagrees with staff’s view that the County still has that investment since the property is being leased. Commissioner Bishop said in his opinion leasing for $1 annually is worse than “giving it away.” He said if it was given away the recipient would at least have to pay taxes on the real estate.

Commissioner Bishop noted also that he has problems with the idea of the land swap because he doesn’t feel government should be the leading stimulus in the middle of a successful urban core.

Commissioner Bishop said Second Ward would develop just fine if the County would just sell property off and “get out of it.” He said the County could host a competition amongst developers.

Substitute motion was made by Commissioner Bishop, seconded by Commissioner James and failed 6-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, and James voting yes, to 1) authorize the Chairman of the Board of County Commissioners to execute a non-binding Memorandum of Understanding (MOU) with Spectrum Investment Services and Cornerstone Real Estate Advisers, Inc. for the development of Brooklyn Village. 2) To instruct the County Manager to not approve the MOU with Knights Baseball, LLC for the development of a minor league baseball stadium. 3) Instruct the County Manager to take appropriate steps to sell the Third Ward property that will no longer be needed for a park upon consummation of the land swap; and to create a reserve to contain the proceeds from that sale and devote them to school construction or the acquisition of property for school facilities.

Commissioner Ramirez said he looks at this matter from a business perspective. He said when someone comes with a deal and says that they are going to put forth $35 million of private money and build a stadium that will further increase the tax base, it has to be considered.

He addressed the development of Brooklyn Village and how it will also increase the tax base.

Commissioner Ramirez said in his opinion it’s a positive side on the ledger.
Substitute motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop and James voting no, to

1) Authorize the Chairman of the Board of County Commissioners to execute a non-binding Memorandum of Understanding (MOU) with Spectrum Investment Services and Cornerstone Real Estate Advisers, Inc. for the development of Brooklyn Village as recommended by staff, but that it be revised to include in Section 5.3 the establishment of the apprenticeship & internship programs with Charlotte-Mecklenburg Schools as referenced by Jim Dulin; and in Section 5.2 the establishment of a citizens’ advisory group to work with the developer to implement and monitor the mission/vision as referenced in Section 5.2.

Note: 5. 2 Second Ward Master Plan. Brooklyn Village is the first phase of planned redevelopment in Second Ward. The mission of the Second Ward Master Plan is “to create a livable and memorable urban neighborhood in the heart of the city through mixed land use, diverse architecture and housing types, unique infrastructure and a hierarchy of open spaces. These components will combine to welcome and support a diverse population with varied ages, races and socio-economic backgrounds”. Developer will work diligently to achieve this vision for the project.

2) Authorize the Chairman of the Board of County Commissioners to execute a non-binding Memorandum of Understanding (MOU) with Knights Baseball, LLC for the development of a minor league baseball stadium as recommended by staff, but that it be revised to provide that reasonable language will be negotiated and included in the final legally binding lease agreement with Knights Baseball, LLC that will protect the County from losses in the event there are problems in construction or delivery of the baseball stadium.

The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

Note: This concluded Commissioner Helms’ participation in the meeting.

CONSENT ITEMS

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of items 16, 17, 20, 21, and 23 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held December 5, 2006, Swearing-In Ceremony held December 4, 2006 and Closed Session minutes of December 5, 2006 and November 21, 2006.

(8) TAX REFUNDS

Approve refunds in the amount of $36,283 to be made by the Finance Department as requested by the Tax Assessor.

A list of the refund recipients is on file with the Clerk to the Board.
(9) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies. These records are comprised of:

- 1,391 Credit Refunds for 2002.
- 3,497 Credit Refunds for 2003.
- 20 Dead Bonds, 4/99.
- 631 Daily Audit Trail 5/1 – 5/15/06.
- 47 Daily Audit Trail 8/2/06.
- 7,694 Daily Work 11/1/05 – 10/24/06.

(10) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION JCPC FUNDING

Recognize, receive and appropriate $50,000 from the North Carolina Division of the Governor’s Crime Commission.

Note: The Council applied for, and received, a two-year gang prevention grant of $100,000 ($50,000 per year) to fund a gang prevention program in the community. The JCPC is recommending that these funds be allocated to the Charlotte-Mecklenburg Police Department (CMPD) Gang of One Program to further develop the Street Smart Gang Prevention program in conjunction with the Boys and Girls Club of Greater Charlotte.

(11) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” for the following property: Church of Pentecost USA, Inc., owners of 3157 Cullman Avenue for $265,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action is necessary for the purchase of floodplain property under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above property from the floodplain. Upon closing, Mecklenburg County will assume property ownership and the Church will enter into a one-year lease agreement. The lease agreement is necessary to allow the Church sufficient time to complete construction on another structure. The lease agreement is included with the Offer of Sale.

(12) MALLARD CREEK COMMUNITY PARK – PHASE IV CONSTRUCTION CONTRACT

Award a construction contract to T. K. Browne Construction Co., Inc. for a total amount of $1,202,262 for Phase IV construction of Mallard Creek Community Park.

(13) STEWART CREEK LAND EXCHANGE WITH PREMIER DEVELOPMENT

Adopt a resolution authorizing the County Manager to negotiate and execute the exchange of Tax Parcel 069-083-13, a 50’ x 125’ lot, on Dawson Avenue for a portion of Tax Parcel 069-084-16 (7.34 acres).

Note: The parcel (069-084-16) to come under County ownership is along Stewart Creek and largely within the floodplain. This parcel will add to greenway assemblage along the creek. A small portion of the parcel will be excluded from the exchange to increase the depth of three existing lots.

Note: The subject parcels were inadvertently omitted from the list of City properties transferred to the County in 1997 and 1998 as a result of the parks consolidation. Tax Parcel 145-081-19 (+/- 2.71 acres) is a land-locked parcel within the boundaries of Clanton District Park. Tax Parcels 145-082-01 (+/- 1.0 acre) and 145-082-03 (+/- 2.0 acres) front on Barringer Drive and adjoins the Revolution Golf Course.

Accept the donation of +/- 2.0 acres (portion of Tax Parcel 017-145-28) at Torrence Creek Tributary #2 from Stone Hollow Homeowners Association.

Note: The subject property includes the 100-foot SWIM Buffer along Torrence Creek Tributary #2 plus a swath of land extending to Eric Kyle Drive which will provide greenway connectivity for the residents of the Stone Hollow subdivision. This donation will facilitate the extension of the Torrence Creek Greenway from Gilead Road to I-77. This stretch of greenway is currently in design, with construction anticipated to begin in Fall 2007.

Approve purchase of Tax Parcel 043-011-18 (+/- 1.12 acres) at 6112 Carver Blvd for $70,000 from Donald S. Gillespie, Jr., Commissioner for Rufus Clindon.

Note: The subject property adjoins the +/-18-acre Thereasea Clark Elder Park in the Rockwell Community. Acquisition of this parcel will serve to expand the park acreage and preserve additional open space for outdoor recreation.

Authorize the County Manager to negotiate (jointly with the City of Charlotte), and execute a contract with BellSouth for the provision of telecommunication services.


Ordinances recorded in full in Minute Book 43-A, Documents # _____ - _____.

Commissioners Bishop and James left the dais and were away until noted in the minutes.
(16) PIERCE PROPERTY ACQUISITION AT TOBY CREEK

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and
carried 6-0 with Commissioners Bentley, Clarke, Mitchell, Ramirez, Roberts, and Woodard
voting yes, to approve the purchase of +/- 0.42 acres of Tax Parcel 049-252-20 at 708 Carolyn
Lane for $4,000 from Laura Pierce.

Commissioner Woodard removed this item from Consent for more public awareness and for
clarification on the cost.

Note: The subject property is part of a land assemblage for the future extension of the Toby
Creek Greenway between University City Blvd and Rocky River Road. This acquisition will
encompass the 100-foot SWIM Buffer.

(17) LINCOLN HEIGHTS ACQUISITION

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and
carried 6-0 with Commissioners Bentley, Clarke, Mitchell, Ramirez, Roberts, and Woodard
voting yes, to approve the purchase of Tax Parcel 075-042-15 (+/- 0.086 acre) located on Haines
Street for $6,000.

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

Note: The lot is part of an assemblage to create a neighborhood park site in the Lincoln Heights
area off Beatties Ford Road in Central Park District I.

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

(20) REVENUE ADJUSTMENTS – HEALTH DEPARTMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and
carried 5-0 with Commissioners Clarke, Mitchell, Ramirez, Roberts, and Woodard
voting yes, to increase total budgeted Health Department revenue by $129,995 to reflect actual
state, federal and local allocations.

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

Commissioners Bentley, Bishop, and James returned to the dais.

(21) SYPHILIS ELIMINATION FUNDING – HEALTH DEPARTMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and
unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez,
Roberts, and Woodard voting yes, to: 1) recognize, receive and appropriate $20,000 in Syphilis
Elimination funding from the Department of Health & Human Services, HIV/STD Prevention &
Care Branch; and 2) approve the creation of an administrative assistant position for the STD/HIV
Program to be funded with existing contractual funding and replace an existing contractual
Position.

Note: This would have no effect on county funding.

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

(23) CLANTON PARK PHASE II DEVELOPMENT CONSTRUCTION CONTRACT

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and
unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to award a construction contract for the Clanton Park Phase II development to Eagle Wood, Inc. for a total amount of $2,406,700.

Commissioner Woodard removed this item from Consent for clarification on MWBE participation, which was addressed by General Manager Shields.

STAFF REPORTS AND REQUESTS

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

(24) PROJECT BRYTON

Commissioner Bishop asked to be excused from participating in the discussion on Agenda Item 24, Project Bryton to avoid a conflict of interest because of a litigation matter.

Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 7-0, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to excuse Commissioner Bishop from participating in the discussion of Item 24, Project Bryton.

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

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

General Manager Bobbie Shields addressed this matter. He said this matter was being presented for information purposes only. The matter will be back before the Board for approval consideration at a later date.

Note: Project Bryton is a mixed-use project that is proposed for the southeastern corner of the Town of Huntersville. The project will be situated on a 400-acre site east of Old Statesville Road (N.C. 115) and Hambright Road intersection. The development program for this project contemplates residential construction of varying densities, as well as retail, restaurant, and other commercial development including a business park with space designated for general office and medical facilities.

The development team is seeking financial assistance from Mecklenburg County and the Town of Huntersville in order to complete the following:

1. Relocate a rail line
2. Construct offsite road improvements
3. Extend a thoroughfare road for the proposed project, and possibly;
4. Build a multi-functional parking deck

Motion was made by Commissioner Ramirez, seconded by Commissioner Clarke and carried 5-0, with Commissioners Bentley, Clarke, James, Ramirez, and Roberts voting yes, to receive an update regarding Project Bryton; specifically regarding a strategy that could possibly enable Mecklenburg County and the Town of Huntersville to provide project development financing for the project.

The following persons spoke in support of the project: Paul Herndon, president of American Asset Corporation and Jim Medall presented the project.

Commissioners Woodard and Mitchell returned to the dais during the presentation.

Commissioner Ramirez asked who would be paying for the relocation of the rail line. The response was that it’s being proposed that the costs come out of the bond dollars that they would repay back through the taxes that would be generated through the development.

Commissioner James asked would the Certificates of Participation involved in this project be tax exempt. The response from Attorney Bethune was yes, according to bond counsel because the
funds will be used for infrastructure.

Commissioner Bentley asked about the timing of the project, residential development and the impact on local schools, and CMS construction plans as it relates to the project, which were all addressed.

Jerry W. Broadway, executive director of the Lake Norman Regional Economic Development Corporation spoke in support of the project.

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

Commissioner Bishop returned to the dais.

(26) ALTERNATIVE REVENUE SOURCES

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard, to approve the process for developing an alternative revenues proposal and to ask the Board’s Effective and Efficient Government Committee to work with the City of Charlotte’s Budget Committee to review these alternative revenue options and to make recommendations back to the Board.

Budget/Management Director Hyong Yi presented this matter to the Board.

Note: In May 2005, Mecklenburg County adopted a resolution on alternative revenues. In June of that same year, the City also adopted an alternative revenue solution. The County resolution was focused on getting a menu of tax options for all local governments in North Carolina. The City resolution was focused on studying the options in collaboration with the County. The City is now prepared to proceed with a joint review by a working group composed of City Council and Board of County Commission members.

The purpose of this working group would be to identify alternative revenue options and draft legislation for consideration by the North Carolina General Assembly in their upcoming session.

Commissioner Ramirez noted for the record that he was not interested in serving on any committee that is potentially going to come with recommendations for more taxes.

Chairman Roberts addressed the purpose of the Effective and Efficient Government Committee.

Commissioner Ramirez suggested that the Chairman appoint an ad hoc committee to work on this matter, since some members of the Effective and Efficient Government Committee are not supportive of this issue.

Commissioner Clarke maker of the motion and Commissioner Woodard, who seconded the motion, accepted Commissioner Ramirez’s suggestion as a friendly amendment.

Thus, the motion would now read:

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard, to approve the process for developing an alternative revenues proposal and to authorize the Chairman to appoint an ad hoc committee to work with the City of Charlotte’s Budget Committee to review these alternative revenue options and to make recommendations back to the Board.

The vote was then taken on the motion as amended and carried 4-3 with Commissioners, Clarke, Mitchell, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and Ramirez voting no.

Prior to the vote, Chairman Roberts said looking at alternative revenues helps the Board to have a number of options. Also, it helps the Board relieve the property tax burdens on some of the most vulnerable populations.

Also prior to the vote, Commissioner Woodard volunteered to serve on the Ad hoc committee.
Chairman Roberts said she would also be appointing Commissioner Clarke and perhaps Commissioner Helms, as well.

Commissioner Bentley said she was not interested in serving on the Ad hoc committee.

Commissioner Bentley, however, encouraged those that may serve, to not consider real estate transfer taxes and impact fees as possible alternatives and explained why.

(27) BUSINESS INVESTMENT GRANT

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 5-2 with Commissioners Clarke, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley and Bishop voting no, to approve a Business Investment Grant to Shutterfly for a total estimated amount of $3,700,000 over an eight year period; and that all grant payments will be contingent upon Shutterfly investing $75 million in a new data center.

Highlights:

- Shutterfly is an Internet-based photography printing and publishing service founded in 1999 and headquartered in California’s Silicon Valley. The company also plans to invest an additional $75 million in a new data center. Construction of the data center is expected to be completed by 2009.
- Shutterfly is being considered under the County’s Economic Development Grant Program, rather than the Charlotte-Mecklenburg Business Investment Grant Program, because its chosen site (located off Shopton Road) is outside of the Charlotte city limits.
- In 2009, the company plans to build a new $75 million data center.
- The company plans to employ at least 233 people at an average annually salary of $40,000.
- Mecklenburg County competed with other such as Louisville, KY and Philadelphia, PA to attract Shutterfly.
- North Carolina State Government offered a $250,000 grant from the One North Carolina Fund. The One NC grant requires a local government match.
  - The general terms and conditions of this grant include:
    - A portion of the grant must be repaid if the company moves this investment from Charlotte within 8 years of the end of the grant term.
    - Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.
    - All property taxes due from the company must be paid before a grant payment is made.
    - Addition and retention of 233 new employees.
    - Construction of a $75 million data center.

Funding

Business Investment Grant Account; first payment would be made in FY10.

General Manager Shields presented the above matter to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop, and carried 7-0, with Commissioners Bentley, Bishop, Clarke, Mitchell, Ramirez, Roberts, and Woodard voting yes,
that there being no further business to come before the Board that the meeting be adjourned at 11:25 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JUNE 20, 2006 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 20, 2006. 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 John McGillicuddy and Bobbie Shields, Finance Director J. Harry Weatherly, Jr., and Sarah Heasley of Finance, Director of Real Estate Services Mark Hahn, Nancy Brunnemer, Steve Law, and Gustavo Mibelli of Real Estate Services

(2B) LAND ACQUISITION – KANELLOPOULUS PROPERTY ACQUISITION AT BRIAR CREEK

Steve Law with Real Estate Services addressed the proposed purchase of tax parcels 129-041-35 (+/- 1.77 acres) and 129-041-43 (+/- 0.32 acre) at St. George Street for $41,000 from Kathy Kanellopoulus.

Note: The subject properties are adjacent to Briar Creek and part of the on-going assemblage of land for the extension of Briar Creek Greenway.

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 purchase of tax parcels 129-041-35 (+/- 1.77 acres) and 129-041-43 (+/- 0.32 acre) at St. George Street for $41,000 from Kathy Kanellopoulus.

Janice S. Paige, Clerk

H. Parks Helms, Chairman
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, July 18, 2006. 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 and Jennifer Roberts County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Valerie C. Woodard

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

Commissioners Bishop and Puckett were not present for this Closed Session matter.

(2A1) LAND ACQUISITION – BELL PROPERTY ACQUISITION AT BRADFORD PARK

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcel 011-271-04 (+/- 1.3 acres) at Ramah Church Road for $156,000 from Joe and Melinda Bell.

Note: The subject property is contiguous to the existing 213-acre Bradford Park site and has frontage on Ramah Church Road. The property will expand Bradford Park and provide additional open space east of I-77 to serve the towns of Huntersville, Davidson and Cornelius.

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Helms, James, Mitchell, Rembert, and Roberts voting yes, to approve the purchase of Tax Parcel 011-271-04 (+/- 1.3 acres) at Ramah Church Road for $156,000 from Joe and Melinda Bell.
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JULY 18, 2006 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, July 18, 2006. 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 and Jennifer Roberts
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Valerie C. Woodard

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) LAND ACQUISITION – KANELLOPOULUS PROPERTY ACQUISITION AT BRIAR CREEK

Steve Law with Real Estate Services addressed the proposed purchase of Tax Parcel 129-041-34 (+/- 0.50 acre) at St. George Street for $17,000 from Chris P. Kanellopoulus.

Note: The subject property is adjacent to Briar Creek and part of the on-going assemblage of land for the extension of Briar Creek Greenway. The property owner has requested that there be a deed restriction limiting the use of the property to greenspace, greenway, watershed protection, park, or public recreation purposes.

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Puckett, Rembert, and Roberts voting yes, to approve the purchase of Tax Parcel 129-041-34 (+/- 0.50 acre) at St. George Street for $17,000 from Chris P. Kanellopoulus and approve the deed restriction as requested.

Janice S. Paige, Clerk

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

JULY 18, 2006 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, July 18, 2006. 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 and Jennifer Roberts
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Valerie C. Woodard

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

(2A3) LAND ACQUISITION

Nancy Brunnemer with Real Estate Services addressed a proposed land exchange with Central Piedmont Community College.

Note: The above request is to permit the exchange of County-owned property at 7th Street/Kings Drive for property owned by Central Piedmont Community College at Elizabeth Street/Kings Drive. The proposed land exchange will consolidate property ownership at 7th Street/Kings Drive for CPCC and become the site of the College’s new culinary facility. The property at Elizabeth Street/Kings Drive will be consolidated in County ownership and become a public park/open space area associated with Little Sugar Creek Greenway. Prior to the proposed land exchange, Charlotte City Council must approve the release of deed restrictions (which limit the property use to park purposes) on the properties to be conveyed to the Community College.

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

1) Request Charlotte City Council to release deed restrictions on Tax Parcels 080-131-08, 080-131-09 and 080-132-02 conveyed to the County as part of the parks consolidation.

2) Adopt a resolution to exchange +/- 2.161 acres of County property (Tax Parcels 080-131-08, 080-131-09, 080-132-02) for +/- 1.74 acres of CPCC property (Tax Parcels 125-096-01, 125-
096-02, 080-172-12) for Little Sugar Creek Greenway contingent upon City Council release of deed restrictions.

Janice S. Paige, Clerk

H. Parks Helms, Chairman