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 Wednesday, June 4, 2008.

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.

-INFORMAL SESSION-

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 Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced that the Land Acquisition Matter concerned Cavalier Apartments; also, that it would not be necessary for the Board to go into Closed Session to Consult with Attorney.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Business Location and Expansion, C) Land Acquisition, and D) Personnel Matter.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:00 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She entered the meeting during Closed Session.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board didn’t 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._

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-FORMAL SESSION-

 Invocation was given by Commissioner Mitchell, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) CAROLINA PUBLIC SECTOR STAR AWARD

The Board recognized and accepted the Carolina Public Sector STAR Award from the North Carolina Department of Labor awarded to the Specialized Park Services Division and the Administration Office Building staff within Mecklenburg County Park and Recreation.

The award was presented by N. C. Commissioner of Labor Cherie Berry and received by Park and Recreation Director Jim Garges and members of his staff.

Note: This is the highest safety award that can be received in the State. The Carolina Star Programs are designed to recognize and promote effective safety and health management. In STAR, management, labor, and OSHA establish a cooperative relationship/partnership at a workplace that has implemented a strong program.

The Star Program is a Partnership between: Management * Employees * OSHA

Public Sector Star—Recognizes state agencies and local governments for their leadership and success in providing a safe and healthy work environment.

There are currently only eight (8) recognized Public Sector Star locations in North Carolina.

Mecklenburg County Park and Recreation Department – Specialized Park Services Division will be the first Park and Recreation agency to receive the Carolina Public Sector Star Award and the 9th Public agency.

(2) PUBLIC APPEARANCE

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

Sheliah Ward from Los Angeles, California, said her son’s civil rights, human rights, patient rights, and his constitutional rights were violated. She said her son was tricked and admitted to a mental hospital. Ms. Ward said her son thought he was going to visit his father at a mental hospital but he was instead admitted. Ms. Ward said her son’s aunt caused this to happen. Ms. Ward asked for assistance with getting her son out of a mental hospital. She said he was at Randolph Hospital.
Chairman Roberts acknowledged that someone on staff has spoken with Ms. Ward regarding her situation.

Jimmie L. Hackett, Sr., on behalf of the Metrolina Bail Bond Association, addressed jail overcrowding. Mr. Hackett said he wanted to clarify a misconception in the community that bail bonding agents do not want to do small and high risk bonds, thus adding to the overcrowding. Mr. Hackett said this was not the reality of the matter. He said each bonding agent is held 100% liable for each principle they caused to be released from custody. He said like any other business, it requires bonding agents to make the choice that enhances their chances to remain in business. Mr. Hackett said over 50% of their business currently consist of small to high risk bonds. Mr. Hackett said one of the reasons for the overcrowding has to do with the number of federal inmates being housed. Mr. Hackett encouraged the Board to make “the reasonable adjustments necessary to give more protection to the citizens of Mecklenburg and surrounding counties by balancing the inmate population to maximize the functional use of our jail facilities.”

Martin Davis referenced a recent article written about Commissioner James in the Charlotte Observer by Ed Williams, Editor of the Editorial Pages. Mr. Davis expressed opposition to what Mr. Williams said and thanked Commissioner James for his response to the article and his stance on issues. Mr. Davis also read graphic verbiage from the play Angels in America and expressed opposition to the County’s funding of the Arts and Science Council.

(3) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

The vote was taken on the following nominees for appointment to the Alcoholic Beverage Control Board:

**Round One**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colvin Edwards</td>
<td>Bentley and Woodard</td>
</tr>
<tr>
<td>Mary Howerton</td>
<td>Bishop, Clarke, and Helms</td>
</tr>
<tr>
<td>Angeles Ortega-Moore</td>
<td>James, Mitchell, Ramirez, and Roberts</td>
</tr>
</tbody>
</table>

**Round Two**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colvin Edwards</td>
<td>None</td>
</tr>
<tr>
<td>Mary Howerton</td>
<td>Bishop, Clarke, and Helms</td>
</tr>
<tr>
<td>Angeles Ortega-Moore</td>
<td>Bentley, James, Mitchell, Ramirez, Roberts, and Woodard</td>
</tr>
</tbody>
</table>

Chairman Roberts announced the appointment of Angeles Ortega-Moore to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2011.

*She is replacing Spencer Thompson effective July 1, 2008.*

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>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unithia McGruder</td>
<td>Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard</td>
</tr>
</tbody>
</table>
Voting Ceased

John Newitt
Christopher Olds
Pamela Williams

Chairman Roberts announced the appointment of Unithia McGruder to the Board of Equalization and Review to fill an unexpired term expiring April 7, 2009.

She is replacing Kenneth Friedman.

PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

East Park District

- Robert Brisley
- Hubert Helms
- Kim Weissinger

Chairman Roberts announced the appointment of Kim Weissinger to the Park and Recreation Commission as an East Park District Representative for a three-year term expiring June 30, 2011. They are replacing James Brown and Larry Huelsman effective July 1, 2008.

South Park District

- Ed Barnhardt
- Greg Folmar
- Mark Loflin
- Tim Morgan

Chairman Roberts announced the appointment of Tim Morgan as a South Park District Representative for a three-year term expiring June 30, 2011. They are replacing James Brown and Larry Huelsman effective July 1, 2008.

PLANNING COMMISSION

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

Deborah Edwards
Steven Firestone

Chairman Roberts announced the appointment of Steven Firestone to the Planning Commission for a three-year term expiring June 30, 2011. He is replacing Mark Loflin effective July 1, 2008.
PUBLIC BROADCASTING AUTHORITY

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 appoint Mike Boggs to the Public Broadcasting Authority for a three-year term expiring June 30, 2011 and Lal C. Vishin to fill an unexpired term expiring June 30, 2010.

They are replacing Ronnie Bryant effective immediately (Lal Vishin) and Carolyn Mints effective July 1, 2008 (Mike Boggs).

(2C) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize the County Manager to amend the “Agreement of Purchase and Sale of Real Estate” from Cavalier Associates Limited Partnership, owner of Cavalier Apartments (Tax Parcels 12710C97, 12710C98 and 12710C99) to extend the closing date from the present last date for closing of June 13, 2008.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) RECEIVE MANAGER’S REPORT

The Board received a FY 2008-2009 Budget Update presented by County Manager Jones and Budget/Management Director Hyong Yi.

The presentation addressed:
- Additional Revenue in the amount of $3 million
- Funding Options:
  - Put into restricted contingency for Justice & Safety Task Force to allocate for crime fighting and public safety needs
  - Do not increase tax rate by 1 cent
- Next Steps

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

Comments

Commissioner James asked staff how it came up with the $3 million. The response was that the $3 million in additional revenue was a function of changing the assumptions behind investments. It was noted that the County is generally conservative, especially in this economic climate, but staff is now seeing a different trend and have concluded the Federal Reserve will not lower their interest rate any further.

Director Yi said the lottery piece was pretty straight forward.

Commissioner James asked staff how it came up with the decision to allocate the additional revenue to criminal justice.

County Manager Jones said he made that decision and his reasoning was because of recent public...
June 4, 2008

Concern and interest in addressing the local criminal justice system. Also, in light of the Board’s action to appoint a task force to address this issue. County Manager Jones said the County should be in a financial position to respond to recommendations that may come from the task force, in whole or in part. County Manager Jones said this would provide an identified revenue stream to respond from.

For clarity purposes, County Manager Jones said that’s not to suggest that had the amount of additional revenue been more, that he would have necessarily recommended that all of it go for this purpose. He noted further that $1 million for this purpose was already a part of his recommended budget, which he said the Board could put “strings” on if it wanted to.

Commissioner James asked could the Board put the $3 million in additional revenue along with the $1 million in the Manager’s Recommended Budget all in contingency. The response was that the Board has a number of options.

Commissioner Clarke asked for clarification with respect to placing the additional revenue in restricted contingency and using it for recommendations that may come from the task force; and whether that recommendation would be for a one-time expenditure or a possible re-occurring expense that becomes a built-in part of the budget going forward, such as a salary supplement for Assistant District Attorneys.

County Manager Jones said it could be used for either a one-time expense, such as electronic monitors, or a re-occurring expense, such as a salary supplement. County Manager Jones emphasized to the Board that whatever is done, to keep in mind the County is already spending about $4.5 million annually on criminal justice support. He said when you add the additional $1 million in his recommended budget and another $3 million, that’s $7.5 million for criminal justice support.

County Manager Jones said the Board needs to “think through the issue of the accountability standards.” “Does it make sense to say that you want to see some results for the expenditure of these public funds, County funds to support State requirements.”

Commissioner Mitchell expressed concern for placing the additional $3 million in restricted contingency. Commissioner Mitchell commented on the fact that the criminal justice system is a State responsibility. He said the County can’t continue to take on the State’s responsibility. He said the Board should not lose sight that it’s responsible for addressing human services needs also. He said some of those funds could be used to fill in the gaps for public health and human services.

Commissioner Ramirez asked if staff had an idea about how much is needed for public safety.

County Manager Jones said staff can’t cost it out until it’s known what the Board wants to do specifically.

Commissioner James noted a past report presented to the Board’s Community, Health, & Safety Committee several years ago (2005) that indicated a need for a minimum of 100 assistant district attorneys and at that time there were 41. Commissioner James said there are now 65 and the need is now 120. Commissioner James said this is something that’s known.

Commissioner Woodard said the Board needs an update with respect to what is needed by the District Attorney’s Office. Commissioner Woodard noted the District Attorney’s Office receives assistance from other entities also and that the Board needs to know about that assistance as well. Commissioner Woodard said the criminal justice system involves more than just the District Attorney’s Office. She said there are other key components and that they all have to work together.

Chairman Roberts said she was concerned about the Department of Social Services Re-directions that contributed to the additional $3 million in new revenue. It was noted that the department
JUNE 4, 2008

Chairman Roberts asked for information on what the City of Charlotte has allocated for the criminal justice system.

Commissioner Mitchell asked could the additional $3 million be placed in unrestricted contingency. The response was yes, but that even in restricted contingency the Board could take a certain amount out for a specific purpose and the remaining amount can be used for any other purpose the Board would elect to use it for.

This concluded the presentation. No action was taken or required.

CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

1) Approve minutes of Regular Meeting held May 20, 2008; Closed Session held May 20, 2008 (2a) and April 15, 2008 (2b); and Budget/Public Policy Meeting held May 13, 2008.

2) Authorize the Clerk to amend the minutes of the May 7, 2008 meeting, so that Commissioner Bishop’s name can be deleted from the motion to adjourn the meeting. Commissioner Bishop was not at the dais when the meeting adjourned.

(8) TAX REFUNDS

Approve refunds in the amount of $3,784.85 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) FEMA 2008 LETTERS OF MAP CHANGE PILOT PROGRAM

1) Authorize the County Manager to negotiate and execute a Floodplain Mapping Activity Statement with the Federal Emergency Management Agency.

2) Recognize, receive, and appropriate an additional $20,000 in funds from FEMA for the Letters of Map Change (LOMC) Pilot Program.

3) Authorize the County Manager to amend the funding agreement with FEMA for the Letters of Map Change (LOMC) Pilot Program.

4) Authorize the carry-forward of unspent funds for the duration of the grant.

Note: On July 1, 2006 Charlotte-Mecklenburg became the first local government in the country to be given the authority to process Letters of Map Change (LOMCs) as part of a two-year FEMA pilot program. 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.
These actions are necessary to extend the program and its funding, so that Charlotte-Mecklenburg Storm Water Services can continue to process LOMCs within Mecklenburg County, the City of Charlotte and all six towns. The agreement with FEMA will run through July 2010 and will reimburse the County for the actual cost of processing LOMCs.

(10) CARRY FORWARD FUNDS: DEPARTMENT OF SOCIAL SERVICES

Approve carry forward of DSS funds from FY08 to FY09 as shown below.

1. Carry forward the remaining balance of the Good Friend/Volunteer Funds.

Note: Good Friend/Volunteer Funds are used to assist DSS customers in meeting critical needs for cash assistance. Funds are donated through various organizations and citizens.

2. Carry forward revenues received at year-end from reallocations disbursed by the State.

Note: Reallocated revenues result from coding to capped revenue sources after funds have been exhausted, but service must continue to be provided.

(11) PURCHASE OF COMPOST WINDROW TURNER – LUESA

Authorize the County Manager to negotiate and execute a one-time contract for the purchase of one (1) Compost Windrow Turner for a total amount of $590,000 to the following lowest responsible bidder:

N40 Inc., Rockwell NC $590,000

(12) SOLID WASTE INTERLOCAL AGREEMENTS – CURRENT PARTNERS (CITY OF CHARLOTTE, CORNELIUS, DAVIDSON, HUNTERSVILLE, MINT HILL, PINEVILLE)

1) Adopt a resolution approving a Solid Waste Interlocal Agreement with the City of Charlotte.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MECKLENBURG AND THE CITY OF CHARLOTTE

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the City of Charlotte have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the corporate limits of the City of Charlotte; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “...shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,
BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the City of Charlotte in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

Resolution & Agreement recorded in full in Minute Book 44-A, Document #130.

2) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Cornelius.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF CORNELIUS

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Cornelius have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Cornelius; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “... shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Cornelius in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

Resolution & Agreement recorded in full in Minute Book 44-A, Document #131.

3) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Davidson.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF DAVIDSON

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Davidson have negotiated and
JUNE 4, 2008

wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Davidson; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Davidson in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

Resolution & Agreement recorded in full in Minute Book 44-A, Document #132.

4) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Huntersville.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF HUNTERSVILLE

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Huntersville have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Huntersville; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Huntersville in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

Resolution & Agreement recorded in full in Minute Book 44-A, Document #133.

5) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Mint Hill.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT
WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Mint Hill have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Mint Hill; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Mint Hill in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

Resolution & Agreement recorded in full in Minute Book 44-A, Document #134.

6) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Pineville.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF PINEVILLE

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Pineville have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Pineville; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Pineville in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

Resolution & Agreement recorded in full in Minute Book 44-A, Document #135.
(13) SOLID WASTE INTERLOCAL AGREEMENT & ORDINANCE AMENDMENT – TOWN OF MATTHEWS

1) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Matthews.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE SOLID WASTE INTERLOCAL AGREEMENT

BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF MATTHEWS

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Matthews have negotiated and wish to enter into that certain Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Matthews; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “... shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Matthews, if approved by the Town of Matthews prior to July 1, 2008, in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

Resolution & Agreement recorded in full in Minute Book 44-A, Document #136.

2) Approve an amendment to the Mecklenburg County Residential Solid Waste Fee Ordinance to delete the exclusion of the Town of Matthews.

Note: In 1993, the BOCC enacted the Mecklenburg County Residential Solid Waste Fee Ordinance. At that time the fee was imposed on all residences located in Mecklenburg County with the exception of those located within the Town of Matthews, since they were not part of the County Solid Waste system. With the Town of Matthews joining the system this exclusion needs to be deleted from the Ordinance.

Ordinance recorded in full in Minute Book 44-A, Document #137.

(14) CARRY FORWARD CODE ENFORCEMENT FUNDS FOR GREEN PERMIT REBATE PROGRAM

Authorize the carry forward of the remaining balance in Green Permit Rebate funding not spent as of June 30, 2008 until expended for this program.

Note: The Green Permit Rebate program provides building permit fee credits with a goal of promoting energy conservation and resource management through sustainable building practices.
JUNE 4, 2008

(15) CARRY FORWARD OF VOLUNTEER FIRE RADIO REPLACEMENT FUNDS

Authorize the carry forward of funds in the amount of $406,500 designated for replacement of VFD radio equipment from FY08 to FY09.

(16) CARRY FORWARD OF PROPERTY ASSESSMENT FUNDING

1) Authorize the carry forward of revaluation funding remaining at June 30, 2008 from FY08 to FY09 until expended.

2) Authorize the carry forward of $420,000 not used in FY08 for a contract with Tax Management Associates to FY09 for revaluation.

(17) LATTA PLANTATION NATURE PRESERVE EXPANSION

Approve purchase of Tax Parcel 023-141-02 (+/- 3.55 acres) on Sample Road in Huntersville for $70,000 from Duke Energy Carolinas, LLC.

Note: This acquisition will expand the Latta Plantation nature preserve to approximately 1,343 contiguous acres.

(18) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Authority Monthly Financial Report.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2008, For the period ending April 30, 2008

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<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
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</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>12,287,908</td>
<td>9,840,314</td>
<td>80.08%</td>
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<tr>
<td>State and Federal</td>
<td>35,865,737</td>
<td>24,142,278</td>
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<td>Third Party/Other</td>
<td>181,293</td>
<td>87,881</td>
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<td>Grants</td>
<td>4,518,732</td>
<td>2,099,085</td>
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<tr>
<td>County</td>
<td>43,422,330</td>
<td>26,987,940</td>
<td>62.15%</td>
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<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$96,276,000</strong></td>
<td><strong>$63,157,498</strong></td>
<td><strong>65.60%</strong></td>
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<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
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<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,105,879</td>
<td>5,114,409</td>
<td>71.97%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,949,254</td>
<td>7,806,175</td>
<td>52.22%</td>
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<tr>
<td>Adult Mental Health</td>
<td>11,486,193</td>
<td>5,079,513</td>
<td>44.22%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,343,317</td>
<td>10,346,149</td>
<td>72.13%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,701,489</td>
<td>7,591,595</td>
<td>64.88%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,946,633</td>
<td>15,598,248</td>
<td>82.33%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>17,743,235</td>
<td>11,621,410</td>
<td>65.50%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$96,276,000</strong></td>
<td><strong>$63,157,498</strong></td>
<td><strong>65.60%</strong></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.
JUNE 4, 2008

Note: It’s required that this information be inserted in the minutes.

(19)  **FUNDING ADJUSTMENTS AND CARRY FORWARD OF UNSPENT FUNDS – AREA MENTAL HEALTH AUTHORITY**

Approve funding adjustments and carry forward of unspent funds:

1) Authorize carry forward of unspent State Mental Health Trust Funds estimated to be $929,654 at June 30, 2008.

2) Authorize carry forward of unspent State Local Management Entity (LME) system program funds estimated to be $559,954 at June 30, 2008.

3) Authorize carry forward of unspent State Crisis Services program funds estimated to be $966,899 at June 30, 2008.

4) Authorize carry forward of unspent County funds for the Recovery Solutions program estimated to be $300,000 at June 30, 2008.

5) Approve, recognize, receive and appropriate State funds in the amount of $305,000 for the CASAWORKS program and authorize the carry forward of unspent funds at year end.

6) Approve, recognize, receive and appropriate Federal funds in the amount of $80,000 for the Safe and Drug Free Schools program and authorize the carry forward of unspent funds at year end.

7) Approve, recognize, receive and appropriate Federal funds in the amount of $60,000 for the Safe and Drug Free Schools program and authorize the carry forward of unspent funds at year end.

8) Approve the establishment of one full time position in Substance Abuse Jail services program.

(20)  **BACK CREEK GREENWAY DONATION**

Accept Tax Parcels 051-211-88 (7.252 acres) from FC Caldwell, LLC, in Old Stone Crossing for greenway purposes with respect to Back Creek.

(21)  **HISTORIC LANDMARKS COMMISSION – REVOLVING FUND**

Recognize and appropriate $455,000 proceeds from previous property sales for Historic Landmarks Commission projects.

(22)  **FRIENDSHIP SPORTSPLEX CONTRACT APPROVAL**

Approve the Lease Agreement between Mecklenburg County and Friendship Missionary Baptist Church of Charlotte, Inc.

(23)  **CARRY FORWARD FUNDING REQUEST – PARK AND RECREATION**

Approve carry forward of $712,350 approved in the FY2008 Operating Budget for (i) the Renaissance and Revolution Park Golf Course management agreement contract terms with American Golf Corporation ($474,750), and for (ii) a lease for various new ball field lighting ($237,600).

(24)  **RAY’S SPLASH PLANET CAPITAL RESERVE REQUEST**
Recognize and appropriate $17,000 from revenues accrued for Ray’s Splash Planet capital reserve to replace and upgrade the facility video surveillance system.

(25) DSS BUDGET AMENDMENT

Amend the Department of Social Services’ FY08 budget to recognize the $11,259 in contributions for senior events and special donations in the Senior Citizen Nutrition Program (SCNP), and appropriate expenses in the same amount.

(26) FEMA FLOOD INSURANCE RATE MAP MAINTENANCE FUNDING

1) Authorize the County Manager to submit a grant request in the amount of $900,000 with the Federal Emergency Management Agency; and if awarded, recognize, receive and appropriate the grant award.

2) Authorize the County Manager to negotiate and execute a Mapping Activity Statement between Mecklenburg County and the Federal Management Agency.

3) Authorize the carry-forward of unspent funds for the duration of the grant.

(27) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS (2ND READING)

Amend the LUESA Fee Ordinance to reflect new fee for Land Development for the review of Traffic Impact Studies/Analysis (TIS) in the amount of $5 per peak hour trip. (Second Reading)

Ordinance Amendment recorded in full in Minute Book 44-A, Document #138.

(28) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT (2ND READING)

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance (Second Reading) to increase the tipping fee charged for the disposal of Construction & Demolition Waste at the Foxhole Landfill from $35 per ton to $39 per ton.

Note: This fee increase would be used to cover the additional costs to LUESA Solid Waste resulting from the new $2.00 per ton Tipping Fee Tax imposed by the North Carolina General Assembly and increased operating costs at the Foxhole Landfill resulting from increased fuel and material costs. Of the fee increase, approximately $1.00 per ton would be used to increase the operating hours of LUESA Solid Waste’s four (4) full-service recycling centers.

Ordinance recorded in full in Minute Book 44-A, Document #139.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

STAFF REPORTS AND REQUESTS

(29) BUSINESS INVESTMENT GRANT: MIAS – ITEM REMOVED
(30) BUSINESS INVESTMENT GRANT: SENCERA INTERNATIONAL

General Manager Bobbie Shields presented a Business Investment Grant for Sencera to the Board.

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

Note: Headquartered in Charlotte, Sencera International Corporation (Sencera) is a research and development company in the renewable energy sector. Since its inception in 2003, Sencera has developed proprietary systems and machinery used to manufacture thin-film solar panels.

Recently, Sencera has decided to begin manufacturing solar panels, and is considering several options on where to locate this facility. Options include several sites in the Charlotte region, as well as Fremont, California, which has a strong and technologically skilled labor market. In Charlotte, Sencera would invest $35 million to expand its existing facility located at 3101 Stafford Drive in West Charlotte. Sencera currently employs ten in Charlotte, and would add 65 new manufacturing jobs within three years, at an average salary of $73,462.

The general terms and condition of this grant include:
- A portion of the grant must be repaid if the company moves this investment from Mecklenburg County within 3 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.

The Charlotte City Council approved its portion of a Business Investment Grant on May 27, 2008.

The State of North Carolina is considering a One North Carolina Grant in the amount of $62,000, which requires a local match. The company has agreed to expand in Mecklenburg County contingent on the awarding of state and local incentive grants.

The company expects to make a decision by the end of June 2008.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-1 with Commissioners Bentley, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to approve the County’s share of a Business Investment Grant to Sencera for a total estimated amount of $672,176 over three years.

Note: Total City/County grant is estimated at $1,039,721.

Commissioner James returned to the dais and indicated that if he had been present at the time of the vote, he would have voted no.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(31) CRIMINAL JUSTICE SYSTEM IMPROVEMENTS (COMMISSIONER DUMONT CLARKE)

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, to:

1) Declare the Board’s intent to authorize a ballot referendum in Mecklenburg County for November 2008 on the question of increasing the local option sales tax by one-quarter cent. The revenue would be used to fund additional, comprehensive improvements to the criminal justice system in Mecklenburg County.
2) Seek, but not necessarily make authorizing the ballot referendum dependent upon gaining legislative authority to make the ballot question read “for the purpose of funding comprehensive improvements to the criminal justice system in Mecklenburg County.”

3) In any event, direct the County Manager to develop (for the Board’s approval at the Board’s second meeting in October 2008) a procedure for accounting for the sales tax increase separately so the public will know how much money the County is receiving each year and a method of budgeting separately for the expenditure of the additional sales tax revenue so the public will know and can monitor how the County is spending the public’s money to improve the criminal justice system.

The following was noted by Commissioner Clarke, sponsor of the item.

A quarter-cent sales tax increase would raise approximately $20.0 million in FY2009 and $25.0 million in FY2010 of additional sales tax revenue for Mecklenburg County. If voters approved the increase, we would use these funds to pay for additional improvements to the criminal justice system in Mecklenburg County that are badly needed, including the following:

- Additional assistant district attorneys;
- A salary supplement for all assistant district attorneys to decrease the turnover rate;
- Process improvements in the existing intake center at Jail Central;
- Satellite intake centers for persons arrested by the police departments of the City of Charlotte and the six Mecklenburg towns;
- Expanded diversion program for mentally ill persons who are taking up space in our crowded jails that could be used for more serious offenders;
- Constructing and operating a new jail, including land purchase;
- Additional courtroom personnel to speed up trials for persons charged with crimes, including sheriff’s deputies, clerks, public defenders, and, in cooperation with the State, additional judges (“Court Sets”);
- Technology that would measurably improve the productivity of the judges and magistrates as well as all personnel in the District Attorney’s office, the clerk’s office and the public defender’s office;
- Additional electronic monitoring equipment for the police departments and officers needed to administer the monitoring programs for repeat offenders.

This list of possible uses of the additional revenue from a quarter cent sales tax is not intended to be exclusive. The ballot question should be drafted broadly so as to give the County Commission (in consultation with concerned members of the public, other elected officials, the City Managers, the Police Chiefs, the Sheriff, the District Attorney, the Public Defender, the Judges, the Trial Court Administrator, and the Administrative Office of the Courts) maximum flexibility in appropriating the additional revenue so long as it was used for the purpose of improving the administration of the criminal justice system in Mecklenburg County.

Under current State law the ballot question can only ask if the voters want the Board to have the authority to levy the tax, so additional legislative authority would be needed for the ballot question to be legally restrictive as to the use of the funds.

The following persons addressed this issue:

Martin Davis spoke in opposition to the proposed tax increase and suggested possible budget cuts to avoid a tax increase.

Chris Bakis encouraged the Board to put pressure on Raleigh to address the court system needs in Mecklenburg County, since it’s a state responsibility. He spoke in opposition to a tax increase.

Natalie English on behalf of the Charlotte Chamber of Commerce asked the Board to defer
taking action on this matter until there’s been an opportunity for more input. At this point the Chamber does not have a position one way or the other. Ms. English pointed out that the County’s proposed budget has over $550 million in bonds in it and that the budget Charlotte City Council is proposing has over $200 million in bonds in it. Ms. English said the Board should consider that what it may be asking the voters of Mecklenburg County to do is to vote for over $800 million in bonds in November and to potentially vote for an additional quarter cent sales tax, “when they perceive that the economy is struggling, when they know that gas prices are rising, when they know that their food prices are rising; and that the unemployment rate is going up.” Ms. English said the Chamber would like to work with the County as it has done in the past to address the needs and that they would like that opportunity to do so.

Commissioners James and Bishop said they thought it was a matter of putting the “cart before the horse.”

Commissioner James said the Board needs to get the authority first from the General Assembly, with respect to if they will allow the County to restrict this tax.

Substitute motion was made by Commissioner Bentley, seconded by Commissioner Bishop and failed 5-3 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, and James voting yes, to table Commissioner Clarke’s item until after a recommendation is received from the Justice and Safety Task Force.

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

(32) COUNCIL ON AGING APPROPRIATION (COMMISSIONER NORMAN A. MITCHELL)

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms, and carried 7-1, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to appropriate $100,000 from unrestricted contingency and allocate to the Council on Aging for the following purposes: 1) To help defray office relocation expenses for the Council on Aging, 2) To help launch a Senior Registry Program, and 3) To help offset an additional FTE who is transitioning from a graduate assistant’s position to facilitate education program continuity.

Note: Prior to the above vote, Commissioner James asked would the Council on Aging provide receipts verifying what the funds would be used for. As a result of that discussion, Commissioner Mitchell said he would include in his motion what the funds are to be used for. It was noted by Attorney Bethune that if the motion indicates the specific purposes then the contract will be written requiring the Council on Aging to spend the money on these purposes. Further, that County contracts require that the County can audit them.

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell, and carried 8-0, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:42 p.m.
JUNE 4, 2008

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in a Special Session Budget Workshop in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 5:00 p.m. on Tuesday, June 10, 2008.

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

FY 2008 - 2009 BUDGET DELIBERATION

The meeting was called to order by Chairman Roberts.

Chairman Roberts said the purpose of the meeting was to begin the Board’s deliberation on the County Manager’s FY08-09 Recommended Budget.

Chairman Roberts turned the meeting over to County Manager Jones, who in turn, called on Budget and Management Director Hyong Yi.

Director Yi addressed the process for moving forward and handouts that were distributed to the Board.

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

STRAW VOTES

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.

Motion was made by Commissioner Clarke, seconded by Commissioner Helms, to approve the County Manager’s Recommended FY08-09 Budget as amended as of June 4, 2008, with the following adjustments:

1. Allocate $1 million of the $3 million in new revenue that was presented to the Board by the County Manager at the June 4, 2008 meeting, to the Police Services and Court Service Funding line item for public safety and crime fighting efforts. Secondly, that the $1 million be used for the following purposes: 1) Line Item 313 – District Attorney Support Staff (it was clarified that this includes the addition of Assistant District Attorneys & an Assistant District Attorney salary supplement), 2) for Electronic Monitors, and 3) Park Security (Park & Recreation budget). Thirdly, to ask the County Manager to work with the City of Charlotte Manager, and the District Attorney in determining how to distribute the $1 million amongst
JUNE 10, 2008

the three areas.

2. That the remaining $2 million of the $3 million be allocated as follows:

- Allocate an additional $800,000 to Central Piedmont Community College, Line Item 47 – Operations Funding.
- Allocate an additional $10,000 to the Commissioners Budget, Line Item 119 - Office of Protocol for the purpose of fostering economic development relationships with German companies.
- Allocate an additional $272,822 for School Nurses.
- Allocate an additional $214,000 for the Pre-Natal Health Clinic.
- Allocate an additional $500,000 to WTVI, Line Item 432 – WTVI Programming.
- Allocate an additional $57,389 to Metrolina AIDS Project- Line Item 579.
- Allocate an additional $25,000 to the Relatives (Outside Agency).
- Allocate an additional $37,500 to the Salvation Army Women’s Shelter.
- Allocate $56,144 to the Shelter for Battered Women and $47,000 to the County’s Community Support Division to work with the Shelter for Battered Women.
- Finally, that any remaining balance be used for School Nurses.

It was noted that none of the above additions impact the tax rate.

Comments

Commissioner James said he didn’t have a big problem with Commissioner Clarke’s motion, even though, there were some items he would not have funded. Commissioner James said what he has a problem with is using the $3 million in new revenue that was presented to the Board by the County Manager at the June 4, 2008 meeting for non-public safety matters. Commissioner James said the entire $3 million should go in restricted contingency as recommended by the County Manager for public safety.

Commissioner Bishop said he also was opposed to using the $3 million in new revenue that was presented to the Board by the County Manager at the June 4, 2008 meeting for non-public safety matters. Commissioner Bishop said taking this action is not the way to respond to the recent public outcry for addressing crime in the community.

Commissioner Bishop said the $3 million should be set aside to respond to the recommendations of the criminal justice task force that has been formed.

Commissioner Bishop said if the motion passes, he would make a motion to reverse it and to place the $3 million in contingency as recommended by the County Manager. In addition, to move the $1 million the County Manager placed in the budget for Court System Planning and add it to the $3 million; and further that an additional $1 million be added, resulting from cuts in an equal amount.

County Manager Jones referenced a recent Board Bulletin that outlined the positions that would be funded in the court system using the $1 million, he placed in the budget.

Commissioners Bishop and Ramirez asked would the approval of Commissioner Clarke’s motion
prevent other motions from being made.

Attorney Bethune said it would, based on the way the motion was stated.

After further discussion, Commissioner Clarke amended his motion (Commissioner Helms, seconder, concurred) to read: Amend the County Manager’s recommended budget as follows:

1. Allocate $1 million of the $3 million in new revenue that was presented to the Board by the County Manager at the June 4, 2008 meeting, to the Police Services and Court Service Funding line item for public safety and crime fighting efforts. Secondly, that the $1 million be used for the following purposes: 1) Line Item 313 – District Attorney Support Staff (it was clarified that this includes the addition of Assistant District Attorneys & an Assistant District Attorney salary supplement), 2) for Electronic Monitors, and 3) Park Security (Park & Recreation budget). Thirdly, to ask the County Manager to work with the City of Charlotte Manager, and the District Attorney in determining how to distribute the $1 million amongst the three areas.

2. That the remaining $2 million of the $3 million be allocated as follows:
   - Allocate an additional $800,000 to Central Piedmont Community College, Line Item 47 – Operations Funding.
   - Allocate an additional $10,000 to the Commissioners Budget, Line Item 119 - Office of Protocol for the purpose of fostering economic development relationships with German companies.
   - Allocate an additional $272,822 for School Nurses.
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   - Allocate an additional $500,000 to WTVI, Line Item 432 – WTVI Programming.
   - Allocate an additional $57,389 to Metrolina AIDS Project - Line Item 579.
   - Allocate an additional $25,000 to the Relatives (Outside Agency).
   - Allocate an additional $37,500 to the Salvation Army Women’s Shelter.
   - Allocate $56,144 to the Shelter for Battered Women and $47,000 to the County’s Community Support Division to work with the Shelter for Battered Women.
   - Finally, that any remaining balance be used for School Nurses.

The vote was taken on Commissioner Clarke’s motion and carried 5-4 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, James, and Ramirez voting no.

Motion was made by Commissioner Bishop and failed 5-4 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, James, and Ramirez voting yes, to amend the County Manager’s recommended budget by reversing all of the changes that occurred as a result of Commissioner Clarke’s motion; and that the $1 million placed in Court System Planning by the County Manager, Line Item 308, and $1 million from Employee Compensation, Line Item 340, both be placed in contingency along with the $3 million that was recommended by the County Manager for Police Services and Court Service Funding.

Comments prior to the vote on Commissioner Bishop’s motion:
Commissioner Mitchell made remarks with respect to the County taking on State responsibilities and how this can’t continue.

Commissioner Helms made remarks with respect to the County being in the Human Services business and not crime fighting.

Commissioner Helms said the criminal justice system is just that a “system” and unless you fix it all, there won’t be any relief in crime in the community.

Commissioner Ramirez said he believes it’s the function of all governments to protect its citizenry.

Commissioner Clarke noted that per his discussions with members of the legislature, he has learned that the possibility of the County receiving authority to specify the ballot language with respect to a ballot referendum in Mecklenburg County for November 2008 on the question of increasing the local option sales tax by one-quarter cent to read “for the purpose of funding comprehensive improvements to the criminal justice system in Mecklenburg County” is “slim to none.” As such, he will not be pursuing this effort, even though he felt very strongly that having a designated funding source to address the criminal justice system was the way to go. Thus, from his perspective he will not be pursuing placing this matter on the ballot in November.

Chairman Roberts said she appreciated everyone’s efforts in trying to address crime and public safety in the community and that she feels the appointment of the task force will prove to be very beneficial. Also, that the provision of this additional immediate funding as noted in Commissioner Clarke’s motion will be of benefit because it will allow things to be done immediately, rather than waiting on the recommendation(s) of the task force.

Motion was made by Commissioner Clarke and carried 6-1 with Commissioners Bentley, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to direct staff to take the results of tonight’s straw votes and prepare a budget ordinance accordingly for consideration by the Board on June 17, 2008.

Note: Commissioners James and Ramirez did not vote.

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

Prior to adjourning there was discussion of the Public Safety Task Force.

Commissioner Woodard said she would like to receive a list of all of the applicants. It was noted that at least 300 applications have been received, thus far.

ADJOURNMENT

Motion was made by Commissioner Bishop, 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 7:50 p.m.

Janice S. Paige, Clerk Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JANUARY 2, 2008 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 Wednesday, January 2, 2008.

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.

____________________

-INFORMAL SESSION-

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

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

(1A) STAFF BRIEFINGS - NONE

(2A)(2B) CLOSED SESSION - A) CONSULT WITH ATTORNEY B) REAL PROPERTY ACQUISITION

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes A) Consult with Attorney and B) Real Property Acquisition.

Prior to going into Closed Session, Attorney Bethune stated that one of the Consult with Attorney matters was the lawsuit of Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation.

The Board went into Closed Session at 5:31 p.m. and came back into Open Session at 6:53 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She arrived during Closed Session.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 11 and 13.

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

- FORMAL SESSION -

Invocation was given by Chairman Roberts, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

(1) PROCLAMATIONS AND AWARDS – NONE

(2) PUBLIC APPEARANCE

The person below appeared to speak during the Public Appearance portion of the meeting.

Rev. Willie Simpson asked that he be kept informed about the status of improvements to Martin Luther King Park. Rev. Simpson asked about the fate of the Martin Luther King, Jr. statue in Marshall Park and whether it would be placed uptown on the “Square.” He also asked that consideration be given to improving Parkwood Park, particularly, that a miniature basketball court be designed for small kids. Rev. Simpson complimented the Board on the improvements that were made to Hornets Nest Park.

Chairman Roberts said she would have someone from Park and Recreation contact Rev. Simpson regarding his questions.

(3A) APPOINTMENTS

PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

<table>
<thead>
<tr>
<th>Herb Gray</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brenda McMoore</td>
<td>Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard</td>
</tr>
</tbody>
</table>

Chairman Roberts announced the appointment of Brenda McMoore to the Park and Recreation Commission as a Central Park District 2 representative to fill an unexpired term expiring June 30, 2009.

She is replacing Laura McClettie.

(3B) APPOINTMENT A NEW CHAIRMAN FOR THE AIR QUALITY COMMISSION

The vote was taken on the following nominees for appointment of chairman to the Air Quality Commission:
Chairman Roberts announced the appointment of Mark Casper as Chairman of the Air Quality Commission for the duration of his term.

He is replacing Randy Perkins, who resigned as Chairman because of other commitments but will remain on the Commission. Mr. Perkins was appointed Chairman in 2005.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 11 and 13 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held December 18, 2007 and Closed Session held December 4, 2007.

(8) BAXTER STREET BRIDGE DEMOLITION REIMBURSEMENT

Recognize and appropriate in the capital reserve fund $60,700 in reimbursement revenue from the City of Charlotte for demolition of the Baxter Street Bridge crossing Little Sugar Creek.

(9) CLEAN WATER MANAGEMENT TRUST FUND GRANT APPLICATION

Authorize the County Manager to submit a grant application to the North Carolina Clean Water Management Trust Fund for stream restoration along Torrence Creek.

Note: If awarded, this $750,000 grant ($750,000 match) will help fund a $1,500,000 stream restoration project on Torrence Creek between Bradford Hills Drive and Interstate 77 in Huntersville, NC. The project will restore approximately 1.5 miles of the most damaged section of Torrence Creek as identified in the McDowell Creek Watershed Master Plan. The project will improve aquatic habitat and water quality; and enhance and restore the natural and beneficial functions of the floodplain.

(10) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION COMMUNITY TRANSPORTATION GRANT APPLICATION – SET PUBLIC HEARING

1) Schedule a public hearing on January 15, 2008 to receive comments on the Mecklenburg County
Department of Social Services’ application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2008-2009.

2) Authorize the Clerk to the Board to publish Notice of Intent to hold public hearing.

Note: Annually, the Mecklenburg County Department of Social Services requests a public hearing to receive comments regarding the Community Transportation Grant Application. This North Carolina Department of Transportation grant provides funding for the administrative and capital requirements of the Mecklenburg County Department Social Services’ Mecklenburg Transportation System Unit of the Services for Adults Division. This grant primarily funds trips to adult day cares, sheltered workshops for the disabled, medical trips and transportation related to the Senior Nutrition program.

(12) MECKLENBURG COUNTY CONSOLIDATED HUMAN SERVICES BOARD

Adopt a Resolution setting a public hearing for February 5, 2008 at 6:30 pm on the exercise by the Board of County Commissioners of its powers under G.S. 153A-77 to assume control of the activities of a consolidated human services board.

Note: On November 7, 2007 the Mecklenburg County Board of County Commissioners requested the development of a plan to create a consolidated human services agency in Mecklenburg County. This decision was prompted by recent changes in state personnel rules that were deemed by the Board to be less favorable for county employees than the current county human resources policies and procedures. The consolidated human services agency will not be subject to the State Personnel Act and will allow Mecklenburg County to continue to develop and maintain policies that are in the best interests of its employees.

Resolution recorded in full in Minute Book 44-A, Document # ________.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) FREEDOM MALL PHASE 2 RENOVATIONS – GENERAL CONSTRUCTION CONTRACT

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to award a construction contract in the amount of $8,169,843 to Hendrick Construction, Inc. for Freedom Mall Phase 2 renovations.

Note: Commissioner Woodard removed this item from Consent to inquire about MWSBE participation. She asked had any consideration been given to possibly having the recommended contractor consider using the minority contractor that overbid as a subcontractor. Doug Buchanan with Real Estate Services said this had not been considered and that it would be the decision of the contractor receiving the award. He said staff could discuss this possibility with the contractor receiving the award.

(13) JAIL NORTH ANNEX – AWARD PURCHASE CONTRACT

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to award a purchase contract in the amount of $850,871 to Nixon Power Services Co. to supply two emergency generators and associated equipment at Jail North Annex.

Note: Commissioner Woodard removed this item from Consent to inquire about MWSBE participation. She asked had any consideration been given to possibly having the recommended
contractor consider using the minority contractor that overbid as a subcontractor. Doug Buchanan with Real Estate Services said this had not been considered and that it would be the decision of the contractor receiving the award. He said staff could discuss this possibility with the contractor receiving the award.

STAFF REPORTS AND REQUESTS

(14) BOND SALE RESOLUTIONS $12 MILLION TWO-THIRDS GO BONDS

2008A Two-Thirds GO

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Bill James moved adoption of the following resolution, the motion was seconded by Commissioner H. Parks Helms, and the resolution was read by the above title.

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

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

1. Pursuant to and in accordance with the park and recreation facilities bond order adopted by the Board of Commissioners on December 18, 2007, the Issuer shall issue its bonds in the aggregate principal amount of $12,000,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2008.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Park and Recreation Bonds, Series 2008A” (the “Bonds”). The Bonds shall be dated February 1, 2008, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on August 1, 2008, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on February 1, as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
<th>Year</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$600,000</td>
<td>2019</td>
<td>600,000</td>
</tr>
<tr>
<td>2010</td>
<td>600,000</td>
<td>2020</td>
<td>600,000</td>
</tr>
<tr>
<td>2011</td>
<td>600,000</td>
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<td>600,000</td>
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<tr>
<td>2012</td>
<td>600,000</td>
<td>2022</td>
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<td>2013</td>
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<td>2023</td>
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<td>2014</td>
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<td>2024</td>
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<td>2015</td>
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<tr>
<td>2017</td>
<td>600,000</td>
<td>2027</td>
<td>600,000</td>
</tr>
<tr>
<td>2018</td>
<td>600,000</td>
<td>2028</td>
<td>600,000</td>
</tr>
</tbody>
</table>

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

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

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

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

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

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

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

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

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

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<tr>
<th>NO. R-</th>
<th>$__________</th>
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</table>

United States of America  
State of North Carolina  
COUNTY OF MECKLENBURG  

GENERAL OBLIGATION PARK AND RECREATION BOND, SERIES 2008A

<table>
<thead>
<tr>
<th>INTEREST RATE</th>
<th>MATURITY DATE</th>
<th>DATE OF BOND</th>
<th>CUSIP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>February 1, 2008</td>
<td></td>
</tr>
</tbody>
</table>

REGISTERED OWNER: Cede & Co.

PRINCIPAL SUM: ______________________________ DOLLARS

The County of Mecklenburg (the "County"), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the "Bond Registrar"), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2008, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on December 18, 2007 (the "Bond Order") and a resolution adopted by that Board (the "Resolution").

The bonds maturing on and after February 1, 2019, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2018, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the bonds to be redeemed. If less than all the bonds of any one maturity are called for redemption, the bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the bonds, if less than all of the bonds within a maturity are to be redeemed, The Depository Trust Company ("DTC") shall determine by lot the amount of interest of each Direct Participant in the bonds to be redeemed.

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated February 1, 2008.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

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

Secretary,
Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Order and Resolution.
COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: ________________________________  
Authorized Signature

Date of Authentication: February 12, 2008

ASSIGNMENT

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

the within Bond and irrevocably appoints

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

Dated: ________________________________

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

Signature Guaranteed:

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

The Bonds maturing on and after February 1, 2019, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2018, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each Bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the Bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the Bonds to be redeemed. If less than all the Bonds of any one maturity are called for redemption, the Bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity are to be redeemed, The Depository Trust Company (“DTC”) shall determine by lot the amount of interest of each Direct Participant in the Bonds to be redeemed.

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

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

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

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender that Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

6. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

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

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

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

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East
Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

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

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

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

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

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

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

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

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

      (1) principal and interest payment delinquencies;

      (2) non-payment related default;
(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on any credit enhancements reflecting financial difficulties;

(5) substitution of any credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;

(7) modification to the rights of the beneficial owners of the Bonds;

(8) bond calls;

(9) defeasances;

(10) release, substitution or sale of any property securing repayment of the Bonds;

(11) rating changes; and

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

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

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

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

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

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

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

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

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

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard

NAYS: None

Resolution and Extracts recorded in full in Minute Book 44-A, Document # ____.

2) ADOPT RESOLUTION FOR $148.5 MILLION VOTED GO BONDS ENTITLED: RESOLUTION AUTHORIZING ISSUANCE OF BONDS.

2008B Voted GO

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Bill James moved adoption of the following resolution, the motion was seconded by Commissioner H. Parks Helms, and the resolution was read by the above title.

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

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

1. Pursuant to and in accordance with the school facilities bond order adopted by the Board of Commissioners on September 5, 2007, the Issuer shall issue its bonds in the aggregate principal amount of $80,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2008.

2. Pursuant to and in accordance with the land bond order adopted by the Board of Commissioners on September 5, 2007, the Issuer shall issue its bonds in the aggregate principal amount of $5,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2008.

3. Pursuant to and in accordance with the law enforcement facilities bond order adopted by the Board of Commissioners on September 7, 2005, the Issuer shall issue its bonds in the aggregate principal amount of $9,500,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2008.

4. Pursuant to and in accordance with the park and recreation facilities bond order adopted by the Board of Commissioners on September 8, 2004, the Issuer shall issue its bonds in the aggregate principal amount of $14,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2008.

5. Pursuant to and in accordance with the school facilities bond order adopted by the Board of Commissioners on September 4, 2002, the Issuer shall issue its bonds in the aggregate principal amount of $40,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from February 1, 2008.

6. The bonds to be issued pursuant to the bond orders described in the preceding paragraphs 1 to 5, inclusive, shall be issued as one consolidated bond issue in the principal amount of
$148,500,000 and designated “General Obligation Public Improvement Bonds, Series 2008B” (the “Bonds”). The Board of Commissioners has ascertained and hereby determines that the average period of usefulness declared in the preceding paragraphs 1 to 5, inclusive, is not less than 40 years computed from the date of the Bonds. The Bonds shall be dated February 1, 2008, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on August 1, 2008, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on February 1, as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>2010</td>
<td>3,000,000</td>
</tr>
<tr>
<td>2011</td>
<td>3,000,000</td>
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<tr>
<td>2012</td>
<td>3,000,000</td>
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<td>2013</td>
<td>3,000,000</td>
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<tr>
<td>2014</td>
<td>3,000,000</td>
</tr>
<tr>
<td>2015</td>
<td>3,000,000</td>
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<tr>
<td>2016</td>
<td>12,000,000</td>
</tr>
<tr>
<td>2017</td>
<td>4,500,000</td>
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<tr>
<td>2018</td>
<td>5,000,000</td>
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<tr>
<td>2019</td>
<td>12,000,000</td>
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<tr>
<td>2020</td>
<td>12,000,000</td>
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<tr>
<td>2021</td>
<td>8,000,000</td>
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<tr>
<td>2022</td>
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<td>2023</td>
<td>10,000,000</td>
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<td>2025</td>
<td>11,000,000</td>
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<tr>
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<td>11,000,000</td>
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<tr>
<td>2027</td>
<td>12,000,000</td>
</tr>
<tr>
<td>2028</td>
<td>12,000,000</td>
</tr>
</tbody>
</table>

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

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

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

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

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

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

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

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

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

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

NO. R- $__________

United States of America
State of North Carolina
COUNTY OF MECKLENBURG
GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2008B

INTEREST RATE MATURITY DATE DATE OF BOND CUSIP
February 1, 2008

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: ______________________________ DOLLARS

The County of Mecklenburg (the “County”), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the “Bond Registrar”), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2008, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General
Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, bond orders adopted by the Board of Commissioners of the County on September 5, 2007, September 7, 2005, September 8, 2004 and September 4, 2002 (the “Bond Orders”) and a resolution adopted by that Board (the “Resolution”) providing for the issuance of this bond. The issuance of this bond and the contracting of the indebtedness evidenced hereby have been approved by a majority of the qualified voters of the County voting at elections held in the County.

The bonds maturing on and after February 1, 2019, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2018, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the bonds to be redeemed. If less than all the bonds of any one maturity are called for redemption, the bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the bonds, if less than all of the bonds within a maturity are to be redeemed, The Depository Trust Company (“DTC”) shall determine by lot the amount of interest of each Direct Participant in the bonds to be redeemed.

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

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

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

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

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

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

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Orders or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.
IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated February 1, 2008.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

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

Secretary,
Local Government Commission

CERTIFICATE OF AUTHENTICATION

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

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: ________________________________
Authorized Signature

Date of Authentication: February 13, 2008

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto
the within Bond and irrevocably appoints
attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____________________________

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

Signature Guaranteed:

________________________________

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

The Bonds maturing on and after February 1, 2019, shall be subject to redemption prior to their stated maturities at the option of the County on or after February 1, 2018, in whole or in part at any time at a redemption price equal to 100% of the principal amount of each Bond to be redeemed,
together with accrued interest thereon to the redemption date. If less than all the Bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the Bonds to be redeemed. If less than all the Bonds of any one maturity are called for redemption, the Bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity are to be redeemed, The Depository Trust Company ("DTC") shall determine by lot the amount of interest of each Direct Participant in the Bonds to be redeemed.

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

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

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

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

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender that Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

10. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

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

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

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

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

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

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

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

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

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

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

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

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

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

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

To the extent permitted by the U.S. Securities and Exchange Commission, the obligation to file any of the above documents with NRMSIRs and SIDs may be discharged by transmitting those documents electronically to www.DisclosureUSA.org.
If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

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

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

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

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

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

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

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard

NAYS: None

*Resolutions and Extracts recorded in full in Minute Book 44-A, Document # ___, & ____.*

(15) SCHOOL SALES TAX AGREEMENTS

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve agreement with Board of Education to facilitate reimbursement of sales tax on construction projects.

*Note: This action will enable the County to continue to receive full reimbursement of sales tax on school construction projects. The agreement was approved by the Board of Education on December 11, 2007.*

*Agreement recorded in full in Minute Book 44-A, Document # ____.*
(16) PURCHASE OF PROPERTY FROM 300 SOUTH CHURCH STREET, LLC AND R.B.C. CORPORATION - DEFERRED

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 defer consideration of Item (16) Purchase Of Property From 300 South Church Street, LLC and R.B.C. Corporation for two weeks, which will be the Board’s January 15, 2008 meeting.

Note: Prior to the above vote, Commissioner Helms noted that action on Items 16, 17, & 18 would be deferred for two weeks, in light of a recent lawsuit filed against the County by Jerry Alan Reese, which essentially affects all of these items. He said the Board was informed in Closed Session by Attorney Bethune that Mr. Reese has asked that the Board defer taking action on these matters tonight, in order to give him an opportunity to meet with Chairman Roberts to discuss possible ways of avoiding litigation as it’s now pending and now proposed.

Commissioner Helms noted that according to legal counsel, there is no negative impact on these matters as a result of a deferral.

(17) SALE OF PROPERTY TO BROOKLYN VILLAGE, LLC - DEFERRED

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 defer consideration of Item (17) Sale of Property to Brooklyn Village, LLC for two weeks, which will be the Board’s January 15, 2008 meeting.

(18) BASEBALL STADIUM LEASE AGREEMENT - DEFERRED

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 defer consideration of Item (18) Baseball Stadium Lease Agreement for two weeks, which will be the Board’s January 15, 2008 meeting.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(19) AD HOC COMMITTEE ON THE APPOINTMENT OF A SHERIFF

The Board considered making appointments to its Ad Hoc Committee on the Appointment of a Sheriff.

Chairman Roberts began the discussion by reading the motion adopted by the Board at its December 18, 2007 meeting with respect to establishing the committee.

Chairman Roberts clarified that there was nothing in the motion establishing the committee with respect to the committee doing any investigating. Chairman Roberts said the committee will be gathering information.

Chairman Roberts said “many have questioned the validity of the process that is being followed in the replacement of a sheriff. Many have questioned the statutes applicable to the replacement of a resigning sheriff and that under all of the potentially applicable statutes, the final step in appointing a sheriff to serve out the remainder of Mr. Pendergraph’s term rests with the County Commission.” “We feel it’s important for the citizens of Mecklenburg County that the Commission proceeds carefully to consider and seek to answer these questions, so that it can fulfill its responsibility.”

Chairman Roberts said the Board is listening and responding to the interest of the people and that
creating the Ad Hoc Committee is a response to the concerns the Board has heard voiced. She said the committee is to gather and weigh all of the facts and to receive legal advice on somewhat ambiguous laws of North Carolina that apply to this situation. It was noted also that the committee has no authority to vote, only to receive and request information and report back to the entire Board on its findings.

Motion was made by Commissioner Clarke, seconded by Commissioner Helms, to amend the composition of the Board’s Ad Hoc Committee on the Appointment of Sheriff by changing the membership to two democratic members rather than two democrats and two republicans; and to authorize the Chairman to make appointments to the Ad Hoc Committee on the Appointment of a Sheriff.

The following persons spoke in opposition to the Ad Hoc Committee on the Appointment of a Sheriff.

1. Donna Jenkins Dawson referenced past Sheriffs that were allowed to serve despite their background. Ms. Dawson said an Ad Hoc Committee has not been needed in the past when vacancies have occurred. Why now?
2. Rev. Dr. Gregory Moss (St. Paul Baptist Church) said “all of sudden” qualifications are being discussed as it relates to a process that has been in place for quite some time. Rev. Moss said if the Board feels there’s a problem with the process, “why not fix the process” later and not in the midst of it.
3. Rev. Dr. George Cook (Mt. Sinai) said no one has said this is a racial matter but rather they’re arguing about the procedure that Board wants to put in place, which is the first time for this type of process.
4. Rev. Dr. Ricky Woods (First Baptist Church West) said what’s taking place is “an abuse of power and a violation of the spirit of the law” on the part of the Board. Rev. Woods said it appears that the Board is trying to keep their preferred person in place. Rev. Woods asked that the Party’s candidate be confirmed, if after the findings of the Democratic Review Board determine that the appropriate rules were followed.
5. Dwayne Collins (Black Political Caucus) said he’s troubled by the need for an ad hoc committee to exam the process of filling the vacancy of sheriff and an attempt, to “possibly” scrutinize personal information in relation to the sheriff-elect of Mecklenburg County, Nikita Mackey.
6. State Representative Pete Cunningham asked “how did we get to this point” of having an Ad Hoc Committee. Representative Cunningham said republicans should not be on this committee. He referenced General Statute 162. Representative Cunningham said many residents have expressed their anger and disappointment to him regarding how this process is going. Representative Cunningham said it’s unfortunate, but this matter cannot be settled regardless of how many committees the Board comes up with. Representative Cunningham said because of the “hard” stand being taken by the Board, that this matter is going to end up in court and the County is going to lose.
7. Blanche Penn expressed her disappointment over the fact that an election was held on December 6, 2007 and the matter has not moved forward.
8. Rebecca Gomer (Mecklenburg County Young Democrats) asked the Board to confirm Mr. Mackey’s election as sheriff for the following reasons: 1) the election process was fair and both candidates followed the rules, 2) Mr. Mackey is more than qualified for the sheriff position, 3) Mr. Mackey’s desired approach to decrease the inmate population is one that her organization supports, and 4) the Board should consider the long term implications of its action and the precedent that it’s setting.

The following person was neither for nor against the formation of the Ad Hoc Committee:

Rev. Willie Simpson asked the Board to follow procedure. Rev. Simpson said if it’s determined that election process followed procedure then the Board should move on.

Comments

Chairman Roberts said the Board has been deliberative about process and is pursuing its course action according to the law. Chairman Roberts said the Board has not discussed qualifications.
Commissioner Woodard spoke in opposition to the motion. Commissioner Woodard said this matter was causing division in the community and on the Board. She said it’s also costing the County money because it has obtained outside counsel (Womble Carlyle) probably at a cost of $400 per hour.

Commissioner Woodard asked Chairman Roberts to consider contacting the N.C. Democratic Party to request that the appeal matter be expedited, since it’s causing an “uproar” in the community.

Commissioner Woodard said “we as a democratic majority Board, should stop this display of division and confirm the sheriff that was elected on December 6, 2007.”

Commissioner Bishop said the republican members of the Board have agreed that they should not serve on the Ad Hoc Committee.

Commissioner Bishop said what the Board is struggling with is what the law permits the Board to do and what it requires the Board to do.

Commissioner Bishop said an Ad Hoc Committee will not improve this situation. He said regardless of the outcome there will still be people displeased.

Commissioner Bishop said he thinks there’s a better way to resolve this matter, based on information he has received regarding the law, rather than having a committee; however he will support having a committee if that’s the will of the Board.

Commissioner Bishop said the Board was informed of two General Statutes 162-5.1, as referenced by Representative Cunningham and was the process used by the local democratic party, and 162-3, which he said states “every sheriff may vacate his office by resigning the same to the board of county commissioners of his county; thereupon the board may proceed to elect another sheriff.”

Commissioner Bishop also noted a N.C. Court of Appeals case, Boyd vs. Robeson County, which he said determined with respect to 162-3 and 162-5.1, “if a sheriff wishes to resign, he tenures his resignation to the county commissioners and they may then appoint a new sheriff.” He said the court also said if a vacancy occurs for any other reason, it remains the responsibility of the county commissioners to select a new sheriff to serve the remainder of the term.

Commissioner Bishop said the Court of Appeals is of the opinion that where a sheriff has resigned this board has the discretion to replace him and that where the vacancy occurs for some reason other than resignation then the process for consulting the party executive committee takes place.

Commissioner Bishop said a lot of expectations have been built up by the media and by the process that the Democratic Party Executive Committee has chosen to follow. A process Commissioner Bishop said that is now under review by another Democratic Party “organ.”

Commissioner Bishop said he thinks “we will be better served by coming to the right decision now and that the consensus candidate of this Board is Chip Bailey, the Chief Deputy Sheriff and Acting Sheriff.” Thus, a Substitute motion was made by Commissioner Bishop, seconded by Commissioner Ramirez, to appoint Chief Deputy Sheriff Chip Bailey as Sheriff of Mecklenburg County for the remainder of the term of Sheriff Pendergraph.

Commissioner James said he doesn’t think a lot of people are aware that the rules to replace former state representative Jim Black are different from the rules to replace a sheriff.

Commissioner James said the question is whether the statutes cited by Commissioner Bishop gives the Board the authority to select a sheriff or to accept the Democratic Party
Commissioner Mitchell spoke in opposition to the substitute motion. Commissioner Mitchell said there’s a process in place and that the Board has said it would wait on a decision from the Democratic Party Council of Review.

Commissioner Ramirez said he supports the substitute motion because a solution to this problem is needed now.

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

The vote was taken on the substitute motion and failed 4-4 with Commissioners Bentley, Bishop, James, and Ramirez voting yes and Commissioners Clarke, Helms, Roberts, and Woodard voting no.

**Commissioner Mitchell returned to the dais.**

Commissioner James asked Chairman Roberts would Commissioners Helms and Mitchell be the two democrats to serve on the committee. The response was that’s a reasonable expectation.

Substitute motion was made by Commissioner Woodard, but died for lack of second that the Board not put another process in the middle of this process and that the Board not have an Ad Hoc Committee.

Chairman Roberts said she’s been in touch with the State Democratic Party and was informed that they are going to proceed as quickly as possible and understand the importance of this. She was told that they will probably meet in early February.

The vote was then taken on the original motion and carried 8-1 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Woodard voting no, to amend the composition of the Board’s Ad Hoc Committee on the Appointment of Sheriff by changing the membership to two democratic members rather than two democrats and two republicans; and to authorize the Chairman to make appointments to the Ad Hoc Committee on the Appointment of a Sheriff.

**COMMISSION COMMENTS – NONE**

**ADJOURNMENT**

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop, 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 8:33 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

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

The meeting was called to order by Chairman Roberts. It was noted that this was a joint meeting with the Charlotte-Mecklenburg Board of Education (BOE).

Opening remarks were made by Chairman Roberts and Board of Education Chairman Joe White.

County Manager Jones and School Superintendent Peter Gorman also made opening remarks.

Commissioner Ramirez entered the meeting.

County Manager Jones introduced Ann Udall with The Lee Institute, who facilitated the meeting.

Ms. Udall reviewed the topics on the agenda and the process for conducting discussion of these matters. The topics were:

- FY2009 Charlotte-Mecklenburg Schools Funding Evaluation Guidelines
- Use Of Lottery Proceeds
- Public/Private Partnerships

It was noted that any matters raised not associated with the main topics of discussion would be listed ("parking lot" list) and followed up on at a later date.

Comments:

BOE member George Dunlap asked if discussion was needed regarding whose responsibility it is to decide which schools will be placed on school bond projects list, the Board of Education or the County Commission. Mr. Dunlap said it’s his understanding that the County Commission provides funding and the Board of Education decides which schools will go on a projects list. The response was that this was a matter to be placed on the ‘parking lot’ list.

BOE member Vilma Leake asked about the status of bond funds and why hasn’t Charlotte-Mecklenburg Schools (CMS) received bond funds that they were to receive. The response was
that this was a matter to be placed on the ‘parking lot’ list.

(1) FY2009 CHARLOTTE-MECKLENBURG SCHOOLS FUNDING EVALUATION GUIDELINES

Budget/Management Director Hyong Yi addressed the FY2009 Charlotte-Mecklenburg Schools Funding Evaluation Guidelines.

The following was covered in the presentation:

- Purpose of the Funding Evaluation Guidelines
  - To provide a tool for the Board of County Commissioners to evaluate CMS operating funding requests based on per pupil funding changes and changes in student enrollment and composition.
  - It does not obligate the Board to fund at a certain dollar amount.
  - If CMS request is not consistent with funding guideline, it gives the Board a basis for assessing the request.
  - It was developed in 2004 and refined since.
- The Operating Guideline Premise
- Guideline Components
- Per Pupil Calculation
- The Methodology
- FY2008 Application
- Reflections and Next Steps

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

Comments:

Commissioner James commented on the history of the Funding Evaluation Guidelines.

Commissioner James asked the BOE to comment on the County’s Funding Evaluation Guidelines. Also, on whether the BOE accepts the guidelines as a “starting point” and if so, would they be willing to incorporate it in their budget process. Commissioner James said he believes CMS staff does this already, but he’s uncertain about the BOE’s stance.

BOE member Dunlap also commented on the history of the Funding Evaluation Guidelines. He said he feels it’s something that the BOE could “live with,” but before he could “sign off on it”, he would want to verify the data used by the County for CMS to make sure the percentages were accurate and agreeable. Mr. Dunlap said it’s not the framework that’s the concern but the data used in the framework. He cited an example, if CMS has an overage and the County then informs CMS that it’s not entitled to that money and needs to give it back, that’s okay, but if CMS over enroll what it projected then CMS would expect additional funds. He said the County and CMS need to agree on a process for handling this type of situation and stick that agreement.

Dr. Gorman clarified that CMS staff has never said it accepts the Funding Evaluation Guidelines as a “starting point.” He said it’s a tool staff uses in the budgeting process and part of the discussion CMS staff has with County staff, but it’s not a “starting point” for CMS.

Commissioner James said he’d like to know if the factors in the Funding Evaluation Guidelines are agreeable to the BOE.

Commissioner Clarke said the Board of Commissioners have always said the Funding Evaluation Guidelines was a “tool” it uses, but it’s never been voted on to be a “starting point.”

Director Yi clarified that the Funding Evaluation Guidelines is only a “starting point” for County staff and the County Manager.

BOE member Tom Tate said this was his first time actually seeing something about the Funding Evaluation Guidelines. He said he’s heard of it, but it hasn’t been discussed by the BOE during
his tenure. Mr. Tate said for him it’s not about how much money per pupil he thinks CMS will need, but rather, what are the educational programs CMS needs to be providing for all students and then figuring out what those programs are going to cost.

BOE member Dunlap asked at what “rate” does the County tax the citizens of Mecklenburg County for educational purposes, operational and debt service. Mr. Dunlap said he wants to know because it would be unfair to the taxpayers to charge them more and give the Schools less. *The response was that staff would have to get back with an answer.*

Commissioner Bishop said there’s no “tax” assessed for education.

BOE member Dunlap said there’s no “tax” assessed, but it has been said the taxpayers are paying for education.

Commissioner Bishop noted the proposal Commissioner Ramirez has brought forth in the past with respect to allocating a specific percentage of the tax revenue for schools.

BOE member Trent Merchant said it makes sense to have a framework because you have to compare it with something, but that it should be used as a tool or measuring stick and not as a “do or die number.”

Mr. Merchant said he agreed with Mr. Tate, that the BOE needs to determine what programs are effective and needed and which are not.

Further, he would like to better understand the reaction of Commissioners when they receive CMS’ budget. He noted that there’s a category for continuing operations and for new initiatives that would appear to be outside of the Funding Evaluation Guidelines. He would like to know how this is evaluated.

BOE member Molly Griffin said she doesn’t have a problem with the Commission using the Funding Evaluation Guidelines because it was developed for their use. However, she doesn’t think the BOE needs to use it in developing its budget because their budget takes more factors into account.

BOE member Larry Gauvreau said he thought the Funding Evaluation Guidelines was developed for compromise purposes. He said he’s never been in favor of the Funding Evaluation Guidelines. He said it doesn’t force change in the school district.

Commissioner Ramirez noted that he has proposed in the past that a certain percentage of the County’s revenue be dedicated for CMS. Commissioner Ramirez said this would eliminate the political discussion that takes place every year.

Commissioner Helms said to him it doesn’t matter how the Board of Education feels about the Funding Evaluation Guidelines, but what matters is for the Board of Education to know that the County Commission uses it as a guide. He said it’s a “sound fiscal management process.”

BOE member Ken Gjertsen said he doesn’t feel the BOE needs to use the Funding Evaluation Guidelines in its budgeting process, because it would be doing the same thing year after year. He said it has a built in increase for the school system. He said there is no incentive for CMS to save money. He posed the question of what happens if CMS saves “x” amount of dollars in a given year. Could CMS come back the next year and say it’s going to use those savings for something else; how would CMS know that its allocation wouldn’t be reduced by that amount of savings? He said there’s no “certainty” in the financing. He said there needs to be some certainty in the process.

BOE member Leake said the BOE looks at the needs versus sometimes beyond what money is allocated for CMS to use. Ms. Leake said she remembers when the County would set aside a supplement for increases for teachers, but now no longer does. Ms. Leake said she would like to see this put back in the budgeting process for retention of teachers and others in the district. She’s also concerned about the amount of spending on education versus on incarceration.
BOE Chairman White commented on the history of the Funding Evaluation Guidelines. He said he understands how the County uses it, but that for the BOE it doesn’t work and he’s not sure how they could fine tune it. He doesn’t have a problem with the County using it as a “starting point.”

Chairman Roberts acknowledged there are different perspectives on the Funding Evaluation Guidelines. She noted that there are a number of measures used, not just per pupil spending where we are low in the nation, including teacher salaries.

Chairman Roberts said from her perspective the County probably is underfunding some aspects of CMS and achievements are challenged because of that.

Chairman Roberts said she was not supportive of Commissioner Ramirez’s proposal because of other needs that may come up. She said if you commit to a certain percentage of tax revenue annually, there’s no flexibility for addressing changing needs and factors in the community that you have no control over.

Commissioner Helms asked for clarification regarding the per pupil cost, which was addressed by Dir. Yi.

Chairman Roberts said it may be good to have a comparison study from a national organization regarding per pupil spending.

BOE member Merchant said he wasn’t interested in a comparison of per pupil cost because there are no school districts the size of CMS that are doing a good job.

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

Commissioner Mitchell said perhaps the Board needs to see the BOE budgeting process.

Student Enrollment

Scott McCulley with CMS addressed 2007-2008 Student Enrollment.

The presentation addressed Enrollment numbers and Methodology.

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

Mr. McCulley said CMS is still trying to determine why they missed their enrollment projections.

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

Comments:

BOE member Dunlap asked, with respect to enrollment projects, if staff takes into account the mortality rate and persons who may have been born in Mecklenburg County but moved prior to entering school. The response was that CMS takes into consideration the “survival ratio,” which is not so much from an infant mortality standpoint but from the standpoint of students staying in the system. It was stated that when you look at the births and the kindergarten class and you create that ratio, which then is the multiplier that determines basically how many students will be staying in the school system.

Commissioner Clarke asked about enrollment trends. The response was that CMS is looking at this. However, one of the factors is economics overall, locally and nationally. It was also pointed out that persons relocating to Mecklenburg County aren’t bringing their children right away because they’re having trouble selling their existing home.
Commissioner Bentley asked if CMS looks beyond Mecklenburg County when considering private and charter school growth and/or expansion. The response was that they only look inside of Mecklenburg County. It was acknowledged that there are factors that occur outside of the borders of Mecklenburg County that could have an impact on enrollment projections.

Commissioner Bentley suggested CMS takes into consideration what’s occurring in surrounding counties.

Commissioner Mitchell asked whether CMS tracks student that leave the system and go to private or charter schools. The response was that they look at some broad information. They have some specifics to a certain degree, but the reliability of that information is something CMS has to continually work on.

Commissioner Mitchell asked if money is returned for those students that leave and come back to CMS. The response was not after a certain date.

BOE member Leake said there are a number of students that do return, but she hasn’t seen those numbers.

Commissioner Bentley asked, with respect to business cycles and economic trends on the state level, how far back is CMS looking. The response was about five years.

Commissioner Bentley suggested CMS looks back further, in order to get a more accurate view, especially when it comes to enrollment. She said historically if you look at business cycles on the state level and if you go back about ten years you’ll see there’s usually a blip.

The Board recessed at 2:37 p.m. and reconvened at 3:03 p.m.

(2) LOTTERY PROCEEDS AND ADM FUNDS

Finance Director Dena Diorio addressed Lottery Proceeds and ADM Funds.

The presentation addressed:

- Background with respect to ADM Funds and Lottery Proceeds
- Program Elements
- Revenue Distribution and Use of Funds

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

Note: Attorney Bethune left the meeting and was absent for the remainder of the meeting.

Comments:

BOE member Dunlap asked were lottery funds sent to the County and then transferred to CMS or vice versa. The response was that the County draws the funds down, but the form is signed by both entities.

Mr. Dunlap asked if Director Diorio considers this supplanting, since the lottery funds are to be directed to the schools but end up being used by the County for debt service. Mr. Dunlap said it was his understanding that monies derived from the lottery should not supplant monies that the County would appropriate for school construction. The response was that school debt service is a permissible use of the lottery funds. Therefore, using it for debt service would not be considered supplanting.

Mr. Dunlap asked who makes the decision with respect to how the funds will be used. The response was that the County Manager recommended they be used for debt service and the Board of County Commissioners approved it.
Mr. Dunlap said he wants to know legally, who has the authority, the Board of County Commissioners or the Board of Education.

County Manager Jones said it’s his understanding that the decision is that of the Board of County Commissioners, but an official answer will be obtained.

Commissioner Clarke asked about the $4 million balance in lottery funding. The response was that a decision has not been made to date regarding the use of those funds.

Commissioner Clarke asked if it could be given to CMS. The response was yes, but it has to be for a specific project if it’s not used for debt service.

Commissioner Clarke asked was it correct that if the lottery funds aren’t used to pay for debt service, then the County would have to do one of the following: a) increase property taxes more in order to pay debt service for school buildings, b) reduce appropriations to the schools for other operating budget needs they have, or c) reduce County spending in other areas such as mental health or other county departments. The response was yes.

BOE member Tate asked for clarification with respect to debt service and the use lottery funds for that purpose, which was addressed.

Chairman Roberts said she doesn’t feel the County is supplanting because the County has a huge debt service burden.

Commissioner Bentley asked was County staff tracking to see if the County was hitting its projections with respect to the amount of lottery funds to be received. The response was that it was too early to tell because the County has only received one payment.

Commissioner Mitchell asked Director Diorio to comment on the amount of the County’s debt service. The response was that the total debt service for this fiscal year is $243 million, and $141.7 million of that is for schools. Debt service increase for schools was $16 million.

BOE member Dunlap said his concern is who has the legal authority to say how the funds are to be used. His contention is that the BOE had no say in how the lottery funds would be used. He said the BOE could have very well made the same decision, but the fact that they had no say so is what concerns him.

Commissioner Dunlap asked about the $4 million balance in lottery funding. The response was that a decision has not been made to date regarding the use of those funds.

BOE member Tate asked for clarification with respect to debt service and the use lottery funds for that purpose, which was addressed.

Chairman Roberts said she doesn’t feel the County is supplanting because the County has a huge debt service burden.

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BOE member Dunlap said his concern is who has the legal authority to say how the funds are to be used. His contention is that the BOE had no say in how the lottery funds would be used. He said the BOE could have very well made the same decision, but the fact that they had no say so is what concerns him.

Commissioner Woodard returned to the meeting.

BOE member Trent Merchant said he was not concerned about the issue because if the County is funding CMS by some $323 million annually he doesn’t think the BOE should get bogged down about $22 million. He said they’ll lose sight of the issue and in light of the numbers to him it’s “a drop in the bucket” whether it goes to debt service or operating.

County Manager Jones said using lottery proceeds to pay for debt service is funding school construction.

BOE member Gjertsen said he wants the Board to make a commitment to the BOE on what’s going to be allocated annually. He said CMS could get some real economies of scale in school construction if they knew what was going to be received annually and taking into consideration inflation.

BOE member Leake posed the question of how do you educate the community on the lottery funds and how they can be used. She said she feels the lottery funds really aren’t for education.

Facilitator Udall said per the discussion regarding lottery proceeds, the following questions were raised:

- Supplant versus supplement
- What defines education?
- Who has the legal authority to decide how lottery proceeds are to be used?
How do you educate the public on lottery proceeds?

BOE Chairman White said the issue he feels is that the public doesn’t understand that schools don’t get all of the proceeds.

(3) PUBLIC/PRIVATE PARTNERSHIPS

Guy Chamberlain with CMS addressed Public/Private Partnerships, Place Properties and CMS.

The presentation addressed:

- The Background
- The Public/Private Partnership Structure
- The “Tests”
- Added Value
- Conclusions and Recommendations
- Timetable

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

Comments:

Commissioner Helms commented on the statement made that it would be CMS’ debt and not the County’s. He asked was it not correct that it’s not the CMS debt but rather CMS’ obligation to service or pay the lease payments, that the debt is Place Properties. Mr. Chamberlain said Commissioner Helms was correct.

Director Diorio, with respect to what the transaction would look like, said the official statement that goes out to the investors will say CMS. It’s CMS’ obligation to repay the debt, so although it will be issued by a private developer, it is considered debt of CMS.

Noted also was that the County would make an appropriation to CMS for lease payments. The County is under no obligation to repay the debt.

Chairman Roberts also asked about debt on behalf of the schools and the rating. The response was that it should be rated lower than County COPs.

Director Diorio said it was overlapping debt to the County but not direct debt.

Commissioner Ramirez asked was CMS protected if the developer is not on time. The response was that CMS intends to put in some type of liquidated damages in the development agreement so that there will be a penalty if delivery is late.

BOE member Dunlap said he feels CMS should monitor the project. The response was that CMS staff will monitor but not on the level it normally would.

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

BOE member Merchant said he would like to see a formal agreement to understand how this process will work. The response was that it was being drafted with respect to how these funds would flow.

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

BOE member Griffin asked if it really makes economic sense to do this. She said she thought it was going to be an expense/effective saving device, but it doesn’t appear to be.

BOE Chairman White said he needs to be convinced that this is worth doing.
Chairman Roberts said she likes having the ability to do faster construction. She also likes the debt capacity piece for the County.

BOE member Dunlap said the deciding factor, although it may not be the greatest solution, is that it does allow the County to deal with more debt service. He said if CMS had to fund these projects the way it has done traditionally, it would mean more debt service on the County.

Commissioner Clarke said it doesn’t save a huge amount but it doesn’t cost a huge amount either. He said it’ll show the public “we’re trying.”

Dr. Gorman commented on the need for legislative change so that the Public/Private Partnership delivery method is more of a cost savings.

BOE member Griffin asked was it necessary to have further discussion at a later date regarding the Public/Private Partnership delivery method, prior to each entity voting on it.

Chairman Roberts said she felt if responses can be e-mailed regarding the questions raised during the discussion that would be suffice and may add to everyone’s perspective. She said she feels it’s something that should be tried. She also likes the idea of both entities placing this issue on its legislative agenda, ways to make it even more effective and efficient in order to get things done faster.

BOE member Dunlap said it was his understanding that the agreement was that if it doesn’t work the County has to provide COPs to do it. He said it should at least be tried because if not then CMS “doesn’t stand a chance of getting the COPs.”

This concluded the discussion on Public/Private Partnerships.

Facilitator Udall suggested that the Chairmen, County Manager, and Superintendent follow-up on the issues noted in the parking lot, which were

- Educate the County Commission on how CMS develops its budget
- How are bonds being spent
- Verify that it’s CMS’ responsibility to decide the specifics of bond projects
- Charter and Private school enrollment gages
- Legal opinion with respect to who has local authority regarding how lottery proceeds can be used.

BOE member Leake asked would future joint meetings of this nature be held.

Chairman Roberts said she thought today’s meeting was very helpful and that perhaps future meetings should be held before there’s a major project or issue change that both entities would be voting on. Also, perhaps once during the budget season if there are specific questions about programs or about new innovations.

BOE member Griffin said she doesn’t want to meet just to be meeting. Her preference is to meet if there’s an important issue to be dealt with.

BOE Chairman White suggested if future meetings are held, that they should be at a time like this when you’re “in an informational mode, because if you wait two or three months down the road when you’re in the decision-making mode, then everyone is a little more emotional and uptight about their issue.”

This concluded the discussion.

No action was taken or required.

The above is not inclusive of every comment but is a summary.
ADJOURNMENT

There being no further business to come before the Board that the meeting was declared adjourned at 4:15 p.m.

________________________________________

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JANUARY 15, 2008 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, January 15, 2008.

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 Deputy Clerk to the Board Tonette F. Spears

Absent: None

- INFORMAL SESSION -

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

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

(1A) STAFF BRIEFINGS - NONE

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

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult with Attorney.

Prior to going into Closed Session, Attorney Bethune stated the Land Acquisition matters were tax parcels #173-325-11, 173-325-14, 217-101-05, 217-301-01, 217-013-34 and -35, 217-101-04, and 217-101-07, -06 and -10; and the Consult with Attorney concerns two lawsuits Asha Awad Elkarim vs Templeton Druied Roberson, Jr. and County of Mecklenburg, and Jerry Allen Reese vs. Mecklenburg County; Mecklenburg County Public Facilities Corporation; 300 South Church Street, LLC; and R.B.C. Corporation; and item 2a2 was removed.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:15 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She arrived during Closed Session.
(3) REMOVAL OF ITEMS FROM CONSENT

There were no items removed from consent to be voted upon separately.

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

- FORMAL SESSION -

Invocation was given by Chairman Roberts which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

Commissioner Ramirez was not present when Formal Session was called to order.

CITIZEN PARTICIPATION

(1) MARTIN LUTHER KING, JR DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to adopt a proclamation designating January 21, 2007, Dr. Martin Luther King, Jr. Day.

The proclamation was read by Commissioner Woodard and received by Cherise Belnavis Johnson, Co-chair of the MLK Planning Committee.

(2) PUBLIC APPEARANCE

The following individuals appeared to speak during the Public Appearance portion of the meeting regarding the process used to elect Nikita Mackey as Sheriff of Mecklenburg County and requested the Board move forward with confirming his appointment.

Kenneth D. White, President, Charlotte-Mecklenburg NAACP; Niksa K. Grier representing Working Families Win; Katie H. Simmons, Gariann Yuchym, 2nd Vice-President of Young Democrats of Mecklenburg County and Blanche Penn.

Commissioner Ramirez entered the meeting at this time.

(3) APPOINTMENTS

FIRE COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappointment Harley Cook to the Fire Commission for a three-year term expiring January 31, 2011.

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board’s appointment policy to allow William Griffin, Larry Irvin and Don Monteith to be nominated and appointed at tonight’s meeting. William Griffin and Larry Irvin were both appointed for three-year terms expiring January 31, 2011. Don Monteith was appointed to fill an unexpired term expiring December 31, 2009.

They are replacing Chris Hardin, Timothy Hipp and Dan Ranson.
GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board’s appointment policy to allow Ralph Roberts to be nominated and appointed at tonight’s meeting to the Groundwater Advisory Committee as a well-owner representative to fill an unexpired term expiring July 18, 2009.

*He is replacing Ms. Anne Radke.*

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Ralph Boral to the Information Services & Technology Committee for a three-year term expiring February 7, 2011.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Melinda Vinson to the Nursing Home Community Advisory Committee for a three-year term expiring October 31, 2010.

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint John Adams to the Personnel Commission for a three-year term expiring February 5, 2011.

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board’s appointment policy to allow Priscillia Bynum to be nominated and appointed at tonight’s meeting to the Personnel Commission to fill an unexpired term expiring July 12, 2008.

*She is replacing Pat Martinez.*

TRANSIT SERVICES ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board’s appointment policy to allow Edward Jernigan to be nominated and appointed at tonight’s meeting to the Transit Services Advisory Committee to fill an unexpired term expiring February 3, 2010.

*He is replacing James Dixon.*

(4) PUBLIC HEARINGS – NC DEPARTMENT OF TRANSPORTATION

COMMUNITY TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to open a 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 2008-2009.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing and adopt a resolution approving 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 2008-2009.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION
Section 5311
FY 2008 - FY 2009 RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding, Enter Into Agreement with The North Carolina Department Of Transportation And to Provide the Necessary Assurances.

A motion was made by Commissioner James and seconded by Commissioner J. Daniel Bishop for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for 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 receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, (Legal Name of Applicant) 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 (Authorized Official’s Title)* County Manager of (Name of Applicant’s Governing Body) 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 44-A, Document # _____.

(5) ADVISORY COMMITTEE REPORTS – NONE

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

MANAGER’S REPORT

(6) MANAGER’S REPORT – NONE
(2A3) CLOSED SESSION – HIGH SCHOOL SITE ACQUISITION IN PALISADES AREA

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to 1) approve an Agreement for Acquisition of Land between the Charlotte Mecklenburg Board of Education (“CMBE”), Green Fields Investments LLC (“Green Fields”), Rhein Medall Interests, LLC (“RM”) and Mecklenburg County (the “County”); and 2) approve a purchase price of $45,000 per acre for up to 90 acres of land (85.22 from Steele Creek 1997 and RM and 4.020 from Krull).

Note: The above noted Agreement for Acquisition of Land addresses several parcels under contract to RM (Tax Parcels 217-101-05, 217-301-01, 217-013-34 and -35 = 134.45 acres) and to CMS (217-101-04 = 28.9 acres). (Also addressed in the agreement are Tax Parcels 217-101-07, -06 and -10, which are under contract to RM but will be donated to CMS per the agreement and are described in the companion Board action request Substitute Property for Elementary School/Park Site in Palisades Area.)

(2A1) GREENWAY ACQUISITION – LITTLE SUGAR CREEK

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve purchase of a portion of Tax Parcels 173-325-11 and 173-325-14 (+/- 18.429 acres) at Sharon Road West for $9,000 per acre from Quail Hollow Homeowners Association #4, Inc.

Note: The subject property is part of a land assemblage for the Little Sugar Creek Greenway and will provide connectivity between Huntingtown Farms Park and Sharon Road West.

Commissioner Woodard returned to the dais.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 2, 2008 and Closed Session held January 2, 2008, Items 2a2 & 2b and December 4, 2007 Item 2c1.

(8) TAX REFUNDS

Approve refunds in the amount of $95,689.26 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) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

Amend the LUESA Fee Ordinance to reflect new pricing for digital GIS data.

Ordinance recorded in full in Minute Book 44-A, Document #______.
(10) FISCAL YEAR 2009 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>Alexander Youth Network</td>
<td>Multidimensional Treatment Foster Care (MTFC)</td>
</tr>
<tr>
<td>Assistance League of Charlotte</td>
<td>Mecklenburg County Teen Court</td>
</tr>
<tr>
<td>Brothers Helping Brothers, Inc.</td>
<td>Brothers Helping Brothers, Inc.</td>
</tr>
</tbody>
</table>

(11) PINE VALLEY MASTER PLAN ADOPTION AND PARK & RECREATION TRUST FUND (PARTF) GRANT APPLICATION

1) Approve the Pine Valley Master Plan Design concept.

2) Authorize staff to apply for a PARTF grant.

Note: Mecklenburg County Park & Recreation Department has allocated $40,000 in capital reserve funds to plan and install playground equipment at the Pine Valley Neighborhood Park. The Department would like to seek matching funds via The Park & Recreation Trust Fund to complete the project. The Park and Recreation Commission endorsed the current master plan on January 8, 2008.

(12) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional Health Department revenue of $697,648 to reflect actual state, federal and local allocations.

(13) JAIL CENTRAL - ARREST PROCESSING RENOVATION CONSTRUCTION CONTRACT

Award a construction contract in the amount of $851,100 to Streamline, LLC for Jail Central Arrest processing renovations.

Note: This project includes building renovations to enhance and support the growth and development of the arrest processing area. The building renovation will affect approximately 6,000 square feet, and the work will include relocation of the control room and the addition of an arrestee queuing vestibule. The completed work will facilitate safer and better control of arrestees. The contract includes the following Add Alternates: Add Alternate 1: Expanding the nursing facilities and reconfiguring the female holding area. Add Alternate 2: Expanding the Positive I.D. area to provide increased efficiency to this phase of the arrest process.

(14) STATE BOARD OF ELECTIONS GRANT FUNDS FOR POLLING PLACE AUTOMATION

Recognize, receive and appropriate $440,000 in grant funds from the State Board of Elections to purchase equipment for polling place automation in support of ongoing studies.

(15) LITTLE SUGAR CREEK GREENWAY – BAXTER TO MOREHEAD (KINGS DRIVE SECTION) – STORM DRAIN REPAIR

1) Authorize the County Manager to approve and execute a Memorandum of Understanding
(MOU) between Mecklenburg County and the City of Charlotte regarding City storm drain improvements on the Little Sugar Creek Greenway (LSG).

2) Amend the Capital Project Ordinance to appropriate revenue to be received from the City of Charlotte in the amount of $500,000 for storm water improvements at Little Sugar Creek Greenway.

*Ordinance recorded in full in Minute Book 44-A, Document #_______.*

(16) **SUBSTITUTE PROPERTY FOR ELEMENTARY SCHOOL/PARK SITE IN PALISADES AREA**

Accept donation of approximately 30 acres as a substitute location for +/- 27 acres proposed for dedication by Green Fields, Investments, LLC to the Charlotte-Mecklenburg Board of Education and Mecklenburg County for an elementary school and park site per rezoning petition #2001-16(c).

Note: At the time the above dedication was accepted by the Board (3/07/2007), Green Fields Investments, LLC (Crescent Resources) had indicated a preference for CMS and County park staff to consider an alternative site instead of the original site indicated in the rezoning for the Palisades development. Said new location was actually preferred by both CMS and park staff. The new location is to be donated to CMS/County in exchange for CMS/County giving up rights to the original site near the Palisades town center. The new location includes Tax Parcels 217-101-07, -06 and -10. A condition of the original land dedication was that the school and park projects must be funded by 4/1/2007. The 3/07/2007 Board action confirmed intent to fund the school and park in accordance with the rezoning petition condition. The school project was funded in the November 2007 bond package and construction is anticipated to begin on July 1, 2009. The subject substitute location is proposed as part of a larger assemblage by CMS and described in an agreement in a companion item on tonight’s agenda.

(17) **CRISIS INTERVENTION PROGRAM – DSS**

Amend the Department of Social Services' FY08 budget to recognize, receive and appropriate $369,911 from the U.S. Department of Energy for the Crisis Intervention Program.

Note: The Department of Social Services contracts this program through Crisis Assistance Ministries. These funds will enable Crisis Assistance Ministries to assist families in need of energy assistance.

(18) **GRANT TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS**

Approve submission of a $750,000 grant application for funding an Enforcement of Protection Order program from the U.S. Department of Justice, and if awarded, recognize, receive and appropriate the grant amount awarded.

(19) **DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY08 FUNDING**

Recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,423,209 for fiscal year 2008 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Sponsoring Agency</th>
<th>Proposed FY08</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intensive FACET</td>
<td>DSS-Youth and Family Services</td>
<td>$272,857</td>
</tr>
</tbody>
</table>
Court Psychologist  Elon Homes for Children  144,887
Theft Diversion Program  Life Connections, Inc.  39,550
Multi Systemic Therapy (MST)  Alexander Youth Network  80,000
Restitution  Project Challenge  202,010
MST/Emergency Placement  Youth Homes, Inc.  452,806
Raising Academic Performance (RAP)  East Stonewall A.M.E Zion Church  86,135
Helping Youth Prepare for Excellence (HYPE)  Temple of Refuge Int’l Fellowship  139,464
JCPC Support  County Manager’s Office  5,500
Total  $1,423,209

T H I S   C O N C L U D E D   I T E M S   A P P R O V E D   B Y   C O N S E N T

STAFF REPORTS AND REQUESTS

(20) PURCHASE OF PROPERTY FROM 300 SOUTH CHURCH STREET, LLC AND R.B.C. CORPORATION

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, and Commissioners Bishop and James voting no, to adopt a resolution authorizing the purchase of the following seven (7) tracts of real property (the Assemblage) from 300 South Church Street, LLC and R.B.C. Corporation for $18,947,498:

1. 316 S. Church Street (Tax ID 07302204)
2. 316 S. Poplar Street (Tax ID 07302601)
3. 212 &216 W. MLK, Jr. Boulevard (Tax ID 07302206)
4. 224 W. MLK, Jr. Boulevard (Tax ID 07302205)
5. 301 S. Mint Street (Tax ID 07302301)
6. 316 S. Poplar Street (Tax ID 07302602)
7. 322 S. Church Street (Tax ID 07302208)

Prior to the vote, Commissioner James noted the following two reasons for his opposition to agenda items number 20, 21 and 22.

1) His belief is it is not the proper role of government to fund sports entertainment. The original structure of this deal was there would be no property taxes involved; however, he believes it is clear there is significant property tax money involved.
2) His concerns with the commitment made to the public for use of park bonds for the Third Ward Park. He stated he would not go into any details, again.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY FROM 300 SOUTH CHURCH STREET, LLC AND R.B.C. CORPORATION

WHEREAS, on December 18, 2007, the Mecklenburg County Board of Commissioners adopted a Resolution declaring its intent to sell three (3) parcels of land to be subdivided from Tax Parcels 125-071-20 and 125-071-25 to Brooklyn Village LLC for construction of a mixed-use development to be called Brooklyn Village; and

WHEREAS, a Notice of Intent to sell property to Brooklyn Village, LLC was published in the Charlotte Observer on December 21, 2007 that generally described the property involved, the nature of the interest to be conveyed, and all of the material terms of the proposed transaction; and

WHEREAS, a copy of the full Agreement of Sale for County Property was made available through the Office of the Clerk to the Board and online; and
WHEREAS, Exhibit C, one of the attachments to the Agreement of Sale for County Property, is the Agreement of Sale for Assemblage for properties to be acquired by the County from 300 South Church Street, LLC and by assignment properties from R.B.C. Corporation; and

WHEREAS, the properties to be acquired from 300 South Church Street, LLC and R.B.C. Corporation, the “Assemblage Properties”, collectively, constitute the preferred site for the recently named Romare Bearden Park in Third Ward; and

WHEREAS, acquisition of the Assemblage Properties is one of the conditions precedent to Brooklyn Village LLC’s obligation to purchase the Brooklyn Village parcels from Mecklenburg County; and

WHEREAS, the Board of Commissioners has determined that it is in the public interest for it to authorize execution of the Agreement of Sale for Assemblage so that the County can acquire the preferred site for the Third Ward Park, recently named the Romare Bearden Park, and to develop the Assemblage Properties for use by the public as a public park; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby authorizes the purchase of the Assemblage Properties and authorizes and directs the County Manager to execute the Agreement of Sale for Assemblage between Mecklenburg County and 300 South Church Street, LLC and to take assignment of the Agreement of Sale between R.B.C. Corporation and Spectrum Investment Services, Inc. by executing the Joinder provision, so that the County can acquire the properties owned by 300 South Church Street, LLC and R.B.C. Corporation for development as a public park, and to execute all other documents required for the County to acquire said Assemblage Properties.

Resolution recorded in full in Minute Book 44-A, Document # ________.

(21) SALE OF PROPERTY TO BROOKLYN VILLAGE, LLC

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, and Commissioners Bishop and James voting no, to adopt a resolution authorizing the sale of (3) parcels of land (+/- 7.655 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 to Brooklyn Village, LLC for $18,947,498.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING THE SALE OF PROPERTY TO BROOKLYN VILLAGE, LLC

WHEREAS, on December 18, 2007, the Mecklenburg County Board of Commissioners adopted a Resolution declaring its intent to sell three (3) parcels of land to be subdivided from Tax Parcels 125-071-20 and 125-071-25 to Brooklyn Village LLC for construction of a mixed-use development to be called Brooklyn Village; and

WHEREAS, a Notice of Intent to sell property to Brooklyn Village, LLC was published in the Charlotte Observer on December 21, 2007 that generally described the property involved, the nature of the interest to be conveyed, and all of the material terms of the proposed transaction; and

WHEREAS, a copy of the full Agreement of Sale for County Property was made available to members of the public through the Office of the Clerk to the Board and online through the County’s web site; and

WHEREAS, the Board of Commissioners has determined that all statutory conditions required for it to approve execution of the Agreement of Sale for County Property to Brooklyn Village, LLC have been completed, reaffirms its determination that the sale to Brooklyn Village, LLC under the terms and conditions of the Agreement of Sale for County Property would advance and further the Second Ward Master Plan, a land use plan, and has determined that it is in the public interest for it to approve the Agreement of Sale for County Property; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby reaffirms its determination that the sale to Brooklyn Village, LLC under the terms and conditions of the Agreement of Sale for County Property would advance and further the Second Ward Master Plan, approves execution of the Agreement of Sale, and authorizes and directs the County Manager to execute the Agreement of Sale for County Property to Brooklyn Village LLC and to execute the deed and any other documents necessary to
effectuate the sale.

Resolution recorded in full in Minute Book 44-A, Document #______

(22) BASEBALL STADIUM LEASE AGREEMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, and Commissioners Bishop and James voting no, to adopt a resolution authorizing the Chairman to execute a long-term lease agreement between Mecklenburg County and Knights Baseball, LLC for the operation and maintenance of a baseball stadium on County land located in Third Ward.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING THE LEASE OF PROPERTY TO
KNIGHTS BASEBALL, LLC

WHEREAS, on December 18, 2007, the Mecklenburg County Board of Commissioners adopted a Resolution declaring its intent to enter into a long-term lease agreement with Knights Baseball, LLC for the operation and maintenance of a baseball stadium on County property located at 300 South Mint Street and 416 West 3rd Street, Charlotte, North Carolina; and

WHEREAS, a Notice of Intent to lease property to Knights Baseball, LLC was published in the Charlotte Observer on December 21, 2007; and

WHEREAS, the Notice generally described the property involved, the nature of the interest to be conveyed, and all of the material terms of the proposed transaction; and

WHEREAS, a copy of the full Lease Agreement was made available through the Office of Clerk to the Board and online; and

WHEREAS, the Board of Commissioners has determined that all statutory conditions required for it to approve execution of the Lease Agreement between the County of Mecklenburg, North Carolina and Knights Baseball, LLC have been completed, reaffirms its determination that the lease to Knights Baseball, LLC would advance and further the Center City 2010 Vision Plan, as amended on September 24, 2007, with which amendment the Board of Commissioners agrees, and has determined that it is in the public interest for it to approve the Lease between the County of Mecklenburg, North Carolina and Knights Baseball, LLC; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby reaffirms its determination that the lease to Knights Baseball, LLC would advance and further the Center City 2010 Vision Plan, a land use plan, as amended by the Charlotte City Council on September 24, 2007, approves execution of the Lease, authorizes and directs the Chairman to execute the Lease, and authorizes and directs the Chairman to execute any other documents necessary to effectuate the transaction.

Resolution recorded in full in Minute Book 44-A, Document #______

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 James, seconded by Commissioner Mitchell, 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 7:25 P.M.

____________________________

Tonette F. Spears, Deputy Clerk

Jennifer Roberts, 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 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, February 5, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners 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: Commissioner Karen Bentley (Note: Commissioner Bentley listened in on the meeting via phone on the Closed Session portion of the agenda and on Item 31 only as noted in the minutes.)

-INFORMAL SESSION-

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 Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS – NONE

(2A) 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) BUSINESS LOCATION AND EXPANSION C) LAND ACQUISITION D) CONSULT WITH ATTORNEY

Prior to going into Closes Session Attorney Bethune noted that some of the matters to be discussed in Closed Session concerned the lawsuit of Nikita Mackey v. Mecklenburg Board of County Commissioners; Cavalier Apartments; and Tax Parcels 211-201-73, 211-201-81; and Tax Parcel 133-095-10 at 6310 Reddman Road.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: A) To prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259, (G.S. 143-318.11(a)(1), B) Business Location and Expansion, C) Land Acquisition, and D) Consult with Attorney.
The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:10 p.m. Commissioner Woodard was present when the Board came back into Open Session. She entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any items they wanted removed from consent and voted upon separately.

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

-FORMAL SESSION-

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

(31) AD HOC COMMITTEE ON THE APPOINTMENT OF SHERIFF

The Board received a report from the Ad Hoc Committee on the Appointment of Sheriff, which was given by Commissioner Helms.

Note: The Committee consisted of two members, Commissioners Helms and Mitchell.

Prior to the report being given the following occurred:

Chairman Roberts requested the letter received from the Mecklenburg County Democratic Party from David Erdman, Chairman dated February 3, 2008 be included in the minutes, as well as, the Council of Review North Carolina Democratic Party ruling from James H. Slaughter, Chairman, dated February 2, 2008.

Note: Letters are located at the end of the minutes.

The following persons addressed the sheriff election process and asked that the community come to a healing on the issue of the selection of a new sheriff:

Rev. James C. ‘Jay’ Leach, minister of the Unitarian Universalist Church of Charlotte and a member of the Clergy Advisory Board of Mecklenburg Ministries
Rev. Russ Dean

The following persons spoke in opposition to the Committee’s recommendation and asked that the Board consider deferring a decision on the selection of a sheriff until after another election could be held by the local Democratic Party:

Anthony Abraham
Dwayne Collins on behalf of the Black Political Caucus
Theodore Armstrong, IV on behalf of the Mecklenburg County Young Democratic Party
Yvonne Miller

The following persons spoke in support of the Committee’s recommendation:

Jim Bensman (Note: Mr. Bensman said the real problem “is that the Democratic Party in Mecklenburg County is broken and needs to be fixed.” He said both Mr. Bailey and Mr. Mackey were victims of “a bad election process.”
Hal Jordan
Jay E. Rao
Neil Cooksey
Commissioner Helms then gave the report and recommendation of the Ad Hoc Committee on the Appointment of Sheriff.

Commissioner Helms said what the Board is “compelled to do and must do and will do, is to do what is right; to do what is right as a matter of law; and to do what is right in terms of what is right for this community.”

The report consisted of an overview of the role of the Ad Hoc Committee and an overview of the Council of Review North Carolina Democratic Party process that took place here in Mecklenburg County on February 2, 2008.

Commissioner Helms said it was determined by the N.C. Democratic Party Council of Review that “all votes taken during the December 6, 2007 Executive Committee meeting of the Mecklenburg County Democratic Party are invalid.” Further, that the Mecklenburg County Democratic Party was ordered to reorganize its precincts within 30 days.

Commissioner Helms said it has been made very clear that the reorganization of those precincts does not compel the Board of County Commissioners to wait for any additional time in making a decision with respect to the appointment of a sheriff for Mecklenburg County.

Commissioner Helms said the Ad Hoc Committee was advised by legal counsel and were advised that when the Board makes a decision, to make sure it is “a decision that will withstand any challenge that may be made.” Commissioner Helms said that’s why the Ad Hoc Committee believes that any delay will raise issues and questions that this community, the Board, and the Sheriff’s Office “does not need to deal with.”

Commissioner Helms said it’s important to note that the men and women at the Mecklenburg County Sheriff’s Department have “spent too much time in this uncertain circumstance of what the future might hold.”

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to appoint Daniel E. Bailey, Jr., also known as “Chipp” Bailey, Sheriff of Mecklenburg County to fill the unexpired term of former Sheriff James Pendergraph.

Commissioner Woodard expressed her opposition to the motion. Commissioner Woodard said Mr. Bailey was a “fine man,” and that she has known him for many years. She said her concern was “how the Board handled this situation, causing the emotional uproar in this community.” Commissioner Woodard said she was opposed to the motion because the Executive Committee of the Mecklenburg County Democratic Party asked the Board to defer making a decision regarding the appointment of a sheriff until after the reorganization of the precincts and another election. In her concluding remarks, Commissioner Woodard expressed congratulations to Mr. Bailey.

Commissioners Bishop, James, Clarke, Ramirez, Mitchell, and Roberts expressed their support of the motion.

Note: Commissioner James requested the letter received from the Town of Matthews in support of the selection of Daniel “Chipp” Bailey as Sheriff of Mecklenburg be included in the minutes.

Note: The letter is located at the end of the minutes.

Commissioner Bentley voiced her support of the motion as well via phone. Note: This was the only matter during Formal Session that Commissioner Bentley listened in on.
County Manager Jones expressed thanks to the County staff that assisted with coordinating the Council of Review North Carolina Democratic Party hearing that was held February 2, 2008, as well as, the City Manager’s Office and staff, Police Chief Darrel Stephens and his staff, Charlotte-Mecklenburg Government Center Building Services staff; and special thanks to Associate General Manager Michelle Lancaster and Deputy County Attorney Sandra Bisanar who were present from the beginning to the end of the hearing, in also thanks to County Attorney Marvin Bethune for his assistance.

County Manager Jones noted that Mr. Bailey has secured a fidelity bond and that it will be provided to the Board for receipt at the February 19, 2008 meeting.

County Manager Jones said he looks forward to working with Mr. Bailey and the fine staff of the Sheriff’s Office.

Chairman Roberts noted that if the motion passes, Mr. Bailey would be sworn in later this evening by a judge.

The vote was then taken on the motion as noted below:

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Woodard voting no, to appoint Daniel E. Bailey, Jr., also known as “Chipp” Bailey, Sheriff of Mecklenburg County to fill the unexpired term of former Sheriff James Pendergraph.

The Board recessed at 7:35 p.m. and reconvened at 7:58 p.m.

PROCLAMATIONS AND AWARDS

(1A) HUMAN RELATIONS MONTH

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating February 2008 as Human Relations Month in Charlotte/Mecklenburg County.

The proclamation was read by Chairman Roberts and received by Chapin Ferguson, chairman of the Charlotte-Mecklenburg Community Relations Committee.

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:

Rev. Willie Simpson asked that the community move forward with the healing process, as a result of the recent sheriff issue. He noted that a community prayer service would be held on February 16, 2008, 4:30 p.m. at First Mount Zion Baptist Church, 1515 Remount Road.

Pam Hester, a resident of Huntersville, addressed the County’s Greenway Master Plan. Ms. Hester said a better job needs to be done when developing various plans. Ms. Hester said after her home was purchased the Parks and Recreation Dept. developed a Greenway Master Plan, which currently has a greenway path plan to follow a tributary that bi-sects her backyard. Ms. Hester said there’s no greenway easement on their deed. Ms. Hester said the current Greenway Plan focuses on the overall connectivity rather than “the impact of decisions.” She said planners “blindly followed the creeks, swim buffers, and floodplains without stopping to overlay the neighborhood map to consider whether or not these paths would go through an existing homeowner’s yard,” which in some cases is less than 30 feet from their back door.
Ms. Hester said she understands that the County’s Plan is to be considered conceptual and that the eventual plan could move 100 feet in either direction. This would mean in her situation that it would either go through her basement or her neighbor’s shed. Ms. Hester said other areas of the county would also be impacted by the Greenway Master Plan.

Commissioner Bishop said he would have Parks and Recreation to look into Ms. Hester’s concern.

Commissioner James said staff should make sure homeowner’s impacted by various plans are notified of community meetings regarding a specific plan.

(3) APPOINTMENTS - NONE

(4) PUBLIC HEARINGS MECKLENBURG COUNTY CONSOLIDATED HUMAN SERVICES BOARD

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to open a public hearing on the Board of County Commissioners exercising its powers under G.S. 153A-77 to assume control of the activities of a consolidated human services board.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing on the Board of County Commissioners exercising its powers under G.S. 153A-77 to assume control of the activities of a consolidated human services board; and approve the exercising of the Board of County Commissioners’ powers under G.S. 153A-77 to assume control of the activities of a consolidated human services board by adopting a resolution entitled, Resolution Of The Mecklenburg County Board Of Commissioners Exercising Its Powers To Assume Control Of The Activities Of A Consolidated Human Services Board.

Note: This decision was prompted by recent changes in state personnel rules that were deemed by the Board to be less favorable for county employees than the current County Human Resources policies and procedures. The consolidated human services agency will not be subject to the State Personnel Act and will allow Mecklenburg County to continue to develop and maintain policies that are in the best interests of its employees.

RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS EXERCISING ITS POWERS TO ASSUME CONTROL OF THE ACTIVITIES OF A CONSOLIDATED HUMAN SERVICES BOARD

WHEREAS, since 1985 Mecklenburg County has operated a personnel system that has been designated by the State Personnel Commission pursuant to G.S. 126-11 as being substantially equivalent to the State system of personnel administration as the same applies to certain employees of the Department of Social Services, the Health Department, and the Area Mental Health Authority; and

WHEREAS, the State Personnel Commission has made recent changes to the rules with respect to substantial equivalency that would necessitate changes to the County’s personnel polices and procedures that the County believes would be less favorable for county employees than the current policies and procedures; and

WHEREAS, pursuant to G.S. 153A-77(d), local employees who serve as staff of a consolidated county human services agency are subject to county personnel policies and ordinances only and are not subject to the provisions of the State Personnel Act; and

WHEREAS, accordingly the Mecklenburg County Board of Commissioners has considered creating a consolidated county human services agency governed by a consolidated human services board, pursuant to G.S. 153A-77(b), and assuming the power, responsibilities and duties of the consolidated human services board in accordance with G.S. 153A-76 and 153A-77(a); and
WHEREAS, before the Board of Commissioners may exercise the power and the authority contained in G.S. 153A-77 to assume the power, responsibilities and duties of the consolidated human services board, it must hold a public hearing pursuant to 30 days’ notice given in a newspaper of general circulation, which public hearing has been held at this meeting upon notice duly given. Now, therefore

BE IT RESOLVED by the Mecklenburg County Board of Commissioners that pursuant to G.S. 153A-76 and G.S. 153A-77:

1. It creates a consolidated county human services agency having the authority to carry out the functions of the local health department, the county department of social services, and the area mental health, developmental disabilities, and substance abuse services authority; and

2. It creates a consolidated human services board having the powers conferred by subsection (c) of G.S. 153A-77, and further assumes all power, responsibilities and duties of said consolidated human services board pursuant to G.S. 153A-76 and G.S. 153-77(a) upon notice duly given of a public hearing conducted this day; and

3. It consolidates the provision of human services in Mecklenburg County under the direct control of the County Manager who shall exercise all power, responsibilities and duties of a human services director as the same is described in G.S. 153A-77(b).

Resolution recorded in full in Minute Book 44-A, Document # ______.

(5) ADVISORY COMMITTEE REPORTS - DOMESTIC VIOLENCE ADVISORY BOARD ANNUAL REPORT

The Board received as information the Domestic Violence Advisory Board Annual Report.

The report was presented by Kimberly Livingston and Tyyawdi Baker.

The report addressed the following:

- Domestic Violence Occurrences and Services in Mecklenburg County
- Accomplishments by Mecklenburg County Agencies that work with Victims of Domestic Violence
- 2007 Domestic Violence Survey
- Need for Services
- Recommendations, which were as follows:
  1) Convene working group to address immediate shelter needs of victims of domestic violence, 2) Provide funding for new battered women’s shelter and transitional housing, 3) Set aside funding for DV public awareness campaign on public transportation, 4) Create city/county position of domestic violence coordinator, 5) Increasing board membership.

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

(29) SCULPTURE DONATION

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to recognize and accept The Spirit of Mecklenburg sculpture of Captain James Jack for placement on Little Sugar Creek Greenway.

Prior to the above vote George Dewey and Charles Jones addressed this matter on behalf of the May 20th Society. They were introduced by Park and Recreation Director James Garges.

A copy of handouts provided to the Board is on file with the Clerk to the Board.
MANAGER’S REPORT

(6) MANCHESTER BIDWELL ORGANIZATION & FREEDOM MALL RENOVATION

National Center For Arts & Technology A Manchester Bidwell Organization

County Manager Jones addressed the National Center For Arts & Technology A Manchester Bidwell Organization located in Pittsburgh, Pennsylvania founded and run by Bill Strickland. Manchester Bidwell is a jobs training center and community arts program with the purpose of “working with corporations, community leaders, and schools, to give disadvantaged kids and adults the opportunities and tools they need to envision and build a better and brighter future.” The Bidwell Training Center provides training to adults in transition in fields as varied as culinary arts, horticultural technology and health-related fields. The Manchester Craftsmen’s Guild provides arts programming in ceramics, photography, digital and design arts; and strive to keep youth in school through graduation and encourage them to continue their education. In addition they engage in several social enterprise activities including a greenhouse operation, a jazz presentation series and a jazz recording label.

It was noted that Bidwell Training Center serves an average of 200 students annually; had an 85% placement rate in 06 and a 75% retention rate. The Manchester Craftsmen’s Guild served 2,900 students in academic year 05-06; 96% of seniors enrolled in Manchester Craftsmen’s Guild after-school programs graduated from high school; 89% of seniors enrolled in the programs matriculated to higher education.

County Manager Jones said he visited the Center in Pittsburg and was very impressed with the successful work being done there; so much so, he wants to do everything he can to duplicate the National Center For Arts & Technology A Manchester Bidwell Organization here in Charlotte/Mecklenburg County.

He encouraged Board members to visit the Center and noted several community leaders that have visited already.

He said the Chamber’s Advantage Carolina was awarded a $30,000 Knight Foundation grant to help fund a feasibility study to determine if and how Charlotte/Mecklenburg County could become a site to replicate the success of the Manchester Bidwell Center. It was noted that the feasibility study, which would take about twelve months, would determine if there’s a willingness and capacity within the private sector and among area foundations to invest in this strategy for education and workforce development. The study will also help identify specific job training needs among area businesses.

County Manager Jones said he wanted to make it clear that there is no desire to compete with existing job training efforts. Thus, the study would help identify potential partners to accomplish mutual goals. He said the feasibility study cost about $150,000 and involves assembling a steering committee of approximately five to eight business and community leaders willing to oversee the study. The steering committee would use the findings to determine whether or not to move forward with implementing an Arts & Technology Center here.

County Manager Jones said to assist the Chamber in conducting the feasibility study, he has pledged his personal support and has offered the assistance of County staff to handle logistics and communications in assembling and supporting the work of the steering committee.

County Manager Jones said Superintendent Gorman has committed to visiting the Center.

Each Commissioner was given a copy of Mr. Bill Strickland’s autobiography entitled, Make the Impossible Possible and a handout on the National Center For Arts & Technology A Manchester Bidwell Organization.

A copy of the handout regarding the National Center For Arts & Technology A Manchester Bidwell Organization is on file with the Clerk to the Board.
Commissioner Ramirez said it sounds very interesting and perhaps some Commissioners should visit the Center in Pittsburg.

Commissioner Bishop said also that it sounds like an interesting concept and that he’s in favor of new and creative ways of educating children. He noted as an example, the success of the Cities In Schools Program.

Commissioner James expressed interest and suggested the use of Phillip O. Berry Academy of Technology if this were to occur.

Commissioner Mitchell expressed interest in learning more about this concept. He asked about the funding of the Center in Pittsburgh. County Manager Jones said he would have to get that information.

Chairman Roberts expressed interest and asked whether the Center drew students regionally.

County Manager Jones said the program draws generally from the broader community. Also, that the eligibility requirement is primarily those students that the school system has determined to be at-risk of dropping out of school.

County Manager Jones said he would keep the Board posted.

**Freedom Mall Renovation**

The Board received as information an update on the renovation of Freedom Mall.

The update was given by Mark Hahn, Director of Real Estate Services.

Note: Real Estate Services has completed a significant phase of the renovation of Freedom Mall to accommodate the first relocation of County employees from the Department of Social Services and Information Services and Technology. Director Mark Hahn shared a video tour as part of his presentation about the progress of the Freedom Mall project. It was noted that the Department of Social Services will actually begin their move on February 22 and will open for service to the public on February 25. Noted also, that the Kuralt Centre on Billingsley Road will remain the headquarters and will be only place where the public can go to apply for public assistance programs. It was noted that Phase 2 renovations will house Real Estate Services and the remaining half of Information Services and Technology; Phase 3, relocation of the Hal Marshall Services Center to be completed tentatively in 2010. A grand opening is being planned for April 3.

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

**2C2) CLOSED SESSION LAND ACQUISITION**

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to approve the purchase of 6.095 acres of floodplain included in Tax Parcels 211-201-73 and a portion of 211-201-81 from Charlotte South, LLC for $75,000 as part of the McAlpine Creek land acquisition.

**2C3) CLOSED SESSION LAND ACQUISITION**

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to approve (1) the purchase of 9.75-acre Tax Parcel 133-095-10 at 6310 Reddman Road from McMahon Properties for $515,000, and (2) funds to demolish a single-family structure on the property at +/- $20,000.
Note: The above property is contiguous to a 29.5-acre tract acquired in 2002 for a future park site on Reddman Road off Albemarle Road near Eastland Mall. The addition of the subject tract will expand this undeveloped site to just under 40 acres, which is the lower end of the size range for district park sites in the current (1989) parks master plan.

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES


(8) 2007 SCATTERED SITE HOUSING GRANT

Adopt a Resolution authorizing the Chairman to execute and submit the “Program Initiation Manual” for the Mecklenburg County Scattered Site Housing Grant # 07-C-1664.

Resolution recorded in full in Minute Book 44-A, Document # ________.

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

(9) TAX REFUNDS

Approve refunds in the amount of $20,626.62 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) 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 2008 Emergency Shelter Grants Program Funding: The Relatives and The Emergency Winter Shelter.

Certifications recorded in full in Minute Book 44-A, Document # _______ & _______.

(11) CRISIS ASSISTANCE, CAROLINE MYERS FACILITY PHASE II RENOVATIONS

Award a construction contract in the amount of $1,517,000 to MV Momentum Construction, LLC for Crisis Assistance, Caroline Myers Facility Phase II Renovations.

(12) CONTRACT FOR NEW AND REMANUFACTURED LASER AND INK CARTRIDGES

Award a unit price contract to Sun Belt Office Suppliers, Inc. for providing new and remanufactured laser and ink cartridges for facsimile machines and desktop printers to all
County departments, in the estimated annual amount of $200,000 for a term of two years and authorize the County Manager to renew the contract up to three (3) additional one-year terms.

(13) **INDEPENDENT AUDITOR – CONTRACT EXTENSION**

Approve extending the appointment of Cherry, Bekaert and Holland as external auditor for the year-ended June 30, 2008.

(14) **GRANT APPLICATION - WOMEN’S IMPACT FUND OF THE FOUNDATION FOR THE CAROLINAS**

Approve the submission of a Grant Application to the Women’s Impact Fund of the Foundation of the Carolinas.

*Note: Mecklenburg County Solid Waste-Waste Reduction Programs has been awarded the opportunity to further expand recycling in our community by participating in the 2007-2008 grant cycle for The Women's Impact Fund, a special program of the Foundation For the Carolinas.*

(15) **AREA MENTAL HEALTH AUTHORITY SECOND QUARTER FY 2008 REPORT**

Recognize and receive the Second Quarter 2008 Area Mental Health Authority Report.

*Note:*

**Financial Management**

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<th>Revenue Source</th>
<th>Budgeted Revenues</th>
<th>Actual Revenues</th>
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<th>Actual Expenditures</th>
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<tr>
<td><strong>Total Expenditures</strong></td>
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<td>20,352,430</td>
<td>21.55%</td>
</tr>
</tbody>
</table>

*Note: It’s required that this portion of the report be included in the minutes.*
A copy of the full report is on file with the Clerk to the Board.

(16) SCHOOL HEALTH PROGRAM LEASE

Authorize the County Manager to execute a lease with E.C. Griffith Company for office space on Westpark Drive for the Health Department’s school health program.

(17) ANNEXATION OF COUNTY PROPERTY BY THE CITY OF CHARLOTTE

Authorize the County Manager to execute a petition for voluntary annexation of the following County owned properties into the City of Charlotte:

(1) Tax Parcel 108-031-15 (+/- 309.37 acres)
(2) Tax Parcel 108-211-01 (+/- 26.47 acres)
(3) Tax Parcel 108-211-02 (+/- 78.71 acres)

(18) 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:

- 580 commercial plans permitted Oct 2005
- 542 commercial plans permitted Nov 2005
- 542 commercial plans permitted Dec 2005
- 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
- Junk Vehicle Case Files, 2001 and older

(19) NC CLEAN FUEL ADVANCED TECHNOLOGY GRANT APPLICATION

1) Authorize the submission of a NC Clean Fuel Advanced Technology (CFAT) Grant Application and if awarded, recognize, receive, and appropriate $60,000 from the NC Clean Fuel Advanced Technology (CFAT) grant program, and approve carry forward of the unspent grant funds to FY ‘09.

Note: If successfully funded, the grant will reimburse 75% of the purchase price (total amount $80,025, of which $60,000 would be reimbursed to the county) for 5 GEM vehicles (Global Electric Motorcars) which produce zero emissions. The vehicles will be used for maintenance, operations, and security within McDowell, Latta and Reedy Creek nature preserves. In addition to significant emission reductions, the vehicles will also save the county, on average, 6,000 gallons of gasoline every year. The 25% county match ($20,025) would come from the department FY08 general operating budget.

(20) MOBILE SOURCE EMISSIONS REDUCTION GRANT APPLICATION

Approve submission of a 2008 Mobile Source Emissions Reduction Grant to the NC Carolina Department of Environment and Natural Resources Division of Air Quality by the Mecklenburg County Park and Recreation Department, and recognize, receive and appropriate the grant amount awarded, when received.

Note: The grant, if awarded, would provide funding for the cost difference in acquiring two (2) hybrid vehicles over their conventional counterparts in FY08. The two (2) vehicles are scheduled for replacement or purchase in FY08. Grant funding would enable the department to purchase hybrid models, which have greater gas mileage and produce less emissions. These would be the first hybrid vehicles of the Park & Recreation Department.
(21) **FUNDING ADJUSTMENTS – AREA MENTAL HEALTH**

Approve the following adjustments to Area Mental Health funding:

1) Approve, recognize, receive and appropriate State funds for LME Systems Management in the amount of $559,954.

2) Approve, recognize, receive and appropriate State service expansion funds in the amount of $1,850,282.

3) Reduce State funding in the amount of $1,911,671 due to a decrease in service dollars.

4) Approve, recognize, receive and appropriate State funds in the amount of $175,125 for Mental Health Community Capacity.

5) Approve, recognize, receive and appropriate State funds in the amount of $929,654 for Mental Health Trust Fund.

6) Reduce State funding in the amount of $42,494 due to a reduction in funding from Smart Start.

7) Approve, recognize, receive and appropriate State funds in the amount of $120,216 for Crisis Services.

(22) **LITTLE SUGAR CREEK GREENWAY**

1) Adopt a resolution approving a reimbursement agreement with NCDOT (TIP Project EB4715) for construction of Little Sugar Creek Greenway:

   WHEREAS, the United States Congress Transportation Reauthorization Bill, Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users, (SAFETEA-LU) requires that federal funds be available for certain specified transportation and pedestrian activities; and,

   WHEREAS, the County has requested federal funding assistance for the construction of the Little Sugar Creek Greenway Project in Charlotte in the amount of $5,328,000; and,

   WHEREAS, subject to the availability of federal funds, the Federal Highway Administration has selected Mecklenburg County as a recipient to receive SAFETEA-LU funding in an amount not to exceed $4,433,000 for Phases B and C of the Little Sugar Creek Greenway in Charlotte. Said project consists of the construction of a trail system from 7th Street to Baxter Street that will be approximately 4,000 linear feet, 10-foot wide, asphalt multi-use path in the City of Charlotte, Mecklenburg County; and,

   WHEREAS, Mecklenburg County agrees to prepare the environmental and/or planning document, including any environmental permits, design and prepare project plans, specifications, quantities and details, make all necessary utility adjustments, acquire any additional right of way and/or easements, and construct and administer the project; and provide at least twenty percent (20%) matching funds for Phases B and C of Project EB-4715 and all costs that exceed the total maximum federal and state award amount of $5,328,000; and,

   WHEREAS, the County shall assume all maintenance and liability responsibilities for the completed improvements upon completion of the project; and,

   WHEREAS, the County proposes to enter into an Agreement, and subject to the Agreement provisions, with the North Carolina Department of Transportation to administer the disbursement of said funds on behalf of FHWA to the County for the Little Sugar Creek Greenway Project in Charlotte in accordance with the project scope for the work. The Department shall reimburse the County to the extent of eighty percent (80%) of the approved eligible costs up to a maximum amount of the federal award of $4,433,000 for Phases B and C as provided by SAFETEA-LU funding, $400,000 as provided by Bicycle Transportation Improvement Enhancement Funds for Phase A, and $495,000 as provided by federal discretionary funds for Phase D for a total maximum federal and state award amount of $5,328,000 programmed under Project Agreement EB-4715; and,

   NOW, THEREFORE, BE IT RESOLVED that Project EB-4715 for Mecklenburg County is hereby formally approved by the County Commissioners and that the Chairman and Clerk of this County are hereby empowered to sign and execute the required Agreement between Mecklenburg County and the North Carolina Department of Transportation.

Resolution recorded in full in Minute Book 44-A, Document # _____.
2) Recognize and receive $5,328,000 from federal funding as reimbursement for the County’s cost of constructing Little Sugar Creek Greenway; and

3) Approve the use of Federal DBE special provision for bidding, instead of using the County M/W/SBE provisions, as required in order to obtain federal and NCDOT funding; and

4) Amend Parks and Recreation Facilities Approved from Two-Thirds Bonds 2008 Capital Project Ordinance.

Ordinance recorded in full in Minute Book 44-A, Document #______.

23) MCDOWELL CREEK GREENWAY – CORNELIUS NCDOT SUPPLEMENTAL ENHANCEMENT GRANT AND DEVELOPMENT & COOPERATION AGREEMENT WITH THE TOWN OF CORNELIUS

1) Adopt a resolution approving a supplemental enhancement agreement for McDowell Creek Greenway between NCDOT, Mecklenburg County and the Town of Cornelius.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
MCDOWELL CREEK GREENWAY
ENHANCEMENT GRANT RESOLUTION

WHEREAS, the County has requested additional enhancement funding for construction of the McDowell Creek Greenway; and,

WHEREAS, the Department of Transportation has programmed funding in the 2004-2010 Transportation Improvement Program, as revised, for said construction under Project E-4953, Mecklenburg County; and

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

WHEREAS, under the proposed Supplemental 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 covered under this Agreement up to the maximum federal award of $172,000.00; and,

WHEREAS, the County shall provide at least twenty percent (20%) matching funds and all costs that exceed the federal award of $172,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project E-4953, in Mecklenburg County, is hereby formally approved by the Board of County Commissioners of the County of Mecklenburg, and that the Chairman and Clerk to the Board are hereby empowered to sign and execute the required Agreement with the Department of Transportation.

Resolution recorded in full in Minute Book 44-A, Document #______.

2) Approve a Development and Cooperation Agreement for McDowell Creek Greenway between Mecklenburg County and the Town of Cornelius.

3) Recognize and appropriate in the Capital Reserve Fund up to $172,000 from NCDOT and up to $28,000 from the Town of Cornelius for construction of McDowell Creek Greenway.

24) HOME & COMMUNITY CARE GRANT ADVISORY COMMITTEE

Appoint the following persons to an Advisory Committee for the Home and Community Care Block Grant for Older Adults.

Ms. Maryann Gilmore   Ms. Jacqueline Glenn
Senior Resources       Meck. County Health Department
Mrs. Sue Hancharik   Dr. Cynthia Riffie Hancock
Department of Social Services    Dept. of Sociology, UNCC Charlotte

Mr. John Highfill   Ms. Ruth Huey
Department of Social Services

Mr. Nate Huggins   Dr. William McCoy
Blessed Assurance Adult Day Care

Mr. Millard McCluney   Mr. Aaron McKeithan, Jr.
The Realty Corner

Ms. Evelyn Newman   Ms. Trena Palmer
Executive Director/Director
Char-Meck Senior Centers, Inc.

Debora Sparks   Ms. Anja Workman
Executive Director of Council of Aging

Ms. Gayla Woody *
Centralina Area Agency on Aging
*Ex Officio

Note: The lead agencies for administration of the Home and Community Care Block Grant are preparing to develop the County Aging Funding Plan for Fiscal Year 2008-09. Grant requirements include the appointment of an Advisory Committee to assist in gathering input and obtaining consensus regarding content of the plan. This appointment will assist the lead agencies (Services for Adults Division of the Department of Social Services and the Charlotte-Mecklenburg Council on Aging) in the development of the County Aging Funding Plan for Fiscal Year 2008-09.

(25) LOWER MCALPINE CREEK GREENWAY EASEMENTS

Approve receiving the following easements for public greenway use and trail construction by grantor:

1) Public Greenway Easement on a portion of Tax Parcel 223-231-46 granted by Streets of Torringdon, LLC;

2) Public Greenway Easement on a portion of Tax Parcel 223-231-47 granted by NRI Communities/Charlotte, LLC;

3) Public Greenway Easement on a portion of Tax Parcel 223-231-45 granted by Pike Nursery Holding, LLC; and

4) Approve granting a temporary construction easement for a greenway trail segment and bridge on County Tax Parcels 223-231-04 and 221-303-33 to NRI Communities/Charlotte, LLC.

(26) EXCHANGE OF LEASEHOLD INTERESTS

Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Exchange Leasehold Interests with Fiber Mills, LLC.”

Resolution recorded in full in Minute Book 44-A, Document # ________.

(27) MOUNTAIN ISLAND LAKE MARINE COMMISSION
Receive as information the Mountain Island Lake Marine Commission Annual Report.

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

(32) RESET REGISTER OF DEEDS FILING FEE

Adopt Resolution To Establish Salary for the Office of Register of Deeds.

A RESOLUTION TO ESTABLISH SALARY FOR THE OFFICE OF REGISTER OF DEEDS

WHEREAS, N.C.G.S. 153A-92(b)(2) provides that boards of county commissioners may reduce the salaries of elected officials only by a resolution adopted at least fourteen (14) days before the last day for filing notice of candidacy for the office; and

WHEREAS, once adopted the resolution may not be altered until the person elected to the office in the general election takes office; and

WHEREAS, the filing fee for the office shall be determined by reference to the reduced salary; and

WHEREAS, the Office of Register of Deeds in Mecklenburg County has been placed within the Mecklenburg County Compensation Plan; and

WHEREAS, the Mecklenburg County Compensation Plan establishes the entry level annual salary for the Register of Deeds at $77,060.52. Now, therefore, be it

RESOLVED by the Mecklenburg County Board of Commissioners that

1. The annual salary for the Office of the Register of Deeds is hereby established at $77,060.52.

2. The filing fee for the Office of the Register of Deeds shall be determined by the above referenced salary.

3. The annual salary for this office as established herein shall become effective upon adoption of this resolution.

4. Should the incumbent of this office be re-elected and take office in December, 2008, she shall retain her compensation as provided in the Mecklenburg County Compensation Plan.

Resolution recorded in full in Minute Book 44-A, Document # ________.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

____________________
Commissioner Ramirez returned to the dais.

STAFF REPORTS AND REQUESTS

(28) LEGISLATIVE AUTHORITY NEEDED TO REFUND LAW ENFORCEMENT SERVICE DISTRICT (LESD) TAXES

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to request state legislation to allow the County to refund Law Enforcement Service District (LESD) taxes to taxpayers who have been annexed by a municipality.

Note: January 1, 2007 the Town of Stallings in Union County annexed a portion of homes in the Shannamara neighborhood in Mecklenburg County. Prior to annexation the residents paid law enforcement service district taxes for the fiscal year ending June 30, 2007 as residents of unincorporated Mecklenburg County. At the time of annexation, law enforcement service provision by the Charlotte-Mecklenburg Police Department (CMPD) ceased, and the Town of
Stallings began to provide service. Therefore, these residents paid taxes for 12 months of police service from CMPD, but received service for only six months. They were also billed for police services by the Town of Stallings for January 1 through June 30, 2007, effectively double paying for service.

At the Board’s October 2, 2007 meeting, Commissioner James brought this item to the Board requesting that the City of Charlotte issue a grant to these affected taxpayers for the 6 months for which they did not receive service through the LESD. After discussion, the Board voted to ask Charlotte City Council to consider issuing a refund to the affected homeowners. On November 12, Charlotte City Council acted on this matter authorizing the City Manager to enter into a contract with Mecklenburg County for the reimbursement of $22,426.71 of County payments for CMPD policing in unincorporated areas, contingent on receipt of an official request from Mecklenburg County regarding this matter and on agreement by the County to use the reimbursed funds to compensate affected homeowners of the Shannamara Subdivision for double payment of taxes for law enforcement services. Chairman Roberts sent a written request to Mayor McCrory, dated November 30, 2007.

The next step is to enter into a written contract between the City of Charlotte and Mecklenburg County. However, it is the opinion of the City and County attorneys that neither the County nor the City has the legal authority to refund LESD taxes. After completion of a contract and payment from the City to the County, the County cannot refund these affected taxpayers without securing additional legal authority to do so.

Therefore it is recommended that the BOCC request necessary authority through its 2008 State Legislative Agenda and urge the Mecklenburg County delegation to act on the matter as soon as possible after the beginning of session. The short session of the General Assembly begins May 13, 2008.

Attorney Bethune addressed the above matter.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) POLICY AMENDMENT – PROCEDURES REGARDING AGENDAS

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve amendments to the Board’s policy entitled Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners.

Note: Summary of Changes to the Agenda Procedures Policy for Regular Business Meetings

Section 1 - Submission deadlines. The submission deadline for agenda items was changed from 14 days to 11 business days with an exception for Commissioners from 14 days to 7 days. The 7 days for Commissioners is the Tuesday prior to the distribution of agendas on Thursday. Commission items received after the deadline will still require approval by the Commission Chairman in order to be added.

Staff items received after the deadline will be rolled over to the next meeting unless the County Manager or his designee determines that the matter is time sensitive and therefore needs to be added.

Section 2 - Agenda delivery. An exception was included to allow distribution of agendas on Friday when deemed necessary.

Section 3 - Addition of items at a meeting. No change

Section 4 - Public speaking time. This was deleted because there’s a separate policy on Public Speaking.

Section 5 - Outside agencies providing a reasonable amount of written material. This was deleted since outside agencies submit their request through General Managers, therefore, this is controlled.

Section 6 – Advisory Board nominations. An exception was added to allow persons to be nominated and appointed at the same meeting if the number of vacancies equals the number of nominees.
Section 7 - Public Policy meeting agendas. There’s a separate policy on Public Policy Meetings, which needs to be revised, separate and a part from the Agenda Procedures Policy for Regular Business Meetings, to reflect the current format of those meetings. The Public Policy Meeting policy was adopted in 1999.

Policy recorded in full in Minute Book 44-A, Document # ____.

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

LETTERS REQUESTED TO BE PLACED IN THE MINUTES AS NOTED IN THE DISCUSSION OF ITEM 31 – AD HOC COMMITTEE ON THE APPOINTMENT OF SHERIFF.
February 3, 2008

Jennifer Watson Roberts, Chair
The Mecklenburg Board of County Commissioners

Dear Madam Chair and Commissioners:

On behalf of the Mecklenburg Democratic Party, I respectfully request that I be permitted to address the Commission at the meeting on February 5, 2008, before the Commission takes action on the matter of filling the vacancy in the sheriff’s office.

As you may know from news reports, the Council of Review invalidated the Party’s election held on December 6, 2007. More sweeping, the Council invalidated all Democratic precinct organizations in the County and ordered the Party to reorganize all precincts and hold a new election for sheriff within 30 days, using the newly – and 100% properly – organized precincts.

Therefore, the Mecklenburg County Democratic Party joins the Council of Review in its request that the Commission allow the reorganization and a new election to occur, before the sheriff’s position is filled.

By making this request, the Party does not challenge the Commission’s legal authority to appoint whomever you choose, since the statutory 30 days have elapsed. It is our belief, however, that the best way for the division within the community to heal fully is for the Commission to wait until the newly constituted county executive committee has made its recommendation. Proceeding in this manner will clearly validate the Commission’s choice to the whole community. Please allow me to speak before the Commission before the decision is made. Thank you.

Yours truly yours,

[Signature]

David W. Erdman
Mecklenburg Democratic Party Chair
erdman@charlotte-nc-law.com

(704) 525-5943 • headquarters@mecklenburgdemocrat.org • www.mecklenburgdemocrat.org
P.O. BOX 34383 • CHARLOTTE, NC 28234
February 4, 2008

Via U. S. Mail and Facsimile (704) 336-5887

Jennifer Roberts, Chairman
Mecklenburg County Board of County Commissioners
Charlotte-Mecklenburg Government Center
600 East 4th Street, 11th Floor
Charlotte, NC 28202

Dear Ms. Roberts:

Thank you on behalf of the N.C. Democratic Party Council of Review for allowing us to use your chambers for our Saturday hearing. All government personnel with whom I interacted on Saturday were outstanding. I wish to especially compliment and thank Building Officer Frances Jackson and Sergeant Mike Sloop with the Charlotte-Mecklenburg Police Department. Their professionalism with the logistics of the meeting helped immensely. Similarly, we were so very impressed with County Manager Harry Jones. He checked on our needs throughout the entire day, including temperature, food, water, and meeting rooms. When a person attending the hearing began to feel ill, he had a medic on-site (who thankfully was not needed) within minutes. Everyone I worked with on Saturday was a credit to your county government.

For your records, attached is a copy of the Council’s Order. The portion of the Order pertaining to the December 6, 2007, Executive Committee Meeting is as follows:

All votes taken during the December 6, 2007, Executive Committee meeting of the Mecklenburg County Democratic Party are invalid. The Council directs the Mecklenburg County Democratic Party with the assistance of the State Democratic Party to hold an Executive Committee meeting within 30 days in compliance with the Plan of Organization to recommend a successor to Sheriff Pendergraph. The Council recommends that the Mecklenburg County Commissioners allow this democratic process to proceed and that their appointment be made following the Executive Committee meeting at which the election occurs.
Thanks again to you and all the Commissioners.

With kind regards, I am

Very truly yours,

James H. Slaughter

cc: N.C. Democratic Party Chair Jerry Merk (via e-mail)
Mecklenburg County Commissioners (via e-mail)
Petitioners and Respondents (via e-mail)


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<td>JANE WHITTELEY, EDWIN &quot;SKIP&quot; WARD, DELORES DIXON, CHARLES WILLIAMS, ANNE PRATHER, PAMELA BENNETT, MARVIN CLIFFORD, PAT PATTON, GENEAL GREGORY, ROBERT L. DAVIS, JR., AND DEBBIE BELL</td>
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<td>MECKLENBURG COUNTY DEMOCRATIC PARTY, MECKLENBURG COUNTY DEMOCRATIC EXECUTIVE BOARD, AND CHAIRMAN DAVID ERDMAN</td>
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THIS CAUSE coming on for hearing before the Council of Review of the North Carolina Democratic Party on February 2, 2008, and having considered the grievance of Petitioners, the witnesses and non-testimonial evidence of Petitioners and Respondents, the Council makes the following:

**FINDINGS**


2. By e-mail dated October 7, 2007, Jennifer Roberts, Chair of the Mecklenburg County Board of Commissioners, asked the Executive Committee of the Mecklenburg County Democratic Party to recommend a successor for Sheriff Pendergraph. The County Commissioners requested the Mecklenburg County Democratic Party make the recommendation
to the Board of Commissioners within 30 days of Sheriff Pendergraph’s resignation.

3. On December 6, 2007, the Executive Committee of the Mecklenburg County Democratic Party voted to recommend Nikita Vidal (“Nick”) Mackey to the Board of Commissioners.


5. Section 0.01 of the North Carolina Democratic Party Plan of Organization provides in part as follows: “Meetings are defined as a meeting of all committees and bodies created herein in which a quorum is present.”

6. Section 0.04 of the North Carolina Democratic Party Plan of Organization provides in part as follows:

   The time and place of all meetings of the North Carolina Democratic Party at all levels shall be publicized fully and in such a manner as to assure timely notice to all interested persons.

7. Section 1.02 of the North Carolina Democratic Party Plan of Organization provides as follows:

   **Precinct Committee.** In each precinct, there shall be a precinct committee consisting of at least five active Democrats who reside in the precinct when elected by the active Democrats of the precinct present at the annual precinct meeting held in odd-numbered years.

8. Section 1.04 of the North Carolina Democratic Party Plan of Organization provides as follows:

   **Location.** The annual precinct meetings shall be held at the polling place of each precinct or other facility deemed appropriate by the precinct chair. If a meeting facility other than the precinct polling place is used, it must be approved in advance by the county chair and publicly announced seven (7) calendar days in advance of the meeting. The precinct chair shall also post notice of the meeting
location at the regular polling place.

**Unorganized Precinct.** A precinct that did not meet on the originally scheduled meeting date or on the second meeting date shall be considered not organized and shall not be entitled to send delegates to the county convention or be represented on the county executive committee until the county chair has appointed an acting precinct chair and has called a special meeting for the purpose of organizing the precinct and the precinct is organized in accordance with this section. The acting precinct chair shall preside over the special meeting called by the county chair for the purpose of organizing the precinct.

9. Section 1.05 of the North Carolina Democratic Party Plan of Organization provides in part as follows:

**QUORUM REQUIRED TO ORGANIZE PRECINCT AND TO ELECT PRECINCT OFFICERS AND MEMBERS OF THE PRECINCT COMMITTEE**
A quorum for a precinct meeting held for the purpose of organizing the precinct or electing precinct officers and members of the precinct committee at the annual precinct meeting shall consist of five (5) active Democrats residing in such precinct.

10. The cited provisions of the Plan of Organization are fundamental, mandatory, and must be followed.

11. Between Sheriff Pendergraph's October 1, 2007 announcement of resignation and the December 6, 2007 vote to recommend his successor, an additional 67 precincts were organized in Mecklenburg County.

12. By clear and convincing evidence, at no time during the October 2007 through November 20, 2007 precinct organizing effort did the Mecklenburg County Democratic Party Chair appoint any person by name to be an acting precinct chair under Section 1.04 of the Plan of Organization to organize an unorganized precinct.

13. By clear and convincing evidence, at no time during the October 2007 through November 20, 2007 precinct organizing effort did the Mecklenburg County Democratic Party
Chair call, by time and place, a special meeting under Section 1.04 of the Plan of Organization for the purpose of organizing a specific unorganized precinct.

14. By clear and convincing evidence, at no time during the October 2007 through November 20, 2007 precinct organizing effort did the Mecklenburg County Democratic Party publicize the date, time or location of any precinct organizational meetings under Section 1.04 of the Plan of Organization. Also, the Mecklenburg Democratic Party has insufficient documentation showing that precincts organized under Section 1.04 of the Plan of Organization between October 2007 and November 10, 2007 publicized or posted notices of the date, time and location of any precinct organizational meetings.

15. The Council finds that Petitioners’ grievance is meritorious by a vote of 10-2.

16. The Council determines that the incidents or events complained of had a material impact adverse to the interests of the Petitioners by a vote of 10-2.

17. Now, therefore, the Council orders the following:
   a. All votes taken during the December 6, 2007, Executive Committee meeting of the Mecklenburg County Democratic Party are invalid. The Council directs the Mecklenburg County Democratic Party with the assistance of the State Democratic Party to hold an Executive Committee meeting within 30 days in compliance with the Plan of Organization to recommend a successor to Sheriff Pendergraph. The Council recommends that the Mecklenburg County Commissioners allow this democratic process to proceed and that their appointment be made following the Executive Committee meeting at which the election occurs.

(Vote of 10-2)
b. The State Democratic Party shall immediately revise its Precinct Reporting Form so that necessary information pertaining to precinct organization is clear, such as the date of the meeting, the place of the meeting, the date of the notice of the meeting, and actual attendance.

(Vote of 12-0)

This the 2nd day of February, 2008.

[Signature]
James H. Slaughter
Chairman, Council of Review
ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez, and unanimously carried, with Commissioners 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 9:45 p.m.
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

FEBRUARY 5, 2008 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, February 5, 2008. 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 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: Commissioner Karen Bentley

Also Present: General Managers John McGillicuddy and Bobbie Shields, Associate General Manager Michelle Lancaster, Finance Director Dena Diorio, Deputy County Attorney Sandra Bisanar, Nancy Brunnermer with Real Estate Services, Attorney James Cooney and Attorney Mike Barnhill

(2C2) LAND ACQUISITION – MCALPINE CREEK

Nancy Brunnermer with Real Estate Services addressed the proposed purchase of 6.095 acres of floodplain included in Tax Parcels 211-201-73 and a portion of 211-201-81 from Charlotte South, LLC for $75,000.

Commissioner Woodard left Closed Session until noted in the minutes.

The addition of the above property will bring the total County-owned open space along McAlpine Creek on the northerly side of Pineville Matthews Road (NC Hwy 51) to 59 acres.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the purchase of 6.095 acres of floodplain included in Tax Parcels 211-201-73 and a portion of 211-201-81 from Charlotte South, LLC for $75,000.

Janice S. Paige, Clerk  Jennifer Roberts, Chairman
ATTENDANCE

Present:  Chairman Jennifer Roberts and Commissioners
          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:  Commissioner Karen Bentley

Also Present:  General Managers John McGillicuddy and Bobbie Shields, Associate General
              Manager Michelle Lancaster, Finance Director Dena Diorio, Deputy County
              Attorney Sandra Bisanar, Nancy Brunnemer with Real Estate Services, Attorney
              James Cooney and Attorney Mike Barnhill

Commissioner Woodard was not present for this Closed Session matter.

(2C3) LAND ACQUISITION – PARK SITE EXPANSION AT REDDMAN ROAD

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of 9.75-acre Tax
Parcel 133-095-10 at 6310 Reddman Road from McMahon Properties for $515,000; and approving
funds to demolish a single-family structure on the property at +/- $20,000.

The above property is contiguous to a 29.5-acre tract acquired in 2002 for a future park site on
Reddman Road off Albemarle Road near Eastland Mall. The addition of the subject tract will expand
this undeveloped site to just under 40 acres.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0
with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to
approve the purchase of 9.75-acre Tax Parcel 133-095-10 at 6310 Reddman Road from McMahon
Properties for $515,000; and approve funds to demolish a single-family structure on the property at
 +/- $20,000.
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.
Clerk to the Board Janice S. Paige

Absent: None

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

The meeting was called to order by Chairman Roberts.

County Manager Jones provided an overview of the agenda and the goals and expectations for the conference. Topics for discussion: Strategic Plan Updates, Updated FY2008 Revenue Projections, Transitioning from Planning to Budgeting, and Other Items of Interest: Revaluation Process, Requirements of the Redistricting Process, Federal Legislative Agenda, and Budget/Public Policy Workshop Dates.

Strategic Plan Updates

Director of Planning and Evaluation Leslie Johnson gave an update on the Strategic Plan and reviewed proposed Scorecard Revisions for Focus Areas of: Community Health & Safety, Effective & Efficient Government.

Comments

Community Health & Safety

Commissioner Mitchell asked for an explanation of the new measure, Disabled Adult Abuse & Neglect Rate, versus the previous Measure, Elder Abuse Rate, which was addressed. It was noted that state data doesn’t breakout by senior or elderly.

Chairman Roberts asked about the neglect rate, which was explained.

Chairman Roberts asked how many disabled adults were in Mecklenburg County. The response was that staff would get an answer but the estimated number for 2008 is 80,554.

Commissioner Ramirez asked about the number of disabled persons being helped by the County. The response was that Mental Health does provide some services but the specific number is not known at this time.
Commissioner Bishop asked if the disabled population overlaps with the elderly abuse, in other words, does it include all of the elderly, which was addressed.

Commissioner Bishop said he’s concerned that the measure’s data may not give an accurate assessment of “elderly abuse.”

It was the consensus of the Board to approve the proposed revisions to the Community Health & Safety section of the Scorecard.

Effective & Efficient Government

Commissioner Helms asked about the Effective & Efficient Government Desired Result 5: Improve Employee Efficiency Measure - Employees per Capita. General Manager John McGillicuddy addressed this measure. It was noted that funded positions will be used in the measure because this reflects true cost to the taxpayer.

Commissioner Woodard entered the meeting.

Chairman Roberts asked if the Employees per Capita Measure includes employees of the Sheriff’s Office and the Library. The response was yes.

Commissioner Bishop said he agrees with the intent of the Employees per Capita Measure but feels staff needs to figure out a way to measure employee productivity. He said he doesn’t think the measure recognizes how employees are doing.

General Manager McGillicuddy said service companies have problems measuring productivity because productivity doesn’t mean “quality of work.” He said it’s a challenge that staff has not been able to overcome, but it has been researched.

Commissioner Bishop noted that pace of work versus quality of work is an issue.

Commissioner Helms said the measure is what the value of the service is.

Chairman Roberts noted that the private sector is a very different environment.

General Manager McGillicuddy said productivity is measurable in some areas of the County in terms of volume.

Commissioner Bentley acknowledged that in government, it’s not one size fits all.

Director Johnson said at the corporate level it’s more difficult. She said staff is aware of this and continues to study this issue.

Commissioner James asked about Desired Result 6: Reduce/Avoid Costs Measure: Percentage Property Tax Revenue. He asked what the percentage was based on, which was explained.

Commissioner James asked what other jurisdictions were comparisons made with. The response was Wake, Forsyth, Guilford, Durham, and Cumberland counties.

Commissioner James asked what the averages of the other counties were and how was it calculated. The response was that staff would have to get back with an answer.

Commissioner Bishop asked about Desired Result 6: Reduce/Avoid Costs Measure: Percentage Property Tax Revenue and said it’s better to say total tax burden to households.

Chairman Roberts said the problem with Commissioner Bishop’s suggestion is that the County is not in control of state and federal revenue.
General Manager McGillicuddy gave the history of Desired Result 6: Reduce/Avoid Costs Measure: Percentage Property Tax Revenue

It was the consensus of the Board to approve the proposed revisions to the Effective & Efficient Government section of the Scorecard.

Updated FY2008 Revenue Projections

Finance Director Dena Diorio gave a Financial Status Report.

The presentation covered
- FY2008 Budget Update
  - Property taxes
  - Sales taxes
  - Investment income
  - Lottery proceeds
  - Expenditures
- Bond/COPs Sales Information
- Debt Service Information

Comments

Commissioner James commented on sales taxes and noted there doesn’t appear to be significant growth.

Commissioner Clarke asked about the coverage period of the data provided. The response was November – January figures.

The following was noted:
- The County often sees spikes in sales taxes in the spring, not sure why.
- The County won’t see growth like last year, but will meet budget.
- A decrease in sales taxes is expected.
- Another impacting factor is how sales tax is levied in Mecklenburg County. Even though the city raises its tax, the County gets less.

Commissioner Clarke asked was the practice to convey this information to Charlotte-Mecklenburg Schools. The response was that this information is shared with CMS’ finance director.

Commissioner Clarke said staff’s projections should be shared with the Board of Education.

Commissioner Ramirez asked if staff found out about Board Education member George Dunlap’s question regarding lottery funds.

County Manager Jones said the explanation was that the Board of County Commissioners is responsible for school construction and lottery funds can be used for this purpose.

Commissioner James said it looks like the Board will have to lower expenses and/or raise taxes.

The Board recessed at 10:33 a.m. and reconvened at 10:55 a.m.

Transitioning from Planning to Budgeting

Budget/Management Director Hyong Yi addressed transitioning from planning to budgeting. Updates were given on items in the FY2008 Restricted Contingency
- Spirit Square
- Jail Diversion
• Ryan White Grant
• Literacy Collaborative
• Middle School Matters (POST)
• Aerobo Cop Kids Fitness
• Sickle Cell Network (Ready to Work Program)

Updates were also given on:
• Law Enforcement Service District Funding Model
• Volunteer Fire Department Funding Model
• Requested FY2009 Capital Projects Update

Comments

Commissioner Bentley with respect to the Literacy Collaborative asked would the agencies and staff be looking to see what is being done to avoid duplication. The response was yes.

Commissioner Woodard with respect to Aerobo Cop Kids Fitness said she plans to ask for an increase for this program. General Manager Janice Jackson said it’s a 12 month contract in the amount of $50,000. Also, that any unspent funds will carryover to next fiscal year.

Commissioner James said he feels Aerobo Cop Kids Fitness should be in CMS’ budget.

Commissioner Bishop said he feels Aerobo Cop Kids Fitness is just funding an individual’s “pet project.”

Commissioner James asked about funding the Sickle Cell Network, which was addressed.

Commissioner Clarke with respect to the Law Enforcement Service District asked about the cap, which was explained.

Director Yi explained that the cap will increase every year. 7% next year and 5.5% after that. It was noted that the City of Charlotte plans to lobby the General Assembly to allow the City to provide law enforcement services in the unincorporated area.

County Manager Jones said City staff has said they would support it, however, it’ll be a policy question for City Council.

County staff will pursue options with the General Assembly to allow towns in Mecklenburg County to patrol their extra-territorial jurisdictions. The towns could choose to contract with the City of Charlotte to provide the service. This would break the single LESD into six districts (five towns and Charlotte; Matthews has no ETJ).

Commissioner Ramirez asked about the funding formula for the Law Enforcement Service District. The response was that staff has looked at other options but basing it on population seems to be the best way to do it.

Commissioner Bentley asked if staff knew the number of calls received. The response was no, not at this time.

Commissioner Bentley asked was it possible to fund the Towns and let them provide the service. The response was that it would require a change in state law and agreements on the part of the towns.

Commissioner James said staff should use average per capita police cost.

It was the consensus of the Board that staff move forward as outlined with respect to the Law Enforcement Service District.

Commissioner Bishop asked if the Towns assessed a tax in the ETJ. The response was no but the
FEBRUARY 8, 2008

County could do it and give funds to the Towns.

It was noted also that City Council has not been briefed on this yet.

General Manager Bobbie Shields addressed Volunteer Fire Departments.

It was noted that the question is how best to provide fire protection service to residents in the unincorporated area.

It was noted that the Robinson Volunteer Fire Department (VFD) wants four full-time firefighters. They have to respond to the state by February 27 and need to know if the County can help by providing additional funding. Robinson VFD is on probation. The Robinson VFD needs to be able to present a plan of action to the state.

The overall concern is that Volunteer Fire Departments may not be able to provide service at a sufficient level to maintain insurance rating and loss of certification.

It was noted that conditions have changed significantly with respect to volunteer fire departments.

The following options for study were noted:

- Fire Service Districts in the unincorporated area (similar to LESD) to fund Volunteer Fire Departments
- Fire Service District and contract with City of Charlotte and Towns
- Gauge City/Town interest in servicing ETJ
- Provide more general fund support for Volunteer Fire Departments
- Others

Commissioner James said he feels the City of Charlotte should take care of fire service needs in their ETJ and likewise the Towns should take care of service needs in their ETJ.

General Manager Shields said there are five other VFD similar to Robinson VFD.

Commissioner Bishop asked who owns the Volunteer Fire Departments facilities. The response was the VFD.

Commissioner Mitchell asked about the City Fire Department. The response was that it was not known if they have thought about this at all.

Commissioner Helms suggested authorizing staff to commit to Robinson VFD $200,000 contingent upon their willingness to look at the various options.

It was the consensus of the Board that this be done.

Commissioner Ramirez asked what the consequences are if the County doesn’t assist in this matter. The response was that the impact would be on the homeowner’s because their insurance would go up.

Commissioner Clarke said this would give the County time to explore how to resolve this matter.

County Manager Jones said he would raise the issue in his Managers’ meeting. He could also have a meeting with VFD representatives and let them know the County wants a plan of reorganization.

Capital Project Requests were reviewed.

It was the consensus of the Board to continue to have a Citizens Capital Budget Advisory Committee.

Commissioner James said the Town of Pineville wants a library. He suggested they do theirs like the Town of Matthews.
The Board recessed at 12:20 p.m. and reconvened at 12:45 p.m.

Chairman Roberts and Commissioner Woodard were absent when the meeting reconvened and until noted in the minutes.

Vice-Chairman Helms presided until Chairman Roberts returned.

Director of Egovernment and Customer Service Brian Cox introduced the other topics of interest to the Board, which included:

- The Revaluation Process (addressed by Garrett Alexander, Tax Administrator)
- The Requirements of the Redistricting Process (addressed by Sandra Bisanar, Deputy County Attorney)
- The Federal Legislative Agenda (addressed by Deborah Goldberg, Assistant to the County Manager)
- Additional Board Budget/Public Policy Workshop Dates (addressed by Director Yi)

Comments

Commissioner Clarke asked about the schedule for Revaluation, which was addressed.

Chairman Roberts returned to the meeting.

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

Revaluation

Commissioner James, with respect to Revaluation, asked about the $20 billion shown on the chart for Net Increase to Tax base. The response was that this was for real property only.

Commissioner Bentley asked for clarification on informal appeals versus Board of Equalization and Review appeals, which was explained.

Director Garrett said because of economic conditions he’s concerned about residential.

Commissioner Helms asked whether staff was taking into consideration the number of foreclosures occurring. The response was yes and that it’s being tracked but it’s not used to set values.

Redistricting

The Board was asked if it wanted to consider redistricting next year with the knowledge that in 2010 there will be more census data.

Chairman Roberts said she feels the Board should start taking a look at this issue now.

It was the consensus of the Board to move forward rather than waiting.

Commissioner Helms said he would like to see several configurations using guidelines presented last year.

Commissioner Helms suggested consideration be given to having the Chairmanship of the Board a separate office.

Federal Legislative Agenda
It was noted that May 13th starts the Short Session.

**Additional Workshop Dates**

The addition of three budget workshops was proposed: February 26, March 25, and April 22 at 3:00 p.m.

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and carried 7-0 with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve the addition of the following workshops February 26, March 25, and April 22.

**Other**

Chairman Roberts asked about Criminal Justice and the Kimme Report. She suggested getting together a group to look at court operations and jail operations. She asked was there a process in place to do this. She noted that Paul Fryday is interested in helping.

Associate General Manager Michelle Lancaster suggested the Board wait on pursuing this and to let staff talk to Sheriff Bailey.

Commissioner James asked about the status of revising procedures with respect to immigration and contractors. The response was something has been drafted for review and will be forthcoming.

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

This concluded the discussion.

*The above is not inclusive of every comment but is a summary of key points.*

**ADJOURNMENT**

There being no further business to come before the Board that the meeting was declared adjourned at 2:24 p.m.

______________________________

Janice S. Paige, Clerk

______________________________

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS
FEBRUARY 19, 2008  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, February 19, 2008.

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.

- INFORMAL SESSION -

Commissioners Bishop 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 matters below were addressed.

(1A) STAFF BRIEFINGS 2008 (FFY 2009) FEDERAL LEGISLATIVE AGENDA

Deborah Long Goldberg, Assistant to the County Manager addressed Mecklenburg County’s proposed Federal Agenda for Federal FY2009.

Commissioner Bishop entered the meeting.

It was noted that initially Medic had planned to submit requested, however, they decided not to move forward at this time.

Note: The recommended federal agenda includes an appropriation request for the Surface Water Improvement and Management (SWIM) initiative. Request: $200,000 in the fiscal year 2009 Interior Appropriations bill, Environmental Protection Agency. Background: Mecklenburg County is seeking federal funding to address biologically impaired streams through the Surface Water Improvement and Management (SWIM) initiative. Fiscal Year 2009 funds will be combined with state and local resources to restore, retrofit and/or preserve land that has already been acquired and is in public ownership. These projects may include, but are not limited to, the construction of wetlands, restoration of streams, establishment of vegetative buffers, etc.

Also included are requests to support proposed legislation related to kinship caregiver support, child support enforcement and veterans outreach and claims.

Support passage of the Kinship Caregiver Support Act (S. 661/H.R. 2188)
The Kinship Caregiver Support Act, sponsored by Representative Danny Davis and Senator Hillary Clinton, provides a package of supports to relatives who are willing to become legal guardians of children in foster care.

Support H.R. 1386 and S. 803, which would restore funds for child support enforcement cut by the Deficit Reduction Act of 2005

S.803, sponsored by Senator Rockefeller, and H.R. 1386 sponsored by Representative Jim McDermott, amend the Deficit Reduction Act of 2005 to repeal a provision that prohibited federal matching funds to a state for expenditures from federal amounts paid to the state for child support and establishment of paternity to carry out an agreement for services of the Federal Parent Locator Service.

Support passage of the Veterans Outreach Improvement Act of 2007 (H.R. 67)

H.R. 67, sponsored by Rep. Mike McIntire (NC-7) provides for assistance to state and county veterans agencies to administer outreach programs in respective jurisdictions. The Secretary of Veterans Affairs could enter into contracts for grants directly to states or counties. The total authorization for 3 years is $25 million. Priority in awarding grants would be given to state and county veterans agencies that serve the largest populations of veterans. Representatives Coble (NC-6) and Etheridge (NC-2) are among the bill’s cosponsors.

Support passage of the Department of Veterans Affairs Claims Backlog Reduction Act of 2007 (H.R. 1435)

H.R. 1435, sponsored by Rep. Joe Baca, directs the Secretary of Veterans Affairs to conduct a three-year pilot program to reduce the backlog of claims for benefits pending with the Department of Veterans Affairs (VA). It requires the Secretary to (1) conduct the pilot program with County Veterans Service Officers in California, Florida, Ohio, South Carolina, and Texas (The program can be expanded to other states upon the request of a County Veterans Services Officer located in such state.) and (2) refer certain claims requiring further development to county officers. The bill requires such officers to (1) act as claimant advocates in developing such claims; and (2) have access to client information contained in the VA’s Benefits Delivery Network.

The bill gives counties the ability to develop claims to be rated by the VA which will reduce, if not eliminate, the backlog that exists. With counties developing claims, VA is freed to spend most of its time rating claims. Representative McIntyre (NC-7) is one of the bill’s cosponsors.

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

Comments

Comments were made regarding the fact that

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to approve Mecklenburg County’s Federal Agenda for FFY2009 as presented by staff.

Substitute Motion was made by Commissioner Bishop, seconded by Commissioner Bently and failed 4-4 with Commissioners Bentley, Bishop, James, and Ramirez voting yes and Commissioners Clarke, Helms, Mitchell, and Roberts voting no.

The vote was then taken on the original motion and failed 4-4 with Commissioners Clarke, Helms, Mitchell, and Roberts voting yes and Commissioners Bentley, Bishop, James, and Ramirez voting no.

(2A) CLOSED SESSION – A) LAND ACQUISITION B) CONSULT WITH ATTORNEY
Prior to going into Closed Session, Attorney Bethune announced that the Land Acquisition involved tax parcels located Mt. Holly Huntersville Road between Harwood Lane and Mt. Holly Road, also, Elizabeth Avenue and Kings Drive. The Consult with Attorney concerned the lawsuit of Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation.

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition and B) Consult with Attorney.

The Board went into Closed Session at 5:41 p.m. and came back into Open Session at 6:04 p.m.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to reconsider the earlier substitute motion with respect to the Mecklenburg County’s Federal Agenda for FFY2009.

After discussion of the motion it was determined that the Board would not be able to reconsider the original motion made earlier in the meeting.

Thus, Commissioner Helms withdrew his motion and Commissioner Mitchell his second.

It was noted that the matter could be placed on the Board’s February 26, 2008 Budget/Public Policy meeting.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The item identified was Item 23.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) WOMEN’S HISTORY MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating March 2008 as Women’s History Month in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Lisa Lewis Dubois, Chair of the Charlotte-Mecklenburg Women’s Summit 2008.

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

(1B) GREAT AMERICAN CLEAN UP
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 adopt a proclamation designating March 1st through May 31st as the Mecklenburg County ‘Great American Clean up.’

The proclamation was read by Commissioner Clarke and received by Jake Wilson, executive director of Keep Mecklenburg Beautiful.

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

(1C) BLACK HISTORY MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating February 2008 as Black History Month in Mecklenburg County.

The proclamation was read by Commissioner Woodard and received by Councilman Anthony Foxx and Willie Ratchford, director of Community Relations Committee.

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

(28) COMMUNITY COLLABORATIVE ON PARENTING, YOUTH EMPLOYMENT AND MENTORING (COMMISSIONER WOODARD)

Commissioner Woodard introduced Councilman Anthony Foxx and Willie Ratchford, director of Community Relations Committee provide information on a joint collaborative effort involving the City of Charlotte, Charlotte-Mecklenburg Schools, and Mecklenburg County. The community collaborative will pilot parenting, youth employment and mentoring initiatives with dedicated staff, specific outcomes, notable partners, and identified resource needs.

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

(2) PUBLIC APPEARANCE

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

Scott McClure, chairman of the Park and Recreation Commission shared with the Board a list of upcoming Mecklenburg County Comprehensive Park Plan Workshops and the meeting schedule of the Park and Recreation Commission for 2008.

(3) APPOINTMENTS

ADULTCARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Barbara Watson to the Adult Care Home Advisory Committee for a three-year term expiring March 31, 2011.

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and
unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to nominate and appoint Carol Berry and Linda Olige to the Adult Care Home Advisory Committee for a one-year term expiring February 28, 2009.

**BICYCLE COMMITTEE**

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Lauren Blackburn to the Bicycle Committee for a three-year term expiring March 31, 2011.

**LIBRARY BOARD OF TRUSTEES**

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Sally Robinson and Darrel Williams to the Library Board of Trustees for a four-year term expiring December 31, 2012.

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 defer making additional appointments to the Library Board of Trustees until the March 19, 2008 meeting, in order to allow for more applications to be received.

Commissioner Ramirez noted that Cecilia Ramirez asked that her name be withdrawn as an applicant.

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Jason McDaniel to the Waste Management Advisory Board for a three-year term expiring March 31, 2011.

He is replacing Christina Fisher.

(3B) **APPOINTMENT OF CHAIRMAN – WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Mr. Shawn Brady Chairman of the Waste Management Advisory Board as recommended.

(3C) **WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Brett Rhinehardt to the Waste Management Advisory Board as recommended by Charlotte City Council for a three year term expiring February 1, 2011.
(4) PUBLIC HEARINGS - None

(5) ADVISORY COMMITTEE REPORTS – None

MANAGER’S REPORT

(6A) SCHOOL FACILITIES

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to amend the School Facilities - 2006 capital project ordinance and amend the School Facilities December 2006 capital project ordinance.

Note: This action will provide funding for the projects considered for public private partnership. After consideration the Board of Education determined that these projects would be better suited for the Certificates of Participation funding. The projects include Replacement of Long Creek Elementary School, Renovations at South Mecklenburg High School and Additions and Renovations at Idlewild Elementary and Harding University High Schools. Funding for these projects will be provided from authorization of $58 million additional Certificates of Participation and reallocation of savings from projects already authorized.

- Elon Park ES Savings: $2.5 million
- 2006 COPs Savings: 4.5 million
- New COPs authorization: 58.0 million
- $65.0 million

Ordinances recorded in full in Minute Book 44-A, Document #___ & ____.

(6B) SHERIFF’S FIDELITY BOND

Acknowledge receipt and approve the fidelity bond for Sheriff Daniel E. Bailey, Jr.

(2A1) CLOSED SESSION – LAND ACQUISITION

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 approve a total purchase price for Charlotte-Mecklenburg Schools of +/- $1,314,700 for a 25.90-acre elementary school site including:

1) Tax Parcel 031-451-09 – Griffin +/- $286,000 – 5.6 acres and house
2) Tax Parcels 031-451-10 & -12 – McNeary +/- $568,700 - 15.55 acres and house
3) Tax Parcel 031-451-11 - Belk +/- $185,420 – 1 acre and house
4) Tax Parcel 031-451-13 & 14 – Chronister +/- $275,000 – 3.75 acres and 3 rental houses

Note: The above assemblage is for an elementary school site on the north side of Mt. Holly Huntersville Road between Harwood Lane and Mt. Holly Road in the northwestern portion of the County.

(2A2) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to confirm the previous authorization to purchase of Tax Parcel 125-095-01 for $270,000 and Tax Parcel 125-227-02 for $1 from Duke Energy Carolinas LLC, both parcels on Little Sugar Creek.
CONSENT ITEMS
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 approve the following item(s) with the exception of Item 23 to be voted upon separately:

(7) APPROVAL OF MINUTES
Approve minutes of Regular Meeting held February 5, 2008.

(8) LAND EXCHANGE WITH WESTMORELAND LAKE, LLC
Adopt a resolution of intent to exchange a +/- 572 square foot portion of Tax Parcel 005-071-18 (Westmoreland Athletic Complex) for a +/- 7,286 square foot portion of The Preserve at Robbins Park (all of Tax Parcel 005-071-97).

Note: The Town of Cornelius and Westmoreland Lake, LLC have requested this land exchange to enhance connectivity between the Westmoreland Athletic Complex and Robbins Park and to improve the configuration of four lots in The Preserve at Robbins Park residential development. On December 31, 2007, the County and Westmoreland Lake, LLC completed the initial land exchange which altered the configuration of the park and the adjacent residential development. The proposed land exchange will realign one common boundary line.

Resolution recorded in full in Minute Book 44-A, Document # ________.

(9) EASEMENT DONATION – MCDOWELL CREEK
Authorize the County Manager to negotiate and receive a permanent easement from North Pointe Realty Corp. on a portion of Tax Parcels 005-371-21, 005-371-22 and 005-371-09 along McDowell Creek.

Note: On March 20, 2007, the Board approved the acceptance of a fee simple donation from North Pointe Realty Corp on the above parcels. However, North Pointe Realty Corp subsequently changed its position on the fee simple donation and has now agreed to donate an easement to the County.

The donated easement will encompass approximately eleven (11) acres of floodplain and 2,200 linear feet of creek frontage on the east side of McDowell Creek, immediately north of Sam Furr Road. This land will contribute to water quality protection and be incorporated into the McDowell Creek stream restoration and water quality enhancement projects coordinated by Mecklenburg County Storm Water Services. The McDowell Creek Greenway will be constructed on County property across the creek.

(10) GENERAL FLEET VEHICLES AND EQUIPMENT
Authorize the Manager to execute unit price contracts for the vehicles listed below. The contracts will be for one-year with options to renew for two one-year terms.

<table>
<thead>
<tr>
<th>Vendor and Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Volvo/GMC Truck Center, ¾ Ton Truck, 2-Wheel Drive</td>
<td>$20,776.43</td>
</tr>
<tr>
<td>2) Volvo/GMC Truck Center, ¾ Ton Truck, 4-Wheel Drive</td>
<td>$23,019.93</td>
</tr>
<tr>
<td>3) Volvo/GMC Truck Center, ½ Ton Truck, 4-Wheel Drive</td>
<td>$17,411.08</td>
</tr>
</tbody>
</table>
4) Sir Walter Chevrolet, Seven (7)-Passenger Mini-Van $18,989.00
5) Town & Country Ford, Compact SUV, 2-Wheel $14,097.30
6) Hall Automotive, Forward Control Walk-In Van $31,998.00
7) Town & County Ford, Mid-Size Car
8) Parks Chevrolet, One (1) Ton Truck Crew Cab/Chassis $27,742.00
9) Volvo/GMC Truck Center, One (1) Ton Truck Standard Cab/Chassis $15,879.50
10) Parks Chevrolet, Tilt Cab Truck w/Freight Body $24,669.63
11) Volvo/GMC Truck Center, Two (2) Ton Truck Crew Cab/Chassis $35,082.00
12) Volvo/GMC Truck Center, Two (2) Ton Truck Standard Cab/Chassis $47,635.23
13) Volvo/GMC Truck Center, Two (2) Ton Truck Standard Cab/Chassis $43,685.23

(11) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, GRANT APPROVAL

1. Recognize, receive, and appropriate $126,752 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 Pre-Disaster Mitigation Grants.

3. Authorize the carry forward of unspent grant funds to subsequent years until completion of project.

(12) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, GRANT APPLICATION

Authorize the County Manager to submit a grant request in the amount of $1,721,792 to the North Carolina Division of Emergency Management for the acquisition of flood prone properties.

(13) CONSTRUCTION AND MATERIALS TESTING CONTRACTS

1) Authorize the County Manager to negotiate fees and execute contracts with the Engineering Testing firms listed below for Construction/Materials Testing Services for the following projects:
   • Marshall Park Box Culvert Relocation
   • Second Ward Park
   • Freedom Mall – All Phases
   • Little Sugar Creek Greenway Kings Drive Section, Mid-Town Section, and Charlotte Town Ave to Elizabeth Ave.
   • Romare Bearden park
   • Jail North Annex

2) In the event that negotiations with the selected firms are unsuccessful, authorize negotiations with the alternate firms for each project.

(14) CHILDHOOD OBESITY PREVENTION PROGRAMS – AEROBO COP – ITEM
WAS REMOVED FROM THE AGENDA

(15) CONTRIBUTION FROM CDOT TO CONSTRUCT A PEDESTRIAN BRIDGE AT LATTA PARK

Recognize and appropriate Capital Reserve funds in the amount of $70,000 from Charlotte Department of Transportation (CDOT) for the construction of a pedestrian bridge at Dilworth’s Latta Park.

(16) DISPOSAL OF FOOD & LODGING RECORDS

Approve the disposal of food, lodging and institutional inspection and compliant investigative reports from 1998-2002.

Note: These were Health Department records.

(17) EXCHANGE OF LEASEHOLD INTERESTS WITH FIBER MILLS, LLC

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Exchange of Leasehold Interests with Fiber Mills, LLC.”

Resolution recorded in full in Minute Book 44-A, Document #________.

(18) LITTLE SUGAR CREEK GREENWAY ACQUISITION

Approve the purchase of 3,400 square foot Tax Parcel 080-131-07 at 7th Street and Kings Drive from Adams Outdoor Advertising for $200,000.

Note: The above tract, which is partially in the flood plain of Little Sugar Creek, is essential to Central Piedmont Community College (CPCC) for the construction of their culinary arts building and to the County for the greenway trail in this area.

(19) CRISIS INTERVENTION PROGRAM – DSS

Amend the Department of Social Services’ FY08 budget to recognize, receive and appropriate $295,998 of additional funds from the U.S. Department of Energy for the Crisis Intervention Program.

Note: These funds will enable Crisis Assistance Ministries to assist additional families in need of energy assistance.

(20) DSS REVENUE ADJUSTMENTS

Amend the Department of Social Services’ FY 08 budget to recognize additional Federal and State revenues of $37,718 via the Home and Community Care Block Grant, and appropriate expenses in the same amount.

Note: This funding will provide additional Adult Day Care services.

(21) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT

Approve the submission of the County’s CAA Section 103, Special Purpose federal grant application; and upon award of grant, recognize, receive and appropriate the CAA Section 103
grant award.

(22) TAX REFUNDS

Approve refunds in the amount of $915.50 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.

(24) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve funding adjustments as follows:

A) Approve, recognize, receive and appropriate State funds in the amount of $2,083 for the purpose of developing a Crisis Intervention Team program.

B) Reduction of $70,000 in state funds for community services for a consumer transferring to Smoky Mountain Local Management Entity (LME).

(25) JAIL NORTH ANNEX – SECURITY SYSTEMS CONTRACT

Award a security systems contract in the amount of $549,800 to Black Creek Integrated Systems Corporation for Jail North Annex.

(26) RENOVATIONS TO ADDRESS ADDITIONAL WORK SPACE NEEDS – LUESA

Appropriate $400,000 of Fund Balance designated for Land Use and Environmental Services - Code Enforcement Administration for renovations to address additional workspace needs.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(23) ACCESS AND CONSERVATION EASEMENTS – EVERGREEN NATURE PRESERVE

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to

1) Authorize the County Manager to negotiate and receive a permanent easement from the City of Charlotte for pedestrian access to Evergreen Nature Preserve from Progress Lane

2) Authorize the County Manager to negotiate and receive a permanent conservation easement from the City of Charlotte for stream restoration and water quality BMPs on City property adjoining Evergreen Nature Preserve.

3) Authorize the County Manager to negotiate, execute and convey a permanent conservation easement to the City of Charlotte for stream restoration and water quality BMPs at Evergreen Nature Preserve.

Commissioner Clarke removed this item from the agenda for more public awareness.
STAFF REPORTS AND REQUESTS

(27) TAX BILL INFORMATION

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 receive the report and recommendations on options for providing additional information in tax bills; and to select Option 3 of the recommendations provided. Option 3 is to develop an information insert to include with tax bills

Note: Rationale:

• This option provides the most flexibility to communicate details about how tax dollars and other public funds are allocated to CMS, CPCC, and County operations. This approach would allow taxpayers to know what portion of County funding is used for CMS, CPCC and County operations as an illustration of how their tax payment is allocated as well as the total cost of the program.
• This option also is relatively cost-effective. The insert could cost anywhere from $10,000 to $50,000 depending on quality of paper, full-color, front and back printing, and the quantity distributed with the tax bills (e.g., inserting in all bills, including motor vehicle bills, would require a quantity of approximately 1 million inserts. Inserting in only real/personal property tax bills would require a quantity of about 350,000 inserts).
• Mecklenburg County has experience developing such information; the Office of Tax Collector and the Public Service and Information Department produces an annual tax brochure that provides property tax and funding allocation information for Mecklenburg County, the City of Charlotte and the other municipalities in Mecklenburg County. This brochure could be revised easily with existing staff to a format suitable for inserting into the tax bills.
• This option also can be supported by posting the same information on the County web site, along with additional information about allocation of taxes and other public funds.

2. Direct the County Manager to develop a design and identify the specific costs of an information insert suitable for inclusion in the tax bills, ensuring the insert is of a quality that will attract attention from property owners.

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 note worthy.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Bishop, 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 8:17 p.m.

Janice S. Paige, Clerk Jennifer Roberts, Chairman
MINUTES OF CLOSED SESSION OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS
FEBRUARY 19, 2008 5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, February 19, 2008. 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, 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

Also Present: General Managers Janice Jackson and John McGillicuddy, Associate General Manager Michelle Lancaster, Finance Director Dena Diorio, Wanda Reeves of Finance, Nancy Brunnemer with Real Estate Services, and CMS Attorney Kevin Bringewatt

Commissioner Woodard was not present for this Closed Session matter.

(2A1) LAND ACQUISITION – MT. HOLLY-HUNTERSVILLE ROAD ELEMENTARY SCHOOL SITE

Nancy Brunnemer with Real Estate Services addressed the proposed total purchase price for Charlotte-Mecklenburg Schools of +/- $1,314,700 for a 25.90-acre elementary school site including:

1) Tax Parcel 031-451-09 – Griffin +/-$286,000 – 5.6 acres and house
2) Tax Parcels 031-451-10 & -12 – McNeary +/-$568,700 - 15.55 acres and house
3) Tax Parcel 031-451-11 - Belk +/-$185,420 – 1 acre and house
4) Tax Parcels 031-451-13 & 14 – Chronister +/-$275,000 – 3.75 acres and 3 rental houses
Note: The above assemblage is for an elementary school site on the north side of Mt. Holly Huntersville Road between Harwood Lane and Mt. Holly Road in the northwestern portion of the County.

Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve a total purchase price for Charlotte-Mecklenburg Schools of +/- $1,314,700 for a 25.90-acre elementary school site including:

1) Tax Parcel 031-451-09 – Griffin +/- $286,000 – 5.6 acres and house
2) Tax Parcels 031-451-10 & -12 – McNeary +/- $568,700 - 15.55 acres and house
3) Tax Parcel 031-451-11 - Belk +/- $185,420 – 1 acre and house
4) Tax Parcel 031-451-13 & 14 – Chronister +/- $275,000 – 3.75 acres and 3 rental houses

Janice S. Paige, Clerk
Jennifer Roberts, 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, February 19, 2008. 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,
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

Also Present: General Managers Janice Jackson and John McGillicuddy, Associate General Manager Michelle Lancaster, Finance Director Dena Diorio, Wanda Reeves of Finance, Nancy Brunnemer with Real Estate Services, and Deputy County Attorney Sandra Bisanar

Commissioner Woodard was not present for this Closed Session matter.

(2A2) LAND ACQUISITION – LITTLE SUGAR CREEK GREENWAY

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of Tax Parcel 125-095-01 for $270,000 and Tax Parcel 125-227-02 for $1 from Duke Energy Carolinas LLC, both parcels on Little Sugar Creek.

Note: This item was on the Board’s agenda on October 16, 2007. Since that time Ham Wade determined through his title search that a portion of Tax Parcel 125-095-01 is included in an easement held by the North Carolina Department of Transportation (NCDOT).

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve purchase of Tax Parcel 125-095-01 for $270,000 and Tax Parcel 125-227-02 for $1 from Duke Energy Carolinas LLC, both parcels on Little Sugar Creek.

Janice S. Paige, Clerk
Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

FEBRUARY 26, 2008 3:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

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 26, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
H. Parks Helms, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Bill James

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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 Roberts.

The following topics were discussed: Park and Recreation Greenway Planning and Federal Legislative Agenda.

(2) FEDERAL LEGISLATIVE AGENDA

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to approve Mecklenburg County’s Federal Legislative Agenda for Federal Fiscal Year 2009 as presented by staff.

Substitute motion was made by Commissioner Ramirez, seconded by Commissioner Bentley, to vote on Mecklenburg County’s Federal Legislative Agenda for Federal Fiscal Year 2009 in two parts, first the appropriation request, then the non-appropriation requests.

Commissioner Bentley said she was not supportive of the appropriation request because government needs to get away from earmarks as recently addressed by the President.

Commissioner Ramirez also commented on earmarks.

Commissioner Bishop entered the meeting.

Commissioner Bentley asked could the $200,000 being requested in the appropriation request be provided locally or does it have to be federal funds.

Chairman Roberts responded and said often the County receives grants that are matched locally in partnerships with the state and/or federal government. Chairman Roberts said the County tries to seek funds where ever it can for essential projects, such as water quality restoration, etc.
Assistant to the County Manager Deborah Goldberg addressed the subject of earmarks received by the County in the past, many of which received bi-partisan support.

Assistant Goldberg said staff was informed that President Bush’s recent remarks regarding ‘earmarks’ is more about those earmarks that are not strategic in nature. Also, staff feels the appropriation item being recommended is one that would meet the goals of what is being articulated by the federal government.

The vote was then taken on the substitute motion and failed 6-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting no and Commissioners Bentley and Bishop voting yes, to vote on Mecklenburg County’s Federal Legislative Agenda for Federal Fiscal Year 2009 in two parts, first the appropriation request, then the non-appropriation requests.

The vote was then taken on the original by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bishop and Ramirez voting no, to approve Mecklenburg County’s Federal Legislative Agenda for Federal Fiscal Year 2009 as presented by staff and noted below.

The County’s Federal Legislative Agenda for Federal Fiscal Year 2009 includes:

1) An appropriation request for the Surface Water Improvement and Management (SWIM) initiative.

Request: $200,000 in the fiscal year 2009 Interior Appropriations bill, Environmental Protection Agency. Background: Mecklenburg County is seeking federal funding to address biologically impaired streams through the Surface Water Improvement and Management (SWIM) initiative. Fiscal Year 2009 funds will be combined with state and local resources to restore, retrofit and/or preserve land that has already been acquired and is in public ownership. These projects may include, but are not limited to, the construction of wetlands, restoration of streams, establishment of vegetative buffers, etc.

2) Non-Appropriation requests to support proposed legislation related to kinship caregiver support, child support enforcement and veterans outreach and claims:

Support passage of the Kinship Caregiver Support Act (S. 661/H.R. 2188)

The Kinship Caregiver Support Act, sponsored by Representative Danny Davis and Senator Hillary Clinton, provides a package of supports to relatives who are willing to become legal guardians of children in foster care.

Support H.R. 1386 and S. 803, which would restore funds for child support enforcement cut by the Deficit Reduction Act of 2005

S.803, sponsored by Senator Rockefeller, and H.R. 1386 sponsored by Representative Jim McDermott, amend the Deficit Reduction Act of 2005 to repeal a provision that prohibited federal matching funds to a state for expenditures from federal amounts paid to the state for child support and establishment of paternity to carry out an agreement for services of the Federal Parent Locator Service.

Support passage of the Veterans Outreach Improvement Act of 2007 (H.R. 67)

H.R. 67, sponsored by Rep. Mike McIntire (NC-7) provides for assistance to state and county veterans agencies to administer outreach programs in respective jurisdictions. The Secretary of Veterans Affairs could enter into contracts for grants directly to states or counties. The total authorization for 3 years is $25 million. Priority in awarding grants would be given to state and county veterans’ agencies that serve the largest populations of veterans. Representatives Coble (NC-6) and Etheridge (NC-2) are among the bill’s cosponsors.

Support passage of the Department of Veterans Affairs Claims Backlog Reduction Act of 2007 (H.R. 1435)
H.R. 1435, sponsored by Rep. Joe Baca, directs the Secretary of Veterans Affairs to conduct a three-year pilot program to reduce the backlog of claims for benefits pending with the Department of Veterans Affairs (VA). It requires the Secretary to (1) conduct the pilot program with County Veterans Service Officers in California, Florida, Ohio, South Carolina, and Texas (The program can be expanded to other states upon the request of a County Veterans Services Officer located in such state.) and (2) refer certain claims requiring further development to county officers. The bill requires such officers to (1) act as claimant advocates in developing such claims; and (2) have access to client information contained in the VA's Benefits Delivery Network.

The bill gives counties the ability to develop claims to be rated by the VA which will reduce, if not eliminate, the backlog that exists. With counties developing claims, VA is freed to spend most of its time rating claims. Representative McIntyre (NC-7) is one of the bill’s cosponsors.

A copy of the County’s Federal Legislative Agenda for Federal Fiscal Year 2009 is on file with the Clerk to the Board.

(1) PARK AND RECREATION GREENWAY PLANNING

Director of Park and Recreation Jim Garges addressed Park and Recreation Greenway Planning.

The presentation covered the following:

- Greenways on Polaris
- Next Steps  
  o Remove greenway layer from Polaris (Only existing/developed greenways will be depicted)  
  o Articulate new planning approach in the update  
    - Identify practical, buildable trail corridors to develop in Greenway update  
    - Incorporate Towns’ plans into Greenway Master Plan Update  
    - Better engage public in the planning process
- New Greenway Philosophy
- Mecklenburg County Greenways
- Identifying Greenway Corridors
- Land Acquisition (Process and Tools)
- Eminent Domain

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

Highlights

- Director Garges met with Pam Hester and some of her neighbors regarding the County’s Greenway Plan. Ms. Hester recently attended a County Commission meeting regarding the County’s Greenway Plan.
- There are a number of things in the Plan that aren’t practical.
- The current Plan was approved in 1999.
- Staff will work with the Town of Huntersville to come up with a solution.
- The Plan is being updated.
- Staff has removed all of the lines on Polaris except for where greenways already exist per the 1999 Plan.
- Thus, there are no greenways going through Ms. Hester’s property or her neighbors.
- Eminent Domain was addressed. It was noted that eminent domain would be the last option.
- Park and Recreation is changing their philosophy with respect to planning.

Comments
Chairman Roberts said she was pleased to know that the lines were removed from Polaris.

Commissioner Ramirez asked about the solution for Ms. Hester. The response was that the greenway will not go through Ms. Hester’s backyard. Also, the lines have been removed from Polaris, so if Ms. Hester or her neighbors visit the Polaris website, it’ll show that the lines through their property no longer exist.

Director Garges said there are other areas of the County with the same problem raised by Ms Hester, which is another reason all of the lines are being removed.

Commissioner Ramirez asked if greenways had to be directly along the creek. The response was that many do not follow the tributary line.

Commissioner Clarke urged staff to be “extremely respectful” when it comes to property rights of homeowners.

Attorney Bethune addressed the use of eminent domain for greenway by the County. It was noted that it has been used for commercial property, the Little Sugar Creek Greenway project was cited as an example.

Commissioner Woodard thanked Park and Recreation for working this issue out with Ms. Hester and her neighbors.

Commissioner Bishop said a policy decision needs to be made regarding the use of eminent domain for greenway purposes.

Commissioner Bishop said he would be supportive of the County going on record and saying it will not use eminent domain for greenway purposes.

Director Garges said the use of eminent domain for greenway purposes would need to be reviewed on a case-by-case basis. He said it would be a tool used as a last result.

Commissioner Clarke said he feels eminent domain should be kept as a tool, because there are instances where it would be an appropriate tool to use.

Commissioner Ramirez commented on the new philosophy of Park and Recreation with respect to meeting with impacted homeowners. Commissioner Ramirez said this should be more than a philosophy. It should be the rule.

Director Garges said meeting with impacted homeowners is current policy. He said what’s new is the stakeholders group that will form as an additional step to enhance what is already in place.

Commissioner Mitchell said he would also like to keep eminent domain as a tool.

Chairman Roberts said she also supports keeping eminent domain as a tool.

This concluded the discussion. No action was taken or required with respect to this topic.

The above is not inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard, and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:30 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

MARCH 5, 2008 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 Wednesday, March 5, 2008.

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.

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-INFORMAL SESSION-

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

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

(1A) STAFF BRIEFINGS - US NATIONAL WHITEWATER CENTER: YEAR-END REPORT

The Board received information regarding the year-end performance of the US National Whitewater Center.

General Manager Bobbie Shields, Whitewater’s Executive Director Jeff Wise, and Whitewater Management (Turnaround) Consultant John McGee, presented the information.

General Manager Shields addressed the County’s obligations under the Whitewater contract and explained the year-end financial statements.

Commissioner Clarke entered the meeting.

Representatives from Whitewater provided a summary of their 2008 Business Plan Strategies and Tactics.

Comments

Commissioner James asked for clarification regarding future principal payments being included in the annual service fee and the $2 million that was added back in. General Manager Shields said the contract states if the principal payment is included in a given year, but is not actually
paid during that year, then the subsequent year it can’t be counted again. He said the $2 million can only be used once.

It was stated further that staff believes the County will have to pay $1 million annually for next seven years.

It was the consensus of the Board that they understood the justification of the $1 million annual service fee.

Commissioner James said he was told that there was no mention of Mecklenburg County when you visit the Whitewater Center’s website. Commissioner James said it was his understanding that there should be some reference of the County and/or the County seal.

Jim Garges, director of Park and Recreation said there is reference to the County and that the Whitewater Center was in compliance with that portion of the agreement.

Chairman Roberts asked was it correct to assume that when discussions take place regarding naming rights for the facility that County Park and Recreation would be included in those discussions. The response from Director Garges was yes.

Commissioner Woodard asked for clarification on the $5 parking fee. The response was that this has not been implemented, and if implemented, it would probably be on a per vehicle basis. No determination has been made regarding the amount for buses.

Commissioner Woodard asked about fees for various activities at the Center, which was explained.

Commissioner Helms asked whether the $1 million annual service fee from the County was taken into consideration when developing the 2008 Business Plan. The response was yes, but it has not been done for 2009 and beyond as of yet. It was stated also, that it’s reasonable to expect that it would be taken into consideration for remaining years as well, because the $1 million annual service fee will be needed. Noted further, was the fact that the debt would have to be restructured.

Commissioner Bentley commented on the Increase Average Revenue Per Guest proposal, specifically, the increase in prices. Commissioner Bentley said she would think an increase in prices, especially for whitewater rafting, would deter patrons from participating in this activity.

Commissioner Bentley said her concern was that if Whitewater is missing the projection for rafting now, that an increase in prices would only further exacerbate the problem. The response was that this possibility does exist, but the expectation is that “net – net” those revenues will increase. Also, that the focus is not only on increasing prices but increasing the number of activities on site as well, and enhancing the activities for guests.

Commissioner Bishop entered the meeting.

Commissioner Bentley asked had a guest survey been done. The response was yes.

It was noted that an increase in the rafting fee would only occur on the weekends, which is when that activity is at capacity. The hope is not to drive patrons away but to get them to come out during the week when the cost is less and the enjoyment of the experience is even greater because there are less people. Also, this would help the Center operationally and help manage capacity better.

Commissioner Ramirez asked Mr. McGee if he was hired by the banks or Whitewater. The response was both, because the banks “insisted” that Whitewater hire a qualified restructuring management consultant.

Commissioner Ramirez asked Mr. McGee if he thought the banks would continue to work with Whitewater and restructure the loan, so that they can continue to operate. The response was yes.
Commissioner James said he’s concerned about where things will stand financially at the end of the seven year period. He posed the question of whether the banks would entertain, with Whitewater taking the loss, some of which he said they had already taken, the County buying it out for a fraction of the price in exchange for an elimination of the guarantee. Commissioner James said the County would be guaranteeing current dollars, $5.5 million and cash is $7 million. He said the County would give the banks $7 million and the Whitewater Center becomes the property of Mecklenburg County. Commissioner James said this would, however, place an on-going liability on the County to run the facility.

County Manager Jones questioned Mr. McGee with respect to his dual reporting role with the banking group and the Whitewater Board, specifically how would he resolve conflict, assuming he had a recommendation that wasn’t acceptable to the Whitewater Board, but critical to the turnaround of the Center. The response was there is the potential for this to occur, but it hasn’t to date. Also, if this were to occur he could be fired, but the Whitewater Board would have to immediately hire another qualified and approved restructuring consultant. It was noted further that it would be an immediate event of default for the Whitewater Board to fire Mr. McGee without having someone essentially the same as Mr. McGee in place.

Commissioner Helms said he thinks what Commissioner James is saying is that the County and the other towns involved in the Whitewater Center would take the present value of their commitment, $7.5 million in the County’s case or $8 million; and give Whitewater that amount up front, now, which would extinguish the County’s liability. Whitewater would use that amount to reduce their debt to some amount that the operational revenue could service.

Commissioner Helms said unlike Commissioner James, he’s not interested in the facility being conveyed over to the County. Commissioner Helms said he’s interested in fulfilling the County’s commitment, which is $7 million over seven years.

Commissioner Helms said Commissioner James does raise a legitimate question regarding what happens at the end of the seven years and the facility is still not fiscally stable. Thus, what if the County were to say at this point that it’s going to fulfill its commitment, reduce Whitewater’s debt level to get it to a number that the operational revenue can serve. Commissioner Helms asked was this possible.

Mr. McGee in his response said he was not speaking for the lenders and that he would remind everyone that there are seven (7) senior lenders and 35 subordinate lenders (community development lenders but for all intended purposes they are subordinators), plus there are other entities involved. Mr. McGee said conceptually from a financial theory perspective, it would make sense to take some sort of a discount to extinguish the County’s liability or all of the governmental liability and apply it to the debt to reduce the interests expense, but getting this done would not be easy.

Mr. McGee said if the Board were to instruct Park and Recreation staff to give some thought to putting this together, they would work with them on it, but this isn’t something that unilaterally either of them could get done.

Commissioner James said it would be interesting to see what the response would be if Mr. McGee were to go back and speak with the main senior lender regarding this concept.

Mr. McGee noted that there are three senior lenders and they are all co-equal.

Chairman Roberts said she thinks it may be something worth looking into.

Mr. McGee said the typical response to any request to compromise and restructure debt based on accelerated cash flow from other sources is an indication that it’s actually feasible. Mr. McGee said he would suspect that if he were to go back to the bank group and ask them to approve something, they would want to know that before they tried to get it approved; that it was something that could actually be brought to the table.
General Manager Shields said this was something that could be further studied with Whitewater and the other government entities.

Commissioner Clarke noted that although there are other entities involved, 75% of the service payments are on “this side of the river,” so it may not be as difficult as it’s anticipated.

Commissioner Clarke asked if there was any quantitative data yet. The response was that the budget will be sent out next week.

No action was taken or required at this time.

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

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

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

Prior to going into Closed Session, Attorney Bethune noted that the Land Acquisition matter concerned Cavalier Apartments and the Consult with the Attorney concerned the following cases: Joseph Elicati v. Mecklenburg County EMS Agency, Rebecca Baker v. Mecklenburg County EMS Agency, and Rosemary Tucker v. Mecklenburg County.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Land Acquisition B) Consult with Attorney and C) Business Location and Expansion.

The Board went into Closed Session at 6:00 p.m. and came back into Open Session at 6:15 p.m.

Commissioner Woodard was present when the Board came back into Open 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 25 and 27.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) SOCIAL WORK APPRECIATION MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating the month of
March 2008 as “Social Work Appreciation Month” in Mecklenburg County.

The Proclamation was read by Commissioner Mitchell and received by General Manager Janice Jackson, Interim Director of Social Services and several Social Workers on behalf of all Mecklenburg County Social Workers.

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

(1B) PARTNERS FOR PARKS, INC. SCHOLARSHIP CHECK PRESENTATION

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE RESCHEDULED.

(1C) THE ARC OF MECKLENBURG COUNTY DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating March 12, 2008 as The Arc of Mecklenburg County Day.

Note: The Arc of Mecklenburg County is a not-for-profit organization that creates opportunities for people with cognitive impairments and their families to experience more meaningful and satisfying lives. The Arc of Mecklenburg County is a well established network that connects families and people with developmental disabilities to community resources, creates awareness of developmental disabilities, lobbies legislators to ensure all of the needs of people with developmental disabilities are met, helps people with developmental disabilities access services and supports they need, encourages personal empowerment and self-advocacy, and educates the community about receiving, embracing, and engaging people with developmental disabilities in all facets of the community.

The Proclamation was read by Commissioner Bentley and received by Donnie Simmons, past President of The Arc Board of Directors.

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

(2) PUBLIC APPEARANCE

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

Rollon Washington addressed the need for services for the Homeless. He noted that at one time he was homeless. Mr. Washington now helps others through his work with Homeless Helping Homeless. Mr. Washington thanked the Board for its pending consideration of the Ten-Year Plan to end homelessness in Mecklenburg County.

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

(3) APPOINTMENTS – NONE

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE
MANAGER'S REPORT

(6A) FY 2008 HOMELESSNESS UPDATE

The Board received an update on the status of homelessness in Mecklenburg County and the County’s current efforts and services to support the homeless.

Note: Ten-Year Plan Implementation Goals

- Goal #1: Get Homeless Families and Individuals into Safe, Appropriate Permanent Housing As Soon As Possible
- Goal #2: Link Chronic Homeless to Housing, Treatment, and Services through Intensive Outreach and Engagement
- Goal #3: Prevention: Promote Housing Stability of People Most At-Risk of Becoming Homeless

Recommended Action Items

- In partnership with the City of Charlotte, establish a high-level 10 year plan advisory board
- Adopt the More Than Shelter Ten-Year Plan to End and Prevent Homelessness (exclusive of the 10 year implementation portion of the plan)
- In partnership with the City of Charlotte, explore collaborative opportunities to address homelessness
- Approve continued oversight and administration of the 10 Year Plan by A Way Home
- Consider budget recommendations for Departments and Outside Agencies impacting homelessness within the context of the 10 Year Plan

The report was given by Stacy Lowry, Support Services Director.

Chairman Roberts thanked Ms. Lowry for all of the work that has been done.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, to adopt the More Than Shelter Ten-Year Plan to End and Prevent Homelessness.

Comments:

Commissioner James commented on the fact that there are no dollars referenced in the Plan with respect to implementation cost. He said the Plan could be approved in concept, since there are no dollars associated with it. Commissioner James said it should be understood that although the Plan may be approved without any dollars associated with it that when the cost is known everything in the Plan may not get funded.

County Manager Jones said in essence the Board is approving the Plan in concept because the recommended action is to adopt the Plan exclusive of the 10 year implementation portion of the plan.

County Manager Jones said what the Board would likely receive going forward in implementing the Plan would be funding requests in increments that would include more detailed information regarding a particular component.

Commissioner Bishop expressed concern for using the Housing First Model. He questioned whether providing permanent housing was really the best solution to the problem.

Commissioner Bishop said in order for him to be in support of a plan that says as a policy matter that 1) the County should adopt a Housing First Model or 2) that local governments establish dedicated revenue sources to support that objective, that he has to be convinced that it not only results in a net cost but it solves the problems and it helps to reduce the suffering that people who are homeless, chronically homeless in particular, live with. Commissioner Bishop said to his knowledge that evidence doesn’t exist with respect to this Plan.
Commissioner Bentley challenged the Faith community to do more.

Commissioner James referenced the possible funding sources mentioned in the Plan, specifically, the establishment of a Real Estate/Land Transfer Tax. He asked that it be noted in the record that he is opposed to a Real Estate/Land Transfer Tax, as well as, an increase in the sales tax or any new tax or fee for this particular function.

Commissioner Ramirez noted for the record that any funding stream for implementation would have to be approved by the Board at future meetings.

Commissioner Helms restated his motion, which was then seconded by Commissioner Mitchell and reads as follows:

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Bishop voting no, to adopt the More Than Shelter Ten-Year Plan to End and Prevent Homelessness (exclusive of the 10 year implementation portion of the plan.)

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

CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 8-0, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the following item(s) with the exception of Items 25 and 27 to be voted on separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 19, 2008; Budget/Public Policy Meeting held December 11, 2007; Closed Session minutes of February 19, 2008 and February 5, 2008.

(8) TAX REFUNDS

Approve refunds in the amount of $42,719.75 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) SHERIFF’S SPECIAL REVENUE FUND

Recognize and appropriate $120,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.

(10) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of $16,687 for General Services, $2,463 for Park and Recreation, $318 for Social Services, $4,005 for Real Estate Services, $4,563 for Sheriff’s Office, and $229 for Area Mental Health.

Note: All reimbursements are for stolen and damaged items.
(11) **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:
- 310 commercial plans permitted Jan 2006
- 357 commercial plans permitted Feb 2006

(12) **FACILITIES MANAGEMENT SERVICES FOR COUNTY COURTS COMPLEX – AGREEMENT**

1) Authorize the County Manager to amend the existing agreement to increase payments to the Keith Corporation for Facility Management services for Fiscal Year 2008 by $27,104.96 as it relates to the County Courts Complex.

*Note: As the Courts Complex Master Plan begins to take shape, renovations are occurring in several of the buildings in the courts complex. This has required the temporary relocation of staff to previously unoccupied areas. Now that staff is occupying these areas, it is necessary to have The Keith Corporation provide services in these areas as outlined in their agreement with the County dated July 1, 2006.*

2) Authorize the County Manager to amend the existing agreement in Fiscal Year 2009, to increase payments in an amount up to $100,000, for additional services as required, as it relates to the County Courts Complex.

*Note: In FY 2009, additional renovations will be taking place requiring staff to vacate areas and occupy previously unoccupied areas; therefore, amendments to The Keith Corporation’s contract may be required. Providing the County Manager with the authority to amend the contract will allow the County to authorize The Keith Corporation to provide facility management services as necessary during the renovations.*

3) Authorize the County Manager to amend the existing agreement to vary the charges to the County as areas are added and removed from management, as it relates to the County Courts Complex.

*Note: In FY 08 and FY 09, it is anticipated services provided by The Keith Corporation will change during construction renovations. This may at times decrease the amount paid by the County to The Keith Corporation.*

(13) **ARTS AND SCIENCE COUNCIL CULTURAL PROJECT GRANT**

Approve submission of application for an Arts and Science Council Cultural Project Grant; and recognize, receive and appropriate funds if grant is accepted by the Arts and Science Council.

*Note: Mecklenburg County Park and Recreation Department requested approval to apply for and receive, if awarded, an Arts and Science Council Cultural Project Grant for up to $70,000. The grant will be utilized to offer classes, summer programs and after school programs that focus on arts, science and history. The grant if awarded will be utilized to offer scholarships and reduced rates for these various programs to youth and teens at numerous recreation centers.*

(14) **NORTH CAROLINA AMATEUR SPORTS GRANT**

Approve submission of application (North Carolina Amateur Sports Grant) for a youth swim feeder program; and recognize, receive and appropriate funds if grant is awarded by the North
Carolina Amateur Sports.
Note: Mecklenburg County Park and Recreation Department requested approval to apply for and receive, if awarded, an Amateur Sports Grant for up to $5,000. The grant will be utilized to offer a swim instruction and competition to youth at Tuckaseegee Recreation Center. The grant can serve and give up to eleven (11) youth the opportunity to participate in the program. The youth involved are those that have never had the opportunity for this type of swim program due to financial or transportation issues. The grant funds will be used to offset the majority of the registration cost and various fees for the participants; thereby, offering a scholarship or discounted registration cost to the youth. The program focuses on basic and advance swim instruction and various swim techniques. The program also offers swim competition to showcase instruction and skills interpreted during swim practice. If the grant is awarded, funds up to $5,000 will be received next fiscal year 09.

(15) WETLANDS-STREAM RESTORATION MEMORANDUM OF UNDERSTANDING

Authorize the County Manager to execute an agreement to terminate a Memorandum of Understanding between the County, City of Charlotte and State for wetland and stream restoration projects.

Note: On May 1, 2001, the Board authorized the County Manager to execute a Memorandum of Understanding (MOU) between the County, the City of Charlotte and NC Wetlands Restoration Program (NCWRP). The MOU described how NCWRP would fund, design and construct wetland and stream restoration projects within the County’s or City’s jurisdiction. All parties agree that the MOU has become dated and no longer best serves each party’s interest. All parties still desire to work together and have developed a new agreement that will be used on a project-by-project basis.

(16) TORRENCE CREEK GREENWAY – TOWN OF HUNTERSVILLE

1) Adopt a resolution approving a supplemental enhancement agreement for Torrence Creek Greenway between NCDOT, Mecklenburg County and the Town of Huntersville.

WHEREAS, the County has requested additional enhancement funding for extending the existing Torrence Creek Greenway Trail from main channel north along Torrence Creek Tributary # 2 under Gilead Road to Town owned park property north of Rosewood Meadow Lane; and,

WHEREAS, the Department of Transportation has programmed funding in the 2004-2010 Transportation Improvement Program, as revised, for said construction under Project E-4954, Mecklenburg County; and

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

WHEREAS, under the proposed Supplemental 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 covered under this Agreement up to the maximum federal award of $400,000.00; and,
WHEREAS, the County shall provide at least twenty percent (20%) matching funds and all costs that exceed the federal award of $400,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project E-4954, in Mecklenburg County, is hereby formally approved by the Board of County Commissioners of the County of Mecklenburg, and that the Chairman and Clerk to the Board are hereby empowered to sign and execute the required Agreement with the Department of Transportation.

Resolution recorded in full in Minute Book 44-A, Document # ________.

2) Approve a Development and Cooperation Agreement for Torrence Creek Greenway between Mecklenburg County and the Town of Huntersville.

3) Recognize and appropriate in the capital reserve fund up to $600,000 from NCDOT and $200,000 from the Town of Huntersville as reimbursement for the County’s cost of constructing Torrence Creek Greenway.

(17) LITTLE SUGAR CREEK GREENWAY ACQUISITION IN PINEVILLE

Approve the purchase of +/- 1.13-acre Tax Parcel 221-093-96 located within the floodplain of the creek west of US 521 from Yandle Rental and Investment Company Incorporated for $8,000; total including closing costs to be +/- $9,500.

Note: The above linear tract, which is entirely within the flood plain of Little Sugar Creek, is part of the assemblage of parcels needed to complete the greenway trail route to the South Carolina line.

(18) TANDEM DRIVE AXLE TRUCK & MECHANICS TRUCK

Authorize the County Manager to negotiate and execute one time contracts for the purchase of one (1) Tandem Drive Axle Truck and one (1) Mechanics Truck for a total amount of $233,270.81 to the following lowest responsible bidders:

Mack Truck Sales $128,530.81
Parks Chevrolet, Charlotte, NC $104,740.00

(19) NORTHWEST HEALTH FACILITY RENOVATIONS – OFFICE FURNITURE

Award a contract in the amount of $154,117.75 to Knoll, Inc. for Northwest Health Facility Renovations – Office Furniture.

(20) NORTHWEST HEALTH FACILITY RENOVATIONS – LOBBY FURNITURE

Award a contract in the amount of $96,798.95 to ERG International for Northwest Health Facility Renovations – Lobby Furniture.

(21) RELEASE CONSERVATION EASEMENT ON FISHER FARM PROPERTY

Approve releasing the conservation easement on that portion of the Fisher Farm property encumbered by the SWIM Buffer to facilitate a State-funded stream restoration project.

(22) REVISIONS TO THE BUILDING-DEVELOPMENT ORDINANCE
Amend the Building Development Ordinance incorporating key provisions regarding industrial machinery.

Note: On August 31, 2007, the NC General Assembly passed Senate Bill 490, a law which amended GS 143-138(b), clarifying that industrial machinery is not subject to regulation under the Building Code. This effectively limits enforcement jurisdiction on industrial machinery. On November 19, 2007, Mecklenburg County Code Enforcement issued a Department Directive on Industrial Machinery; specifically outlining the Department’s enforcement procedure to assure staff work within the limits of the new law resulting from SB 490(8.31.07). This action incorporates key definitions and enforcement steps into the Building-Development Ordinance.

Amendments to Ordinance recorded in full in Minute Book 44-A, Document #_______.

(23) STORM WATER FUND BALANCE APPROPRIATION

Appropriate $1,149,422 in Storm Water Fixed Fee Funds from Storm Water Fund Balance until such time as all funds are expended.

Note: The Interlocal Agreement between the City of Charlotte and the County for the operation of Mecklenburg County’s Storm Water System indicates that the Fixed and Administrative Cost Component of the Storm Water fee shall be used to pay administrative expenses, including but not limited to the cost of producing bills and collecting fees, and operating customer service functions. The City of Charlotte has reimbursed Storm Water Services $1,149,422 for the year-end reconciliation for fiscal years 2005 through 2007. In these years, the fixed fee revenues collected exceeded the operating costs. These funds have been received but have not been appropriated. Thus, the above action appropriates these funds to ensure that they are available for use as specified in the Interlocal Agreement.

(24) FIRST AMENDMENT TO PRAIRIE PACKAGING/PRAIRIE BROOKWOOD BIP AGREEMENT

Authorize the County Manager to execute the first amendment to Business Investment Program Agreement among and between Mecklenburg County, the Town of Huntersville, Prairie Brookwood, LLC, and Prairie Packaging Incorporated.

Note: Mecklenburg County, the Town of Huntersville, Prairie Brookwood and Prairie Packaging entered into a Business Investment Program Agreement, dated September 8, 2005, whereby business investment grants would be paid to Prairie Brookwood and Prairie Packaging as affiliate entities. This Amendment clarifies the allocation of the grant amounts between Prairie Brookwood and Prairie Packaging since they are no longer affiliated entities.

(26) LAND EXCHANGE WITH WESTMORELAND LAKE, LLC

Adopt a resolution authorizing the County Manager to negotiate, execute and implement the exchange of +/- 572 square feet of Tax Parcel 005-071-18 (Westmoreland Athletic Complex) for +/- 7,286 square feet (all of Tax Parcel 005-071-97).

Note: The proposed land exchange will enhance connectivity between the Westmoreland Athletic Complex property and Robbins Park while also improving the configuration of four lots in The Preserve at Robbins Park residential development. This land exchange will realign one common boundary line.

Resolution recorded in full in Minute Book 44-A, Document #_______.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
Commissioner Clarke left the dais and was away until noted in the minutes.

(25) AMENDMENT TO THE BOARD’S HR POLICIES

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Bishop, Helms, Mitchell, Ramirez, and Roberts voting yes, to authorize the County Manager to amend the Board’s Human Resource policies when action is needed to conform to new or revised Federal or State laws.

Note: On Monday, January 28, 2008, the President signed into law (P.L # - not yet available) the first expansion of the Family and Medical Leave Act (FMLA). The National Defense Authorization Act (H.R. 4986) provides additional FMLA leave for military families. Specifically, Section 585 of the bill adds two new FMLA-qualifying events, expanding FMLA to include employees caring for an injured service member as well as family members who have a family member called to active duty.

Under the new law, FMLA-eligible employees will now be entitled to the following:

Caregiver Leave for an Injured Service member - This benefit provides 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. (Effective January 28, 2008)

Family Leave Due to a Call to Active Duty - This benefit provides 12 weeks of FMLA leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. (Implementation pending U.S. Department of Labor action)

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

Commissioner Clarke returned to the dais.

(27) CHILDHOOD OBESITY PREVENTION PROGRAMS – AEROBO COP

The Board discussed the proposed release of $50,000 from the restricted contingency fund into the Health Department budget to begin the pilot of childhood obesity prevention programs; and the carry forward of unspent funds at June 30, 2008 to continue programs.

Note: The Health Department will utilize these restricted contingency funds to pilot childhood obesity prevention programs. The initial pilot program will be contracted with the H.O.U.S.E. of NC, Inc. to provide the Aerobo Cop Kids Fitness Program at two After School Enrichment Program (ASEP) sites for 12 weeks at a cost of $8,200. The Health Department will continue to use these funds to provide programs for childhood obesity prevention through June 30, 2009.

Commissioner Bishop removed this item from consent to express his opposition to the release of these funds in a contract to H.O.U.S.E. of NC, Inc.

Dr. Wynn Mabry, Health Director addressed this issue.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and failed 4-4 with Commissioners Clarke, Helms, Mitchell, and Roberts voting yes and Commissioners Bentley, Bishop, James, and Ramirez voting no, to approve the release of $50,000 from the restricted contingency fund into the Health Department budget to begin the pilot of childhood obesity prevention programs; and approve carry forward of unspent funds at June 30, 2008 to continue programs.

STAFF REPORTS AND REQUESTS - NONE
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.

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez, and carried 8-0, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:25 p.m.

________________________________________

Janice S. Paige, Clerk

________________________________________

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 4:00 p.m., Wednesday, March 5, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
H. Parks Helms, Norman A. Mitchell, Sr.
Dan Ramirez and Valerie C. Woodard

Absent: Commissioners Karen Bentley, J. Daniel Bishop,
Dumont Clarke and Bill James

Board Members attended a meeting of the Board’s Community Building Committee, chaired by Commissioner Woodard.

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

The meeting was called to order by Commissioner Woodard, after which the matters below were addressed.

(1) Approval of summary from previous meeting held April 15, 2007

A motion was made by Commissioner Mitchell, seconded by Commissioner Helms and unanimously carried to approve the summary from the previous meeting.

(2) Staff response to Mayor’s Immigration Study Commission Report

- Information was received from Deputy County Attorney Sandra Bisanar regarding additional language for public contracts to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants.

Deputy County Attorney Sandra Bisanar addressed E-Verify or Social Security Number verification. It was noted that contractors can only be required to comply with state and federal regulations, thus, the County can’t require anything above what’s required by state and federal law. E-Verity is not required by state and federal law. Attorney Bisanar reviewed some proposed language.

A copy of Attorney Bisanar’s handout is on file with the Clerk to the Board.

Chairman Roberts said she was not comfortable with the proposed language requiring that contractors agree and warrant that it has established internal safeguards and reporting policies to ensure continued compliance with immigration laws and to encourage its employees to promptly report any suspected violations of immigration law...
Commissioner Helms said he feels the County should just continue to ask that contractors comply with applicable state and federal law.

Attorney Bisanar noted that the County already requires such compliance with state and federal law.

General discussion took place regarding what the County can and cannot do, in light of current immigration laws. It was noted that immigration reform on the federal level is still needed.

**Commissioner Ramirez entered the meeting.**

At the conclusion of the discussion, it was the consensus of the Committee that the County continues its current practice, which is requiring that contractors comply with all applicable state and federal laws. It was felt that going beyond this point would put the County at risk or create legal issues for the County.

Attorney Bisanar was directed to prepare information to be shared with the full Board at its next Regular meeting regarding this issue but that it is the recommendation of the Committee that the language currently used by the County is sufficient.

- Information was received from Health Director Wynn Mabry regarding public health services available to low-income and/or uninsured immigrants.

Commissioner Ramirez asked for clarification regarding Medicaid and the uninsured, which was addressed. He also inquired about the make-up of this population, which was also addressed.

Commissioner Woodard asked about persons with delinquent accounts and their ability to receive medical services, which was addressed.

Commissioner Ramirez commented on services provided by Mi Casa Su Casa.

Dr. Mabry addressed Physician Outreach.

* A copy of Dr. Mabry’s handout is on file with the Clerk to the Board.

- Information was received from Human Resources Director Chris Peek regarding language pay incentives for bilingual employees.

* A copy of Dir. Peek’s handout is on file with the Clerk to the Board.

Chairman Roberts said she likes what staff presented.

Commissioner Helms asked for clarification on categories A & B noted in the information provided, which was done.

Commissioner Woodard asked about existing employees and training, which was addressed.

*This concluded the discussion. The above is not inclusive of every comment but is a summary. More detail is available in the Meeting Summary of the Committee and prepared by the Committee staff person. A copy of which is on file with the Clerk to the Board.*

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was declared adjourned at 5:03 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

MARCH 18, 2008 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, March 18, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
H. Parks Helms, 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 Bill James

- INFORMAL SESSION -

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

(1) STAFF BRIEFINGS - NONE

(2A, 2B) CLOSED SESSION – A) LAND ACQUISITION B) 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:

- Property on Stumptown Road in Huntersville
- Southwest High School and Elementary School Sites off NC Highway 49/York Road at Palisades Development

County Attorney Bethune said the other Land Acquisition matter had to do with Cavalier Apartments. Also prior to going into Closed Session, County Attorney Bethune announced there would not be a Consult with Attorney matter for discussion in Closed Session.

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

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:45 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT
The Board did not identify any items they wanted removed from consent and voted upon separately.

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

-FORMAL SESSION-

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

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 apologized to the Board, the police department, and the community for her behavior when arrested. Ms. McGill said at the time she had a substance abuse problem and that she is now drug free. She encouraged others not to use drugs.

Sam Mount, a member of the Huntersville Planning Board and the Hampton Homeowners Association Board, spoke in support of creating a Greenway Stakeholders Group to assist with implementation of the Greenway Plan, particularly with respect to the use of eminent domain.

Mike Craft and Chris Hunter addressed upkeep of personal property and problems that occur because of absentee landlords. They addressed how many of the properties in their neighborhoods are experiencing foreclosure and how property values are decreasing. They said there is now a high rate of rental properties. Mr. Craft lives in Catawba River Plantation and Mr. Hunter lives in Brookmere. It was noted that there were sections of their developments that aren’t in the City of Charlotte, which has regulations regarding absentee landlords, but the County does not. They asked the Board to consider adopting an ordinance to hold absentee landlords accountable for the upkeep of their property. They said this is occurring in other neighborhoods as well.

Chairman Roberts said the County would address the issue raised by Mr. Craft and Mr. Hunter.

Commissioner Bentley also assured Mr. Craft and Mr. Hunter also that this matter would be addressed.

Scott McClure, chairman of the Park and Recreation Commission introduced new Park Commissioners.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, to nominate and appoint Edward Smith, II to the Adult Care Home Community Advisory Committee for a one-year term expiring March 31, 2009.
He is replacing Barbara Benningfield.

BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint JoAnne Allen, Russell Allen, James Barnett, Damon Bidencope, Aretha Blake, William Hawkins, Jack Morgan and Kenneth Friedman to the Board of Equalization and Review for a one-year term expiring April 7, 2009.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Kenneth Friedman as chairman of the Board of Equalization and Review for a one-year term expiring April 7, 2009.

COMMUNITY RELATIONS COMMITTEE

Commissioner Woodard nominated all applicants for appointment consideration to the Charlotte-Mecklenburg Community Relations:


Appointments will occur on April 1, 2008.

INFORMATION SERVICES AND TECHNOLOGY ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, to nominate and appoint Ilieva Agenko and Charles Marino to the Information Services and Technology Advisory Committee for a three-year term expiring March 31, 2011 and Paul Rossi to fill an unexpired term expiring February 28, 2010.

LIBRARY BOARD OF TRUSTEES

Commissioner Woodard nominated all applicants for appointment consideration to the Library Board of Trustees: Charles Bowman, Belva Greenage, and Owen Sutkowski.

Appointments will occur on April 1, 2008.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to nominate and appoint Carol Barry to the Nursing Home Community Advisory Committee for a one-year term expiring March 31, 2009.

She is replacing Claire Lawrence.
WASTE MANAGEMENT ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, to nominate and appoint Jessica Halvorsen and Najeedah Stover to the Waste Management Advisory Committee for a three-year term expiring March 31, 2011.

They are replacing Lamar Gunter and Jean Neal.

(4) PUBLIC HEARING REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to hold a hearing on the request by First National Financial Title Services, Inc. of Duluth, Georgia for reimbursement of North Carolina excise tax in the amount of $59,923.

No one appeared to speak.

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the hearing on the request by First National Financial Title Services, Inc. of Duluth, Georgia for reimbursement of North Carolina excise tax in the amount of $59,923 and approve the reimbursement.

Note: This deed should have been recorded in New Hanover County, North Carolina.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

(2A1) CLOSED SESSION – LAND ACQUISITION – CAVALIER APTS.

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to accept the “Agreement of Purchase and Sale of Real Estate” from Cavalier Associates Limited Partnership, owner of Cavalier Apartments (Tax Parcels 12710C97, 12710C98 and 12710C99) for $6,590,000.

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appropriate $1,800,000 from Storm Water Services Fund Balance to be used for acquisition and tenant relocation costs.

Note: This acquisition is aimed at reducing the potential loss of life and property during a flood event, and enhancing the natural and beneficial functions of the floodplain (creating open space, expanding greenways, constructing wetlands, etc).

(2A2) CLOSED SESSION – LAND ACQUISITION FOR CMS

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez,
Robert, and Woodard voting yes, to approve the purchase price of $6,750,000, as requested by Charlotte-Mecklenburg Schools, for +/- 73.14-acre Tax Parcel 009-091-09 on Stumptown Road in Huntersville to be acquired from Harrington FCLD, LLC for an elementary school site and a future middle or high school site.

(2A3) CLOSED SESSION – LAND ACQUISITION FOR CMS

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the purchase price, as requested by Charlotte-Mecklenburg Schools, of $45,000 per acre for +/- 5.338 acres, house included, for Tax Parcels 217-101-11 and 217-101-12 from Krull Family, a 50 percent interest to be acquired jointly with Austin’s Creek, LLC; and

Secondly, to decline the County’s statutory right of first refusal on the Charlotte-Mecklenburg Schools property to be conveyed to Austin’s Creek, LLC.

CONSENT ITEMS

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 5, 2008; Closed Session minutes of March 5, 2008 and January 15, 2008.

(8) TAX REFUNDS

Approve tax refunds in the amount of $10,221.32 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) GREENWAY ACQUISITION – BRIAR CREEK

Approve purchase of Tax Parcel 129-041-06 (+/- 4.26 acres) at Morningside Drive for $68,000 from Jane R. Archer.

Note: The subject property is part of a land assemblage for the Briar Creek Greenway between Central Avenue and Commonwealth Avenue. This parcel will provide connectivity to Morningside Drive across from the Morningside Village redevelopment project.

(10) DOG PARK CONSTRUCTION – FRAZIER PARK

Authorize a capital reserve expenditure of $60,000 from funds accrued from Mecklenburg County’s Dog Parks Capital Reserve Account to construct a Dog Park amenity in Frazier Park.

(11) INTERLOCAL AGREEMENT – RADIO SERVICES

A) Adopt a resolution approving an Interlocal Agreement with Union County for Public Safety Radio System Interoperability and Infrastructure Services, and
B) Adopt a resolution approving an Interlocal Agreement with Gastonia for Public Safety Radio System Services.

*Resolutions recorded in full in Minute Book 44-A, Documents # _____, _____.*

(12) **FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY**

Approve Area Mental Health Authority funding adjustments as follows:

A. Approve, recognize, receive and appropriate State funds in the amount of $1,666 for the purpose of developing a Crisis Intervention Team program.

B. Reduce Federal funding in the amount of $87,977 from U.S. Probation/Pretrial services for substance abuse treatment in Jail Central.

C. Reduce State funding in the amount of $250,000 to align the Area Mental Health (AMH) budget with state allocations.

(13) **APPOINTMENT OF REVIEW OFFICERS**

Amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” in order to add and designate Peggy Hensley, Steven Hite, Vorecia Johnson and Kevin M. Hennessey as Review Officers and to delete the name of Diane B. Johnson.

*Resolution recorded in full in Minute Book 44-A, Document # ________.*

(14) **ZONING PETITION - SET PUBLIC HEARING**

Adopt a resolution providing for public hearing on petition for zoning changes to be held on Tuesday, April 15, 2008, at 6:30 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center.

*Note: Petition 2008-001(C) Change in zoning from R-3 to R-8MF (CD) for approximately 3.77 acres located on the west side of Lancaster highway between Southcrest Lane and Winghurst Drive. Petitioner: Sinacori Homes, LLC.*

*Resolution recorded in full in Minute Book 44-A, Document # ________.*

(15) **SICKLE CELL DISEASE ASSOCIATION OF SOUTHERN PIEDMONT – HEALTHY AND READY TO WORK PROGRAM**

Approve the release of $35,050 from Restricted Contingency to Sickle Cell Disease Association for the implementation of the Healthy and Ready to Work Program.

*Note: The Healthy and Ready to Work Program provides training and educational services to assist sickle cell patients in managing their healthcare needs.*

(16) **ARTS AND SCIENCE COUNCIL – SPIRIT SQUARE AND ARTSTEACH PROGRAM**

Approve the release of $500,000 from Restricted Contingency to the N.C. Blumenthal Performing Arts Center (NCBPAC) for the continued operation of Spirit Square.

*Note: The Spirit Square Community Task Force is working in partnership with the Public*
Library of Charlotte-Mecklenburg Board of Trustees to determine the best approach to redeveloping the Spirit Square property. Until this Task Force completes its work, the N.C. Blumenthal Performing Arts Center (NCPBAC) will continue to operate and maintain the Spirit Square facility. The NCPBAC and the Arts and Science Council have asked that the funds in restricted contingency be released so that they can use these funds to pay for the operational expenses associated with the facility for the remainder of FY2008.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS

(17) KNIGHTS BASEBALL AGREEMENTS

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, and Commissioners Bentley and Bishop voting no, to adopt a resolution waiving conditions (i) and (viii) of Article X of the Development and Economic Grant Agreement and the requirement that closing of the Stadium Project Financing occur when the Lease is executed, and affirm the authority of the Chairman to execute the Lease Agreement as revised.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS

RESOLUTION AUTHORIZING THE WAIVER OF CERTAIN CONDITIONS PRECEDENT TO EXECUTING THE LEASE AGREEMENT BETWEEN MECKLENBURG COUNTY AND KNIGHTS BASEBALL, LLC

WHEREAS, on January 15, 2008, the Mecklenburg County Board of Commissioners adopted a Resolution authorizing a Lease Agreement with Knights Baseball, LLC for the operation and maintenance of a baseball stadium on County property located at 300 South Mint Street and 416 West 3rd Street, Charlotte, North Carolina; and

WHEREAS, in the resolution adopted by the Board of Commissioners on January 15, 2008, the Board of Commissioners determined that all statutory conditions required for it to execute the Lease Agreement had been completed, reaffirmed its determination that the lease to Knights Baseball, LLC would advance and further the Center City 2010 Vision Plan, as amended on September 24, 2007, with which amendment the Board of Commissioners agreed, and determined that it was in the public interest for it to execute the Lease between the County of Mecklenburg, North Carolina and Knights Baseball, LLC; and

WHEREAS, Article XI of the Development and Economic Grant Agreement allows for execution of the Stadium Lease Agreement after certain conditions precedent to the County’s obligation are satisfied or waived and when Project Financing is ready for closing; and

WHEREAS, all conditions precedent to execution of the Lease Agreement have been satisfied except Mecklenburg County does not have record title to all land required for the Third Ward Park and the Project Financing is not prepared to be closed; and

WHEREAS, time is of the essence as to dates and undertakings associated with the Stadium Project and the Board in its sole discretion believes that waiving the unsatisfied conditions precedent will advance and further the Center City 2010 Vision Plan; and

WHEREAS, a new section 3.2 has been added to the Lease that prohibits the Knights from demolishing the Virginia Paper Building, closing any streets in connection with the infrastructure improvements or commencing construction of the stadium until Mecklenburg County has record title to all land required for the Third Ward Park and the project financing is prepared to be closed: now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby waives conditions (i) and (viii) of Article X of the Development and Economic Grant Agreement and the separate requirement in Article XI that closing of the Stadium Project Financing occurs when the Lease is executed, and affirms the authority of the Chairman to execute the Lease with the addition of the new Section 3.2.
Resolution recorded in full in Minute Book 44-A, Document # _______.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(18) USE OF THE POWER OF EMINENT DOMAIN FOR GREENWAY LAND ACQUISITION

Commissioner Bentley addressed use of the power of eminent domain for greenway land acquisition.

The following was noted: Concerned citizens have met with Mecklenburg County Parks and Recreation officials many times over the last year to discuss their concerns relative to the Mecklenburg County Parks and Recreation Master Plan as it relates to greenways. These meetings have produced a response from Parks and Recreation that created a new “Greenway Philosophy.” Among other things, this new philosophy aims to improve the public input process on the front end as Greenways are being discussed. This process includes working more closely with developers, land owners, and neighborhoods on gaining their support for greenway acquisition and trail development as well as identifying and organizing stakeholder groups for greenway development along specified corridors. Despite these changes to greenway philosophy, residents remain concerned that, in the end, condemnation will be used to secure the land needed to fulfill the greenway master plan. The current Mecklenburg County Greenway Master Plan clearly outlines that condemnation through the use of eminent domain is a possible means for land acquisition. While Mecklenburg County has never taken this action, citizens are concerned that future Boards will not be as respectful of property rights. Removing eminent domain as a possible mechanism for land acquisition for greenways in Mecklenburg County would eliminate the key concern raised by impacted residents. The Huntersville Town Board recognized the importance of protecting the property rights of its citizens by voting unanimously in October, 2007 to remove the option of using eminent domain for greenway land acquisition.

Note: Commissioner Bentley’s original proposal was to consider adoption of a policy stating that the County would not use its power of eminent domain to take private property for the use of public greenways, bikeways, pathways or walking trails without the consent of the owner.

However, Commissioner Bentley said she has spoken with several interested parties recently and has come to the conclusion that the most effective way to achieve a desirable outcome for all parties involved exists in the creation of a study group that will be charged with developing recommendations around the greenway planning process, paying special attention to the protection of private property rights.

The group would consist of representatives from the Park and Recreation Commission, the Catawba Lands Conservancy, Charlotte-Mecklenburg Utilities, realtors (both commercial and residential), LUESA and homeowners. They will be charged with developing recommendations that advocate better greenway planning and finding the proper balance between property rights and greenway planning, with the ultimate goal of bringing forth confidence in this process.

Commissioner Bentley said she would also propose that the Park and Recreation Commission utilize the mechanisms it has in place to bring this study group together with the goal of reporting back to the Board of County Commissioners by October 7, 2008.

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the formation of a study group charged with developing recommendations around the greenway planning process, paying special attention to the protection of private property rights. This group will consist of representatives from the Park and Recreation Commission, the Catawba Lands Conservancy, Charlotte-Mecklenburg Utilities, realtors (both commercial and residential), LUESA and homeowners and will present its recommendations to the Board of County Commissioners at its October 7, 2008 meeting.
Prior to the above vote, the following persons spoke in support of Commissioner Bentley’s motion but noted their opposition to her original proposal (as indicated) to consider adoption of a policy stating that the County would not use its power of eminent domain to take private property for the use of public greenways, bikeways, pathways or walking trails without the consent of the owner.

Tom Cox, former County Commissioner and Board Chairman (Mr. Cox volunteered to serve on the Study Commission.)

Betty Chapin Rash expressed her support of the Greenway program. (She was opposed to Commissioner Bentley’s original proposal.)

Larry Huelsman (He was opposed to Commissioner Bentley’s original proposal. He feels eminent domain needs to remain in the “tool box.”)

Dave Cable with the Catawba Lands Conservancy

Harry Johnson, a board member for Trips for Kids and a stakeholder for planning Charlotte’s new bike plan. (He said the bike plan and the greenway should be integrated.)

James Grover on behalf of the Tarheel Trailblazers (He was opposed to Commissioner Bentley’s original proposal.)

The following person spoke in support of Commissioner Bentley’s original proposal: Pam Hester (Although her preference was for Commissioner Bentley’s original proposal, she was not opposed to the motion.)

(19) CHILDHOOD OBESITY PREVENTION PROGRAMS – AEROBO COP

Motion was made by Commissioner Woodard, seconded by Commissioner Helms and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting yes, and Commissioners Bentley, Bishop, and Ramirez voting no, to approve the release of $50,000 from the restricted contingency fund into the Health Department budget to begin the pilot of childhood obesity prevention programs; and to approve the carry forward of unspent funds at June 30, 2008 to continue programs.

(20) COMMUNITY BUILDING COMMITTEE REPORT

Commissioner Woodard, chair of the Board’s Community Building Committee called upon Deputy County Attorney Sandra Bisanar to brief the Board on the issue of contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants. This topic was recently discussed at a Community Building Committee meeting.

Deputy County Attorney Bisanar gave two overviews regarding contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants.

It was noted that it was the consensus of the Board’s Community Building Committee that the County continue to use the current Mecklenburg County public contract language as it pertains to compliance with the Immigration Reform and Control Act. It was felt that this was sufficient.

Motion was made by Commissioner Woodard, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to continue to use the current Mecklenburg County public contract language as it pertains to compliance with the Immigration Reform and Control Act.

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 Mitchell, seconded by Commissioner Helms and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:04 p.m.

____________________  ________________________________  ____________________________
Janice S. Paige, Clerk  Jennifer Roberts, Chairman
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.

-INFORMAL SESSION-

Commissioners Bishop 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 matters below were addressed.

(1A) STAFF BRIEFINGS - PROPOSED COMMITTEE OF 21

The Board received information regarding the formation of a proposed Committee of 21, a Roads Prioritization and Funding Study Task Force for Charlotte and Mecklenburg County.

County Manager Jones introduced Bob Morgan, President of the Charlotte Chamber of Commerce to address the proposed Committee of 21.

Commissioner Woodard entered the meeting.

Mr. Morgan addressed transportation infrastructure and funding needs, locally and on the state level.

He then gave an overview of the proposed Committee of 21.

Purpose:
1) To prioritize top local and state road needs in Mecklenburg County
2) To identify and build consensus around a long term funding option(s) to build local and state roads in Mecklenburg County
3) Advocate for anticipated local and/or state approval of a proposed funding option(s)

Composition:
- Seven recommended by the City Manager (one of whom would serve as Vice Chair)
Seven recommended by the County Manager (one of whom would serve as Vice Chair)
Seven recommended by the Charlotte Chamber of Commerce (one of whom would serve as Chair)

Members to Represent:
- Geographic balance
- Demographic balance
- Mecklenburg towns
- Neighborhood leaders
- Environmental leaders
- Business community
  - Large employers
  - Residential real estate
  - Commercial real estate
  - Distribution industry

Staff Support:
- CDOT
- NCDOT
- Mecklenburg County
- Town Managers/Planners
- MUMPO
- Piedmont Public Policy Institute
- Charlotte Chamber of Commerce
- Charlotte Mecklenburg Planning Department
- CATS

Other:
- Professional facilitation
- Open and inclusive process
- Recommendations arrived at by mid-November

Comments

Commissioner Ramirez asked would consideration be given to the Pennies for Progress concept used in S. C. The response was yes. It was explained that Pennies for Progress is a concept where a project(s) is submitted to the voters for approval. It has been very successful in S.C. The approved funding was an increase in the sales tax.

Commissioner Ramirez said if Pennies for Progress is considered by the committee, that an increase in the sales tax would be better than an increase in the property tax.

Commissioner Clarke asked that the committee take into consideration the following points:
- Where Mecklenburg County stands with respect to compliance with ozone standards and other related matters
- Have representatives from MUMPO on the committee, the city and county representatives
- Use the gas tax as a means of funding road needs
- Commuters should share in the cost.

Commissioner Bishop entered the meeting.

Commissioner Bentley noted the interest of the northern towns in road improvements. Also, that it’s important that there be representatives from the northern part of the County on the committee.

Commissioner Clarke asked how do you make sure NCDOT doesn’t abandon its responsibility if a dedicated funding source is approved locally. The response was that this could occur, but, every effort will be made to ensure that this doesn’t happen. It was pointed out,
however, that the NCDOT could abandon its responsibility at any time, whether a dedicated funding source is approved or not.

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 approve the formation of the Committee of 21, a Roads Prioritization and Funding Study Task Force for Charlotte and Mecklenburg County; and to authorize the County Manager to move forward as outlined with respect to the committee.

Board members were encouraged to submit names of potential members to the County Manager for consideration via Deborah Goldberg, Assistant to the County Manager.

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

(2A, B) **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 said the Consult with Attorney matters concerned 1) Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation, 2) Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC and 3) Cleveland Construction, Inc. vs. Mecklenburg County, FN Thompson/Turner/WBD, BE&K Building Group, Inc., Turner Construction Company, and Walter B. Davis Company.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: 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 5:57 p.m. and came back into Open Session at 6:27 p.m.*

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

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

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 16 and 18.

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

**-FORMAL SESSION-**

Invocation was given by Commissioner Helms, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

(1A) **PARTNERS FOR PARKS, INC. SCHOLARSHIP CHECK PRESENTATION**

The Board recognized representatives from Partners for Parks, Inc. for a check presentation in the amount of $14,810 for Mecklenburg County Park and Recreation, Therapeutic Recreation Summer Day Camp Scholarships 2007 and a check in the amount of $2,100 for 14 scholarships to underprivileged children to attend Rays Splash Planet Summer Camp Program.
Karla Gray, Senior Therapeutic Recreation Manager, introduced Partners for Parks, Inc. representatives Doug Youngblood and Priscilla Walters.

Note: 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 additional financial barrier limiting their participation. Noted also was an upcoming event in September to build an all inclusive playground at Nevins Park. Partners For Parks, Inc., Park and Recreation, NASCAR and others will come together and construct an accessible playground using the Habitat for Humanity concept.

(1B) HEALTH CARE DECISIONS WEEK

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating April 13-19, 2008 as “Health Care Decisions Week” in Mecklenburg County.

The Proclamation was read by Commissioner Helms and received by Debora Sparks, Executive Director Council on Aging and Pam Barrett, Executive VP Organizational Excellence Hospice & Palliative Care Charlotte Region.

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

(1C) MINORITY HEALTH MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating April 2008 as “Minority Health Month” in Mecklenburg County.

The Proclamation was read by Commissioner Mitchell and received by Dr. Wynn Mabry, Health Director, Cheryl Emanuel with the Health Dept., Patricia Lambright with Sickle Cell Regional Network, and LaTonya Chavis with Carolinas Association for Community Health Equity.

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

(1D) CHILD ABUSE AWARENESS AND PREVENTION MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating April 2008 as “Child Abuse Awareness and Prevention Month” in Mecklenburg County.

The Proclamation was read by Commissioner Bentley and received by Janice Allen Jackson, General Manager and Interim DSS Director and Paul Risk with Youth and Family Services.

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

(1E) ALCOHOL AWARENESS MONTH

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating April 2008 as Alcohol Awareness Month in Charlotte/Mecklenburg County.
The Proclamation was read by Commissioner Bishop and received by Winona Chestnut, Director of Fighting Back, members of her staff, Karen Simon, Director of Substance Abuse Prevention Agency, and Libby Guise with Charlotte-Mecklenburg Schools.

Note: A schedule of upcoming events was provided as information.

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

(2) PUBLIC APPEARANCE

The following persons spoke during public appearance:

Chatham Olive with the Charlotte Clean and Green Committee invited the Board and the public to an event being sponsored by the Committee on Saturday, April 19, 2008 at Central Piedmont Community College Central Campus. The event is being called Charlotte’s inaugural green education festival.

Dave Cable with the Catawba Lands Conservancy presented a plaque to the Board in appreciation of the Boards’ support of the Conservancy.

Jeff Beaver, Executive Director, Charlotte Regional Sports Commission addressed the success of recent basketball tournaments held in Charlotte/Mecklenburg County and the prospect of these types of events continuing. He thanked the Board for its support, as well as, others in the community.

(3) APPOINTMENTS

COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Nathaniel Anderson, Jr. Commissioners Bentley, Clarke, Helms, James, Ramirez, Roberts, and Woodard
Gee Barker None
Henry Black Commissioners Clarke and Woodard
Shannon Burns None
Patrick Burris Commissioner Helms
Tonya Curry Commissioners Bentley, Bishop, James, Ramirez, and Roberts
John Davis None
Robin Edgar None
Earl Foxworth, Jr. None
Steve Goodrich Commissioners Bishop, James, Mitchell, Ramirez, Roberts, and Woodard
Stephen Gray None
Catherine Kennedy None
Barry Kirby Commissioners Bentley and Ramirez
Jeannie Lee None
Clara Mayfield None
Hope McKinney None
Shannon McKnight None
Holly Neil None
Doretta Owens None
Andy Silver Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard
Tami Snipe None
Michelle Sterling None

*They are replacing Rebecca Cherry, Gretchen Easton, Lawanda Horton, Shawn Kimble and Kathleen Smith.*

**LIBRARY BOARD OF TRUSTEES**

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Charles Bowman and Belva Greenage to the Library Board of Trustees for a four-year term expiring December 31, 2012.

*Note: They are replacing Patricia Norman and Gregory Curl.*

*Note: Owen Sutkowski was a nominee, however, he was appointed to the Community Relations Committee as noted in the minutes.*

**(3B) FIRE COMMISSION**

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Thomas Glynn III to the Fire Commission for a three-year term expiring January 31, 2011.

*He is replacing William Griffin.*

**(4) PUBLIC HEARINGS – NONE**

**(5) ADVISORY COMMITTEE REPORTS – NONE**

**MANAGER’S REPORT**

**(6B) PRELIMINARY FY2009 REVENUE PROJECTIONS/FUNDING REQUESTS**

The Board received a presentation on the preliminary FY2009 revenue projections/funding requests.

The presentation was given by County Manager Jones, Budget/Management Director Hyong Yi, and Finance Director Dena Diorio.

The presentation addressed Preliminary Revenue Projections
- Funding Requests
- Revenue-Expense Gap
Next Steps

Highlights:
- This will be a difficult budget year.
- Work is continuing on the development of the County Manager’s recommended budget.
- As of today, there is a $63 million difference between growth revenues and requests for funding.
- Revenue growth is slower than in prior years and in some cases declining, however, the need for County services and funding continues to grow.
- As always, the Board will have choices to make.
- The County Manager will present a balanced budget that prioritizes these choices based on the Board’s 3 Year Emphasis.

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

(6A) WTVI/PUBLIC SQUARE

The Board received a report on the proposed WTVI Public Square channel.

Note: Following program review results, the Board asked the Charlotte-Mecklenburg Public Broadcasting Authority (CMPBA), also referred to as WTVI, to work with the County Manager in developing a long-term plan and new business model that maximizes the community value of a publicly owned TV station. This plan and business model also would consider the most appropriate business relationship between WTVI and Mecklenburg County. After several months of planning and discussions between WTVI and County staff, WTVI is proposing a new concept to create a channel dedicated to local programming (Public Square).

Highlights:
- This new channel is designed to greatly increase the amount of locally-created programming and to further the County’s Vision 2015 goals.
- This would be a free, over-the-air broadcast channel; a whole new TV station focused on citizen-based values
- Available to cable and satellite customers
- Public Square would supersede the current WTVI Mecklenburg County content
- Programs
  - Promote Mecklenburg Vision 2015 Goals
  - Live current local events
  - In-dept political discourse
  - Interviews with elected officials
  - Civic and consumer education
  - Showcase local nonprofits and the arts
  - Continuous public input and citizen feedback
- There would be mutually agreed performance metrics, including viewership, outcomes, and efficiency, shall gauge the value of Public Square
- The proposed timeline was reviewed.
- The projected budget was reviewed.

The report was presented by General Manager John McGillicuddy, Elsie Garner, WTVI President and CEO and Edmund Driggs, WTVI Board member.

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

Commissioner James said the following information should be included in the agreement when it comes back before the Board: viewership goals, benchmarks, and cost per viewer.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize the County Manager to negotiate
revisions to the Memorandum of Understanding (MOU) between Mecklenburg County and the Charlotte-Mecklenburg Public Broadcasting Authority for consideration by the Board at a future meeting; and request the County Manager consider the WTVI/Public Square proposal when developing funding recommendations for WTVI within the County Manager’s FY09 Recommended Budget.

Note: The revisions to the MOU will concern Public Square and therefore, if approved, would supersede previous arrangements between the County and WTVI.

(6C) SECURITY AT GOVERNMENT CENTER

County Manager Jones informed the Board that beginning Monday, April 7, 2008, Charlotte-Mecklenburg Government Center security personnel will begin using hand-held metal detectors on persons entering the building after 5:00 p.m. when meetings of Charlotte City Council are being held. Security personnel will be stationed at the public entrances at Davidson Street and 4th Street.

County Manager Jones said he was asked to find out whether or not the County Commission would like this same level of security when holding its meetings.

It was the consensus of the Board that the County’s security procedures be consistent with Charlotte City Council’s. Questions were raised, however, regarding whether or not security personnel would be armed or unarmed; will it be current security personnel or police officers; whether it only applies to the entrances off of the lobby.

County Manager Jones said he would obtain more details and inform the Board via e-mail.

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 16 and 18 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 18, 2008; Closed Session minutes of March 18, 2008; Special Meetings held January 11, 2008 and March 5, 2008.

(8) AUCTION FOR DISPOSAL OF EQUIPMENT

1) Approve the list (Exhibit A) of vehicles and equipment as presented to the Board as surplus; and

2) Adopt a resolution authorizing sale of personal property by public auction conducted by Rogers Realty and Auction Company Inc. on April 19, 2008 at 10:00 a.m. at 3301 Rotary Drive, Charlotte, N.C.

Resolution and Exhibit A recorded in full in Minute Book 44-A, Document #________.

(9) AGREEMENT – RAMBLEWOOD SOCCER, INC.

Authorize the County Manager to negotiate and execute a management agreement with Ramblewood Soccer Inc. to operate and maintain the soccer fields at Ramblewood Park.
(10) BUDGET AMENDMENT – PARK AND RECREATION

Amend the Park and Recreation Department budget to recognize and appropriate $4,170 (a National Recreation and Park Association (NRPA) football hub grant) revenue and expense for the purchase of football equipment to help promote youth tackle and flag football around Mecklenburg County.

Note: These funds will be used to purchase equipment to introduce youth to football and to promote higher participation.

(11) EASEMENT – TOWN OF HUNTERSVILLE

Authorize the County Manager to negotiate and receive a permanent easement from the Town of Huntersville at Ranson Park (Tax Parcel 017-152-20) for greenway and stream restoration purposes.

Note: The easement will encompass the 100-foot SWIM Buffer on both sides of the creek ( +/- 2.7 acres) and will provide a critical link in the greenway land assemblage between Gilead Road and I-77.

(12) SHERRILL PROPERTY ACQUISITION – DAVIDSON ETJ

1) Approve purchase of +/- 4.0 acres of Tax Parcel 003-051-03 at 21525 Shearer Road for $30,000 per acre from Jimmy M. Sherrill and Jimmy Allen Sherrill.

2) Approve leasing the +/- 4.0 acres of Tax Parcel 003-051-03 to the Town of Davidson as an expansion of the Allison Farm park property.

Note: The subject property is a portion of a 7.55-acre parcel of land located adjacent to the Allison Farm park property on Shearer Road in the Davidson ETJ. The Allison Farm property was purchased by the County in December 2005 and subsequently leased for 99 years to the Town of Davidson in January 2006 for future parkland development. The acquisition of the subject property will improve the Allison Farm park configuration and preserve additional open space in the Davidson ETJ. Per approval of this acquisition, the current lease will be amended to include the subject property; however, the term of the lease will remain the same and expire on February 1, 2105.

(13) PURCHASE CONTRACT – ON-LINE COMPUTER PRODUCTS, INC

Approve unit price contract for providing LTO2 and LTO4 backup tapes based on available funding to Information Services & Technology for a term of two years and authorize the County Manager to renew contract up to three (3) additional one-year terms with On-Line Computer Products, Inc. The contract should not exceed $378,000.

Note: Mecklenburg County Information Services & Technology is under a data freeze due to legal actions and may not reuse tapes. IST orders $12,000 - $15,000 of tapes every 6-8 weeks. There is no current contract.

(14) GREENWAY DONATIONS – IRWIN CREEK AND REEDY CREEK

Accept donation of the following properties on Irwin Creek from Liberty Oak, Inc. and on Reedy Creek from Beazer Homes Corporation:

1) Tax Parcel 045-422-25 (+/- 2.25 acres) donated by Liberty Oak, Inc
2) Tax Parcel 045-328-97 (+/- 6.92 acres) donated by Liberty Oak, Inc
Note: Tax Parcels 045-422-25 and 045-328-97 are donated by Liberty Oak, Inc. based on approved subdivision plans for the Nevin Glen subdivision. This parcel will add to greenway assemblage along Irwin Creek, and is located in the Northeast Park District.

3) Tax Parcel 111-382-99 (+/- 6.933 acres) donated by Beazer Homes Corporation

Tax Parcel 111-382-99 is donated by Beazer Homes Corporation based on approved subdivision plans for the Kirkley Glen at Cambridge subdivision. This parcel will add to greenway assemblage along Reedy Creek, and is located in the Northeast Park District.

(15) PURCHASE CONTRACT - MECHANICS TRUCK

Authorize the County Manager to negotiate and execute a one-time contract for the purchase of one (1) Mechanics Truck for a total amount of $109,696 to the following lowest responsible bidder:

Volvo & GMC Truck Center of Carolina $109,696

Note: A mechanic’s truck currently used for maintaining stationary and mobile yard waste and recycling equipment needs to be replaced in order to support these operations.

(17) 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:

- 318 commercial plans permitted Mar 2006
- 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.

(19) HEALTH DEPARTMENT RECORDS RETENTION AND DISPOSITION SCHEDULE

Approve the new County Health Department Records Retention and Disposition Schedule effective September 2007.

Note: The Local Records Unit of the Government Records Branch published a new County Health Department Records Retention and Disposition Schedule in September 2007. This new schedule has been recommended by Leah Devlin, State Health Director, and approved by Dempsey Benton, Secretary of the Department of Health and Human Services, for all local Health Departments. Since the Board sits as the Mecklenburg County Board of Health, its approval is requested.

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

(20) GREENWAY DONATION – WALKERS BRANCH AT RIVERGATE CENTER

Accept the fee simple donation of 3.018-acre Tax Parcel 219-061-26 from Rivergate Shopping Center LLC/Childress Klein as a greenway donation along Walkers Branch.

(21) GREENWAY EASEMENT DONATION – STEELE CREEK

Accept a donated +/-3.45-acre greenway easement over Tax Parcel 203-152-09 (Springs...
Apartments) from Steele Creek Apartment Properties, LLC et al.

Note: The subject easement is one of several expected to be donated along Steele Creek in the southwestern portion of the County to accommodate the trails along both Steele Creek and Walkers Branch. The easement includes the SWIM buffer plus some extra width at South Tryon Street to accommodate pedestrian access from the creek area up to the sidewalk at street level.

(22) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORTS

Recognize and receive Area Mental Health Authority Monthly Financial Reports.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2008 for the period ending July 31, 2007

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>12,231,908</td>
<td>57,786</td>
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</tr>
<tr>
<td>State and Federal</td>
<td>33,555,316</td>
<td>383,587</td>
<td>1.14%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>10,692</td>
<td>5.90%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,924,281</td>
<td>105,390</td>
<td>2.69%</td>
</tr>
<tr>
<td>County</td>
<td>42,922,330</td>
<td>638,629</td>
<td>1.49%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>92,815,128</td>
<td>1,196,085</td>
<td>1.29%</td>
</tr>
</tbody>
</table>

Service Continuum

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,139,473</td>
<td>205,412</td>
<td>2.88%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>16,440,041</td>
<td>172,117</td>
<td>1.05%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
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<tr>
<td>Adult Substance Abuse</td>
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<td>Local Management Entity</td>
<td>11,869,338</td>
<td>406,761</td>
<td>3.43%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,925,133</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,554,224</td>
<td>44,910</td>
<td>0.24%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>92,815,128</td>
<td>1,196,085</td>
<td>1.29%</td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2008 for the period ending August 31, 2007

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
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<td>866,759</td>
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<tr>
<td>State and Federal</td>
<td>33,929,286</td>
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<td>Third Party/Other</td>
<td>181,293</td>
<td>18,862</td>
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</tr>
<tr>
<td>Grants</td>
<td>4,391,357</td>
<td>332,726</td>
<td>7.58%</td>
</tr>
<tr>
<td>County</td>
<td>42,922,330</td>
<td>7,583,151</td>
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</tr>
<tr>
<td>Total Revenues</td>
<td>93,656,174</td>
<td>9,108,272</td>
<td>9.73%</td>
</tr>
<tr>
<td>Service Continuum</td>
<td>Budget</td>
<td>Actual</td>
<td>% Spent</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>------------</td>
<td>-----------</td>
<td>----------</td>
</tr>
<tr>
<td>Children's Developmental Services</td>
<td>7,148,373</td>
<td>1,023,070</td>
<td>14.31%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>16,444,461</td>
<td>752,002</td>
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<tr>
<td>Adult Mental Health</td>
<td>8,487,647</td>
<td>714,385</td>
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</tr>
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<td>Adult Substance Abuse</td>
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<td>1,075,991</td>
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<td>Local Management Entity</td>
<td>11,869,338</td>
<td>1,534,364</td>
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<td>BHC Randolph</td>
<td>18,925,133</td>
<td>3,111,212</td>
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</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,554,224</td>
<td>897,249</td>
<td>4.84%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>93,656,174</td>
<td>9,108,272</td>
<td>9.73%</td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2008 for the period ending September 30, 2007

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>12,231,908</td>
<td>2,120,619</td>
<td>17.34%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,116,068</td>
<td>1,953,412</td>
<td>5.73%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>24,001</td>
<td>13.24%</td>
</tr>
<tr>
<td>Grants</td>
<td>5,625,304</td>
<td>461,196</td>
<td>8.20%</td>
</tr>
<tr>
<td>County</td>
<td>42,922,330</td>
<td>11,544,043</td>
<td>26.90%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>95,076,903</td>
<td>16,103,271</td>
<td>16.94%</td>
</tr>
</tbody>
</table>

Service Continuum

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,148,373</td>
<td>1,585,439</td>
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</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>16,489,348</td>
<td>1,444,654</td>
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</tr>
<tr>
<td>Adult Mental Health</td>
<td>9,763,489</td>
<td>1,238,702</td>
<td>12.69%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,226,998</td>
<td>2,522,676</td>
<td>20.63%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,869,338</td>
<td>2,311,655</td>
<td>19.48%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,925,133</td>
<td>4,681,032</td>
<td>24.73%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,554,224</td>
<td>2,319,113</td>
<td>12.50%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>95,076,903</td>
<td>16,103,271</td>
<td>16.94%</td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2008 for the period ending October 31, 2007

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>12,231,908</td>
<td>2,651,193</td>
<td>21.67%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,116,068</td>
<td>3,229,429</td>
<td>9.47%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>26,817</td>
<td>14.79%</td>
</tr>
<tr>
<td>Grants</td>
<td>4,391,357</td>
<td>674,383</td>
<td>15.36%</td>
</tr>
<tr>
<td>County</td>
<td>43,422,330</td>
<td>13,022,952</td>
<td>29.99%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>94,342,956</td>
<td>19,604,775</td>
<td>20.78%</td>
</tr>
</tbody>
</table>
### Service Continuum

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,148,373</td>
<td>1,867,348</td>
<td>26.12%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>16,640,726</td>
<td>1,844,169</td>
<td>11.08%</td>
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<tr>
<td>Adult Mental Health</td>
<td>9,029,542</td>
<td>1,782,015</td>
<td>19.74%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,274,920</td>
<td>3,267,530</td>
<td>26.62%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,869,338</td>
<td>3,017,825</td>
<td>25.43%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,925,133</td>
<td>5,175,273</td>
<td>27.35%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,454,924</td>
<td>2,650,615</td>
<td>14.36%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>94,342,956</strong></td>
<td><strong>19,604,775</strong></td>
<td><strong>20.78%</strong></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

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### AREA MENTAL HEALTH AUTHORITY

#### Statement of Revenues and Expenses

**FY 2008 for the period ending November 30, 2007**

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>12,231,908</td>
<td>3,821,838</td>
<td>31.24%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,226,079</td>
<td>10,524,678</td>
<td>30.75%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>40,945</td>
<td>22.59%</td>
</tr>
<tr>
<td>Grants</td>
<td>4,391,357</td>
<td>844,300</td>
<td>19.23%</td>
</tr>
<tr>
<td>County</td>
<td>43,422,330</td>
<td>12,524,953</td>
<td>28.84%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>94,452,967</strong></td>
<td><strong>27,756,715</strong></td>
<td><strong>29.39%</strong></td>
</tr>
</tbody>
</table>

### Service Continuum

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,148,373</td>
<td>2,452,979</td>
<td>34.32%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>16,476,726</td>
<td>2,676,811</td>
<td>16.25%</td>
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<tr>
<td>Adult Mental Health</td>
<td>9,029,542</td>
<td>2,261,371</td>
<td>25.04%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,617,836</td>
<td>4,328,497</td>
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<tr>
<td>Local Management Entity</td>
<td>11,790,422</td>
<td>3,843,272</td>
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<tr>
<td>BHC Randolph</td>
<td>18,925,133</td>
<td>7,784,882</td>
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</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,464,935</td>
<td>4,408,903</td>
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</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>94,452,967</strong></td>
<td><strong>27,756,715</strong></td>
<td><strong>29.39%</strong></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

---

### AREA MENTAL HEALTH AUTHORITY

#### Statement of Revenues and Expenses

**FY 2008 for the period ending December 31, 2007**

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>12,231,908</td>
<td>4,675,882</td>
<td>38.23%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,226,079</td>
<td>13,048,706</td>
<td>38.13%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>43,763</td>
<td>24.14%</td>
</tr>
<tr>
<td>Grants</td>
<td>4,391,357</td>
<td>844,301</td>
<td>19.23%</td>
</tr>
<tr>
<td>County</td>
<td>43,422,330</td>
<td>1,739,778</td>
<td>4.01%</td>
</tr>
</tbody>
</table>

1.3
**AREA MENTAL HEALTH AUTHORITY**

Statement of Revenues and Expenses
FY 2008 for the period ending January 31, 2008

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>12,231,908</td>
<td>5,831,860</td>
<td>47.68%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,430,899</td>
<td>15,765,422</td>
<td>45.79%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>52,848</td>
<td>29.15%</td>
</tr>
<tr>
<td>Grants</td>
<td>4,391,357</td>
<td>954,180</td>
<td>21.73%</td>
</tr>
<tr>
<td>County</td>
<td>43,422,330</td>
<td>18,921,265</td>
<td>43.57%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>94,657,787</td>
<td>41,525,576</td>
<td>43.87%</td>
</tr>
</tbody>
</table>

**Service Continuum**

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,148,373</td>
<td>1,490,996</td>
<td>20.86%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>16,476,726</td>
<td>2,286,265</td>
<td>13.88%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>9,029,542</td>
<td>1,742,107</td>
<td>19.29%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,125,732</td>
<td>3,688,306</td>
<td>28.10%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,282,526</td>
<td>2,084,524</td>
<td>18.48%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,925,133</td>
<td>4,735,351</td>
<td>25.02%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,464,935</td>
<td>4,324,881</td>
<td>23.42%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>94,452,967</td>
<td>20,352,430</td>
<td>21.55%</td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.
Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

(23) **AMEND CAPITAL PROJECT ORDINANCES**

1) Amend the *School Facilities - 2006* capital project ordinance.

2) Amend the *Library Facilities - 2006* capital project ordinance.

*Ordinances recorded in full in Minute Book 44-A, Documents #_____ & ________.*

(24) **MCALPINE CREEK LAND ACQUISITION**

Approve the purchase of 5.036-acre Tax Parcel 211-201-73 from Charlotte South, LLC for $64,000.

*Note: The addition of the above property will bring the total County-owned open space along McAlpine Creek on the northerly side of Pineville-Matthews Road (NC Highway 51) to +/- 59 acres.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(16) **RYAN WHITE TREATMENT MODERNIZATION ACT OF 2006, PART A**

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to

1) Approve the reduction of the Year One Ryan White Grant to the actual expenditures at the end of the grant period.

2) Recognize, receive and appropriate Year Two Grant of $4,286,519 from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White Treatment Modernization Act of 2006.

3) Approve the carry forward to the next fiscal year of any unspent Year Two Grant funds at June 30, 2008, and at the end of the grant period, reduce the grant to the actual expenditures incurred.

4) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

*Note: Commissioner Woodard removed this item from Consent for clarification with respect to the reduction of funding, the receipt of funding, and the carry forward of funding, which was addressed by Health Director Wynn Mabry.*
5) LITTLE SUGAR CREEK GREENWAY AND STREAM RESTORATION EAST

The Board received an update on the construction progress and schedule for the stream.

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

It was noted that progress becomes more evident each month and completion of construction of this entire greenway and stream restoration project is planned for Spring 2010.

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

Commissioner James returned to the dais.

6) 2008 N.C. LEGISLATIVE AGENDA

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt legislation to allow Mecklenburg County to refund Law Enforcement Service District rate for housing state inmates in county jails.

• Adopt legislation to allow Boards of Health (or Boards of County Commissioner where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places.

• Seek changes to Section 14.16(a) of the 2007 Appropriations Act which makes counties responsible for court telephone costs beginning July 2008.

• Reinstate the exemption for counties and municipalities for advancing facilities fees, General Court of Justice fees and miscellaneous fees enumerated in G.S. 7A-308.

Note: Commissioner Woodard removed this item from Consent to note for the public’s awareness why there was no MWSBE participation with this contract. The reason was because of this particular contract did not require and/or involve subcontracting.

STAFF REPORTS AND REQUESTS

(25) LITTLE SUGAR CREEK GREENWAY AND STREAM RESTORATION EAST 7TH STREET TO MOREHEAD STREET

The Board received an update on the construction progress and schedule for the stream restoration and greenway components along Little Sugar Creek between 7th Street and Morehead Street.

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

It was noted that progress becomes more evident each month and completion of construction of this entire greenway and stream restoration project is planned for Spring 2010.

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

Commissioner James returned to the dais.

(26) 2008 N.C. LEGISLATIVE AGENDA

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following Mecklenburg County priorities to be included in the County’s Legislative Agenda for the 2008 session of the N.C. General Assembly:

• Adopt legislation to allow Mecklenburg County to refund Law Enforcement Service District Taxes in the case of annexation.

• Increase the daily reimbursement rate for housing state inmates in county jails.

• Adopt legislation to allow Boards of Health (or Boards of County Commissioner in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places.

• Seek changes to Section 14.16(a) of the 2007 Appropriations Act which makes counties responsible for court telephone costs beginning July 2008.

• Reinstate the exemption for counties and municipalities for advancing facilities fees, General Court of Justice fees and miscellaneous fees enumerated in G.S. 7A-308.

Motion was made by Commissioner Helms, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to include in the County’s Legislative Agenda for the 2008 session of the N.C. General Assembly that Mecklenburg County supports the following requests of partner organizations:
• Support legislation to provide greater discretion at the county level to establish fees for the inspection of food and lodging facilities. *(NC Association of County Commissioners & NC Association of Local Health Directors)*

• Increase state funding for child care subsidies. *(NC Association of County Directors of Social Services)*

• Revise elder abuse statutes and launch Adult Protective Service pilot program. *(NC Association of County Directors of Social Services)*

• Support restoration of funding for Juvenile Crime Prevention Councils *(NC Association of County Commissioners).* Note: This item was added at the suggestion of Chairman Roberts

Prior to the above vote, Deborah Goldberg, Assistant to the County Manager, addressed each of the above requests.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Helms, 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 10:37 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 located at 600 East Fourth Street at 3:00 p.m. on Tuesday, April 8, 2008.

ATTENDANCE

Present: Vice-Chairman H. Parks Helms and Commissioners Dumont Clarke, Norman A. Mitchell, Sr. Dan Ramirez and Valerie C. Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Chairman Jennifer Roberts and Commissioners Karen Bentley, J. Daniel Bishop, and Bill James

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

Vice-Chairman Helms called the meeting to order in the absence of Chairman Roberts.

Budget/Management Director Hyong Yi noted the agenda items scheduled for discussion, which were Program Review and Fleet Consolidation.

(1) PROGRAM REVIEW

Planning and Evaluation Director Leslie Johnson gave an update on FY08 Program Review.

The following was covered in the presentation:

Evaluation Criteria
- Relevance
- Performance
- Efficiency

Framework Overview
- 4th year utilizing PART framework (Performance Assessment Tool from the Office of Management and Budget)
- Standards more stringent
- 15 program categories reviewed
- 82 services reviewed

Performance Legend

Commissioner Ramirez entered the meeting.

Performance Results
Program Category Summaries
Service Ratings

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

Commissioner Mitchell asked about some of the Relevance scores being low. The response was that Relevance looks at a number of things, which impacts the score. It was noted that mandatory services will have a high relevance score, next would be those services that are mandatory, but the Board has discretion when it comes to the level of funding for those services; then you have services that are discretionary. With respect to discretionary services, there are two questions asked, does the service meet or provide a tangible benefit, need or address a need or benefit to the community? Secondly, what impact is that service having to the problem? It was noted that sometimes it’s difficult for outside agencies to quantify or anyone to quantify, how much of a difference they’re making to the bigger part of the problem as a whole.

Commissioner Woodard expressed concern for the impact on outcomes when there are outside agencies that do not provide the necessary data. She asked if the County could delay allocating funds if an outside agency does not provide the necessary data. The response was that there are checks and balances for outside agencies.

Director Yi noted that the application process for outside agencies requires certain data be provided, including performance measures that can be tracked. If those performance measures aren’t provided, then their application is disqualified. Also, outside agencies receive funding on a quarterly basis and a pre-requisite to receiving funds is the submission of a quarterly performance measures report. Once the quarterly report is received and in accordance with expectations, funds are released.

Commissioner Ramirez asked if outside agencies have to apply annually. The response was yes.

Commissioner Clarke questioned whether the category title, Results Not Demonstrated, the best title to use, since it was explained that it means there’s no quantitative data available to make an assessment using the PART tool. Commissioner Clarke said something that captures that thought more directly may be a better category. He said using Results Not Demonstrated tends to indicate that something isn’t performing, when that may not be the case.

Commissioner Clarke said it’s important to look at things also from a quality standpoint and not just from a quantitative perspective.

Commissioner Clarke suggested using an additional measure that addresses the question of what would the community be like if this service didn’t exist. The response was that some of this is captured under Relevance.

There were no further questions or comments.

This concluded the presentation.

No action was taken or required at this time.

(2) FLEET CONSOLIDATION

General Manager John McGillicuddy introduced the staff that would be addressing the Charlotte-Mecklenburg Fleet Maintenance Consolidation Proposal, Chuck Robinson with the City of Charlotte and Leon Miller, director of General Services.

General Manager McGillicuddy said an Interlocal agreement is being drafted for the consolidation of City and County fleet departments under the administration of the City.

The following was covered in the presentation:
Background as to how this proposed consolidation idea came about

The focus of the consolidation

- Is it good for taxpayers?
- Is it good for fleet users?
- Is it good for County fleet employees?

City’s qualifications

Consolidation proposal

- Scope of Service
- Management Plan
- Operating Plan
- Cost Model
- Financial Impacts

Next Steps

- Consideration of Interlocal Agreement by the Board on May 7, 2008
- Consideration of Interlocal Agreement by City Council on May 12, 2008
- Budget approved through City and County annual budget process
- Consolidation effective July 1st

It was noted the County will continue to be responsible for

- Purchasing County vehicles and gasoline cost
- Maintaining the current facility and its equipment
- Management and oversight of the Interlocal Agreement.

It was noted that this consolidation on the County’s part will result in departments taking on more accountability for the maintenance of their fleet.

General Services will work with the City and County departments to ensure things are working as anticipated.

Comments

**Commissioner Ramirez** asked for clarification on how the consolidation will work as it relates to the role of County General Services and the current facility, which was explained. It was noted that this is a consolidation of the maintenance of the County’s light vehicles. It was explained that the City will work out of the County’s current facility.

Commissioner Ramirez asked about savings as a result of the consolidation, which was addressed. It was noted that the estimated savings doesn’t include inflation cost.

Commissioner Helms asked was it correct to assume that eventually the current County facility will become surplus. The response was possibly, but the current facility is a part of the agreement. If it was to be disposed of, the County would have to provide a replacement facility to the City, in order to maintain the agreement, otherwise it would be grounds for termination of the agreement.

General Manager McGillicuddy said the County will still need to fund the vehicle replacement fund.

Commissioner Ramirez asked about the replacement of aging vehicles. The response was that the average replacement age is every five years, however, there are vehicles in the fleet that are 8, 10, and 11 years old.

Commissioner Ramirez asked about the use of fuel efficient vehicles. The response was that for the last several years, the County has purchased both high mpg and low emissions vehicles. With respect to hybrids, an analysis was done and the conclusion was that the County is able, at this point and time, factoring in the current price of gasoline, to purchase and replace nearly two conventional gasoline vehicles for the price of one hybrid. It was noted that there are hybrids,
however, in both City and County fleets.

Commissioner Mitchell asked about the benefits of the consolidation. *The response was that there will be a reduction in cost for the County. Also, the efficiency of the operation will increase and better service to customers.*

Commissioner Mitchell asked about the status of County employees. *The response was that all employees will be transferred over to the City “whole.” There will not be a lost of any benefits or pay. Employees will have more opportunities for advancement because the City’s fleet department is larger and has more positions.*

There were no further questions or comments.

This concluded the presentation.

No action was taken or required at this time.

*The above is not inclusive of every comment but is a summary.*

**ADJOURNMENT**

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Helms, Mitchell, Ramirez, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:33 p.m.

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Janice S. Paige, Clerk

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

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, April 15, 2008.

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. Deputy County Attorney Sandra Bisanar Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

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

(1A) STAFF BRIEFING – CENTER CITY VISION PLANNING

The Board received a presentation from Michael Smith, President of Charlotte Center City Partners regarding the Center City Visioning Process for development of a 2020 Vision Plan.

The presentation addressed the

- Changing Dynamics
- Planning Legacy
- Purpose of the Plan (To provide a development framework and planning recommendations for the center of the region; inspire public & private partnerships; capture the vision of the full community for their Center City )
- Scope, Management, and Organization of the Plan (Co-chairs: Harvey Gantt & Ann Caulkins)
- Process
- Adoption of the Plan by Charlotte City Council and the County Commission
- Estimated cost and funding ($750,000 total with $125,000 from both the City and County in their 09 and 010 budgets and Center City Partners; 18-month process)
Comments

Commissioner Helms expressed support of the process and hopes the County Manager will place this matter in his recommended budget.

County Manager Jones said he supports the 2020 Center City Visioning Process, however, he has informed Mr. Smith that he can’t commit to funding on the part of the County at this time, in light of the budget shortfall that he’s faced with in preparing his recommended budget.

Commissioner Bentley said she thinks it’s “wise” to have the towns involved in this process.

Commissioner Ramirez commented on the importance of getting the entire community to understand this effort benefits everyone and not just a certain segment of the community.

Mr. Smith said everyone in the County should look at this as being “their” Center City and the middle of the region. Mr. Smith said they realize that they have to change the way the citizenry looks at this type of planning.

Commissioner Clarke suggested there be a focus on what the barriers are that causes people to feel or have the perception that the Center City is just for the “young and affluent.”

Chairman Roberts said physical barriers need to be looked at also, such as parking and transit.

Commissioners Woodard and Bishop entered the meeting.

Commissioner Mitchell asked what happens if one of the entities can’t participate financially. The response was it would mean going back to the drawing board, with the possibility of it not occurring at all. It was noted that each entity has a “stake” in this process.

Chairman Roberts thanked Mr. Smith for his presentation.

No action was taken or required at this time.

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

(1B) STAFF BRIEFING - CHARLOTTE REGIONAL VISITORS AUTHORITY

The Board received a proposal from Timothy E. Newman, Chief Executive Officer of the Charlotte Regional Visitors Authority (CRVA) regarding an appropriation of residual funds collected by the County from the occupancy tax and prepared food and beverage taxes.

Highlights:

- The CRVA proposes that an annual contract be developed between the County and CRVA for each of the years in which this appropriation is made with specific listing of expenditures per year.
- CRVA, for fiscal year 2009, propose to fund:
  - The athletic facility upgrades listed as priority projects by the County’s Park and Recreation Department
  - County contributions to the CIAA Tournament, Sprint All-Star Race and other hospitality events that CRVA would normally come to the County for a budget request on.
- If these funds are appropriated, the CRVA would pledge not to come to the County for any requests for the budget in any year of the appropriation.
- The County Manager has informed Mr. Newman of the County’s current budget concerns for FY09 and that he can’t commit to anything at this time.
• CRVA request continued funding from the County, as done in the past for certain events, if the County cannot make a contractual commitment beginning in FY 09.

• Noted also was a new forthcoming event, the ACC Football Championship, which will result in a request for support of this event, if an annual contract between the County and CRVA doesn’t occur.

Mr. Newman said there have been discussions in Raleigh regarding a possible audit of what counties spend their hospitality tax on. Mr. Newman said if the County would agree to enter into a contract with CRVA, it would make the County “pretty air tight relative to all hospitality tax proceeds going to the hospitality industry.”

Mr. Mohammad Jenatian, with the Hospitality and Tourism Alliance, spoke in support of the request.

Comments

Chairman Roberts asked whether CRVA’s comment concerning funding Park and Recreation athletic facility upgrades means less operational funding needed for Park and Recreation. The response was that this would be funding in addition to what’s allocated to Park and Recreation.

Commissioner James noted in response to Mr. Newman’s statement regarding a state audit of how these taxes are spent, that an audit would show Mecklenburg County gives more than its share of taxes to the hospitality/cultural arts industry.

Commissioner Helms spoke in support of CRVA’s request.

Commissioner Bishop asked staff to provide information on the areas in which residual funds collected by the County from the occupancy tax and prepared food and beverage taxes are appropriated.

Commissioner Clarke asked to see CRVA’s plan for spending these funds, over multiple years.

No action was taken or required at this time.

Chairman Roberts thanked Mr. Newman for his presentation.

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

(2A, B) CLOSED SESSION – A) CONSULT WITH ATTORNEY B) PROPERTY ACQUISITION

Prior to going into Closed Session, Attorney Bethune said the Consult with Attorney matter includes litigation involving Nikita Mackey v. Mecklenburg County; Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation; and Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC. The Property Acquisition matter has to do with various leasehold estates at Freedom Mall.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Property Acquisition.

Commissioner Mitchell returned to the meeting immediately following the vote on the motion.

The Board went into Closed Session at 6:05 p.m. and came back into Open Session at 6:15 p.m.
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.

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- FORMAL SESSION -

Invocation was given by Commissioner Helms which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) FAIR HOUSING MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating April 2008 as “Fair Housing Month” in Charlotte/Mecklenburg County.

The Proclamation was read by Commissioner Woodard and received by Chapin Ferguson, chairman of the Community Relations Committee.

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

(2) PUBLIC APPEARANCE

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

Nate Huggins, President, Mecklenburg County Adult Daycare Association addressed adult daycare services.

(3) APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to nominate and appoint at tonight’s meeting, Brenda Allison to the Adult Care Home Advisory Committee for a one-year term expiring April 30, 2009.

She is replacing Lavalette Featherstone.

BICYCLE COMMITTEE

The following persons were nominated for appointment consideration to the Bicycle Committee:

Elizabeth Barnhardt by Commissioner Ramirez
WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Gary Bies to the Waste Management Advisory Board for a three-year term expiring April 15, 2011.

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 nominate and appoint at tonight’s meeting, Angela Weicherding to the Waste Management Advisory Board to fill an unexpired term expiring June 30, 2010.

She is replacing Daniel Schenstorm.

(4) PUBLIC HEARINGS – ZONING PETITION #2008-001(C)

Chairman Roberts declared open the scheduled public hearing on Petition No. 2008-01(c) – Change in zoning from R-3 to R-8MF (CD) for approximately 3.77 acres located on the west side of Lancaster Highway between Southcrest Lane and Wingham Drive. Petitioner: Sinacori Homes, LLC.

Note: Mark Loflin, Vice Chairman of the Zoning Committee of the Planning Commission and members George Sheild, Nina Lipton, Yolanda Johnson, Joel Randolph, and Stephen Rosenburgh were present for the public hearing.

Tom Drake with the Charlotte-Mecklenburg Planning Department identified the subject property on a map and explained the land uses and the zoning pattern of the surrounding area.

- This petition seeks approval for 22 town homes, with a resulting density of about 6.4 units per acre.
- The site is within Pineville’s sphere of influence but not within the town’s municipal limits or its extra-territorial jurisdiction (ETJ). Therefore, Mecklenburg County retains jurisdiction over the site.
- There is no adopted land use plan for this area.

The site plan which accompanies this petition contains the following provisions:

- Elevations included as part of the site plan indicate two-story town homes with two-car garages entered at the rears of the units. There is a private entry road with parallel parking on both sides.
- A 26-foot Class “C” buffer is provided, reduced in some areas to 19.5 feet by construction of a six-foot wooden privacy fence.
- Approximately 20 feet to be dedicated to NCDOT along Lancaster Highway for future widening. An eight-foot planting strip and six-foot sidewalk will run the length of the site.
- Interior trees will be planted.

Kevin Icard, Planning Director with the Town of Pineville, addressed the petition. Mr. Icard spoke in support of the rezoning request but said there were concerns regarding the type of parking and the number of parking spaces. He said the sidewalk issue was resolved. He shared information regarding overlay districts as a result of Pineville doing a massive rezoning of the entire town.

Mr. Icard said if this property is eventually annexed, it’ll be rezoned and have an overlay district.
April 15, 2008

Commissioner Bishop asked how pending issues, such as parking, would be addressed. The response by Mr. Drake was that it’s expected that there will be a revised site plan on the part of the petitioner, depending on what the petitioner is willing to do. That revised site plan would be presented to the Zoning Committee during their deliberation.

Commissioner James asked about CMS student projections, which was addressed. It was noted that this petition will not generate a significant increase in the student population in this area.

Russell Sinacori, the petitioner, addressed his request.

No one appeared to speak in opposition.

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

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing on Petition No. 2008-01(c) – Change in zoning from R-3 to R-8MF (CD) for approximately 3.77 acres located on the west side of Lancaster Highway between Southcrest Lane and Winghurst Drive. Petitioner: Sinacori Homes, LLC.

Note: The Board will not make a decision until a recommendation is received from the Planning Commission, which should occur at the May 20, 2008 meeting.

Members of the Zoning Committee left the meeting at this time.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) JAILS MASTER PLAN

The Board received information from Kimme & Associates, Inc. /Law & Policy Associates with assistance from American University, on the County’s Detention Operations Master Plan.

Dennis Kimme and Teri Martin gave the report. They were introduced by County Manager Jones.

Prior to the start of the presentation, County Manager Jones noted that Kimme would be providing a ‘base’ plan and a ‘modified’ plan if the County invests in system changes. Manager Jones said in light of the ‘modified’ plan, he is giving strong consideration to providing funding for those recommended changes in his budget recommendation. He said the costs for those services are not currently included in the gap in revenue that he previously informed the Board about with respect to next year’s budget.

Kimme’s presentation covered the following:

- Adult Jail Population History
- Overcrowding
- Base Plan Average Daily Population Projections
- Base Plan Facility Projections
- Base Plan Construction Costs
- Base Plan Annual Operational Costs
- Base Plan Combined Annual Cost Increases
• Recommended Approaches to Managing Jail Population Size
  o Team Effort
  o Elements of Kimme & Associates Approach

  o Three Keys to Controlling Jail Population
    ▪ Reduce volume of admissions/bookings
      • Increase police use of citations for those charged with low-level offenses
      • Divert mentally ill individuals charged with low-level offenses
      • Pre-warrant screening of citizen complaints by DA’s office
    ▪ Shorten pre-disposition stays
      • Expedite resolution of jailed misdemeanor cases
      • Expedite disposition of jailed non-homicide felony cases
      • Expedite resolution of jailed homicide cases
      • Prompt resolution of jailed probation violation cases
    ▪ Establish system for supporting and monitoring results of population management efforts
      ▪ Modified Plan Average Daily Population Projections
      ▪ Modified Plan Facility Projections
      ▪ Modified Plan Construction Costs
      ▪ Modified Plan Annual Operational Costs
      ▪ Modified Plan Combined Annual Cost Increases
      ▪ Estimated Cost Avoidance From Implementing Consensus Changes
      ▪ Maintaining the Cost Reductions
      ▪ Savings through Change: Construction/Project Costs

Note: The full report of the Jails Master Plan will be made available to the Board at a later date.

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

Comments

Commissioner James asked was there national comparative data available for Mecklenburg County and peer communities, with respect to incarceration rates. *The response was it could be obtained, but it should be kept in mind that different states have different laws that impact the incarceration rate.*

Commissioner James said he would like to know how the gap between Mecklenburg County’s incarceration rate and the national rate compares with other peer communities. He also wants to know the incarceration rate for the six towns within Mecklenburg County vs. the City of Charlotte vs. the zip codes within Charlotte (using the addresses of those incarcerated).

Commissioner James said he wants to know where this gap is being generated in Mecklenburg County.

Commissioner James said it’s possible to fund Phase I out of the current budget without a tax increase using pay-go. Commissioner James said the Board could move pay-go into debt service for the jail for the period of time the County is doing Phase I and “save up some money” over the next five to seven years to pay for Phase II, each year incrementally.

Chairman Roberts said the report presented shows that the arrest and the intake have actually gone down. Chairman Roberts said it’s her understanding that crime statistics are not going up and that the problem and inefficiency is with the pre-trial population and the average length of stay associated with that. Chairman Roberts said the County has some real obstacles with respect to processing, the court system and other areas of the criminal justice system, which contributes to the whole issue.

Commissioner Helms said the report is saying the criminal justice system in Mecklenburg County can’t continue as is, that there needs to be some fundamental changes in the methods, the
operational procedures and in what’s being done in terms of the people that are being incarcerated.

Commissioner Helms said there are two things he feels that need to be done in moving forward; 1) more effective use of citations and 2) inmates that are mentally ill need to be separated from the general inmate population.

Commissioner Clarke commented on the complexity of the criminal justice system and the fact that it’s ran by different groups. He questioned whether or not one of the issues that need addressing is management of the system. Commissioner Clarke said this issue isn’t addressed in the report.

Commissioner Clarke said he’s not sure if the structures to manage the resources in an effective way to achieve what the report is recommending currently exist.

Kimme’s response was yes, Commissioner Clark is correct that the criminal justice system is a lot of moving parts that have to work in sync, which they said has not always been the case. It was stated further that in order for any of this to work, you would need to create a “czar” of criminal justice processes in the community or a permanent working group that actually tracks these things and tries to affect policy. Mr. Kimme said otherwise there’s a possibility that the achievements of the study sort of “drift away” in implementation over time.

Chairman Roberts said there have been discussions with the County Manager regarding creating a blue ribbon commission to look at this entire issue overall, using as part of its findings information from the Kimme Report and American University. This commission would also bring the various groups together to get an overview of what’s occurring.

Chairman Roberts said there’s a lot more to this issue then just jail facilities.

Ms. Martin said in other communities they’ve worked with or observed, an essential piece of the work is to have an on-going management capacity, often located in the county management structure.

Commissioner Bishop expressed opposition to the idea of issuing more citations rather than incarcerating those that violate the law. The response was that citations would be issued to those committing low level offenses, such as ordinance violations. It would not have a dramatic impact on the daily average population. Also, that the focus is not the citation piece but on improving efficiency and moving people through the system.

Commissioner Bishop said he feels more jail facilities are needed and that the County should move in this direction.

County Manager Jones reminded the Board that the cost presented in the presentation was exclusive of the cost associated with land to build new facilities. He stated further that to build a pre-trial facility the County is going to be challenged in the downtown area. He said the County would have to have the Planning department involved if the County doesn’t have the ability or cannot find the ability to build a jail in the downtown area. He said if it’s not in close proximity to the existing jail and courthouse, then additional costs would be incurred, such as, transportation cost and/or technology cost (use of video conferencing). County Manager Jones said there are lots of things to be worked out with various partners in addressing this need.

Commissioner James asked about the status of the jail diversion concept. County Manager Jones said he would have Area Mental Health Director Grayce Crockett provide the Board with an update.

Commissioner Woodard said the importance of education should be kept in mind because education is a preventive measure and that “once people are educated you have less incarceration.”
No action was taken or required at this time.

Chairman Roberts thanked Kimme and Associates for the report.

The above is not inclusive of every comment but is a summary.

**CONSENT ITEMS**

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s):

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held April 1, 2008; Closed Session minutes of April 1, 2008 and January 15, 2008; Special Meeting held February 26, 2008.

(8) **TAX REFUNDS**

Approve refunds in the amount of $82,062.33 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other information.

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

(9) **GRANT APPLICATION – COMMUNITY SUPPORT SERVICES DEPARTMENT**

Approve the submission of a grant application in the amount of $191,593 from the Department of Health & Human Services – Administration for Children and Families to Community Support Services for the Domestic Violence Supportive Assistance Partnership Program;

Recognize, receive and appropriate the grant amount, when awarded; and approve carry forward of any unspent grant funds at June 30 to fiscal year 2009.

(10) **LITERACY COLLABORATIVE – RESTRICTED CONTINGENCY FUNDS**

Approve the release of $150,000 from restricted contingency into the County Manager’s Office budget to fund summer literacy initiatives; and approve carry forward of any unspent funds at June 30, 2008 to the new fiscal year.

(11) **SUNSET HILLS – CAPITAL RESERVE REQUEST**

Authorize a capital reserve expenditure of $12,340 from funds accrued through Sunset Hills Public Golf Course revenues to irrigate the golf course driving range.

(12) **RAMSEY CREEK PARK – CAPITAL RESERVE REQUEST**

Authorize an expenditure of $12,775 from Park and Recreation Capital Reserve Funds for stabilization and erosion control measures along the shoreline of Ramsey Creek Park.

(13) **FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY**

Approve funding adjustments as follows:
A. Approve, recognize, receive and appropriate Medicaid funds in the amount of $7,595 in fiscal year 2007/08 and $114,928 in fiscal year 2008/09 for Children’s Developmental Services.

B. Approve the establishment of two full time case coordinator positions in Children’s Developmental Services.

C. Approve, recognize, receive and appropriate Medicaid funds in the amount of $56,000 for the purchase of durable and consumable goods for consumers enrolled in the Community Alternatives Program for Mental Retardation/Developmental Disabilities (CAP-MR/DD).

D. Approve, recognize, receive and appropriate State funds in the amount of $125,000 for the purpose of increasing perinatal and maternal substance abuse service capacity.

E. Approve the establishment of one full time position in Child and Adolescent services to serve as a Liaison on a team to support children and families enrolled in MeckCARES, Mecklenburg County’s system of care program for severely and emotionally disturbed children.

F. Approve, recognize, receive and appropriate Federal funds for Shelter Plus Care program in the amount of $684,978 for period March 2008 thru March 2009 and approve the carry forward of any unspent grant funds at June 30, 2008 to the next fiscal year.

G. Approve, recognize, receive and appropriate State funds in the amount of $36,000 for the purpose of Adult Mental Health HUD 811 Apartments.

H. Reduce Area Mental Health – Adult Mental Health Services State funding in the amount of $3,000. Note: This decrease is necessary to align the Area Mental Health’s FY08 budget with allocations from the North Carolina Division of Mental Health.

(14) JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM GRANT

Approve submission of a $250,000 grant application to the U.S. Department of Justice for mental health services at the jail. If awarded, recognize, receive, and appropriate the grant amount awarded.

(15) PERSONAL PROPERTY EXCHANGE WITH DORAL II LIMITED PARTNERSHIP

Adopt a resolution of intent to exchange personal property (fixtures and equipment) in the apartment complex to be acquired from Cavalier Associates Limited Partnership with Doral II Limited Partnership for its claims against the City and County for flood damages.

Resolution recorded in full in Minute Book 44-A, Document #_______.

(16) LEASE FOR ATM MACHINE – 4TH STREET PARKING DECK

Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Bank of America, N.A.”

Resolution recorded in full in Minute Book 44-A, Document #_______.

(17) TANF DOMESTIC VIOLENCE REVENUE – DSS
Recognize and receive and appropriate an additional $17,000 for TANF Domestic Violence Revenue from the NC Division of Social Services.

(18)  BUDGETARY ACTION – FREEDOM MALL

Recognize and appropriate $73,300 from operation of Freedom Mall needed to fund expenditures for the Mall.

Note: Rental revenue generated from the operation of Freedom Mall is needed to fund expenditures for the Mall.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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STAFF REPORTS AND REQUESTS

(19)  STD/HIV JAIL TESTING

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the release of the $350,000 from restricted contingency for STD/HIV jail testing services; and approve the carry forward of unused funding at June 30, 2008 to continue funding this new program through FY 2009.

Prior to the above vote, Bobby Cobb with the Health Department addressed this matter.

Comments prior to the vote:

Commissioner Woodard said another related issue that needs to be addressed is youth prevention of HIV/AIDS. She asked that the Health department take this under consideration to see what can be done.

Commissioner Mitchell asked when testing begin. The response was that a specific date could not be given, but it’ll be in the very near future.

Commissioner Mitchell asked would all prisoners be tested. The response was that testing would initially occur during an inmate’s physical, however, there are some inmates who are released prior to the time to have a physical.

Commissioner Ramirez asked about the testing procedure and the tracking of inmates, which was addressed.

Commissioner Woodard asked would the test be given as a standard procedure or would the inmate’s permission be needed. The response was that the inmate’s permission is needed. Inmates can choose not to have the test. It was noted that experience shows that most people prefer to have the test.

Commissioner Bishop asked why do inmates have a choice as to whether or not they want to be tested. The response was that the test is not required and that it would take a change in state law to make it mandatory.

(24)  MAGISTRATE PLACEMENT IN SATELLITE OFFICES
The Board received information on a proposed pilot project to locate a magistrate in northern Mecklenburg County.

Chairman Roberts and Commissioner Bentley addressed this issue.

Jean Miller, Police Chief for the Town of Davidson spoke in support of the request. Chief Miller said she was also speaking on behalf of officials from the towns of Cornelius and Huntersville.

Kathryn Firmin-Sellers of United Family Services with the Lake Norman/Mooresville Region area office also spoke in support of the request. Amanda Wilson of United Family Services was also present.

Note: Kathryn Firmin-Sellers of United Family Services (UFS) has been working with the police chiefs in the Northern Towns to develop a pilot project to place a magistrate in Northern Mecklenburg County to improve efficiency and assist, in particular, with domestic violence cases. UFS is finding that a large portion of victims will not seek a protective order or other legal remedy because they would have to travel to Jail Central. Victims often lack transportation, either because they have no vehicle or because their abuser closely monitors and controls their mileage. In addition, victims have difficulty arranging child care for extended periods of time.

The issue was discussed with Chief District court Judge Fritz Mercer, and he asked Judge James Lanning to study the matter and provide a recommendation. Judge Lanning met with Ms. Sellers and police chiefs from the northern town February 4. Judge Lanning endorsed a proposal to assign a magistrate to North Mecklenburg County three evenings per week. The magistrate would be housed at Cornelius Police department free of charge with a secure, electronic link to the Magistrate’s Office and Mecklenburg County Jail Central. United Family Services would provide a Victim Assistance staff person to assist the magistrate with his or her work.

The magistrate would assist both the public and law enforcement officers in (1) obtaining warrants and/or criminal summons, (2) involuntary commitments, (3) the 50B process, and (4) all other cases that do not involve direct contact with inmates (i.e. bonds). Advocates of the pilot project recommend that it operate for a minimum of six months prior to initial evaluation, and should be evaluated based on (1) a steady increase in the magistrate caseload from the first to the sixth month, indicating that public and law enforcement will access the service as awareness of the service increases; and (2) a satisfaction survey administered to law enforcement personnel and Victim Assistance clients.

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to receive the information on a proposed pilot project to locate magistrate in the Northern Mecklenburg County; and to direct the Sheriff’s Office to analyze the fiscal and operational impact of such a proposal and report back to the Board of County Commissioners.

Prior to the above vote, Commissioner James requested that a copy of this proposal be sent to the three southern towns. Chief Miller noted that the northern towns have been in contact with the southern towns regarding this proposal and that they have expressed an interest in a similar program.

Commissioner James said he would like for the report that comes back to the Board to include an analysis of the southern towns as well.

Commissioner Bentley noted also the involvement of the southern towns. Commissioner Bentley said there has been a lot of collaboration, including discussions about sharing a magistrate.

Commissioner Bentley asked how long does staff think it’ll take to do the analysis.

Sheriff Daniel ‘Chipp’ Bailey said he was generally supportive of the proposal, but that there
were some logistical questions to be answered. A specific timeframe could not be given, but it was noted that it may take a couple of weeks.

(20) NORTH CAROLINA BEHAVIORAL HEALTH PARTNERSHIP UPDATE

The Board received updated information about the progress of the North Carolina Behavioral Health Partnership development.

Grayce Crockett, Director of Area Mental Health gave the update.

Note: The Smoky, Guilford and Mecklenburg Local Managements Entities are in the process of developing a partnership which will result in each local Board approving a 160(a) interlocal agreement creating an entity which will manage the “back-office” functions of an LME to include Screening, Triage and Referral, Utilization Management, Billing and data management. This entity will create efficiencies and economies of scale freeing up administrative dollars to be spent on consumer services.

The update covered the North Carolina Behavioral Health Partnership

- Background
- Priorities
- Model
- Next Steps

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

No action was taken or required.

(2B) CLOSED SESSION – PROPERTY ACQUISITION

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

1) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To FL Specialty Operations, LLC For Suite 4 Of Freedom Mall

2) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Simply Fashion Stores, Ltd. For Suite 46-A Of Freedom Mall

3) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Measurement Incorporated For Suite 47-A Of Freedom Mall

4) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Foot Locker Stores, Inc. For Suite 22 Of Freedom Mall

5) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Rainbow Apparel of America, Inc. For Suite 53 Of Freedom Mall

Resolutions recorded in full in Minute Book 44-A, Documents # _____, _____, _____, _____, and ______.
(21) BUSINESS INVESTMENT GRANT: TESSERA TECHNOLOGIES

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and James voting no, to approve Mecklenburg County’s share of a Business Investment Grant to Tessera Technologies for a total estimated amount of $503,119 over five (5) years. (Total County/City grant estimated at $778,224).

Note: Tessera Technologies (Tessera), headquartered in San Jose, California is an advanced manufacturer of photonic and optical parts used in a variety of industries. In 2006, Tessera purchased Charlotte-based Digital Optics, a company that produces micro-optics for miniature cameras found in mobile phones, computers, security cameras, and other electronic devices.

Tessera currently employs 102 workers in Charlotte, and is contemplating a $30 million expansion, which would add 185 new jobs over the next five years. Tessera’s proposed expansion will occur at its existing facility located at 9815 David Taylor Drive, within the University Research Park.

Jaz Tunnell, Assistant to the County Manager presented this matter to the Board.

(22) BUSINESS INVESTMENT GRANT: SPEED CHANNEL

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and James voting no, to approve Mecklenburg County’s share of a Business Investment Grant to SPEED Channel, Inc. for a total estimated amount of $625,169 over five (5) years. (Total County/City grant estimated at $967,011).

Note: SPEED Channel, headquartered in Charlotte, NC is a cable and satellite television network, primarily devoted to coverage of various forms of auto racing. SPEED Channel currently employs 79 workers in a leased facility located at 9711 Southern Pine Boulevard. The company plans to move its corporate headquarters and build new production facilities when its lease expires in January 2009. SPEED Channel’s plans include acquisition of the Verbatim Building, which is located at 1200 West W.T. Harris Boulevard (within the University Research Park). Creation of 34 new jobs and the retention of 79 existing jobs with an average wage of $79,000.

Jaz Tunnell, Assistant to the County Manager presented this matter to the Board.

Commissioner Woodard asked for a list of previously approved business investment grants and the location of the businesses.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(23) COUNTY CONTRACT LANGUAGE RELATING TO IMMIGRATION REFORM AND CONTROL ACT

Commissioner James addressed reconsidering adopting as policy additional contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants. He noted that he was not present when this matter was discussed on March 18, 2008.
Commissioner James said he understands currently counties aren’t required to use E-Verify, although eventually he feels this will change. Commissioner James said the additional language being proposed doesn’t require more of contractors because many of the things mentioned in the language, contractors are already doing. He said the main difference is probably the part concerning the contractor agreeing to indemnify and hold and save the County harmless if there’s a breach of contract.

Motion was made by Commissioner James, seconded by Commissioner Bishop, to reconsider adopting as policy additional contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Helms, to reaffirm the Board’s previous action taken on March 18, 2008 with respect to this matter, which was to continue to use the current Mecklenburg County public contract language as it pertains to compliance with the Immigration Reform and Control Act.

Note: The County currently explicitly requires in most of its contracts that contractors comply with federal, state and local laws, ordinances and regulations. This language implicitly includes compliance with laws and regulations with respect to work eligibility. Failure to follow these laws could be treated by the County as a breach of contract, which was deemed to be sufficient.

Commissioner Woodard, chairman of the Board’s Community Building Committee, that dealt with this matter on March 5, 2008 and recommended to the full Board on March 18, 2008 that the County continue with its current contract language, said the decision made on March 18 was the right decision.

Commissioner Helms said the issue of illegal immigrants is an issue that needs to be addressed on the federal level and needs to be dealt with at the point of entry.

Commissioner Bentley said she feels it’s also a local issue.

Chairman Roberts said local governments across the country are “frustrated” because the federal government has not taken action as it relates to this issue. Chairman Roberts said in many cases around the country when local governments have tried to pre-empt the federal government and mandate best practices, they’ve ended up in court for violating civil liberties; partially because of errors on the part of the Social Security Administration.

The vote was then taken on the substitute motion made by Commissioner Clarke, seconded by Commissioner Helms and carried 6-3 with Commissioners Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, and Commissioners Bentley, Bishop, and James voting no, to reaffirm the Board’s previous action taken on March 18, 2008 with respect to this matter, which was to continue to use the current Mecklenburg County public contract language as it pertains to compliance with the Immigration Reform and Control Act.

Commissioner James said he would continue to bring this matter forward.

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

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, 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 9:56 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

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, April 22, 2008.

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 General Manager Bobbie Shields County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None

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Commissioners Bishop, Bentley, Clarke, Mitchell, 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.

Budget/Management Director Hyong Yi noted the agenda items scheduled for discussion, which were: Fee Adjustments, Park and Recreation Ten Year Master Plan, and Volunteer Fire Departments.

Commissioners Bentley, Clarke, and Mitchell entered the meeting, prior to the start of the presentations.

(1) FEE ADJUSTMENTS

Director Yi addressed proposed FY09 fee changes for LUESA-Solid Waste in the following areas:

- Municipal Tipping Fees
- Residential Solid Waste Fees
- Foxhole Tipping Fees
- Groundwater Services (Septic Tank Permit Application)
- Groundwater Services a new fee for Additional Site Visit Fee-Well Sampling
- A new fee Traffic Impact Study
- Code Enforcement (Revise Plan Review Fee Structure for Large or “Mega” Projects, and for 3rd or later plan reviews)

It was noted that these proposed fee changes would be incorporated in the County Manager’s recommended budget.

Noted also, was that staff is working on proposed fee increases in the Storm Water Services Division to be proposed in FY10 – Additional Residential Storm Water Billing Tiers.
Director Yi addressed proposed FY09 fee changes for Park and Recreation in the following areas:

- Clanton Park Shelter
- Recreation Center Rentals
- Skate Park
- Ramblewood Soccer Complex
- Credit Card transaction fees
- Nature Preserves
- Golf Course Rates

**A copy of the proposed fee changes is on file with the Clerk to the Board.**

**Comments**

**LUESA FEES**

Commissioner Clarke commented on the fact that the Residential Solid Waste Fee has not been increased since 2002, which results in a 25% increase for FY09. Commissioner Clarke said he would recommend fee increases be considered annually or every two years to avoid a large increase at one time.

Bruce Gledhill with LUESA addressed the proposed increases for Solid Waste.

Commissioner Clarke asked who receives the new $2 per ton State disposal tax that was imposed by the General Assembly. The response was that it goes to the State Department of Environment and Natural Resources for a variety of uses.

Commissioner James asked for clarification regarding who pays the speedway tipping fee. The response was the municipalities or the private collectors that collect on behalf of the municipality; the municipality then pays the collector.

**Commissioner Bishop entered the meeting.**

Chairman Roberts asked when would the $5 million single stream modification be put out for bid. The response was that it will probably take about a year to construct it once staff has the final approvals and the funds to do it. The plan is to have single stream recycling available on July 1, 2010, beginning with FY 2011.

There were no other questions regarding LUESA Fees.

**PARK AND RECREATION**

**Comments**

Commissioner James asked about golf course fees. The response was that staff will e-mail that information to the Board.

Commissioner Mitchell expressed concern for the affordability of the proposed rental fees for the new Clanton Park Shelter. Commissioner Mitchell said he could not support this request. The response by James Alsop with Park and Recreation was that Park and Recreation is trying to have price consistency when it comes to facility rental fees; based on size and amenities. It was noted also that a portion of the fee would go into a capital reserve fund to help maintain that facility.

There were no other questions regarding Park and Recreation fees.

(2) **PARK AND RECREATION TEN YEAR MASTER PLAN**
Director of Park and Recreation James Garges presented the Park and Recreation Ten Year Master Plan. He was assisted by Leon Younger and Ron Vine with Pros Consulting, Brenda Faber with the Trust for Public Land, Michael Kirschman with Park and Recreation, Chuck Flink with Greenway, Inc. and Barbara Heller with Pros Consulting.

Prior to the start of the presentation, Scott McClure, chairman of the Park and Recreation Commission, addressed the Master Plan and the process. Mr. McClure said the Plan was citizen driven. Also, the Park and Recreation voted unanimous in support of the Plan.

Mr. McClure noted also for information purposes that former County Commissioner and Board Chairman, Tom Cox agreed to chair the committee on future park land acquisition.

**Commissioner Woodard entered the meeting.**

The presentation covered the following and in this order:

- Themes: Conservation and Stewardship, Parks and Greenways, and Recreation Programs and Facilities
- Purpose of the Study: Goals and Objectives
- Methodology in Development of the Master Plan
- Citizen Survey Results
- Summary of Overall Findings
- Park and Facility Standards Matrix
- Park and Facilities Standards
- Greenprinting Process and Maps
- Rate of Development
- Land Banked Properties
- Nature Center Methodology
- Greenway Action Plan
- Primary Greenway Corridors
- Greenway Trail Development Methodology
- 5 Year Results
- 10 Year Results
- Review of Weighted Maps
- Park Facilities Gaps and Needs Analysis
- Park Facilities Methodology
- Neighborhood Parks
- Community Parks
- Regional Parks
- Community and Regional Parks Combined
- Aquatic Facility Methodology
- Aquatic Facilities
- Athletic Field Capacity-Demand Methodology
- Athletic Field Capacity-Demand Findings
- Athletic Field Capacity-Demand Recommendations
- Athletic Fields Coming Online From 2004 Bonds
- Athletic Fields Planned But Not Funded
- Recreation Center Methodology
- Recreation Centers
- Program Plan Methodology
- Program Development Recommendations
- Program Development Strategies
- Capital Improvement Needs and Methodology
- Total Maintenance and Repair Costs
• Total Preliminary Capital Costs

Handouts were also provided on the following topics:
2008 Parks Master Plan Land Acquisition Projections – CIP/CAN
2008-2018 Capital Needs Assessment

A copy of the presentation and handouts is on file with the Clerk to the Board.

Comments

Commissioner Bentley asked were survey participates asked if they use multiple park services. The response was yes.

Commissioner Bentley asked were survey participants asked to prioritize, generally, where they would want their tax dollars spent, such as on Park and Recreation services, schools, jails, etc. The response was no. They were only asked questions about Park and Recreation services.

Commissioner Ramirez asked were survey participants asked to comment on a specific bond amount. The response was no.

Commissioner Woodard asked if any of the survey participants complained about fees. The response was no.

Commissioner Bishop asked how do you guard against sampling bias in the results, especially if you assume that if someone returns a survey they’re an advocate for parks. The response was that only 19% of the respondents said they were users of the park system. It was noted that another protection against this was due to the way the sampling was done; the fact that follow-up phone calls were made; and finally looking at it from the standpoint of the results and things of this nature and having a high return rate. It was noted that all of these things indicate the results are very valid.

Commissioner Ramirez asked would more surveys be conducted. The response was that Director Garges is working with the Charlotte Chamber on a survey they’re conducting with respect to a bond referendum amount.

Commissioner Helms asked about total acreage needed by 2012, which was addressed.

Commissioner Helms said there should be a goal to acquire a certain amount of land for park purposes annually, in order to meet what’s needed by 2012.

Commissioner Bishop asked about Nature Preserves and the availability of national standards. The response was there are no national standards because basically it’s all natural areas and you can’t dictate a standard for a natural area.

Commissioner Mitchell asked about partnering with schools and the criteria to be used to determine which school you’d partner with for a park or recreation facility. The response was that Park and Recreation would look to see where the gaps are in making that decision.

Commissioner Bishop asked had any numerical analysis been done on what it would cost to stay at the current level of services in comparison to the cost of moving towards the revised standards. The response was that staff could and would do that type of analysis for the overall categories.

Commissioner Bishop asked about recreation facilities and whether the data provided includes all recreation facilities in the County, public and private or does it reflect County owned facilities.
only. The response was that it includes YMCA’s and the towns but not private. It was noted that the private suppliers were not included since most are membership driven. Further, that typically if it’s membership driven, 30% of the people drop out of the membership program annually and when they drop out they expect county or city facilities to be available. It was noted, however, they have good recreation value, which is noted in the Plan. YMCA’s were included, even though they’re considered membership driven, because they have a long history of being a recreation provider.

Commissioner Bishop asked about the inclusion of churches. The response was that churches were not included because there are restrictions associated with the use of the facility, which impacts accessibility.

Director Garges said private facilities, including church facilities, are not discounted and are taken into consideration when determining where the gaps in services are.

Commissioner Bishop said he feels all of non-County facilities should be taken into consideration in the development of the standards, even though it may be difficult to quantify because otherwise for him, it undermines the usefulness of the numbers.

Director Garges noted that what the Plan reflects is what the public has told the department they want.

Commissioner Ramirez asked about the involvement of Carolina Thread Trail. The response was that they’re working very closely with them.

There were no further questions or comments.

Director Garges invited Board members to contact him if they have any further questions.

It was noted that this matter will be placed on the Board’s May 7, 2008 agenda for approval consideration.

This concluded the presentation.

Commissioner James left the meeting during the discussion of Capital Improvement Needs and Methodology and was absent for the remainder of the meeting.

Chairman Roberts thanked the presenters.

No action was taken or required at this time.

The above is not inclusive of every comment but is a summary.

3) VOLUNTEER FIRE DEPARTMENT UPDATE

The Board received a report on Volunteer Fire Service Districts.

Michael Fox, Fire Marshall gave the report.

Chief Larry Irvin (Huntersville), Chairman of the Fire Commission, spoke in support of the recommendations.

The report addressed the following:
- History of the Mecklenburg County Fire Commission
- Composition of the Fire Commission
- Duties of the Fire Commission
- Research conducted by the Fire Commission
Findings
- The cost of providing fire protection service has increased substantially.
- Local funding to Volunteer Fire Departments is not equitable.
- Volunteer Fire Departments cannot raise enough additional operational revenues through traditional fund raising efforts.
- Increasing volunteer efforts must be supported by paid firefighters.

County Funding Source By Jurisdiction

Service Areas and Funding

Recommendations – Short Term
- Increase funding by $50,000 for each of the 8 departments in the unincorporated area of Mecklenburg County which does not receive supplemental funding from a town.
- Total County fire service contract funding would increase from $1,400,000 to $1,800,000.
- Departments should then be able to meet the minimum State certification requirements for next fiscal year.
- Proposed FY09 Funding Allocation

Recommendations – Long Term
- The Fire Commission recommends that at the beginning of FY09, the Board of County Commissioners engage a qualified consultant to work with the Fire Commission and the Towns to evaluate existing fire service districts and recommend long term solutions.

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

Comments

Commissioner Mitchell, Board liaison to the Fire Commission, spoke in support of the recommendations. Commissioner Mitchell said volunteer firemen provide a very valuable service. He asked about the liability risk to the County if this service was not provided. The response by Attorney Bethune was that the County has no statutory requirement to fund volunteer fire departments. Thus, there’s no legal obligation, but it’s the right thing to do, and it’s done to protect citizens.

Commissioner Helms said he supports the recommendations presented, but ultimately the Board will have to redefine how these services are delivered long term; whether it can continue to be done with volunteers.

Commissioner Helms, with respect to the current funding of Volunteer Fire Departments, questioned the accuracy of the statement that the funding amount has not changed in the past five years. Commissioner Helms said he thought the Board had approved a $200,000 increase recently, perhaps in the current budget. He said he thought it had to do with increased fuel cost. The response was that staff would check.

Commissioner Woodard asked were residents in the unincorporated area assessed for this service and/or could they be. The response was no, only if there was a fire tax service district, which currently doesn’t exist.

Commissioner Clarke noted that an attempt was made several years ago to establish fire tax service districts but failed.

Commissioner Ramirez asked would all of the unincorporated area eventually be annexed. The response was yes, but while there’s still some unincorporated area remaining, those citizens need protection by some method.

Commissioner Ramirez asked how many dwellings are served by the Volunteer Fire Departments. The response was that it was unknown.
This concluded the discussion. No action was taken or required with respect to this topic.

*The above is not inclusive of every comment but is a summary.*

**ADJOURNMENT**

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:34 p.m.

________________________________________  ________________________________
Janice S. Paige, Clerk                    Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 8:00 a.m. on Monday, May 5, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke
Norman A. Mitchell, Sr. and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioners J. Daniel Bishop, H. Parks Helms, Bill James and Dan Ramirez

Commissioners Mitchell 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.

The Board met with members of the Mecklenburg County Legislative Delegation. The following members of the Delegation were present: Senators Dan Clodfelter and Malcolm Graham, Representatives Becky Carney, Ruth Samuelson, and Martha Alexander.

Also present, Superior Court Judge Robert P. Johnston, Clerk of Superior Court Martha Curran, District Attorney Peter Gilchrist, and Trial Court Administrator Todd Nuccio.

(1) MECKLENBURG COUNTY LEGISLATIVE PRIORITIES

Assistant to the County Manager Deborah Goldberg outlined the agenda for the meeting. It was noted that after the County and Court presentations, the meeting would be turned over to Charlotte-Mecklenburg Schools and Central Piedmont Community College. Thus, ending the Board’s meeting with the Delegation.

Ms. Goldberg reviewed the legislative accomplishments of 2007. The following was noted:

- A plan for permanent Medicaid relief for counties through a swap with sales tax
- Counties were given the authority to pursue a local option sales tax or land transfer tax
- Also for Mecklenburg County specifically, 8 of the County’s 11 legislative priorities were approved:
  - Investment opportunities as it relates to Other Post Employment Benefits
  - Additional positions for the Clerk of Superior Court
  - Expansion of the Library Board of Trustees
  - One additional school nurse (Note: The County funds its other 120 school nurses.)
  - Authority to allow County-owned vehicles to be used for carpooling by both Mecklenburg County employees and non-County employees to assist in the County’s air quality improvement efforts
  - Authority to charge lower building permit fees for “green” buildings
Ms. Goldberg reviewed the County’s 2008 Legislative Priorities for the Short Session and requests of partner organizations that the County supports. See below.

2008 Mecklenburg County Legislative Priorities

- Adopt legislation to allow Mecklenburg County to refund Law Enforcement Service District Taxes in the case of annexation.
- Increase the daily reimbursement rate for housing state inmates in county jails.
- Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places.
- Seek changes to Section 14.16(a) of the 2007 Appropriations Act which makes counties responsible for court telephone costs beginning July 2008.
- Reinstate the exemption for counties and municipalities for advancing facilities fees, General Court of Justice fees and miscellaneous fees enumerated in G.S. 7A-308.

Mecklenburg County supports the following requests of our partner organizations:

- Support legislation to provide greater discretion at the county level to establish fees for the inspection of food and lodging facilities. (NC Association of County Commissioners & NC Association of Local Health Directors)
- Increase state funding for child care subsidies. (NC Association of County Directors of Social Services)
- Revise elder abuse statutes and launch Adult Protective Service pilot program. (NC Association of County Directors of Social Services)
- Support restoration of funding for Juvenile Crime Prevention Councils (JCPC). (NC Association of County Commissioners)

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

Note: Members of the Delegation were given copies of the County’s Fiscal Year Focus 2007-08 Report (A summary of the County’s Key Issues, Strategies and Initiatives) and the 2007 Performance Report.

Copies are on file with the Clerk to the Board.

Comments

Rep. Samuelson asked about the housing of state inmates, specifically, 1) Why, 2) the reimbursement rate, & 3) What would happen if the County refused to house them. The response was active sentences between one and ninety days are served in local jails throughout the state. The reimbursement rate is $18.00 per day. Sentences longer than ninety days are to be served in state prison, however, often persons serving more than ninety days remain in local jails. With respect to whether or not the County can refuse to house state inmates, staff will follow-up with the Sheriff’s office for an answer.

Rep. Samuelson asked if the County housed state inmates for other counties that don’t have adequate facilities. The response was no, not to the staff present, knowledge. It was noted that the cost to house an inmate varies across the state but that it’s probably okay to generally say that $18.00 per day was not adequate.

Commissioner Clarke asked what the federal reimbursement rate was for housing inmates. The response was $103 per day.
MAY 5, 2008

Sen. Clodfelter asked about the status of the uncertain boundaries between Mecklenburg County and Union County, an issue raised in 2002. Sen. Clodfelter said in 2002, the state surveyed the boundary line and submitted the proposed boundary line to both counties, but there’s nothing on record with the state verifying that this matter was approved by Mecklenburg or Union. The response was that staff would look into this matter.

Rep. Samuelson asked about Health Inspections of restaurants and how often are they occurring. Bobbie Cobb with the Health Department said the County was almost at a 100% compliance rate.

Sen. Clodfelter asked how was the County’s financial results with respect to tracking Medicaid in light of the changes that occurred and whether the results were in line with the County’s projections. The response was that things were pretty much as projected.

Sen. Clodfelter asked that the Delegation be kept informed with regards to this issue; to let them know of any significant diversions plus or minus of what was projected.

Commissioner Woodard entered the meeting.

Commissioner Clarke addressed the County’s priority requesting that counties with populations in excess of 695,000 at the 2000 census be allowed to adopt ordinances regulating smoking in public places. He encouraged the Delegation to support the request.

Sen. Clodfelter said he believes there was support of this by the restaurant association as a statewide bill and but not a local bill because of the competitive issue; because some restaurants have it and some do not. He said some of the lawyers have said a local bill is not permitted under the State constitution. He noted also that Rep. Alexander gave this her all but the House didn’t support it.

Rep. Alexander said it would be difficult to get approval of this as a statewide bill, even with the restaurant association’s support. The reason is because the support of the rural parts of the state is not there, in light of the tobacco farms in these areas.

Commissioner Clarke noted he has property in the rural part of the state, on which tobacco is grown, and he supports the ban.

Rep. Samuelson said she has heard concern regarding the way the fines associated with this were set up.

Sen. Clodfelter noted there was not consensus amongst the delegation on this issue and that in order for something to be submitted for the Short Session there has to be agreement on the part of the entire Delegation.

This concluded the discussion of the County’s Legislative Priorities.

The above is not inclusive of every comment but is a summary.

(2) MECKLENBURG COURTS PRIORITIES

Trial Court Administrator Todd Nuccio reviewed the Courts’ priorities. The presentation covered the following:

- Other Accomplishments
• Renewed Legislation Requests
• New Legislation Requests
• Renewed Budget Requests
• New Budget Requests

_A copy of the Courts Legislative Agenda is on file with the Clerk to the Board._

**Commissioner Mitchell entered the meeting during the discussion of the Renewed Legislation Requests.**

Comments

_Sen. Clodfelter_ complimented court officials for continuing to make this type of presentation to the Delegation. He said Mecklenburg County is the only judicial district in the state doing this. He asked court officials to encourage their colleagues around the state to do this as well with their legislative delegations.

_The Honorable Judge Johnson_ said an urban coalition was formed and meets annually, sometimes bi-annually and that this has been a topic of discussion; so hopefully, other judicial districts will begin doing this with their delegations.

_Chairman Roberts_ in response to a question raised by someone in the audience concerning the need for more District Attorneys, stated that elected officials are aware of the over burdened court system that exists here in the County and that something does need to be done to make our streets safer and to make the criminal justice system work more efficiently.

Chairman Roberts said she appreciates the efforts of the public that have helped draw attention to this issue. She said the County is working on this issue with its Jail Master Plan that’s being worked on. Chairman Roberts said “we should be outraged; we are outraged” and that the Board appreciates the partnership with the state to try to help the County improve this situation.

_Sen. Clodfelter_ noted the following with respect to the Courts presentation:

- Use of Workload Formulas for Apportionment of Personnel was in last year’s budget for a number of the classes of personnel. He thinks there will be a formula for the district attorneys this year. He said they have it in for the Clerks and the support personnel.
- With respect to Budgetary Independence of Judicial Branch, most of that passed, however, the transfer of authority piece did not.
- With respect to Supreme Court Rule Making, this probably will not get approved because the Supreme Court is not supportive of it.

_Commissioner Clarke_ noted for the public’s awareness that the state budget is a two-year budget and that gains have been made with respect to additional funded positions. However, there are still additional positions pending, with the hope that the state will fund those positions within 2007-2009.

_Sen. Clodfelter_ said the positions pending for the 2008-09 budget will probably hold. He doesn’t think they’ll be lost because they’re programmed into the budget for the upcoming year.

_Sen. Clodfelter_ said he would provide the Board with information regarding the number of positions allocated to Mecklenburg County in the last two years.

_Sen. Clodfelter_ said the real question is whether additional funds can be found to go beyond what’s already in the budget. He said the two challenges they have this year are 1) an item received from the Juvenile Crime Prevention Council, that’s a key part of the gang strategy, which is about $26 million. 2) The Chief Justice has made it priority that something be done
about judicial salaries to retain personnel, which is about $30 million.

Sen. Clodfelter said the Delegation won’t know until after they find out what the final revenue collections are, as to how much additional revenue is available and at that point, they’ll start working on getting some of those additional dollars.

Commissioner Clarke said he was glad to know those positions would remain because he was concerned in light of expected revenue projections.

Sen. Clodfelter said the key to getting positions in the last two years was anchored three years ago when they were able to get the commitment to start capturing and keep in the court system, the monies raised within the system from filing files and other fees collected in the system. Sen. Clodfelter said this provided a source of revenue that could be held onto and not turned over to the general fund.

Chairman Roberts noted that there are a lot of things in process to help Mecklenburg’s court system function more effectively. Also, that a Study Commission will be put together soon to look at the jail population and a jail bond for the fall.

Sen. Clodfelter asked since counties are being required to pay for court telephone costs beginning in July, what impact that would have on Mecklenburg. The response was that it would have less effect in terms of building new infrastructure because the new courthouse has updated phones and that the known costs would be maintenance.

Sen. Graham addressed gang and crime prevention when it comes to youth. Sen. Graham said he hopes the Board and Charlotte City Council will begin doing more locally in terms of preventing youth from getting into gangs and crime, in terms of utilizing more resources through Park and Recreation, for example, by keeping recreation centers open longer hours as summer approaches. He noted also the City of Charlotte’s Youth Employment Division and the Mayor’s Youth Program and that perhaps these programs should be year round rather than just for the summer. Sen. Graham said there needs to be more discussion on the local level regarding what can be done to keep youth away from gangs and criminal activity.

Sen. Graham acknowledged the state has a role and responsibility with respect to this issue as well, but that he hasn’t heard anything locally that’s being done other than “lock them up and throw away the keys” in terms of a strategy or community response in terms of what the local government bodies are doing to deter youth from gangs and crime, so they can be kept out of the system from “the start.”

Chairman Roberts noted that Park and Recreation will be presenting a 10-Year Master Plan to the Board which will result in more collaboration with the school system to keep gyms open longer hours, collaboration with the YMCA, looking at green printing and where there’s a lack of recreation facilities and programs for youth. It was noted that the Park and Recreation Director is considering establishing a Youth Recreation Core, which would be summer jobs for youth working on greenways, parks, etc.

Sen. Graham said he hopes there will be a partnership between the City and County as well as it relates to this issue.

Commissioner Woodard noted that she has mentioned in the past to the Board the possibility of setting aside some portion of a bond referendum for parks and/or education to be used for employing youth year round. Commissioner Woodard said she refers to this as “The Impossible Dream.”

Commissioner Woodard said she would like to see this done by the both the City and the County.

Chairman Roberts thanked the Delegation for coming and for their work.
This concluded the discussion.

The above is not inclusive of every comment but is a summary.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 9:31 a.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 Wednesday, May 7, 2008.

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.

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-INFORMAL SESSION-

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 Roberts, after which the matters below were addressed.

(1) STAFF BRIEFINGS – NONE

(2A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, 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 Parcel # 099-311-16 on Hickory Grove Road
Tax Parcels 12710C97, 12710C98 and 12710C99 (Cavalier Apartments)

Attorney Bethune said there was no Consult with Attorney matter to be discussed in Closed Session.

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Business Location and Expansion and B) Land Acquisition.

The Board went into Closed Session at 5:22 p.m. and came back into Open Session at 5:40 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She entered
the meeting during Closed Session as noted in the minutes.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The item identified was Item 25.

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

- FORMAL SESSION -

Invocation was given by Commissioner James which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) GERALD G. FOX EMPLOYEE OF THE YEAR AWARD

The Board recognized the 2008 winner of the Gerald G. Fox Employee of the Year Award, Yvonne Ward, Unit Supervisor, Area Mental Health.

Ms. Ward expressed thanks for receiving the award.

The award was presented by Kenny Culbert, President of the Employers Association who was introduced by Human Resources Director Chris Peek.

Grayce Crockett, Director of Area Mental Health and Raquel Cox-Tennal, Ms. Ward’s Supervisor joined Mr. Culbert at the podium and made remarks regarding Ms. Ward, whom they said was an exemplary employee.

Note: This is the 47th consecutive year for the County Employee Of The Year Award. For the second year, this award is sponsored by the Employer’s Association. The recipient, who is selected by a panel from the American Society of Personnel Administrators, receives $600 from the sponsor and a plaque.

(1B) QUEEN CITY BIKE MONTH

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating May 2008 as “Queen City Bike Month” in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Clarke and received by Martin Zimmerman with the Charlotte Area Bicycle Alliance.

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

(1C) OLDER AMERICANS MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell,
Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating May 2008 as Older Americans Month in Mecklenburg County.

The proclamation was read by Commissioner Mitchell and received by Debora Sparks, Executive Director Council on Aging and Ted Rast, Chairman of the Council on Aging.

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

(1D) MENTAL HEALTH MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating May as Mental Health Month and May 8, 2008 as National Children’s Mental Health Awareness Day.

The proclamation was read by Commissioner Bentley and received by Grayce Crockett, Director of Area Mental Health, Beverly Dorn-Steele with WTVI, and Alice Fields with the Mental Health Association.

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

(1E) WORLD ASTHMA DAY & ASTHMA AWARENESS MONTH

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating May 6, 2008 as World Asthma Day and May 2008 as Asthma Awareness Month in Mecklenburg County.

The proclamation was read by Commissioner Bishop and received by Dr. Wynn Mabry, Health Director, Shawn Wilson, Public Health Nurse, and Giovanni Jesus, a student from Sedgefield Elementary.

*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:

Obakunle Akinlana – Extended an invitation to the Iggunuko African Heritage Festival to be held August 1-3, 2008 in uptown Charlotte. It’s being sponsored by the Ife Cultural Arts Center, Inc. Mr. Akinlana also requested financial support in the amount of $20,000 to help with festival expenses, such as artist fees, marketing, security, equipment rental, and supplies.

*A copy of a handout regarding the festival is on file with the Clerk to the Board.*

Martin Davis expressed objection to the Actors Theatre of Charlotte’s hiring of a play write, Eric Coble, to write a satire making fun of those that objected to the production of Angels in America here in Mecklenburg in 1997. Mr. Davis said he was bringing his concern to the Board since the County supports the Arts and Science Council, who funds the Actors Theatre of Charlotte. Mr. Davis said he doesn’t want his tax dollars used in this manner. He asked Chairman Roberts to call him regarding this. Mr. Davis said if he doesn’t receive a call, then he will attend future meetings, between now and November and will read graphic excerpts from the play, Angels in America.

Antonio Vasquez expressed sentiments of disappointment that he has felt after learning of recent
comments made by Commissioner James, describing and making a comparison of Latino immigrant community members as prostitutes and drug dealers. Mr. Vasquez said he’s disappointed because he recognizes “the vital presence and diverse contributions made daily by immigrant working families, documented and undocumented, who are part of the fabric of our community.” Mr. Vasquez said pejoratives that categorize an entire community should not be tolerated against anyone at anytime. Mr. Vasquez said he wants to live “in a Charlotte that recognizes the humanity of all sectors of our society, immigrant and non-immigrant alike.”

APPOINTMENTS

(3A) BICYCLE COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint Elizabeth Barnhardt to the Bicycle Committee to fill an unexpired term expiring March 6, 2009. Secondly, to make a request of Charlotte City Council to increase the County’s number of appointments to the Bicycle Committee by one, and if approved, the Board appoints Jane Cacchione to this additional slot.

*Elizabeth Barnhardt is replacing Robert Cannon.*

(3B) BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Mr. Jim Barnett Chairman of the Board of Equalization and Review for the duration of his term.

*He is replacing Kenneth Friedman.*

(3) PUBLIC HEARINGS – NONE

(4) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) PRESENTATION FROM THE CHARLOTTE-MECKLENBURG POLICE DEPARTMENT

The Board received a presentation from the Charlotte-Mecklenburg Police Department regarding crime in the community.

Prior to the presentation, the following persons addressed crime in the community. They asked the Board to take immediate action to address this growing problem, even if it means deferring development projects and redirecting budget dollars. They asked the Board to work in collaboration with the City of Charlotte.

The following motions were made to allow additional speaking time for those desiring to speak to this issue.

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell,
Ramirez, Roberts, and Woodard voting yes, to waive the Board’s policy and allow 20 minutes for addressing this issue for the group that signed up to speak, Neighbors For A Safer Charlotte.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to extend the speaking time for this issue by six minutes.

The speakers were as follows:

**Neighbors For A Safer Charlotte representatives:** Henry Gunn, Tariq Bokhari, Fan Soong, Ken Beuley, Britt McMaster, Tony Montognese, Brendon Pierce, Clyde Nelson, Christy Wright, David Romero, and Julie Eiselt

Neighbors For A Safer Charlotte asked that they be represented on the task force that’s going to be put together to address the criminal justice system.

Neighbors For A Safer Charlotte asked the Board to take the following actions without delay:

- Make Safety and Security of its residents the #1 priority and adjust its budget and planning to reflect that
- Apprise its citizens of the corrective and measurable actions it intends to take to meaningfully reduce crime
- Regularly report to us the progress being made

They also asked to be involved in the process as it relates to the jail study that’s being done. They have concerns with respect to issuing citations as recommended in the Jail Study Report.

**A copy of handouts from Neighbors For A Safer Charlotte is on file with the Clerk to the Board.**

Martin Davis addressed the right to bear arms. He encouraged citizens to protect themselves against crime and to not rely on government.

Chris Bakis, addressed the need for more district attorneys and support staff, and higher salaries for district attorneys. He encouraged the Board to ask the Legislature for more funding.

Mary Boyd representing the Park Quail Neighborhood Coalition addressed the rise in property crime. Ms. Boyd said the Coalition supports the formation of a task force as suggested by Chairman Roberts that would be composed of city, county, and state officials. They recommend it be formed promptly to “examine and fix the broken criminal justice system” in Mecklenburg County. Also, they ask that the membership be expanded to include selected members of the public, “as observers at a minimum and as active participants at best.”

Ms. Boyd said the Coalition was willing to work with county officials to identify “expendable” programs and services, whose funding could be redirected to support enhanced anti-crime measures.

Comments

Chairman Roberts said the entire Board, like the citizens of the County are “outraged” about what’s occurring in the community with respect to crime and that the County does plan to take action.

Chairman Roberts said the County would include Neighbors For A Safer Charlotte, as well as, other neighborhood groups as partners in solving this problem.
Commissioner James challenged members of the Board to place an item on the agenda to give
$5 million to the District Attorneys Office for additional staff.

Commissioner Bishop suggested designating a single City/County “crime ombudsman or czar,”
who would report back in 90 days at a joint session of Charlotte City Council and the County
Commission on immediate steps that can be done to address this issue and would have an
immediate impact.

Commissioner Bishop said the City and the County should appropriate $5 million as suggested
by Commissioner James; an immediate $10 million that would be available. Commissioner
Bishop said this would be in addition to supplemental funding provided by the City to the police
department. Also, that the County should make preparation in its operating budget to carry debt
service on a new jail, which he said there needs to be a bond referendum on this fall.

Commissioner Bishop said he agreed with the speakers that addressing the current state of public
safety in the community is a matter of urgency and one that needs immediate action. He
encouraged the public to hold the Board accountable.

Commissioner Ramirez said this issue involves the police department, the district attorneys
office, and the need for jail space. Commissioner Ramirez suggested a bond referendum in the
fall to construct another jail.

Commissioner Ramirez said gangs is a problem that’s escalating and needs to be addressed as
well.

Commissioner Ramirez expressed support of Commissioner James and Commissioner Bishop’s
comments.

Commissioner Bentley said she supports Commissioner Bishop’s suggestion regarding a “crime
czar.” Commissioner Bentley said the County Manager will be asked to do what he can
immediately. Further, that this issue would definitely be a topic of discussion at the Board’s next
Strategic Planning Conference.

Commissioner Mitchell said Commissioner Bishop’s suggestion has some merit but
needs further discussion by the Board.

Commissioner Mitchell said in light of other needs and the expected budget shortfalls that it may
take a tax increase in order to address this issue.

Commissioner Roberts noted there has been discussion regarding forming a study commission or
task force to study this issue comprehensively, and to come up with short and long term
solutions. It was noted that the goal of the study commission was going to be to have short term
solutions in 30 days.

Chairman Roberts assured the public that the Board would be bringing this effort together and
would get answers within 30 days.

Commissioner Helms said in order to make a “dent” into this problem, it would take more than
$5 million. He said $50 million is what it would take to make a “dent.” He said $50 million
would allow the County to get a “few” district attorneys, a judge, a court room clerk and the
facilities to run those cases and get persons through the system and on to Raleigh.

Commissioner Helms said he would be willing to raise taxes by five cents in order to address
this issue.

Commissioner James said he recommends giving the District Attorneys Office $5 million
because it would reduce the staffing gap that exist for the District Attorneys office.
Commissioner James said $50 million would include a jail.

Commissioner James said the Board can move forward with giving the District Attorneys Office $5 million and with building a new jail now rather than later.

**Deputy Police Chief Jerry Senate presented the Theft Reduction and Prevention report.**

The report addressed the following:

- Property crime in Charlotte-Mecklenburg
  - Larceny from Auto
  - Burglary
- CMPD Actions
  - Enforcement Strategies
  - Prevention Strategies
- New/expanded initiatives

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

**Comments**

Chairman Roberts noted for clarification purposes that the Kimme report (the Detention Facilities Master Plan) has not been approved. Commissioner Roberts said the use of citations mentioned in the report was one among many other options.

Chairman Roberts said all of the suggestions in the Kimme report will go through the professionals in the police department, the Sheriff’s Office, and the court system. Chairman Roberts said the Board would hear from these parties before adopting the plan.

Commissioner Clarke noted to County Manager Jones that the Board may have to look at additional funding in the County’s budget to address this issue. He said he’s aware the Board is going to be faced with a very difficult budget year and that it may take a tax increase in order to address the issues in the criminal justice system.

Commissioner Helms said the Board needs to look at its own budget and determine with the help of the County Manager and staff how the Board can reallocate funds, but that it be reallocated based on what the police department’s report and other similar reports have said.

County Manager Jones asked about electronic monitoring, which was addressed.

County Manager Jones noted with respect to his FY08-09 Recommended Budget that he will be recommending a bond referendum in the fall to construct a jail. County Manager Jones said in light of this, he has already instructed staff to begin the preliminary planning for that jail, in order to save time, if the matter is approved.

County Manager Jones said this will be a “tough” budget year. Further, that the Board has committed to some priorities, funding priorities. He noted as an example when the Board approved COPS through the School Building Solutions Committee process and the fact that six of those new schools are coming on-line and the County has to pay the debt service on those schools.

County Manager Jones said he plans to highlight in his upcoming budget presentation the financial commitments the Board has made.

Commissioner James noted at the conclusion of the discussion that it would be good to receive input from the Police Department on the County’s pilot jail diversion program.
Deputy Police Chief Senate said jail diversion works in some instances and in others it does not. He said they would like to be a part of that process, as suggested by Commissioner James.

Chairman Roberts thanked Deputy Police Chief Senate for the report.

*Note: The above is not inclusive of every comment but is a summary.*

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

(2B1) **CLOSED SESSION LAND ACQUISITION**

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and carried 8-0, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the purchase of a 1.54-acre portion of Tax Parcel 099-311-16 on Hickory Grove Road from Charlotte Realty Ltd. Partnership for the Hickory Grove Library site at the contract price of $635,000.

(2B2) **CLOSED SESSION LAND ACQUISITION**

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and carried 8-0, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize the County Manager to amend the “Agreement of Purchase and Sale of Real Estate” from Cavalier Associates Limited Partnership, owner of Cavalier Apartments (Tax parcels 12710C97, 12710C98 and 12710C99) to add 1 unit and increase the purchase price by $42,617.

*Commissioner Helms returned to the dais.*

**CONSENT ITEMS**

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of item(s) 25 to be voted upon separately.

(7) **APPROVAL OF MINUTES**

1) Approve minutes of Regular Meeting held April 15, 2008; Budget/Public Policy Meeting held April 8, 2008 and Special Budget/Public Meeting held April 22, 2008.

2) Approve amending the minutes of March 18, 2008 to correct a section number stated in the last paragraph of the Resolution Authorizing The Waiver Of Certain Conditions Precedent To Executing The Lease Agreement Between Mecklenburg County And Knights Baseball, LLC that was included in the minutes to read Section 3.2 rather than Section 3.

(8) **REVISIIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING DEVELOPMENT ORDINANCE**

1) Amend the LUESA Fee Ordinance, revising the plan review fee structure for large project and third or later reviews.

2) Revise the Building-Development Ordinance, adding the definition of “Mega Projects.”

*Amendments to Ordinances recorded in full in Minute Book 44-A, Documents # 122 & 123.*
(9) TAX REFUNDS

Approve refunds in the amount of $19,941.01 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) AMEND IST FY08 BUDGET

Recognize and appropriate $50,000 in additional revenue to the IST Department budget for mainframe and print services.

Note: Revenue from the City of Charlotte for mainframe and print services is projected to exceed budgeted revenue by $50,000 for FY08. These additional funds are needed to pay higher than planned charges to the State’s Data Center (ITS) for mainframe processing services.

(11) FLEET MAINTENANCE CONSOLIDATION

1) Adopt a resolution approving an Interlocal Agreement with The City of Charlotte for Fleet Maintenance Services, and

2) Approve the Fleet Consolidation Interlocal Agreement.

Resolution and Agreement recorded in full in Minute Book 44-A, Documents #124 & 125.

(12) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $4,859 for General Services, $81,740 for Park and Recreation, $154 for Social Services, $700 for Real Estate Services, $11,017 for Sheriff, $9,724 for Land Use and Environmental Services and $458 for Information Services and Technology.

Note: All reimbursements are for stolen and damaged items.

(13) PERSONAL PROPERTY EXCHANGE WITH DORAL II LIMITED PARTNERSHIP

Adopt a resolution approving exchange of personal property (fixtures and equipment) in the apartment complex to be acquired from Cavalier Associates Limited Partnership with Doral II Limited Partnership for its claims against the City and County for flood damages.

Resolution recorded in full in Minute Book 44-A, Document #126.

(14) PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES

Authorize the County Manager to negotiate and execute contracts with Baker Engineering, Wildlands Engineering, McKim & Creed, and Kimley-Horn and Associates to provide professional engineering services.
Note: This action is necessary to provide engineering services for a variety of projects including stream assessment, stream restoration, BMP’s (wetlands, rain gardens, etc.), and greenways as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Firm</th>
<th>Max. Contract Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Briar Creek Restoration</td>
<td>Wildlands</td>
<td>$400,000</td>
</tr>
<tr>
<td>Cavalier Restoration &amp; Greenway</td>
<td>Wildlands</td>
<td>$300,000</td>
</tr>
<tr>
<td>Little Sugar Creek Restoration</td>
<td>Wildlands</td>
<td>$100,000</td>
</tr>
<tr>
<td>McDowell Creek Assessment</td>
<td>Baker</td>
<td>$145,000</td>
</tr>
<tr>
<td>McDowell Creek Restoration</td>
<td>McKim &amp; Creed</td>
<td>$250,000</td>
</tr>
<tr>
<td>Torrence Creek Restoration</td>
<td>Kimley Horn</td>
<td>$360,000</td>
</tr>
</tbody>
</table>

These projects will be funded by County Storm Water Capital Improvement Funds, with the exception of greenways, which will be funded by Park and Recreation.

(15) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve funding adjustments for Area Mental Health as follows:

A) Approve, recognize, receive and appropriate Federal funds in the amount of $26,050 for Deaf and Hard of Hearing funding.

Note: This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used to provide additional support for the three clinical positions that provide mental health and substance abuse services for consumers in the Mecklenburg region.

B) Approve, recognize, receive and appropriate Medicaid funds in the amount of $238,000 for Targeted Case Management services to consumers with Developmental Disabilities.

Note: This Board Action is necessary due to an increase in Medicaid eligible consumers receiving this service.

(16) 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:

- 325 commercial plans permitted April 2006
- 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.

(17) LEASE FOR ATM MACHINE – 4TH STREET PARKING DECK

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Bank of America, N.A.,” an ATM Machine for 4th Street Parking Deck.

Resolution recorded in full in Minute Book 44-A, Document #127.
Recognize and receive the Third Quarter 2008 Area Mental Health Authority Report.

Financial Management

### Revenues

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budgeted Revenues</th>
<th>Actual Revenues</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>$12,231,908</td>
<td>$8,955,357</td>
<td>73.21%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>36,111,965</td>
<td>20,540,080</td>
<td>56.88%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>84,470</td>
<td>46.59%</td>
</tr>
<tr>
<td>Grants</td>
<td>4,518,732</td>
<td>2,025,631</td>
<td>44.83%</td>
</tr>
<tr>
<td>County</td>
<td>43,422,330</td>
<td>23,818,666</td>
<td>54.85%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>96,466,228</strong></td>
<td><strong>55,424,204</strong></td>
<td><strong>57.45%</strong></td>
</tr>
</tbody>
</table>

### Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,105,879</td>
<td>4,625,286</td>
<td>65.09%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,949,254</td>
<td>6,409,020</td>
<td>42.87%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>11,449,444</td>
<td>4,520,037</td>
<td>39.48%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,480,601</td>
<td>9,358,208</td>
<td>64.63%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,777,182</td>
<td>6,784,115</td>
<td>57.60%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,946,633</td>
<td>14,037,885</td>
<td>74.09%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>17,757,235</td>
<td>9,689,654</td>
<td>54.57%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>96,466,228</strong></td>
<td><strong>55,424,204</strong></td>
<td><strong>57.45%</strong></td>
</tr>
</tbody>
</table>

Note: In accordance with General Statue 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

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

(19) EXPENDITURE OF CAPITAL RESERVE FUNDS – DOG PARKS

Recognize $20,000 from Dog Park fees accrued in the Capital Reserve account and appropriate for maintenance and repair work at each existing Dog Park location.

(20) EXPENDITURE OF CAPITAL RESERVE FUNDS – SUNSET HILLS GOLF COURSE
Authorize a capital reserve expenditure of $46,165 from Park and Recreation Capital Reserve funds to construct a restroom on the golf course at Sunset Hills.

(21) CLEAN WATER MANAGEMENT TRUST FUND GRANT AGREEMENT/PURCHASE OF CEDAR GROVE PLANTATION

(1) Authorize the County Manager to execute a Clean Water Management Trust Fund (CWMTF) Grant Agreement providing cost-share funding for the acquisition of a portion of the Cedar Grove Plantation, Tax Parcel 009-061-01.

(2) Approve acquiring +/- 31 acres (part of the Cedar Grove Plantation, Tax Parcel 009-061-01) along McDowell Creek from The Trust for Public Land at the appraised price of $35,000 per acre prior to executing the Grant Agreement with the Clean Water Management Trust Fund.

(3) Recognize approximately $559,000 from CWMTF as reimbursement for the acquisition of the Cedar Grove Plantation in the County Facilities Special Revenue Fund and appropriate that amount for future land acquisitions.

(4) Recognize $300,000 from the Charlotte-Mecklenburg Utility Department as a contribution to the acquisition of the Cedar Grove Plantation in the County Facilities Special Revenue Fund and appropriate that amount for future land acquisitions.

(22) GREENWAY ACQUISITION – SOUTH PRONG OF ROCKY RIVER

(1) Approve purchase of Tax Parcel 007-053-20 (+/- 1.2 acres) at Vernon Drive in Cornelius for $20,000 from Ben Davidson Griffith, Sr.

(2) Approve purchase of Tax Parcel 007-053-21 (+/- 1.22 acres) at Vernon Drive in Cornelius for $15,000 from Mary Lee Griffith Smith.

(3) Approve leasing Tax Parcels 007-053-20 and 007-053-21 to the Town of Davidson for future greenway development until May 10, 2046.

Note: The subject properties are part of a land assemblage for the South Prong of Rocky River Greenway in Davidson. This creek is identified as a greenway corridor in the 1999 Mecklenburg County Greenway Master Plan as well as in the Davidson Greenway Master Plan. Upon approval of these acquisitions, the Master Greenway Lease Agreement with the Town of Davidson (entered into in May 2006) will be amended to include the subject properties; however, the term of the lease will remain the same and expire on May 10, 2046.

(23) TRANSFER LAND TO CENTRAL PIEDMONT COMMUNITY COLLEGE

Authorize the County Manager to Execute a Deed to Convey Tax Parcel 080-131-07 at 7th Street and Kings Drive to CPCC.

Note: Approval to purchase the above 3,400 square foot tract from Adams Outdoor Advertising (AOA) was granted by the Board on February 19, 2008. The property will become part of the site for the new culinary arts building. Site preparation for that project is now underway. An easement for greenway trail and/or widened sidewalks (around the culinary arts site and over a small portion of the subject parcel), was approved as part of a 2007 land exchange with CPCC. Conveyance of this tract to CPCC is consistent with that recent land exchange in defining the campus properties and the greenway/open space properties associated with Little Sugar Creek in this corridor.
(24) COUNTY TRACTS IN BILTMORE PARK SUBDIVISION

Authorize the County Manager to sign a modification to the original subdivision declaration of restrictions to (1) permit modern exterior building materials including siding, hardy plank and stucco and (2) align with the lot frontage requirements of the Town of Huntersville’s zoning ordinance (75-foot yard width at the curb).

Note: Lakeside Estates, Inc. (aka Biltmore Park Subdivision) is a single-family subdivision located along the eastern side of Neck Road between Beatties Ford Road and Rural Hill. Platted in 1964, the subdivision’s original declaration of restrictions limited exterior building materials to brick, stone or wood, and each residential unit required two building lots.

Public sanitary sewer was not in place at that time, and a septic field was required for each residence (thus the two lot requirement). Today there are probably fewer than twenty-five homes constructed in this 250+ lot subdivision. Developers interested in utilizing the available lots would like to change the original restrictions to make the area more appealing to current buyers and to utilize the lots more uniformly.

The County owns 29 tax parcels here which are (1) contiguous to the Paw Paw Site (a natural heritage area owned by the City of Charlotte and managed by the Park and Recreation Department), (2) include McDowell Creek floodplain or (3) form a small area not in the floodplain that could be used as a neighborhood park. All of these tracts were donated in 1995 by Americana Park, Inc. and are to remain as open space. By agreeing to the above modifications to the restrictions, the County would support the build-out of the subdivision.

(26) STORM WATER FEE – SET PUBLIC HEARING

Set a public hearing on May 20, 2008 concerning the proposed increase in the Storm Water fee for the minor system inside the City.

(27) CONSERVATION EASEMENT OPTION AGREEMENT

Authorize the County Manager to execute a Conservation Easement Option Agreement with the State of North Carolina for the restoration of a portion of the upper tributary to Clarke Creek on Tax Parcel 027-161-03.

Note: The North Carolina Ecosystem Enhancement Program (EEP) is proposing a State-funded stream restoration project on a portion of the upper tributary to Clarke Creek located on County-owned Tax Parcel 027-161-03. The State is requesting that the County execute an option agreement for the conveyance of a conservation easement to the State on the restoration area. The exact boundaries of the conservation easement area will be determined during the design phase of the project. It is anticipated that the conservation easement will encumber approximately 12 acres. This parcel is managed by the Park and Recreation Department, and is proposed to be designated as a nature preserve in the 2008 Comprehensive Park and Recreation Master Plan. This request is supported by the Storm Water Services Department and the Park and Recreation Department.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Clarke left the dais and was absent until noted in the minutes.
MAY 7, 2008

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 8-0, with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to accept the 1.45-acre donation of Tax Parcels 065-132-06, 065-131-03 and 065-131-04 located at Stewart Creek off Gallagher Avenue from Harry and Sandy Johnson.

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

Note: The above property is part of a proposed Stewart Creek greenway section in the Lakewood neighborhood. This greenway segment has the potential to become part of the Carolina Thread Trail and to provide a connection between the urban core of Charlotte and the U.S. National Whitewater Park on the Catawba River. The updated master plan for greenways includes this proposed corridor.

Commissioner Clarke returned to the dais.

STAFF REPORTS AND REQUESTS

(28) HOUSING AUTHORITY MIXED INCOME DEVELOPMENTS

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to

1) Receive report of the Payment in Lieu of Taxes Policy Study Committee.

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

2) Approve grant for 10 mixed income developments in the amount of $1,783,473 from fund balance.

3) Authorize the County Manager to negotiate and execute grant award agreements for 13 mixed income projects for the term of the development agreements.

4) Direct County Manager to communicate to the Charlotte Housing Authority a revised application process for future grant requests.

Note: Under North Carolina General Statutes, local Housing Authorities are tax-exempt organizations. However, the U.S. Department of Housing and Urban Development requires local housing authorities to enter into payment-in-lieu-of-taxes (PILOT) agreements with the local governments.

The PILOT agreements between the Charlotte Housing Authority (CHA), the City and the County allow the CHA to pay the lower of 10 percent of the shelter rent (total rents minus utilities) for housing development properties that it owns or the billed property taxes. The mixed income developments in question are not owned by CHA, but by LLCs that include the CHA as a partner with the project developer and therefore are not exempt from property tax nor eligible for PILOT agreements. The land for these projects is owned by CHA. The buildings are owned by LLCs that include the CHA as a partner with the project developer and therefore are not exempt from property tax which has resulted in a billing oversight for the taxes on these properties. The taxes and interest due on these properties for tax years 2002 through 2007 total $1,783,473. Since 2002 CHA has made PILOT payments for these properties totaling $648,445.

After direction from the Board and the City Council a committee comprised of city and county staff and representatives of CHA, Charlotte-Mecklenburg Housing Partnership, and the developers met to identify all the affected projects. The committee also explored available alternatives to allow the projects to continue to provide affordable housing for County residents and maintain the financial viability of the developments. The requested actions address maintaining the program for developments already underway.
Prior to the above vote, Finance Director Dena Diorio addressed this issue.

Also prior to the above vote, Commissioner James said he wanted to know if there were plans to build more units. The response was to staff’s knowledge there are no projects in the pipeline at this time.

Commissioner James said he wants to know if there’s a budget item that might show up next year and whether there’s any anticipated future liability, even though the County can always say no.

Commissioner Bentley asked for clarification regarding supporting a bill that’s in Committee, Senate Bill 1309. The response was this was something included in the Policy Report but is not included in staff’s recommendation at this time, nor is it a part of the County’s legislative agenda.

Commissioner Bentley asked should this be a part of the County’s legislative agenda. It was explained that what the legislation would do would be to change the way low and middle income properties are valued, that it would be on an income basis versus a property tax basis. Thus, the need for a PILOT would basically go away because their tax liability would be significantly reduced. Further, this would open this up not only to Housing Authority developments, but any low and middle income housing development.

Director Diorio said if the Board wants to take a position on this, she would have to defer to Assistant to the County Manager Deborah Goldberg to research the matter further and report back to the Board regarding any further implications that the Board needs to be aware of.

Attorney Bethune noted that the bill has already passed one House and also that the NC Association of County Commissioners was opposed to the bill. Attorney Bethune said it will require more research.

It was the consensus of the Board to wait to hear back from staff regarding this matter before deciding to any action, if any.

(29) STATE OF THE ENVIRONMENT REPORT

The Board received as information the 2008 Mecklenburg County State of the Environment Report. This biennial report celebrates its 20th anniversary by providing a reflection of accomplishments and remaining challenges for the future.

Note: The State of the Environment Report is produced for the Board to: describe current environmental status, highlight the major environmental issues facing the County, recommend direction concerning those issues, and to give objective measures to evaluate progress toward a clean and healthy environment. The first State of the Environment Report was produced in 1987. This year the State of the Environment Report development team took the opportunity to reflect over the past 20-years to measure our successes and failures. The success of the County’s environmental programs in maintaining environmental health may be attributed to the fact that nearly all 1987 recommendations were successfully implemented.

Cary Saul, Director of Land Use and Environmental Services Agency (LUESA) gave the report. A copy of the report is on file with the Clerk to the Board.

Commissioner Helms referenced comments made in the American Rivers report regarding the Catawba River. Commissioner Helms said there needs to be a joint meeting between the Board and boards from surrounding counties that are contiguous to the Catawba River to discuss the American Rivers report. He asked that staff update him on where things stand with respect to getting a joint meeting scheduled.
Commissioner Clarke asked for clarification with respect to the number of vehicles registered versus the number of vehicle miles traveled per day. It was explained that the vehicle miles traveled includes all vehicles that travel in and out of the County but aren’t necessarily registered in Mecklenburg County.

Chairman Roberts thanked Director Saul for the report.

(30) CHILD FATALITY PREVENTION AND PROTECTION TEAM 2007 ANNUAL REPORT

The Board received the Community Child Fatality Team Annual report for 2006 as mandated by North Carolina State statute 7B-1406.

Note: The Community Child Fatality Team presents this report each year to allow the Board to learn about causes of death for Mecklenburg County children and to provide suggestions on ways to prevent them in the future.

Dr. Wynn Mabry, Health Director, Libby Safrit, Chairman of the Mecklenburg County Child Fatality Prevention and Protection Team, and Sara Zimmerman, Epidemiologist with the Health Department gave the report.

The report addressed the following:

- Causes of Death categorized as due to injury or non-injury with a focus on injury-related deaths
- Infant and Child Mortality Rates – Ages Birth through 17 Years
- Percent of Infant Deaths (<1 yr) by Cause of Death
- Percent of Childhood Deaths Ages 1 to 17 by Cause of Death
- Deaths Due to Unintentional Injuries Among Children Ages 0-17
- Death Rates from Sudden Infant Death Syndrome (SIDS)
- Number of SIDS, Unsafe Sleep, and Undetermined Deaths
- Goals, Results, Plans

Chairman Roberts thanked the presenters for the report. No action was taken or required.

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

(31) 10 YEAR COMPREHENSIVE PARK AND RECREATION MASTER PLAN

Jim Garges, Director of Park and Recreation presented the Mecklenburg County 10 year Comprehensive Park and Recreation Master Plan. He was joined at the podium by Scott McClure, Chairman of the Park and Recreation Commission. Mr. McClure encouraged the Board to approve the Plan.

Director Garges noted that the Master Plan provides a road map to guide decision-making for future development and management of parks, trails, recreation and open space opportunities for the next ten years. Further, that the new Master Plan is much more thorough then the last Plan that was completed in 1989. The new Plan focuses on Conservation and Stewardship, Parks and Greenways, Recreation Facilities and Programs, and accommodates recreation plans and visions developed by the Towns.

Commissioner James asked was the Board approving the Plan in concept or would approval mean automatic approval of everything in the Plan, which he could not support. He also asked about the Citizen’s Capital Budget Advisory Committee’s involvement in the process.

It was clarified that the Board was being asked to approve the Plan in concept only. It’s not
MAY 7, 2008

approval of a capital plan. It’s approval of a concept and a vision for where the County might be able to go. Further, that the Citizen’s Capital Budget Advisory Committee (CCBAC) is a part of the capital project process. The CCBAC and the County Manager would make a recommendation to the Board with respect to specific projects, as it has been done in past.

A Summary of the Plan is on file with the Clerk to the Board.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the Mecklenburg County Comprehensive Park and Recreation Master Plan as presented, and that the Board supports it with the understanding that as it continues to evolve and comes back to the Board periodically for funding, it’s at that time the Board would determine if it’s something the County can afford to do.

Prior to the above vote, Jim Grover with the Tarheel Trailblazers spoke in support of the Plan.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(32) BLACK ENTERPRISE ENTREPRENEURSHIP CONFERENCE – UNRESTRICTED CONTINGENCY (CHAIRMAN ROBERTS)

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 8-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to appropriate $10,000 from unrestricted contingency for the Black Enterprise Entrepreneurship Conference to be held here in Mecklenburg County May 14 – 17, 2008.

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

(33) CENTER CITY PARTNER’S 2020 CENTER CITY VISIONING PROCESS – UNRESTRICTED CONTINGENCY (COMMISSIONER HELMS)

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley and James voting no, to appropriate $125,000 from unrestricted contingency for Center City Partner’s 2020 Center City Visioning process.

(34) E-VERIFY/COUNTY EMPLOYMENT (COMMISSIONER BISHOP)

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to defer consideration of Commissioner Bishop’s Agenda Item (34) E-Verify/County Employment until the May 20, 2008 meeting, since Commissioner Bishop was not present at this time.

Note: Commissioner Bishop’s item request was to receive advice and recommendation of County Manager and/or Mecklenburg County Human Resources Department and to direct the County Manager to adopt E-Verify for screening newly hired County employees for work eligibility.

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 Helms, seconded by Commissioner Mitchell, and carried 8-0, with Commissioners Bentley, 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 10:51 p.m.

____________________  ______________________________  __________________________
Janice S. Paige, Clerk  Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, May 13, 2008.

ATTENDANCE

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

Absent: Commissioner Bill James

____________________

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

Note: Although the Board lacked a quorum, Chairman Roberts asked staff to move forward with the presentations, since other Commissioners were expected to arrive.

Budget/Management Director Hyong Yi noted the agenda items scheduled for discussion, which were: Business Imperatives: Employee Compensation and Business Imperatives: Reserve Funds.

Commissioners Bentley, Bishop, and Mitchell entered the meeting, prior to the start of the presentations, thus a quorum was now present.

(1) BUSINESS IMPERATIVES: EMPLOYEE COMPENSATION

Director Yi addressed Employee Compensation. He was assisted by Human Resources Director Chris Peek. The presentation covered the following:

- The Board’s Strategic Emphasis
- Market-Based Compensation
- Pay-for-Performance
- Competitive Benefits
- Insurance Reserves

It was noted that the County’s compensation philosophy is to Provide Market Pay for Market Performance. The strategy for carrying out this philosophy is 1) Maintain competitive market rates and 2) Adjust salaries based on market and performance.

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

Comments
Commissioner Helms asked for clarification with respect to movement of the market rate and how that relates to pay for performance, which was addressed. It was explained that market adjustments are not tied to performance, but rather, to where your current salary is relative to the market. Further, that the market rate establishes the market pay for market performance level and then there’s a minimum level that the County will pay for any job. Also, that 80% of that market rate is the least that the County will pay for a particular job. When an adjustment occurs to the market, the only employees that receive that adjustment are those whose salary falls below 80% of that market. If you’re at 80% or above, there’s no adjustment to your salary.

Commissioner Bishop commented that if you adjust salaries to bring employees up to the market rate, why not adjust the salaries of those that are above the market by bringing them down to the market. The response was the assumption is that persons above the market are performing at that level or have over time reached that salary level based on their years of service and the experience and expertise that they bring to the position.

Commissioner Bishop asked why not make that assumption for those that are below the market. The response was the only people whose salary would increase would be those that were below 80% of the market and that it’s done, not because of performance, but it’s a matter of whether or not they’re being compensated at a minimal level.

Commissioner Bishop said in his opinion it’s systematically bias against the taxpayer, in favor of the employee. Commissioner Bishop said if it’s a market model then everyone should be adjusted to the market and then you have the pay-for-performance component that would differentiate employees.

It was noted by staff that when employees earn a merit increase it’s not based off an employee’s base pay but rather the market pay for that job.

Commissioner Woodard entered the meeting.

Chairman Roberts asked staff to provide information on the percentage of employees that were above market when the market adjustment was made and how many employees are above 105%.

Commissioner Bishop asked what percentage of employees perform at successful and at exemplary, which was addressed.

Commissioner Bentley asked if staff benchmark with comparable size jurisdictions. The response was yes.

Commissioner Bishop said he feels there aren’t good productivity measures in County government and that the evaluation of employees is subjective.

County Manager Jones said there are productivity measures in some areas but it’s not across the board, which is why the Balance Scorecard is used as the guiding principle for measuring productivity and efficiency.

Commissioner Bishop asked how does the County’s total employment cost per capita compare to other jurisdictions, in other words how does the County’s employee cost compare to other jurisdictions viewed by staff. Staff will report back to the Board on this.

Commissioner Ramirez said he would like to know the number of employees per capita in comparison to the other jurisdictions viewed by staff.

Commissioner Bishop asked about the medical reserves, which was addressed.
Director Yi addressed Reserve Funds. The presentation covered the following:

- Purpose of Reserves
- Reserve Strategy
- Reserve History (Commissioner Bishop left the meeting during this part of the presentation and was absent for the remainder of the meeting.)
- FY 2009 Reserves
  - Capital
  - Technology
  - Fleet

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

Comments

Commissioner Ramirez asked about the priority ranking of capital reserve requests, critical, high, moderate, and low, which was addressed by Director Yi and Director of Real Estate Services Mark Hahn.

Commissioner Woodard expressed concern with respect to the response time by 311 staff and asked if enhancements were planned, such as additional staff.

Brian Cox, Enterprise Manager, said he was not aware of any long delays but that it should not be occurring. He said if anyone experiences this to let him know.

Commissioner Woodard said she’s encountered this and so have others.

Commissioner Ramirez asked about the DA Tracking System, which was addressed by Director of IST Jerry Pinkard.

Chairman Roberts asked if the City of Charlotte used a similar mechanism like the County with respect to having a fleet reserve for maintaining and purchasing vehicles. Staff will report back on this question.

Commissioner Ramirez asked about the use of SUV’s, which was addressed by General Services Director Leon Miller.

Commissioner Clarke entered the meeting.

There were no further questions or comments.

No action was taken or required at this time.

The above is not inclusive of every comment but is a summary.

Prior to adjourning, County Manager Jones asked the Board to provide him with feedback with respect to a request from the City Manager on behalf of Charlotte City County regarding meeting jointly with Charlotte City Council and the Board of Education on a consistent basis. The purpose of the meetings would be to discuss matters of mutual interest and concern, such as public safety, transportation and the environment.

It was noted these types of meetings were held in the past but eventually stopped, one reason was because of poor attendance.

A copy of the letter from the City Manager is on file with the Clerk to the Board.

It was the consensus of the Board to meet jointly if there’s a prescribed agenda, an expected outcome, and if the meetings are facilitated by a third party, for example, by someone from the
ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, and carried 7-0 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, 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

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, May 20, 2008.

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-

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 Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services said the land acquisition matter to be discussed in Closed Session was Tax Parcel 007-191-01 on Davidson-Concord Road. Attorney Bethune said the Consult with Attorney matter concerned lawsuits filed by Jerry Alan Reese (Jerry Alan Reese vs. Mecklenburg County and the Charlotte-Mecklenburg Board of Education; Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC and R.B.C. Corporation; Jerry Alan Reese vs. Mecklenburg County and City of Charlotte; and Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC.)

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A)Land Acquisition and B) Consult with Attorney.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 5:53 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She entered the meeting during Closed Session.
MAY 20, 2008

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 21 and 25.

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

- FORMAL SESSION -

Invocation was given by Commissioner James which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) CHARLOTTE-MECKLENBURG STORM WATER SERVICES VOLUNTEER RECOGNITION

The Board recognized Volunteers of the Adopt-A-Stream and Storm Drain Marking Programs.

The volunteers were introduced by Rusty Rozzelle, Water Quality Program Manager, who addressed the Adopt-A-Stream and Storm Drain Marking programs.

Note: Since 2000, Adopt-A-Stream volunteers have completed 575 stream cleanups and removed over 75 tons of trash from the County’s waterways. Storm Drain Marking volunteers placed markers on storm drains that read “Do Not Dump, Drains To Creek” in both English and Spanish.

The following individuals and groups were recognized: Albemarle Road Middle School, Alpha Kappa Psi, Brown and Caldwell, CDM, Charlotte Area Green Party, Charlotte School of Law Environmental Legal Society, Country Club Heights Neighborhood Association, Cub Scout Pact 11, James Click, McKim and Creed, Montclaire Neighborhood Association, Mecklenburg County Soil and Water Conservation District, Piedmont Natural Gas, SABIC Innovative Plastics, and the Stroud Family.

(1B) EMS WEEK PROCLAMATION - RECOGNITION OF 2008 STARS OF LIFE AND 2008 BURNETTE NOBLES AWARD RECIPIENT

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 proclaim the week of May 18-24, 2008 as EMS Week in Mecklenburg County to recognize the efforts of EMS professionals in our community.

The Board recognized David Brown and Rhona Neilson as 2008 Stars of Life Award Recipients and Donnell Wilson as a 2008 Burnette/Nobles Award Recipient.

The proclamation was read by Commissioner Woodard and received by Joe Penner, Director of Medic and Regina Davis of Medic.

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:

Martin Davis expressed objection to the Actors Theatre of Charlotte’s hiring of a play write, Eric Coble, to write a satire making fun of those that objected to the production of Angels in America in Mecklenburg in 1997. Mr. Davis said he was bringing his concern to the Board since the County supports the Arts and Science Council, who funds the Actors Theatre of Charlotte. Mr. Davis said he doesn’t want his tax dollars used in this manner. He asked Chairman Roberts to call him regarding this. Mr. Davis said if he doesn’t receive a call, then he will attend future meetings, between now and November and will read graphic excerpts from the play, Angels in America.

Christy Wright, on behalf of Neighbors for a Safer Charlotte, addressed the need to come up with real solutions to solve the crime problem in Mecklenburg County. She asked that Neighbors for a Safer Charlotte be represented on the proposed Task Force that will be looking at the criminal justice system in Mecklenburg County. Ms. Wright also asked the Board to consider looking at discretionary elements of the budget, operating and capital, to see where things can be reprioritized before raising taxes to address problems with the local criminal justice system, including delaying some capital projects.

Tariq Bokhari also addressed the need to come up with real solutions to solve the crime problem in Mecklenburg County. He said it’s a matter of prioritization and being innovative. He too suggested the Board take a close look at the proposed budget for FY08-09 to see where adjustments can be made, rather than having a tax increase.

German DeCastro addressed crime in the community. Mr. DeCastro said the police department was engaged in a sort of profiling where people are being detained for minor offenses, that no citizen of the County would be jailed for. Mr. DeCastro questioned the amount of time it takes a police officer to detain and incarcerate someone that has no license versus their response to someone whose home is being broken into. He questioned how much the County is spending detaining people for minor crimes and for things that “are really not of any substance about combating crime.” In closing he asked Commissioner James to retract comments made at a previous meeting with respect to the Hispanic community “all being prostitutes and drug dealers.” He said those remarks reflected negatively on Mecklenburg County. He said they would like those comments retracted so people won’t say and confirm that Mecklenburg County is “racist” community.

Commissioner Clarke noted the NC General Assembly was currently meeting in Short Session and that he recently learned that the Governor and the chairs of the Justice And Public Safety Subcommittee On Appropriations have asked the judicial department to return from their budget about $13.4 million. Commissioner Clarke said this represents a significant amount of the judicial branch’s budget. Commissioner Clarke said if this happens, the purpose is to reallocate monies that were in the court system and collected from fees. Commissioner Clarke said those funds would be reallocated to executive branch agencies, such as the Dept. of Corrections and Juvenile Justice Delinquency and Prevention, which he said were important in the prevention of crime. However, if this happens, a number of the improvements that the State had planned to fund in Mecklenburg County’s criminal justice system, such as assistant district attorneys and clerk of court positions would be eliminated. Commissioner Clarke encouraged the public to contact their state representatives and encourage that these funds not be taken out of the judicial branch.

(3) APPOINTMENTS
ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Erin Warchol to the Adult Care Home Advisory Committee for a one-year term expiring May 30, 2009.

She is replacing Ester Harrison.

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

Colvin Edwards    by Commissioner Woodard
Mary Howerton    by Commissioner Bishop
Angeles Ortega-Moore   by Commissioner Mitchell

An appointment will be made on June 4, 2008.

BOARD OF EQUALIZATION AND REVIEW

The following persons were nominated for appointment consideration to the Board of Equalization and Review:

Unithia McGruder    by Commissioner Woodard
John Newitt     by Commissioner Bishop
Christopher Olds    by Commissioner Bishop
Pamela Williams    by Commissioner Mitchell

An appointment will be made on June 4, 2008.

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Woodard, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Eric Little to the Board of Motor Vehicle Review to fill an unexpired term expiring July 18, 2008.

He is replacing Charles Boozer.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint David Lewis to the Central Piedmont Community College Board of Trustees for a four-year term expiring June 30, 2012.

CMUD ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez,
Roberts and Woodard voting yes, to appoint Kevin Bachleda to the CMUD Advisory Committee for a three-year term expiring June 30, 2011.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Kevin Bachleda to the CMUD Advisory Committee for a three-year term expiring June 30, 2011.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Thomas Witner to the Groundwater Advisory Committee for a three-year term expiring May 3, 2011.

She is replacing Claire Lawrence.

PARK AND RECREATION COMMISSION

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 reappoint Joseph Pata to the Park and Recreation Commission as the Southern Town representative for a three-year term expiring June 30, 2011.

The following persons were nominated for appointment consideration to the Park and Recreation Commission:

East Park District (EPD) by Commissioner James

Robert Brisley
Hubert Helms
Kim Weissinger

South Park District (SPD) by Commissioner Bishop

Ed Barnhart
Greg Folmar
Mark Loflin
Tim Morgan

Appointments will be made on June 4, 2008.

PLANNING COMMISSION

Motion was made by Commissioner Woodard, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Nina Lipton to the Planning Commission for a three-year term expiring June 30, 2011.

The following persons were nominated for appointment consideration to the Planning Commission:
MAY 20, 2008

Deborah Edwards    by Commissioner Roberts
Steven Firestone     by Commissioner Bishop
Christopher Olds    by Commissioner Bishop
Kevin Silva     by Commissioner Ramirez
Qian Wang     by Commissioner Mitchell

An appointment will be made on June 4, 2008.

PUBLIC BROADCASTING AUTHORITY

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 reappoint Hattie Leeper and Lawrence Seitlin to the Public Broadcasting Authority for a three-year term expiring June 30, 2011.

The following persons were nominated for appointment consideration to the Public Broadcasting Authority by Chairman Roberts: Mike Boggs and Lal Vishin.

Appointments will be made on June 4, 2008.

(4) PUBLIC HEARING - CITY STORM WATER FEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to open the public hearing to hear public comment related to a proposed increase in the Storm Water fee for the minor system inside the City of Charlotte.

Dave Canaan, Director of Storm Water Services, addressed the City’s request.

No one from the public appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, 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 City of Charlotte.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) PRESENTATION OF COUNTY MANAGER’S RECOMMENDED FY2008-09 BUDGET

The Board received the County Manager’s presentation of his Recommended FY2008-09 Budget. County Manager Jones was assisted by Budget/Management Director Hyong Yi.

Highlights

- The County Manager’s Recommended FY2008-09 Budget totals $1.49 Billion; $1.03 Billion in County Funds
- The County Manager recommends that the Board maintain the current tax rate of 83.87 cent, thus a no tax increase budget.
- The law enforcement service district tax rate would be 17.88, which is a 26 cent increase.
A copy of the County Manager’s presentation and his recommended budget is on file with the Clerk to the Board.

Comments

Commissioner James asked was it possible to request and receive by the Board’s May 27th Budget/Public Policy Workshop, another response from Charlotte-Mecklenburg Schools (CMS) Superintendent Dr. Peter Gorman and Central Piedmont Community College (CPCC) President Dr. Tony Zeiss regarding the impact of the County Manager’s recommended budget on each of their respective institutions, since full funding was not being recommended.

Commissioner James referenced a letter previously sent to Dr. Gorman and Dr. Zeiss by the County Manager asking them to respond to some “What If” scenarios as it relates to a budget allocation from the County for FY08-09.

County Manager Jones said a response was received from CPCC, specifically addressing the “What If” scenarios. With respect to CMS, their response was not specific, therefore County Manager Jones said one of the assumptions he would make, in light of the fact that one of the “What If” scenarios submitted to the Superintendent was an allocation of $10 million, that he would assume the Superintendent would do an analysis of his budget against that $10 million increase and provide that to his board. County Manager Jones said the Superintendent may be prepared next week at the May 27th meeting to share what he feels the impact of $10 million increase might be on CMS vs. the $28 million requested by CMS.

Commissioner Ramirez asked for clarification about Pay-go and the projects associated with Pay-go, which was addressed.

Commissioner Mitchell asked about budgeting for rising gasoline cost. The response was this was taken into consideration and gasoline cost was budgeted at a higher amount per gallon at the wholesale price, with the understanding that it may not be enough if the cost continues to increase. Further, staff will continue to monitor this, with the understanding that adjustments may have to be made.

Commissioners Bentley and Woodard requested more detail with respect to Carolinas Healthcare System funding.

Commissioner Clarke requested more detail with respect to general debt service and pay-go, specifically, how much of it is for criminal justice related facilities. It was noted staff projected the total debt service on jails and courts for next year to be $25 million; current year for jails and courts is $24.3 million.

Commissioner Clarke asked about the decrease in the sales tax-new half cent. It was noted that it was because of Medicaid changes.

Commissioner Clarke asked would the sales tax-new half cent be going away. The response was yes.

Commissioner Bishop asked about the Charlotte-Mecklenburg High School Challenge. It was noted that this program has not received funding in two years.

Commissioner Clarke asked were the Service Increases presented the only increases, the major increases, or selective increases. It was explained that five of the items listed were service enhancement items not funded in last year’s budget. The other two items are items previously funded but additional funding is needed.

Chairman Roberts asked about jail and court positions, which was addressed.

Chairman Roberts asked staff to report back on, in addition to what was presented, the $1 million for Court System Reorganization and the $1.5 million for the positions in the court system,
whether there are other dollars budgeted for matters that are a state responsibility as it relates to
the criminal justice system.

Chairman Roberts asked about CMS funding in relation to the funding formula. The response
was that the funding formula amount was approximately $26.4 million. It was noted that this was
before the Governor’s recommendation for a 7% salary increase, which would probably get the
amount closer to the $28.4 million requested by CMS.

Chairman Roberts asked staff to report back on whether any County positions were eliminated in
the Manager’s Recommended Budget.

Commissioner Ramirez asked about lottery funds, which was addressed by Finance Director
Dena Diorio. It was noted that for FY08, $16 million was anticipated based on the State’s
projection but staff is projecting a little less than that amount; but it’s not enough to hurt the
County either this year or next for budgetary purposes.

Director Yi asked the Board to send him any additional questions they may have regarding the
proposed budget.

The Board received the Citizen’s Capital Budget Advisory Committee FY2009 Capital Funding
Recommendations.

Michael Murdock, chairman of the Citizen’s Capital Budget Advisory Committee (CCBAC)
presented the report.

A copy of the Citizen’s Capital Budget Advisory Committee report is on file with the Clerk to
the Board.

Comments

Commissioner James asked was Park and Recreation aware of the concerns expressed by the
Citizen’s Capital Budget Advisory Committee. The response was yes, some of their concerns
were shared when Park and Recreation made its presentation to the CCBAC on the Master Plan.

Commissioner James asked about Park and Recreation’s response to the CCBAC comments. Mr.
Murdock said he could not comment on their response because he was not present when the
CCBAC Subcommittee met with Park and Recreation when they were developing these
recommendations.

Park and Recreation Director Jim Garges was present and noted that he was not aware of all the
concerns expressed by the CCBAC.

Commissioner James said he would like a response from Park and Recreation and the County
Manager at some point with respect to the CCBAC concerns.

County Manager Jones said the Board would have an opportunity to discuss in more detail the
recommendations of the CCBAC.

Mr. Murdock said he would e-mail the Board the details of the Committee’s concerns and copy
Director Garges.

Commissioner James requested a more specific Park and Recreation capital projects list that
would include the associated dollars and the location of the projects by districts.

Mr. Murdock noted that the CCBAC had essentially written its report before the Board approved
the Park and Recreation Master Plan in concept. He stated further that although the Master Plan
contains a fairly specific capital needs assessment and capital improvement plan; that the Master
Plan has been reviewed and approved by the Park and Recreation Commission but to his knowledge the capital needs assessment has not. Thus, the CCBAC is essentially making recommendations on something that the citizen’s commission responsible for reviewing that, still needs to “weigh” on. Thus, the CCBAC had to go with what they had at the time.

Commissioner James said at some point, County staff and the Park and Recreation Commission are going to have to finalize in some form a priority list that they feel is fair and reasonable because that becomes the basis from which the Board selects from.

Commissioner James said he wants the list of proposed projects to be fully vetted before putting an amount on a ballot.

Commissioner Bishop asked Mr. Murdock to comment on WTIVI recommendation, which he did, noting that the Board has no choice but to fund this matter because the federal government has mandated all television stations end analog broadcast service on February 17, 2009, otherwise WTIVI would go out of business.

Commissioner Ramirez asked about the Eastland Mall Redevelopment project noted in the report. The response was that this should not have been listed. It’s a City of Charlotte matter that’s still in the discussion stages, nothing has been finalized.

Budget/Management Director Hyong Yi presented the County Manager’s FY2009 Recommended Capital Budget and FY2009-2018 Capital Improvement Plan.

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

Comments

Commissioner James asked for revised information on page 211 and 212 of the budget book that reflects the planned debt issuance at the County Manager’s level and how you spread the sales out over each year.

Commissioner James said it's important to see the change in debt service information for Charlotte-Mecklenburg Schools versus other County services for tracking purposes.

Commissioner Bentley asked about jail construction and what would be the impact on the completion timeline if the County only funds design and planning at this point. The response was a two-year delay.

Commissioner Clarke asked if the $360 million for Law Enforcement Facilities included land cost. The response was yes.

Commissioner James asked where a new jail would be located.

County Manager Jones said the optimal location would be in the downtown area within close proximity to the existing jail. County Manager Jones said there will probably be some issues that staff will need to work through with the Planning Commission because the logical place would be on the site where the County has a parking deck that’s next to the new parking deck across McDowell Street across from the existing jail. If this site is not possible then the County will have to look for alternative sites outside of downtown. County Manager Jones said he doesn’t know if the Spector Drive site is a workable option or not. He said a location outside of downtown would pose challenges because of increased operation cost primarily because of the transportation issue of transporting inmates to and from the courts and/or with the use of enhanced technology such as video conferencing. He noted also that if it can’t be built on existing County property, there will then be land acquisition cost. County Manager Jones said there are a host of issues that would have to be dealt with.
Chairman Roberts requested a list of the two-year funded Pay-go projects.

Chairman Roberts noted for the public’s awareness that a public hearing on the County Manager’s Recommended FY2008-2009 Budget would be held on May 29, 2008 at 6:00 p.m.

(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the $376,683 purchase price for +/- 3.071-acre portion of Tax Parcel 007-191-01 on Davidson-Concord Road from E. F. Jacobus, Jr. for Charlotte-Mecklenburg Schools.

CONSENT ITEMS

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 approve the following item(s) with the exception of items(s) 21 and 25 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held May 7, 2008; Closed Session held May 7, 2008; and Special Meeting held May 5, 2008.

(8) TAX REFUNDS

Approve refunds in the amount of $12,503.45 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) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

Note: A Second Reading will be required before final approved, since all nine Commissioners were not present. The Second Reading will occur at the June 4, 2008 meeting.

(10) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

Amend the LUESA Fee Ordinance to reflect new fee for Land Development.

Note: A Second Reading will be required before final approved, since all nine Commissioners were not present. The Second Reading will occur at the June 4, 2008 meeting.
(11) **DISPLACED HOMEMAKER GRANT APPLICATION**

1) Approve submission of a grant application to the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women’s Commission Division for the New Choices Strategies for Success Program in the amount of $54,899 ($13,128 from “Displaced Homemaker State Funds” and $41,771 from “Divorce Filing Fees.”); and if awarded, recognize, receive and appropriate grant funds.

(12) **2008 - 2009 EPA REGION 4 - SOUTH EAST DIESEL COLLABORATIVE (SEDC) PROGRAM**

1) Approve submission of application by Mecklenburg County Air Quality to USEPA for $750,000 in grant funds; and upon award of grant, recognize, receive and appropriate award.

*Note: Mecklenburg County Air Quality is applying to the EPA Region 4 Southeast Diesel Collaborative FY 2008-2009 Program for funds to be used to reduce air pollution from non-road construction equipment in the 8-county ozone non-attainment region.*

(13) **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:

- 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.
- Dead Bond - 11/04-5/05 = 233
- Daily Work - 2/04-1/08 = 16,084
- Home Recovery Report - 5/06-6/07 = 1,362
- Journeyman Renewals – 9/03-9/07 = 5,942
- Credits & Refunds 01/05-4/08 = 5,699
- Contractor Notifications 6/07-4/08 = 4,290

(14) **GREENWAY EASEMENT DONATION – MCILWAINE HOLDINGS, LLC**

Accept donation of a greenway easement (+/- 33.47 acres) on a portion of Tax Parcels 015-081-02 and 015-081-03 from McIlwaine Holdings, LLC.

*Note: This parcel will add to greenway assemblage along McDowell Creek and is located in the Northwest Park District.*

(15) **AMENDED FEE SCHEDULE – GROUNDWATER/WASTEWATER SERVICES**

Amend the Mecklenburg County Health Department Fee Schedule to include the amended fees for the Groundwater Program to be compliant with state regulations.
**CURRENT PROPOSED EXPLANATION**

<table>
<thead>
<tr>
<th>CURRENT</th>
<th>PROPOSED</th>
<th>EXPLANATION</th>
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<tbody>
<tr>
<td>$ 200.00</td>
<td>$ 250.00</td>
<td>50% of the Septic Systems installed in FY08 will require post monitoring under the State Rules. With the cost of land and the demand for larger homes, more complex systems that require monitoring is the norm.</td>
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<td>$ 400.00</td>
<td>$ 450.00</td>
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<td>$ 150.00</td>
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<td>$ 400.00</td>
<td>$ 550.00</td>
<td>7/1/2008 State rules will require that private wells be sampled for Arsenic, Barium, Cadmium, Chromium, Copper, Fluoride, Lead, Iron, Magnesium, Manganese, Mercury, Nitrate, Nitrite, Selenium, Silver, Sodium, Zinc, pH, and Total Coliform. If Total Coliform is present, further test for fecal coliform bacteria or E. coli are required.</td>
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<tr>
<td>$ 400.00</td>
<td>$ 550.00</td>
<td>The normal fee covers 2 visits. This fee will cover visits 3 and 4 if the well is not free of chlorine, electricity is not connected, or other similar issues.</td>
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<td>$ 100.00</td>
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(16) **DISPLACED HOMEMAKER-NEW CHOICES – FUNDS RECEIVED**

Recognize, receive and appropriate donation from Simpson – Gillespie United Methodist Church in the amount of $191 to assist with the Displaced Homemaker New Choices program which offers training and support for displaced homemakers in their return to self-sufficiency.

(17) **MECKLENBURG COUNTY COMMUNITY SUPPORT SERVICES – FUNDS RECEIVED**

Recognize, receive and appropriate $381 from Shelter Alliance to the Mecklenburg County Community Support Services, Unit 4400.

(18) **COMMUNITY SUPPORT SERVICES-WOMEN’S COMMISSION – GRANT AWARD**

Recognize, receive and appropriate additional “Divorce Filing Fees” funding in the amount of $20,000 from the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women’s Commission Division for the New Choices Strategies for Success.

(19) **TANF DOMESTIC VIOLENCE REVENUE - DSS**

Decrease recognized revenue in the April 15, 2008 Board Action by $5,000 for the TANF Domestic Violence Program.

*Note: In a previous Board Action, the Department of Social Services requested the Board recognize an additional allocation from the NC Division of Social Services for domestic violence services to TANF recipients. The State recently reduced the allocation by $5,000. The initial allocation was $101,123 for this program, which was approved during the Fiscal Year 2008 budget process. The additional allocation is $12,000 rather than $17,000 reported in the April 15, 2008 board action. Total funding for the TANF DV program is now $113,123. The funds are used to assist TANF recipients involved in domestic violence issues to become more self-sufficient and provide a means to avoid domestic violence situations.*
(20) **2008 HARRIS TEETER/PURINA BARK IN THE PARK**

Accept donation of $50,000 for the 2008 Harris Teeter/Purina Bark in the Park event sponsorship and appropriate funds to the Dog Park Capital Reserve.

*Note: For the fourth consecutive year, Harris Teeter and Purina have sponsored Bark in the Park. This event is a festival for dogs and their owners. The 2008 event was on April 26 at William R. Davie Park. The $50,000 donation by Harris Teeter and Purina will be used to build additional off-leash dog parks in Mecklenburg County.*

(22) **RURAL HILL – OFFICIAL NAMING**

Approve the official name of the county park property operated and leased to the Catawba Valley Scottish Society as “Rural Hill.”

*Note: The Catawba Valley Scottish Society (CVSS) requested the name of the site leased to them and operated by them to be officially named “Rural Hill.” Over the years, numerous variations have been used by both the County and CVSS, including “Rural Hill Farm,” “Rural Hill,” or other varieties such as “Rural Hill Plantation,” etc. Historical documents show the site was simply “Rural Hill.”*

(23) **FOUR MILE CREEK GREENWAY – DEVELOPMENT & COOPERATION AGREEMENT WITH THE TOWN OF MATTHEWS**

1) Approve a Development and Cooperation Agreement for Four Mile Creek Greenway between Mecklenburg County and the Town of Matthews.

2) Recognize and appropriate up to $290,000 in the Capital Reserve Fund from the Town of Matthews as reimbursement for the County’s cost of constructing Four Mile Creek Greenway.

(24) **NAMING OF CENTER FOR BIODIVERSITY STUDIES AT REEDY CREEK NATURE CENTER**

Rename the Center for BioDiversity Studies to the “Dr. James F. Matthews Center for BioDiversity Studies.”

*Note: Dr. Jim Matthews, retired UNC Charlotte professor, was instrumental in the conservation and creation of natural areas throughout the county. He served over six years on the Stewardship Advisory Council, volunteered his time and expertise on countless Mecklenburg County Park and Recreation Department projects over the years, and it was he and his students who began the UNCC herbarium collection in 1964. This collection comprises the bulk of the Center, and contains over 40,000 preserved plant specimens.*

(26) **SOUTHWEST PARK MASTER PLAN ADOPTION**

Approve the Southwest Park master plan concept developed by Jordan Jones and Goulding and authorize staff to proceed with construction drawings.

(27) **DSS SENIOR CITIZENS NUTRITION PROGRAM MEAL CONTRACTS**
Approve a unit price contract to Valley Services, Inc. for providing hot bulk congregate meals and individual shelf staple meals to the Social Services Senior Citizens Nutrition Program for a term of three years with the option to renew up to two (2) additional one-year terms.

Note: The annual expenditures are estimated to be $719,550.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(21) PARK AND RECREATION BUDGET AMENDMENT

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 amend the Park and Recreation Department budget to recognize and appropriate $15,000 revenue and expenses for a senior trip to Cape Cod, Massachusetts.

Commissioner Woodard removed this item from Consent because of a question she had, which staff addressed prior to coming into Formal Session. Commissioner Woodard did not indicate what the question was, only that her question had been answered.

(25) PARK & RECREATION DEPARTMENT REVENUE & PRICING POLICY FOR FY 2008-2009

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve new fees and changes to existing fees to the Park & Recreation Department Revenue & Pricing Policy for FY 2008-2009.

Commissioner Woodard removed this item from Consent to express concern for the price increases that will be occurring in some areas of the County. Commissioner Woodard said she was concerned that these prices may not be affordable to some in the community. Commissioner Woodard said she would hate to see participation decline because of affordability and as a result, more youth will be left with nothing constructive to do.

Jim Garges, Director of Park and Recreation addressed this issue. Director Garges said the issue becomes whether all Park and Recreation facilities are accessible to everyone regardless of income level. Director Garges said the answer is yes. He noted that there are several avenues set up so that children and seniors in particular can have the availability to use these facilities. He said Park and Recreation has fee waivers and Partners for Parks also raises funds to address any particular issues that might come up with a family or an individual. Director Garges said Park and Recreation’s goal is to make sure no one is turned away. He said Park and Recreation monitors fees all the time.

Policy recorded in full in Minute Book 44-A, Document # 128.

STAFF REPORTS AND REQUESTS
Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution approving as modified rezoning request Petition #2008-01, a change in zoning from R-3, single family residential, to R-8MF (CD), conditional multi-family residential, as recommended by the Zoning Committee of the Planning Commission.

Approval of this petition is based upon the following modifications:

- A turnaround has been added to the main entry drive.
- The privacy fence has been relocated to the inner half of the buffer.
- The internal sidewalks have been increased to five feet in width.
- Internal trees are now spaced one in front of each dwelling unit.
- Crosswalks will now be textured or different colors from the street.
- Large maturing trees will now be placed 40 feet on-center along Lancaster Highway.
- The proposed tree save area has been increased to 17.5%.
- Minimum rear yards have been increased to 50 feet.
- The right-of-way dedication note has been clarified.

A copy of the Zoning Committee's recommendation is on file with the Clerk to the Board.

Tom Drake with the Planning Commission addressed this petition prior to the above vote.

Resolution recorded in full in Minute Book 44-A, Document # 129.

(29) CAMPAIGN TO REDUCE SEXUAL EXPLOITATION OF CHILDREN

The Board received feedback from staff in response to an inquiry made by Commissioner James concerning a campaign to reduce sexual exploitation of children. Commissioner James brought to staff’s attention that the National Association of Counties (NACo) has sponsored a campaign to reduce sexual exploitation of children, that Commissioner Mitchell made him aware of.

Paul Risk, Director of Youth and Family Services addressed this issue.

Commissioner Mitchell commented on NACo’s response to this issue. He suggested staff look at information that was shared with the Board from the National Center for Exploited and Missing Children a year or so ago.

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 approve a directive to Department of Social Services and Public Services and Information staff to research the potential impact and costs associated with conducting a public information campaign to reduce sexual exploitation of children and the value of forming a taskforce to address the issue and to report back to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) E-VERIFY/COUNTY EMPLOYMENT
MAY 20, 2008

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to direct the County Manager to adopt E-Verify for screening newly hired County employees for work eligibility.

Prior to the above vote, Commissioners Bishop and James addressed this issue.

The Board received advice and recommendation of County Manager and Mecklenburg County Human Resource Director concerning the use of E-Verify with respect of employment with the County.

It was noted that the County has used the Social Security Number Verification System (SSNVS) for the past several years and has never received a Social Security Administration violation letter. Further that there is no indication that the County needs to change its practice from using the SSNVS to the use of E-Verify, but if the Board has a different preference the County will use E-Verify.

Note:
- The use of either SSNVS or E-Verify provides an employer with a good faith defense against the imposition of sanctions for hiring an unauthorized person, unless the government can prove the employer had actual knowledge that the employee was unauthorized.
- SSNVS provides a match between a social security number and the Social Security Administration database.
- E-Verify matches the social security number to both the Social Security Administration database and the Department of Homeland Security immigration database.
- It was noted that both databases contain errors.
- E-Verify has recently added a Photo Screening Tool that allows an employer to check the photo on the new hire’s Employment Authorization Card or Permanent Resident Card against the almost 15 million images stored in the Dept. of Homeland Security immigration data base collected since 2004.
- Both systems are free and voluntary.
- Neither system detects fraud or stolen identity, although it is believed that the Photo Screening Tool will help.
- Neither system provides information with respect to outstanding criminal charges.

Prior to the above vote also, Ruben Campillo addressed this issue. Mr. Campillo said he was concerned for how this might impact immigrants because there are a lot of inaccuracies in the data base that’s used. Mr. Campillo said there are records confirming that foreign born workers, including those that have become naturalized citizens are thirty times more likely than native born citizens to be incorrectly identified as not authorized for employment. He said E-Verify has also been used as a tool to discriminate against workers. He asked the Board to take these matters into consideration.

Commissioner James expressed his support of E-Verify, which he said the state requires this be done for state employees. Also, that Charlotte-Mecklenburg Schools uses E-Verify.

Also, prior to the above vote, Commissioner Ramirez took a moment of personal privilege to express his disappointment in recent statements made by Commissioner James regarding immigrants, when the Board discussed at a prior meeting the issue of additional contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants.

Commissioner Ramirez in his remarks said Commissioner James “managed to insult the entire immigrant community at the end of the meeting when he was exchanging views with Commissioner Mitchell.” “When Commissioner Mitchell told Commissioner James that the fact is that most of the illegal immigrants pay taxes, Commissioner James’ response was prostitutes.
pay taxes, drug dealers pay taxes, Al Capone paid taxes.”

Commissioner Ramirez said he personally feels very offended, when by association an entire community is labeled as a bunch of prostitutes and drug dealers.

Commissioner Ramirez said he apologizes to his constituents because he promised he would never use this forum for personal issues but this issue effects him “deeply” and by default an entire community.

Commissioner James in response said “there is no ill will on my part towards any member or group in Mecklenburg County.” “However, during the discussion about legal immigration, it is a constant refrain that those that advocate for illegal immigration, for allowing it, for allowing illegal immigrants to stay, constantly use the refrain, but we pay taxes.”

Commissioner James said “he contended then and he contends now that you do not excuse one illegal act or even two or three because someone has paid taxes.” Commissioner James said his comments weren’t directed at legal immigrants. He said they were directed at illegal immigrants.

Commissioner Ramirez said he was not defending the issue of illegal immigration and he has never done that; and he’s in agreement that “we have to close the borders; we have to do something about illegal immigration.” He said his contention in this forum right now is the “impugning” of an entire section of the immigration of immigrants and by definition, you’re telling them they’re just a bunch of prostitutes and drug dealers. He said it has nothing to do with whether or not they pay taxes. Commissioner Ramirez said what he’s saying is that Commissioner James by his comments offended the entire community, as well as, he and his family by using that language. He said the statements were denigrating.

(31) CRIMINAL JUSTICE RAPID REVIEW TASK FORCE

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke to commission a 9-12 member, non-partisan Rapid Review Task Force (RRTF) to identify and recommend to the Board by September, 2008 immediate and substantive modifications to the operations of City, County and State criminal justice agencies in Mecklenburg County to restore their functional effectiveness within the coming budget year. The RRTF should recommend allocation of resources to make the most effective impact on crime and justice, and will take into account new criminal justice budget provisions made by Charlotte City Council, as well as legislative needs at the state level.

Secondly, to appoint as co-chairs of the RRTF Shirley Fulton (former judge) and Harry Nurkin (former CEO of Carolinas Healthcare Systems).

Prior to the above vote, Commissioner Woodard asked about the appointment process.

After discussion, it was the consensus of the Board that the County Manager report back as soon as possible with a recommendation on an appointment process.

Also, prior to the above vote, Chris Bakis spoke in support of the formation of the task force. He noted that his preference, however, would be for a criminal justice “czar” as suggested by Commissioner Bishop at a previous meeting.

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley, 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 11:15 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

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, May 27, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners 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. Clerk to the Board Janice S. Paige

Absent: Commissioner Karen Bentley

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

Note: Although the Board lacked a quorum, Chairman Roberts asked staff to move forward with the presentations, since other Commissioners were expected to arrive.

Budget/Management Director Hyong Yi noted the agenda items scheduled for discussion, which were: Central Piedmont Community College (CPCC) Budget Presentation, Charlotte-Mecklenburg Schools Budget Presentation, and Criminal Justice Rapid Review Task Force.

(1) CENTRAL PIEDMONT COMMUNITY COLLEGE (CPCC) BUDGET PRESENTATION

CPCC President Dr. Tony Zeiss and Vice-President Kathy Drumm presented CPCC’s 2008-2009 Budget Request.

Commissioner Helms entered the meeting during this time, thus, a quorum was now present.

The presentation covered the following:

- Operating Budget - Components
  - Student Growth
  - Inflation
  - Salary Increases
  - Square Footage

- Capital Reserve Projects Funding

Commissioner Woodard entered the meeting during this time.

- Consequences of the County Manager’s Recommended Budget

It was noted that the County Manager’s Recommended Budget for CPCC was $26,174,542,
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which was $2,171,945 less than what was requested, $28,346,487; however, CPCC’s adjusted budget request was $27,858,799, thus changing the unfunded portion of their request to $1,684,257.

CPCC’s Capital Project Requests was $2,732,000 and the County Manager’s proposed funding is $1,320,000.

Dr. Zeiss asked the Board to consider funding the additional $1,684,257 in operating funds, the difference between what was requested and the County Manager’s recommended budget.

Dr. Zeiss noted that CPCC just experienced a 12% increase in enrollment, which results in an increase in the need for resources.

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

Comments

Commissioner Woodard said it was her understanding between 12:30 p.m. – 6:00 p.m. some CPCC facilities are not being used to full capacity because the majority of students attend during the morning and evening hours. She asked whether CPCC has considered marketing the availability of this space for a fee during those hours to be used for community activities, which would provide them with another source of revenue. The response was space is currently being leased out but generally the request is for conference rooms and theaters, not classrooms.

Commissioner James asked about the debate that has taken place between CPCC and the State with respect to “public benefits” for illegals as it relates to whether out of state tuition covers any public benefit.

Commissioner James asked how much of the County’s supplement to CPCC is per pupil and approximately how many identified illegals were in the degree programs.

Dr. Zeiss said the average student of the 19 undocumented students they have cost about $350 per student per year, if you look at the County’s portion. With respect to those in the degree programs, it would depend on the number of classes they take, so a specific number could not be given at this time.

Commissioner James said the dollars aren’t that significant in the “grand scheme” of things but the reason he brought it up was because if it’s determined that a public benefit is a subsidy, then the local benefit would also be a subsidy. He said if it turns out that it’s not a “public benefit” then it doesn’t matter, but if it turns out that you’re not allowed to give a “public benefit” and that’s defined as local/state subsidy, then it means the County and CPCC will need to work together to find a way by which the County can be reimbursed for the $350.00 per student and/or those funds go to other students.

Commissioner Helms asked Dr. Zeiss to comment on the consequences of receiving the additional $1,684,257 in operating funds. The response was that it would help maintain their buildings and they wouldn’t have to cut classes for students.

Commissioner Helms asked if CPCC’s revised budget request takes into account the new culinary school that’s coming on line. The response was no. It’s scheduled to be completed next summer and would be a part of next year’s budget with respect to additional square footage.

Commissioner Woodard asked for information regarding the make-up of CPCC’s staff with respect to race and gender. The response was that information was available and would be provided.

Commissioner Bishop asked for CPCC’s total operating budget cost. The response was that the operating budget is about $110 million, which includes the County’s portion and the State
portion which is approximately $70 million; and the remainder being raised through grants and other services.

Chairman Roberts thanked Dr. Zeiss for his presentation.

(2) CHARLOTTE-MECKLENBURG SCHOOLS BUDGET PRESENTATION

School Superintendent Dr. Peter Gorman, Chief Operating Officer Maurice “Mo” Green, and Finance Officer Sheila Shirley presented Charlotte-Mecklenburg Schools’ 2008-2009 Budget Request. The presentation covered the following:

- Framework for Budget Development
- Superintendent’s 2008-09 Proposed Budget vs. 2007-08 Adopted Budget
- Superintendent’s 2008-09 Proposed Budget Sources and Uses
- Superintendent’s Recommendation for 2008-09 County Budget Request
- Alignment with Strategic Plan 2010
- Redirections/Reductions
- Factors Increasing the Proposed Operating Budget
- Trends in Funding Requested from County
- Reasonableness of Board of Education Budget Request
- Board of Education Budget Request Shortfall

Commissioners Clarke and Ramirez entered the meeting at this point in the presentation.

- Next Steps

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

Comments

Commissioner Bishop commented on CMS’ total budget increase and the fact that the County is being asked to fund approximately 60% of that increase compared to the County’s current funding participation of about 30%. He asked CMS staff to comment on this requested increase in the County’s participation. The response was there are components of their budget picked up by the State, but for what they need to move forward, there are more significant pieces that come out of the County’s portion, “certainly the salary increase for CMS; the market pay adjustment for CMS that they’re doing at a county level.” “The High School Challenge is another place where you’ll see a significant amount.” It was noted CMS had a decrease in its revenue stream as shown on page 11 of their budget document, a decrease in other local revenue from $32 million to $15 million, which contributes to the increase in the County’s portion.

Commissioner Bishop asked has the County’s share of CMS’ budget increased every year. The response was that the trend has been around 30%.

Commissioner James asked about the letter from the County Manager to Dr. Gorman regarding various funding scenarios and Dr. Gorman’s response. Dr. Gorman said he was not authorized at that point to respond any differently because the Board of Education had just approved their budget.

Commissioner James asked for clarification about CMS’ hiring freeze, which was addressed.

Commissioner James asked for a listing of those things that will not be done, if full funding isn’t received. Dr. Gorman said it would not be appropriate for him to submit such a list to the County Commission when the matter hasn’t been presented to the Board of Education.

Commissioner Woodard asked about tenured teachers working at schools where they’re needed.
the most. Dr. Gorman said no one has been forced to move and that incentives are available for those willing to be transferred. He said some have moved but not as many as he had hoped. Dr. Gorman said what they’ve found is that teachers are looking for three things when they move 1) they want to make sure the school has a leader they can have faith in, 2) that there are financial incentives, and 3) that they can go as part of a team. Dr. Gorman said if any of these things are missing there’s a hesitation to go.

Commissioner Woodard asked about physical education classes and whether students are receiving 30 minutes of exercise daily, since childhood obesity is such an issue. The response was that information would be provided with respect to this.

Commissioner Woodard asked about the use of “coaches” for high salaried positions, which was addressed.

Commissioner Woodard asked about Communities in Schools on the elementary level. The response was CMS already funds certain positions with Communities in Schools and that they’ll get that information to the Board. It was noted that a partnership already exist with Communities in Schools on the elementary and middle school level to some degree.

Commissioner Woodard said she also wants information on CMS success rate with the various initiatives they’ve brought forth every year for the last few years. It was noted that they’re just starting to get some results from the major initiatives from their strategic plan that was rolled out in December 2006.

Commissioner Woodard asked about examples of alternative education, other than the Derita program, which was addressed.

Commissioner Helms said the responsibility of where cuts would occur for CMS is the responsibility of the Board of Education and not the County Commission.

Commissioner Helms said if you add 2.1 cents to the tax rate it would give CPCC the additional $1.6 million they’ve requested and CMS an additional $18 million.

Commissioner Mitchell addressed taxing authority for the Board of Education, which he supports.

Commissioner Ramirez asked about the High School Challenge, which was addressed. It was noted that it’s no longer a separate grant funding item. It was noted also that improvements have been made but it’s still not where it should be.

Commissioner Ramirez noted he was not supportive of the Board of Education having its own taxing authority.

County Manager Jones, with respect to Commissioner Bishop’s inquiry about the County’s funding participation in CMS’ budget, said the 30% that was mentioned was the percentage of local dollars compared to CMS’ total budget.

County Manager Jones said his recommendation provides CMS funding at 44.62%, which includes the $10 million increase, their capital replacement, as well as, the increase in debt service cost associated with CMS. Further, the 44.62% compares to 45.48% as a total going back to FY2003, and in FY2004 it was 44.65%.

County Manager Jones commented on his recommendation for funding CMS. County Manager Jones said his thinking was influenced by the net revenue expected and that it was more of a balancing act.

Commissioner Clarke asked about the Youthful Offender Academy under the Sheriff’s department and whether CMS is involved. Dr. Gorman said staff would check.
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Commissioner Clarke asked about the funding formula and how inflation was handled, which was addressed by Director Yi.

Commissioner Ramirez asked Dr. Gorman would receiving 45% or some other percentage of County revenue annually be a better way to fund CMS. Dr. Gorman said there were two things to consider; would it be easier and would it meet particular needs. Dr. Gorman said he’s not sure if it would meet particular needs because the needs may change year by year as the percentage of the total dollars that go to retiring debt versus operations, which is a component of that. Dr. Gorman said it’s hard to say if this would be a better way because he’s never worked in a “flat” percentage environment.

Chairman Roberts asked about revisions to CMS revenue, about Learning Communities, and the Bright Beginnings Program, all of which were addressed.

**Commissioner Clarke left the meeting and was absent for the remainder of the meeting.**

Commissioner James said the County and CMS need to make sure debt service doesn’t get out of control.

Commissioner James said neither entity has a “comprehensive” budget process because the operating and capital budgets are done separately. Commissioner James said there needs to be a comprehensive budget that merges the operating and capital budgets together.

The Board recessed at 4:20 p.m. and reconvened at 4:23 p.m.

**Commissioner Mitchell was absent when the Board reconvened and until noted in the minutes.**

(3) CRIMINAL JUSTICE RAPID REVIEW TASK FORCE

Associate General Manager Michelle Lancaster addressed the Criminal Justice Rapid Review Task Force (Justice & Public Safety Task Force) and shared a summary of planned activity.

The following was noted:

- The deadline for applying is June 11, 2008.
- The Board will appoint ten people.
- Interested persons will be able to apply on-line.
- All applications will be reviewed by the County Manager and the two task force co-chairs (Shirley Fulton and Harry Nurkin).
- Recommendations for task force membership will go to the Board for approval on June 17, 2008.
- A representative from the Lee Institute will facilitate the task force meetings.
- The task force will be charged with making recommendations to the Board on priorities to make the most effective impact on the criminal justice system in our community.

A copy of handouts regarding this matter is on file with the Clerk to the Board.

Comments

Chairman Roberts asked that staff share this information with Charlotte City Council and encourage them to ask people to apply. It was noted that staff plans to keep the City informed and to share information with them.

**Commissioner Mitchell returned to the meeting.**

Commissioner Bishop commented on the recruitment process and the need for persons with
expertise in the area of criminal justice. He questioned whether ten lay people will be able to handle the task before them in the amount of time allocated.

Commissioner Bishop said he had persons in mind, he thinks would be good to have on the task force. Commissioner Bishop suggested seven of the ten members be knowledgeable in criminal justice.

Chairman Roberts asked Commissioners to encourage persons whom they feel would be good to serve on the task force to apply.

Commissioner Woodard questioned the need for ten “experts.” Commissioner Woodard said “everyday” folks are needed for diversity purposes.

County Manager Jones asked about the Towns’ involvement. It was noted that information will be shared with the Towns as well, regarding this process.

Commissioner James said it’s important that as the County moves forward with respect to this matter that the focus is fixing the crime problem. He said it should not be about prevention and social services programs.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the process for the appointment of the Criminal Justice Rapid Review Task Force (Justice & Public Safety Task Force) as recommended by staff.

The above is not inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, and carried 7-0 with Commissioners Bishop, 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 4:50 p.m.
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MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in an Informal Special Session in the Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center at 5:00 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 29, 2008.

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. Deputy Clerk to the Board Tonette F. Spears

Absent: None

The Board’s informal session consisted of dinner only.

Following dinner, the Board convened in the Meeting Chamber.

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

The meeting began with the Pledge of Allegiance to the Flag, after which, Chairman Roberts stated that the purpose of the meeting was to receive citizen input on the County Manager’s proposed FY08-09 budget. Chairman Roberts outlined the rules and procedures for conducting the public hearing.

The hearing was declared open.

FY08-09 BUDGET PUBLIC HEARING

The following persons spoke and asked the Board to support funding for their respective organization and/or cause:

1. Bill Anderson and Jaquia Ranson on behalf of Communities In Schools.

Commissioner Helms entered the meeting at this time.

2. Myra Clarke and Tony Orsbon on behalf of the Center for Community Transition.

3. Jenny Schlosser and Mary Sigueron on behalf of Charlotte Emergency Housing.

4. Dr. Tony Zeiss, Eugene Kaplan and Ralph Pitts on behalf of Central Piedmont Community College.

5. Dearsley Vernon on behalf of Charlotte-Mecklenburg school nurses.
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6. Clyde Nelson on behalf of Neighbors for a Safer Charlotte.

7. Chris Bakis, about allocating funds to fight crime in Charlotte.


10. County employees Bobby Cobb and Felicia McAdoo thanked the Board for their continued care and concern for County employees.

11. Ed Driggs, Elsie Garner and Chris Williams on behalf of WTVI.


14. Director Deronda Metz on behalf of The Salvation Army Women’s Shelter.

15. Jeff Davis, Mike Mihoch, Jocelyn Segura and Marcia on behalf of Mi Casa Su Casa. (Marcia’s comments were translated and are on file with the Clerk to the Board.)

16. Students, Daniel Spisak, Brittany Haner, Amit Amin and Alexis Mutter; member of Arts and Science Council Mary Lou Babb; parents, Angelica Torres, Lisa Lewis, Aimee Burns, Mario Roberts, Donna Hanna, Lorenza Newcomb, Amy Daniels, Jaye Soss, Mar Dee Baker, Randall Eaton, and Jean Buffman; teachers Suzette Spencer and Cheryl Smith; CEO of Discovery Place, John Mackey; Robert Corbin; CEO of Jr. Achievement of Central Carolinas, Phil Valponi; member of ARTS TEACH Board, Mark Osborne; Mecklenburg PTA Council, Jonie Trobish; and League of Women Voters representative Louise Woods, on behalf of Charlotte-Mecklenburg Schools.

17. Dr.’s Valencia Covington and Reginald Richardson on behalf of CW Williams Community Health Center.

18. Executive Director Nancy Hudson on behalf of Charlotte Community Health Clinic.

19. Colette Forrest, spoke on crime in the community. She requested that any funds the Board allocate to fight crime in the community be evenly distributed across the entire County and not directed to one particular part of the County.

20. Byron Grimmett on behalf of Physicians Reach Out.

21. Martin Davis spoke about government spending.

22. Ella Scarborough and Dr. R. Akhere representing The Black Women’s Caucus of Charlotte-Mecklenburg asked questions about the Park and Recreation Department budget.

This concluded the public hearing, which was declared closed by Chairman Roberts.
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ADJOURNMENT

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley 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 8:35 p.m.

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Tonette F. Spears, Deputy Clerk Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, June 17, 2008.

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 Deputy Clerk to the Board Tonette F. Spears

Absent: None.

-INFORMAL SESSION-

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 Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following matters to be discussed in Closed Session: A) Land Acquisition for Tax Parcel 115-032-58 and 115-032-18 and B) Consult with Attorney - two (2) worker compensation cases 1) Mayse K. McBrayer v. Mecklenburg County and Robert Crosby v. Mecklenburg County and an update on the 1) Jerry Alan Reese v. Mecklenburg County, Charlotte-Mecklenburg Board of Education; 2) Jerry Alan Reese v. City of Charlotte and Mecklenburg County; 3) Jerry Alan Reese v. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation and 4) Jerry Alan Reese v. Mecklenburg County and Knights Baseball, LLC.

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult with Attorney.

The Board went into Closed Session at 5:26 p.m. and came back into Open Session at 5:50 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She entered the meeting during Closed Session.
Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and failed 8-1 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, and Commissioner James voting no, to add to the Agenda, discussion of appointments to the Crime Task Force.

Commissioner James said he did not object to discussing the Crime Task Force, but felt there was not enough time to give the topic a fair discussion before going into the 6 pm 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 21 and 22.

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

- FORMAL SESSION -

Invocation was given by Commissioner Mitchell which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) MENTAL HEALTH ASSOCIATION OF CENTRAL CAROLINAS, INC. DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating June 18, 2008 as Mental Health Association of Central Carolinas, Inc. Day in Mecklenburg County.

The Proclamation was read by Commissioner Bentley and received by Ellis Fields, Executive Director of Mental Health Association (MHA) of Central Carolinas, Inc. Ms. Fields thanked the Board for the recognition and introduced the following MHA Board members that were also present at the podium: George W. Climer, III, President; Hunter Morrison; Chuck Stauffer; Amy Williams; Sal Caraco and present in the audience, staff member Dennis Knasel.

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:

Pauline Simuel gave an update on the needs and crime in Optimist Park. Ms. Simuel said if funds are allocated specifically to fight crime, they should be evenly distributed across the entire County and not just in certain areas of Charlotte.

Jeanie Welch announced Hickory Grove’s 40th Annual 4th of July Parade and Celebration and invited the Board and citizens to attend.

Larry Bumgarner, a native of Charlotte, gave his perspective of where we are in Charlotte-Mecklenburg County.
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(3) APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Tommie Blakeney, James Bowers, Bruce Hamlett, Eric Little and Charles Roberts, Jr. to the Board of Motor Vehicle Review for one-year terms expiring July 18, 2009.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Charles Roberts, Jr. as chair of the Board of Motor Vehicle Review for the duration of his term.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Tyyawdi Baker, John Burton, Tonya Curry, Donna Dawson, Steve Goodrich, Gwendolyn High, Andrea Huff, Donna North, Katherine Satchwill and Owen Sutkowski to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring July 2, 2011.

The following persons were nominated for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee:

Gee Barker
Henry Black
Shannon Burns
Patrick Burris
John Davis
Robin Edgar
Earl Foxworth, Jr.
Juli Ghazi
Stephen Grey, Jr.
Catherine Kennedy
Barry Kirby, II
Jeannie Lee
Clara Mayfield
Hope McKinney
Shannon McKnight
Holly Neil
Doretta Owens
Sara Roselli
Tami Snipe
Michelle Sterling
Ruth Stevenson
Carolyn Swiger
Rhonda Taylor
Mary Ward
Gerald Williams

An appointment will be made on July 1, 2008.
PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Priscilla Bynum and Jack Holbein to the Personnel Commission for three-year terms expiring June 30, 2011.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Kimberly Gossage, for a one-year term expiring June 30, 2009 and Marilyn O’Conner, Katie Spegal and Hazel West to the Region F Aging Advisory Committee for two-year terms expiring June 30, 2010.

STORM WATER ADVISORY COMMITTEE (RESIDENTIAL NEIGHBORHOOD)

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Timothy Mead to the Storm Water Advisory Committee for a three-year term expiring June 30, 2011 as the Residential Neighborhood representative.

(3B) CHARLOTTE-MECKLENBURG UTILITIES ADVISORY COMMITTEE

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Erica Van Tassel to the CMUD Advisory Committee as recommended to replace Kevin Bachleda who is not eligible to serve for a three-year term expiring June 30, 2011.

(3C) NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to allow Erin Warchol to move from the Adult Care Home Advisory Committee to the Nursing Home Community Advisory Committee due to a change in her eligibility status for a one-year term expiring June 30, 2009.

(4) PUBLIC HEARINGS - REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to hold a hearing on request by John Baugh for reimbursement of North Carolina excise tax in the amount of $307.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close hearing on request by John Baugh for reimbursement of North Carolina excise tax in the amount of $307 and approve reimbursement.
(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve the purchase of Tax Parcels 115-032-58 and 115-032-18 including +/- 9.17 acres from Harry and Ella Evans for $230,506.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

County Manager Jones introduced the following items under the Manager’s Report.

(6A) DEPARTMENT OF SOCIAL SERVICES DIRECTOR

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, that pursuant to G.S. 108A-12, to appoint Mary Wilson as Department of Social Services Director, effective July 7, 2008.

Ms. Wilson accepted the appointment with thanks.

(6B) FEASIBILITY STUDY – ARTS AND TECHNOLOGY CENTER

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appropriate $25,000 from restricted contingency to help fund a feasibility study on establishing an arts and technology center in Charlotte-Mecklenburg.

Note: On February 5, 2008, the Board received a report from County Manager Jones regarding the highly successful education and training programs of Bill Strickland’s Manchester Bidwell Corporation (MBC), and the replication of this success in Cincinnati and elsewhere. The MBC model comprises two programs: After-school youth arts education; and adult workforce/career training. This two-pronged approach serves two broad populations: school-age youth at risk of dropping out; and adults who are economically disadvantaged and in need of marketable job skills.

The MBC’s after-school arts education program averages 92% high school graduation rate, with 89% of seniors enrolled in the program matriculating to higher education in various educational fields. MBC’s adult training program averages 85% job placement rate and 75% job retention rate.

During this presentation, the Board encouraged the County Manager to pursue $150,000 in funding to conduct a feasibility study to replicate the programs in this community by establishing an arts and technology center. The feasibility study is the first step required by the National Center for Arts & Technology (NCAT) in establishing an arts and technology center in Charlotte-Mecklenburg. The NCAT is a non-profit subsidiary of the Manchester Bidwell Corporation (also a non-profit organization) that will conduct the feasibility study. To date, $97,500 in foundation, corporate, non-profit and individual donations have been made to fund the feasibility study. The appropriation of $25,000 from restricted contingency would ensure funding is available from all community sectors to conduct the study.
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(6C) SALARY INCREASES FOR THE BOARD OF COUNTY COMMISSIONERS

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 6-3 with Commissioners Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, and Commissioners Bentley, Bishop and Ramirez voting no, to approve a 4.4% salary increase for the Board of County Commissioners effective June 18, 2008.

(6D) OPERATING BUDGET AND WORK PROGRAM FOR FY 2008-2009

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to approve The Mecklenburg County, North Carolina Budget Ordinance and Work Program for Fiscal Year 2008-2009.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to allow each speaker two (2) minutes to speak to the Budget.

The following individuals spoke in reference to crime in the community and requested the Board to reconsider allocating funds in the FY08-09 budget to a specific line item to fight crime: Chris Bakis, Suzan Stroud, Christy Wright representing Neighbors for a Safer Charlotte, Javonda Peay, Rivana Stadlander representing Neighbors for a Safer Charlotte, Steve Monger, Tony Montognese, Brett McMaster, Mary Boyd representing Huntingtown Farms and Park Quail Neighborhood and James Bensman.

Robert Evans requested funding for the National Association for Mental Illness (NAMI).

Martin Davis spoke about CMS funding.

Commissioner Ramirez addressed funding for the Rapid Review Task Force and made the following motion:

Substitute Motion was made by Commissioner Ramirez, seconded by Commissioner James, to approve The Mecklenburg County, North Carolina Budget Ordinance and Work Program for Fiscal Year 2008-2009, but with an amendment that the amount of $2 million dollars be allocated to a line item in the budget so the Rapid Review Task Force would have the necessary funds to allocate once their review is completed. These funds would come from the following sources: 1) Technology reserve $500,000, 2) Other Post Employment Benefits $500,000 3) Employee Compensation $500,000 and 4) Capital Reserve $500,000.

Commissioner Woodard asked would shifting the recommended amounts around in the Budget affect the total budget.

County Manager Jones said if the amendment is approved he would find a way to make the line items being reduced work.

Commissioner Clarke presented data on recent trends in assistant district attorneys (ADA) funded by the State from FY06-08 and upcoming FY09. He further addressed the current funding by the County for ADA’s.

Staff at this time provided the amended budget ordinance.

The vote was taken on the substitute motion and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve The Mecklenburg County, North Carolina Budget Ordinance and Work Program for Fiscal Year 2008-2009, but with an amendment that the amount of $2 million dollars be allocated.
to a line item in the budget so the Rapid Review Task Force would have the necessary funds to allocate once their review is completed. These funds would come from the following sources: 1) Technology reserve $500,000, 2) Other Post Employment Benefits $500,000 3) Employee Compensation $500,000 and 4) Capital Reserve $500,000.

Ordinance recorded in full in Minute Book 44-A, Document # 140.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of items(s) 21 and 22 to be voted upon separately:

(7) APPROVAL OF MINUTES

1) Approve minutes of Regular Meeting held June 4, 2008; Closed Session held June 4, 2008, May 20, 2008 (2b) and April 15, 2008 (2a1 – 2a4); and Special Budget Meeting held June 10, 2008.

2) Authorize the Clerk to amend the Closed Session minutes of May 20, 2008 by deleting Deputy County Attorney Bisanar’s name from the attendance heading and insert County Attorney Bethune’s name.

(8) TAX REFUNDS

Approve refunds in the amount of $28,160.41 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) HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN – DSS

Approve the Home and Community Care Block Grant funding plan for Fiscal Year 2009.

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 $3,086,010 for aging services, which includes a County match of $308,600. Funding for the match is included in the Fiscal Year 2009 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.

(10) SYSTEM OF CARE FUNDING - DSS

Recognize, receive and appropriate $2,747 for the System of Care Grant.

Note: The additional funds are provided to cover the cost for representatives from Mecklenburg County (one staff and one family partner) to attend the SOC Grantee Conference in Rockville, Maryland. No County dollars required.
(11) STORM WATER SERVICES – ADOPT RESOLUTION, CITY’S MINOR SYSTEM FEE

Adopt the Resolution authorizing increasing the minor system cost component of the Storm Water Services charge to be levied within the City of Charlotte.

Note: The funding plan includes a 7.0% fee increase for FY09 and will cause the City’s fee to increase as follows:

- From $3.75 to $4.01 per month for single-family residences with less than 2,000 square feet of impervious area (lower tier);
- From $5.51 to $5.90 per month for single-family residences with 2,000 or more square feet of impervious area (upper tier); and
- From $91.85 to $98.35 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

Resolution recorded in full in Minute Book 44-A, Document # 141.

(12) APPROPRIATE REVENUE FOR LAND DEVELOPMENT AND CARRY FORWARD TO FY09

Recognize, receive and appropriate $222,972 for Land Development and carry forward the unspent balance at June 30 to FY09.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in Crosswinds Phase I. Crosswinds Subdivision is located in Huntersville. Letters of Credit for completion of this work have been in place since May 2001. If the developer, Crosswinds Realty, LLC, does not complete the improvements within the next two months, the County will contract for the completion of the improvements. Any funds unused by the County to complete the improvements will be returned to Crosswinds Realty, LLC and their guarantor, SunTrust Bank.

(13) ROAD ABANDONMENT AND CLOSING – 502 SQUARE FEET PORTION OF OLD STEELE CREEK ROAD (OLD NC 160) – SET PUBLIC HEARING

Adopt a Resolution Declaring Intent To Abandon And Close A 502 Square Feet Section Of Roadway And Right-Of-Way Left Out In Prior Closure For Old Steele Creek Road (Old NC 160) Located At The Intersection Of York Road (NC 49) and set a public hearing at 6:30 p.m. on August 5, 2008 to hear citizen’s comments on the abandonment and requested closing of a 502 square feet portion of roadway and right-of-way of Old Steele Creek Road (Old NC 160) that was left out in a prior abandonment and closure request.

Resolution recorded in full in Minute Book 44-A, Document # 142.

(14) COUNTY FIRE COMMISSION RESOLUTION – REVISED

Revise the February 16, 1970 RESOLUTION OF THE MECKLENBURG COUNTY BOARD COMMISSIONERS REGARDING MECKLENBURG COUNTY FIRE COMMISSION AND PROVIDING FINANCIAL ASSISTANCE TO CERTAIN FIRE DEPARTMENTS IN THE COUNTY, striking references to the prohibition of the use of County funds to compensate volunteer fire fighters.
Note: Maintenance of ISO ratings and related staffing issues with the volunteer fire departments now necessitates that the fire departments hire part-time employees to work during certain hours of the day. The funds received by the fire departments from the County in the form of a subsidy are necessary to pay the part-time employees who are also volunteer fire fighters. The February 19, 1970 BOCC Resolution must be revised to allow for this use of County funds. The Fire Commission voted unanimously in support of this change.

Amendment recorded in full in Minute Book 44-A, Document #___143__.

(15) CLEAN AIR ACT SECTION 105 GRANT AWARD AMENDMENT

Recognize, receive, and appropriate additional Section 105 Grant revenue by $75,788.

(16) 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 Well Regulations to be considered by the Board on July 1, 2008.

(17) 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 the names of Laura M. Rushing, Jeffrey L. Reid, Jason V. Prescott, and Steve Bomgardner and to delete the name of Keith MacVean.

Resolution recorded in full in Minute Book 44-A, Document #__144__.

(18) BUSINESS HOURS AMENDMENT - REGISTER OF DEEDS

Amend A Resolution Of The Mecklenburg County Board of Commissioners Establishing Business Hours For The Office of the Register of Deeds in order to expand hours of operation for Marriage Application services effective July 1, 2008, to accommodate customers arriving after 7:00 a.m. and those arriving before 6:00 p.m. Staff will not provide direct service to customers with other requirements or business prior to 8:30 a.m., nor provide direct service to customers with other requirements or business arriving after 4:30 p.m.

Resolution recorded in full in Minute Book 44-A, Document #__145__.

(19) PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES – MCALPINE CREEK

1) Authorize the County Manager to negotiate and execute a contract with McKim & Creed to provide professional design services.

2) Authorize the County Manager to negotiate and execute a funding agreement with the City of Charlotte.

Note: This action is necessary to plan, design and permit a water quality (stream restoration and BMP’s) and greenway project along McAlpine Creek between Sardis Road and Providence Road.
(20) **TAX AUDIT CONTRACT FEES**

Appropriate $551,466 from General Fund fund balance for tax assessment audit fees.

(23) **SOUTHWEST CENTRAL DISTRICT I PARK SITE EXPANSION**

Approve the purchase of Tax Parcel 115-032-57 (+/- 2.11 acres) from Susan Frisbee for $76,500.

*Note: The above property will expand the existing Central District I park site that is bounded by West Boulevard, Billy Graham Parkway and Morris Field Drive.*

(24) **DUKE ENDOWMENT FAMILY FINDING GRANT: DSS**

1) Recognize, receive and appropriate $66,000 for FY2009 for the Duke Endowment Family Finding Grant.

2) Authorize establishing one (1) full-time position to perform Family Finding Coordinator duties.

*Note: The goal of Family Finding is to connect youth in the child welfare system with relative and lifelong support resources and secure permanent placement for youth in care, in an effort to positively influence their well-being and life outcomes.*

(25) **CONSOLIDATED GOLF CAPITAL RESERVE FUND**

Approve a consolidated capital reserve ordinance for Charles T. Myers, Renaissance, Revolution, Sunset Hills and The Tradition effective July 1, 2008.

Resolution recorded in full in Minute Book 44-A, Document # 146.

(26) **NEW COURTHOUSE ENTRY DOORS**

Authorize the County to purchase power assist door operators from Record-USA for three entry doors at the New Courthouse in accordance with G.S. 143-129 (e)(6)(iii).

(27) **PURCHASE OF SURGICAL LIGHT EQUIPMENT – MEDICAL EXAMINERS OFFICE**

Award a contract to Steris Corporation in the amount of $127,738.93 for the purchase of surgical light equipment for the Medical Examiners Office.

(28) **911 SURCHARGE SPECIAL REVENUE FUND**

1) Transfer the $507,542 of Fund Balance at December 31, 2007 in the 911 Public Safety Emergency Telephone Fund to the General Fund in accordance with State Law 2007-383 Section 2(b);

2) Transfer $507,542 from the General Fund to the Emergency Telephone System Fund, a Special Revenue Fund, to be used for reimbursing MEDIC for allowable emergency telephone system purchases as authorized by NC General Statute 62A;
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Note: This action is necessary to comply with the changes in the State’s handling of the 911 service fees as detailed in NC State Law 2007-383. The new law requires that any funds remaining in the special revenue fund as of December 31, 2007 by transferred to the General Fund of the local governing entity to be used for any lawful purpose.

(29) OTHER POST EMPLOYMENT BENEFITS (OPEB)

1) Adopt Resolution for Mecklenburg County to Participate in the LOCAL GOVERNMENT OTHER POST-EMPLOYMENT BENEFIT FUND (OPEB FUND) administered by the NC Department of State Treasurer;

2) Authorize establishment of a Short Term Investment Fund Account (STIF account) with the NC Department of State Treasurer.

Resolution recorded in full in Minute Book 44-A, Document # 147.

(30) ADJUST DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FUNDING FOR COURT PSYCHOLOGIST PROGRAM

Decrease Department Of Juvenile Justice And Delinquency Prevention funds for Court Psychologist Program by $33,887 for fiscal year 2008.

(31) REPLACEMENT BADGES (SHERIFF'S OFFICE)

Approve the purchase of replacement badges from Best Uniforms without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e); and approve a contract with Best Uniforms for the purchase of 2,300 badges for Deputy Sheriffs and Detention Officers in the amount of $161,250.

(32) STRATEGIC ALLIANCE FOR HEALTH GRANT

Authorize Mecklenburg County Health Department to apply for a five year grant for approximately $2,650,000 from the Centers for Disease Control to address obesity in the county.

(33) TRANSFER DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FUNDING FROM YOUTH HOMES, INC. TO LIFE CONNECTIONS, INC. AND ALEXANDER YOUTH NETWORK

A) Transfer $3,795.00 of Department Of Juvenile Justice And Delinquency Prevention funds from Youth Homes, Inc. to Life Connections, Inc. for fiscal year 2008 as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

B) Transfer $5,000.00 of Department Of Juvenile Justice And Delinquency Prevention funds from Youth Homes, Inc. to Alexander Youth Network for fiscal year 2008 as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

(34) POLICE CONSOLIDATION AGREEMENT FUNDING – AMENDMENT

Approve resolution to amend the funding arrangement for the police consolidation agreement with the City of Charlotte.

Resolution recorded in full in Minute Book 44-A, Document # 148.
(35) MECKLENBURG EMS RATE INCREASE FOR FY 2009

Approve user fee rate increases for Mecklenburg EMS Agency.

Note: MEDIC has requested to increase its rates in order to meet its service and revenue needs for FY09.

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<th>User Fees</th>
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<th>FY2009</th>
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<td>$ 718</td>
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THIS CONCLUDED ITEMS APPROVED BY CONSENT

(21) THOMAS MCALISTER WINGET PARK, PHASE II GENERAL CONSTRUCTION CONTRACT

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to award a construction contract to Eagle Wood, Inc. for a total amount of $791,643.

Commissioner Woodard removed this item from the Consent Agenda to highlight and thank staff for the increased numbers indicated for minority participation.

(22) REVOLUTION REGIONAL SPORTS AND LEARNING ACADEMY – 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, award a construction contract in the amount of $6,771,500 to Edison Foard, Inc.

Commissioner Woodard removed this item from the Consent Agenda to highlight and thank staff for the increased numbers indicated for minority participation.

STAFF REPORTS AND REQUESTS -NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

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

ADJOURNMENT

Motion was made by Commissioner Ramirez, seconded by Commissioner James, and unanimously
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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 8:38 P.M.

______________________________ ____________________________

Tonette F. Spears, Deputy Clerk Jennifer Roberts, Chairman
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

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

Budget/Management Director Hyong Yi noted the agenda items scheduled for discussion, which were: Debt Affordability, Capital Project Updates, & FY 2009 Recommended Capital Budget and FY 2009-2018 Capital Improvement Plan.

(1) DEBT AFFORDABILITY

Finance Director Dena Diorio addressed the County’s Debt Affordability.

Commissioners Clarke and Woodard entered the meeting during this time.

The following was covered in the presentation:

- Purpose of the Presentation
- Overview of Debt Position
- Rating Agencies’ Perspective
- Benchmarks and Ratios
- Available Debt Capacity
- Recommendations
  1) Amend Debt Policy to include revised debt ratio targets: Increase overall debt per capita to $4,000 and Increase debt service as a percentage of the operational budget to 22%
  2) Increase pay-go funding for capital projects
  3) Incorporate pay-go strategy into the County’s Debt Policy
  4) Cap borrowing at $350 million per year to stay within debt ratio targets
- Next Steps

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

Commissioner Helms asked how the Rating Agencies would view this proposed change in the County’s Debt Policy. The response was that it would be looked at favorably, because it would be a policy that the County would be in compliance with; currently the County is out of compliance.

Commissioner James said you don’t change the debt service by changing the target.

Commissioner James said the debt policy should remain as is and that the County needs to inform Charlotte-Mecklenburg Schools (CMS) that they can only have a certain amount of debt.

Commissioner James said he understands the proposed change for pay-go.

Commissioner Clarke asked what impact these recommendations would have on the County’s AAA Bond Rating. The response was it’s felt the rating agencies want the debt policy revised to a place that’s “meaningful” and supports pay-go. Staff feels the County’s AAA Bond Rating is safe, however, continuing to be out of compliance with the current policy runs the risk of losing it. It was stated further that the rating agencies want the County to balance its capital needs. It was also emphasized that a stronger commitment is needed for pay-go.

Commissioner James said limits are needed in all areas, including Park and Recreation because the County’s debt is “too high.”

Commissioner Mitchell asked about other sources of funding for capital needs, which was addressed.

Commissioner James commented on Recommendation #3) Incorporate pay-go strategy into the County’s Debt Policy. He questioned how this can be done if it’s not in an unraidable reserve.

Commissioner Clarke said he supports Recommendation #3) Incorporate pay-go strategy into the County’s Debt Policy.

Finance Director Diorio said pay-go would be treated like debt service.

Commissioner James said he supports Recommendation #4) Cap borrowing at $350 million per year to stay within debt ratio targets. Commissioner James said its adoption would send a message to CMS. Further, that there would not be CMS referendum until 2012.

Commissioner James said it would be unrealistic to think that the County wouldn’t have additional capacity, but the County needs to be careful.

Chairman Roberts asked was the quarter cent sales tax taken into consideration. The response was no.

Commissioner Ramirez said with respect to Recommendation #4) Cap borrowing at $350 million per year to stay within debt ratio targets that he doesn’t see it occurring.

Commissioner Ramirez said the County needs to restrain its expenditures and be fiscally responsible. He said caps are needed on all expenditures. Further, that growth should take care of itself.

Commissioner Bentley posed the question, at what point does the tax burden become a burden on the taxpayers such that taxpayers begin to relocate outside of Mecklenburg County.

Commissioner Helms asked staff run other financial models and bring back alternate possibilities.
Commissioner Ramirez said he would like to know some other realistic caps.

The above is not inclusive of every comment but is a summary.

(2) CAPITAL PROJECT UPDATES, & FY 2009 RECOMMENDED CAPITAL BUDGET AND FY 2009-2018 CAPITAL IMPROVEMENT PLAN

Director Yi gave an update on Capital Projects and discussed FY 2009 Capital Budget and Projects. The following was noted:

- No changes to current recommended projects
- Potential for four additional projects:
  1. Central Piedmont Community College (CPCC) (Land Purchase for Basic Skills Literacy Center)
  2. Park and Recreation (Aquatic Center Expansion)
  3. 1st Ward Park Project
  4. Matthews Sportsplex Project

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

Comments

Commissioner Ramirez said there would not be any underground parking associated with the 1st Ward Park Project.

Chairman Roberts asked whether the quarter cent sales tax would be enough to build a new jail. The response was no, because the monies for this type of project is spent too fast.

Commissioner Woodard asked whether CPCC could switch programs around instead of building a new building. County Manager Jones said it’s not feasible to house this program in any of CPCC’s existing buildings.

Commissioner Clarke said a new jail could be built using COPs. Commissioner Clarke asked about the related debt service if this was done, which was explained.

Commissioner Clarke addressed having a referendum on the possibility of using the quarter cent sales tax to pay the debt service on the COPs.

Commissioner Helms noted that the County Manager was only recommending two projects, the law enforcement project and $200 million for Park and Recreation.

Commissioner James said he disagrees with the concept used by the Park and Recreation department because there are other longtime projects being deferred. Commissioner James said these projects are being deferred because the Park and Recreation Master Plan Study said greenways were a higher priority but he disagrees.

Commissioner James said he would like to see some changes in Park and Recreation’s list of projects.

Chairman Roberts said objective measures were used in preparing the Park and Recreation Master Plan and that the methodology was correct. She said greenways are also a priority because of water quality concerns.

Commissioner Clarke asked was the Park and Recreation projects list approved by the Park and Recreation Commission. The response was yes.

Commissioner Clarke asked about the process used by the Park and Recreation Commission,
which was explained. He also asked about public input. *The response was a lot of public input took place during the Master Planning process but not at the point when it was being dealt with by the Park and Recreation Commission.*

Commissioner Bishop commented on the distribution of projects by districts. He asked that when the list of projects is finalized that it be broken out by districts.

Commissioner Bentley asked about the response of the towns, which was addressed. *It was noted that the towns are mainly interested in the projects that fall within their borders.*

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to direct the County Manager to prepare for the Board’s consideration on July 1, 2008, the necessary documents for the adoption of a FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program as recommended by the County Manager and includes the following:

- Government Facilities in the amount of $90,950,000
- Court Facilities in the amount of $16,989,000
- Law Enforcement Facilities in the amount of $360,229,000
- Solid Waste in the amount of $25,000,000
- Park and Recreation in the amount of $200,000,000
- Library Facilities in the amount of $8,848,903
- WTVI in the amount of $2,535,700
- Totals: $704,552,603

Secondly, that staff bring for the Board’s consideration a plan for putting forth a $360,229,000 bond referendum for law enforcement and $200,000,000 for park and recreation.

Chairman Roberts said at one point she was considering asking staff to prepare for the Board’s consideration a $300 million park and recreation bond because it was her understanding that staff had worked on a $200 million and a $300 million projects list.

County Manager Jones acknowledged he received two lists from Park and Recreation, a $300 million and $200 million and that he informed Park and Recreation that he would support the $200 million.

Commissioner James said he wasn’t opposed to the $300 million, it’s just that he hasn’t seen a list for that amount and would hope that the details of that list could be worked out.

Commissioner James said also that it’s his understanding that the Matthews Sports Complex is not on either of the lists.

Commissioner Helms said he wouldn’t vote for a $300 million park and recreation bond.

Commissioner Helms said he was concerned about the bond amount that would be presented to the public in the fall.

Commissioner Clarke said the Board needs to take into consideration the message from the business community regarding the amount to put before the voters in light of the current economic climate.

Commissioner Ramirez said he doesn’t think the public would support a large bond referendum in the fall.

Commissioner Ramirez noted his support, however, for the purchase of as much land as possible, especially around the lakes and wetland areas. He said land is diminishing in Mecklenburg County.

Director Garges addressed how the $200 million list came about.
Commissioner Bishop asked about the projects list.

Attorney Bethune clarified that the Board is not required to approve a “list” of projects at this time and explained the bond referendum process.

**Commissioner Bentley left the meeting and was absent for the remainder of the meeting.**

The vote was then taken on the motion by Commissioner Helms, seconded by Commissioner Woodard and carried 7-1 with Commissioners Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner James voting no, to direct the County Manager to prepare for the Board’s consideration on July 1, 2008, the necessary documents for the adoption of a FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program as recommended by the County Manager and includes the following:

- Government Facilities in the amount of $90,950,000
- Court Facilities in the amount of $16,989,000
- Law Enforcement Facilities in the amount of $360,229,000
- Solid Waste in the amount of $25,000,000
- Park and Recreation in the amount of $200,000,000
- Library Facilities in the amount of $8,848,903
- WTVI in the amount of $2,535,700
- Totals: $704,552,603

Secondly, that staff bring for the Board’s consideration a plan for putting forth a $360,229,000 bond referendum for law enforcement and $200,000,000 for park and recreation.

County Manager Jones said he would bring information back to the Board on the issuance of COPs for building a jail rather than placing it on a referendum.

The above is not inclusive of every comment but is a summary.

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**ADJOURNMENT**

Motion was made by Commissioner Ramirez, seconded by Commissioner James, and carried 8-0 with Commissioners 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 5:07 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, July 1, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, 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: Commissioner J. Daniel Bishop

-INFORMAL SESSION-

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 Roberts, after which the matters below were addressed.

(1) STAFF BRIEFINGS - NONE

(2A, B, C) 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 and Consult with Attorney matters to be discussed in Closed Session:

- Tax Parcel 081-099-18 on E. 15th Street
- Old City Fire Station #4 at 420 West 5th Street
- Lawsuit of Mark Alan Cavender v. Laschelle Jurnee Massey and Mecklenburg County

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: 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.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 5:57 p.m.
Commissioner Woodard was present when the Board came back into Open Session. She entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The item identified was Item 24.

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

-FORMAL SESSION-

Invocation was given by Commissioner Ramirez which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) 2008 NACO ACHIEVEMENT AWARDS

The Board recognized the following Mecklenburg County departments and employees for receiving 2008 NACo Achievement Awards for various programs.

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. Since the program’s inception in 1970, the Achievement Award Program has honored hundreds of county government initiatives that have improved service delivery, achieved greater cost efficiency, provided finer customer service and helped to develop a better-trained work force. In addition, the award winning programs have provided the National Association of Counties and its membership with an extensive database of successful county programs. Awards are made in more than 20 categories, ranging from Arts and Historic Preservation to Volunteerism.

The award winners were introduced by Roger Kortekaas with Public Service and Information.

Winning Programs

DSS - Integrated Social Services Information – Child Welfare – Pam Rikard
A web application used by Child Welfare Social Workers, supervisors, program managers and support staff developed jointly by Mecklenburg and Buncombe Counties.

LUESA - Pass Rate Incentive Program – Edward Prince
This program is improving building inspector efficiency by reducing staff hours through a program called “Do it right the first time.”

LUESA - Meck-SI (Special Inspections) – Edward Prince
These are supplemental building inspections required for large projects. To keep up with the demand for these inspections, Mecklenburg County Code Enforcement would have had to hire an additional 15 inspectors at a cost of $730,000. Meck-SI was developed for $250,000. The state-of-the-art, green, environmentally friendly paperless system created by Code Enforcement won the prestigious Blue Diamond Award for Best IT Business Value in 2006.

County Manager’s Office - Employee Climate Survey – Leslie Johnson
Of the County’s 25 Balanced Scorecard Goals, six focus on employee satisfaction including retention and recruitment, increasing knowledge, skills and abilities and improving employee
access to information. The County Manager’s Office of Strategic Organizational Improvement conducts an annual employee survey that asks a variety of questions about employee satisfaction with their working conditions, interaction with supervisors, pay and benefits and much more.

Health Department - Fit City for Fit Families: Child Development Center Healthy Start Program – Kristen Shaben
Studies show that eating habits and physical activity behavior developed in childhood will carry through to adulthood. Many families and the child development centers that care for children can’t afford to develop educational programs or provide proper food. The Mecklenburg County Health Department applied for and received a $15,000 grant to study and improve this situation at six local development centers. The project resulted in policy, environmental and educational changes that will make a significant improvement in the lives of all the children touched by the centers.

Health Department - Fit City Healthy Snack and Fruit Basket Program – Julie Jackman
This is a pilot project led by the Health Department’s Fit City Worksite Wellness Program. The goal is to provide employees access to healthy snacks during the day instead of the usual vending machine fare. Program coordinators initially spent $60 for fruit and other healthy snacks. The program quickly became self-supporting and the variety of snacks has grown to more than 20 items, and interest in the program has grown beyond the Health Department, with some parts of the program adopted by the Department of Social Services.

(1B) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to induct retiring Deputy County Attorney Sandra T. Bisanar into the Order of the Hornet.

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. This is the highest honor the Board bestows for service to the community.

Attorney Bisanar thanked the Board for this recognition.

(2) PUBLIC APPEARANCE

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

Myra Arbuckle addressed property tax assessment and the upcoming revaluation. Ms. Arbuckle said she lives in one of those areas where new homes are being built around older homes, thus raising the tax value of the older homes, which results in higher taxes. Ms. Arbuckle said she is being taxed out of her home which is paid for. She lives in the Freedom Park area. She asked the Board to consider some type of exception to control this type of situation.

Martin Davis addressed an armed Citizens Patrol group that was formed in the Central Avenue area. Mr. Davis criticized a recent article in the Charlotte Observer that discouraged the formation of such groups. Mr. Davis spoke in support of these types of groups.

Gwen Forney, a founder and Executive Director of Bright Hope, whose mission is to implement projects to stimulate and improve school attendance, addressed efforts to make school attendance a high priority in Charlotte-Mecklenburg. She asked the Board to assist in getting this message out.

(3A) APPOINTMENTS
JULY 1, 2008

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

**Round One**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>First Round Vote</th>
<th>Second Round Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gee Barker</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Henry Black Jr.</td>
<td>None</td>
<td>Commissioners Bentley, Helms, Mitchell, &amp; Woodard</td>
</tr>
<tr>
<td>Shannon Burns</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Patrick Burris</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>John Davis</td>
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<td>None</td>
</tr>
<tr>
<td>Robin Edgar</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Earl Foxworth Jr.</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Juli Ghazi</td>
<td>None</td>
<td>Commissioners Clarke, James, Ramirez, &amp; Roberts</td>
</tr>
<tr>
<td>Stephen Grey Jr.</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Catherine Kennedy</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Barry Kirby II</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Jeannie Lee</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Clara Mayfield</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Hope McKinney</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Shannon McKnight</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Holly Neil</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Doretta Owens</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Sara Roselli</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Tami Snipe</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Michelle Sterling</td>
<td>None</td>
<td>None</td>
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<tr>
<td>Ruth Stevenson</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Carolyn Swiger</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Rhonda Taylor</td>
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<td>None</td>
</tr>
<tr>
<td>Mary Ward</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Gerald Williams</td>
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</tbody>
</table>

**Round Two**

<table>
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<tr>
<th>Nominee</th>
<th>First Round Vote</th>
<th>Second Round Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gee Barker</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Henry Black Jr.</td>
<td>None</td>
<td>Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, &amp; Woodard</td>
</tr>
</tbody>
</table>

*Voting Ceased*
Chairman Roberts announced the appointment of Henry Black, Jr. to the Charlotte-Mecklenburg Community Relations Committee for a three-year term expiring July 2, 2011.

*He is replacing Samuel Belnavis.*

### (3B) NOMINATIONS/APPOINTMENTS

#### BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Will Caulder (General Contractor representative), Buford Lovett (General Public representative), and David Shultz (Professional Engineers of NC representative) to the Building Development Commission for a three-year term expiring July 31, 2011.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board’s term limit policy and reappoint Elliot Mann (Home Builders Association representative) to the Building Development Commission for a three-year term expiring July 31, 2011.

Motion was made by Commissioner Bentley, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Jonathan Wood (American Society of Landscape Architects representative) to the Building Development Commission for a three-year term expiring July 31, 2011.

*He is replacing Brian Sigmon.*

#### HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Richard Mattson and Gray Newman to the Historic Landmarks Commission for a three-year term expiring July 31, 2011.

The following person was nominated for appointment consideration to the Historic Landmarks Commission:

Louis Asbury by Commissioner Clarke

*Note: The other applicants, although they were not nominated were: Kevin Bachleda, Leslie Davis, Howie Hartnett, Chuck Keetchie, Patrick Land, Keith Smith, and Gerald Williams.*

Motion was made by Commissioner Woodard, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Louis Asbury to the Historic Landmarks Commission for a three-year term expiring July 31, 2011.
WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Angela Haigler to the Waste Management Advisory Board for a three-year term expiring August 31, 2011.

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Steven Pepper to the Waste Management Advisory Board to fill an unexpired term expiring June 30, 2010.

He is replacing Angela Weicherding.

(3C) CITIZENS’ REVALUATION ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Ramirez, to appoint members to the 2009 Citizens’ Revaluation Advisory Committee as recommended.

Note: The Mecklenburg Board of County Commissioners has established a Citizens Revaluation Advisory Committee that is appointed each year prior to the Countywide Reappraisal.

It is the responsibility of the Committee to:

a. Meet with staff and Property Assessment and Land Records Management to review overall operations
b. Review the revaluation process
c. Review appraisal methods
d. Study statistical reports as to the progress of the 2009 Revaluation
e. Report their conclusions to the Board of County Commissioners and make recommendations.

Commissioner Woodard addressed the need for diversity on the committee.

Tax Assessor Garrett Alexander addressed this issue.

Substitute motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint the following persons as members to the 2009 Citizens’ Revaluation Advisory Committee as recommended: Thomas Derham, Barbara Hochstetter, Veronica Barnes, John Byers, David Fuller (pending), Tony Simpson – Ad Hoc Member NC Department of Revenue/Property Tax Division. Secondly, to expand the committee by two and that the Tax Assessor report back to the Board with additional names for consideration.

(24) DONATION OF MAHATMA GANDHI STATUE

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to accept the donation of a statue of Mahatma Gandhi from the Charlotte Asian Heritage Association (or related organization) once the County Manager has executed an agreement on its installation and maintenance with the Charlotte Asian Heritage Association (or related organization).
Secondly, to authorize the County Manager to negotiate and execute an agreement for the installation and maintenance of a Mahatma Gandhi statue with the Charlotte Asian Heritage Association (or related organization) and to grant a temporary construction easement at the site of the historic Mecklenburg County Courthouse (700 E. Trade St.) for installation of the statue and associated paving & landscaping.

*Note: Prior to the vote, a representative from the Asian Heritage Association thanked the Board for taking this action.*

(4) **PUBLIC HEARINGS – NONE**

(5) **ADVISORY COMMITTEE REPORTS – NONE**

**MANAGER’S REPORT**

(6B) **JUSTICE AND PUBLIC SAFETY TASK FORCE**

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the recommended members for the Justice and Public Safety Task Force as follows:

<table>
<thead>
<tr>
<th>Legal</th>
<th>Law Enforcement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Howerton</td>
<td>Chris Swecker</td>
</tr>
<tr>
<td>Mark Sumwalt</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education</th>
<th>Medical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheryl Ellis</td>
<td>Dr. John Vaughan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business/IT</th>
<th>Alternative Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Martin</td>
<td>Zeke Burns</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Faith Community</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tonya Rawls</td>
<td>Ericka Ellis-Stewart</td>
</tr>
<tr>
<td></td>
<td>William Munson, IV</td>
</tr>
<tr>
<td></td>
<td>Rivana Stadtlander</td>
</tr>
<tr>
<td></td>
<td>Maudia Melendez</td>
</tr>
</tbody>
</table>

*Note: On May 20, 2008 the Board approved appointing a 9-12 member, non-partisan Rapid Review Task Force (RRTF) to identify and recommend to the Board by September, 2008 immediate and substantive modifications to the operations of City, County and State criminal justice agencies in Mecklenburg County to restore their functional effectiveness within the coming budget year. The Board indicated that the Task Force should recommend allocation of resources to make the most effective impact on crime and justice, and will take into account new criminal justice budget provisions made by Charlotte City Council, as well as legislative needs at the state level. The Board also voted to appoint as co-chairs of the Task Force Shirley Fulton (former judge) and Harry Nurkin (former CEO of Carolinas Healthcare Systems).*

County Manager Jones presented this matter to the Board.
Prior to the above vote, Julie Eiselt, on behalf of Neighbors for a Safer Charlotte, thanked the Board for forming the task force and expressed the support of Neighbors for a Safer Charlotte.

(6A) CAPITAL IMPROVEMENTS PROGRAM AND BOND REFERENDUM

Budget/Management Director Hyong Yi and Finance Director Dena Diorio addressed the FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program.

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

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve a FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program as recommended by the County Manager, which includes the following:

- Government Facilities in the amount of $90,950,000
- Court Facilities in the amount of $16,989,000
- Law Enforcement Facilities in the amount of $360,229,000
- Solid Waste in the amount of $25,000,000
- Park and Recreation in the amount of $250,000,000
- Library Facilities in the amount of $8,849,000
- WTVI in the amount of $2,536,000
- Totals: $754,553,000

Note: Numbers rounded to the nearest $1,000

Comments

Commissioner Clarke asked would the $704,553,000 all be spent in one fiscal year. The response was no. It would be over multiple years.

Commissioner Clarke asked about the incarceration rate and requested information with respect to why the County’s rate is higher than the national average.

Commissioner Clarke said he would like to see a more comprehensive cost analysis with respect to jail location cost that would address cost benefit, debt service, as well as, operational cost, taking into consideration also safety issues with respect to transporting inmates.

Commissioner Clarke asked would the interest rate be significantly higher if COPs were used to fund the building of a new jail. The response was no.

Commissioner James said the Board needs to consider placing an annual debt service limit on Charlotte-Mecklenburg Schools.

Commissioner Bentley asked staff to continue to work with the northern towns to make sure their needs are addressed as it relates to the funds currently earmarked for a regional recreation center.

Commissioner Ramirez asked would the interest rate on the COPs be fixed or variable. The response was that it will probably be a combination of both.

Commissioner Clarke offered an amendment to Commissioner Helms’ motion, which was accepted by the makers of the original motion, to direct the County Manager and the Park and Recreation Department, working with the Park and Recreation Commission, to come back to the Board in September with a bond recommendation breakout for $250 million to be spent out over
the course of seven years.

Commissioner Mitchell said he would like information on the County’s annual debt service payment schedule, including the amount of those payments.

The following persons spoke in support of a Park and Recreation bond referendum in the amount of $250 million: Scott McClure, Carol Buie-Jackson, Chris Perry, and Carla O’Connor.

The following person spoke in opposition of a park bond: Brian Cullinan.

The following person spoke in support of a jail bond, Mary Boyd with the Park Quail Neighborhood Coalition.

The vote was then taken on the motion by Commissioner Helms, seconded by Commissioner Mitchell, as amended, and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve a FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program as recommended by the County Manager, which includes the following:

- Government Facilities in the amount of $90,950,000
- Court Facilities in the amount of $16,989,000
- Law Enforcement Facilities in the amount of $360,229,000
- Solid Waste in the amount of $25,000,000
- Park and Recreation in the amount of $250,000,000
- Library Facilities in the amount of $8,849,000
- WTVI in the amount of $2,536,000
- Totals: $754,553,000

Note: Numbers rounded to the nearest $1,000

Secondly, to direct the County Manager and the Park and Recreation Department, working with the Park and Recreation Commission, to come back to the Board in September with a bond recommendation breakout for $250 million to be spent out over the course of seven years.

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

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to direct staff to prepare and bring back to the Board, the appropriate documentation necessary for the issuance of $360,229,000 in Certificates of Participation for Law Enforcement Facilities.

Commissioner Ramirez returned to the dais.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to direct staff to prepare and bring back to the Board, the appropriate documentation necessary for submission to the public in November 2008 a Park and Recreation bond in the amount of $250,000,000.

(2C1) CLOSED SESSION – HAL MARSHALL CENTER PROPERTY

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize the County Attorney and County Manager to negotiate, and the County Manager is authorized to execute an extension of up to six (6) months of the Purchase and Sale Agreement by and among Mecklenburg County (as Seller), BB&D Investments Group, LLC (as Buyer) and Benchmark Realty of the Carolinas, LLC and Legacy Real
Estate Advisors, LLC (as Brokers) for the sale of the Hal Marshall Center property.

(2B1) CLOSED SESSION - OLD CITY FIRE STATION #4 PURCHASE

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the Historic Landmarks Commission purchase of Old City Fire Station #4 located at 420 West 5th St. for historic preservation and adaptive redevelopment and recognize and appropriate up to $2,100,000 for the purchase.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 17, 2008 and Special Budget Meeting held May 27, 2008.

(8) REVISION TO THE BUILDING-DEVELOPMENT ORDINANCE

Amend the Building-Development Ordinance to add language describing the provision for homeowner Mechanical, Electrical or Plumbing (MEP) examinations.

Note: A second reading will be required since all nine Commissioners were not present. The second reading will occur on August 5, 2008.

(9) TAX REFUNDS

Approve refunds in the amount of $4,159.50 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) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING


Resolutions recorded in full in Minute Book 44-A, Document #149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162.

(11) AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Amend the Mecklenburg County Groundwater Regulations.
NOTE: In 2006, the General Assembly enacted legislation directing the Environmental Management Commission (EMC) to adopt rules governing the permitting and inspection by local health departments of private drinking water wells. In addition, the legislation directed the Commission for Public Health to adopt rules governing the sampling and testing of water from private drinking water wells. The EMC and the Commission for Public Health finalized the rules, and they are expected to go into effect July 1, 2008.

Once the state regulations go into effect in July, they will be applicable statewide. In 2005 Mecklenburg County adopted the “Mecklenburg County Groundwater Well Regulations.” In response to the enacted legislation, the local rules were amended to reflect the changes made by the EMC and the Commission for Public Health.

Regulations recorded in full in Minute Book 44-A, Document #163.

(12) PARK AND RECREATION BUDGET AMENDMENT

Amend the Park and Recreation Department budget to recognize and appropriate $7,524 for the purchase of football equipment.

(13) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1. Accept the “Offer Of Sale Of Land” from L. Scott Williams and Susan K. Williams, owners of 3115 Cullman Avenue for $220,000.

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.

(14) TEMPORARY FOOD ESTABLISHMENTS – HEALTH DEPARTMENT

Amend the FY 09 Food and Facilities Sanitation Program budget to recognize and appropriate $17,500 revenue from the temporary food establishment fee.

(15) PURCHASE OF RADIO EQUIPMENT – FIRE MARSHALL’S OFFICE

Award contract to Motorola for $101,300 for purchase of radios for mandatory re-banding of 800 megahertz radio spectrum.

(16) FOUR MILE CREEK STREAM RESTORATION PROJECT – FUNDING REDUCTION CLEAN WATER MANAGEMENT TRUST FUND GRANT

1. Approve reduction of Clean Water Management Trust Fund grant budget by $558,445 since grant has closed.

2. Approve transfer of unused local match of $446,270 to the Storm Water Special Revenue Fund.

Note: In March 2006, Mecklenburg County executed a contract with the NC Clean Water Management Trust Fund for a stream restoration project on Four Mile Creek. Adjacent property owners initially supported the project, but later 5 of 13 property owners declined to sign conservation easements as required by Clean Water. As a result, the project was cancelled.
and the grant closed. Additionally, property owners will continue to lose property due to erosion and aquatic life will be impacted by sediment.

(17) ENGINEERING SERVICES FOR THE FOXHOLE LANDFILL
Authorize the County Manager to negotiate a fee and execute a contract with HDR Engineering Inc. of the Carolinas for Engineering Services for the Foxhole Landfill, and in the event negotiations with this firm are unsuccessful approve negotiations with Brown and Caldwell.

(18) INSURANCE REIMBURSEMENTS
Approve, recognize and appropriate funds in the amount of $8,683 for General Services, $30,072 for Park and Recreation, $1,569 for Social Services, $1,122 for Real Estate Services, $2,582 for Health and $812 for Land Use and Environmental Services to provide necessary budgetary recognition of insurance funds to cover cost of replacement.

Note: All reimbursements are for stolen and damaged items.

(19) RESERVE FUND AND CAPITAL PROJECT ORDINANCES
Amend the Pay-As-You-Go capital project ordinances and adopt the Technology Reserve Special Revenue Fund and Vehicle Replacement Reserve Special Revenue Fund ordinances.

Ordinances recorded in full in Minute Book 44-A, Documents #164, 165, & 166.

(20) 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:

- 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.
- 340 commercial plans permitted May 2006
- 400 commercial plans permitted June 2006

(21) EASEMENT DONATIONS – MALLARD CREEK
1) Accept the donation of a +/- 5.25-acre easement on a portion of Tax Parcels 047-351-02, 047-351-03 and 047-351-06 from the Board of Trustees of the Endowment Fund of UNCC.

2) Accept the donation of a +/- 3.25-acre easement on a portion of Tax Parcel 047-412-11 from Tessera North America.

Note: These easements will encompass approximately 0.3 mile of this private trail and enable the County to improve and manage the trail in accordance with greenway standards. The easements will also accommodate future stream restoration initiatives.

(22) GREENWAY DONATION ON BRIAR CREEK
Accept donation of .21-acre tract (Tax Parcel 181-021-99) on Briar Creek at Providence Road from Austin and Frances Duncan.
Note: It will be utilized for stream restoration and greenway purposes.

(23) **BAXTER STREET RIGHT OF WAY AT LITTLE SUGAR CREEK**

Authorize the County Manager to execute documents to exchange .56-acre of land between Kings Drive and Kenilworth Avenue to the City of Charlotte for .41-acre of land also between Kings Drive and Kenilworth Avenue and .31 acre at the corner of Kenilworth Avenue and Charlottetown Avenue (formerly S. Independence Boulevard).

Note: The above .56-acre parcel proposed to be exchanged to the City of Charlotte was acquired as part of land acquisition for Little Sugar Creek Greenway and is located approximately where the Bank of America Branch stood. This property will become a new right of way for Baxter Street (to be called Pearl Street) connecting Kings Drive and Kenilworth Avenue. The .41-acre segment between Kings Drive and Kenilworth Avenue is part of the current (abandoned) right of way for Baxter Street. In cases of public street right of way abandonment, one half of the land goes to the adjoining/contiguous property owner(s) along each side of the old right of way. In this case, .27-acre and .14-acre will be conveyed to the County while .16-acre will be conveyed to the Pappas Metropolitan development. The other tract to be transferred from the City to the County was created by the newly configured intersection of Kenilworth Avenue and Charlottetown Avenue. The addition of this parcel means the County will own all the land between Little Sugar Creek and the road right of way at this east corner of the intersection. (County recently accepted donation of a small tract here from Duke Energy.) The relocation of Baxter Street (now Pearl Street) right of way in this area works well with the greenway plans and development now in progress. The new bridge here will accommodate the greenway trail passing underneath it.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**STAFF REPORTS AND REQUESTS**

(25) **BUSINESS INVESTMENT GRANT: CCL LABEL**

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 7-1 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes and Commissioner James voting no, to approve the County’s share of a Business Investment Grant to CCL Labels for a total estimated amount of $386,564 over three years. (Total City/County grant is estimated at $597,936).

Note: CCL Label is a manufacturer and distributor of pressure-sensitive labels, aluminum containers, plastic tubes and other packaging solutions in the personal care, healthcare and specialty food and beverage sectors.

CCL Label currently employs 135 workers in a leased facility located at 4000 Westinghouse Boulevard. The company has indicated its intent to relocate and expand when its lease expires in April 2009.

Company leaders are contemplating purchasing and expanding an existing building located at 12810 Virkler Drive (in southwest Charlotte). Company leaders are also considering sites in South Carolina, and have received incentive proposals from both Lancaster and York counties.

A taxable investment ranging from a minimum of $9.7 million up to a maximum of twenty million dollars over the next three years.

Creation of 10 new jobs and the retention of 135 existing jobs with an average wage of $58,000 (which is higher than the average for the Charlotte-Gastonia-Rock Hill M.S.A.).
Prior to the above vote, Assistant to the County Manager Jaz Tunnel addressed this matter with the Board.

(26) **DIXIE RIVER ELEMENTARY SCHOOL JOINT USE FUNDING AGREEMENT**

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to authorize the County Manager to negotiate and execute a Land Swap and Lease/Operating Agreement with Charlotte Mecklenburg Schools providing for joint use and joint funding of the gymnasium for the new Dixie River Elementary School.

Prior to the above vote, Lee Jones with Park and Recreation addressed this matter with the Board.

*Agreement recorded in full in Minute Book 44-A, Document #167.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

(27) **ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING COUNTY PARKS (COMMISSIONER JAMES)**

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to defer consideration of an Ordinance Prohibiting Sex Offenders from Entering County Parks until the August 5, 2008 meeting, in order to provide more review time of the information provided with respect to this item.

Prior to the above vote, Commissioner Clarke said thought needs to be given to the enforcement of this proposed ordinance. Further, that he would like to see the plan for enforcement. Commissioner Clarke said he would also like this matter tracked, if approved, to see how many offenders are violating this ordinance.

(28) **SELECTION OF NCACC VOTING DELEGATE (CHAIRMAN ROBERTS)**

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Chairman Roberts as the Board’s voting delegate for the 2008 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held August 21-24, 2008 in Craven County, N.C.

(29) **SELECTION OF NACO VOTING DELEGATE (CHAIRMAN ROBERTS)**

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to confirm the Chairman’s selection of the president of the North Carolina Association of County Commissioners (or his designated delegate) to serve as the County’s voting delegate at the 2008 Annual NACo Conference July 11 – 15, 2008 in Kansas City, MO, since no Commissioners will be attending this year.

**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 Ramirez, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Bentley, 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 9:22 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, August 5, 2008.

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

-INFORMAL SESSION-

Commissioner James was 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 matters below were addressed.

(1) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Tax parcel # 013-042-13 at 13024 Allison Ferry Road
- Property in Third Ward belonging to R.B.C. Corporation
- Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation
- Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC
- Jerry Alan Reese vs. Mecklenburg County and the Charlotte-Mecklenburg Board of Education
- Jerry Alan Reese vs. Mecklenburg County and City of Charlotte
- Lynn Becker and Brenda Jackson vs. Mecklenburg County
Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney, B) Land Acquisition and C) Business Location and Expansion.

The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 6:07 p.m.

Commissioner James 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 22, 39, & 44.

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

- FORMAL SESSION -

Invocation was given by Commissioner Ramirez which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) 2008 NACO ACHIEVEMENT AWARDS

The Board recognized the Park and Recreation Department for receiving 2008 NACo Achievement Awards for the programs below.

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. Since the program’s inception in 1970, the Achievement Award Program has honored hundreds of county government initiatives that have improved service delivery, achieved greater cost efficiency, provided finer customer service and helped to develop a better-trained work force.

VIP Travel Club  VIP Travel Club provides opportunities for adults and seniors with visual impairments to travel throughout their community with a group of persons with similar challenges and interests. These monthly day trips were developed after many requests by members of existing programs offered by Mecklenburg County Park and Recreation’s Therapeutic Recreation Division and partnering agencies.

“With These Hands Mix” DJ Academy  “With These Hands Mix” DJ Academy, a two week camp for teens, ages 13 to 17, which teaches how to be a disc jockey.

TR Spirit Squad  TR Spirit Squad is a community cheerleading group for girls, ages 8 and older, with developmental disabilities. The squad also was formed as a result of Park and Recreation’s partnership with the Carolina Panthers NFL team.

2007 U.S. Kayak Polo Nationals  Mecklenburg Park and Recreation partnered with the Carolina Kayak Polo Club to provide places to play, organize regular matches, and eventually to host a national tournament with teams from all over the country.
Canada Geese Program Big flocks of Canada geese were causing problems at one of Mecklenburg County’s most intensely used parks, Freedom Park in Charlotte. A multifaceted plan was put into place that included a publicity campaign, educational signage, the creation of a no-feeding ordinance, landscaping, chemical deterrents, and frightening strategies. No geese were harmed, but the combination of tactics led to a successful outcome. Monthly censuses revealed the goose population was reduced approximately 60% in a year.

Battle Slam Jam “Battle Slam Jam” was developed to bring different urban cultures together for a day of peace and an opportunity to show off their skills in wholesome competition.

Imagination Station Imagination Station a summer day camp for children, ages 2-6, with disabilities. Children participate in sports, exercise, art, music, dance, and games. They also attend field trips, all centered around the theme of a “Discovery Train” traveling to a different destination each week.

Park and Recreation director Jim Garges addressed the winning programs and introduced employees associated with each program.

(1B) MEN TAKING CHILDREN TO SCHOOL ON THEIR FIRST DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating August 25, 2008 as “Men Taking Children to School on Their First Day.”

The proclamation was read by Commissioner Woodard and received by Blanche Penn with Winners Plus and Jim Williams, a participating parent.

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:

Martin Davis addressed public debt and the need to reduce that debt rather than increase it.

Barry Dodd, on behalf of Physically Disabled Adults, asked the Board for financial assistance for its annual picnic in the amount of $600 up to $1000.00.

Commissioner Helms asked that this matter be placed on the Board’s next agenda for consideration.

Commissioner James asked Mr. Dodd to provide staff with documentation regarding his organization and his request.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

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 reappoint Delvenia Crowell, Donna Dunn, Joan Dunn, Stephen Flaherty, Ethel Goodwin, Jim Howard, and Anita Steele to the Adult Care Home Advisory Committee for a three-year term expiring August 30, 2011.
AIR QUALITY COMMISSION

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 reappoint Mark Casper to the Air Quality Commission as the Industrial representative and as Chairman of the Air Quality Commission for a three-year term expiring August 31, 2011.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Mary Barker to the Air Quality Commission as the Town of Cornelius and Transportation representative and Randolph Perkins as the General Public representative for a three-year term expiring August 31, 2011.

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint Gee Barker to the Air Quality Commission as the Health Professional representative to fill an unexpired term expiring August 31, 2010.

She is replacing Mark Brown.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Nathaniel Anderson, Jr. and Demario Baker to the Charlotte-Mecklenburg Community Relations Committee for a three-year term expiring September 30, 2011.

Commissioner James nominated all applicants for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee:

Shannon Burns
John Davis
Robin Edgar
Earl Foxworth, Jr.
Juli Ghazi
Stephen Grey
Catherine Kennedy
Barry Kirby
Clara Mayfield
Hope McKinney
Shannon McKnight
Holly Neil
Doretta Owens
Sara Roselli
Tami Snipe
Michelle Sterling
Ruth Stevenson
Carolyn Swiger
Rhonda Taylor
Gerald Williams

Appointments will occur on September 3, 2008.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE
Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Cynthia Bush, Thomas Fitch, Norm Gundel, William Rakatansky and Barney Stewart to the Citizen’s Capital Budget Advisory Committee for a two-year term expiring July 31, 2010.

Commissioner James nominated all applicants for appointment consideration to the Citizen’s Capital Budget Advisory Committee:

Martin Davis
Sarah Funkhouser
Stephen Grey
Larry Huelsman
Richard Kingsberry
Chad Lacy
Ira Slomka
DeShea Spurgeon
Stephanie Carter-Tyson
Gerald Williams

An appointment will occur on September 3, 2008.

PARK AND RECREATION COMMISSION

Commissioner James nominated all East Park District applicants for appointment consideration to the Park and Recreation Commission for the East Park District (EPD) slot:

Helen Alexander
Robert Brisley
Stephanie Carter-Tyson
Hubert Helms

An appointment will occur on September 3, 2008.

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Sherryl Baker to the Personnel Commission for a three-year term expiring August 30, 2011.

She is replacing Eumelia Bautista.

(3B) CITIZENS’ REVALUATION ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Linda Cunningham and Bernard Felder to the 2009 Citizens’ Revaluation Advisory Committee as recommended.

(3C) PUBLIC ART COMMISSION
Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to re-appoint Dawn Blobaum to the Public Art Commission for a three-year term ending June 30, 2011 as recommended by the Arts & Science Council.

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Katrina Streiner to the Public Art Commission to fill the 1 year unexpired term of Pam Lawton as recommended by the Arts & Science Council.

PUBLIC HEARINGS

(4A) ROAD ABANDONMENT AND CLOSING – 502 SQUARE FEET PORTION OF OLD STEELE CREEK ROAD (OLD NC 160)

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to hold a public hearing to hear citizen’s comments on the proposed abandonment and closing of a 502 square feet portion of roadway and right-of-way of Old Steele Creek Road (Old NC 160) located off NC 49 that was left out in prior abandonment and closure request.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing on the proposed abandonment and closing of a 502 square feet portion of roadway and right-of-way of Old Steele Creek Road (Old NC 160) located off NC 49 that was left out in prior abandonment and closure request; and approve the order for closing this portion of roadway and its right-of-way.

Order recorded in full in Minute Book 44-A, Document # 168.

(4B) STREET LIGHTING FINAL ASSESSMENTS

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Brantley Oaks, Capps Hollow, Cardinal Woods, 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 James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to open a public hearing on Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow, Cardinal Woods, 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 James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing on Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow, Cardinal Woods, 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 Resolution for Brantley Oaks, Capps Hollow, Cardinal Woods, 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 44-A, Documents #169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, & 182.

(4C) CARLTON WATKINS CENTER PARKING EXPANSION AND RENOVATION – BID WITHDRAWAL

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to hold a hearing on Little Mountain Builders’ request to withdraw their bid on the Carlton Watkins Center Parking Expansion and Renovation. 

Note: On July 17, 2008, the Real Estate Services Department held a bid opening for the Construction of the Carlton Watkins Center Parking Expansion and Renovation. The apparent low bidder was Little Mountain Builders with a bid of $542,216.40. Subsequently, Little Mountain Builders requested their bid be withdrawn on July 18, 2008. The withdrawal of bids is covered by GS 143-129.1. The statute specifies that a substantial error must exist in the bid and that it be clerical in nature as opposed to a judgment error. Little Mountain Builders request stated that the line item for the electrical subcontractor in the amount of $72,500, 13% of their bid was not added to the total bid. They have satisfactorily demonstrated such to County Real Estate Services staff.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the hearing on Little Mountain Builders’ request to withdraw their bid on the Carlton Watkins Center Parking Expansion and Renovation and allow the withdrawal and release of their bid deposit.

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

(4D) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to hold a hearing on request by Sybil Barrett, PLLC for reimbursement of North Carolina excise tax in the amount of $580.00.

Note: This deed should have been recorded in Iredell County, North Carolina.

No one appeared to speak.
Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the hearing on request by Sybil Barrett, PLLC for reimbursement of North Carolina excise tax in the amount of $580.00 and approve reimbursement.

ADVISORY COMMITTEE REPORTS

(5A) PUBLIC ART COMMISSION- PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN

Commissioner Clarke returned to the dais.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to authorize the County Manager to negotiate and execute an Agreement for the administration of the Public Art Program for Mecklenburg County.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to receive and approve the Arts & Science Council (ASC) Public Art Work Plan-FY2009 for Mecklenburg County.

Prior to the above votes, Dawn Blobaum, Chair of the Public Arts Commission and Jean Greer, Vice-President of Public Art at the ASC, addressed this matter with the Board.

Note: Chairman Roberts asked for a breakdown of the artist selected for the 09 Work Plan by gender, race, and locality.

Note: Also, Commissioner Bishop questioned the need for public art inside the Jail North Youthful Offender Vocational Training Facility.

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

(5B) SPIRIT SQUARE COMMUNITY TASK FORCE

The Board received an update presentation on the work of the Spirit Square Community Task Force from Cyndee Patterson, Co-chair of the Spirit Square Community Task Force and an update from Charles Brown, Director of the Public Library of Charlotte & Mecklenburg County with respect to the future of the Main Branch Library.

The update covered:
- Task Force Process
- Task Force Discussion Themes
- Spirit Square Functional Priorities
- Main Branch – Public Library (Study Elements & Process)
- Main Branch – Public Library (Findings)
- Main Library & Spirit Square (Conceptual) Redevelopment without Library
- Main Library & Spirit Square (Conceptual) Redevelopment with Library
- Parking
- Development Opportunities
- Recommended Spirit Square Tenants
- Preliminary Site Rendering

A copy of the report is on file with the Clerk to the Board.
In closing, Director Brown asked the Board to consider:

- Allowing the Spirit Square Community Task Force and the Public Library of Charlotte & Mecklenburg County to continue its work with respect to a redevelopment plan for a combined site to determine its economic feasibility as well as possible financing approaches; and permit the two groups to report back to the Board in early 2009;
- Continuing the leases of the current Spirit Square tenants through June 2010; and
- Ask the Spirit Square Task Force to report back to the community on its work and to discuss next steps with the community.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to extend the leases of the current Spirit Square tenants through June 2010.

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to support the continuation of the work of the Spirit Square Community Task Force and the Public Library of Charlotte & Mecklenburg County with respect to a redevelopment plan for a combined site to determine its economic feasibility as well as possible financing approaches; that the two groups report back to the Board in early 2009 and that the community be updated on its work and next steps.

(2B2) CLOSED SESSION – LAND ACQUISITION

Commissioner Helms asked to be excused from voting on Item 2B2 Closed Session - consideration to purchase +/- 7.43 acres out of Tax Parcel 013-042-13 from the Estate of W. S. Allison for $204,000.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to excuse Commissioner Helms from voting on Item 2B2 Closed Session consideration to purchase +/- 7.43 acres out of Tax Parcel 013-042-13 from the Estate of W. S. Allison for $204,000.

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

Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the purchase of +/- 7.43 acres out of Tax Parcel 013-042-13 from the Estate of W. S. Allison for $204,000.

Note: The subject property will add to the watershed protection land preserved on Mountain Island Lake, which is the primary source for drinking water for the County.

Commissioner Helms returned to the dais.

(2B3) CLOSED SESSION - LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange +/- 15 acres of County Tax Parcel 019-371-04 off Holbrooks Road for +/- 24 acres owned by Bowman Development Group/New Vermillion, LLC including all or portions of Tax Parcels 019-052-12, 019-461-84, 019-391-08, 019-271-05, 019-051-96 and 019-392-25 adjoining the Vermillion
neighborhood in Huntersville.

Note: The land to be conveyed to the County in this exchange will provide a greenway along a South Prong of Clarke Creek tributary from the edge of Vermillion at Huntersville-Concord Road to a point beyond Old Vermillion Drive.

Resolution recorded in full in Minute Book 44-A, Document #183.

MANAGER’S REPORT

(6) MANAGER’S REPORT – CRIMINAL JUSTICE & SAFETY TASK FORCE

County Manager Jones updated the Board on the status of the Criminal Justice & Safety Task Force. He noted that the Task Force was meeting and well on the way with accomplishing its task. He complimented the task force on their commitment to this effort.

County Manager Jones informed the Board that weekly updates of the Task Force’s work is online at the County’s website. Also, that public feedback is encouraged via the website.

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

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and carried 8-0, with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of items(s) 22, 27, 39, & 44 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held July 1, 2008 and Special Meetings held June 24, 2008 and February 8, 2008; and Closed Session held July 1, 2008 & June 17, 2008.

(8) ENVIRONMENTAL POLICY COORDINATING COUNCIL CHARTER

Amend Environmental Policy Coordinating Council Charter to include the Groundwater Advisory Committee Chair as a member.

(9) TAX REFUNDS

Approve refunds in the amount of $14,369.26 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) EMERGENCY TELEPHONE SYSTEM SPECIAL REVENUE FUND

Recognize and appropriate to MEDIC $643,500 which is the estimated County share of 911 service charge revenue to be received in FY09.
(11) **700 EAST 4TH STREET RENOVATIONS – CONSTRUCTION CONTRACT**

Award a construction contract in the amount of $7,134,000 to Edison Foard, Inc for renovation of the former Criminal Courts Building, located at 700 E. 4th Street.

(12) **REVISION TO THE BUILDING-DEVELOPMENT ORDINANCE (SECOND READING)**

Amend the Building-Development Ordinance to add language describing the provision for Homeowner Mechanical, Electrical, or Plumbing Examinations. (Second Reading)

*Ordinance recorded in full in Minute Book 44-A, Document #184.*

(13) **PROTECTION, DEVELOPMENT AND IMPROVEMENT OF FOREST LAND IN MECKLENBURG COUNTY – AGREEMENT**

Adopt “Agreement for the Protection, Development and Improvement of Forest Land in Mecklenburg County.”

*Agreement recorded in full in Minute Book 44-A, Document #185.*

(14) **STREAM AND WETLAND MITIGATION BANK**

Authorize the County Manager to execute an interlocal agreement between Mecklenburg County and the City of Charlotte allowing County participation in the City’s Umbrella Stream and Wetland Mitigation Bank.

*Agreement recorded in full in Minute Book 44-A, Document #186.*

(15) **REGISTER OF DEEDS ENHANCEMENT/PRESERVATION SPECIAL REVENUE FUND**

Recognize $987,000 of fee revenue in the Register of Deeds Enhancement/Preservation Special Revenue Fund and appropriate the amount for automation and preservation enhancements.

(16) **AREA MENTAL HEALTH QUALITY AND PERFORMANCE EVALUATIONS AND PLANS**


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

(17) **AREA MENTAL HEALTH FOURTH QUARTER FY 2008 REPORT**

Recognize and receive the Fourth Quarter 2008 Area Mental Health Report.
Financial Management

Revenues

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget Revenues</th>
<th>Actual Revenues</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>$12,533,503</td>
<td>$13,301,408</td>
<td>106%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>36,336,787</td>
<td>34,719,443</td>
<td>96%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>114,079</td>
<td>63%</td>
</tr>
<tr>
<td>Grants</td>
<td>5,076,335</td>
<td>3,295,134</td>
<td>65%</td>
</tr>
<tr>
<td>County</td>
<td>43,422,330</td>
<td>29,898,763</td>
<td>69%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>97,550,248</strong></td>
<td><strong>81,328,827</strong></td>
<td><strong>83%</strong></td>
</tr>
</tbody>
</table>

Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget Expenses</th>
<th>Actual Expenses</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,113,474</td>
<td>6,267,611</td>
<td>88%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>15,089,254</td>
<td>10,355,496</td>
<td>69%</td>
</tr>
<tr>
<td>Adult Mental Health*</td>
<td>12,069,846</td>
<td>6,699,053</td>
<td>56%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,653,317</td>
<td>13,584,635</td>
<td>93%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,701,489</td>
<td>9,646,071</td>
<td>82%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,946,633</td>
<td>18,756,554</td>
<td>99%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>17,976,235</td>
<td>16,019,407</td>
<td>89%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>97,550,248</strong></td>
<td><strong>81,328,827</strong></td>
<td><strong>83%</strong></td>
</tr>
</tbody>
</table>

*Carry-over of $2,276,553 for state mental health trust fund, crisis services and Recovery Solutions

Note: The financial section of the report is required in the minutes.

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

(18) ORDER OF COLLECTION

Approve the Order of Collection empowering the Tax Collector to bill and collect 2008 taxes.

ORDER OF COLLECTION

NORTH CAROLINA, MECKLENBURG
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 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.

Witness my hand official seal, this 5th day of August, 2008.

(SEEAL)
Chairman, Board of County Commissioners

Order recorded in full in Minute Book 44-A, Document #187.

(19) MCDOWELL CREEK GREENWAY - CORNELIUS - CONSTRUCTION
CONTRACT

1) Award a construction contract to Eagle Wood Inc. for a total amount of $725,122.82 for the construction of the McDowell Creek Greenway – Cornelius (Westmoreland Rd. to Sam Furr Rd.).

2) Approve a resolution related to the NCDOT Enhancement Grant that is partially funding this construction contract.

Resolution recorded in full in Minute Book 44-A, Document #188.

(20) LITTLE SUGAR CREEK GREENWAY –KINGS DRIVE SECTION – PEDESTRIAN BRIDGE - CONSTRUCTION CONTRACT

Award a construction contract to Lee Construction of the Carolinas for a total amount of $604,900 for the construction of the Little Sugar Creek Greenway - Kings Drive Section – Pedestrian Bridge.

(21) SHERIFF’S SPECIAL REVENUE FUND

1) Recognize and appropriate for the Sheriff’s Special Revenue Fund, $151,000 from Inmate Commissary.

2) Recognize and appropriate for Sheriff’s Special Revenue Fund, $57,567 from Seized Assets.

(23) OUTDOOR RECREATION CAPITAL RESERVE FUND

1) Adopt Outdoor Recreation Programs Capital Reserve Ordinance for designated Segway Program revenue.

2) Reduce Park and Recreation revenue and expenditures general fund budget by $11,520.

Ordinance recorded in full in Minute Book 44-A, Document #189.

(24) TEENS OUTSIDE GRANT

Recognize, receive and appropriate $1,500 from the National Recreation and Park Association and the Outdoor Foundation grant program for the continued development of outdoor recreation programs.

(25) RAMSEY CREEK PARK CAPITAL RESERVE REQUEST

Authorize an expenditure of $13,159 from Park and Recreation Capital Reserve Funds for stabilization and erosion control measures along the shoreline of Ramsey Creek Park.

(26) FIRST AMENDMENT TO LAND SWAP & LEASE/OPERATING AGREEMENT (RECREATION CENTER-HICKORY GROVE)

Approve first amendment to joint use funding agreement with Charlotte-Mecklenburg Schools (First Amendment To Land Swap & Lease/Operating Agreement (Recreation Center – Hickory Grove)).
Note: The purpose of the amendment is so the Charlotte-Mecklenburg Board of Education (CMBE) and the County can confirm that CMBE will be permitted to continue to use the Old School Building until June 30, 2014 and that CMBE will retain the obligation to demolish the Old School Building if that remains the County’s desire. Since the Old School Building and the land in the immediate area were intended to be used for Public Library of Charlotte & Mecklenburg County (PLCMC) purposes, CMBE and County have agreed that Two Hundred Twenty Thousand Dollars ($220,000) of 1999 land bond dollars previously allocated to CMBE shall be reallocated to PLCMC.

Agreement recorded in full in Minute Book 44-A, Document #190.

(28) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORTS


AREA MENTAL HEALTH

Statement of Revenues and Expenses

FY 2008, For the period ending May 31, 2008

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>$12,533,503</td>
<td>$11,412,124</td>
<td>91.05%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>35,891,787</td>
<td>28,388,810</td>
<td>79.10%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>181,293</td>
<td>107,842</td>
<td>59.48%</td>
</tr>
<tr>
<td>Grants</td>
<td>4,518,732</td>
<td>2,724,500</td>
<td>60.29%</td>
</tr>
<tr>
<td>County</td>
<td>43,422,330</td>
<td>27,103,356</td>
<td>62.42%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>96,547,645</strong></td>
<td><strong>69,736,633</strong></td>
<td><strong>72.23%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,113,474</td>
<td>5,494,974</td>
<td>77.25%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,049,254</td>
<td>8,574,266</td>
<td>57.36%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>11,512,243</td>
<td>5,524,028</td>
<td>47.98%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,348,317</td>
<td>11,542,666</td>
<td>80.45%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,701,489</td>
<td>8,516,850</td>
<td>72.78%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>18,946,363</td>
<td>17,159,252</td>
<td>90.57%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>17,976,235</td>
<td>12,924,597</td>
<td>71.90%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>96,547,645</strong></td>
<td><strong>69,736,633</strong></td>
<td><strong>72.23%</strong></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

Note: It’s required that this information be included in the minutes.

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

(29) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate Medicaid funds in the amount of $75,000 to directly provide Community Support services to adult consumers who are in DSS custody and
have mental health diagnoses.

B) Approve the establishment of 1 Case Coordinator position and 1 Social Services Assistant position to provide adult Community Support services.

C) Approve, recognize, receive and appropriate Federal funds in the amount of $26,050 for Deaf and Hard of Hearing funding.

(30) GREENWAY EASEMENT – DUKE ENERGY CORPORATION

Authorize the County Manager to negotiate and receive a permanent easement from Duke Energy Corporation on Tax Parcel 080-131-11 for the Little Sugar Creek Greenway.

(31) SUGAW CREEK PARK EXPANSION

Approve purchase of Tax Parcel 087-041-09 (+/- 12.85 acres) off Amble Drive in Charlotte for $42,000 per acre from Martha Knight Thomas, Robert W. McRee Jr. and Donald L. McRee.

Note: Acquisition of this parcel will provide for future expansion of Sugaw Creek Park.

(32) MCDOWELL NATURE PRESERVE EXPANSION

(1) Approve purchase of Tax Parcel 199-041-25 (+/- 7.03 acres) off Shopton Road West for $30,000 per acre from Patrick J. Turner, III.


Note: This parcel is immediately adjacent to the 150-acre grassland/prairie restoration site in the nature preserve which is being actively managed for the preservation of numerous rare plant and wildlife species. Acquisition of this property will provide an opportunity to buffer this critical habitat from encroachment and future development.

(33) ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY

Amend Ordinance Prohibiting the Consumption of Alcoholic Beverages on County Property.

Note: A second reading will be required, since all Commissioners were not present at the time of the vote.

(34) RADIO SYSTEM CAPITAL PROJECT

Approve Radio System Capital Project Phase 3 to purchase and implement a new regional master site and a digital radio system consisting of 20 digital channels and 8 sites, and approve the resulting fee increases as identified in the memorandum provided to the Board.

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

(35) CARLTON WATKINS CENTER PARKING EXPANSION AND RENOVATION
Award a contract to Jones Grading and Building, Inc for construction of an approximate 100 space new surface parking lot and rehabilitation of the existing parking lots at the Carlton Watkins Center.

(36) ROOM OCCUPANCY, PREPARED FOOD & BEVERAGE, VEHICLE RENTAL AND U-DRIVE-IT TAXES – SET PUBLIC HEARING

Approve a public hearing to be conducted at the September 3, 2008 Board of County Commissioners meeting for the purpose of receiving comments on the proposed amendment to the Room Occupancy, Prepared Food & Beverage, Vehicle Rental, and U-Drive-It taxes.

(37) GRANT APPLICATION – GOVERNOR’S CRIME COMMISSION

Approve the submission of a grant application for funding in the amount of $30,000 from the Governor’s Crime Commission to Community Support Services for the Project Safe Neighborhoods Program and when received, recognize, receive and appropriate amount awarded.

(38) GOVERNOR’S CRIME COMMISSION GRANT AWARD

Recognize, receive and appropriate the Governor’s Crime Commission grant award in the amount of $50,226 for the Assistance League of Charlotte’s Mecklenburg County Teen Court program.

(40) GREENWAY DONATION AT POLK DITCH

Accept donation of Tax Parcel 201-351-84 in fee simple (+/- 2.185 acres) and a greenway easement (+/- .197 acre) over a portion of Tax Parcel 201-351-87 on Polk Ditch in the Stonebridge subdivision off NC Highway 49/S. Tryon Street from NVR, Inc.

(41) LAND DONATION AT RAMBLEWOOD PARK

Accept donation of .47-acre Tax Parcel 203-195-02 at 801 Echo Cove Lane from the Charlotte Housing Authority.

Note: The lot will serve as additional open space enlarging Ramblewood Park to +/-94 acres.

(42) LAND ACQUISITION FOR McMULLEN CREEK GREENWAY

Approve the purchase of .42-acre Tax Parcel 185-103-36 at 5126 Addison Drive from Chad Mauldin for $270,000 for McMullen Creek Greenway.

(43) LAND DONATION IN PINE VALLEY NEIGHBORHOOD

Approve acceptance of a land donation of +/- 6.4 acres out of Tax Parcel 207-121-22 from the Pine Valley Neighborhood Association.

Note: The property will be developed as a neighborhood park to serve this pocket neighborhood.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
Commissioner Clarke returned to the dais.

(22) NAMING REQUEST FOR OAKLAWN RECREATION CENTER TO “IVORY BAKER RECREATION CENTER”

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve naming request for Oaklawn Recreation Center to “Ivory Baker Recreation Center” in honor of Carlenia Ivory and the late Don Baker.

Note: Carlenia Ivory is the Executive Director of the Double Oaks Family Resource Center and has been described as the “mother” of Double Oaks. She has worked tirelessly in the community and has been identified by the many partners of this facility as one of the driving forces that made it happen. Ms. Ivory has served in numerous volunteer roles and has received special recognitions and awards for her service.

Don Baker, died in January of 2003, was identified as bringing all parties to the table years ago to plan the development of this recreation center to improve the quality of life for the community members. He demonstrated devotion, hard work and vision to the community that was inspirational. Mr. Baker was a 2003 Dr. Martin Luther King Medallion Award recipient and served on the Board of Directors of the Afro American Cultural Center.

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

(27) CHECK DONATION FROM CHARLOTTE CENTER CITY PARTNERS

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to recognize, receive, and appropriate a donation of $15,000 from Charlotte Center City Partners towards the creation of a Center City Park and Open Space System Vision Plan.

Commissioner Bishop removed this item from Consent for clarification purposes.

Director of Park and Recreation Jim Garges addressed this matter.

Commissioner Bishop requested information in the form of a matrix on the relative investment per capita or square mile in park properties, including those things that have been committed to but not in place yet, for example, Third Ward Park, Second Ward, etc.

Commissioner Bishop said he was curious if there was any type of matrix comparing those investments and the number of residents they serve versus those in other parts of the County.

Commissioner James asked when doing the comparison as requested by Commissioner Bishop, to also provide a comparison of the previous Uptown Vision Plan for Parks, which was incorporated into the 2010 Vision Plan with the new plan being considered, so that he can see where the changes are.

(39) CAPITAL PROJECT ORDINANCES

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-1
AUGUST 5, 2008

with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to:

1) Adopt the Government Facilities – 2008 capital project ordinance.

2) Amend the Library Facilities – 2006 capital project ordinance.

3) Adopt the Jail Facilities – 2008 capital project ordinance.

4) Amend the Pay-As-You-Go Capital Project Fund ordinance.

Note: This action will provide budgetary authority for projects approved by the Board in the 2009 Capital Improvements Program. The new projects will be funded with Certificates of Participation, a portion of which is expected to be issued in January 2009.

Commissioner Bishop removed this item from Consent to express his opposition.

Ordinances recorded in full in Minute Book 44-A, Documents #191, 192, 193, & 194.

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

(44) RYAN WHITE MINORITY AIDS INITIATIVE FUNDING (MAI)

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to recognize, receive and appropriate year two Minority AIDS Initiative funding of $390,449 from the U.S. Department of Health and Human Services, Health Resources and Services Administration under the Ryan White Treatment Modernization Act of 2006.

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

Commissioner Bishop returned to the dais.

STAFF REPORTS AND REQUESTS

(45) REFUND LAW ENFORCEMENT SERVICE DISTRICT TAXES

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to:

1) Receive information on legislation that authorizes the County to refund Law Enforcement Service District (LESD) taxes to taxpayers who have been annexed by a municipality.

2) Authorize the County Manager to enter into a contract with the City of Charlotte for the City to reimburse the County $22,402.12 for payments made for Charlotte-Mecklenburg Police Department policing in unincorporated areas on the agreement by the County to use the funds to compensate affected homeowners of the Shannamara Subdivision for double payment of taxes for law enforcement.

3) Recognize, receive, and appropriate reimbursement funds from the City.

4) Approve refunds in the amount of $22,402.12 to be made by the Finance Department as requested by the Tax Assessor.
(46) FIRST WARD PARKING AND PARK CONCEPTUAL FRAMEWORK

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 8-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to:

1) Approve the Conceptual Framework - Public/Private Partnership for First Ward Parking Decks and Park as presented.

2) Direct staff, in collaboration with the City of Charlotte, UNC-Charlotte and Levine Properties to develop a First Ward Park Plan, taking into account the City of Charlotte’s preference that Eighth Street would remain open to vehicular traffic except for certain times and circumstances.

General Manager Bobbie Shields presented this matter.

Prior to the above vote, the following persons appeared to speak in support of the above actions: Michael Smith with Charlotte Center City Partners, Elizabeth Hardin with UNC-Charlotte, Chris Ions with LS3PAssociates Ltd. and Jeff Brown with King & Spalding LLP

(47) WESTMORELAND ATHLETIC COMPLEX

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize and approve a lease between the Town of Cornelius and Mecklenburg County for the Westmoreland Athletic Complex.

Lee Jones with Park and Recreation presented this matter. Paul Herbert, Park and Recreation Director for the Town of Cornelius addressed this matter also.

(48) NOVEMBER 4, 2008 BOND REFERENDUM

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

A meeting of the Board of Commissioners of the County of Mecklenburg, North Carolina, was held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at 6:00 P.M. on August 5, 2008.

Present: Chairman Jennifer Roberts presiding, Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, and Valerie C. Woodard

Absent: None

Also present: County Manager Harry L. Jones, Sr., Finance Director Dena Diorio, County Attorney Marvin A. Bethune, and Clerk to the Board Janice S. Paige

* * *

RESOLUTION MAKING REQUIRED FINDINGS

Commissioner Bill James introduced the following resolution and moved that it be adopted,
Commissioner H. Parks Helms seconded that motion, and the resolution was read by the above title.

RESOLVED that the Board of Commissioners of the County of Mecklenburg hereby makes the following factual findings:

1. **Description of the project**: Bonds in the maximum principal amount of $250,000,000 are proposed to be issued for the following project: park and recreation facilities.

2. **Facts regarding necessity of proposed projects**: This proposed project is necessary and expedient because present facilities are inadequate to meet the needs in the community.

3. **Facts supporting the amount of bonds proposed**: The amount of bonds proposed is adequate and not excessive for the proposed purposes based on present estimates.

4. **Past debt management policies**: The County has in the past always appropriated funds in accordance with North Carolina law during each fiscal year in an amount sufficient to retire all principal and interest on indebtedness.

5. **Past budgetary and fiscal management policies**: The County has always adopted its budget in a timely manner in accordance with North Carolina statutory requirements and has obtained an unqualified opinion from a certified public accountant in connection with each annual audit.

6. **Retirement of Debt**: Any increase in the County’s property tax rate resulting from issuance of the proposed bonds is not excessive.

Adopted by the following vote:

**AYES**: Commissioners Karen Bentley, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard

**NAYS**: Commissioner J. Daniel Bishop

* * *

**RESOLUTION TO INTRODUCE BOND ORDER**

Commissioner Bill James moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Norman A. Mitchell, Sr., and the resolution was read by the above title.
WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

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

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

The Board determines that it is necessary to provide park and recreation facilities, 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.

To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be $250,000,000.

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

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

This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard
RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDER

Commissioner Bill James moved the adoption of the following resolution, the motion was seconded by Commissioner Dan Ramirez and the resolution was read by the above title.

WHEREAS, the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG” has been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on August 5, 2008, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

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

The public hearing upon that bond order shall be held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at a meeting that begins at 6:00 P.M., September 3, 2008.

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

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

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard

NAYS: Commissioner J. Daniel Bishop
Note:

- Finance Director Dena Diorio presented this matter.
- Park and Recreation Director Jim Garges and Park and Recreation Commission Chairman Scott McClure
- The following persons, on behalf of the Charlotte Tennis Association, addressed this agenda item and asked the Board to include in the $250 million bond funding for additional tennis facilities (Community Tennis Center with 20+ courts and a County tennis director: Carla O'Connor, Joel Turner, and Kelly Gaines.
- Commissioner James acknowledge receipt of a letter from the three southern town mayors, Mayor R. Lee Myers of Matthews, Mayor Ted H. Biggers of Mint Hill, and Mayor George Fowler of Pineville, expressing their collective support of a $250 million Park and Recreation Bond.
- Commissioner James asked that this letter be incorporated in the minutes.

Motion was made by Commissioner James, seconded by Commissioner Helms and carried 8-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to acknowledge publication of Notice of Intent to apply to the Local Government Commission for a November 4, 2008 Referendum, acknowledge filing of Application with the Local Government Commission, authorize the Clerk to publish the necessary notices, and authorize the Director of Finance to file with the Clerk the statutorily required debt statement.

Extracts & Resolutions recorded in full in Minute Book 44-A, Document #195.
(49) BUSINESS INVESTMENT GRANT - CEFLA AMERICA ("CEFLA")

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bishop and James voting no, to approve Mecklenburg County’s share of a Business Investment Grant (50%) to Cefla over five years for a total estimated amount of $274,884.

Note: Cefla Finishing Group, the parent company for Cefla is headquartered in Imola, Italy. The company is a manufacturer of store fixtures and fittings, finishing systems for wood based products, civil and industrial plants, and dental equipment.

Cefla is looking for a single location for its North American Headquarters. The project contemplates consolidation of one of its manufacturing and two of its distribution operations into a single location. The company has two sites under consideration for this project: the North Mecklenburg Industrial Park and a site located within the Park, Huntersville.

Company leaders have indicated that a new North American Headquarters building will be constructed with an estimated investment of approximately $12,000,000.00. Additionally, the building will house approximately $1,500,000.00 worth of state of the art machinery and equipment.

Cefla intends to bring approximately 66 new jobs to Mecklenburg County paying an average annual salary of $73,500. The company will also retain an additional 24 jobs resulting from a merger with another local firm.

General Manager Bobbie Shields presented this matter. Justin Hunt with the Charlotte Chamber addressed this also.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(50) ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING COUNTY PARKS (COMMISSIONER JAMES)

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 8-1 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Woodard voting no, to adopt Ordinance Prohibiting Sex Offenders from Entering County Parks.

Ordinance recorded in full in Minute Book 44-A. Document #196.

(51) WORK SCHEDULE FOR COUNTY EMPLOYEES (COMMISSIONER RAMIREZ)

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to direct the County Manager to research the feasibility and implications of offering a 10 hours a day 4 days a week work schedule as an option for County employees that would like to work in this manner and to the extent the Manager deems appropriate.

COMMISSION COMMENTS – NONE
ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, 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 10:25 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 Wednesday, September 3, 2008.

ATTENDANCE

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

Absent: Commissioner Dan Ramirez

-INFORMAL SESSION-

Commissioner Clarke was 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 matters below were addressed.

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, the Board acknowledged the following land acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Tax parcels 007-471-99, 007-471-10 and 007-471-11
- Tax parcels 115-046-11 and 115-046-12
- Hal Marshall Property
- Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation
- Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC
- Jerry Alan Reese vs. Mecklenburg County and the Charlotte-Mecklenburg Board of Education
- Jerry Alan Reese vs. Mecklenburg County and City of Charlotte
- Lynn Becker and Brenda Jackson vs. Mecklenburg County
Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 7-0 with Commissioners Bentley, Bishop, Helms, James, Mitchell, Roberts, and Woodard voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult with Attorney.

**The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:25 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 did not identify any items they wanted removed from consent and voted upon separately.

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

-**FORMAL SESSION**-

Invocation was given by Chairman Roberts, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.

**Note:** Commissioner Clarke was away from the dais during invocation and the Pledge of Allegiance. He entered the meeting during introductions.

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

(1A) **SICKLE CELL AWARENESS MONTH**

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to adopt a proclamation designating September as Sickle Cell Awareness Month.

The proclamation was read by Commissioner Mitchell and received by Patricia Lambright, Executive Director, Sickle Cell Regional Network.

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

(1B) **VA OUTPATIENT CLINIC**

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to adopt a proclamation recognizing the opening of the new VA Outpatient Clinic in Charlotte/Mecklenburg County.

The Proclamation was read by Chairman Roberts and received by Jack Flynn with the NC Commission on Veterans Affairs, Dr. Kathleen Wolner, Medical Director of the Charlotte/Mecklenburg County VA Outpatient Clinic; Jack Ahart, Director of the Charlotte USO, Kathleen Flaggerty and Katie Toney, co-founders of Community Area Resource Team (CART), and Robert Weeks, Director of Mecklenburg County Veterans Services Department.

Comments were made by each regarding services provided.

*A copy of the proclamation is on file with the Clerk to the Board.*
MANAGER’S REPORT

(6A) UPDATE FROM POLICE CHIEF RODNEY MONROE

The Board received a presentation from Police Chief Rodney Monroe regarding crime in the community and his reorganization plan. Chief Monroe said there’s been a reduction in violent and property crime rates in the last two months by “creating a sense of urgency.”

Chief Monroe said the goals of the Charlotte-Mecklenburg Police Department (CMPD) reorganization is to:

- Make crime reduction at the neighborhood level the number priority for the CMPD
- To develop an organizational structure that places more officers on the street and makes patrol the staffing priority of the department
- Establish greater responsibility for crime reduction at the patrol division level
- Create an organizational structure that facilitates partnerships with CMPD and the community

Chief Monroe distributed a handout that addressed the following:

- Total Index Crime Reported by Charlotte-Mecklenburg Police Department by month with % Change: 2007-2008
- Total Violent Index Crime Reported by Charlotte-Mecklenburg Police Department by month with % Change: 2007-2008
- Total Property Index Crime Reported by Charlotte-Mecklenburg Police Department by month with % Change: 2007-2008
- Total Index Crime by Quarter
- Total Violent Index Crime by Quarter
- Total Property Index Crime by Quarter

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

Commissioner James asked Chief Monroe to provide information with respect to the number of residents remaining in the unincorporated portions of the County, in light of recent annexations. He’s also interested in CMPD patrol or coverage of this area and what impact this is having on the CMPD, including the cost.

Commissioner Bentley encouraged Chief Monroe to be in communication with Town law enforcement officials.

Chief Monroe thanked the Board for the opportunity to come before them.

(2) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

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

(3A) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:
SEPTEMBER 3, 2008

Round One

Shannon Burns   Commissioners Helms and Roberts
John Davis    None
Robin Edgar    None
Earl Foxworth, Jr.   None
Juli Ghazi    Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard
Stephen Grey, Jr.   Commissioners Clarke, Helms, and James
Catherine Kennedy   Commissioners Bentley, Helms, and James

Commissioner Bishop returned to the dais.

Barry Kirby II    None
Clara Mayfield   Commissioners Clarke, Helms, and Roberts
Hope McKinney   Commissioner Mitchell
Shannon McKnight   None
Holly Neil     None
Doretta Owens    None
Sara Roselli   Commissioners Bishop, Clarke, James
Tami Snipe     None
Michelle Sterling   Commissioners Bentley, Clarke, James, Mitchell, Roberts, and Woodard
Ruth Stevenson   Commissioners Clarke, Helms, James, Roberts, and Woodard
Carolyn Swiger    None
Rhonda Taylor   Commissioners Clarke, Helms, James, Mitchell, and Woodard
Gerald Williams   Commissioners Bentley, Clarke, and Roberts

Round Two

Shannon Burns   Commissioners Helms and Roberts
John Davis    None
Robin Edgar    None
Earl Foxworth, Jr.   None
Stephen Grey, Jr.   Commissioners Bentley, Bishop, James, and Woodard
Catherine Kennedy   None
Barry Kirby II    None
Clara Mayfield   Commissioners Clarke, James, Mitchell, Roberts, and Woodard
Hope McKinney   None
Shannon Mc Knight    Commissioner Helms
Holly Neil     None
Doretta Owens    None
Sara Roselli   Commissioners Bentley, Bishop, Clarke, Mitchell, Roberts, and Woodard
Tami Snipe     None
Carolyn Swiger    None
Gerald Williams   Commissioner Clarke

Round Three

Shannon Burns   Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, and Roberts
John Davis    None
Robin Edgar    None
Chairman Roberts announced that Julie Ghazi, Michelle Sterling, Ruth Stevenson, Rhonda Taylor, Clara Mayfield, Sara Roselli, and Shannon Burns were appointed to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring September 30, 2011 and Gerald Williams to fill an unexpired term expiring July 2, 2011. They are replacing John Burton, Thomas Sigmon, Terry Taylor-Allen, Sandra Caldwell, Eshe Glover, Felicia Green, Hal Markowitz, and Howard McClure.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Citizen’s Capital Budget Advisory Committee:

**Round One**

- Stephanie Carter-Tyson None
- Martin Davis None
- Sarah Funkhouser None
- Stephen Grey, Jr. None
- Larry Huelsman Commissioners Clarke and James
- Richard Kingsberry Commissioners Bishop, Helms, Mitchell, and Roberts
- Chad Lacy Commissioners Bentley and Woodard
- Ira Slomka Voting Ceased
- DeShea Spurgeon
- Gerald Williams

Chairman Roberts announced that Richard Kingsberry was appointed to the Citizen’s Capital Budget Advisory Committee for a two-year term expiring July 31, 2010.
SEPTEMBER 3, 2008

He is replacing Michael Murdock.

PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission East Park District (EPD):

**Round One**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helen Alexander</td>
<td>None</td>
</tr>
<tr>
<td>Robert Brisley</td>
<td>Commissioners Bentley, Bishop, Helms, James, Mitchell, and Roberts</td>
</tr>
<tr>
<td>Stephanie Carter-Tyson</td>
<td></td>
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<tr>
<td>Hubert Helms</td>
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</tbody>
</table>

Voting Ceased

Chairman Roberts announced that Robert Brisley was appointed to the Park and Recreation as the East Park District representative to fill an unexpired term expiring June 30, 2011.

He is replacing Kim Weissinger.

(3B) ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to allow Delia Holder to move from the Nursing Home Community Advisory Committee to the Adult Care Home Advisory Committee due to a change in her eligibility status.

She is replacing Betty Gregory.

PUBLIC HEARINGS

(4A) REAL ESTATE EXCISE TAX REFUND REQUEST – GRIFFIN, BRUNSON & WOOD, L.L.P.

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to hold a hearing on request by Griffin, Brunson & Wood, L.L.P. for reimbursement of North Carolina excise tax in the amount of $288.

*Note: The deed should have been filed in Cabarrus County.*

No one appeared to speak.

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to close the hearing on request by Griffin, Brunson & Wood, L.L.P. for reimbursement of North Carolina excise tax in the amount of $288 and approve the reimbursement.

(4B) REAL ESTATE EXCISE TAX REFUND REQUEST – SYBIL BARRETT, PLLC
SEPTEMBER 3, 2008

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to hold a hearing on request by Sybil Barrett, PLLC for reimbursement of North Carolina excise tax in the amount of $488 for overpayment of Excise Tax.

No one appeared to speak.

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to close the hearing on request by Sybil Barrett, PLLC for reimbursement of North Carolina excise tax in the amount of $488 for overpayment of Excise Tax and approve the reimbursement.

(4C) NOVEMBER 4, 2008 BOND REFERENDUM

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

A meeting of the Board of Commissioners of the County of Mecklenburg, North Carolina, was held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at 6:00 P.M. on September 3, 2008.

Present: Chairman Jennifer Roberts presiding, Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., and Valerie C. Woodard

Absent: Commissioner Dan Ramirez

Also present: General Manager Bobbie Shields, Finance Director Dena Diorio, County Attorney Marvin A. Bethune, and Clerk to the Board Janice S. Paige

*       *       *

REPORT FROM CLERK

The Clerk to the Board of Commissioners reported to the Board of Commissioners that the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG” which had been introduced on August 5, 2008, had been published in a qualified newspaper on or before August 28, 2008, with notice that the Board would hold a public hearing thereon on September 3, 2008. The Clerk also reported that the County’s Director of Finance had filed in the Clerk’s office a statement of debt complying with the provisions of The Local Government Bond Act and that such statement showed the net indebtedness of the County to be 2.9% of the assessed valuation of property in the County subject to taxation.

Motion was made by Commissioner H. Parks Helms, seconded by Commissioner Bill James and
unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to receive the Report from the Clerk.

*       *       *

PUBLIC HEARING ON BOND ORDER

Commissioner H. Parks Helms moved that the Board proceed to hold a public hearing on the bond order. The motion was seconded by Commissioner Bill James and was unanimously adopted.

At 7:50 P.M., the Chairman of the Board announced that the Board would hear anyone who wished to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds. The following persons spoke to this issue and expressed support of the $250,000,000 Park and Recreation Bonds:

Jeff Beaver, Executive Director, Charlotte Regional Sports Commission; Carol Buie-Jackson with Habitat and Wildlife Keepers, a chapter of the NC Wildlife Federation; Robert Bush with the Arts & Science Council; Ernie McLaney; Daniel Medvid, member of Aquatic Center Advisory Council; Claire Tate with Partners in Out of School Time; John Probst; Diane Dunn; Thelma Byers-Bailey on behalf of the Lincoln Heights Community; Paul Bailey; Sterling Martin, President of Davidson Lands Conservancy; Brad Pearce, Chairman of the Park and Recreation Commission; Joe B. Cogdell with Partners for Parks; Ken Valentine on behalf of the Carolina Raptor Center; Moira Quinn with Charlotte Center City Partners; Ann Browning on behalf of Carolina Thread Trail; Vianne Howitt; George Young; Maggie Coleman on behalf of the Druid Hill community; and Scott McClure, member of the Park and Recreation Commission.

The following person spoke in opposition: Joe Huss. Mr. Huss expressed concern for the County’s debt.

The following persons expressed concern for the Eastway Specialty Park project and questioned why it was not a part of the Master Plan. They support the bonds but only if funds are distributed fairly.: Maxine Eaves and Darrell Bonapart.

After the Board had heard all persons who requested to be heard, Commissioner H. Parks Helms moved that the public hearing be closed. The motion was seconded by Commissioner Bill James and was unanimously adopted.

*       *       *
SEPTEMBER 3, 2008

ADOPTION OF BOND ORDER

Commissioner H. Parks Helms moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on August 5, 2008. The motion was seconded by Commissioner Bill James and was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jennifer Roberts, and Valerie C. Woodard

NAYS: Commissioner J. Daniel Bishop

*       *       *

RESOLUTION AUTHORIZING BOND ELECTION

Commissioner H. Parks Helms moved the adoption of the following resolution respecting the required bond referendum, the motion was seconded by Commissioner Bill James, and the resolution was read by the above title.

WHEREAS, the Board has adopted the bond order hereinafter described authorizing the issuance of $250,000,000 park and recreation bonds, and that bond order and the indebtedness to be incurred by the issuance of those bonds and the tax to be levied for the payment of those bonds should be submitted to the voters of the County of Mecklenburg for their approval or disapproval in order to comply with the Constitution and laws of North Carolina;

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

(1) The questions whether the qualified voters of the County of Mecklenburg shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by that bond order, which indebtedness shall be secured by a pledge of the County’s faith and credit, (b) the levy of a tax for the payment thereof, and (c) that bond order, shall be submitted to the qualified voters of the County at an election to be held in the County on November 4, 2008.

(2) The Clerk is hereby authorized and directed to publish a notice of that election, which shall be in substantially the following form:
NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that a special bond election will be held in the County of Mecklenburg, North Carolina, on November 4, 2008, for the purpose of submitting to the qualified voters of the County the questions whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of the County of the maximum principal amount of $250,000,000, which indebtedness shall be secured by a pledge of the County’s faith and credit, and (2) the levy of a tax for the payment of those bonds, and (3) the bond order entitled, “BOND ORDER AUTHORIZING THE ISSUANCE OF $250,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG,” adopted by the Board of Commissioners to authorize the issuance of those bonds and the levy of that tax.

The $250,000,000 park and recreation bonds are authorized to pay capital costs of providing park and recreation facilities, 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.

The ballots to be used at the election shall contain the words, “SHALL the order authorizing $250,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing park and recreation facilities, 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 a tax to be levied for the payment thereof, be approved?” with squares labeled “YES” and “NO” beneath or beside those words, in which squares the voter may record his choice.

In the event a majority of the qualified voters voting at that election vote to approve the order, the incurring of indebtedness and the levy of a tax related thereto, those bonds shall be issued and taxes shall be levied for the payment of the bonds.

The polls for the election will open at the hour of 6:30 A.M. and will close at the hour of
SEPTEMBER 3, 2008

7:30 P.M.  The election will be held at the following precincts and polling places:

<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>LOCATION</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>WESTMINSTER PRESBY CH.</td>
<td>101 COLVILLE RD. CHARLOTTE, NC 28207</td>
</tr>
<tr>
<td>002</td>
<td>ST. JOHN'S BAPTIST CH.</td>
<td>300 HAWTHORNE LN. CHARLOTTE, NC 28204</td>
</tr>
<tr>
<td>003</td>
<td>GREATER PROVIDENCE BAPTIST CH</td>
<td>2000 MILTON ROAD CHARLOTTE, NC 28215</td>
</tr>
<tr>
<td>004</td>
<td>HICKORY GROVE PRESBYTERIAN CH</td>
<td>5735 E. WT HARRIS BLVD. CHARLOTTE, NC 28215</td>
</tr>
<tr>
<td>005</td>
<td>THIRD PRESBYTERIAN CH.</td>
<td>4019 CENTRAL AVE. CHARLOTTE, NC 28205</td>
</tr>
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<td>AMITY PRESBYTERIAN CH.</td>
<td>2831 N. SHARON AMITY RD. CHARLOTTE, NC 28205</td>
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<td>RANDOLPH MIDDLE SCh.</td>
<td>4400 WATER OAK RD. CHARLOTTE, NC 28211</td>
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<td>COVENANT PRESBYTERIAN CH</td>
<td>1000 E. MOREHEAD STREET CHARLOTTE, NC 28203</td>
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<td>010</td>
<td>GREEK ORTHODOX CATHEDRAL</td>
<td>600 EAST BLVD. CHARLOTTE, NC 28203</td>
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<td>GREATER MOUNT MORIAH BAPTIST CH</td>
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<td>PHILLIP O. BERRY RECREATION CENTER</td>
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<td>FIRST WARD ELEM. SCh.</td>
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<td>HAWTHORNE HIGH SCH.</td>
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<td>MIDWOOD BAPTIST CH.</td>
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<td>EAST STONEWALL AME ZION CH.</td>
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<td>AVONDALE PRESBYTERIAN CH.</td>
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<td>2830 DORCHESTER PL. CHARLOTTE, NC 28209</td>
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<td>BETTE RAE THOMAS RECREATION CENTER</td>
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<td>HOSKINS AVENUE BAPTIST CH.</td>
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<td>HIDDEN VALLEY SCh.</td>
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<td>GRACE BAPTIST CH.</td>
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<td>4000 N. SHARON AMITY RD.  CHARLOTTE, NC  28212</td>
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<td>8614 PIN Eville-MATT. RD.  CHARLOTTE, NC  28226</td>
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<td>CPCC LEVINE CAMPUS</td>
<td>2800 CAMPUS RIDGE RD. MATTHEWS, NC 28105</td>
</tr>
<tr>
<td>137</td>
<td>PROVIDENCE COUNTRY CLUB</td>
<td>6001 PROV COUNTRY CLUB DR CHARLOTTE, NC 28277</td>
</tr>
<tr>
<td>138</td>
<td>OLYMPIC HIGH SCH.</td>
<td>4301 SANDY PORTER RD. CHARLOTTE, NC 28273</td>
</tr>
<tr>
<td>139</td>
<td>HAWK RIDGE ELEM. SCH.</td>
<td>9201 BRYANT FARMS RD. CHARLOTTE, NC 28277</td>
</tr>
<tr>
<td>140</td>
<td>HARRISON UNITED METHODIST CH.</td>
<td>15008 LANCASTER HWY. PINEVILLE, NC 28134</td>
</tr>
<tr>
<td>141</td>
<td>UNIVERSITY CITY REG. LIBRARY</td>
<td>301 EAST WT HARRIS BLVD. CHARLOTTE, NC 28262</td>
</tr>
<tr>
<td>142</td>
<td>LAKE NORMAN BAPTIST CH.</td>
<td>7921 SAM FURR RD. HUNTERSVILLE, NC 28078</td>
</tr>
<tr>
<td>143</td>
<td>LAKE FOREST COMMUNITY CHURCH</td>
<td>8519 GILEAD RD. HUNTERSVILLE, NC 28078</td>
</tr>
<tr>
<td>144</td>
<td>ST. MATTHEW CATHOLIC CH.</td>
<td>8015 BALLANTYNE COMS PKWY CHARLOTTE, NC 28273</td>
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<td>145</td>
<td>HICKORY GROVE BAPT. CH., N. CAMPUS</td>
<td>2350 ODELL SCHOOL RD. CHARLOTTE, NC 28262</td>
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<td>146</td>
<td>TURNING POINT ACADEMY</td>
<td>2300 W. SUGAR CREEK RD. CHARLOTTE, NC 28262</td>
</tr>
<tr>
<td>147</td>
<td>E. W. WADDELL HIGH SCH.</td>
<td>7030 NATIONS FORD RD. CHARLOTTE, NC 28217</td>
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<tr>
<td>148</td>
<td>COMMUNITY HOUSE MIDDLE SCH.</td>
<td>9500 COMMUNITY HOUSE RD. CHARLOTTE, NC 28277</td>
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<td>149</td>
<td>JOSEPH W. GRIER ACADEMY</td>
<td>8330 GRIER RD. CHARLOTTE, NC 28215</td>
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<tr>
<td>150</td>
<td>HOLLY HUNTER CHURCH</td>
<td>4316 MT HOLLY HUNTERSVILLE RD. CHARLOTTE, NC 28216</td>
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<td>MECKLENBURG COMMUNITY CHURCH</td>
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<td>152</td>
<td>BERRYHILL BAPTIST CH.</td>
<td>9801 WALKERS FERRY RD CHARLOTTE, NC 28214</td>
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<td>153</td>
<td>J. H. GUNN ELEMENTARY SCH.</td>
<td>7400 HARRISBURG RD. CHARLOTTE, NC 28215</td>
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<td>154</td>
<td>CORNELIUS TOWN HALL</td>
<td>21445 CATAWBA AVE. CORNELIUS, NC 28031</td>
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<td>155</td>
<td>ROBINSON PRESBYTERIAN CH.</td>
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<td>BACK CREEK PRESBYTERIAN CH.</td>
<td>1821 BACK CREEK CH. RD. CHARLOTTE, NC 28213</td>
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<td>157</td>
<td>REEDY CREEK ELEM. SCH.</td>
<td>10801 PLAZA RD. EXT. CHARLOTTE, NC 28215</td>
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<td>DAVIDSON TOWN HALL</td>
<td>216 S. MAIN ST. DAVIDSON, NC 28036</td>
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<td>159</td>
<td>HUNTERSVILLE ELEM. SCH.</td>
<td>200 GILEAD RD. HUNTERSVILLE, NC 28078</td>
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<td>160</td>
<td>BETHEL PRESBYTERIAN CH.</td>
<td>19920 BETHEL CH. RD. CORNELIUS, NC 28031</td>
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<td>161</td>
<td>LONG CREEK ELEM. SCH.</td>
<td>9213 BEATTIES FORD RD. HUNTERSVILLE, NC 28078</td>
</tr>
</tbody>
</table>
Voters may register to vote by submitting in person or by mail a properly completed and signed voter registration application form to the Mecklenburg County Board of Elections at 741 Kenilworth Avenue, Suite 202, Charlotte, North Carolina. Except in certain limited situations, such forms must (1) if submitted in person (or by a person delegated by the applicant), be received by the Board of Elections by a time established by that Board but no earlier than 5:00 P.M. on October 10, 2008 (2) if submitted by mail, be postmarked no later than October 10, 2008. Registration to vote may also be accomplished at offices of the Department of Motor Vehicles in connection with certain applications relating to drivers’ licenses, or at the offices of certain state service agencies designated by law as voter registration agencies. Voter registration forms may be available at public libraries.
and public high schools. Certain persons who become qualified to register and vote between the
deadline to register and the election day may apply in the manner provided by law to register on the
election day. Certain persons in the armed forces and their spouses, certain veterans, certain
civilians working with the armed forces, and members of the Peace Corps who are absent from their
county of residence may register by mail at any time prior to the election in the manner provided by
law and in person at any time, including the day of the election. For details on the above matters
(including deadlines), contact the Mecklenburg County Board of Elections at 741 Kenilworth
Avenue, Suite 202, Charlotte, North Carolina.

Any qualified voter may apply for an absentee ballot to be used in voting at the election.
Information concerning the time and manner for applying for an absentee ballot, including the last
day for making an application, can be obtained from the Mecklenburg County Board of Elections at
741 Kenilworth Avenue, Suite 202, Charlotte, North Carolina.

In addition to the foregoing, not earlier than October 16, 2008 and not later than 1:00 P.M. on
November 1, 2008, any qualified voter may vote by absentee ballot in person at the Board of
Elections (and/or possibly at other locations). Contact the Board of Elections for further information
concerning such “no excuse one-stop” voting procedures.

By order of the Board of Commissioners of the County of Mecklenburg.

Janice S. Paige
Clerk to the Board of Commissioners
County of Mecklenburg, North Carolina

End of Notice of Special Bond Election

(3) That notice of special election shall be published at least twice. The first publication
shall be not less than 14 days and the second publication shall be not less than 7 days before the last
day on which voters may register for the special election.

(4) The Mecklenburg County Board of Elections is hereby requested to print and
distribute the necessary ballots, to provide the equipment for the holding of the election and to
conduct and to supervise the election.
The Clerk to the Board of Commissioners shall mail or deliver a certified copy of this resolution to the Mecklenburg County Board of Elections within three days after the resolution is adopted.

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jennifer Roberts, and Valerie C. Woodard

NAYS: Commissioner J. Daniel Bishop

Extracts and Resolutions recorded in full in Minute Book 44-A, Document #197.

(4D) ROOM OCCUPANCY, PREPARED FOOD & BEVERAGE, VEHICLE RENTAL AND U-DRIVE-IT TAXES

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to open a public hearing for the purpose of receiving comments on the proposed amendments to the Room Occupancy, Prepared Food & Beverage, Vehicle Rental and U-Drive-It tax ordinances.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to close the public hearing on the proposed amendments to the Room Occupancy, Prepared Food & Beverage, Vehicle Rental and U-Drive-It tax ordinances; and adopt an Ordinance to amend the Room Occupancy, Prepared Food & Beverage, Vehicle Rental and U-Drive-It taxes ordinances to reflect the changes enacted by the North Carolina General Assembly.

Ordinance recorded in full in Minute Book 44-A, Document #198.

(5) ADVISORY COMMITTEE REPORTS – NONE

(2A1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-1, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes and Commissioner Bishop voting no, to approve purchase of Tax Parcels 007-471-99, 007-471-10 and 007-471-11 (+/- 89.77 acres) off Summers Walk Blvd in Davidson for $4,270,000 from FC Summers Walk, LLC.

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-1, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes and Commissioner Bishop voting no, to approve designating Tax Parcels 007-471-99, 007-471-10 and 007-471-11 as Nature Preserve in accordance with the 2008 Nature Preserve Master Plan Update (component of the 2008 Park & Recreation 10-Year Master Plan).
SEPTEMBER 3, 2008

(2A2) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to adopt a resolution of intent to exchange a +/- .4534-acre portion of County Tax Parcel 115-046-11 for a +/- .4534-acre portion of Tax Parcel 115-046-12 owned by William H. Stewart both located off Holabird Lane and Nesbit Drive in Central Park District I.

Resolution recorded in full in Minute Book 44-A, Document #199.

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

(2A3) CLOSED SESSION – CONSULT WITH ATTORNEY – HAL MARSHALL

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-0, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to authorize the County Manager to amend the contract terms on the Hal Marshall property Purchase and Sale Agreement to extend the time until September 19, 2008 for further evaluation as it relates to that contract.

MANAGER’S REPORT

(6B) UPDATE ON FLOODING CAVALIER APARTMENTS

The Board received an update from Storm Water Services regarding flooding at Cavalier Apartments on August 27, 2008 as a result of Tropical Storm Fay.

Dave Canaan, director of Storm Water Services and Tim Trautman of Storm Water Services gave the update.

The presentation addressed:

- Tropical Storm Fay impact in Charlotte-Mecklenburg
- Flood Information & Notification System
- Coordinated Response
- Post-Event Response
- Floodplain Impacts
- Damage Summary
- Flood Losses/Damage Avoided
- Floodplain Buyout Program
- Cavalier Apartments Specifically

It was noted that staff is working diligently to determine the status of those flood insurance applications that were completed by tenants of Cavalier. Staff is working with FEMA, the insurance agent, the insurance company, and others to get this matter resolved.

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

The following persons asked that the flood insurance they applied for through the County be honored: Christopher Jeannot, Charles Nelson, and Mark S. Strungis. They also gave the Board a list of other Cavalier tenants who informed them that their flood insurance claims were denied by Hartford Insurance.

Chairman Roberts assured the speakers that County staff is working very hard to get this matter resolved, as it relates to the flood insurance applications that were completed by tenants of
Cavalier. Chairman Roberts said if the County was responsible for the delay, then the County will be responsible for treating those persons as if they had the insurance and as if it had come through on time.

_A copy of the list of other tenants is on file with the Clerk to the Board._

**CONSENT ITEMS**

Motion was made by Commissioner James, seconded by Commissioner Helms and carried 7-0, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to approve the following item(s):

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held August 5, 2008, Special Meeting held May 29, 2008; and Closed Session held August 5, 2008.

(8) **TAX REFUNDS – ITEM WAS REMOVED FROM THE AGENDA**

(9) **ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY – SECOND READING**

Amend Ordinance Prohibiting the Consumption of Alcoholic Beverages on County Property to add the portion of the fleet management facility that is leased to Fiber Mills to the Exemption section so that alcoholic beverages can be consumed in that area.

_Note: The County’s lease with Fiber Mills requires that the Lessee carry the necessary liquor liability insurance to adequately protect the County._

Ordinance recorded in full in Minute Book 44-A, Document #200.

(10) **FUJITSU SCANNERS – PURCHASE CONTRACT**

Approve unit price contract for providing FUJITSU SCANNERS based on available funding to various County Departments for a term of three years and authorize the County Manager to renew contract up to two (2) additional one-year terms to the following vendors:

- Imaging Solutions and Services, Inc., of Charlotte, NC for eight (8) models purchased on an as needed basis.
- IKON Office Solutions, Inc., of Charlotte, NC for eight (8) models lease option on an as needed basis.

The contract should not exceed $500,000.

(11) **AUCTION FOR DISPOSAL OF EQUIPMENT**

Approve the list of personal property (Exhibit A) as surplus, and adopt a resolution authorizing the sale of personal property by public auction at 10:00 am on Saturday, September 20, 2008 at 3301 Rotary Drive, Charlotte, NC.

_Resolution recorded in full in Minute Book 44-A, Document #201._
(12) WORK FIRST BIENNIAL COUNTY PLAN – DSS

1) Designate Mecklenburg County a “standard” County for the Work First Program.

2) Approve the organizations and agencies from which representatives will be appointed to assist in developing the County plan.

The Committee membership should include representatives from the following:

- Social Services Committee
- Chamber of Commerce
- Workforce Development Board
- Charlotte Housing Authority
- United Way of Central Carolinas
- Child Care Resources, Inc.
- Goodwill Industries
- Mecklenburg County Health Department
- NC Child Support Enforcement
- Employment Security Commission
- Charlotte-Mecklenburg Schools
- Central Piedmont Community College
- Vocational Rehabilitation
- Area Mental Health

(13) BLYTHE LANDING CAPITAL RESERVE REQUEST – PARK & RECREATION

Recognize and appropriate $25,000 from revenues accrued in capital reserve funds for replacement of the Blythe Landing boat dock.

(14) DONATION OF TURF BLANKETS BY THE CAROLINA PANTHERS ORGANIZATION

Approve acceptance by the Park & Recreation department of turf blankets to be donated by the Carolina Panthers organization.

Note: The blankets will be used to accelerate germination of grass seed sown on new fields and on damaged existing fields.

(15) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT APPLICATION – SET PUBLIC HEARING

1) Set a public hearing for the October 7, 2008 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 2008-2009.

2) Direct the Clerk to publish notice of intent to hold a public hearing.

(16) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $2,029 for Park and Recreation, $4,601 for Real Estate Services, $7,889 for Sheriff’s Office and $8,719 for Land Use and Environmental Services.

Note: All reimbursements are for stolen and damaged items.

(17) 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 designate Becky M. Insogna as a Review Officer and to delete the name J. H. (Jay) Bost from the Resolution of March 5,
Resolution recorded in full in Minute Book 44-A, Document #202.

(18) **SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE REVISION – SET PUBLIC HEARING**

Set a Public Hearing for Revisions to the Mecklenburg County Soil Erosion and Sedimentation Control Ordinance on October 7, 2008 at 6:30 p.m.

(19) **DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY09 FUNDING**

Recognize, receive and appropriate the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,423,209 for fiscal year 2009 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

(20) **NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT - GRANT APPROVAL**

1) Recognize, receive, and appropriate $1,721,792 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 Pre-Disaster Mitigation Grants.

3) Authorize the carry forward of unspent grant funds to subsequent years until completion of project

(21) **HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION**

1. Accept the “Offer Of Sale Of Land” from Tecumseh and Floretha Worley, owners of 5516 Ruth Drive for $107,600.

*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.*

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

3. 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 44-A, Document #203.

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

Approve, recognize, receive and appropriate Federal funds in the amount of $120,000 for Center for Prevention Resources.
(23) DSS – CHILD CARE SUBSIDY PROGRAM

Amend the Department of Social Services FY09 budget to recognize, receive and appropriate additional Federal and State revenue for the Child Care Subsidy Program.

Note: The additional funds will assist in meeting the child care needs of eligible Mecklenburg County citizens and to assist in offsetting the rising cost of child care during FY09.

(24) WTVI EQUIPMENT FINANCING

Authorize the County Manager and the Director of Finance to negotiate and execute financing for acquisition of equipment for WTVI as approved in the FY09 Capital Improvements Program.

(25) GOVERNMENT DISTRICT PARKING DECK – LEASE MANAGEMENT SERVICES

Authorize the County Manager to negotiate and execute a three (3) year lease management agreement with Keith & Keith, Ltd. d/b/a The Keith Corporation for the retail portion of the Government District Parking Deck (4th and McDowell).

(26) GREENWAY DONATIONS

Accept donations of the following properties on Kings Branch from Liberty Oak, Inc. and on Mallard Creek from D & D Properties:

1) Tax Parcel 205-174-92 (+/- 3.81 acres)
2) Tax Parcel 051-303-98 (+/- 1.5 acres)
3) Tax Parcel 051-303-99 (+/- 4.34 acres)

Note: Tax Parcel 205-174-92 is donated by Liberty Oak, Inc. based on the approved subdivision plan for the Kings Creek subdivision. This parcel will add to greenway assemblage along Kings Branch, and is located in the Southwest Park District.

Tax Parcels 051-303-98 & 99 are donated by D & D Properties based on the approved subdivision plan for the Hunting Creek subdivision. This parcel will add to greenway assemblage along Mallard Creek and is located in the Northeast Park District.

(27) LAND EXCHANGE AT HOLBROOK SITE

Adopt a resolution authorizing the exchange +/- 15 acres of County Tax Parcel 019-371-04 off Holbrooks Road for +/- 24 acres owned by Bowman Development Group/New Vermillion, LLC including all or portions of Tax Parcels 019-052-12, 019-461-84, 019-391-08, 019-271-05, 019-051-96 and 019-392-25 adjoining the Vermillion neighborhood in the Town of Huntersville, all in Mecklenburg County.

Note: The above 26-acre County parcel was acquired in 1991. The +/- 15-acre portion of the County’s tax parcel to be exchanged was never used for filling operations for the Holbrooks Road landfill, and the remaining area from this parcel will serve as buffer on this boundary edge of the old landfill site for purposes of methane seepage containment. The above exchange will enable an unneeded portion of this land assemblage to be utilized for residential development through the Bowman Development Group. The land to be conveyed to the County in this exchange will provide a greenway along the South Prong of Clarke Creek tributary from the edge of Vermillion at Huntersville-Concord Road to a point beyond Old Vermillion Drive. The linear distance of this greenway segment is +/- 1.15 miles. No exchange of funds would be associated with this exchange.
(28) VOLUNTEER FIRE DEPARTMENT SITE

Approve re-conveyance of Tax Parcel 223-191-11 to heirs of the C. L. and Lillian B. Earnheart Family.

Note: Located at 10216 Providence Road West, the above tract was conveyed to the County in 1966 for use as a volunteer fire department station. There is no (County) institutional memory of how this contribution came about; however, the deed to the County included a clause that the property should automatically revert to the family once the property was no longer needed for fire fighting facility purposes. This site has not been actively used for the stated purpose in many years. There is now interest by family members in developing this and their other adjoining tracts. The above action is to formalize conveyance of the .33-acre tract back to the family members.

(29) FUNDING ADJUSTMENT – STRUCTURED DAY PROGRAM GRANT

Recognize, receive and appropriate additional Federal funds in the amount of $13,113 for the Structured Day Program Grant from the North Carolina Department of Correction, Criminal Justice Partnership Program.

(30) DELEGATION OF SOLID WASTE REGULATORY AUTHORITY – LUESA

Authorize the County Manager or his designee to enter into a Memorandum of Agreement for Delegated Solid Waste Regulatory Authority with the NC Division of Waste Management.

Memorandum of Agreement recorded in full in Minute Book 44-A, Document #205.

(31) MECKLENBURG COUNTY WASTE MANAGEMENT ADVISORY BOARD – AMENDMENT TO BYLAWS

Approve an amendment to the Bylaws of the Waste Management Advisory Board to permit a Town of Matthews appointee.

(32) BIG SUGAR CREEK GREENWAY DONATION

Accept donation of Tax Parcel # 167-172-11 with +/- 10.4003 acres from Time Warner Entertainment Company, LP.

Note: This donation resulted from a rezoning case and will convey a connecting tract to Arrowood Road near the Red Oak Business Park off I-77. The parcel provides a connection to greenway property already owned by the County along Big Sugar Creek. This property is in the Southwest Park District.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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STAFF REPORTS AND REQUESTS

(33) 2009 NCACC LEGISLATIVE GOALS SUBMISSIONS
The Board received as information the following list of requests being submitted to the N.C. Association of County Commissioners (NCACC) for its 2009 Legislative Goals.

- **Sales Tax Exemption** – Support legislation to exempt counties, cities, public schools and community colleges from payment of state and local sales taxes on purchases within North Carolina. At minimum, support legislation to restore public schools’ access to sales tax refunds.

- **Seek legislation to increase the daily reimbursement rate for housing state inmates in county jails.**

- **Support legislation to provide greater discretion at the county level to establish fees for the inspection of food and lodging facilities.**

- **Support appropriation of state funds and allocation of those resources in a manner to add school health personnel in all counties, including urban counties, so that each school system reaches a nurse/student ratio of 1:750.**

- **Seek legislation to require a facility to assist with a communicable disease investigation by providing copies of records that could identify individuals potentially at risk of exposure and to provide immunity for the person responding to a request for records from any civil or criminal liability that otherwise might be incurred as a result of complying with the request.**

- **State Aid to Public Libraries – Seek legislation to make recent one-time appropriations to the State Aid to Public Libraries grant fund recurring to be used for improving and expanding collections of books and materials.**

- **Court Facility Fees -- Support legislation to allow counties to collect additional facilities fees to help fund capital, operational and other needs associated with ever-increasing judicial activities.**

Deborah Goldberg, Assistant to the County Manager, presented the requests.

Note: NCACC develops its list of legislative goals on a biennial basis to coincide with the state’s two-year budget cycle. The process of developing those goals begins with counties’ submitting recommended items. The deadline for submissions from counties is Sept. 5. NCACC will then vet recommendations through its various committees, staff, and Board of Directors. Member counties will approve a final agenda in December or January. The General Assembly will convene for the 2009 Long Session January 28.

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

(34) **CLARIFYING OPINION NEEDED FROM STATE ATTORNEY GENERAL REGARDING QUESTION OF RETIREE BENEFITS FOR FORMER NORTH CAROLINA LOCAL GOVERNMENT ELECTED OFFICIALS (COMMISSIONER JAMES)**

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-0, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes,
to direct the County Attorney to write the North Carolina Attorney General seeking a clarifying opinion on the legality of Cities, Towns, Counties, and School Boards to providing retiree benefits (of any kind) to former elected officials.

(35) RESOLUTION – NACO BID FOR 2013

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and carried 7-0, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to adopt a resolution supporting the Charlotte Regional Visitors Authority’s bid to the National Association of Counties (NACo) to host the 2013 NACo Annual Conference in Mecklenburg County.

Resolution recorded in full in Minute Book 44-A, Document #206.

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 Woodard, seconded by Commissioner James and carried 7-0, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:10 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street on Tuesday, September 9, 2008 at 3:00 p.m.

**ATTENDANCE**

Present:  
Chairman Jennifer Roberts and Commissioners  
J. Daniel Bishop, H. Parks Helms, Norman A. Mitchell, Sr.  
Dan Ramirez and Valerie C. Woodard  
General Manager Bobbie Shields  
Clerk to the Board Janice S. Paige

Absent:  
Commissioners Karen Bentley, Dumont Clarke, and Bill James

The meeting was called to order by Chairman Roberts.

Finance Director Dena Diorio presented the meeting’s topic, which was Debt Management Guidelines.

(1) Debt Management Guidelines/ County’s Debt Policy

Director Diorio addressed proposed changes to the County’s Debt Policy. The following was covered:

- Recap of June 24, 2008 presentation regarding a financing model
- Staff actions since that time
- Debt Ratios (It was noted that at 6/30/08, the County was not in compliance with two of the ratios in the current debt policy. Current and near-term capital needs do not provide an opportunity to bring the County into compliance.)
- Authorized/Unissued Debt
- Authorized/Unissued Debt by Purpose
- Near-Term Capital Needs/Projected Authorizations (It was noted that in addition to the authorized/unissued debt, the County has future capital needs in excess of $1.5 billion from FY2009 through FY2015.)
- Projected Debt Issuance (It was noted that to accommodate these capital needs, the County would need to issue an additional $2.6 billion in new debt through FY2015 (net of pay-go). This includes the authorized/unissued debt, as well as, the near-term capital needs.)
- Projected Debt Service & Outstanding Debt (It was noted that annual debt service is projected to increase from $255 million in FY2009 to $403.2 million in FY2015. Direct debt outstanding is projected to increase from $2.4 billion in FY2009 to $3.3 billion in FY2015.)
- Impact on Debt Position & Debt Ratios
- Rating Agencies’ Comments (Pros & Cons) (It was noted that the Rating Agencies are supportive of the changes that staff is recommending.)
- Recommended Changes to Debt Policy –  
  o Amend Debt Policy to include revised debt ratio targets:
SEPTEMBER 9, 2008

- Increase ceiling for overall debt per capita to $4,200.
- Increase target for debt service as a percentage of the operational budget to 20% with a ceiling of 22%.
- Will manage to the target of 20%
- Ceiling of 22% is designed to provide flexibility to manage extraordinary circumstances.
- The goal is to review the policy over the next five years with an eye toward reducing the target and the ceiling.

  o **Increase pay-go funding for capital projects**
    - **Options for pay-go funding**
      - Appropriate three pennies on the tax rate for capital projects.
      - Appropriate all or a portion of 8% excess fund balance for capital projects.
      - Appropriate proceeds from all county land sales for capital projects.
      - Consider the new ¼ cent sales tax and appropriate proceeds to capital projects.

  o **Incorporate pay-go strategy into the County’s Debt Policy**
    - Benchmarks and Ratios (Comparison to other “AAA” Counties in N.C.)
    - Next Steps (A revised debt policy will be drafted and placed on the Board’s agenda for approval.)

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

Comments

Chairman Roberts asked for clarification regarding the 64.0% Payout Ratio, which was addressed.

Director Diorio then addressed questions asked by Commissioner Bishop, per an e-mail received. Those questions were as follows:

1. The identified potential capital requirements through FY 2015 total $2,989 billion, but debt projected to be issued over the same term is $2,5921 billion, a difference of $397 million. The model assumes that annual paygo appropriations of $26 million each will address part of the capital requirements, presumably totaling $182 million ($26 million x 7). Deducting the $182 million from the $397 million difference still leaves $215 million. Is projected debt issuance not understated by that amount, even under the assumptions shown? The response was the reason all of that debt issuance is not shown is because authorization that you see in later years, gets issued outside of the scope of this analysis. Staff assumed an authorization gets issued over a 5-7 year period.

2. New school debt authorizations in the amount of $350 million each are projected in FY 2010, 2012 and 2014, suggesting a long-term trend of capital spending for schools at $1.75 billion per decade. Further, annual debt issuance for schools is projected to decline from a peak of $275.8 million in the current fiscal year to a low of $168 million in FY 2014, with an uptick to $182 million in FY 2015. My recollection is that CMS's CIP indicated need in excess of $2.5 billion over 10 years. What is the basis for the assumptions that (1) every-other-year school debt authorizations will not be larger than shown and that (2) annual CMS capital spending will actually decline over the coming seven fiscal years? The response was when staff initially did the analysis $500 million every other year was put in for schools. That level of authorization pushed the ratios to a level that was higher than what staff was comfortable with. Further, that based on staff’s debt analysis and debt projections, staff would probably not come to the Board with a recommendation for CMS higher than $350 million. Further, if the Board were to approve something higher, it would have to come from some place else.

3. After taking into account the $250 million park bond approved for November's ballot and $36 million of previously approved debt for parks, the presentation assumes no additional
authorization of debt for parks through FY 2014, 5 years away. How does that square with my colleagues' approval of a $1.4 billion park master plan, which many have characterized as a 10-year CIP? To my knowledge, only Bill James has suggested that the pattern of a park bond referendum every five years will continue to hold. Even if it did, a new authorization would be scheduled for FY 2014. Why is that absent, and wouldn't you have to assume that the amount will be $1.15 billion given the board's adoption of the master plan? The response was in addition to the $36 million authorized and unissued debt for parks, there's also $25 million in park land bonds outstanding. Assuming that the $250 million is approved, staff doesn't anticipate issuing any of that until FY 2010 because of the outstanding authorization Park and Recreation already has. Staff wants to see them spend what they already have before issuing new debt. Further, that based on their prior spending history, staff believes additional authorization may not be necessary until 2013. Director Diorio said it's her view that the $250 million was a seven year authorization.

4. What is the basis for assuming that NO additional non-school capital projects will be both identified and funded over the next six fiscal years, through FY 2015? The response was if it means above and beyond what's in the analysis, staff has no idea what additional projects may come up or fall out.

5. The debt to assessed valuation ratio is projected to be fairly steady, actually somewhat lower over seven fiscal years. What is the underlying assumption concerning growth in assessed valuation? Trying to calculate backwards, there appears to be a particularly aggressive growth rate assumed between FY 2009 and 2010. I would like to see the calculations underlying the projections, preferably by spreadsheet with the formulas included. Have you taken into account declines in single-family residence values projected by various experts, including for example a Fortune magazine article published last November? The response was the growth rate assumed between FY 09 and FY 10 is 20% and that's because of property revaluation. After 2010 the County intends to undergo revaluation every two years, eliminating large swings in values that have been experienced in the past. Assessed evaluation in this analysis is expected to grow by 3.7% per year there after based on historical trends. It was noted further that the County is well within its policy target for debt as a percentage of assessed evaluation.

6. Is my understanding correct that the $26 million annual PAYGO funding is incorporated in the existing tax rate? (Given that it appears in your model for FY 2009, I assume that is the figure we appropriated in the budget adopted in June. My memory, though, is that the appropriation adopted was somewhat lower.) The response was no, the Board approved $26 million.

7. I would like to have data reflecting Mecklenburg's position relative to other AAA counties, including peer counties in North Carolina, assuming we adopt and comply with the manager's recommended slackening of our debt limitation guidelines. The response was that a handout was distributed regarding this. (A copy of the handout is on file with the Clerk to the Board.) Chairman Roberts noted that when she and staff met with the Rating Agencies, they indicated that many counties do not have a debt policy. They were pleased Mecklenburg County has one and that the County is working on revising it.

8. I also would like to see some sensitivity analysis reflecting less rosy scenarios in terms of the amount of capital needs (i.e., higher) and growth in assessed valuation (i.e., lower). It would appear that even with the best of assumptions, we will have no margin for error complying even with the more liberal limitations proposed. The response was that staff will work on this.

Commissioner Helms asked if the authorized and unissued debt information provided takes into account authorized and unissued debt. The response was yes.

Commissioner Helms asked was it true that the County isn't paying debt service on the authorized and unissued. The response was that's correct.
Commissioner Helms said the dilemma is not how much authorized and unissued the County has, but how much should be sold in January.

Commissioner Helms said what the County is trying to do is come up with a debt policy that reflects reality, which is what the Rating Agencies suggested.

Commissioner Mitchell said he still hopes to see the day when Boards of Education will have taxing authority.

Commissioner Ramirez asked, with respect to the option for pay-go funding, appropriating three pennies on the tax rate for capital projects, would this be over and above the existing tax rate. The response was that the County already appropriated $26 million, which is less than three pennies on the tax rate, thus it would be the difference between the $26 million and what three pennies on the tax rate would be, which would be about $28.5 million.

Commissioner Bishop said in light of the effects of the economic changes that “we’re seeing in the nation,” it turns out that the County does not experience the expected 20% increase in assessed value, per revaluation, then the County would immediately have a potential problem with the guidelines the Board will adopt. Commissioner Bishop said the County could be out of compliance with that overall debt market value ratio immediately if revaluation turns out not to be as expected.

Commissioner Helms said a revised debt policy will give the Board the flexibility it will need to adjust to any changes that may occur.

Director Diorio said a policy isn’t meant to be static. It should be reviewed periodically. The proposed policy would be reviewed within a three to five year timeframe to see where the County is and how it’s doing. Also, staff would be looking to revise it down all the time and not up. Further, the County is not changing debt to market value. “It’s 4%; it’s been 4% and will continue to be 4%. It’s not one of the issues that the County has had trouble with.”

Chairman Roberts asked if Charlotte-Mecklenburg Schools was aware of the County’s projections. The response was no, that staff wanted to share it with the Board first.

Chairman Roberts asked about the projected debt issuance and whether staff has a breakout for the other areas, like it does for schools. The response was that staff could provide that information.

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

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Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, and unanimously carried, with Commissioners Bishop, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:05 p.m.

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Janice S. Paige, Clerk Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS
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, September 16, 2008.

ATTENDANCE

Present: Vice-Chairman H. Parks Helms 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: Chairman Jennifer Roberts

-INFORMAL SESSION-

The meeting was called to order by Vice-Chairman Helms, after which the matters below were addressed.

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, the Board acknowledged the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Hal Marshall Property
- Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Land Acquisition.

The Board went into Closed Session at 5:19 p.m. and came back into Open Session at 5:55 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any items they wanted removed from consent and voted upon separately.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Invocation was given by Vice-Chairman Helms, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) SUBSTANCE ABUSE AWARENESS MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to adopt a joint proclamation designating October 2008 as Substance Abuse Awareness Month.

The proclamation was read by Commissioner Bentley and received by Helen Harrill with Substance Abuse Prevention Services.

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

(1B) BIG SWEEP DAY

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to adopt a joint proclamation designating October 4, 2008 as Big Sweep Day in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Clarke and received by Rusty Rozzelle, Water Quality Program Manager.

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

(1C) YOUTH RECOGNITION – 2008 US TRACK AND FIELD NATIONAL JUNIOR OLYMPICS

The Board recognized Mecklenburg County youth who participated in the 2008 US Track and Field National Junior Olympics.

Jim Garges, Director of Park and Recreation and Anthony James with Park and Recreation introduced the participants.

Note: Youth from twenty-two (22) counties participated in and qualified in Sectional, State and Regional (GA, NC, SC, VA, MD) track meets to advance to the USATF National Junior Olympics in Omaha, Nebraska from July 22-27, 2008. A total of six thousand (6,000) children participated in the event. Collectively, the team won nine (9) medals led by Khayla Dawson’s (Greenway Park Elementary School) shot put toss of 28’8.25” that resulted in first place finish and a gold medal in the 9-10 year old bantam girls division.

(1D) SUSAN G. KOMEN CHARLOTTE RACE FOR THE CURE® DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell,
Ramirez, and Woodard voting yes, to adopt a joint proclamation designating October 4, 2008 as Susan G.Komen Charlotte Race For The Cure® Day.

The proclamation was read by Commissioner Woodard and received by Stacy Busby, Komen Charlotte Board President.

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

(2) PUBLIC APPEARANCE

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

Delores Perry-Pearson addressed getting prayer back into schools. She suggested there be a referendum on this matter.

Vice-Chairman Helms thanked Ms. Pearson for appearing.

(3A) NOMINATIONS/APPOINTMENTS

LAKE WYLIE MARINE COMMISSION

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to appoint Terry Everhart and Howard Virkler to the Lake Wylie Marine Commission for a three-year term expiring September 30, 2011.

They are replacing Charles Ibach and filling a vacant rotating slot.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to reappoint Alice Battle to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2011.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to reappoint Barbara Blakeney, Larry Blakeney, Dora Daniel, Betty Forehand, Cheryl Grice, Peggy McKoy, Claudia Moses, Joanne Nagem, Michael Nagem, Dicie Neal, Sheila Singleton and Patricia Wilson to the Nursing Home Community Advisory Committee for a three-year term expiring September 30, 2011.

Motion was made by Commissioner Clarke seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to nominate/appoint Gina Patrick to the Nursing Home Community Advisory Committee for a one-year term expiring September 30, 2009.

(3B) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and
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Woodard voting yes, to appoint Dr. Thomas Zweng, Senior Vice President and Chief Medical Officer to replace Lynn Boggs as the Presbyterian/Novant Healthcare representative to the EMS Joint Agency Board of Commissioners for an unexpired term expiring in 2010.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) ACQUISITION OF FLOOD-DAMAGED STRUCTURES FROM THE AUGUST 27 AND SEPTEMBER 10, 2008 STORMS

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to:

1. Approve the concept of the County acquiring floodplain structures that sustained damage in the August 27 and September 10, 2008 Storms;

2. Adopt the Resolution for an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 27 and September 10, 2008 Storms;

3. Appropriate $2,900,000 from Storm Water Fund Balance for the acquisition of floodprone structures; and

4. Authorize staff to negotiate purchase contracts using Storm Water Funds, not to exceed a total of $4,000,000, and return to the Board for approval.

Note: On August 27, 2008, Charlotte-Mecklenburg experienced significant rainfall that resulted in the flooding of approximately 300 single family homes/commercial structures; and 300 multi-family units/dwellings located in the floodplain. Approximately 100 structures flooded within the finished living space. 90% of the damaged structures were along Briar Creek. The September 10, 2008 flood resulted in about 10 additional buildings being flooded, primarily in Little Sugar Creek. It is estimated that one to two dozen residential structures may be “substantially damaged,” meaning that the cost to repair the structure is greater than 50% of the value of the structure. According to the Floodplain Ordinance, the property owner must bring the entire structure up to code when this occurs. That means significant investment must be made to elevate or floodproof the structure.

In July of 2003, the Board authorized staff to implement a $1.3M “Quick Buy” program after a flood which impacted homes along Little Sugar Creek. The concept was to voluntarily acquire floodprone homes with local funding while they were still in their damaged condition. In 2003, Storm Water successfully acquired 9 homes as part of this program and removed them from the floodplain.

This proposed “Quick Buy” concept primarily uses Storm Water’s available fund balance (total estimated to be $2.9 million) as pay-as-you-go capital funding. An additional $1.1M is currently available in the FY08 Storm Water Operating Budget. In addition, limited funding is available in various Park & Recreation Bonds to acquire additional floodprone structures in areas identified in the Greenway or Park Master Plans.

Staff has proposed this shift in funding the acquisition of floodprone structures to Storm Water revenues due to limited federal funds being immediately available and the desire to continue the
SEPTEMBER 16, 2008

acquisition program started in 2000 that has removed over 300 families/businesses from the floodplain. This Resolution establishes eligibility criteria and set the prioritization and process for implementing the “Quick Buy” program.

Dave Canaan, Director of Water & Land Resources addressed this issue with the Board.

The following persons spoke to this issue and asked the Board to support the buy-out program recommended by staff: Gail Starnes, Jimmy Thompson, David Bouchelle, Carol Thompson, Melba Adams.

Resolution recorded in full in Minute Book 44-A, Document #207.

(6B) CENTRAL PIEDMONT COMMUNITY COLLEGE PARKING DECK SITE

The Board received as information the proposed task schedule for constructing a Central Piedmont Community College (CPCC) parking deck at Charlottetowne Avenue and 7th Street to meet an August 2009 opening date.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to authorize staff to submit a request for a Certificate of Appropriateness to the Historic Landmarks Commission to utilize a portion of the tax parcel (#08017101) where Memorial Stadium is located for the CPCC parking deck site.

(2A) CLOSED SESSION – CONSULT WITH ATTORNEY

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to authorize the County Manager to negotiate and execute one or more short term extensions of the BB&D Investment Group contract for the purchase of the Hal Marshall Services Center properties to extend the due diligence date, up to October 10, 2008. Secondly, should the County Manager and County Attorney be able to satisfactorily negotiate some needed technical changes to the proposed Third Amendment to Purchase and Sale Agreement delivered to the County Attorney on September 16, 2008, to execute such an amendment.

CONSENT ITEMS

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held September 3, 2008 and Closed Session held September 3, 2008.

(8) NURSE FAMILY PARTNERSHIP GRANT

Recognize, receive and appropriate $500,000 from the Kate B. Reynolds Charitable Trust and The Duke Endowment to support the Nurse Family Partnership program in Mecklenburg County.

Note: The Nurse Family Partnership (NFP), a nationally recognized, evidence-based nurse home visitation program helps to transform the lives of first-time, low-income parents and their
(9) **GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to JH Food Management, owner of Joe’s Café.”

*Resolution recorded in full in Minute Book 44-A, Document #208.*

(10) **GREENWAY DONATIONS**

Accept donation of Tax Parcels 105-021-58 (+/- 1.34 acres) and 105-371-92 (+/- 0.988 acres) from University East, LLC.

*Note: These parcels will add to greenway assemblage along Back Creek, and is located in the Northeast Park District.*

(11) **TAX REFUNDS**

Approve refunds in the amount of $10,102.43 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) **GRANT RECEIVED – SHERIFF’S OFFICE**

Recognize, receive and appropriate funds from the North Carolina Department of Crime Control and Public Safety in the amount of $50,000.

*Note: Grant funds will be used to ensure adequate preparedness for a response to an all hazard event to include terrorism within the State of North Carolina. The grant funds have been allocated for the NC/SC Terrorism Conference to be held in Charlotte, NC, September 29 and 30, 2008. The conference provides funding for training of members of the Homeland Security community in prevention and response to a terrorism event.*

(13) **NORTH AMERICAN POLICE WORK DOG ASSOCIATION (NAPWDA) TRAINING CONFERENCE PROCEEDS — SHERIFF’S OFFICE**

Recognize, receive and appropriate funds from the North American Police Work Dog Association (NAPWDA) Training Conference in the amount of $7,260.

*Note: The Mecklenburg County Sheriff’s Office hosted the NAPWDA training conference in Charlotte, NC. NAPWDA provides for the proceeds from the conference to remain with the host agency to purchase Canine equipment and supplies for their agency.*

(14) **FUTURE GREENWAY DONATION AGREEMENT**

Authorize the County Manager to execute an agreement for the conveyance of a 3.46-acre land donation from Tax Parcels 025-291-15, 025-291-16 and 025-291-17 on Dixon Branch off Northlake Center Parkway from Gandy Communities, Inc. and/or Gail Gale, Paul Gale III and Susan Gale.

*Note: The property will be used for greenway space.*
Agreement recorded in full in Minute Book 44-A, Document #209.

(15) SOUTHWEST CENTRAL PARK DISTRICT I LAND EXCHANGE

Adopt a resolution of intent to exchange a +/- .4534-acre portion of County Tax Parcel 115-046-11 for a +/- .4534-acre portion of Tax Parcel 115-046-12 owned by William H. Stewart, both located off Holabird Lane and Nesbit Drive in Central Park District I.

Note: The above 1.08-acre tract (Tax Parcel 115-046-11) from which the County exchange parcel will be taken was acquired in 2007 as part of a larger assemblage to expand the southwest community park site in CPDI. The proposed land exchange will reconfigure both this portion of the now 85-acre park site and the Stewart property to better accommodate the development plans of each party. For the County, the exchange area will be utilized as an entrance drive to the southeasterly edge of the park site where multiple North Carolina Athletic Association (NCAA) standard baseball fields will be constructed. Also in this part of the park will be a playground, parking and a connector drive to the existing Southview Recreation Center. Mr. Stewart’s new property configuration will work with his development plan for residential units here. Based on land values from the County’s purchase last year, each of the exchange parcels is valued at +/- $19,500; thus no funds will be exchanged in this transaction.

(This request was discussed in closed session on September 3, 2008 and adopted in open session; however the public notice was not published by the newspaper as requested by the Clerk in time for the adoption of the resolution authorizing the exchange to be considered on September 16, 2008. The attached resolution states that the exchange will now occur on October 7, 2008.)

Resolution recorded in full in Minute Book 44-A, Document #210.

(16) ACQUISITION FOR LONG CREEK GREENWAY

Approve the purchase of +/- 18.61 acres included in Tax Parcels 033-221-06 and 033-051-25 off Simpson Road from Lucille McClure for $130,270.

Note: The above vacant property will become part of Long Creek Greenway, which is designated to be part of the Carolina Thread Trail.

(17) EASTWAY PARK NAMING

Approve naming the new park being developed near Eastway Drive and The Plaza “Eastway Park.”

(18) STATE BOARD OF ELECTIONS GRANT FUNDS FOR EARLY VOTING

Recognize, receive and appropriate $60,084 in grant funds from the State Board of Elections to operate additional Early Voting sites for the 2008 Primary election.

(19) LITTLE SUGAR CREEK LAND ACQUISITION

Approve accepting bid assignment at $15,750 for Tax Parcel 081-099-18 on E. 15th Street in the Belmont neighborhood.

Note: The lot is located in the Belmont neighborhood where most of the Little Sugar Creek floodplain land has been acquired by the County for greenway and water quality enhancement purposes.
Commissioner James left the dais and was away until noted in the minutes.

**STAFF REPORTS AND REQUESTS**

(20) WTVI/PUBLIC SQUARE AGREEMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, and Woodard voting yes and Commissioners Bentley and Bishop voting no, to approve Agreement for the Establishment and Operation of Public Square.

Note: Approval of the multi-year Agreement will establish County support for the creation and operation of a new television channel and website dedicated to enhancing civic awareness and civic engagement, managed by WTVI staff under the direction of the Charlotte-Mecklenburg Public Broadcasting Authority.

General Manager John McGillicuddy presented this matter to the Board. Ed Driggs, chairman of the Public Broadcasting Authority and Elsie Garner, executive director spoke in support.

Agreement recorded in full in Minute Book 44-A, Document #211.

Commissioner James returned to the dais.

(21) CITIZENS REVALUATION ADVISORY COMMITTEE (CRAC) REPORT

The Board received the Citizens Revaluation Advisory Committee Executive Summary Report and Comments on the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal.

Tax Assessor Garrett Alexander presented the matter to the Board.

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

(22) EMERGENCY POLITICAL OVERSIGHT POLICY (COMMISSIONER JAMES)

Commissioner James addressed having an Emergency Political Oversight Policy.

It was the consensus of the Board to instruct the County Manager to report back on development of an Emergency Political Oversight Policy to allow for Board functions during times of disaster and what would be needed in terms of legislation and protocols, as it relates to the current emergency management guidelines.

(23) CMS FREE AND REDUCED LUNCH PROGRAM FRAUD (COMMISSIONER JAMES)

Commissioner James addressed the current Fraud issues with CMS’ Free and Reduced Lunch Program which is now (according to CMS) over 60% and determine an appropriate solution in coordination with CMS.
Commissioners Bentley and Bishop left the meeting and were absent for the remainder of the meeting.

It was the consensus of the Board to direct the County Manager to discuss this matter with School Superintendent Dr. Peter Gorman to find out exactly what is going on and to report back 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 Mitchell, seconded by Commissioner Ramirez, and carried 6-0, with Commissioners Clarke, Helms, James, Mitchell, Ramirez, 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, Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, October 7, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke H. Parks Helms, Bill James, Norman A. Mitchell, Sr. and Dan Ramirez County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Valerie C. Woodard (Note: Commissioner Woodard passed away on October 3, 2008.)

-INFORMAL SESSION-

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS – WACHOVIA BANKING UPDATE

The Board received an update from Bob Morgan, President of the Charlotte Chamber of Commerce regarding the impact of the sale of Wachovia on the community. The Board also heard from Finance Director Dena Diorio.

The following was noted by Mr. Morgan, but prior to beginning, he expressed condolences to the Board and to the Woodard family on the passing of Commissioner Valerie C. Woodard.

- The Wachovia outcome is unknown, however, the Chamber was informed that the possibility of Wachovia remaining independent is “slim.”
- Wachovia is the second largest employer in Mecklenburg County and has been a “leader” in making good things happen here in Charlotte/Mecklenburg County.
- The lost of Wachovia will be a lost to the community.
- The Chamber wants to have a good working relationship with whoever ends up owning Wachovia; and has communicated with officials of Wells Fargo and CitiGroup in order to begin creating opportunities to make the case as to why jobs and investments should remain here in Charlotte/Mecklenburg County.
- Bank of America continues to thrive.
- Charlotte is still the second largest banking center in the United States.
- Charlotte/Mecklenburg County has never been a one industry town, which is a plus when situations like this occur.
The Chamber tracks the economy of Charlotte/Mecklenburg County on a quarterly basis in terms of new/announced jobs, square footage, investments for private sector non-residential investments.

Third Quarter tracking figures for 2008 were given compared to 2007, with respect to new and/or expanding firms (08-929 / 07-898), new jobs (08-9,592 / 07-11,233), square footage (08-21.1 million / 07-19.9 million), investments (08-1.74 billion / 07-1.8 billion).

The Chamber is working with the community’s other economic development partners.

The Chamber continues to encourage the support of the bonds on the ballot in November.

The Chamber is also encouraging the completion of 485 by the state.

Comments

Commissioner Clarke said the community needs to continue to think about being an attractive place for additional investments by all sorts of employers.

Mr. Morgan said economic diversification is important and that the community should keep its “chin up” and move forward.

Commissioner Ramirez asked if it was known how many jobs will be lost at Wachovia.

Mr. Morgan said he does not know. He said it’ll probably be weeks before the impact, in terms of jobs, is known.

Commissioner Mitchell asked about the status of the new Wachovia Cultural Facility that’s under construction.

Mr. Morgan said it’s his understanding, that’s an obligation that’s pretty “locked down” and will be assumed by whoever owns that asset and liability.

Commissioner James asked was it true Wells Fargo is the better deal for Wachovia.

Mr. Morgan said he couldn’t answer that question.

Chairman Roberts noted that in light of the Wachovia situation, there will be persons looking for employment probably around the January/February timeframe. She asked Mr. Morgan to assist in thinking about jobs that work well with people with financial skills; and that the Chamber try and get out in front of this. She said the County would be willing to work with the Chamber on a conference or some type of collaboration in this area.

Chairman Roberts thanked Mr. Morgan for appearing.

Finance Director Dena Diorio addressed the County’s relationship with Wachovia. The following areas were covered:

- Remarketing (bonds)
- SWAPS
- Liquidity
- Investments
- Banking
- Merchant Services
- Printing and Mailing Contract

A handout was provided regarding these areas.

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

The Board also received a graph depicting the Average Monthly Interest Rates (FY08 & FY09).

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

Commissioner Bishop asked for clarification with respect to Liquidity, which was addressed.

Commissioner Clarke asked for clarification with respect to Remarketing, which was addressed.

Chairman Roberts asked how much was budgeted for COPs and bonds with respect to interest rates. The response was 6% for COPs for variable rate interest and bonds 5.75%.

Chairman Roberts asked was the County under what it estimated needing for interest. The response was yes.

Commissioner Bishop asked if the market for the County’s bonds just as disruptive as other markets. The response was yes. It was noted that remarketing is not occurring right now.

Commissioner Bishop asked what happens if the Liquidity provider fails. The response was that Mecklenburg County would be the backstop and would have to buy back the bonds.

Commissioner James asked for clarification with respect to the SWAPS, which was addressed.

Commissioner James asked had there been any discussions about a policy that would provide a range or limit the amount of variable rate debt. The response was right now the County is at 30%. Also, the Rating Agencies feel that because of the strong reserves the County has and its large fund balance that the County can take on that exposure of having that variable rate debt and not be at risk. It was noted that being in the variable rate market has saved the County about $65 million in interest expense.

Commissioner James said if things continue as they are now with respect to the economy that it may be necessary for the County to reprioritize some projects.

It was noted that discussions have already begun with departments regarding the status of capital projects, including the possible deferral of projects.

Commissioner James said he would like to see a written analysis that explains why the County’s variable rate debt should be where it is compared to, as an example, the Institute of Government’s model.

Commissioner Clarke asked what was the County’s rule of thumb, with respect to the amount of working capital over a period of time, that the County would have this time of year to cover our obligations. The response was that staff will get an answer to this question.

This concluded the discussion.

Finance Director Diorio said she would keep the Board updated.

Note: The above is not inclusive of every comment.

(2A, 2B, 2C, 2D) 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, C) CONSULT WITH ATTORNEY AND D) PERSONNEL MATTER

Prior to going into Closed Session, the Board acknowledged the following purposes for going into Closes 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, C) Consult with Attorney and D) Personnel Matter:
• Tax parcel # 145-173-10
• Tax Parcel 065-143-06 and Tax Parcel 065-143-05
• Tax Parcel # 207-081-13
• Tax Parcels 099-261-05, 099-261-04, 099-253-15 and 099-253 on North Sharon Amity Road and Hickory Grove Road, consisting of approximately 44 acres
• Tax Parcels 163-061-01, 163-061-02, 163-061-03, 163-061-05 and 163-06S-01 adjacent to McClintock Middle School, 5.57 acres
• Land in Third Ward of owned by 300 South Church, LLC and RBC Corporation
• Tax Parcel 023-022-33

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: 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, C) Consult with Attorney and D) Personnel Matter.

The Board went into Closed Session at 5:45 p.m. and came back into Open Session at 6:45 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.

Invocation was given by Commissioner H. Parks Helms, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.

Chairman Roberts acknowledged the unexpected passing of Commissioner Valerie C. Woodard on Friday, October 3, 2008. She expressed condolences to the Woodard family, who were present.

A video was shown depicting clips of Commissioner Woodard at Board meetings throughout her tenure on the Board.

MANAGER’S REPORT

(6) INDUCTION INTO THE ORDER OF THE HORNET – COMMISSIONER VALERIE C. WOODARD

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to induct the late Commissioner Valerie C. Woodard into the Order of the Hornet.

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. This is the highest honor the Board bestows for service to the community.

The order was accepted by Commissioner Woodard’s family.

The following persons asked to speak in memory of Commissioner Woodard, each expressed their admiration for Commissioner Woodard and spoke of her work in and for the community.
OCTOBER 7, 2008

- Dwayne Collins, Chairperson of and on behalf of the Black Political Caucus (Mr. Collins presented a Proclamation proclaiming October 7, 2008 as “The Honorable Valerie C. Woodard Day” in Charlotte and Mecklenburg County. The proclamation was given to the family. A copy was placed at Commissioner Woodard’s seat at the dais. It is now on file with the Clerk to the Board.)
- Wilhelmenia I. Rembert (Former County Commissioner)
- Ms. Johnnie Collins
- Carole Jorgensen on behalf of the National Alliance of Mental Illness, Charlotte Affiliate
- Rebecca Gomer on behalf of the Young Democrats of Mecklenburg County
- Pastor Brenda Stevenson on behalf of the Hoskins Community Westside Organization

Commissioner Woodard’s husband, William Woodard, thanked the Board for their expressions of sympathy. He said Commissioner Woodard loved him, her family, the Mecklenburg Board of Commissioners, and “all of the residents of Mecklenburg County.” He thanked the Board and all of the community for their expressions of kindness.

Chairman Roberts announced that a wake would be held for Commissioner Woodard on Wednesday, October 8, 2008 at Alexander Funeral Home from 6:00 p.m. – 8:00 p.m. Her funeral service would be Thursday, October 9, 2008 at Saint Paul Missionary Baptist Church with visitation from 11:00 a.m. – 11:55 a.m., the service at Noon.

Board Members and staff around the dais expressed their condolences to the family.

_The Woodard family left at this time._

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) CENTER FOR COMMUNITY TRANSITIONS, INC.

Motion was made by Commissioner Bentley, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a proclamation recognizing the work of the Center for Community Transitions, Inc.

_The proclamation was read by Commissioner Bentley and received by Myra Clark, Executive Director of the Center for Community Transitions, Inc._

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

(1B) NATIONAL 4-H WEEK

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a proclamation recognizing October 5-11, 2008 as National 4-H Week.

_The proclamation was read by Commissioner Bishop and received by Robert Furr, Extension Agent and two students._

_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:
Jayvonda Peay addressed the Family Court System, but prior to beginning she expressed her condolences to the Woodard family. She informed the Board that her case has been on the docket since 2001. Her husband has custody of her son. Ms. Peay said the Guardian Ad Litem is a useful program, but it has not assisted her in the way that it should have. She said a ruling has yet to be made regarding her getting her son back. She noted that she’s raising two other children. Ms. Peay suggested that an audit be done of the court cases that have been on the docket for quite sometime and/or an audit of the Guardian Ad Litem Program.

Maudia Melendez, executive director of Jesus Ministry, an organization that works with the Latin American community and builds bridges with other communities, Patrice Ognodo with Neighborhood Good Samaritan Center and Mel Parker addressed an upcoming event entitled African-Latino Night, October 17, 18, & 19, 2008, but prior to beginning expressed condolences to the Woodard family.

The following persons addressed the Family Court System and the Guardian Ad Litem Program. They asked the Board to examine the operations of both. It was said that the Guardian Ad Litem Program was “improperly used and abused.” Also, they’re aware that many of the corrections needed must occur at the state level but that the Board can assist also since it’s responsible for the Department of Social Services. They said the NC Court Watch Commission can assist by watching what occurs in the courts. They addressed the length of time it’s taking for cases to be disposed of and the need for Judges that care about the welfare of the children and will decide based on the facts. The speakers were:

Gregory Ritch
Natalie Bingham
Isaac Davis, Jr.
Angela Glendry
Donna Jenkins-Dawson (Ms. Dawson expressed condolences to the Woodard family.)

Chairman Roberts noted that the courts are under the auspices of the state. She thanked the speakers, nonetheless, for bringing these matters to the Board’s attention and that their concerns would be brought to the attention of the Mecklenburg County Legislative Delegation.

APPOINTMENTS

(3A) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to appoint Mr. Ollie Frazier to the Waste Management Advisory Board as recommended by the Town of Matthews for a three-year term expiring October 31, 2011.

PUBLIC HEARINGS

(4A) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT APPLICATION

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2008-2009.

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

Chairman Roberts informed the public about Voluntary Title VI Public Involvement. She read the following statement: Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1830 or email at slipscomb@ncdot.gov.

It was also noted that forms were available at the entrance of the Meeting Chamber.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2008-2009; and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2008-2009.

CERTIFIED STATEMENT

FY09

County of Mecklenburg

RURAL OPERATING ASSISTANCE PROGRAM

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 all federal and/or state programs related to public transportation, and grants NCDOT authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY09 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as NCDOT may require;

WHEREAS, it is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises, Minority Owned Business Enterprises and Women Owned Business Enterprises shall have the opportunity to participate in the performance of contracts financed in whole or part by Federal and State funds in order to create a level playing field, and the county shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract.

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2008 through June 30, 2009;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
This is to certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Mecklenburg, North Carolina, and that the following statements are true and accurate:

**Elderly and Disabled Transportation Assistance Program**
1. The funds received from G.S. 136-44.27 will be used to provide transportation services for the elderly and disabled allowing individuals to reside for a longer period in their homes, thereby enhancing their quality of life.
2. The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.

**Employment Transportation Assistance Program**
1. The purpose of these transportation funds is to assist transitional Work First participants after eligibility for cash assistance has concluded, participants in local Workforce Development Programs, and/or the general public with employment-related transportation needs.
2. The funds are limited to use by the local Department of Social Services, Work Force Development Program or the community transportation system.
3. The funds may be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program after an assessment of employment transportation needs in the service area indicates that employment transportation needs are substantially being met. This assessment will occur prior to any transfer of funds and following submission of a statement to that effect from the County Manager to the Public Transportation Division.

**Rural General Public Program**
1. The funds are limited to use by the community transportation system.
2. The funds will not be used to provide human service agency trips.

*Certified Statement recorded in full in Minute Book 44-A, Document # 212.*

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts voting yes, to recognize, receive and appropriate grant funds when awarded.

**SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE REVISION**

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts and voting yes, to open a public hearing to hear comments on the Revisions to the Mecklenburg County Soil Erosion and Sedimentation Control Ordinance.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts voting yes, to close the public hearing and adopt the revised Mecklenburg County Soil Erosion and Sedimentation Control Ordinance to be effective immediately.

Note: Summary of proposed Changes to the Soil Erosion and Sedimentation Control Ordinances

**Section 3 Definitions**
- Definition for ‘Competent Person’ added
- Definition for ‘Person Responsible for the Violation’ modified to include contractor with control over the Tract

**Section 4 Scope and Exclusions**
- Changes consistent with State Model Ordinance
Section 8 Mandatory Standards for Land-Disturbing Activity
- Additional control measures required for Lakes and Watercourses as well as Wetlands
- Stabilization and Ground Cover required within 21 calendar days consistent with State Model Ordinance
- Text referring to standards for ‘more than one acre’ corrected to ‘one acre or more’
- State or Federal requirements for monitoring must be met if more restrictive than stated standards
- Person performing monitoring shall have certification
- Corrective action to begin within 24 hours after rain event or inspection
- Minor text modifications for increased clarity

Section 9 Design and Performance Standards
- Borrow and waste change consistent with State Model Ordinance

Section 10 Erosion and Sedimentation Control Plans
- Owner consent required consistent with State Model Ordinance
- Erosion control plans must comply with local water quality regulations

Section 12 Inspections and Investigations
- Paragraph about Temporary Certificate of Occupancy deleted. Temporary Certificate of Occupancy is not allowed by North Carolina Building Code when local codes have not been met
- A repeated violation by the same person on different tracts would be subject to immediate penalty.

Section 13 Penalties
- Text on violations not resulting in off-site sedimentation modified to refer to standards in Section 8 instead of re-listing the standards
- Sentence limiting past record of consideration for a repeat violator to only two years deleted in accordance with a decision made by the Storm Water Advisory Committee in 2006.

Ordinance recorded in full in Minute Book 44-A, Document #213.

Commissioner Mitchell returned to the dais.

(5) ADVISORY COMMITTEE REPORTS – NONE

(2B) CLOSED SESSION LAND ACQUISITION LITTLE SUGAR CREEK GREENWAY ACQUISITION
Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the purchase of +/- 27 acres included in Tax Parcel#207-081-13 located at 10401 Cadillac Street in Pineville from HBW LLC for $2,823,800.

Note: The above property has recently been operated as a golf driving range (Crown Golf Center) by the seller’s family. The tract is within Pineville’s extraterritorial jurisdiction and is zoned B4 (highway business district). This property will become part of Little Sugar Creek Greenway. It will provide a parking lot/ access point for the future trail as well as a potential site for other recreation facilities. The property may also serve as an operations/maintenance center for the greenway crews.

(2B) CLOSED SESSION LAND ACQUISITION CHARLOTTE-MECKLENBURG SCHOOLS ACQUISITION
Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve as requested by the Charlotte-Mecklenburg Board of Education, the purchase prices of: 1) The Alexander site at North Sharon Amity Road and Hickory Grove Road including Tax Parcels 099-261-05, 099-261-04, 099-253-15 and 099-253-14 with +/- 44 acres for $39,000 per acre (+/- $1,716,000), and
OCTOBER 7, 2008

2) Site expansion land for the McClintock Middle School on Rama Road including Tax Parcels 163-061-01, 163-061-02, 163-061-03, 163-061-05 and 163-065-01 with +/- 5.57 acres for $109,000 per gross acre (+/- $592,250).

CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the following item(s) with the exception of items(s) 10 to be voted upon separately:

(7) APPROVAL OF MINUTES


(8) 2008 MOBILE SOURCE EMISSIONS GRANT

1) Recognize, receive and appropriate $102,925 in grant funds from the NC Department of Environment and Natural Resources for 2008 Mobile Source Emissions Grant project titled, “Grants to Replace Aging Diesel Engines.”

2) Authorize funds to be carried to subsequent years until completion of project.

(9) DUKE ENERGY FOUNDATION GRANT

Recognize, receive and appropriate $2,500 in grant revenue from the Duke Energy Foundation.

Note: Duke Energy is providing funding for Mecklenburg County Air Quality staff to organize and hold one or more events promoting electric lawnmowers. A gasoline powered lawnmower emits about 50 pounds of pollution each summer while an electric lawnmower has no direct emissions and can be recharged when electricity demand is low. The funding will be used to provide discounts to citizens in our region that purchase electric lawnmowers at the event. Providing this incentive will motivate individuals to buy electric lawnmowers and recycle old gasoline mowers reducing pollution and increasing awareness about the impact of lawn and garden equipment on local air quality.

(11) TAX COLLECTOR’S SETTLEMENT FOR FISCAL YEAR 2008

Receive, accept and enter into the records of the Board of County Commissioners the Tax Collector’s Settlement for fiscal year 2008.

MECKLENBURG COUNTY
Office of the Tax Collector
OCTOBER 7, 2008

To: Board of County Commissioners
   Harry L. Jones, Sr., County Manager
   Dena Diorio, Finance Director

From: Neal L. Dixon, Tax Collector

Date: August 25, 2008

Subject: Tax Collector's Settlement for Fiscal Year 2008

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector’s report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2007-2008 (Tax year 2007). The settlement also includes the collection of prior year’s taxes during fiscal year 2007-2008 as reflected on the report.

Current Year Collections

<table>
<thead>
<tr>
<th>Tax Collected</th>
<th>Tax Charged</th>
<th>Collected</th>
<th>Uncollected</th>
<th>Pct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real &amp; Personal</td>
<td>$746,812,191.69</td>
<td>$735,781,411.81</td>
<td>$11,030,779.88</td>
<td>98.53%</td>
</tr>
<tr>
<td>Reg. Motor Vehicle</td>
<td>$ 64,023,373.22</td>
<td>$ 55,236,110.12</td>
<td>$ 8,787,263.10</td>
<td>86.28%</td>
</tr>
<tr>
<td>Total</td>
<td>$810,835,564.91</td>
<td>$791,017,521.93</td>
<td>$19,818,042.98</td>
<td>97.56%</td>
</tr>
</tbody>
</table>

The totals above reflect the uncollected taxes for all tax bills. Of this total, the Tax Collector was barred from collecting 804 real estate and personal property tax bills totaling $445,444.17 by the U.S. Bankruptcy Court.

The total tax collected 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.

Tax Collector’s Settlement for Fiscal Year 2007

Prior Year Collections

During FY 2008, the Tax Collector pursued collection of delinquent prior year taxes.

Real Estate and Personal Property Tax:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>$319,434,607.87</td>
<td>$ 472,924.71</td>
<td>$ 24,075.61</td>
<td>99.90%</td>
</tr>
<tr>
<td>1998</td>
<td>$362,906,656.03</td>
<td>$ 581,729.50</td>
<td>$ 39,910.49</td>
<td>99.90%</td>
</tr>
<tr>
<td>1999</td>
<td>$404,007,294.18</td>
<td>$ 746,659.42</td>
<td>$ 44,221.46</td>
<td>99.90%</td>
</tr>
<tr>
<td>2000</td>
<td>$429,174,017.05</td>
<td>$1,136,346.54</td>
<td>$ 60,471.73</td>
<td>99.80%</td>
</tr>
<tr>
<td>2001</td>
<td>$528,418,501.58</td>
<td>$1,503,189.81</td>
<td>$129,880.03</td>
<td>99.80%</td>
</tr>
<tr>
<td>2002</td>
<td>$542,257,360.16</td>
<td>$3,142,362.28</td>
<td>$ 193,682.98</td>
<td>99.50%</td>
</tr>
<tr>
<td>2003</td>
<td>$583,093,272.02</td>
<td>$1,941,796.76</td>
<td>$ 338,895.36</td>
<td>99.70%</td>
</tr>
<tr>
<td>2004</td>
<td>$602,449,712.78</td>
<td>$2,242,785.65</td>
<td>$ 571,245.17</td>
<td>99.70%</td>
</tr>
<tr>
<td>2005</td>
<td>$688,852,975.05</td>
<td>$3,013,327.51</td>
<td>$1,357,400.52</td>
<td>99.60%</td>
</tr>
<tr>
<td>2006</td>
<td>$695,988,651.76</td>
<td>$4,344,211.83</td>
<td>$ 5,417,584.22</td>
<td>99.40%</td>
</tr>
</tbody>
</table>

Registered Motor Vehicle Tax:

<table>
<thead>
<tr>
<th>Year</th>
<th>Tax Charged</th>
<th>Uncollected Bal.</th>
<th>Collected in FY 2007</th>
<th>Pct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>$49,339,231.59</td>
<td>$2,002,346.27</td>
<td>$ 30,252.18</td>
<td>96.00%</td>
</tr>
<tr>
<td>2005</td>
<td>$60,631,994.95</td>
<td>$2,749,439.25</td>
<td>$ 495,423.82</td>
<td>95.50%</td>
</tr>
<tr>
<td>2006</td>
<td>$61,068,073.62</td>
<td>$2,387,617.64</td>
<td>$ 6,189,250.38</td>
<td>96.10%</td>
</tr>
</tbody>
</table>
Tax Collector Comments

The collection percentage for real estate and personal property taxes was lower than that of the previous year by 0.06%. The registered motor vehicle tax rate exceeded that of the previous year by 0.75%. During FY 2008, prior year collections for FY 2007 increased the collection percentage by 0.81% ($5,417,584.22) for real estate and personal property taxes and by 10.57% ($6,189,250.38) for registered motor vehicle taxes.

As the statistics indicate in this report, the collection percentage for real estate and personal property taxes exceeds 99.00% within one year. The collection percentage for registered motor vehicle taxes exceeds 96.00% within one year. This is a major accomplishment given the economic conditions that affected many of our taxpayers this fiscal year.

Please contact me at Neal.Dixon@MecklenburgCountyNC.gov or 704-336-3322 if you have any questions or comments regarding this settlement report.

North Carolina General Statue 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body.

Neal Dixon       8/25/08
Tax Collector     Date

Sworn to and subscribed before me this 25th day of August, 2008

Diane M. Reese
Notary Public

Settlement Report recorded in full in Minute Book 44-A, Document # 214.

(12) TAX REFUNDS

Approve refunds in the amount of $7,642.60 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) LATTA PLANTATION NATURE PRESERVE EXPANSION

Approve purchase of Tax Parcel 023-022-33 (+/- 3.347 acres) at Latta Plantation Nature Preserve for $28,500 from Crescent Resources, LLC.

(14) TOBY CREEK GREENWAY ACQUISITION

Approve purchase of +/- 1.25 acres of Tax Parcel 049-252-17 at 726 Carolyn Lane for $9,500 per acre from Reginal and Jo Ann Pinkerton.

Note: The subject property is part of a land assemblage for the future extension of the Toby Creek Greenway between University City Boulevard and Rocky River Road.

(15) 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:

- 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.
- 371 commercial plans permitted July 2006
- 365 commercial plans permitted August 2006
- 401 commercial plans permitted September 2006
- Micro Film – Jan 1996-Dec 1997 = 33
- Micro Film – Jan 1998-Dec 1998 = 44
- Daily Deposits - 1/1/05-12/31/07 = 10,445
- Credits & Refunds 12/1/06-8/23/07 = 363

(16) LITTLE SUGAR CREEK GREENWAY – MIDTOWN SECTION – CONSTRUCTION CONTRACT

Authorize the County Manager to award a construction contract to TK Browne Construction, Inc. for a total amount of $634,919, upon receipt of Construction Authorization from NCDOT Division of Bicycle and Pedestrian Transportation.

Note: This contract is for the construction of the Little Sugar Creek Greenway - MidTown Section.

(17) REVOLUTION PARK PUBLIC GOLF COURSE AND THE FIRST TEE OF CHARLOTTE (TFTC)

Adopt a resolution declaring the County’s intent to enter into a lease agreement with TFTC to centralize and operate a junior golf program at the Revolution Park Golf Course.

Resolution recorded in full in Minute Book 44-A, Document #215.

(18) ATHLETIC FIELD LIGHTING

Approve the purchase of athletic field lighting systems without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e).

(19) LOW INCOME ENERGY ASSISTANCE PROGRAM (LIEAP) AND CRISIS INTERVENTION PROGRAM (CIP) ADMINISTRATION - DSS

Amend the Fiscal Year 09 Adopted Budget by recognizing, receiving and appropriating $24,138 for Low Income Energy Assistance Program and the Crisis Intervention Program (LIEAP/CIP).

(20) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) DOMESTIC VIOLENCE REVENUE - DSS

Amend the Fiscal Year 09 Budget by recognizing, receiving and appropriating from the North Carolina Division of Social Services an additional $11,384 in Federal revenue for the TANF Domestic Violence program.

(21) WORK FIRST DEMONSTRATION GRANT - DSS
OCTOBER 7, 2008

Decrease the revenue and expenditures in the Fiscal Year 09 Adopted Budget by $20,000 for the Work First (WF) Demonstration Grant.

(22) AREA MENTAL HEALTH GRANT APPLICATIONS

A) Approve submission of the following single-year renewal grant applications for HUD Mental Health ACCESS program:
   a) Grant for $316,764 for fiscal years 2009 and 2010
   b) Grant for $44,363 for fiscal years 2009 and 2010.

B) Approve submission of Shelter Plus Care single-year renewal grant applications as follows:
   a) Renewal A for $990,528 for fiscal years 2009 and 2010
   b) Renewal B for $281,976 for fiscal years 2009 and 2010.

C) Approve submission of a new HUD multi-year application for Shelter plus Care grant, New Samaritan Bonus, of $255,186.

D) Approve, recognize, receive and appropriate the amount of the awards when received.

(23) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate State funds in the amount of $60,000 for individuals with Traumatic Brain Injuries. This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used for community services provision and support for individuals with traumatic brain injuries.

B) Approve, recognize, receive and appropriate State funds in the amount of $10,011 for Developmental Disabilities Diversion Funds. This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used for the purpose of supporting a community of Developmental Disabilities (DD) diversion site, to limit the number of hospitalizations in state institutions.

C) Approve, recognize, receive and appropriate State funds in the amount of $155,166 for Mobile Crisis Management Team Funding. This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used for Mobile Crisis Management Team Funds.

D) Approve, recognize, receive and appropriate cash donations in the amount of $500 to the SAMSHA Grant program. This Board Action is necessary due to cash donations received from provider agencies for the SAMSHA program. These donations will assist needy families with purchasing school supplies for their children enrolled in the MeckCares Program.

(24) ABANDONMENT AND CLOSING – A 0.12 MILE SECTION OF HIGHWORTH LANE – SET PUBLIC HEARING

Adopt a resolution of intent to close a 0.12 mile section of roadway and right-of-way of Highworth Lane and set a public hearing at 6:30 p.m. on November 5, 2008 to hear residents comments.

Resolution recorded in full in Minute Book 44-A, Document # 216.

(25) ABANDONMENT AND CLOSING – A 0.4 MILE SECTION OF FRANK VANCE ROAD (SR 2045) - SET PUBLIC HEARING
OCTOBER 7, 2008

Adopt a resolution of intent to close a 0.4 mile section of roadway and right-of-way of Frank Vance Road and set a public hearing at 6:30 p.m. on November 5, 2008 to hear resident’s comments.

*Resolution recorded in full in Minute Book 44-A, Document # 217.*

(26) **CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE**

Approve an amendment to the procedures of the CCBAC to expand the membership from 9 to 11 in order to make Board of Education (BOE) liaisons full members.

(27) **HOUSING AUTHORITY PROGRAM**

Approve agreement with Charlotte Housing Authority (CHA) for housing program. Recognize and appropriate payment in lieu of taxes (PILOT) in the amount of $66,538 for allocation to the program.

*Agreement recorded in full in Minute Book 44-A, Document # 218.*

(28) **UNITED STATES DEPARTMENT OF JUSTICE 2008 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 $89,979 and recognize, receive and appropriate interest income to be earned on the grant proceeds during the term of this grant in accordance with grant requirements.

(29) **INSURANCE REIMBURSEMENTS**

Approve, recognize and appropriate funds in the amount of $3,376 for Park and Recreation, $3,836 for Real Estate Services, $198 for Sheriff and $2,001 for Land Use and Environmental Services.

*Note: All reimbursements are for stolen and damaged items.*

(30) **GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**

Adopt the resolution entitled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to JH Food Management, Owner of Joe’s Cafe.”

*Resolution recorded in full in Minute Book 44-A, Document # 219.*

(31) **CMC-RANDOLPH, BEHAVIORAL HEALTH CENTER – FURNITURE FIXTURES AND EQUIPMENT**

Award a Purchase Contract to Meadows Office Furniture in the amount of $168,882 for of furniture fixtures and equipment for the Emergency Department addition, including both public and staff areas at the CMC-Randolph, Behavioral Health Center.

(32) **WINGET PARK EXPANSION**
OCTOBER 7, 2008

Approve the purchase +/- 41 acres included in Tax Parcels 199-151-07 and 199-151-08 from James Pierce Blackwelde/Jackson Land LP and William A. Winget, located on Winget Road in the Southwest Park District for $2,203,000 with a deed restriction limiting the land-use of the property to park and public open space for a term of forty (40) years.

Note: This is a part of the Winget Park Expansion.

(33) SOUTHWEST CENTRAL PARK DISTRICT I LAND EXCHANGE

Adopt a resolution authorizing the exchange of a +/- .4534-acre portion of County Tax Parcel 115-046-11 for a +/- .4534-acre portion of Tax Parcel 115-046-12 owned by William H. Stewart both located off Holabird Lane and Nesbit Drive in Central Park District I.

Resolution recorded in full in Minute Book 44-A, Document # 220.

(34) CPCC PARKING DECK

(1) Approve the transfer of Tax Parcel 080-172-01 to the County from Central Piedmont Community College to be part of the site of the proposed CPCC parking deck; and

(2) Authorize the County Manager to request City Council to remove all restrictions on that portion of the American Legion Memorial Stadium property to be used for the parking deck imposed by the parks consolidation deed to the County.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) NEW COURTHOUSE COURTROOMS

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to authorize the County to purchase millwork from Ebenisterie Beaubois LTEEE as a sole source purchase to finish two shelled Courtrooms at the New Courthouse as authorized by G.S. 143-129 (e)(6)(iii).

Note: Commissioner Bishop removed this item from Consent to bring attention to the fact that court reporters are also needed. He noted a recent experience where a case was not heard because there was no court reporter. Commissioner Bishop said this is probably because of the difference in pay for court reporters. He said federal court pay for court reporters is $250 per day. On the state level it’s 120 per day. Commissioner Bishop said something needs to be done about this.

STAFF REPORTS AND REQUESTS

NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(35) CMS REVISIONS TO OPERATING BUDGET “FRAMEWORK” AND POLICY CHANGE RELATED TO A HOLDBACK DUE TO ATTENDANCE (COMMISSIONER JAMES)
October 7, 2008

Commissioner James addressed the Charlotte-Mecklenburg Schools Free and Reduce Lunch program.

He noted an e-mail from Regina Bartholomew, General Counsel, to the Board of Education regarding a response from the U.S. Department of Agriculture (USDA).

Commissioner James asked that the e-mail be included in the minutes, which he read a portion of.

Commissioner James said he felt the USDA’s response to Ms. Bartholomew was offensive.

Commissioner James then addressed revising the County’s CMS operating budget framework to account for 62% fewer Free and Reduce Lunch (FRL) students, since the US Department of Agriculture will not allow a follow-up to the 62% error rate on the sample of FRL applications.

Motion was made by Commissioner James, seconded by Commissioner Bishop to:

1. Revise the CMS operating budget framework to account for 62% fewer Free and Reduce Lunch (FRL) students (since the US Department of Agriculture will not allow a follow-up to the 62% error rate on the sample of FRL applications), and
2. Develop a policy requiring a hold back of a portion of CMS’ operating budget allocation during the budget process to account for the significant attendance errors between CMS’ budget in May and the actual 20 day numbers in September.

Commissioner Mitchell suggested a joint letter be written (CMS and the County) to Mecklenburg County’s Congressional Delegation regarding the response received by CMS from the USDA.

Commissioner James accepted Commissioner Mitchell’s suggestion regarding a letter being written and Commissioner Bishop, who second the original motion, concurred, to amend the original motion to direct the County Manager to prepare a letter to go to the County’s Congressional Delegation regarding this matter of the U.S Department of Agriculture’s response to CMS.

Chairman Roberts said she was okay with writing a letter but not with the other portions of the motion. She feels this is something that should be dealt with at a later time, in light of a new Board coming on board soon.

After further discussion, Commissioner James and Commissioner Bishop agreed to amend their original motion to only ask that a letter be written. Thus, the motion was as follows:

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-1 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Helms voting no, to instruct the County Manager to draft a letter to be sent to the Mecklenburg County Congressional Delegation regarding the issue of Free and Reduced Lunch in CMS and the U. S. Department of Agriculture’s response to CMS; in particular the response noted in the e-mail, which is to be attached to the letter. The letter is to be signed by Board Chairman Roberts and Board of Education Chairman Joe White.

E-mail referenced:

From: William F. James, Jr. [wjames@carolina.rr.com]
Sent: Wednesday, October 01, 2008 5:52 PM
To: Paige, Janice
Subject: FW: Response from U.S.D.A.

Attachment for RFBA

From: Regina Bartholomew <regina.bartholomew@cms.k12.nc.us>
Date: Fri, 26 Sep 2008 14:11:20 -0400
OCTOBER 7, 2008

To: Board Member White<coakejow@cms.k12.nc.us>; Board Member Griffin<mollygriffin@carolina.rr.com>; Board Member Tate<tonbstate@bellsouth.net>; Board Member Dunlap<gdunlap@bellsouth.net>; Board Member McGarry<kayemcgarry@cms.k12.nc.us>; Board Member Merchant<trent.merchant@cms.k12.nc.us>; Board Member Gjertsen<ken.gjertsen@cms.k12.nc.us>; Board Member Gauvreau<gauvreau@bellsouth.net>
CC: Peter Gorman<peter.gorman@cms.k12.nc.us>; Guy Chamberlain<g.chamberlain@cms.k12.nc.us>; Andre Mayes<andre.mayes@cms.k12.nc.us>; Nancy Daughtridge<nancy.daughtridge@cms.k12.nc.us>

Subject: Response from U.S.D.A.

Dear Board Members:

This correspondence notifies you that I finally heard back from the USDA regarding my previous inquiry. Before I delve into what was told to me, by way of background information, first, let me list the questions that were posed to the USDA:

1. May a local educational agency (LEA), in order to improve the integrity of its program, verify more (e.g., 100%) than the sample size specified in the 2004 Reauthorization of the National School Lunch Act (NSLA)?
   a. If not, what statutory language prohibits an LEA from conducting its own internal verification when it has concerns about the integrity of its program?
   b. If not, what are the penalties if an LEA verifies more than the statutorily mandated sample size for its own internal use?

2. May an LEA verify “for cause” individual applications?

3. May an LEA verify “for cause” more than the sample size specified in the NSLA if the sample size data indicates a high percentage of errors? If the answer is “no,” why would this data not constitute cause?

These questions were posed to the General Counsel, Marc Kesselman for the USDA and were never responded to in writing, or in any other manner. I then made several follow-up telephone calls and finally received a return call today, with some, but not many, definitive answers to our questions. Today, I spoke with Ronald Hill who is an attorney in D.C. office of the USDA who heads up the Food and Nutrition Division (Legal Division). His phone number is 202-720-6181. He indicated during our telephone conversation that we can only audit a sample size of the lesser of 1,000 or 3% of the error-prone applications. His further stated that “for cause” as defined in the statute is limited to a case-by-case basis, but does not entitle the LEA to conduct an audit of a group of households, because that could exceed the sample size limitation.

After he gave this explanation, I pressed him to provide answers to the remaining questions, but he indicated that the statute was clear and that if we had further questions, we could contact the regional office (Atlanta) for more information. When I told him we had done that and was given competing answers, he indicated that he would speak with them about not giving competing answers, but again directed us back to Atlanta. When I asked him whether he could provide to us a written legal opinion regarding his answers, he indicated that he would not. He further stated that his department only had seven (7) lawyers and that there were well over 1,000 school districts and that he could not ask those seven (7) attorneys to write legal opinions every time a school district had a question. I then told him that I was sure our question was not unique and it would probably prove to be helpful to others if we could get those questions concretely answered. He then directed me back to the regional office. I then asked him what purpose did his office serve, if not to provide legal guidance to districts on its own guidelines and policies, similar to what the U.S. Department of Education and other governmental agencies provide. He told me that each government agency was run differently and that I was being crass by asking him that question, and then he became rude. I apologized and told him that it was not my intent to be crass, but that answers to these questions were critical and that a legal opinion would prove helpful. I then asked if he could simply forward an email to me confirming what he verbally relayed. He told me he would, but I have yet to receive the email and the conversation took place several hours ago.

Frankly, I am losing hope that such an email will be sent.

Thus, as it stands right now, we still do not have clear guidance from the USDA about the penalty that CMS would face if we expanded the audit, but from a North Carolina state perspective, we have already been told, per Guy Chamberlain’s area, that funding will cease if we exceed the sample size limitation. Further, Mr. Hill also indicated that we cannot exceed the sample size.

Please let me know if you have any further questions or concerns regarding this matter. Thanks.

Regina Harris Bartholomew, Esq.*
General Counsel
Charlotte-Mecklenburg Schools
Legal Department
701 East Martin Luther King, Jr. Blvd.
Charlotte, NC 28202
(980) 343-6228 (telephone)
(980) 343-5739 (facsimile)

In compliance with federal law, Charlotte-Mecklenburg Schools administers all education programs, employment activities, and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability.

This electronic mail correspondence and any attachment(s) hereto, are intended only for use by the addressee(s)
Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to appropriate $7,500 from unrestricted contingency for the Support Fatherhood Town Hall Meeting on November 16, 2008.

Note: Ledger Morrissette with Community Relations and Colin Pinkney, chair of the Planning Committee for the Fathers Town Hall Meeting, addressed this event.

The town hall meeting will be a celebration of fathering throughout Mecklenburg County. It will spotlight the positive ways in which men are impacting the lives of children throughout the community. The hope is to inspire uninvolved men to play a more active role in the lives of their children and other children. This will not only positively impact the lives of children, but the community as a whole.

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 7-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Bishop voting no, to adopt a resolution supporting the Charlotte Regional Visitors Authority’s bid to the National Association of Counties (NACo) to host a NACo Annual Conference in Mecklenburg County in either 2013 or 2015.

Note: On September 3, 2008 the Board adopted a resolution requesting that Mecklenburg County be the site of the NACo Annual Conference in support of the Charlotte Regional Visitors Authority’s bid effort. Since that time, however, the CRVA is requesting that the County bid for the 2013 conference and the 2015 conference to increase our chances. The 2014 conference is not being pursued because Charlotte-Mecklenburg County will be the host site for the 2014 ICMA conference. Therefore a revised resolution is needed to include the 2015 date as well. The resolution will be included in the bid proposal submitted to NACo in December.

Resolution recorded in full in Minute Book 44-A, Document #220.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to defer consideration of Item 38 – Baseball Stadium Project, placed on the agenda by Commissioner Ramirez until the October 21, 2008 meeting.

Note: The requested action for Item 38 Review and decide the County’s course of action with the construction of the Baseball Stadium and its associated business transactions.
OCTOBER 7, 2008

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney and Personnel Matter.

The Board went into Closed Session at 9:15 p.m. and came back into Open Session at 9:35 p.m.

(2C) CLOSED SESSION - CONSULT WITH ATTORNEY

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the Fifth Amendment to Purchase and Sale Agreement between Mecklenburg County and BB&D Investment Group, LLC. with respect to the Hal Marshall Center with such technical revisions as the County Manager shall negotiate.

(2D) CLOSED SESSION – PERSONNEL MATTER – COUNTY MANAGER’S COMPENSATION

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the recommendation of the Board’s Compensation Committee with respect to the County Manager’s Compensation effective Fiscal Year 2008-2009 as follows: Approve an overall 4.4% compensation increase for County Manager Harry L. Jones, as follows: a 4% increase to his base salary and a performance bonus in the amount of $38,400 with continuation and/or adjustments in the areas of benefits, expense account, deferred compensation, and longevity pay in accordance with his employment agreement.

It was noted that the benefits portion of the County Manager’s Compensation would be addressed at the October 21, 2008 meeting.

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner James, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:42 p.m.

______________________________ ____________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
OCTOBER 14, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street on Tuesday, October 14, 2008 at 3:00 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. and Dan Ramirez County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None

The meeting was called to order by Chairman Roberts.

Tax Assessor, Garret Alexander and Finance Director Dena Diorio presented the meeting’s topics Revaluation Update and Capital Budget Update.

(1) REVALUATION UPDATE

Tax Assessor Garrett Alexander addressed revaluation. The following was covered:

- The Purpose of Revaluation
- Revaluation Timing (It was noted that the last revaluation was in 2003.)
- Revaluation Impacts
- Commercial and Residential Values as of 10-14-08
- Status of 2009 Revaluation
  - Neighborhood Delineation
  - Cost Study
  - Acre Bases/Site Values
  - Regression Modeling
  - Commercial Income/Cap Rate Studies
  - Market Trends/Sectors
  - Office Market
  - Retail Market
  - Industrial Market
  - Geographic Areas

- It was noted that
  - Currently about 68% of all real property value is residential, 32% is commercial.
  - If commercial declines, then it will shift that real burden over to the residential segment.
  - The impact operationally if revaluation is delayed is that staff would have to reexamine all of the property values and there are roughly 360,000 parcels.
OCTOBER 14, 2008

Also, the County would have to pay for a new CAP rate study, which is done by a MIA firm.

Currently the tax rate is not the amount that it’s set at, in terms of its effectiveness.

The current sales ratio, that comparison of sales value to selling price, is 82.9 percent for Mecklenburg County as of January 1, 2007, which was the last time it was captured by the state. Using the state’s standard, Mecklenburg County’s effective tax rate is 69.5 cents roughly is what that effective rate is against that value. So equalization helps to bring the effective tax up if nothing else is done.

Comments

Commissioner Bishop asked for clarification of the statement “If current market trends in several key sectors of commercial real property continue, a larger portion of the tax burden will be placed on residential owners;” and does this mean staff expects commercial values to decline relative to residential property values. The response was yes and if the trends that the Citizens Revaluation Advisory Committee saw come true.

Commissioner Bishop went on to ask if revaluation was delayed does that mean commercial properties would proportionately bare a higher tax burden until the revaluation should occur. The response was no and that the difference is that staff knows what market value is now and that is the value that would be placed on commercial property. It was noted that it may be 18-24 months before staff can inform the Board about what those trends will do. So to delay potentially, depending on how severe or fast they occur, could or may impact it. It was noted that there’s a relative relationship, a ratio between where commercial properties and residential properties are valued and what proportion each carries as a burden for the total taxes.

Commissioner Bishop asked was staff saying that trend, if allowed to continue longer before staff next set the values, might result in heavier tax burden being placed on residential. The response was yes.

Commissioner Helms and Commissioner James asked for clarification on the information provided regarding Commercial and Residential Values as of 10-14-08, which was addressed.

Commissioner Clarke asked how long has the County deferred revaluation. The response was two years.

Director Alexander recommended that the Board move forward with revaluation.

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

(2) CAPITAL BUDGET UPDATE

Finance Director Diorio gave a Capital Budget Update. The following was covered:

- Interest Rate Environment
- Remarketing of Bonds
- Financial Exposure
- Update on Bond Sale (It was noted that departments have been informed that no new contracts requiring capital dollars should be executed. Also, that immediate cash needs are being identified.)
- Projected Sale Amount
- Possible Deferred Projects
- Timeline

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

Comments
Commissioner James asked to see the list from Charlotte-Mecklenburg Schools regarding the construction activity on 20 school projects that may possibly be deferred because of a reduced sale amount.

Commissioner James asked that a letter from the N.C. Department of State Treasurer, Deputy Treasurer, Vance Holloman dated October 9, 2008, concerning Current Conditions in the Debt Market addressed to Officials of Local Governments and Public Authorities and letter dated October 9, 2008 from First Southwest Company to Mr. Richard Moore, State Treasurer be included in the minutes. *Note: Letters are at the end of the minutes.*

Commissioner Bentley asked had any thought been given to increasing fund balance. *The response was that the County is in compliance with its fund balance policy and that it would be the decision of the Board to change it.*

Kathy Drumm with Central Piedmont Community College addressed the school’s 18 percent enrollment increase. Ms. Drumm asked the Board not delay CPCC’s capital projects. Ms. Drumm said if projects are delayed, CPCC will miss an opportunity to save dollars because the market has gone down and they’re getting better prices.

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

Guy Chamberlain with CMS addressed schools under construction and the impact of delays. He noted also that CMS is getting good pricing from contractors because of the economy. He said he’s afraid that when the economy resurges prices will start to go back up.

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

Insertion of letters as requested by Commissioner James. See below. Letters are also on file with the Clerk to the Board.
October 9, 2008

TO: Officials of Local Governments and Public Authorities

FROM: Vance Holloman, Deputy Treasurer

SUBJECT: Current Conditions in the Debt Market

There have been a series of unprecedented events in the national and international financial markets which have greatly impacted the market for municipal debt. We have received a recent update on the municipal debt market which we wish to share with all of you. We share the concerns cited in this report and encourage local governments and public authorities to be very cautious in their debt management practices.

There is very limited liquidity in the current debt market and this has resulted in limited demand for new money issues and increased rates on variable debt outstanding. Although some units have continued to finance smaller projects through private placements with financial institutions, these financings have carried higher rates.

Local units should carefully evaluate their ability to service their current and any new debt issues in light higher rates of proposed debt issues, of increased variable debt rates and the potential loss of revenues due to the current economic downturn. Until market conditions become more settled units should limit their debt issues at this time to essential projects that can not be delayed.

Members of our staff are available to discuss specific projects of your unit and answer any questions that you may have. You may contact me at vance.holloman@nc treasurer.com or 919-807-2351. You may reach Tim Romocki at tim.romocki@nc treasurer.com 919-807-2360.

325 North Salisbury Street, Raleigh, North Carolina 27603-1385
Telephone: (919) 807-2350 • Fax: (919) 807-2352 • Website: www.nc treasurer.com
An Equal Opportunity/Affirmative Action Employer
Mr. Richard H. Moore, State Treasurer  
North Carolina Department of State Treasurer  
325 North Salisbury Street  
Raleigh, North Carolina 27603-1385

Dear Treasurer Moore:

Per your request, we are sending you this letter to provide an update on current market conditions and offer recommendations for North Carolina local governments with borrowing needs. Market events are happening at unprecedented speed and local governments should continue to exercise prudent and conservative debt management practices. The events of September and October alone are staggering; below is a partial list:

- Fannie Mae and Freddie Mac are put into conservatorship;
- Lehman Brothers becomes largest bankruptcy in U.S. history;
- Merrill Lynch is taken over by Bank of America;
- AIG effectively placed under government control in exchange for $85 billion loan;
- Morgan Stanley and Goldman Sachs become bank holding companies and give up large equity stakes in return for capital investments;
- Washington Mutual becomes largest U.S. bank failure in history and is taken over by JP Morgan;
- Citigroup makes offer to acquire Wachovia Bank. Wells Fargo submits competing acquisition proposal.

The above conditions, and the related market implications spawned by them, have virtually eliminated new issue volume resulting in extremely limited market access for local governments. Many of those issuers that had to sell debt during the past three weeks experienced significantly higher interest rates. Banks and other institutional investors which have historically been among the largest purchasers of municipal bonds have instead been investing in US Treasury obligations, in what is commonly referred to as a “flight-to-quality”. In addition, in both the primary and the secondary market variable rate debt has been difficult to place with investors. Outstanding variable rate debt is pricing at levels significantly above previous historical highs and in many cases, investors are exercising their option to put the bonds back. In some cases this increased put activity adds stress to remarketing agents’ inventory levels and in other cases results in failed remarketings (with draws on letters of credit or liquidity facilities) which adds to the liquidity issues already facing the letter of credit banks.

Issuers who expect to issue debt in the next 30 days should consult with their finance team (LGC staff, financial advisor, bond counsel and underwriter) to determine the most appropriate
course of action in the current market. Many issuers nationwide are delaying their bond sales, at least temporarily. The total new municipal bond issuance nationwide for the month of September dropped to $19.9 billion versus $32.8 billion for last year (source: Thomson Reuters data). The chart below shows the weekly issuance volume of tax-exempt debt nationwide since August 1, 2008.

Historical Municipal Bond Issuance

<table>
<thead>
<tr>
<th>Date</th>
<th>Average Weekly Issuance (in millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-8-2008</td>
<td>8,000</td>
</tr>
<tr>
<td>8-8-2008</td>
<td>7,000</td>
</tr>
<tr>
<td>9-1-2008</td>
<td>6,000</td>
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If issuers’ borrowing needs are urgent, and should they decide to move forward with their borrowing, it will be important to quantify the potential increased debt service costs and verify that projected revenue sources will be sufficient to meet those increased costs. For issuers who have more flexibility in scheduling debt issues, they may want to consider delaying projects, or at least delaying the financing.

In planning debt structures, the majority of issuers should continue to use a fixed rate structure. For those considering variable rates, they should be extremely cautious in drafting reimbursement agreements and understand the financial burden that a bank bond rate and penalty rates could place on their entity. Having bonds tendered to a letter of credit or liquidity provider was historically considered to be only a remote possibility, but it has become very common over the past several weeks and many issuers are experiencing increased debt service costs as a result. Additionally, the fees charged for letters of credit and liquidity facilities have risen dramatically (in some cases doubling) and many issuers are finding it more difficult to find banks willing to provide these services.

For issuers considering interest rate swap agreements, it is extremely important that they consider counterparty risk and that they quantify the potential termination payments that could be owed if a termination should occur.
OCTOBER 14, 2008

With the considerable economic pressure and budget uncertainty, we urge caution in planning for future debt service payments. Revenues may not continue to grow at the rate they have in the past and issuers should have alternatives in place and build in a cushion for a worsening economic downturn. In scheduling bond issues, it is important to build flexibility in the timeline in case the issuers need to postpone their bond issue at the last minute.

We are hopeful that the current market situation is temporary and the markets will return to some level of normalcy soon; no one can predict when that will occur; however, we do know that the dislocation in the broader credit markets must resolve prior to the municipal market doing so. That will take time and in the meantime an extra measure of caution is wise.

Sincerely yours,

Janice T. Burke
Senior Vice President

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ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley, and carried 7-0, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:21 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
OCTOBER 21, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, October 21, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke H. Parks Helms, Bill James, Norman A. Mitchell, Sr. and Dan Ramirez 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 Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS - MECKLENBURG COUNTY DEMOCRATIC PARTY EXECUTIVE COMMITTEE RECOMMENDATION FOR DISTRICT 3

Chairman Roberts acknowledged receipt of a letter from the Mecklenburg County Democratic Party dated October 21, 2008 from Joel Ford, Chairman, regarding the County Commission District 3 Replacement, as a result of the passing of Commissioner Valerie C. Woodard.

The letter, which was read by Chairman Roberts, stated that George Dunlap was elected to fill the County Commission District 3 vacancy by the eligible voters of the Executive Committee of the Mecklenburg County Democratic Party at a meeting held on October 20, 2008.

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

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and failed 4-4 with Commissioners Clarke, Helms, Mitchell, and Roberts voting yes and Commissioners Bentley, Bishop, James, and Ramirez voting no, to name George Dunlap as the District 3 representative to fill the vacancy resulting from the passing of Commissioner Valerie C. Woodard.

Comments

Commissioner James said he felt the Board should have more time to evaluate the decision of the Mecklenburg County Democratic Party, rather than voting on this matter tonight.
Commissioner James said for the Mecklenburg County Democratic Party to have just voted on October 20th and then have the County Commission vote on October 21st was not enough time for deliberation.

Commissioner James said in addition to that, he personally has issues regarding Mr. Dunlap that he needs to resolve, prior to voting on this matter. The issues noted were:

1. The vote taken by the Mecklenburg County Democratic Party Executive Committee with respect to filling the remainder of the existing District 3 term and the appointment for the District 3 full term of 2008 -10. Should and/or were two votes taken; and should the vote have been cast by the full Executive Committee or the District 3 members only of the Executive Committee.

2. He has questions regarding some issues involving Mr. Dunlap in the 90’s.

3. He has questions regarding harassment complaints against Mr. Dunlap by Board of Education members.

Commissioner James said he would be willing to discuss these matters with Mr. Dunlap, even if by phone.

Chairman Roberts asked Mecklenburg County Democratic Party Chairman Joel Ford to clarify if the recommendation was for both the remaining District 3 term and the District 3 full term of 2008-10. The response was yes.

Attorney Bethune noted that although Commissioner James used the term, “full Executive Committee” the term used in the statute, which he discussed with Commissioner James, was “County Executive Committee.”

Commissioner Helms expressed support of Mr. Dunlap and moving forward with appointing Mr. Dunlap to fill the District 3 vacancy in accordance with the law.

Commissioner Helms read the applicable statute regarding the responsibility of the Mecklenburg County Democratic Party with respect to filling the District 3 vacancy. He noted that the statute says the County Executive Committee of the appropriate political party filling the vacancy “shall” make this recommendation. Further, that the Board of County Commissioners “shall” appoint the person recommended by the County Executive Committee of the political party of which the Commissioner being replaced was a member, if the party makes the recommendation within 30 days.

Commissioner Clarke asked Attorney Bethune what was the Board’s recourse when you have members that refuse to do what the law requires or that of Mr. Dunlap.

Attorney Bethune said at this point he’s not sure if the other members of the Board would have any type of recourse. Further, that since he’s the Board’s Attorney, he’s not in a position to offer advice to Mr. Dunlap.

Commissioner Clarke suggested Mr. Dunlap go to a judge and present the statute and the recommendation regarding his appointment to the District 3 seat and inform the judge that the Board of Commissioners have refused to do what they’re required to do and probably for political reasons.

Attorney Bethune, in response to a question asked by Commissioner Helms, said the matter could be reconsidered at tonight’s meeting with a motion by someone who voted no. Also, that it can be placed on a subsequent meeting, as a new item by anyone.

Chairman Roberts noted the fact that effective December 2, 2008, Mr. Dunlap becomes a
member of the Board anyway.

Commissioner Helms suggested to Mr. Dunlap that he secure a writ of mandamus from a judge, which would order the Board to appoint him.

Commissioner Ramirez said it’s disturbing to him that a judge or anyone could force him to vote on a matter. Commissioner Ramirez said his vote is a “free” vote and that no one should interfere with his vote. Further, he doesn’t interpret “shall” to necessarily mean “must.”

Commissioner Ramirez said he doesn’t have any animosity against Mr. Dunlap. He just feels the matter should be voted upon at a later date.

Commissioner Ramirez said “if a judge is going to command me to do or to cast my vote one way, I’d rather resign than be forced into voting.”

Mr. Dunlap, who was present, informed Chairman Roberts that he would excuse himself. Prior to leaving, Mr. Dunlap said he held no animosity towards any of his “future colleagues.” Further, it’s his hope that for the good of the community that the Board would “govern this board and this community in a manner that brings respect and dignity to Mecklenburg County.” Mr. Dunlap said he would be consulting his lawyer.

Mr. Dunlap left the meeting and was absent for the remainder of the meeting.

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

Prior to going into Closed Session, the Board announced the following A) Consult with Attorney and B) Land Acquisition matters to be discussed in Closed Session:

- Jerry Alan Reese vs. Mecklenburg County, Brooklyn Village, LLC
- Land in Third Ward belonging to 300 South Church Street, R.B.C Corporation

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Land Acquisition.

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 6:05 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 14 and 15.

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

-Chairman Roberts called this portion of the meeting to order.
Commissioner Bishop was absent when the meeting was called to order and until noted in the minutes.

Invocation was given by Chairman Roberts, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

Prior to beginning, Chairman Roberts again acknowledged the passing of Commissioner Valerie C. Woodard and noted a memorial was held in her honor at the October 7, 2008 meeting.

Commissioner Woodard passed on October 3, 2008.

Chairman Roberts said it was anticipated that a replacement for Commissioner Woodard would be seated tonight, after having received a recommendation from the Mecklenburg County Democratic Party Executive Committee for the appointment of George Dunlap. The recommendation was received by the Board at the 5:00 p.m. session for the appointment of George Dunlap to fill the District 3 vacancy, however the motion to do so failed in a tie vote of 4-4 with Commissioners Clarke, Helms, Mitchell and Roberts voting yes and Commissioners Bentley, Bishop, James and Ramirez voting no.

Chairman Roberts said this matter would be brought back before the Board at a subsequent meeting.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

Commissioner Bishop entered the meeting at this time.

(1A) RECREATIONAL EQUIPMENT, INC. DONATION

The Board recognized Recreational Equipment, Inc. (REI) for their $10,000 donation to Partners for Parks for the development of a Natural Play Area.

Michael Kirschman with Park and Recreation, Priscilla Walters with Partners for Parks and Bill Ryerson, Outreach Specialist with REI addressed the donation.

(2) PUBLIC APPEARANCE

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

Rev. Willie Simpson suggested something be done to memorialize the passing of County Commissioner Valerie C. Woodard in recognition of her service to the community. He suggested a day be proclaimed and/or that her chair at the dais be “retired.” Rev. Simpson also spoke in support of George Dunlap, who was recommended by the Mecklenburg County Democratic Party to replace Commissioner Woodard.

Martin Davis spoke in opposition to the re-election of Chairman Roberts.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to nominate and appoint at tonight’s meeting Lauren Groves to
the Adult Care Home Advisory Committee for a one-year term expiring October 30, 2009.

Note: She is replacing Dorene Murphy.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner James nominated all eligible applicants for appointment consideration to the Juvenile Crime Prevention Council. They were Aaron Cabbs and Tayler Manchester for the youth slots and Lopa Thakkar for the Substance Abuse Agency slot.

Note: The vote will be taken on November 5, 2008.

LIBRARY BOARD OF TRUSTEES

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to nominate and appoint at tonight’s meeting Renee E. Casali and William Warren to the Library Board of Trustees for a four-year term expiring December 31, 2012.

Note: They are filling the last two of four new membership slots granted to the Library Board of Trustees by the General Assembly.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to reappoint Carole Gaither and Jeffrey Giddens to the Nursing Home Community Advisory Committee for a three-year term expiring October 31, 2011.

SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to reappoint Melissa Major to the Shelter for Battered Women Advisory Committee for a three-year term expiring October 31, 2011.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

County Manager Jones addressed “Managing Expenditures” during these “uncertain economic times.” He referenced a Memorandum, date October 21, 2008 that was sent to Department Directors and a Board Bulletin dated October 9, 2008. It was noted that the information shared with Department Directors could also serve as a response to Commissioner James’ agenda Item 23 - Mecklenburg County Hiring and Expense Freeze.
Highlights

- The economic situation does not look good and it could have a substantial impact on County revenues.
- Mecklenburg County has a history of sound budgeting and effectively managing resources, including the current (FY09) budget.
- Mecklenburg County historically underspends its budgets by 3-4 percent. Therefore departments can offset some reduction in revenue by maintaining normal cost management efforts.
- Departments still need to be proactive in considering further cost containment steps rather than waiting for a crisis to occur.
- Departments need to consider what steps may be needed to prepare for potentially significant revenue shortfalls in next year’s budget.
- The County’s revenues and expenditures will be monitored very closely on a monthly basis.
- At this point, the County is not implementing across-the-board reductions or implementing a county-wide hiring freeze. However, department directors should enhance their scrutiny of departmental spending to identify additional opportunities to reduce or avoid expenditures, while maintaining quality customer service.
- The finance director has met with department and agency leaders to reprioritize cash flow needs for capital projects, in case the County needs to scale back the amount of bonds and COPs sold in January.

County Manager Jones said he would be back to the Board with an update, probably in about a month.

County Manager Jones informed the Board that he would be reporting back to the Board at the November 5, 2008 regarding Commissioner Ramirez’s previous request concerning alternative work schedules for employees. Also, the Board will receive the report of the Criminal Justice and Public Safety Task Force.

Chairman Roberts thanked the County Manager for the update.

As a result of this presentation, no action was taken on Commissioner James’ Item 23 as noted later in the minutes.

A copy of the Memorandum and the Board Bulletin is on file with the Clerk to the Board.

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

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-0, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve the following item(s) with the exception of Items 14 and 15, to be voted on separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held October 7, 2008 and Closed Session held October 7, 2008.

(8) GIS REIMBURSEMENT FOR 2007 AERIAL IMAGERY

Recognize, receive and appropriate $27,192 from the State of North Carolina for Mapping.
services.

(9) **ECONOMIC DEVELOPMENT ADMINISTRATION GRANT MATCH**

Appropriate $20,000 from restricted contingency to help fund a study of the automotive and motor sports industry in the Charlotte region.

(10) **TOBY CREEK GREENWAY ACQUISITION**

 Approve purchase of Tax Parcel 049-261-04 (+/- 5.0 acres) on Knollwood Court West for $65,500 from Nancy W. Page.

*Note: The subject property is part of a land assemblage for the future extension of the Toby Creek Greenway between University City Boulevard and Rocky River Road.*

(11) **MCDOWELL CREEK GREENWAY ACCESS EASEMENT**

Accept the donation of a +/- 0.1077-acre easement on a portion of Tax Parcel 005-371-05 from DDRTC Birkdale Village, LLC.

*Note: The subject easement area is located adjacent to the Birkdale Village parking lot at Townley Road in Huntersville. The easement will provide pedestrian connectivity to the McDowell Creek Greenway from the Birkdale Village mixed-use development.*

(12) **JAIL CENTRAL – ARREST PROCESSING RENOVATION – SECURITY EQUIPMENT – SOLE SOURCE**

Authorize the County to purchase security equipment and services from Norment Security Group as a sole source purchase to complete the renovation and interface with the current Norment equipment at Jail Central as authorized by G.S. 143-129 (e)(6)(iii).

(13) **REVOLUTION PARK PUBLIC GOLF COURSE AND THE CITY OF CHARLOTTE**

Recognize, receive and appropriate in the Capital Reserve Fund $25,000 from the City of Charlotte for an easement across a portion of the Revolution Park Public Golf Course.

(16) **APPOINTMENT OF REVIEW OFFICERS**


*Resolution recorded in full in Minute Book 44-A, Document # ________.*

(17) **HEALTH DEPARTMENT REVENUE ADJUSTMENTS**

Recognize, receive and appropriate additional Health Department revenue of $910,130 to reflect actual state and federal allocations.

(18) **REGISTER OF DEEDS SPECIAL REVENUE FUND**
Recognize, receive and appropriate $200,000 of fee revenue in the Register of Deeds Automation Enhancement and Preservation Special Revenue Fund for automation and preservation enhancements.

(19) NEW JAIL EXPANSION 2008 – SELECTION OF CONSULTANT FOR ARCHITECTURAL PROGRAMMING SERVICES

Authorize the County Manager to negotiate a fee and execute a contract with Carter Goble Lee for Architectural Programming Services for the Mecklenburg County Jail Expansion 2008, and in the event negotiations with this firm are unsuccessful, approve negotiations with the other short-listed firm of Kimme Associates.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(14) WORK FIRST BIENNIAL COUNTY PLAN - DSS

Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to defer taking action on Item 14 – Work First Biennial County Plan-DSS until the November 5, 2008 meeting.

Note: Chairman Roberts removed this item from Consent to request that it be formally presented at the next Regular meeting, so that the Director of Social Services can highlight some of the statistics in the report. Chairman Roberts said she would like for the community to be aware of some of the distress members of the community are experiencing.

(15) JANITORIAL SERVICES FOR FIVE (5) COUNTY FACILITIES

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to award a three year contract to United Building Maintenance in the amount of $951,105 for janitorial services at the Wallace Kuralt Centre, Carlton Watkins Center, Tom Ray Center, Samuel Billings Center and Freedom Center.

Note: Chairman Roberts removed this item from Consent to bring attention to the MWSBE participation.

(2B2) CLOSED SESSION-LAND ACQUISITION

Commissioner Helms asked to be excused from participating in the discussion of Item 2B2-Berewick Park Site Land Exchange to avoid a conflict of interest.

Motion was made by Commissioner James seconded by Commissioner Ramirez and carried 6-0 with Commissioners Bentley, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to excuse Commissioner Helms from participating in the discussion of Item 2B2 - Berewick Park Site Land Exchange.

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

Motion was made by Commissioner James seconded by Commissioner Ramirez and carried 6-0
OCTOBER 21, 2008

with Commissioners Bentley, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a resolution of intent to exchange +/- 6 acres from County Tax Parcels 141-171-11, 141-171-25 and 141-171-23 for +/- 12 acres from Tax Parcels 141-171-22, 141-171-20, 141-171-01 and 141-291-06 owned by Dixie River Land Company, located off Dixie River Road in southwestern Mecklenburg County.

Resolution recorded in full in Minute Book 44-A, Document # ______.

Commissioner Helms returned to the dais.

Commissioner Bishop returned to the dais.

(2B1) CLOSED SESSION- LAND ACQUISITION

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, and Roberts voting yes and Commissioners Bentley, Bishop, and James voting no, to approve the First Amendment to Agreement for Sale of Assemblage for the Third Ward Park, which would enable the acquisition of property in Third Ward for the proposed Romare Bearden Park.

Prior to the above vote, Commissioner Ramirez expressed his support of a baseball stadium, which he said originally started out as a land swap transaction, however, with time, the matter became complex. Commissioner Ramirez said this motion will foster economic development efforts and provide a park in Third Ward.

Also, prior to the above vote, Commissioner James expressed opposition to the motion. He referenced two letters from Cornerstone Real Estate Advisers LLC dated October 15, 2008 addressed to him from William F. Towill, Vice President/Portfolio Manager and October 17, 2008 to Attorney Bethune from Mr. Towill both concerning Sale of 300/316 South Church Street and the Purchase of Brooklyn Village. He also referenced e-mails from him to Attorney Bethune and from Attorney Bethune to Commissioner James dated October 17, 2008, also concerning Brooklyn Village/South Church Street. Commissioner James asked that these correspondences be included in the minutes.

Chairman Roberts noted that this matter was not about baseball, but rather a park in Third Ward.

Requested correspondences to be placed in the minutes:
October 15, 2008

Commissioner William F. James, Jr.
Mecklenburg County Board of Commissioners
600 East Fourth Street, 11th Floor
Charlotte-Mecklenburg Government Center
Charlotte, North Carolina 28202

Re: Sale of 300/316 South Church Street, Charlotte, NC ("300 South Church Street")
Purchase of Brooklyn Village, Charlotte, NC ("Brooklyn Village")

Dear Commissioner James:

Cornerstone Real Estate Advisers LLC is the authorized representative of Massachusetts Mutual Life Insurance Company. This letter is in response to your emails to William B. Ellis dated October 13 and October 14, 2008, regarding the sale of 300 South Church Street to Mecklenburg County, and the purchase of Brooklyn Village from Mecklenburg County.

300 South Church Street, LLC, as seller, and Mecklenburg County, as buyer, entered into an Agreement of Sale for Assemblage, having an effective date of January 17, 2008 for the sale of 300 South Church.

Mecklenburg County, as seller, and Brooklyn Village LLC, as buyer, entered into an Agreement of Sale for County Property, having an effective date of January 17, 2008 for the purchase of Brooklyn Village.

Each agreement sets forth the seller's and buyer's rights and obligations with respect to the sale of 300 Church Street and the purchase of Brooklyn Village, respectively. Both agreements were approved by Marvin Bethune, County Attorney. Any questions or concerns you may have regarding the agreements or the transaction should be directed to Mr. Bethune.

Very truly yours,

[Signature]
William F. Towill
Vice President/Portfolio Manager

One Financial Plaza  Hartford, Connecticut  06103-2604  (860) 509-2200  FAX (860) 509-2222
October 17, 2008

Mr. Marvin Bethune, Esq.
Ruff, Bond, Cobb, Wade & Bethune, L.L.P.
831 East Morehead Street
The Addison Building
Suite 860
Charlotte, NC 28202

RE: Brooklyn Village

Dear Mr. Bethune:

This is in response to the October 16 email from William F. James, Jr. to you and me. As you know, the Agreement of Sale for County Property provides an inspection period (following the later of the sale of the Church Street property to the County and the final dismissal of all Jerry Reese litigation) for Brooklyn Village LLC to determine whether the intended development is feasible. At such time as the lawsuits and appeals are concluded, Brooklyn Village LLC intends to act in accordance with the terms of the Agreement.

Mr. James' inquiry now, questioning Brooklyn Village LLC's commitment to close the purchase and complete the development within a certain timeframe, is premature and not contemplated by the Agreement of Sale. As to delayed/eliminated infrastructure funding by the County, the impact on Brooklyn Village will be evaluated during the inspection period at the appropriate time.

Sincerely,

William F. Towill
Vice President / Portfolio Manager
Cornerstone Real Estate Advisers, LLC
Bill,

I can’t answer as to what Brooklyn Village intends to do, but I can answer one of your questions. (I do understand from the Mass Mutual’s local attorney that they do intend to at least send me some type of e-mail response to your question to them, which I will forward to you and the other members of the Board once received.)

If the Board were to purchase the Third Ward land, that would NOT guarantee that Brooklyn Village LLC would purchase the Second Ward land.

You probably don’t remember the details of that agreement as it appeared on the Board’s agenda, but it does contain a large number of conditions to the Closing, including, but not limited to the following: the County’s purchase of the Third Ward land; the end of any and all litigation involving the sale to Brooklyn Village, LLC (this includes the new lawsuit filed by Jerry Reese last week), and a determination by Buyer that the land is suitable for its intended purposes. It is similar to the contract that the County had to purchase the Third Ward land which also gave the County a large number of outs.

In any event, even if once all contingencies were/are satisfied, if the Buyer-Brooklyn Village LLC failed to pay the purchase price, the only damages the County would get in the event of a breach would be the $10,000 escrow money, plus it gets the development plans the Buyer has already paid for.

So, once again, let me state: there is no guarantee of purchase in that agreement.

Attached is the body of that contract for your reference, but without all the exhibits (such as property descriptions and the contracts with 300 South Church and RBC) which are so many that I doubt that I could even e-mail it all at once.

So, similar to what I stated back several weeks ago, if the Board chooses to vote to purchase the Third Ward land from 300 South Church and RBC, the County could end up owning (1) the 300 S. Church/RBC land, (2) the land already owned by the County in Third Ward (either with or without a baseball stadium on it depending upon what the Knights chose to do), and (3) the Marshall Park/Ed Center parcels the County owns in Second Ward.

If the Board is not comfortable with that possibility, the Board should not vote to purchase the Third Ward 300 S.Church/RBC land, i.e. should not vote for the proposed First Amendment to Agreement for Sale of Assembly that the Board discussed at the last meeting.

Let me know if you have additional questions.

Marvin A. Bethune
Mecklenburg County Attorney
(O) (704) 377-1654
Original Message

From: William P. James, Jr. [mailto:wjames@carolina.rr.com]
Sent: Friday, October 17, 2008 2:09 PM
To: Marvin A. Bednune; "Town, William"
Cc: Bobbie Shields; "Doris, Dana R.
Subject: RE: Brooklyn Village/South Church Street

Oh but the primary question is whether they (MassMutual and Cornerstone) still intend on constructing Brooklyn, spending the several hundred million given the current economy.

For some reason, they do not want to answer that question (at least to me for legal reasons they said). It clearly was a concern as it has been discussed in closed session for the past 6 months. They say they will answer it for you. I am asking you to inquire.

If we agree to the vote on Tuesday regarding the site swap (even advancing the $19 million) does this guarantee that MassMutual and related entities are required to complete Brooklyn?

Is there a risk that we could buy the $19 million site and then have MassMutual walk out of construction for economic reasons and not purchase their ‘piece’ or complete the construction (or both)?

Those were the central questions I asked of MassMutual. Given the loss of Wachovia and the Wall Street disaster I find it highly unlikely that a $200 million plus project in the center city would occur any time soon.

That is a simple question that all parties should be able to answer.

Regards,

Commissioner Bill James (R, District 6)
Mecklenburg County Board of Commissioners
600 East Fourth Street, 11th Floor
Charlotte Mecklenburg Government Center
Charlotte, North Carolina  28202
HTTP://billjames.org

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OCTOBER 21, 2008

STAFF REPORTS AND REQUESTS

(20) REVOLUTION PARK PUBLIC GOLF COURSE AND THE FIRST TEE OF CHARLOTTE AGREEMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to

1) Adopt a resolution approving a long-term lease, development, operating and license agreement with The First Tee of Charlotte (TFTC) to operate a junior golf program.

2) Recognize, receive and appropriate in Capital Reserve Fund for Park and Recreation $500,000 from The First Tee of Charlotte to fund improvements to the golf course that include realignment of holes #1, #2, #3, #7, #8.

3) Authorize submission of a request to the Charlotte City Council to approve a lease, development, operating and license agreement with The First Tee of Charlotte.

Note: Prior to the above action, this matter was addressed by James Alsop with Park and Recreation, Mac Everette, Chairman of the Board of TFTC, Ike Grainger, Vice-President of Shelco and TFTC board member, and Vincent King, Executive Director of TFTC.

Resolution and Agreement recorded in full in Minute Book 44-A, Document #_______.

(21) UNIFORM SCHEDULES OF VALUES, STANDARDS AND RULES FOR THE 2009 REAPPRAISAL

Motion was made by Commissioner Clarke, seconded by Commissioner Helms, to defer until the November 5, 2008 meeting consideration to:

1) Receive the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal;

2) Schedule a public hearing on the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal for November 5, 2008 and direct the Clerk to publish the notice of public hearing.

Substitute motion was made by Commissioner James, seconded by Commissioner Bishop, to reject holding a public hearing on November 5, 2008 on the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal and to defer the 2009 Reappraisal matter for 12 months.

Commissioner Bentley read a resolution from the Town of Cornelius supporting the delay of a 2009 Reappraisal.

Town of Cornelius Commissioner Jim Bensman echoed Commissioner Bentley’s remarks regarding the resolution approved by the Town of Cornelius and spoke in opposition to a reappraisal in 2009.

The vote was taken on the substitute motion and failed 4-4 with Commissioners Bentley, Bishop,
James, and Ramirez voting yes and Commissioners Clarke, Helms, Mitchell, and Roberts voting no.

The vote was taken on the original motion and failed 4-4 with Commissioners Clarke, Helms, Mitchell, and Roberts voting yes and Commissioners Bentley, Bishop, James, and Ramirez voting no.

Note: This matter was addressed by Tax Administrator Garrett Alexander.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(22) BASEBALL STADIUM PROJECT (COMMISSIONER RAMIREZ)

Commissioner Ramirez placed Item 22 – Baseball Stadium Project on the agenda for the Board to review and decide the County’s course of action with the construction of the Baseball Stadium and its associated business transactions. This matter, however, was dealt with during the discussion of Closed Session Item 2B1 when discussed in Open Session and as noted above in the minutes as indicated.

(23) MECKLENBURG COUNTY HIRING AND EXPENSE FREEZE (COMMISSIONER JAMES)

Commissioner James placed Item 23 – Mecklenburg County Hiring and Expense Freeze on the agenda for the Board to consider the actions 1-6 noted below, however, this matter was discussed and covered by the County Manager under 6a -Manager’s Report as noted above in the minutes as indicated.

1) Adopt a hiring and expense freeze for all Mecklenburg County departments, agencies and contractors similar to that enacted by the City of Charlotte.

2) Instruct staff to begin re-prioritizing existing available operating and capital resources based on priority rankings approved by the Board and staff recommendations.

3) Place savings into a restricted account to carry forward to next year (City is also following this process).

4) Freeze all un-necessary travel (including trips, conferences and training) except those needed or required by law.

5) Review and cancel existing contracts deemed to be low priority in the current economic climate and provide notice to those agencies and institutions that staff has determined will not be renewed in this climate.

6) Insure that revaluation of property values now underway include a write-down of those revaluations for the anticipated planned glut of residential home sales due before the end of the year. Since revaluation is a process that occurs throughout the year by area of neighborhood it is critical that neighborhoods evaluated prior to the full impact of the downturn be reduced to reflect the downturn since their initial revaluation date.

(24) PARKS BOND SALES (COMMISSIONER BENTLEY)

Motion was made by Commissioner Bentley, seconded by Commissioner James, to adopt a Board policy that limits the amount of Park bond sales in any one calendar year to NO MORE THAN $50 million to reflect the new economic reality, the Wall Street economic collapse and the failure of Wachovia.
Commissioner Bishop offered an amendment, which was accepted by Commissioners Bentley and James, makers of the original motion, to change the amount to $35.7 million rather than $50 million.

The vote was then taken on the original motion as amended and failed 4-4 with Commissioners Bentley, Bishop, James, and Ramirez voting yes and Commissioners Clarke, Helms, Mitchell, and Roberts voting no.

(25) TOWN OF HUNTERSVILLE PAYMENT TO MECKLENBURG COUNTY (COMMISSIONER JAMES) FOR EXPENSES INCURRED RELATING TO THE ADELPHIA CABLE MATTER ITEM WAS REMOVED FROM THE AGENDA

Note: The Town of Huntersville agreed to pay the County, which is why the matter was removed from the agenda.

ADD AN ITEM TO THE AGENDA

Commissioner Clarke addressed adding an item to the agenda regarding filling the District 3 County Commission vacancy. He noted the recommendation received from the Mecklenburg County Democratic Party Executive Committee to place George Dunlap in this seat.

Motion was made by Commissioner Clarke, seconded by Commissioner Helms and failed 4-4 with Commissioners Bentley, Bishop, James, and Ramirez voting no and Commissioners Clarke, Helms, Mitchell, and Roberts voting yes, to add an item to the agenda to consider authorizing the County to reimburse George Dunlap for his legal fees and expenses on an as incurred basis, for seeking a writ of mandamus from the courts ordering the members the Mecklenburg Board of County Commissioners to do what the law requires it to do and seat Mr. Dunlap as a member of the Board to fill the vacancy created by the untimely death of the Board’s colleague Valerie C. Woodard.

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner James, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:00 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 11:00 a.m. on Thursday, October 30, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners J. Daniel Bishop, Dumont Clarke, H. Parks Helms Norman A. Mitchell, Sr. and Dan Ramirez County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioners Karen Bentley and Bill James

The meeting was called to order by Chairman Roberts.

The purpose of the meeting was to consider the appointment of George Dunlap as the County Commission District 3 representative for the remainder of former County Commissioner Valerie C. Woodard’s 2006-2008 Term and to take action as may be deemed appropriate.

(1) COUNTY COMMISSION DISTRICT 3 REPRESENTATION

Chairman Roberts acknowledged receipt of a letter from Attorney James E. Ferguson, II dated October 29, 2008 in response to questions asked in a letter dated October 24, 2008 from Commissioners Bentley, James, and Ramirez regarding George Dunlap.

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

Chairman Roberts acknowledged receipt of a letter from George Dunlap dated October 29, 2008 stating that he would resign his position as a member of the Charlotte-Mecklenburg Board of Education upon his appointment to the Mecklenburg County Board of County Commissioners.

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

Motion was made by Commissioner Helms, seconded by Commissioner Clarke and unanimously carried with Commissioners Bishop, Clarke, Helms, Mitchell, Ramirez, and Roberts voting yes, to accept the recommendation of the Mecklenburg County Democratic Party Executive Committee and approve the appointment of George Dunlap to fill the Mecklenburg Board of County Commission District 3 vacancy created by the death of Commissioner Valerie C. Woodard.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Clarke, and unanimously carried, with Commissioners Bishop, Clarke, Helms, Mitchell, Ramirez and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:06 a.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke,
George Dunlap, H. Parks Helms, Bill James,
Norman A. Mitchell, Sr. and Dan Ramirez
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 Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS – NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 14 and 23.

(2A) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session:

- Vicky Ritch vs. Mecklenburg County
- Jerry Alan Reese vs. Mecklenburg County, Brooklyn Village, LLC

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:37 p.m. and came back into Open Session at 5:42 p.m.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
NOVEMBER 5, 2008

- FORMAL SESSION -

Invocation was given by Commissioner Bentley, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) NATIONAL ADOPTION AWARENESS MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to adopt a proclamation proclaiming November 2008 as National Adoption Awareness Month.

The proclamation was read by Commissioner Bentley and received by Paul Risk, Director of Youth and Family Services and Bet Levine, Senior Social Services Manager, Youth and Family Services.

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

(1B) MECKLENBURG COUNTY MILITARY VETERAN AND RETIRED EMPLOYEES WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner Bentley, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to adopt a proclamation proclaiming November 9 through 15, 2008 as “Mecklenburg County Military Veteran and Retired Employees Week.”

The proclamation was read by Commissioner Mitchell and received by Robert “Bob” Weeks, Director of Veterans Services.

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

(1C) INDUCTIONS INTO THE ORDER OF THE HORNET - ARTHUR GRIFFIN AND JAMES "JIM" PENDERGRAPH

Motion was made by Commissioner Mitchell, seconded by Commissioner James, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to induct Arthur Griffin into the Order of the Hornet.

Mr. Griffin thanked the Board for bestowing this honor upon him.

Note: Mr. Griffin is a past Charlotte-Mecklenburg Board of Education Chairman.

Motion was made by Commissioner Mitchell, seconded by Commissioner James, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to induct James "Jim" Pendergraph into the Order of the Hornet.

Mr. Pendergraph thanked the Board for bestowing this honor upon him.

Note: Mr. Pendergraph is the former Sheriff of Mecklenburg County.

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. This is the highest honor the Board bestows for service to the community.

Note: Prior to the above vote on the induction of James Pendergraph, Olma Echeverri spoke in opposition to Mr. Pendergraph’s induction into the Order of the Hornet. Ms. Echeverri said she was opposed because of Mr. Pendergraph’s stance with respect to the immigrant community.

MANAGER’S REPORT

(6A) JUSTICE AND PUBLIC SAFETY TASK FORCE

County Manager Jones addressed the Justice and Public Safety Task Force and called upon Dr. Harry Nurkin and former Senior Resident Superior Court Judge Shirley L. Fulton, Co-chairs, to present the Task Force’s report. The following was covered:

- The Executive Summary
- Task Force Membership
- Task Force Process
- Summary of Recommendations (Total of 16)
  1. Establish Oversight Function
  2. Align Police Departments/District Attorney Priorities
  3. Focus on Part One Chronic Offenders
  4. Create Criminal Justice System Report
  5. Complete Information Systems Review
  6. Collaborate with Charlotte-Mecklenburg Schools and Public Schools
  7. Expand Use of Specialty Courts
  8. Implement Alternative Solutions to Incarceration
  9. Examine Staffing/Salaries
  10. Target Juvenile/Jail Programs
  11. Maximize Use of Monitoring Devices
  12. Conform to American Bar Association Performance Standards
  13. Increase Police Visibility
  14. Follow-up on Property Crimes
  15. Effectively Use Citations and Warning Tickets
  16. Increase Support of Victims
- Full Recommendations/Key Observations
- Conclusion

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

Christy Wright, on behalf of Neighbors for a Safer Charlotte (NSC), spoke in support of the Task Force recommendations. She said they strongly support moving forward immediately with the following recommendations, which they consider to be a high priority:

- # 2 Align Police Departments/District Attorney Priorities (NSC suggested tactic – Use of community prosecutors)
- # 3 Focus on Part One Chronic Offenders (NSC suggested this be based on the number of arrests and not convictions)
- # 9 Examine Staffing/Salaries
- #1 Establish Oversight Function

Ms. Wright emphasized the continued support of NSC.

Comments

Commissioner James asked about funds that were set aside in the budget with respect to the Task Force recommendations, which was addressed.
County Manager Jones and General Manager Michelle Lancaster said staff would report back to the Board at a later date regarding the expenditures of funds, as it relates to the Task Force Recommendations.

Commissioner James referenced an e-mail received from a member of the Town of Matthews Board of Commissioners that he’d received from Rob Hunter, Police Chief for the Town of Matthews, regarding the Task Force Final Report.

Commissioner James said according to Chief Hunter, “the police chiefs for the six towns were not aware of the meetings, nor invited to attend until learning of the meetings last month.” …

Commissioner James asked that the e-mail be included in the minutes. *Note: E-mail is noted at the end of the minutes.*

Task Force Co-chair Dr. Nurkin said the Task Force listened intently to the chiefs of all of the towns and invited them to each of the meetings. It was noted that many of the chiefs and many of the heads and subheads of the various criminal justice divisions attended every meeting and participated. He said all comments were welcomed.

Commissioner James requested a report on how Mecklenburg County’s staffing compare to national staffing standards, as it relates to Task Force Recommendation #9 Examine Staffing/Salaries.

Motion was made by Commissioner Helms, seconded by Commissioner Clarke, to receive the Justice and Public Safety Task Force Final Report with appreciation and to consider taking action with respect to the recommendations at the December 2, 2008 meeting, which is when the new Board will be in place.

Commissioner Bishop offered an amendment, which was accepted by Commissioners Helms and Clarke, makers of the original motion, to move forward tonight with approval of Recommendation #1 Establish Oversight Function (Establish a function/position within Mecklenburg County and a permanent Citizen Advisory Committee to promote collaboration and coordination across all components of the Criminal Justice System. The function/position will be given authority to establish performance measures; will work with the Citizen Advisory Committee; will recommend funding priorities related to the Criminal Justice System to the County Manager; and will seek to increase effectiveness of the Criminal Justice System.

The vote was taken on the motion as amended and was as follows:

Motion unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to receive the Justice and Public Safety Task Force Final Report with appreciation and approve Recommendation #1 Establish Oversight Function (Establish a function/position within Mecklenburg County (to be filled hopefully in 30 days) and a permanent Citizen Advisory Committee (to be in place as recommended by the Task Force within 90 days) to promote collaboration and coordination across all components of the Criminal Justice System. The function/position will be given authority to establish performance measures; will work with the Citizen Advisory Committee; will recommend funding priorities related to the Criminal Justice System to the County Manager; and will seek to increase effectiveness of the Criminal Justice System. Further, that the Board considers taking action with respect to the other 15 recommendations at the December 2, 2008 meeting, which is when the new Board will be in place.

(2) PUBLIC APPEARANCE
The following persons appeared to speak during the Public Appearance portion of the meeting:

Dwayne Collins, on behalf of the Black Political Caucus, spoke in support of Commissioner George Dunlap’s appointment and congratulated him. He asked Commissioner Dunlap to continue the work of the late Commissioner Valerie C. Woodard as the representative of District 3 and to continue to champion for the following, as did Commissioner Woodard: Ensuring that County advisory boards and commissions are diverse in their membership; that the County HIV/AIDS Advisory Task Force is more visible; that minority contractors get their fair share of County contracts; and finally, to bring closure to the issue between the citizens of District 3 and the Park and Recreation Department as it relates to the new Eastway Park and Recreation Center that’s being erected within the Briarwood Community.

Jim Bensman, Town of Cornelius Commissioner, expressed thanks to outgoing Commissioners and congratulated those that will be coming on board. He encouraged those remaining and those that will be coming on board, to hold themselves to a high standard of conduct, especially when it comes to race relations.

Commissioners Bentley and Ramirez left the dais and were away until noted in the minutes.

(3A) APPOINTMENTS

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Dunlap, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to appoint Aaron Cabbs and Taylor Manchester as the Youth 18 and under representatives and Lopa Thakkar as the Substance Abuse Agency representative, to the Juvenile Crime Prevention Council for two-year terms expiring October 31, 2010.

Note: Ms. Thakkar is replacing Trina Fullard. The youth are filling vacant slots.

PUBLIC HEARINGS

(4A) ABANDONMENT AND CLOSING – A 0.4 MILE SECTION OF FRANK VANCE ROAD (SR 2045)

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to open a public hearing to hear citizen’s comments on the proposed abandonment and closing of a 0.4 mile section roadway and right-of-way of Frank Vance Road located at the intersection of Beatties Ford Road.

No one appeared to speak in opposition.

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to close the public hearing on the proposed abandonment and closing of a 0.4 mile section roadway and right-of-way of Frank Vance Road located at the intersection of Beatties Ford Road and adopt the Order for Closing a 0.4 mile section roadway and right-of-way of Frank Vance Road located at the intersection of Beatties Ford Road.

Order recorded in full in Minute Book 44-A, Document # _____.

(4B) ABANDONMENT AND CLOSING – A 0.12 MILE SECTION OF HIGHWORTH LANE
Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to open a public hearing to hear citizen’s comments on the proposed abandonment and closing of a 0.12 mile section roadway and right-of-way of Highworth Lane located at the intersection of Nance Cove Road and Island Lake Drive.

No one appeared to speak in opposition.

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to close the public hearing on the proposed abandonment and closing of a 0.12 mile section roadway and right-of-way of Highworth Lane located at the intersection of Nance Cove Road and Island Lake Drive and adopt the Order for Closing a 0.12 mile section roadway and right-of-way of Highworth Lane located at the intersection of Nance Cove Road and Island Lake Drive.

Order recorded in full in Minute Book 44-A, Document # _______.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

Commissioners Bentley and Ramirez returned to the dais.

(6B) ALTERNATIVE WORK WEEK FEASIBILITY

The Board received the County Manager’s report on feasibility of implementing alternative work schedule.

The following was noted: On August 5, 2008, the Board directed the County Manager to research the feasibility and implications of implementing an alternative work schedule that would result in the County’s operating hours moving to a ten-hour day for five days a week, thereby providing County employees an option to work four 10-hour days. The Board also directed the County Manager to take action deemed appropriate based on the analysis. The full report includes the research, supporting documentation and staff recommendations identified to address the Board’s request. Based on this research, the County Manager has directed staff to implement the recommendations provided in the report as follows:

- Maintain existing official operating hours (M-F, 8 a.m. – 5 p.m.)
- Consistent with current policy, continue implementing alternative work schedules on a case-by-case basis, and clarify criteria department directors should use in deciding when alternative work schedules are appropriate
- Expand opportunities for teleworking
- Increase the use of transit benefits provided to County employees

Commissioner Ramirez thanked the County Manager for the report, which he had asked be done.

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

(6C) JOINT LETTER TO DELEGATION ON CMS AUDIT

County Manager Jones informed the Board that the Charlotte-Mecklenburg Board of Education does not wish to send a joint letter to the Mecklenburg County Congressional Delegation regarding the issue of Free and Reduced Lunch in CMS and the U. S. Department of Agriculture’s response to CMS; in particular, the response noted in the e-mail from Regina
Bartholomew, General Counsel to the Board of Education regarding a response from the U.S. Department of Agriculture (USDA). The letter was to be signed by Board Chairman Roberts and Board of Education Chairman Joe White.

It was noted that the Board of Education directed the Superintendent not to conduct an audit, as it relates to this matter.

Commissioner James suggested the Board move forward with sending the letter, even if it’s just from the County.

Motion was made by Commissioner James, seconded by Commissioner Mitchell, to send a letter to the Mecklenburg County Congressional Delegation regarding the issue of Free and Reduced Lunch in CMS and the U. S. Department of Agriculture’s response to CMS; in particular the response noted in the e-mail from Regina Bartholomew, General Counsel to the Board of Education regarding a response from the U.S, which is to be attached to the letter.

Commissioner Dunlap, former member of the Board of Education, said the Charlotte-Mecklenburg Board of Education was not supportive of sending a letter because it puts federal dollars received by Charlotte-Mecklenburg Schools in jeopardy.

Commissioner Dunlap said this was an issue for the Charlotte-Mecklenburg Board of Education and not the Board of County Commissioners.

After further discussion, Commissioner Mitchell withdrew his second to the motion and Commissioner James withdrew the motion. Thus, no action was taken.

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve the following item(s), with the exception of Items 14 and 23 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held October 21, 2008, Special Meeting held October 30, 2008, and Closed Session held October 21, 2008.

(8) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $1,490 for General Services, $21,987 for Park & Recreation, $11,893 for Sheriff and $380,999 for Land Use and Environmental Services.

Note: All reimbursements are for stolen and damaged items.

(9) REVENUE FOR LAND DEVELOPMENT – LUESA NORTH

Recognize, receive and appropriate $248,441 for Land Development and carry forward the unspent balance at June 30, 2009 to FY10.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in Vermillion Phase 4 Map 7. A letter of credit was provided by Crosswinds at Vermillion, LLC for completion of this work on October 5, 2007. The letter of
credit was not renewed prior to its expiration date of October 5, 2008.

The funds will be used to complete improvements required by the Town of Huntersville Subdivision Ordinance. Any funds remaining after completion of these improvements will be returned to Crosswinds at Vermillion, LLC and their guarantor, Wachovia Bank.

(10) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

Note: LUESA Solid Waste proposes to change the Mecklenburg County Solid Waste Fee Ordinance with a number of minor clarifications, additions and price modifications. The amended Fee Ordinance would become effective on December 1, 2008.

Ordinance recorded in full in Minute Book 44-A, Document #_______.

(11) AREA MENTAL HEALTH FIRST QUARTER FY 2009 REPORT

Recognize and receive the First Quarter 2009 Area Mental Health Report.

Financial Management

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<th>Revenue Source</th>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$99,305,476</strong></td>
<td><strong>$16,729,485</strong></td>
<td><strong>16.85%</strong></td>
</tr>
</tbody>
</table>

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that
details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented.

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

(12) FREEDOM CENTER CLEAN WATER MANAGEMENT TRUST FUND GRANT APPLICATION

Approve the submission of a grant application to the North Carolina Clean Water Management Trust Fund (CWMTF).

Note: If awarded, this $675,690 CWMTF grant funding will be utilized to offset phase III construction costs for three rain gardens. The rain gardens are Best Management Practices (BMP’s) used to treat on-site storm water runoff at the Freedom Center office complex.

(13) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, GRANT APPLICATION – DORAL APARTMENTS

Authorize the County Manager to submit a grant application(s) in an amount up to $3.0M to the North Carolina Division of Emergency Management for the partial acquisition of the Doral Apartments.

(15) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, GRANT APPLICATION – FLOOD PRONE PROPERTIES

Authorize the County Manager to submit a grant application in an amount up to $975,000 to the North Carolina Division of Emergency Management for the acquisition of up to 7 flood prone properties.

(16) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Michael Smith and Devin Smith owners of 2224 Jennie Linn Drive for $67,000.

2. Accept the “Offer of Sale of Land” from Manuel De Jesus Alvarado the owner of 2230 Purser Drive for $58,000.

3. Accept the “Offer of Sale of Land” from Charles Ryan Bentley the owner of 2237 Purser Drive for $52,000.

4. Accept the “Offer of Sale of Land” from Charles Ryan Bentley the owner of 2236 Purser Drive for $61,500.

5. 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.

(17) NC DEPARTMENT OF TRANSPORTATION COMMUNITY
TRANSPORTATION GRANT - DSS

Decrease the FY 09 Adopted Budget for the NC Department of Transportation Community Transportation Grant.

Note: The NC Department of Transportation (NCDOT) has awarded a Community Transportation Grant to the Department of Social Services in the amount of $564,923. This grant provides funding for the administrative and capital requirements of the Mecklenburg Transportation System. The grant amount is $115,335 ($1,035 administration, $114,300 capital) less than the Adopted FY 09 Budget.

(18) WORK FIRST FUNCTIONAL ASSESSMENT PROGRAM - DSS

Recognize, receive and appropriate additional funds in the amount of $96,600 from the North Carolina Department of Health and Human Services for the Work First Functional Assessment Program.

Note: These funds will be used to perform a Functional Evaluation and/or Vocational Assessment of Work First customers coded as disabled.

(19) DSS REVENUE AND EXPENSE ADJUSTMENT

Recognize, receive and appropriate additional funds in the amount of $49,384 from the North Carolina Division of Aging and Adult Services.

(20) NEIGHBORHOOD PARK LAND ACQUISITION

Approve purchase of Tax Parcel 145-173-10 (+/- 0.233 acre) located on Amay James Avenue in the Reid Park neighborhood for $7,000.

Note: This parcel will become part of the land assemblage for a new neighborhood park in the Reid Park area.

(21) STEWART CREEK LAND ACQUISITION

1) Approve purchase of Tax Parcel 065-143-05 located on S. Barlowe Road in the Lakewood area for $7,600 owned by JA Properties of Charlotte.

2) Approve purchase of Tax Parcel 065-143-06 located on S. Barlowe Road in the Lakewood area for $5,500 owned by JA Properties of Charlotte.

Note: These parcels will become part of the land assemblage for a new neighborhood park in the Reid Park area.

(22) SOLID WASTE EQUIPMENT FINANCING

Authorize the County Manager and the Director of Finance to negotiate and execute financing for acquisition of equipment and vehicles for use by the Solid Waste Division of LUESA.

(24) UNCC GREENWAY EASEMENT AGREEMENT
Authorize the County Manager to negotiate and execute a Memorandum of Understanding between the County and the University of North Carolina at Charlotte to (1) reconfigure and reduce the area within the existing greenway easement on the campus and (2) become effective at the time construction of the greenway trail by the County begins.

*MOU recorded in full in Minute Book 44-A, Document # ________.*

(25) **NORTH CAROLINA COMMUNITY SAILING LEASE ARRANGEMENT**

Approve a resolution of intent for a lease agreement between Mecklenburg County and North Carolina Community Sailing for the development and operation of a community rowing and sailing center at Blythe Landing Park.

*Resolution recorded in full in Minute Book 44-A, Document # ________.*

(26) **ACQUISITION OF FLOOD-DAMAGED STRUCTURES - REVISED RESOLUTION**

Adopt the revised Resolution for an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 27 and September 10, 2008 Storms

Note: On September 16, 2008, the Board adopted a Resolution which established an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 27 and September 10, 2008 Storms. The “Quick Buy” program strives to voluntarily acquire flood damaged properties located within the Floodplain that are at continued risk of loss of life, disruption of services, and damage due to future flooding.

The adoption of the revised Resolution will improve the consistency of the program and clarify the process for computing the purchase price before staff brings individual Offer of Sale of Land agreements to the Board for approval. The revisions clarify how damage deductions are determined for uninsured property owners. The proposed procedure would address uninsured properties consistent to how damages are determined for insured property owners. The revisions also clarify how expenditures related to flood clean-up and property repairs after the date of the flood are accounted for.

*Resolution recorded in full in Minute Book 44-A, Document # ________.*

(27) **EMERGENCY DEPARTMENT BUILDING ADDITION CMC-RANDOLPH, BEHAVIORAL HEALTH CENTER - FURNITURE FIXTURES AND EQUIPMENT**

Rescind the October 7, 2008 Board Action awarding a purchase contract to Meadows Office Furniture in the amount of $168,882 and award a purchase contract to Alfred Williams in the amount $174,124.97 for the purchase of furniture fixtures and equipment for the Emergency Department addition, including both public and staff areas at the CMC-Randolph, Behavioral Health Center.

(28) **MECKLENBURG COUNTY JAIL EXPANSION 2008 - ARCHITECT SELECTION**

Authorize the County Manager to negotiate a fee and execute a contract with Little Diversified Architectural Consulting / HOK, for Master Planning and Architectural/Engineering Services for

the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are
unsuccessful, approve negotiations with the other short-listed firm.

*Note: The other short-listed firm is Pease Associates, Charlotte/DLR Group, Orlando Florida.*

(29) **STEELE CREEK VFD & RESCUE SERVICES, INC.**

Adopt a resolution submitted by Steele Creek Volunteer Fire Department and Rescue Services, Inc. approving the incurrence by Steele Creek Volunteer Fire Department and Rescue Services, Inc. of up to $490,959.01 indebtedness from First Citizens Bank and Trust Company to finance the acquisition of one Pumper/Rescue Truck.

*Resolution recorded in full in Minute Book 44-A, Document # ________.*

(33) **TRANSFER OF TITLE TO TWO 2005 MACK TRACTORS TO CAROLINAS HEALTHCARE SYSTEM**

Accept title of two 2005 Mack tractors from Medic and transfer title to the tractors to Carolinas HealthCare System and authorize County Manager to execute necessary documents.

*Note: The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Medical Center (CMC) owns a mobile treatment facility which is comprised of two 54 ft. x 9ft. trailers and certain medical equipment (the “Mobile Treatment Facility”). Medic purchased two tractors designed to transport the Mobile Treatment Facility, so that the Mobile Treatment Facility could be used during emergency medical situations across the country. Medic no longer desires to own and maintain the Tractors and has agreed to transfer the Tractors to the County which will in turn transfer them to Carolinas HealthCare System.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

Chairman Roberts removed this Item from Consent for more public awareness.
(23) BEREWICK PARK SITE LAND EXCHANGE

Commissioner Helms asked to be excused from voting on Item 23 – Berewick Park Site Land Exchange to avoid a conflict of interest.

Motion was made by Commissioner James, seconded by Commissioner Ramirez, and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Mitchell, Ramirez and Roberts voting yes, to excuse Commissioner Helms from voting on Item 23 – Berewick Park Site Land Exchange to avoid a conflict of interest.

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

Motion was made by Commissioner James, seconded by Commissioner Mitchell, and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Mitchell, Ramirez and Roberts voting yes, to adopt a resolution authorizing the County Manager to negotiate, execute and implement the exchange +/- 6 acres from County Tax Parcels 141-171-11, 141-171-25 and 141-171-23 for +/- 12 acres from Tax Parcels 141-171-22, 141-171-20, 141-171-01 and 141-291-06 owned by Dixie River Land Company.

Note: This is for the Berewick Park site.

Resolution recorded in full in Minute Book 44-A, Document #_________.

Commissioner Helms returned to the dais.

Commissioner Bishop returned to the dais.

STAFF REPORTS AND REQUESTS

(30) WORK FIRST BIENNIAL COUNTY PLAN - DSS

Mary Wilson, Director of Social Services addressed the Mecklenburg County Work First County Plan for 2009-2011.

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve the Mecklenburg County Work First County Plan for 2009-2011.

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

(31) UNIFORM SCHEDULES OF VALUES, STANDARDS AND RULES FOR THE 2009 REAPPRAISAL

Motion was made by Commissioner Helms, seconded by Commissioner James, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to defer consideration to receive the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal and scheduling a public hearing on the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal until the December 2, 2008 meeting for consideration by the new Board.

The following persons spoke in opposition to moving forward with revaluation at this time, in light of the current economy: Representative Thom Tillis, N.C. House of Representatives, District 98, Charlotte City Councilman Andy Dulin and Commissioner James Bensman, Town of Cornelius.
In a related matter, Town of Cornelius Commissioner Bensman said it disturbed him to find out from the Cornelius Town Manager, per a conversation he had with County Manager Jones, that his home and others on his street would be used as an example during the Tax Assessor’s presentation at tonight’s meeting. (Note a presentation was not made, in light of the deferral.)

Town Commissioner Bensman said he initially viewed this as an act of intimidation, as a result of being opposed to moving forward with revaluation and having voiced that opinion to the Board of Commissioners. Thus, according to Town Commissioner Bensman, highlighting him, or implying that he was going to get some type of personal benefit, such as getting a lower tax value on his home; or “even worse that if the appraisal goes forward that he would be targeted by an unjust appraisal.” Town Commissioner Bensman said what he has now done or started to do, is to find an independent appraiser. He has also talked to an attorney.

Town Commissioner Bensman asked for a response to his concern.

Commissioner Bishop said he was told by County Manager Jones that he called the Cornelius Town Manager to inform him that he had gotten some requests for information as described by Town Commissioner Bensman and not that it was going to be used in a presentation.

Commissioner Bishop, in defense of County Manager Jones, said he has “never found him to do anything at all inappropriate with information about public officials.” He’s never found him to do “anything that would be intimidating.” Commissioner Bishop also said with “all do respect” to Town Commissioner Bensman that it would have been far more better for him to have addressed this matter with County Manager Jones privately, rather than to make this accusation publicly.

Town Commissioner Bensman said that’s not what was relayed to him. He said he was not accusing County Manager Jones of anything.

Commissioner Dunlap said he could perhaps clear this up and noted that Town Commissioner Bensman sent out an e-mail about revaluation and that one of the things said in the e-mail was that there were questions that could not be answered. Commissioner Dunlap said upon receipt of the e-mail, he forwarded it to County Manager Jones and said here are questions from Town Commissioner Bensman and he would like to be able to answer them.

Town Commissioner Bensman thanked the Board for the responses, but again, said this was not what was communicated to him.

County Manager Jones said he called the Cornelius Town Manager to let him know that he had gotten an inquiry about property, specifically Town Commissioner Bensman’s, in the Cornelius area. Manager Jones said he called the Town Manager to give him heads up and to let Commissioner Bensman know that it could likely come up during the course of the discussion, “much like his property came up during the discussion of this issue several weeks ago.”

County Manager Jones said there was nothing intended on his part to be intimidating. County Manager Jones said he does not work that way. County Manager Jones said to Commissioner Bensman, “if you believe that I did something that I shouldn’t have done, I will publicly apologize to you, but there was nothing intentionally done to bring attention to you.”

County Manager Jones said he was responding to an inquiry from one of his elected officials and out of respect for Commissioner Bensman he called his Town Manager to let him know.

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

(32) DEBT POLICY AMENDMENT
Finance Director Dena Diorio addressed a proposed revised debt policy. The following was covered:

- A Recap of what has occurred since presentations made on June 24, 2008 and September 9, 2008
- Highlights of Policy
- Options

Motion was made by Commissioner Helms, seconded by Commissioner Dunlap, and carried 5-3 with Commissioners Clarke, Dunlap, Helms, Mitchell, and Roberts voting yes and Commissioners Bentley, Bishop, and James, voting no, to adopt the revised debt policy.

Prior to the above vote, Commissioner James asked was there a way to keep Pay-go separated. He noted that the City of Charlotte has a “bucket” model, where basically everything is put in the bucket and that they have a tax rate going in and everything in there is basically segregated and you can’t touch it; and then the funds come out to pay the debt service. He said the County has this on an informal basis. He asked can the County do this. The response was that once the appropriation for the debt service is made, those dollars are transferred into another fund so that it can only be used for pay-go.

Commissioner James said using the “bucket” model the debt service and the impact on the budget stays the same year after year, because when the debt service goes down the money is not usable for other general purposes. Commissioner James suggested the County use the City of Charlotte’s “bucket” model to apply to all debt.

Director Diorio said she would look into what the City does.

Policy recorded in full in Minute Book 44-A, Document # _______.

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.

E-MAIL INSERTION REQUEST: Commissioner James referenced an e-mail received from a member of the Town of Matthews Board of Commissioners that he’d received from Rob Hunter, Police Chief for the Town of Matthews, regarding the Task Force Final Report, Item 6a. See below.
ADJOINTMENT

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 8-0, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:30 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, November 18, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, J. Daniel Bishop, Dumont Clarke
George Dunlap, H. Parks Helms
Norman A. Mitchell, Sr. and Dan Ramirez
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 Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS - NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from Consent and voted upon separately. The item identified was Item 22.

(2A, 2B) CLOSED SESSION – A) CONSULT WITH ATTORNEY, B) PERSONNEL MATTER

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Personnel Matter.

The Board went into Closed Session at 5:40 p.m. and came back into Open Session at 6:00 p.m.

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

____________________
Invocation was given by Commissioner Bentley, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) RECOGNIZE “FATHER OF THE YEAR” ESSAY CONTEST WINNERS

The Board recognized the winners of the essay contest on “Father of the Year” and “Father Figure of the Year.”

Ledger Morissette with Charlotte-Mecklenburg Community Relations and Pinkney Colin with Urban Restoration addressed the essay contest.

Note: The essay contest was part of a town hall meeting held in celebration of fathering throughout Mecklenburg County. One of the purposes was to spotlight the positive ways in which men are impacting the lives of children throughout the community. The goal was to inspire uninvolved men to play a more active role in the lives of their children and other children.

The following students and their Father and/or Father Figure were present and read their essay: Sanjana Murthy (father: Kulukuru-Krishan Murthy) and Shannae Dorsey (father figure: Houston “Pete” Colman, her uncle).

A list of the winners and runner ups is on file with the Clerk to the Board.

(1B) GIS DAY

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to proclaim Wednesday, November 19, 2008 Geographic Information Systems (GIS Day) in Mecklenburg County.

Note: In Mecklenburg County, government employees are working more efficiently because of Geographic Information System (GIS) technology. GIS technology supports eGov strategies by supporting mobile workers and customers, expanding self-service capabilities, and improving usability and integration of data. Internal, as well as external customers of Mecklenburg County agencies as well as 311 are able to complete business transactions quicker and retrieve answers to their questions more efficiently. GIS combines geography and technology to significantly improve decision making that involves the location, distribution, or impact of people, places, and events in Mecklenburg County.

The proclamation was read by Commissioner Clarke.

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:

Mark Dorsett and Claudia Moses, on behalf of the Homeless Services Network, addressed Homeless Awareness Month (November). They also asked for a moment of silence, which was acknowledged, in memory of those homeless individuals here in Mecklenburg County that
passed away in 2008. The names of 38 individuals were read. The passing of the late Commissioner Valerie C. Woodard was also acknowledged. They also announced the Homeless Awareness Walk scheduled for Saturday, November 21, 2008 at 10:00 a.m. at Crisis Assistance Ministry.

Larry Brackett addressed inflation and property values, the 1977 Neighborhood Reinvestment Act, bank mergers, and loans made by banks to persons who did not have the financial resources to pay them back.

Pastor Brenda Stevenson asked the Board and the community to assist her ministry in feeding the needy at Thanksgiving time. Pastor Stevenson gave out her contact information for those wanting to make a donation.

(3A) APPOINTMENTS

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to appoint Mr. Budd Berro as Chairman of the Citizen’s Capital Budget Advisory Committee for the duration of his term.

He is replacing Michael Murdock.

PUBLIC HEARINGS

(4A) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to hold a hearing on request by the Law Office of George H. Sperry, Jr. for reimbursement of North Carolina excise tax in the amount of $330.00.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to close the hearing on request by the Law Office of George H. Sperry, Jr. for reimbursement of North Carolina excise tax in the amount of $330.00 and approve the reimbursement.

(2B) CLOSED SESSION – PERSONNEL MATTER

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to approve changes in the County Manager’s contract to strike language from Section 6, Vacation/Sick Leave And Other Fringe Benefits of the contract, so that Section 6 now reads: ‘Employee will be eligible for the normal fringe benefits (including health and life insurance) and sick leave as accorded other County employees. In addition, Mecklenburg County agrees to pay Employee’s contribution for health insurance and to pay for health insurance for Employee’s spouse.’

(5) ADVISORY COMMITTEE REPORTS – NONE
CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to approve the following item(s) with the exception of Item 22, to be voted upon separately:

(7) APPROVAL OF MINUTES

1) Approve minutes of Regular Meeting held November 5, 2008, Budget/Public Policy Meeting held October 14, 2008, and Closed Session minutes of November 5, 2008 (2a1 & 2a2), October 21, 2008 (2a1 & 2a2), October 7, 2008 (2b5, 2b6, 2c, & 2d), January 2, 2008 (2a1), and December 18, 2007 (2a4).

2) Approve amendment to Closed Session Minutes of October 21, 2008 (2b1).

(8) TAX REFUNDS

Approve refunds in the amount of $24,535.33 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) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

Receive as Information that JH Food Management, owner of Joe’s Cafe, has decided not to enter into the Lease in the retail portion of the Government District Parking Deck at 4th and McDowell Streets, approved by the Board on October 7, 2008.

Note: At the County Commission meeting on October 7, 2008, the Commission adopted a resolution entitled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to JH Food Management, Owner of Joe’s Cafe.” JH Food Management proposed leasing space in the retail portion of the Government District Parking Deck at 4th and McDowell Streets for an Asian cuisine restaurant. However, due to the current downturn in the economy, the owners of Joe’s Café have decided to not move forward with leasing the space.

(10) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING-DEVELOPMENT ORDINANCE

1) Amend the LUESA Fee Ordinance, revising plan review fees to allow collection of OnSchedule permit fees at application for review, and retention of plan review costs on projects which are abandoned for 120 days or longer.

2) Revise the Building-Development Ordinance, adding the definition of “Abandoned Projects,” and adding a section on “Destruction of Plans,” clarifying the timeframe for destroying plans which are not picked up by the applicant.

Note: A second reading will be required, since all nine Commissioners were not present. This matter will be placed on the Board’s December 2, 2008 agenda.
(11) PROCEDURES FOR ADVISORY BOARD APPOINTMENTS

Approve revised Board Policy for Procedures for Advisory Board Appointments.

*Policy recorded in full in Minute Book 44-A, Document # ____.*

(12) OUTSIDE AGENCY FUNDING TRANSFER

Approve a transfer of funds in the amount of $112,500 awarded to Physician’s Reachout during the FY09 Outside Agency funding process to Community Health Services.

*Note: Community Health Services (CHS) acquired the Mecklenburg County Medical Society on November 1, 2008. CHS requests all funding previously awarded by Mecklenburg County to the Mecklenburg County Medical Society Foundation for the Physician’s Reachout program be transferred based on the acquisition.*

(13) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Matthew Koeman owner of 833 Sharon Amity Road for $290,000.

2. Accept the “Offer of Sale of Land” from Jack and Betty Bruce the owners of 2235 Jennie Linn Drive for $54,000.

3. 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 properties under the Hazard Mitigation Program. This action will purchase and remove the above properties from the floodplain.*

(14) GREENWAY DONATIONS – MCALPINE CREEK

Accept the donation of +/- 1.1555 acres of floodplain on Tax Parcels 193-073-03 and 193-073-04 from the Charlotte Housing Authority (CHA).

*Note: The subject parcels are located on the south side of Margaret Wallace Road across the creek from the McAlpine Creek Greenway. The Charlotte Housing Authority is purchasing these parcels subject to a required dedication of floodplain to the County resulting from an approved rezoning. The balance of these two parcels and all of Tax Parcel 193-073-02 are being purchased by CHA for an affordable housing residential development. Pending suitable site conditions and a future agreement with CHA, the greenway trail may be extended across the creek to provide a pedestrian connection to the residential development.*

(15) CAPITAL PROJECT ORDINANCE – LAND BONDS

Amend the *Land Bonds Approved in November 6, 2007 Referendum* ordinance.

*Note: This action will provide budgetary authority for continuation of land acquisitions with bonds approved in the November 2007 referendum.*

*Ordinance recorded in full in Minute Book 44-A, Document # ____.*
NOVEMBER 18, 2008

(16) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2008-2009
ADOPTED BUDGET

Approve Charlotte-Mecklenburg Schools (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 2008. The BOCC is required to approve any reallocation of funds submitted by the Board of Education that exceeds ten percent within the purpose and/or function categories of the approved county appropriation. The changes are the result of CMS adjustments and reductions required to adjust CMS’ expenditure level to the County appropriation of $351,366,785. These changes are only adjustments in the allocation of funds. No additional funds are being requested. These adjustments have been approved by the Board of Education.

(17) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORTS

Recognize and receive Area Mental Health Authority Monthly Financial Reports for the period ending July 30, 2008 and August 31, 2008.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, For the period ending July 30, 2008

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,711,864</td>
<td>154,127</td>
<td>1.12%</td>
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<tr>
<td>State and Federal</td>
<td>34,163,861</td>
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<td>Third Party/Other</td>
<td>97,293</td>
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<td>Grants</td>
<td>3,484,632</td>
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<tr>
<td><strong>Total Revenues</strong></td>
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<td><strong>$3,055,271</strong></td>
<td><strong>3.19%</strong></td>
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<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>%</th>
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<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,022,635</td>
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<td>Child &amp; Adolescent Services</td>
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<td>Adult Mental Health</td>
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<td><strong>Total Expenditures</strong></td>
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<td><strong>$3,055,271</strong></td>
<td><strong>3.19%</strong></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.
NOVEMBER 18, 2008

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, For the period ending August 31, 2008

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
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<td>Grants</td>
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<td>County</td>
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<table>
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<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
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<td>7,022,635</td>
<td>1,094,431</td>
<td>15.58%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,841,702</td>
<td>772,240</td>
<td>5.20%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>13,411,010</td>
<td>426,974</td>
<td>3.18%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,387,657</td>
<td>1,501,299</td>
<td>11.21%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>12,224,150</td>
<td>1,421,390</td>
<td>11.63%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>20,020,073</td>
<td>3,265,498</td>
<td>16.31%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,095,499</td>
<td>1,540,192</td>
<td>8.51%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$99,002,726</strong></td>
<td><strong>$10,022,024</strong></td>
<td><strong>10.12%</strong></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented.

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

(18) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Recognize, receive and appropriate State funds in the amount of $203,735 for the purpose of Walk-In Crisis and Immediate Psychiatric Aftercare funding.

Note: These funds will be used for the purpose of hiring a new psychiatrist not currently employed by the state or LME, the hiring of other support staff and the purchase of equipment for the Walk-In Crisis and Immediate Psychiatric Aftercare site(s) by a private provider.

(19) FEDERAL WORK FIRST COUNTY BLOCK GRANT (WFCBG) - DSS

Amend the Fiscal Year 2009 adopted budget by reducing the appropriation for the Federal Work First County Block Grant budget by $20,536.

Note: The North Carolina Department of Health and Human Services through the General Assembly reduced federal funding for the Work First County Block Grant (WFCBG) program.
(20) PROJECT CARE FUNDS AWARDED - DSS

Recognize, receive and appropriate $86,250 in State funds awarded by the North Carolina Department of Health and Human Services, Division of Aging and Adult Services for Project CARE.

(21) FOSTER CARE AND ADOPTION ASSISTANCE RATE ADJUSTMENTS

Approve, recognize and authorize the new State-wide rates for foster care and adoption assistance.

Note: The State of North Carolina has increased the rates for foster care and adoption assistance effective December 1, 2008. The State rates for both foster care and adoption assistance are as follows: $475 for ages 0-5, $581 for ages 6-12, $634 for ages 13-18.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

____________________

(22) NORTH CAROLINA COMMUNITY SAILING LEASE ARRANGEMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez, and Roberts voting yes, to authorize the County Manager to negotiate and execute a long term lease, development and operating agreement between Mecklenburg County and North Carolina Community Sailing for a community rowing and sailing center at Blythe Landing Park.

Commissioner Dunlap removed this item from Consent for more clarification on how this came about. Greg Jackson with Park and Recreation addressed this issue.

Agreement recorded in full in Minute Book 44-A, Document # ______.

STAFF REPORTS AND REQUESTS

(23) BOND CONVERSION RESOLUTION

The Board considered adopting a resolution for conversion of 2006A general obligation bonds interest rate mode.

Commissioner H. Parks Helms introduced the following resolution, the title of which was read:

RESOLUTION AMENDING THE EXHIBIT RELATING TO THE COUNTY’S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2006A AND AUTHORIZING THE
CONVERSION OF SUCH BONDS TO A LONG-TERM INTEREST RATE FOR A PERIOD TO BE DETERMINED AND RELATED DOCUMENTATION;

BE IT RESOLVED by the Board of Commissioners of the County.

Section 1. The Board of Commissioners has determined and does hereby find and declare as follows:

(a) The County has issued its Variable Rate General Obligation Bonds, Series 2006A (the “Bonds”), which heretofore have borne interest at a weekly interest rate.

(b) The Board of Commissioners has determined that because of disruptions in the credit markets the County could achieve economic benefits from converting the Bonds to bear interest at a fixed rate for a period to be determined.

(c) In connection with that conversion, it is beneficial to amend in certain respects Exhibit 1 to the resolution relating to the Bonds adopted on November 15, 2005 (the “Resolution”).

Section 2. Exhibit 1 of the Resolution is amended as set forth in Exhibit A hereto, together with such changes consistent with the general tenor hereof and thereof as the County Manager or Director of Finance, with the advice of counsel, may deem appropriate, their execution of the closing certificates in connection with the conversion of the interest rate on the Bonds to evidence conclusively the authorization and approval thereof. Such amendments shall become effective upon the consent of the holders of the Bonds.

Section 3. All officials and staff members of the County are each hereby authorized to execute on behalf of the County the various certificates, proofs, instruments or other documents, including the related offering and remarketing documents, to be executed in connection with the amendment of the Resolution, the conversion of the interest rate on the Bonds, the remarketing of the Bonds at the converted interest rate and related agreements. All actions previously taken by the County and its representatives in connection therewith are hereby ratified and approved.

Section 4. This resolution shall take effect upon its passage.

The foregoing resolution was seconded by Commissioner George Dunlap and adopted by the following vote:

AYES: Commissioners Karen Bentley, Dan Bishop, Dumont Clarke, George Dunlap, H. Parks Helms, Norman A. Mitchell, Sr., Dan Ramirez, and Jennifer Roberts

NAYS: None

Extracts and Resolution recorded in full in Minute Book 44-A, Document # ________.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

REMARKS BY OUTGOING COMMISSIONERS

Remarks were made by those Commissioners who will not be returning to the Board for the Board County Commission Term of 2008-2010. Each addressed having had the opportunity to serve the community in this capacity. They also expressed thanks to the community and to staff for having had this opportunity to serve.

The remarks were made in the following order:
Commissioner Dan Ramirez – At-Large (Has served two terms for a total of four years)

Commissioner Dan Bishop - District 5 (Has served two terms for a total of four years)

Commissioner Norman A. Mitchell, Sr. – District 2 (Has served 5 terms for a total of 10 years)

Commissioner H. Parks Helms – At-Large (Has served eight terms for a total of 16 years; nine years as Chairman and two years as Vice-Chairman)

Note: County Manager Jones acknowledged during this time, the service of the late County Commissioner Valerie C. Woodard (District 3), who would have been returning to the Board were it not for her passing. Commissioner Woodard passed unexpectedly on October 3, 2008.

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:42 p.m.

Janice S. Paige, Clerk  Jennifer Roberts, Chairman
DECEMBER 1, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Monday, December 1, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Vilma Leake and Daniel Murrey
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

CALL TO ORDER - SWEARING-IN CEREMONY

County Manager Harry L. Jones, Sr. called the Swearing-In Ceremony for the 2008-2010 Mecklenburg Board of County Commissioners to order.

County Manager Jones presided until the election of a temporary chairman.

INVOCATION

Dr. Gregory K. Moss, Sr., Pastor of Saint Paul Baptist Church gave the Invocation.

PRESENTATION OF COLORS

The Mecklenburg County Sheriff’s Office Color Guard conducted the presentation of colors, which was followed by the Pledge of Allegiance to the Flag.

OATHS OF OFFICE, BOARD OF COUNTY COMMISSIONERS

The Oaths of Office were administered by the Honorable Lisa Bell, District Court Judge, 26th 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 4, 2008 for a two-year term expiring Monday, December 1, 2010:

Jennifer Roberts, At-Large
Daniel Murrey, At-Large
Harold Cogdell, Jr., At-Large
Karen Bentley, District 1
Vilma Leake, District 2
George Dunlap, District 3
Dumont Clarke, District 4
Neil Cooksey, District 5
Bill James, District 6
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.

Motion was made by Commissioner Dunlap seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to elect Commissioner Dumont Clarke, Temporary Chairman of the Mecklenburg County Board of Commissioners.

County Manager Jones turned the meeting 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 Leake nominated Commissioner Jennifer Roberts for Chairman of the Mecklenburg County Board of Commissioners for a one-year term.

There were no other nominations.

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to elect Commissioner Jennifer Roberts, Chairman of the Mecklenburg County Board of Commissioners for a one-year term.

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.

Chairman Roberts thanked the Board for its support.

ELECTION OF VICE-CHAIRMAN

Chairman Roberts called for nominations for the election of Vice-Chairman.

Commissioner Murrey nominated Commissioner Harold Cogdell, Jr. for Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term.

There were no other nominations.

Motion was made by Commissioner Murrey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to elect Commissioner Harold Cogdell, Jr., Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term.

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:

Karen Bentley, District 1  
Vilma Leake, District 2  
George Dunlap, District 3  
Dumont Clarke, District 4  
Neil Cooksey, District 5  
Bill James, District 6  
Daniel Murrey, At-Large  
Harold Cogdell, Jr., At-Large  
Jennifer Roberts, At-Large

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:13 p.m.

Note: A reception followed in the Lobby of the Charlotte-Mecklenburg Government Center.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
DECEMBER 2, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 2, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr. Neil Cooksey, George Dunlap, Bill James Vilma Leake and Daniel Murrey 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 Roberts, after which the matters below were addressed.

(1B) REGISTER OF DEEDS BOND

County Manager Jones informed the Board that since its last meeting, at which time the Board was informed that Register of Deeds-Elect James David Granberry had not secured a bond, that he now has secured one.

It was noted that once the Board approves the bond for Register of Deeds-Elect Granberry, he will then be sworn into office.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to acknowledge receipt of and approve the bond for Register of Deeds James David Granberry.

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

(1A) STAFF BRIEFINGS - FLEET MANAGEMENT LAND EXCHANGE

Economic Development Director John Allen and Director of Real Estate Services Mark Hahn, addressed a proposed land exchange with the ARK Group for Tax Parcel 078-425-12, located at 900 W. 12th Street and Tax Parcel 069-155-42, located at 1000 Montana Drive.
Note: The ARK Group is developing Uptown Village, a thirty-five acre mixed use project on Seaboard Street adjoining the County’s fleet management facility on West 12th Street. The ARK Group would like to expand their complex by incorporating the County’s five acre tract into the project. They have identified a thirteen acre site located at 1000 Montana Drive where fleet management could be relocated. This would be accomplished by swapping one site for the other, in an equal value transaction based on third party appraisals. The ARK Group would be responsible for the construction and relocation costs to replicate the current fleet management facility at the new site. Incorporating the County’s property in the Uptown Village 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 details would need to be identified before moving forward with this exchange.

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

**Commissioner James** asked would ARK Group hold the County harmless for the environmental impact that may be discovered from the fleet facility. *The response was yes and that this is something that would be worked out in negotiations.*

**Commissioner Cooksey** asked about cost to the County. *The response was that the ARK Group will bear all of the cost.*

**Commissioner Leake** asked about the impact on neighboring communities, which was addressed.

**Commissioner Dunlap** asked would there be any additional cost to the County, with respect to travel distance for vehicles that need to visit the fleet maintenance facility. *The response was that the new facility would still be close to the existing facility, so there really wouldn’t be any additional cost with respect to distance for vehicles.*

**Commissioner Murrey** asked about parking. *The response was that staff would assume that there would be ample parking since the ARK Group was able to obtain their building permit.*

**Commissioner Cogdell** asked had the site plan been submitted to the City of Charlotte. *The response was that staff was not sure.*

It was noted the City of Charlotte is supportive of this proposal.

**Commissioner James** suggested consideration be given to doing some public relations work with residents of the neighborhood that the new potential site backs up to, if the land exchange is approved.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to authorize staff to proceed with the process to negotiate a land exchange with the ARK Group for Tax Parcel 078-425-12, located at 900 W. 12th Street and Tax Parcel 069-155-42, located at 1000 Montana Drive and to report back to the Board.

(2A) CLOSED SESSION - CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Glenn Adams v. Mecklenburg County.

Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting
yes, to go into Closed Session to Consult with Attorney, with respect to Glenn Adams v. Mecklenburg County.

The Board went into Closed Session at 5:47 p.m. and came back into Open Session at 5:55 p.m.

Commissioner Clarke was present when the Board came back into Open Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 9 and 10.

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

- FORMAL SESSION -

Invocation was given by Chairman Roberts, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) BOARD OF COMMISSIONERS PLAQUE PRESENTATION

The Board recognized members of the 2006-2008 Board of County Commissioners for their service to Mecklenburg County Government and the community.

Plaques were presented to members of the 2006-2008 Board of County Commissioners: Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and the late Valerie C. Woodard (Commissioner Dunlap accepted Commissioner Woodard’s plaque on behalf of her family.)

(1C) INDUCTIONS INTO THE ORDER OF THE HORNET

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct former County Commissioner Norman A. Mitchell, Sr. into the Order of the Hornet.

Former Commissioner Mitchell thanked the Board for this bestowing this honor upon him.

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct former County Commissioner J. Daniel Bishop into the Order of the Hornet.

Former Commissioner Bishop thanked the Board for this bestowing this honor upon him.

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. This is the highest honor the Board bestows for service to the community.
DECEMBER 2, 2008

Note: Former Commissioner H. Parks Helms was unable to make the meeting. He will be inducted at a later date.

Note: Former Commissioner Dan Ramirez was inducted into the Order of the Hornet in December 2004.

Note: The late Commissioner Valerie C. Woodard was inducted into the Order of the Hornet on October 7, 2008. Commissioner Woodard passed unexpectedly on October 3, 2008.

(1B) PRESENTATION OF GAVEL

County Manager Jones, on behalf of the 2006-2008 Board of County Commissioners presented a Gavel Plaque to Chairman Jennifer Roberts, the 2006-2008 Chairman of the Mecklenburg Board of County Commissioners.

Chairman Roberts expressed thanks.

(2) PUBLIC APPEARANCE

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

Larry Brackett addressed Charlotte-Mecklenburg Schools' budget and utilization of resources.

Jim Bensman, Town of Cornelius Commissioner, encouraged the new Board to work as a team.

(3) APPOINTMENTS – NONE

PUBLIC HEARINGS

(4A) CERTIFICATE OF PARTICIPATION (COPS) PUBLIC HEARING

Motion was made by Commissioner Bill James, seconded by Commissioner Karen Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to open the public hearing regarding financing School, Community College, County and Library Facilities, and a School Administrative Facility through Certificates of Participation.

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 $137,625,000, 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 relating to the Projects and (2) determining whether the County may acquire interests in school property relating 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 20, 2008.
DECEMBER 2, 2008

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.**

After the Board had heard all persons who had requested to be heard, Commissioner Neil Cooksey moved that the public hearing be closed. The motion was seconded by Commissioner Vilma Leake and was unanimously adopted.

* * *

Commissioner Dumont 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 contract to finance the Projects;

**WHEREAS,** there have been available at this meeting drafts of the forms of the following:

1. Installment Financing Agreement to be dated as of February 1, 2009 (the “Contract”) between the County and Mecklenburg County Public Facilities Corporation (the “Corporation”);
2. Deed of Trust to be dated as of February 1, 2009 (the “Deed of Trust”) from the County to a trustee for the benefit of the Corporation;
3. Trust Agreement to be dated as of February 1, 2009 (the “Trust Agreement”) between the Corporation and a trustee (the “Trustee”);
4. Official Statement (the “Official Statement”) relating to Certificates of Participation evidencing proportionate undivided interests in revenues to be received by the Corporation under the Contract (the “Certificates”); and
5. Contract of Purchase (the “Purchase Contract”) between certain underwriters (the “Underwriters”) and the Corporation, including the Letter of Representation attached thereto (the “Letter of Representation”).

**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 contract that (a) such proposed installment financing contract is necessary or expedient to the County, (b) such proposed installment financing contract, 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
contract are adequate and not excessive for their 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
contract 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 contract under Article 8 of Chapter 159
of the General Statutes of North Carolina.

3. The County Manager, the Director of Finance and any Deputy Director of Finance
are hereby designated as representatives of the County to file an application for
approval of such proposed installment financing contract 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 contract 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, and the Letter of Representation, 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 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. Each of the Trust Agreement and the Purchase Contract, 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.

7. The Chairman of the Board, the County Manager, the Director of Finance, or any
Deputy 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
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
$122,550,000), the annual principal payments under the Contract, the interest rates
for any fixed rate Certificates, the terms of the Contract, and the discount below the
principal amount of the Certificates at which the Certificates are sold to the
Underwriters or the fee paid to the Underwriters. Execution of the Contract by the
Chairman of the Board, the County Manager, the Director of Finance or any Deputy
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 transaction
contemplated by the documents referred to above.

9. This Resolution shall become effective immediately upon its adoption.

Commissioner George Dunlap seconded the motion.
Substitute motion was made by Commissioner Harold Cogdell, Jr. to amend Section 7 by changing the limitation amount from $122,550,000 to $90,765,000; thus, Section 7 will now read: The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy 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 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 $90,765,000), the annual principal payments under the Contract, the interest rates for any fixed rate Certificates, the terms of the Contract, and the discount below the principal amount of the Certificates at which the Certificates are sold to the Underwriters or the fee paid to the Underwriters. Execution of the Contract by the Chairman of the Board, the County Manager, the Director of Finance or any Deputy Director of Finance, shall conclusively evidence approval of all such details of the financing.

Commissioner Karen Bentley seconded the substitute motion and the motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Harold Cogdell, Jr., Neil Cooksey, Bill James, and Daniel Murrey

NAYS: Commissioners Dumont Clarke, George Dunlap, Vilma Leake, and Jennifer Roberts

Resolution and Extracts recorded in full in Minute Book 44-A, Document #_____

SIZING OF GENERAL OBLIGATION BOND SALE AND CERTIFICATES OF PARTICIPATION (COPS) SALE

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Murrey voting no, to approve the size of the January 2009 bond sale not to exceed $253 million.

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

NOVEMBER 4, 2008 BOND REFERENDUM

Resolution certifying the results of the November 4, 2008 Bond Referendum for Park and Recreation Facilities.

The Clerk to the Board of Commissioners placed before the Board of Commissioners a Certificate of Canvass of the Mecklenburg County Board of Elections certifying to the Board of Commissioners the results of the special election held for the County of Mecklenburg on November 4, 2008. The Certificate was considered by the Board.
RESOLUTION CERTIFYING ELECTION RESULTS

Commissioner Bill James moved the adoption of the following resolution, the motion was seconded by Commissioner Vilma Leake, and the resolution was read by the above title.

WHEREAS, the Board of Commissioners has considered the Certificate of Canvass of the Mecklenburg County Board of Elections canvassing the referendum held for the County of Mecklenburg on November 4, 2008 and certifying the results thereof to the Board of Commissioners and has canvassed the results of that special election;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg that it be and hereby is certified and declared that the number of voters registered and qualified to vote at that special election was __627,498______.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question, “SHALL the order authorizing $250,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing park and recreation facilities, 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 a tax to be levied for the payment thereof, be approved?”, was 232,632. The total number of voters who voted “NO” in answer to such question was __144,524______.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of the election shall be prepared and published in accordance with law:
STATEMENT OF RESULT OF SPECIAL ELECTION
HELD FOR THE
COUNTY OF MECKLENBURG

NOVEMBER 4, 2008

WHEREAS, by direction of the Board of Commissioners of the County of Mecklenburg, in the State of North Carolina, a special election was duly called and held for the County on November 4, 2008 for the purposes of submitting to the qualified voters of the County the questions hereinafter set forth, and that Board has received from the Mecklenburg County Board of Elections a certification of the results of the election, and has determined the results of the election to be as hereinafter stated;

NOW, THEREFORE, the Board of Commissioners of the County of Mecklenburg hereby makes the following statement of the result of the election pursuant to The Local Government Bond Act:

1. The total number of voters registered and qualified to vote at the election was 627,498.

2. The number of voters who voted “YES” in answer to the question, “SHALL the order authorizing $250,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing park and recreation facilities, 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 a tax to be levied for the payment thereof, be approved?” was 232,632. The total number of voters who voted “NO” in answer to that question was 144,524. The question in the form submitted was approved [ ] by the vote of a majority of those who voted thereon at the election.

Any action or proceeding challenging the regularity of validity of this bond referendum must be begun within 30 days after _____________, the date of publication hereof.

Board of Commissioners of the County of Mecklenburg,
The motion was adopted by the following vote:

**AYES:** Commissioners Karen Bentley, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Bill James, Vilma Leake, Daniel Murrey, and Jennifer Roberts

**NAYS:** None

*Note: Commissioner Dumont Clarke was away from the dais at the time of the vote.*

*****

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) RECEIVE MANAGER’S REPORT

County Manager Jones noted the following for the Manager’s Report:

**The County’s Financial Standing**

*Commissioner Clarke returned to the dais.*

County Manager Jones asked Finance Director Dena Diorio to comment on the County’s financial standing, in light of a statement that was made at the Swearing-In Ceremony when Commissioners made their remarks.

County Manager Jones said it was stated that the County has a $105 million gap in its budget.

County Manager Jones said he doesn’t want there to be any misunderstanding with respect to the County’s financial standing, which is why he asked Finance Director Dena Diorio to address this issue.

Finance Director Diorio clarified that the County does not have a revenue shortfall, or, a gap in its budget.

**Critical Need Response Team Task Force**

County Manager Jones informed the Board that he has been asked to serve as Co-chair of the Critical Need Response Team Task Force. He addressed how the task force came into being, its purpose, and members.

**UNC-Charlotte Football**

County Manager Jones informed the Board that there have been discussions with respect to UNC-Charlotte initially using Memorial Stadium for its football games, if they are granted the ability to start a team. It was noted that if this occurs, it may require some renovations to Memorial Stadium. Staff will report back to the Board on this matter.

Commissioner James noted that he was not opposed to UNC-Charlotte using Memorial Stadium,
but he would be opposed to any County funding towards that effort.

Commissioner Dunlap suggested that if renovations are made to Memorial Stadium that consideration is given to using turf instead of grass.

**Strategic Planning Conference**

County Manager Jones informed the Board that the dates of the Board’s annual Strategic Planning Conference would be January 29-30, 2009. The location, which will be somewhere local, has not yet been determined. He asked the Board to mark these dates on their calendar and to be amenable to staying overnight.

**Pre-Agenda Review Meetings**

County Manager Jones suggested conducting pre-agenda review meetings on the day of a Regular board meeting, for those Commissioners who may have questions regarding matters on the agenda that they would like an answer to or a better understanding of, prior to the meeting. County Manager Jones said he would be willing to hold these meetings, if the Board feels it would be beneficial. Further, that after holding a few meetings, it may not be necessary to continue them long term. It was the consensus of the Board that these meetings be held beginning with the December 16, 2008 Regular meeting.

**CONSENT ITEMS**

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the following item(s), with the exception of Items 9 and 10, to be voted upon separately:

1. **APPROVAL OF MINUTES**
   
   Approve minutes of Regular Meeting held November 18, 2008 and Closed Session minutes of November 18, 2008.

2. **PURCHASE OF RADIO EQUIPMENT – FIRE MARSHAL’S OFFICE**
   
   Award contract to Motorola for $475,456 for purchase of portable radios for replacement of current portable radios assigned to the Fire Marshal’s Office.

3. **HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION**
   
   1. Accept the “Offer of Sale of Land” from Felipe A. Roman Jr. 2231 Purser Drive for $59,000.
   
   2. Accept the “Offer of Sale of Land” from Michel Andre & Sharon Thonissen of 2224 Purser Drive for $54,000.
   
   3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

   *Note: This action will purchase and remove the above properties from the floodplain.*
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(12) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION, QUICK BUY

1. Accept the “Offer of Sale of Land” from Melba Adams owner of 5124 Dolphin Lane for $82,676.64.

2. Accept the “Offer of Sale of Land” from Quentin T. Scott, Executor for the Estate of Alma L. Scott, deceased owner of 5421 Dolphin Lane for $78,075.77.

3. Accept the “Offer of Sale of Land” from Oliver and Kathleen Sharman owners of 2917 Dunlavin Way for $131,206.35.


5. Accept the “Offer of Sale of Land” from Brooke C. Smith owner of 3000 Harbinger Court for $161,046.28.

6. Accept the “Offer of Sale of Land” from Linda R. Stinson owner of 5123 Kildare Drive for $65,446.34.

7. Accept the “Offer of Sale of Land” from Samuel and Catherine Adams owners of 1726 Shannonhouse Drive for $89,778.56.

8. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action will purchase and remove the above properties from the floodplain.

(13) FEDERAL CRISIS INTERVENTION PROGRAM (CIP) - DSS

Amend the Fiscal Year 2009 Adopted Budget by recognizing, receiving and appropriating $98,918 for the Crisis Intervention Program (CIP).

Note: The U.S. Department of Energy allocated additional federal funding for the Crisis Intervention Program (CIP). Funding is distributed to Crisis Assistance Ministries for the administration of CIP. Mecklenburg County citizens are able to obtain energy assistance to meet their utility needs.

(14) GREENWAY DONATION – TORRENCE CREEK TRIBUTARY

Accept the donation of Tax Parcel 017-158-08 (+/- 3.38 acres) on Torrence Creek Tributary from Colonial Realty Limited Partnership.

Note: The subject parcel is located off Tribute Place Drive and is being donated as a required condition of subdivision approval for the Colonial Grand at Huntersville mixed-use development. This property will be incorporated into a stream restoration project and also become part of the land assemblage for the Torrence Creek Greenway in the North Park District.
(15) **REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING-DEVELOPMENT ORDINANCE – SECOND READING**

1. Amend the LUESA Fee Ordinance, revising plan review fees to allow collection of OnSchedule permit fees at application for review, and retention of plan review costs on projects which are abandoned for 120 days or longer.

2. Revise the Building-Development Ordinance, adding the definition of “Abandoned Projects”, and adding a section on “Destruction of Plans”, clarifying the timeframe for destroying plans which are not picked up by the applicant.

*Ordinances recorded in full in Minute Book 44-A, Document #______, ______.*

(16) **WTVI DIGITAL TRANSMISSION**

1. Approve the purchase of Digital TV Transmission Equipment and Installation without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3); and

2. Approve a contract with GTSI for providing a turnkey Digital TV Transmission System in an amount not to exceed $2,430,000.

*This concluded items approved by consent*

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

(9) **2009 MOBILE SOURCE EMISSION REDUCTION GRANT APPLICATION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to:

1. Approve submission of 2009 Mobile Source Emission Reduction Grant application by Mecklenburg County Air Quality to North Carolina Division of Air Quality for $300,000 in grant funds.

2. Upon award of grant, recognize, receive and appropriate award.

3. Authorize the carry-forward of unspent funds until expended.

*Note: Funds to be used to reduce air pollution from non-road construction equipment in the 8-county ozone non-attainment region through the County’s GRADE project.*

Commissioner Cogdell removed this item from Consent for more public awareness purposes.

(10) **2009 CONGESTION MITIGATION AND AIR QUALITY FUNDING GRANT APPLICATION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts
voting yes, to:

1. Approve submission of 2009 Congestion Mitigation and Air Quality grant application to North Carolina Department of Transportation for $300,000.

2. Upon award of grant, recognize, receive and appropriate award.

3. Authorize the carry-forward of unspent funds until the completion of the program.

*Note: Funds to be used to reduce air pollution from non-road construction equipment in the 8-county ozone non-attainment region through the County’s GRADE project.*

Commissioner Cogdell removed this item from Consent for more public awareness purposes.

### STAFF REPORTS AND REQUESTS

#### (17) 2009 BOARD OF COUNTY COMMISSIONERS’ MEETING SCHEDULE

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to approve 2009 Board of County Commissioners’ Meeting Schedule as amended.

*Note: The amendment, which was offered by Commissioner Murrey, was to change the Tuesday, November 3, 2009 Regular meeting to Wednesday, November 4, 2009 because of the Election on Tuesday.*

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

Commissioner Dunlap returned to the dais.

#### (19) UNIFORM SCHEDULES OF VALUES, STANDARDS AND RULES FOR THE 2009 REAPPRAISAL

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to 1) Delay a revaluation until 2010 or 2011; 2) Schedule subsequent revaluations for the year 2013 and every two years thereafter; 3) Direct staff to provide resources for property owners that would indicate the general magnitude of their property value gain or loss since the last re-evaluation and the potential impact on their tax payments; 4) Direct staff to provide resources for property owners that would inform them of any available programs that may mitigate their tax burden or any programs that may facilitate payment of that tax burden; and 5) Direct staff to present to the Board a comparison of the financial and staffing impact of performing the revaluation in 2010 versus 2011.

Prior to the above vote, the following persons addressed this issue:

**Mayor Jeff Tarte** of Cornelius spoke in support of delaying revaluation.

**Michael Heywood Ross** spoke in opposition of a delay. He asked the Board to move forward with the 2009 Reappraisal. Mr. Ross said the current values are five years old and that there are a lot of inequities.
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Also prior to the vote:

Commissioner James noted, for the record, that he would support the motion, but he supports doing a reappraisal every four years rather than every two. Commissioner James said when you revaluate every two years, it takes money out of the pockets of homeowners. Commissioner James went on to say that public service companies have to pay their taxes at the revalue rate until the next revaluation or until the ratio drops below 90%. Commissioner James said the public service companies pay that amount even if they “claim” their assets had depreciated in value. He said although this is hard on the public service companies, it benefits the homeowner.

Per Commissioner James, the law is designed for the public service companies to pay more.

Tax Assessor Garrett Alexander addressed questions from the Board. It was noted that there are a lot of pros and cons with respect to doing revaluation every two or every four years, in addition to the public service company process. Further, that it’s all driven by the market.

Tax Assessor Alexander confirmed that if the sales ratio falls below 90%, the public service companies are entitled to a reduction in the system value by the equivalent amount of the ratio as it falls below 100.

Commissioner Cogdell asked staff to address in their report back to the Board, whether there are any appropriate tools that would require state action that the County could seek to obtain with respect to revaluation, such as possible changes in the Homestead Exemption Act.

Commissioner Murrey said “it’s been intimated that there’s an issue of fairness to the homeowners, that somehow the Board is helping big businesses as opposed to homeowners,” which he said was not true. “What we’re trying to do is be fair, as fair as possible to the homeowners, trying to make them pay exactly what their home is worth, and the tax value associated with exactly what their home is worth; and to have them assessed as often as possible, so that the County can get that number as close to right as we can.” He said “it’s about fairness to homeowners and preparedness of homeowners is what the Board is trying to accomplish.”

Commissioner James asked that the following exchange between he and Tax Assessor Alexander be included in the minutes:

Commissioner James: I want to ask you a question directly because I want to get a direct response related to the conversation we had via e-mail. Assuming that revaluation occurs the same as it has occurred the last two, that is we’re starting over. Has it normally in the past taken approximately four years to get to 90%? Is that a fair and accurate statement?

Tax Assessor Garrett: It’s close. Generally and historically, we’ve been above 90% except in the peak market periods.

Commissioner James: If we revalue when we’re above 90%, does that have the effect of transferring more of the tax burden to homeowners and off of public service corporations? The answer we discussed on the phone today was yes.

Tax Assessor Garrett: As I tried to explain in the e-mail today, since public service property is valued annually, and real property is valued based on the reappraisal schedule, there can be times when the real property is going up in value and the owners of real property are paying at the market rate at the last reappraisal and the public service companies are still paying at 100% of full value on an annual basis.

Commissioner James: Correct. That’s the only point that I was trying to drive across here, is that it’s better to have public service corporations pay 100% of the value for four straight years, then it is for them to pay 100% for two straight years, then have that ratio reset and have residential people pay more.
County Manager Jones noted that if the Board defers taking action for a year, that implementation for 2010 would have to almost begin immediately. County Manager Jones said the current process was started from the standpoint of “creating fairness.”

County Manager Jones posed the question to the Board of, if the Board is using the uncertainty of the economy today to defer. What will the Board do at this same time next year when its presented a statement of values and already incurred the expense and the economy has not changed. He asked would the Board be prepared at that point to move forward.

County Manager Jones suggested the Board consider removing from the motion the directive to have staff come back with an analysis on doing a reappraisal in 2010 and to defer taking action until the Board is statutorily required to conduct a revaluation, which would be 2011.

Substitute motion was made by Commissioner James, seconded by Commissioner Cogdell, to remove from the motion the directive to have staff come back with an analysis on doing a reappraisal in 2010 and to defer taking action until the Board is statutorily required to conduct a revaluation, which would be 2011.

Commissioner Murrey said not knowing how long the recession will last is not the primary reason for his request to delay, but rather it is the “magnitude” of the value changes that people will experience, which is what he’s trying to reduce.

After further discuss, the substitute motion was withdrawn, and the Board voted on the original motion as noted above.

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

(21) AREA MENTAL HEALTH MEDICAID UTILIZATION MANAGEMENT PROPOSAL

The Board received information regarding Area Mental Health and a Medicaid Utilization Management Proposal.

Commissioner Cogdell left the meeting during this time and was absent for the remainder of the meeting.

Area Mental Health Director Grayce Crockett presented this matter to the Board.

Note: In April 2006, the Department of Health and Human Services made the decision to have ValueOptions, a private for profit managed care company, provide utilization management (UM) for Medicaid funded services. This decision created a dual authorization system whereby a provider must get an authorization from ValueOptions for Medicaid funded services and an authorization from the LME for state funded services. This dual system creates inefficiencies in the system and does not allow for seamless person centered planning for consumers. Subsequently, over the past several years there have been significant efforts to return and have Medicaid UM performed by the LMEs across the state.

The Division of Medical Assistance (DMA) on November 14th issued a RFP seeking LMEs interested in providing Medicaid UM pursuant to General Assembly Session Law 2008-10 (HB2436, Section 10.15 (x). This offers an opportunity for Medicaid UM to be returned to the public sector. The proposals are due on December 15, 2008 with an implementation date of July 1, 2009. Selections will be made by DMA by January 15, 2009.

It was the consensus of the Board that staff moves forward with submitting a response to the Division of Medical Assistance and to report back to the Board at the appropriate time.
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A copy of the presentation is on file with the Clerk to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – No 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 Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:40 p.m.

______________________________ ____________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 on the 2nd floor of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street on Tuesday, December 9, 2008 at 3:00 p.m.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey George Dunlap and Vilma Leake County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioners Karen Bentley, Bill James, and Daniel Murrey

The meeting was called to order by Chairman Roberts.

(1) FIRST WARD PARK PROJECT UPDATE

General Manager Bobbie Shields addressed the First Ward Park Project. He then introduced John Allen, Economic Development Director, who gave the formal presentation. Mr. Allen was assisted in the presentation by Park and Recreation Director Jim Garges. Developer Daniel Levine (Levine Properties), Jeff Brown with King and Spalding, and Dennis Rash with UNC-Charlotte were present and addressed questions. The following was covered:

Project and Park Conceptual Design

Public Participation and Financial Framework

Public/private partnership to build 1,935 parking spaces, including 1,335 public spaces
County to construct park on exchange block and over the underground parking deck on adjacent block
10 year grant of 45% of property tax increment to support parking
Maximum public sector participation to support parking: Estimated at $26.1 M plus appraised land value difference, if any
Developer assumes all parking deck cost construction over-run and operating risk/losses
County to pay for park construction

County/Developer Land Exchange

Developer and County to exchange land at appraised value: 7th, 8th, Brevard, Market block for 8th, 9th, Brevard, Caldwell block
Appraised value difference, if any, recoverable by developer via tax increment payments
Land between 8th Street and UNCC building (on top of underground deck) leased to County (based on negotiated value) for use as a park

Preliminary Project Schedule
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Development Agreement Update

Development Agreement negotiations proceeding in accordance with approved framework

Next Steps

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

Comments

Commissioners Dunlap and Leake asked about ownership of the blocks involved, which was addressed.

Commissioner Leake asked about the amount of land to be leased and the cost. *The response was the cost has not been determined. The property is currently being appraised. The property being swapped is less than an acre.*

Park and Recreation Director Garges addressed the use of the park, which he said would be active and passive.

Commissioner Dunlap asked about the proposed public shower facilities and the amount of open space for festivals. *The response was the shower facilities would be managed by staff. Secondly, that there would be about 3 acres of open space available for festival use.*

Commissioner Cooksey asked about the park acreage. *The response was that the total green space amount is about 41/2 acres.*

Commissioner Cogdell asked about underground parking and whether it’s cost prohibited to have all underground parking. *The response was yes, especially in light of the utilities involved and the number of cars that would be coming out of a deck that size.*

Commissioner Cooksey asked which parcels would be subject to tax increment financing, which was addressed.

Economic Developer Director Allen said the developer, Levine Properties, is proposing to invest approximately $1.5 billion over a period of time on his property in exchange for a grant, which would help pay for the parking necessary to support the development.

Commissioner Dunlap asked who would receive the parking deck revenue. *The response was Levine Properties.*

County Manager Jones asked was the Preliminary Project Schedule shared in the presentation considered an ambitious schedule or a reasonable schedule, in light of the current economic environment. *The response was it’s an ambitious schedule. This was echoed also by Park and Recreation Director Garges and Mr. Rash from UNC-Charlotte.*

Commissioner Clarke asked about the estimated cost of the park. *The response was $6-8 million (preliminary) with the potential to go up.*

Commissioner Dunlap asked, with respect to the parking deck, who would be financially responsible for any structural problems or other problems related to tremors caused by the light rail. *The response was the liability with the structural integrity of the deck would be that of the private sector.*

Commissioner Clarke asked that in the next update the Board receive a refinement of the schedule and on the sequencing of events in terms of how these things will proceed, prior to the Board being asked to sign off on this proposal.

General Manager Shields informed the Board that the original plan was to take this presentation to
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the Board’s Economic Development Committee first but since the new committee had not been formed yet, staff decided to bring it to the full Board. General Manager Shields suggested that between now and when the matter would come back to the Board for consideration that it be further discussed by the Board’s Economic Development Committee.

Commissioner Dunlap asked about the availability of basketball courts in the First Ward Area. Director Garges said it would not be a part of this proposal but staff is looking at finding space in First Ward for more active recreation.

Commissioner Cooksey asked that in the next update information be provided on the cost of the park and where the funds will come from to build the park.

Note: The above is not inclusive of every comment or question asked, but a summary of key points.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:41 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 16, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr. Neil Cooksey, George Dunlap, Bill James Vilma Leake and Daniel Murrey General Manager Bobbie Shields County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

- INFORMAL SESSION -

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney and Land Acquisition matters to be discussed in Closed Session:

- Property located on Stumptown Road in Huntersville
- Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC
- Jerry Alan Reese vs. Mecklenburg County, City of Charlotte, and Board of Education
- Jerry Alan Reese vs. Mecklenburg County and Brooklyn Village, LLC
- Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Land Acquisition.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:00 p.m.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 8, 9, 14, and 25.

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

- FORMAL SESSION -

Invocation was given by Chairman Roberts, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) PRESENTATION OF PLAQUE AND INDUCTION INTO THE ORDER OF THE HORNET

The Board presented an appreciation plaque to former County Commissioner H. Parks Helms for his service on the Board for the 2006-2008 term.

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct into the Order of the Hornet former County Commissioner H. Parks Helms in recognition of his service to Mecklenburg County.

Former Commissioner Helms thanked the Board for bestowing this honor upon him.

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. This is the highest honor the Board bestows for service to the community.

(1B) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct former Register of Deeds Judy Gibson into the Order of the Hornet in recognition of her service to Mecklenburg County.

Former Register of Deeds Judy Gibson thanked the Board for bestowing this honor upon her.

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. This is the highest honor the Board bestows for service to the community.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:
Majid Alim-Obama addressed repeat offenders and the need for rehabilitation programs. Mr. Alim-Obama said jails aren’t always the solution.

Mrs. Carol Deckbar addressed a septic system issue that she has been dealing with on her property. Mrs. Deckbar lives in the Beckingham Subdivision in Mint Hill. According to Mrs. Deckbar, there are three other homes in the neighborhood with the same or similar problem. Mrs. Deckbar said she and others were there to ask the Board’s assistance in getting this problem resolved. Mrs. Deckbar said it was their contention that “the County Health Department issued a permit for the wastewater treatment system on our site that never met code.”

Robby McClure spoke in support of the Deckbars and other neighbors in his neighborhood who have septic system issues. He doesn’t have a problem with his system, however, Mr. McClure said problems of this nature impact the marketability of their properties.

Trish Thompson addressed a septic system issue that she, too, has been dealing with on her property. Mrs. Thompson also lives in the Beckingham Subdivision in Mint Hill. She spoke of how her children and pet are unable to go outside and play in their yard. Mrs. Thompson said they should be connected to the public sewer system.

Bill Grandy, C D Collins, Rev. Terrence J. Jones, and Bill Waltz addressed the Gaston East-West Connector “Garden Parkway” – Southern Route. A petition was submitted to the Board asking for the elimination of “any and all routes that contain K4A, K1B, and K1C road segments from consideration as thoroughfares for the proposed Garden Parkway.” “Development of these segments would impact a significant number of residents and reduce the beauty and serenity of one of the most admired parts of Mecklenburg County. This combined with higher project costs and increased negative impacts on environmentally sensitive wetlands, rivers, coves and streams leads us to respectfully request that these southern segments be removed from consideration.”

Jeff Barefoot spoke in opposition to the Garden Parkway Northern route and Southern route. He asked that consideration be given to “some variation of the middle route that has been on the thoroughfare plans for over twenty years.” Mr. Barefoot also gave the Board a petition.

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

(26) **ROCKY CLUB DONATION FOR LITTLE SUGAR CREEK GREENWAY PROJECT**

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate from the Rotary Club of Charlotte a gift of $23,000 toward the clockwork for the tower which will be part of Little Sugar Creek Greenway.

(3A) **NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Daniel Shain to the Adult Care Home Advisory Committee for a one-year term expiring December 31, 2009.

_He is replacing Stephen Flaherty._

**AIR QUALITY COMMISSION**
Commissioner Clarke nominated all applicants for appointment consideration to the Air Quality Commission:

Stephanie Carter-Tyson
William Nash
Jason White

(Ms. Carter-Tyson was nominated but was later appointed to the Personnel Commission as noted in the minutes.)

Note: An appointment will occur on January 6, 2009.

BICYCLE COMMITTEE

Commissioner James nominated all applicants for appointment consideration to the Bicycle Committee:

John Arciero
Jane Cacchione
Kurt Robinson
Jane Wasislawski
Gerald Williams

Note: An appointment will occur on January 6, 2009.

FIRE COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Philip Angelo to the Fire Commission to fill an unexpired term expiring December 31, 2009.

He is replacing Andy Higgins.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Jenita Hooks to the Nursing Home Community Advisory Committee for a three-year term expiring December 31, 2011.

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Stephanie Carter-Tyson and Simona Mitchell to the Personnel Commission for a three-year term expiring December 31, 2011.

They are replacing Andrea Corbett and William Crigger.

WASTE MANAGEMENT ADVISORY BOARD

Commissioner James nominated all applicants for appointment consideration to the Waste Management Advisory Board:
Note: An appointment will occur on January 6, 2009.

(3B) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Harry Weatherly to the Mecklenburg EMS Joint Agency Board of Commissioners for a three-year term expiring December 31, 2011.

(4) PUBLIC HEARINGS – NONE

(5A) ADVISORY COMMITTEE REPORTS

GREENWAY LAND ACQUISITION STUDY GROUP REPORT

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive the report from the Greenway Study Group and refer it to the Board’s Natural Resources Committee.

Note: On March 18, 2008, the Board approved the formation of a study group to develop recommendations around the greenway planning process, paying special attention to the protection of private property rights. The group ultimately identified two overarching issues 1) the use of eminent domain, and 2) planning and communication.

Former County Commissioner Tom Cox, Greenway Study Group Chairman presented the report. Julie Clark with Park and Recreation and Scott McClure, Park Commissioner, commented on this as well.

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

MANAGER’S REPORT

(6A) JUSTICE AND PUBLIC SAFETY TASK FORCE

The Board received the Justice and Public Safety Task Force Report.

Retired Judge Shirley Fulton, Co-chair of the Task Force, gave the report.

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

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell, to receive the Justice and Public Safety Task Force Report and refer it to the Board’s Criminal Justice Committee for a recommendation back to the full Board, with respect to implementation of the Task Force recommendations; and that the Board’s Criminal Justice Committee report back in 60 days. Secondly, that the position of Justice Accountability Director be reinstated in order to
move forward with recruitment efforts.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley, 1) to direct the County Manager to convene a meeting within 30 days with the appropriate Town and City of Charlotte leaders and law enforcement officials respectively, the Sheriff’s Office, the District Attorney’s Office, and from Charlotte-Mecklenburg Schools, to consider the Task Force recommendations; 2) that the Task Force Co-chairs be a part of that meeting to convey input on behalf of the Task Force; 3) that the County Manager make a recommendation back to the Board within 45 days on how to spend the $2 million placed in restricted contingency for Public Safety & Crime Prevention, to hire additional staff to supplement the capacity of the District Attorney’s Office.

General Manager Michelle Lancaster noted that the Criminal Justice Advisory Group (CJAG), which is a group established in 2005 by County Manager Jones, has and still is in the process of reviewing the Task Force recommendations. It was noted also that persons represented on CJAG comprise of those mentioned by Commissioner Cooksey in his substitute motion.

After further discussion, Commissioners Murrey and Cogdell agreed to amend the original motion to change the report back time to 45 days.

After further discussion, Commissioner Cogdell asked Commissioner Murrey to amend the original motion to indicate that the first matter of business for the Board’s Criminal Justice Committee be consideration of, if and how the Board should appropriate the $2 million in restricted contingency. Commissioner Murrey accepted this amendment.

General Manager Lancaster noted the four priorities that have been identified by CJAG to date: 1) To work on the chronic offenders issue; 2) To coordinate and identify priorities between all police departments and the District Attorney’s Office; 3) To deal with technology issues in the entire system, and 4) To deal with recruitment and retention, and salary issues of all parties of the system.

After further discussion, Commissioner Bentley asked Commissioner Cooksey to amend the substitute motion to indicate that if the matter is referred to the Board’s Criminal Justice Committee that there be a full presentation with respect to where the Criminal Justice Advisory Group is on this issue that accomplishes what Commissioner Cooksey stated in the first part of his motion. Commissioner Cooksey accepted this amendment.

Julie Eiselt with Neighbors for a Safer Charlotte asked the Board to move forward with implementing the recommendations of the Task Force. Also, that the Board consider what it’s going to ask the state for with assistance in this matter.

Myra Clark, executive director of the Center for Community Transition addressed the issue of re-entry into the community by those that have been incarcerated.

Chairman Roberts noted that included in the Board’s 2009 Legislative Agenda is a request “to appropriate additional state funding for the justice and public safety systems in Mecklenburg County. Local funds should be in addition to state funding and not used to reduce or supplant funding for our district.”

The vote was then taken on all three parts of the substitute motion as amended and as follows:

1) Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, James, and Leake voting yes, to direct the County Manager to provide to the Board’s Criminal Justice Committee, within 30 days, a full presentation with respect to where the Criminal Justice Advisory Group is in their discussions and actions taken, as
it relates to the recommendations of the Justice and Public Safety Task Force.

2) Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, that the Task Force Co-chairs be a part of that meeting to convey input on behalf of the Task Force.

3) Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, to direct the County Manager to make a recommendation back to the Board within 45 days on how to spend the $2 million placed in restricted contingency for Public Safety & Crime Prevention, to hire additional staff to supplement the capacity of the District Attorney’s Office.

The vote was then taken on the original motion as amended, as follows:

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, Leake, and James voting no, to receive the Justice and Public Safety Task Force Report and refer it to the Board’s Criminal Justice Committee for a recommendation back to the full Board with respect to implementation of the Task Force recommendations; and that the Board’s Criminal Justice Committee report back in 45 days. Secondly, that the position of Justice Accountability Director be reinstated in order to move forward with recruitment efforts. Thirdly, that the first matter of business for the Board’s Criminal Justice Committee be consideration of, if and how the Board should appropriate the $2 million in restricted contingency for Public Safety & Crime Prevention.

Note: Commissioner Clarke suggested to staff that the position’s title be changed to something other than Justice Accountability Director. Commissioner Clarke said the title is not descriptive of the role of the position. He suggested calling it the Mecklenburg County Criminal Justice System Effectiveness Coordinator.

Commissioner Murrey noted that although receiving an update on the work of the CJAG was not a part of his motion, he would encourage the Chair of the Board’s Criminal Justice Committee to hear from that group and to take their work into consideration as well.

(6B) COUNTY MANAGER’S 2008-2009 STRATEGIC MANAGEMENT PLAN

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the County Manager’s 2008-2009 Strategic Management Plan as presented with the following amendments: 1) to add an item that would involve progress on implementation (measurable progress) of the Justice and Public Safety Task Force recommendations as approved by the Board of County Commissioners; and 2) that the one professional development seminar to be attended be at reasonable expense to the County.

Note: The amendment regarding the one professional development seminar was initiated by a question raised by Commissioner James with respect to whether the location of that seminar should be restricted in light of the economic environment. It was the consensus of the Board that it not be specific but expense associated with it is reasonable.

The amendment regarding progress on implementation of the Justice and Public Safety Task Force recommendations was initiated by Commissioners Cogdell and Clarke.

General Manager Michelle Lancaster presented this matter, in the absence of County Manager Jones.
DECEMBER 16, 2008

Strategic Management Plan

Fiscal Year 2008-2009

Organizational Vision

To be the best local government service provider.

Values & Guiding Principles

- **Ethics:** We work with integrity.
- **Customers:** We serve our customers with dignity and respect
- **Employees:** We recognize employees as our most important resource.
- **Excellence:** We invest in learning and improving.
- **Teams:** We work as a team, respecting each other.
- **Accountability:** We focus on results

Personal Philosophy

*It is my privilege to serve.*

- Establish an ad hoc committee to evaluate the current method of funding care for the medically indigent and to recommend changes if needed. (continued from FY07)
- Examine the interlocal agreement that created MEDIC to determine whether changes in services delivery and funding should be made. (continued from FY07)
- Attend one professional development seminar.
- Develop a comprehensive plan to enhance citizen involvement by developing goals, strategies and performance measures. (from the MeckConnect pilot data)
- Establish methodology and begin to collect data to eliminate all grey lights from the Community & Corporate Scorecard
  - Domestic Violence Abuse Rate
  - Workforce Development Rate
  - Workforce Representation

(6C) BUDGET UPDATE

The Board received information regarding steps being taken to manage the budget in light of current economic conditions.

General Manager Bobbie Shields gave the update on behalf of County Manager Jones.

The following was noted:

- Departments have been directed to identify ways to reduce and/or eliminate spending this fiscal year.

- Departments were directed to prepare options for reducing spending by 5% based on the Board’s priorities and in preparation for FY 2010.
Departments have just submitted those options, which will be reviewed to determine potential savings to the County, as well as, projected consequences. County services only represent 44% of the total County budget. It would be inequitable to expect County departments to bare the full burden of balancing the FY2010 budget when County business partners are contributors to the expected gap. Charlotte-Mecklenburg Schools (CMS) operations, not including debt service, represent 34% of this current year’s budget; with debt service 44%. Central Piedmont Community College (CPCC) operations represent 3.5%, not including debt service, with debt service 4.2%. County Manager Jones plans to ask County major business partners (CMS & CPCC) to identify potential savings totaling 5% of this fiscal year’s funding to help with the budget situation expected next fiscal year. County Finance will continue to work with business partners and County departments to identify potential reductions in capital spending to minimize the increase in debt service for next fiscal year.

Budget/Management Director Hyong Yi addressed this matter, with respect to revenues and projections.

Commissioner James requested information on which outside agencies are and are not participating in the 5% reduction.

Commissioner Dunlap requested information on how much would the County save if vacant positions aren’t filled. General Manager Shields noted that staff has looked at those numbers and are projecting a savings of 3% - 4%.

No action was taken or required on this matter. It was presented as information only.

**HALL HOUSE INITIATIVE**

The Board received an update on the status of the Hall House Initiative (temporary housing for families of homeless CMS students).

*Note: A Child’s Place, the Charlotte Housing Authority, the Salvation Army and Charlotte Mecklenburg Schools have been lead collaborators in efforts to provide temporary housing for families of homeless CMS students. They have requested supportive services and funding from the County ($160,000).*

General Manager Janice Jackson gave the report. Annabelle Suddreth with a Child’s Place and Charles Woodruff, director of the Charlotte Housing Authority addressed questions.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to appropriate $80,000 from contingency to help fund the Hall House Initiative.

Substitute motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey, and Roberts voting yes and Commissioners Dunlap and Leake voting no, to appropriate $80,000 from contingency to help fund the Hall House Initiative, contingent upon the Critical Needs Task Force matching the County’s contribution dollar for dollar.

**RESCIND RESOLUTION WHICH RESOLUTION ADVANCED MECKLENBURG COUNTY’S REVALUATION SCHEDULE FROM JANUARY 1, 2011, TO JANUARY 1, 2009**

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to adopt a resolution entitled, Resolution of the Mecklenburg County Board of Commissioners To Rescind The Resolution Adopted March 21, 2006, Which Resolution Advanced Mecklenburg County’s Revaluation Schedule From January 1, 2011, to January 1, 2009.

Resolution recorded in full in Minute Book 44-A, Document #_____.

(28) BUSINESS INVESTMENT GRANT: LUPOLD HYDROTECHNIK GMBH

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to approve the County’s share of a Business Investment Grant to Lupold Hydrotechnik GmbH for a total estimated amount of $80,012 over three years.

(Total City/County grant is estimated at $127,890).

Note: Headquartered in Germany, Lupold Hydrotechnik GmbH is a manufacturer of hydraulic lifting devices and specialty valves, used in a variety of products including forklifts, pallet jacks, barber shop chairs, and automotive assembly lifts. Lupold currently operates a manufacturing plant in Germany and has recently decided to open a U.S. plant to serve their primary US customer, Bosch Rexroth, located near Greenville, South Carolina.

In addition to sites near Greenville and Anderson, SC, Lupold is considering two sites in Charlotte: One on Texland Boulevard near Westinghouse Drive, and the other on Horseshoe Lane near the airport.

This project meets all of the following BOCC-approved requirements for a three-year Business Investment Grant:

– A taxable investment of at least $3 million up to $4.9 million.
– 24 new jobs with an average wage of $48,000 (121% of the average for the Charlotte-Gastonia-Rock Hill M.S.A.), with the potential for 22 additional jobs by 2013.
– The facility is located in the Business Investment Zone.
– There is competition for this project from South Carolina.
– As shown on the attached Fiscal Impact Analysis, a Business Investment Grant would result in a positive net present value of $16,570 for Mecklenburg County.

The company expects to make a decision by January 2009.

John Allen, Economic Development Director presented this matter.

Note: Commissioner Cogdell suggested the Board’s Economic Development Committee review and revaluate the current business investment model and policy being used for business investment grants.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 8, 9, 10, 14, and 25 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held December 1, 2008 (Swearing-In), December 2, 2008
(11) CONVEYING OF PROPERTY – SHERIFF’S OFFICE

Approve the conveying of property from the Mecklenburg County Sheriff’s Office to Charlotte-Mecklenburg Schools.

Note: This action will allow the Mecklenburg County Sheriff’s Office to transfer property that is no longer needed from the former Security operations because of dissolution of the operation. This property consists of fourteen (14) HP Compaq laptops and ten (10) mounts.

(12) RECEIPT OF PROPERTY – SHERIFF’S OFFICE

Approve the receipt of property from the City of Charlotte from the distribution of Homeland Security related equipment purchased using Urban Areas Security Initiative (UASI) Grant and Metropolitan Medical Response System (MMRS) funds.

Note: This action will allow the Mecklenburg County Sheriff’s Office to receive the following equipment valued at $300,500.

- 800 MHz Radios
- EOD Alert Canine and Associated Training
- Mobile Satellite Communication System

(13) 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 Well Regulations to be considered by the Board on January 6, 2009.

Note: This amendment would modify the Groundwater Well Regulations to align the requirements for water quality standards for private wells with that of the USEPA water quality standards.

(15) DONATION – A123 HYMOTION PLUG-IN CONVERSION KITS

Accept the donation of two A123 Hymotion Plug-In Conversion kits from Duke Energy to convert two County hybrid vehicles to plug-in hybrids.

(16) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

1) Reduce State funding in the amount of $667,907 due to a decrease in Non-Cross Area Service Program Community service funds.

2) Reduce State funding in the amount of $295,510 due to a decrease in Local Management Entity Systems Management funds.

3) Reduce State funding in the amount of $24,634 due to a decrease in Cross Area Service Program Community service funds.

(17) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Authority Monthly Financial Report.
AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, For the period ending October 31, 2008

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,786,864</td>
<td>3,407,245</td>
<td>24.71%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>35,171,892</td>
<td>8,320,779</td>
<td>23.66%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>29,812</td>
<td>30.64%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,484,632</td>
<td>759,042</td>
<td>21.78%</td>
</tr>
<tr>
<td>County</td>
<td>47,351,099</td>
<td>12,074,245</td>
<td>25.50%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$99,891,780</strong></td>
<td><strong>$24,591,123</strong></td>
<td><strong>24.62%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,022,635</td>
<td>2,098,121</td>
<td>29.88%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>17,143,686</td>
<td>3,016,330</td>
<td>17.59%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>11,566,942</td>
<td>1,969,776</td>
<td>17.03%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,396,924</td>
<td>3,847,465</td>
<td>28.72%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>12,214,883</td>
<td>2,657,616</td>
<td>21.76%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>20,381,200</td>
<td>6,546,960</td>
<td>32.12%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,165,510</td>
<td>4,454,856</td>
<td>24.52%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$99,891,780</strong></td>
<td><strong>$24,591,123</strong></td>
<td><strong>24.62%</strong></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented.

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

(18) TAX REFUNDS

Approve refunds in the amount of $23,258.81 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 tax refund recipients is on file with the Clerk to the Board.

(19) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of $1,500 for General Services, $39,410 for Park & Recreation, $3,584 for Sheriff, $24,955 for Land Use and Environmental Services and $1,598 for Social Services.

Note: All reimbursements are for stolen and damaged items.

(20) DESTRUCTION OF DOCUMENTS – LUESA
DECEMBER 16, 2008

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

Note: These records are comprised of:

- 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.
- Journeyman: 3/89 – 10/01 = 316
- Miscellaneous Forms: 07/01/95 – 03/25/02 = 1260
- Daily Deposits: 01/02/07 – 06/28/07 = 6383
- Daily Revenue: 03/26/07 – 10/01/07 = 7248
- Dead Bonds: 12/14/05 – 06/12/06 = 20
- Daily Work: 10/02/07 – 11/02/07 = 969
- Monthly Reports: 09/06 – 12/06, 02/07 – 06/07 = 6044

(21) RESOLUTION ADOPTING AN ORDINANCE LEVying A TAX ON GROSS RECEIPTS DERIVED FROM SHORT TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

Adopt resolution and ordinance empowering the Tax Collector to levy and collect gross receipts taxes on short-term leases and rentals of heavy equipment.

Resolution recorded in full in Minute Book 44-A, Document #_______.

(22) RESOLUTION AUTHORIZING INTERLOCAL TAX COLLECTION AGREEMENT WITH THE CITY OF CHARLOTTE TO COLLECT THE CITY’S GROSS RECEIPTS TAXES ON HEAVY EQUIPMENT

Adopt resolution authorizing the County Manager to enter into an agreement with the City of Charlotte to collect the City’s gross receipt taxes on the short-term lease or rental of Heavy Equipment under the terms and conditions negotiated by the County Manager.

Resolution recorded in full in Minute Book 44-A, Document #_______.

(23) CONTRIBUTION FOR TREE PLANTING AT WESTERLY HILLS PARK

Recognize, receive and appropriate $13,300 from The City of Charlotte-Mecklenburg Storm Water Services for the installation of approximately thirty-eight (38) trees in Westerly Hills Park.

(24) CHARLOTTE-MECKLENBURG SCHOOLS LAND CONVEYANCES

Authorize County Manager to decline County’s statutory right of first refusal for tracts of land owned by the Board of Education to permit conveyances of tracts to others:

1) To the Town of Matthews .22-acre portion of Tax Parcel 227-211-02 including Ag Building;
2)(a) to Bobby and Mickie Mayhew .6269-acre portion of Parcel 007-121-01;
2)(b) To the Town of Cornelius .1215-acre road right of way, .3708-acre new sidewalk easement area, .3755-acre temporary construction easement area from portions of Tax Parcels 007-121-12, -11, -10, -09, -08;
3) To the City of Charlotte .44-acre from Tax Parcel 113-361-18 on Walkers Ferry Road and .115-acre from Tax Parcel 061-081-02 on Denver Avenue.
(8) CERTIFICATION OF LOCAL APPROVAL FOR NON-PROFIT ORGANIZATIONS – CRISIS ASSISTANCE MINISTRY - ITEM WAS REMOVED FROM THE AGENDA

(9) SHERIFF’S SPECIAL REVENUE FUND

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and appropriate for the Sheriff’s Special Revenue Fund, $124,000 from Inmate Commissary.

Note: This action will increase the FY09 budget for this Special Revenue Fund which is generated from inmate commissary sales in detention facilities and allow the Sheriff’s Office to enter into contracts and expend money in accordance with the special revenue fund ordinance.

Commissioner Leake removed this item from Consent for clarification purposes. Rachel Vanhoy with the Sheriff’s Office explained what this matter was about.

(10) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM REIMBURSEMENT—SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate funds from the Bureau of Justice Assistance (BJA) in the amount of $874,947 related to the State Criminal Alien Assistance Program (SCAAP).

Note: SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period. Funds received will be utilized for correctional purposes as required by the grant.

Commissioner Leake removed this item from Consent for clarification purposes. Rachel Vanhoy with the Sheriff’s Office explained what this matter was about.

(14) VIDEO POKER REVENUE—SHERIFF’S OFFICE

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and receive funds from Video Poker investigations in the amount of $24,149 and appropriate $3,563 and $20,586 to Charlotte-Mecklenburg Schools and the Mecklenburg County Sheriff’s Office Special Revenue fund, respectively.

Commissioner Leake removed this item from Consent for clarification purposes. Rachel Vanhoy with the Sheriff’s Office explained what this matter was about.
(25) NATIONAL FOOTBALL LEAGUE (NFL) GRANT MATCH – PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve applying to the National Football League and Local Initiatives Support Coalition for a grant up to $200,000.

Note: The National Football League and Local Initiatives Support Coalition are accepting applications for capital improvements to athletic fields. Working with Partners for Parks, the Park and Recreation Department can apply to receive up to a $200,000 grant to build one or two football/soccer fields at Eastway Park. The Panthers organization believes we have a strong application to build one or two football fields at the new Eastway Park. This is a challenged neighborhood and would be very well received. The Park and Recreation Department would fund the remaining field cost up to $250,000 from 2008 Pay As You Go funding. This is similar to the grant received to install the synthetic field at Revolution Park.

Commissioner Leake removed this item from Consent for clarification purposes. Park and Recreation Director Jim Garges explained what this matter was about.

Commissioner Cogdell asked to receive a report on the County’s policy with respect to use of fields within the park and recreation system. He’s particularly interested in those that have leasehold interest by a non-profit or private entity.

STAFF REPORTS AND REQUESTS

(27) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION, QUICK BUY

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to

1. Accept the “Offer of Sale of Land” from Edwin and Yvette Smith owners of 5121 Dolphin Lane for $88,612.61.

2. Accept the “Offer of Sale of Land” from Otis and Betty Stroud owners of 5125 Dolphin Lane for $97,281.97.

3. Accept the “Offer of Sale of Land” from David and Mary Bouchelle owners of 5130 Dolphin Lane for $80,923.27.

4. Accept the “Offer of Sale of Land” from James Gregory owner of 5200 Dolphin Lane for $64,721.23.

5. Accept the “Offer of Sale of Land” from Yolanda and Dedric Alexander owners of 5201 Dolphin Lane for $116,975.29.

6. Accept the “Offer of Sale of Land” from William LeGrand owner of 5207 Dolphin Lane for $68,779.37.

7. Accept the “Offer of Sale of Land” from Reginald and Bonnie Anderson owners of 5409 Dolphin Lane for $135,539.68.

8. Accept the “Offer of Sale of Land” from Sandra Gripper owner of 5415 Dolphin Lane for

10. Accept the “Offer of Sale of Land” from Earle E. Knott Jr. owner of 5122 Kildare Drive for $69,521.31.


13. Accept the “Offer of Sale of Land” from Franklin Bumgardner owner of 1142 Willhaven Drive for $289,805.98.


15. Accept the “Offer of Sale of Land” from Reed and Cynthia Harper owners of 3007 Harbinger for $231,188.95.

16. 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 properties under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above properties from the floodplain.

(2B) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the purchase price for +/- 34.21 acres at $75,000 per acre (+/- $2,565,750 total) included in tax parcels 009-341-01, 009-101-66, 009-101-28, 009-341-99, 009-103-05, 009-105-92, 009-105-94 and 009-105-95 for a middle school site on Stumptown Road in Huntersville, as requested by Charlotte-Mecklenburg Schools.

(29) 2009 N.C. LEGISLATIVE AGENDA

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap, to receive and approve the Manager’s recommended legislative agenda for the 2009 session of the General Assembly as presented and including the addition of the smoking in public places matter as recommended by Chairman Roberts.

2009 N.C. General Assembly
Recommended Mecklenburg County Legislative Agenda

Mecklenburg County Priorities
DECEMBER 16, 2008

- Appropriate additional state funding for the justice and public safety systems in Mecklenburg County. Local funds should be in addition to state funding and not used to reduce or supplant funding for our district.

- Adopt legislation to establish and support the development of a Domestic Violence Fatality Prevention and Protection Review Team in Mecklenburg County, including immunity for service providers, to prevent the occurrence of domestic violence related deaths and promote collaboration among community service providers.

- Revise NC Public Records Law to allow NC Professional Seals to have a higher level of security with respect to electronic records requests.

- Increase the threshold at which Mecklenburg County and municipalities within the county may use force account qualified labor.

- Authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.

- Eliminate the requirement of an elected official recommendation for notary public applicants in counties with more than fourteen thousand notaries public. (Commissioner Clarke)

- Adopt local legislation so that the Board of County Commissioners will not have to hold hearings to approve excise tax refunds. (former Commissioner Bishop)

- Support the N.C. Association of County Directors of Social Services (NCACDSS) request to remove burdensome voter registration requirements imposed on DSS and other public assistance agencies by State Board of Elections.

- Support the N.C. Association of County Directors of Social Services (NCACDSS) request to make a continued commitment to the funding that has been allocated to NC FAST (Families Accessing Services through Technology) and support increased funding to allow NC FAST to become a reality for Mecklenburg County in North Carolina.

- Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places. (Chairman Roberts)

Substitute motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to receive and approve the Manager’s recommended legislative agenda for the 2009 session of the General Assembly as presented, but excluding the following Items, which will be voted upon separately:

- Authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.

- Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places. (Chairman Roberts)

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and failed 5-4 with Commissioners Bentley, Cooksey, Dunlap, James, and Leake voting no and Commissioners Clarke, Cogdell, Murrey, and Roberts voting yes, to approve including in the legislative agenda for the 2009 session of the General Assembly a request to authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and carried 7-2 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioners Bentley and Cooksey voting no, to approve including in the legislative agenda for the 2009 session of the General Assembly a request to adopt legislation to allow
Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places.

Note: Don Willard, Air Quality Director addressed the County’s air emissions reduction program, prior to the above vote.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) SELECTION OF VOTING DELEGATE FOR NCACC LEGISLATIVE GOALS CONFERENCE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Commissioner Clarke as the voting delegate for the NCACC Legislative Goals Conference to be held January 15-16, 2009 in Raleigh, N.C. and Commissioner Dunlap as the alternate.

(31) BOCC COMMITTEE ASSIGNMENTS (CHAIRMAN ROBERTS)

Chairman Roberts noted that in order to better align the Board Committees with the current priorities/issues facing the Board of Commissioners, she is requesting to change the name of the Community Health & Safety Committee to Health & Community Support Committee; additionally, dissolution of the Youth & Families Committee and create a Criminal Justice Committee. Finally, that the Board’s Economic Development Committee become a standing committee rather than ad hoc.

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve changes to the Board Committee structure as outlined by Chairman Roberts and to receive as information the 2008-09 committee membership and schedule.

Note: The changes are to change the name of the Community Health & Safety Committee to Health & Community Support Committee additionally: dissolution of the Youth & Families Committee and create a Criminal Justice Committee. Finally, that the Board’s Economic Development Committee become a standing committee rather than ad hoc.

The Committees are as follows:

Criminal Justice Committee

This committee is responsible for making recommendations regarding the efficiency and effectiveness of the criminal justice system in Mecklenburg County.

Chairman: Dumont Clarke / Members: Karen Bentley, Harold Cogdell, George Dunlap

Natural Resources Committee

This committee is responsible for making recommendations that support Mecklenburg County having a vibrant and diverse economy, while protecting its natural resources and enhancing the quality of life.

Chairman: Jennifer Roberts / Members: Neil Cooksey, Vilma Leake, Dan Murrey
Health & Community Support Committee

This committee is responsible for making recommendations to improve the health and well being of Mecklenburg County residents with emphasis on children, seniors and families.

Chairman: Dan Murrey / Members: Karen Bentley, Harold Cogdell, Vilma Leake

Effective & Efficient Government Committee

This committee is responsible for making recommendations that support Mecklenburg County providing services in a highly effective, efficient and inclusive manner, and be accountable for results.

Chairman: George Dunlap / Members: Dumont Clarke, Neil Cooksey, Bill James

Economic Development Committee

This committee is responsible for making recommendations that contribute to business and job growth in Mecklenburg County.

Chairman: Harold Cogdell / Members: Neil Cooksey, George Dunlap, Dan Murrey

The 2008-09 ad hoc committees are:

Education Liaison Committee

This committee is responsible for recommending processes and practices that foster positive communication and working relationships between elected and appointed officials of Mecklenburg County, Charlotte-Mecklenburg Schools and Central Piedmont Community College.

Chairman: Vilma Leake / County Members: Karen Bentley, Dan Murrey

Community Building Committee

This committee is responsible for making recommendations that build the community’s capacity to meet the needs of a diverse population, and to increase the appreciation of different ethnicities and cultures as valued parts of the community.

Chairman: Karen Bentley / Members: Harold Cogdell, Vilma Leake, Dan Murrey

Compensation Committee

This committee will review the compensation of the County Manager.

Chairman: Dumont Clarke / Members: George Dunlap, Bill James, Jennifer Roberts

A list of the committees and their meeting times and staff contacts is on file with the Clerk to the Board.

(32) AUDIT REVIEW COMMITTEE APPOINTMENTS (CHAIRMAN ROBERTS)

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint the following Board and staff representatives to the Audit Review Committee: Commissioners Dan Murrey and Bill James, County Manager Harry L. Jones, Sr., and General Manager John McGillicuddy.

(33) “BUYING AMERICAN” POLICY CHANGE (COMMISSIONER JAMES)
DECEMBER 16, 2008

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to defer consideration of Item 32 “Buying American” Policy Change (Commissioner James) until the January 6, 2009 Regular meeting.

COMMISSION COMMENTS – No 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 Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 12:02 a.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman