The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room, CH-14 of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, January 6, 2004.

ATTENDANCE

Present:  
Vice-Chairman Dan Ramirez  
Commissioners Dumont Clarke  
H. Parks Helms, Bill James  
Norman A. Mitchell, Sr., Jim Puckett  
Ruth Samuelson and Valerie Woodard  
County Manager Harry L. Jones, Sr.  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

Absent:  
Chairman Tom Cox

Note:  Commissioner Clarke was present via the telephone for Item 2a, Closed Session Land Acquisition only.

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

The meeting was called to order by Vice-Chairman Ramirez in the absence of Chairman Cox.

Vice-Chairman Ramirez acknowledged the presence of Commissioner Clarke via the telephone.

-INFORMAL SESSION-

(1)  STAFF BRIEFINGS - NONE

(2)  CLOSED SESSION - LAND ACQUISITION

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

Tax parcel # 045-391-12, Perkins Road Property at Nevin Community Park.

Motion was made by Commissioner Samuelson, seconded by Commissioner James and carried 7-0, with Commissioners Clarke, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 5:35 p.m. Commissioner Helms was present when the Board came back into Open Session. He entered the meeting during Closed Session.
Commissioner Woodard was absent when the Board came back into Open Session and until noted in the minutes.

Commissioner Clarke ended his attendance at the meeting via the telephone.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 12 and 17.

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

Commissioner Woodard returned during this time.

-FORMAL SESSION-

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

Commissioner Helms entered the meeting during introductions.

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

(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried, with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to negotiate and execute a purchase agreement for Tax Parcel 045-391-12 for the future expansion of RibbonWalk from Gerald Matheson and Wife for up to $400,000.

Funds will come from 1999 Land Bonds.

(1A) NCQA ACCREDITATION - AREA MENTAL HEALTH AUTHORITY

The Board recognized Gracye Crockett, Director of Area Mental Health and members of her staff in recognition of Mecklenburg County's Area Mental Health Authority having been awarded "Full Accreditation" status by the National Committee for Quality Assurance (NCQA).

Note: The National Committee for Quality Assurance (NCQA) is an independent, non-profit, leading provider of objective, standardized information that assesses and reports on the quality of health. It is the nation's leading accreditor of managed care organizations.

Mecklenburg County's accreditation status - the highest possible level - is based on a voluntary review of various aspects of a behavioral health care plan's operations. Mecklenburg County is the first public mental health entity in the nation to receive this accreditation.

(1B) FOSTER PARENTS OF THE YEAR

The Board recognized the Mecklenburg County Foster Parents of the Year, Mr. Charlie Huey (deceased) and Mrs. Annie Huey.

Note: After five years of serving as foster parents, Mr. and Mrs. Huey were named Mecklenburg County's Foster Parents of the Year for 2003 by the Youth and Family Services Division of the Department of Social Services. The couple was honored by the Foster Parents' Association at its
annual meeting in April 2003. Sadly, Mr. Huey passed away just days later on May 2, 2003. Mrs. Huey accepted this recognition for herself and on behalf of her late husband. She was introduced by Richard Jacobsen, Director of Social Services.

(1C) RECOGNITION OF DR. OWEN J. FURUSETH, JR.

The Board recognized Dr. Owen J. Furuseth, Jr. past Chairman of the Mecklenburg Soil and Water Conservation District.

Dr. Furuseth served on the Mecklenburg Soil and Water Conservation District for 25 years, 20 of which he served as Chairman.

(2) PUBLIC APPEARANCE

Lloyd Scher, a former County Commissioner addressed the Board concerning the resolution entitled, “Resolution Opposing an Outlying Landing Field at Any Site That Is Unacceptable To The State Of North Carolina” adopted by the Board on December 16, 2003. He addressed the importance of the resolution and asked the Board to reconsider this matter for the purpose of it being adopted by a unanimous vote.

Note: The Board adopted the resolution on December 16, 2003 by a 4-3 vote. An Outlying Landing Field is proposed for a site in Washington County.

A copy of former Commissioner Scher’s remarks is on file with the Clerk to the Board.

Kathy Broome of the Women’s Commission and the NOVA Program and Thomas Callahan, Charlotte Postmaster unveiled the Stop Family Violence “Semi-Postal” Stamp. It was noted that “Semi-Postal” stamps cost .45 cents rather than .37 cents with the additional .08 cents going to the U. S. Department of Health and Human Services for Domestic Violence Programs. The stamp is currently available.

Maxine Eaves, president of the Plaza Eastway Partners/Northeast Community Organization, Inc. addressed the need for park and recreation facilities in this area and the development of 90 acres that’s available for a Northeast District or Specialty Park. She noted that a packet of information to be provided to Chairman Cox includes letters from residents in the area, pictures, and correspondences dating back many years regarding the recreational needs in their community. She stated that they specifically would like to have a recreational center included in the first phase.

Commissioner Woodard asked staff to provide the Board with a written response on the status of the Northeast District Park and how it relates to comments made by Mrs. Eaves.

A copy of Mrs. Eaves handout is on file with the Clerk to the Board.

Doug Youngblood, president of the Steele Creek Library Association addressed library needs in the Steele Creek community. He stated that his purpose for appearing was to provide the Board with information regarding the Steele Creek Library Association and to ask the Board to keep in the funds that are designated for the new Steele Creek Branch Library so that it can open as scheduled. He noted that the Steele Creek Library Association is beginning an effort to raise funds for enhancements to the new library that is under construction.

A copy of a handout from Mr. Youngblood is on file with the Clerk to the Board.

Pastor Brenda Stevenson of the New Outreach Christian Center asked the Board to consider donating to the ministry one of the County’s surplus trucks.

Commissioner Mitchell commended Pastor Stevenson on the work of her ministry and noted that the County donated vehicles to the ministry in the past. Pastor Stevenson was informed that there
were others ahead of her ministry that have also requested such a donation, therefore no commitment could be made at this time.

(3) APPOINTMENTS – NONE

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT – NONE

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried, with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of Items 12, 15, and 17 to be voted upon separately:

(7) APPROVAL OF MINUTES


(8) TANF DOMESTIC VIOLENCE REVENUE - DSS

A) Rescind action taken on October 8, 2003, Item #10 to recognize, receive, and appropriate $23,894 from the NC Division of Social Services (TANF Domestic Violence Revenue).

B) Acknowledge receipt of $23,894 from the NC Division of Social Services (TANF Domestic Violence Revenue).

Note: A) On October 8, 2003 the Board approved recognizing, receiving, and appropriating these funds, however, the request should have been to only recognize and receive these funds. B) The Department of Social Services received from the NC Division of Social Services a revised Federal allocation for domestic violence services to TANF recipients. The State initially allocated $28,093 for this program, which was approved during the fiscal year 2004 budget process. This allocation provides an additional $23,894, for a total of $51,987. The funds are used to offset the salary of one Domestic Violence position in the Women's Commission budget that works with TANF recipients exhibiting domestic violence issues.

(9) TAX REFUNDS

Approve tax refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $164,586.41 resulting from clerical errors, audits and other amendments.

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

(10) BASS MASTER'S CLASSIC TOURNAMENT SPONSORSHIP – ITEM WAS REMOVED FROM THE AGENDA
(11) PURCHASE OF HEAVY EQUIPMENT - LUESA

Approve the transfer of $55,360 from various line items to the capital outlay account for the purchase of one used John Deere 160CL Excavator.

(13) FEE ORDINANCE REVISIONS – LUESA

Amend the Land Use & Environmental Services Fee Ordinance as follows:

*Retain* the current fee structure;

*Change* the base fee for a commercial project going through plan review from $40.00 to $80.00;

*Eliminate* Section II B 2.- Exception 3, Item 2 of the Fee Ordinance which states – “where a formal preliminary review, as defined by Land Use & Environmental Services, has been executed before the permit application, the re-review fee on the 3rd review shall be waived.”

*Change* Section D.5 of the fee ordinance, which dictates the minimum amount required for bonds for residential customers performing work on their owner/occupied property and to waive the requirement of a permit bond for residential customers performing work on their owner/occupied property unless the addition or renovation is $30,000 or more. Currently, the minimum is $1,000 for property in the unincorporated area of the County and $2,000 for property within the Charlotte city limits.

*Correct* wording for Disapproved Inspections – Section D.14 of Fee Ordinance – to accurately reflect actions taken by the Board at the September 2002 Board meeting.

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

(14) POST-CONSTRUCTION WATER QUALITY ORDINANCE DEVELOPMENT

A) Authorize the County Manager to negotiate and execute the Memorandum of Understanding with the City of Charlotte regarding the Post-Construction Water Quality Ordinance Development;

B) Recognize, receive and appropriate $156,341 in revenue from the City of Charlotte to fund the mutually agreed to post-construction water quality modeling, assessment tool and ordinance recommendations; and

C) Authorize appropriations to be carried forward to subsequent fiscal years until completion of the project.

*Note: The purpose of this project is to support the Mecklenburg County Phase II jurisdictions in the development of ordinance provisions that control and manage storm water runoff and meet the state and federal NPDES Phase II storm water post construction requirements. The ordinances will also need to address other goals including special fish and wildlife protection measures in the Rocky River watershed, as well as any other local goals established by individual jurisdictions. In addition to Phase II jurisdictions, the City of Charlotte has opted to partner in the process to prepare post construction ordinances required under its Phase I NPDES Permit. A Memorandum Of Understanding (MOU) will be signed between the City of Charlotte and Mecklenburg County to co-fund this project. The City of Charlotte will be billed by Mecklenburg County for 70% of the project expenditures.*

(16) NOVA PROGRAM LEASE RENEWAL - WOMEN'S COMMISSION

Authorize the County Manager to execute a lease with LiWiKa Partners for space on Latrobe Drive for the NOVA Program.
(18) EASEMENT/RIGHT-OF-WAY PAYMENTS TO COUNTY

Accept funds in the amount of $3,631 received for easements/right-of-way granted over County properties, and appropriate $3,631 funds to a capital reserve project for real estate expenses.

Note: Payments are received from time to time from utility and communications companies as well as from NCDOT for easements/right of way impacting County properties. This request is to credit funds listed below to the Capital Reserve Project for Real Estate Expenses for land acquisition/disposition costs such as appraisals, surveys, environmental assessments, etc. related to the management of County properties.

Received: $250.00 NCDOT - Long Creek Drainage Easement at I-485; $1,363.60 Dan Moser Company – Sewer Easement at Tanktown Road property; $200.00 City of Charlotte – Guy Wire Easement at Spratt Street; $1,817.38 Hinshaw-Pearson for Sewer Easement at Phillips Tract on McDowell Creek.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12) CONVEYANCE OF RIGHT-OF-WAY AND EASEMENTS

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to sign General Warranty Deed to the City of Charlotte for 1,186 sq.ft. of fee simple right-of-way, 2,865 sq. ft. of storm drainage easement, and 3,619 sq.ft. of temporary construction easement on County Property located at 7738 North Tryon Street (Parcel Number 049-241-05) for the proposed US 29/NC 49 Interchange.

Note: This property was purchased to protect the right-of-way for the future US 29/NC49 Interchange. The design and alignments have been set and the City will construct the interchange. No funds will be exchanged on this project.

Commissioner Samuelson removed this item from consent on behalf of the County Manager and the entire Board, in honor of former County Employee Robert “Bob” Binford who past away suddenly over the holidays. This item was placed on the agenda by Mr. Binford. County Manager Jones along with various members of the Board expressed sympathy to the Binford family and commented on Mr. Binford’s excellence in the performance of his job as an employee of Mecklenburg County. Mr. Binford was in the Real Estate Services Division and handled various types transportation related matters among many other things.

Vice-Chairman Ramirez asked the County Manager to consider, when appropriate, the possible naming of a street after Mr. Binford, since Mr. Binford handled so many street namings, closures, and street lighting assessment matters that came before the Board.

(15) CONSTRUCTION OF ROCKWELL PARK

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to negotiate and execute a contract with the low bidder, Eaglewood Inc., within the budget amount of $ 301,000 (plus any additional departmental funds that may be allocated to the project up to the bid amount of $359,000.00) for the construction of Rockwell Park.

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

(17) CHARLOTTE HOUSING AUTHORITY PILOT AGREEMENT
Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to execute Supplemental Cooperation Agreement for Arbor Glen Phase II housing project of the Charlotte Housing Authority.

Note: Since the property of the Charlotte Housing Authority is exempt from property taxes, the Housing Authority makes payments in lieu of property taxes to the City and County pursuant to various agreements. This is an agreement for the Charlotte Housing Authority to make payments to the County in lieu of taxes for the new Arbor Glen Phase II housing project.

Commissioner James removed this item from consent for clarification purposes.

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

(19) APPOINTMENT – COUNTY TAX ASSESSOR

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Carlos Garrett Alexander as the Mecklenburg County Tax Assessor, effective February 4, 2004 for the term ending July 2005 and authorize the Clerk to the Board to administer the oath of office.

Note: This appointment terminates the appointment of Harry L. Jones, Sr. as interim tax assessor.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:15 p.m.

________________________________________  ________________________________
Janice S. Paige, Clerk  Dan Ramirez, Vice-Chairman
ATTENDANCE

Present:    Chairman Tom Cox, Commissioners
            Dumont Clarke, H. Parks Helms, Bill James
            Norman A. Mitchell, Sr., Dan Ramirez
            Ruth Samuelson and Valerie Woodard
            County Manager Harry L. Jones, Sr.
            Clerk to the Board Janice S. Paige

Absent:    Commissioner Jim Puckett

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

Invocation was given by Commissioner Bill James.

Commissioner Helms entered the meeting.

County Manager Jones stated that presentations would be received on the following topics: 1) Citizens’ Capital Budget Advisory Committee Report on Capital Standards and 2) Fixed Annual Capital Financing Limits Of $90 To $100 Million For CMS and $50 To $60 Million For Non-CMS Projects Beginning With The Annual Sales Scheduled In January, 2005, which was placed on the agenda by Commissioner James.

(1)   CITIZENS’ CAPITAL BUDGET ADVISORY COMMITTEE REPORT ON CAPITAL STANDARDS

The Board discussed the Citizens’ Capital Budget Advisory Committee Report on Capital Standards.

Lewis Guignard, Chairman of the Citizens’ Capital Budget Advisory Committee and Committee members Debbie Ware and Glen Agnew were present and addressed questions from the Board.

Mr. Guignard gave a synopsis of the Overview given to the Board at the December 16, 2003 meeting. Mr. Guignard noted in his remarks that the recommendations should be viewed as starting points with the understanding that they are subject to change by the current or future Board of Commissioners.

A copy of the Citizen’s Capital Budget Advisory Committee report is on file with the Clerk to the Board.

Report Highlights:
• When the decision was made by the Board of County Commissioners (BOCC) that there would be no Capital Improvement Program (CIP) Bond Program in 2003, the charge of the Citizens Capital Budget Advisory Committee (CCBAC) was expanded for 2003 to include providing for the County Commissioners a set of standards or guidelines for each department or agency that would be used to establish the basis for CIP requests.

• Standards by State or Federal Government are, in some cases, mandated. For instance, law enforcement has requirements for separating sexes and juveniles. There are also some guidelines regarding the amenities that need to be provided and some minimum square foot requirements for jail cells. For schools, Charlotte-Mecklenburg Schools (CMS) must meet (in most cases) State Educational Specifications for construction of school buildings.

• The Committee supports a concept of some form of pay-as-you-go financing for major maintenance work. CMS, Central Piedmont Community College (CPCC), the Library and Park and Recreation are the departments and agencies most affected by this need.

• The cost of replacing major components that reach the end of their useful lives and the pressure to avoid increases in the tax rate has made the concept of pay-as-you-go politically unpopular. These items create a "pay now or pay later" need and the costs do not conveniently fit into the concept and cost of day-to-day operating expense. The Committee believes that the concept of financing these type items through a CIP is not prudent use of public funds because eventually, it will cost more to do it through a CIP. The CCBAC recommends that a plan be put in place to phase these costs out of CIP requests.

• In considering a change in the method of financing big-ticket maintenance items, CCBAC believes that this is an opportunity to re-examine maintenance policies and procedures of the various departments. It is recommended that the report from Duke Energy on their assessment of Mecklenburg County Department's Facilities Management Programs be reviewed and long-term implications of this report considered in parallel with changes in the method of financing.

The Board addressed the following CCBAC recommended standards for Mecklenburg County departments and agencies:

CENTRAL PIEDMONT COMMUNITY COLLEGE (CPCC)

Recommendation: Central Piedmont Community College (CPCC) has 70 assignable square feet (ASF) per full-time equivalent (FTE) student. As a matter of comparison, the average for North Carolina community colleges in 2002 was 90 ASF. The historical pattern of CPCC shows the statistical relationship of 1.5% of the Mecklenburg County population is equivalent to the FTE enrollment of CPCC.

The CCBAC expects this relationship to continue and so recommends capital support to maintain a minimum of 70 ASF per 1.5% of Mecklenburg County population.

The CCBAC believes this standard should not preclude new programs, which could materially alter the relationship between population and FTE students.

The issue of renovations, which for CPCC, is critical must be addressed outside of maintaining the minimum space standards recommended.

It was noted that the CCBAC recommendation does not address the issue of renovations.

Kathy Drumm, Vice-President of CPCC and Wanda Towler of CPCC addressed the CCBAC’s recommendation. They indicated that they were not opposed to the recommendations as long as the Board keeps in mind as it was stated by the CCBAC that the standard should not preclude new
programs, which could materially alter the relationship between population and FTE students, as well as the issue of renovations. It was noted also that the state ASF standard is 100.

**Board Action**

*It was the consensus of the Board that Commissioners could make motions regarding any of the recommendations with or without a second for the purpose of providing direction to staff.*

Commissioner Helms suggested moving the minimum to 80 sqft in order to get closer to the average ASF.

County Manager Jones stated that the 70 sqft could be viewed as the floor with the goal of going higher over a period of time.

**Motion** was made by Commissioner Helms, seconded by Commissioner Mitchell to request the County Manager to determine the financial support needed for new construction and maintenance to maintain a minimum of 80 assignable square feet (ASF) per 1.5 percent of the population and to report back to the Board for the purpose of adopting a standard.

**Substitute motion** was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-1 with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, and Woodard voting yes and Commissioner Samuelson voting no, to direct the County Manager to bring back the numbers for new construction and maintenance at 70, 80 and 90 assignable square feet (ASF) per 1.5 percent of the population, as well as estimates on the renovation figures and on any new programs Central Piedmont Community College has identified on their three-five-year planning horizon.

**PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY**

Recommendation: Maintain the Library System current ratio of .7 square feet of space per capita of Mecklenburg County.

Carol Myers, Interim Library Director addressed the CCBAC’s recommendation. Director Myers indicated that she was comfortable with the “measuring stick” but would like for the ratio to be .80. She stated that based on recent information the average is .74 with the upper portal being .80. Director Myers noted also that in the Library’s 10-Year Plan the goal is 1 sqft. per capita.

Chairman Cox asked Director Myers to share with the Board and the Chairman of the Citizens’ Capital Budget Advisory Committee the analysis she referenced concerning square footage standards for libraries.

**Board Action**

*Motion* was made by Commissioner James and unanimously carried with Commissioners Cox, Clarke, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to direct the County Manager to do the same analysis for the Library as instructed for Central Piedmont Community College, with the square footage being at .70, .74 and .80 over a five-year period.

*It was noted that operating cost would have to be done as well, when conducting the analysis.*

**PARK & RECREATION DEPARTMENT FACILITIES (NOT INCLUDING ACREAGE FOR OPEN SPACE AND PARKS)**

Recommendation: The Citizen’s Capital Budget Advisory Committee supports the Park and
Recreation Department’s population-based standards for recreation facilities.

The CCBAC does not believe the current method of determining the “status” of park facilities represents a fair and accurate measure of recreational resources that are available to the citizens of Mecklenburg County.

*Note: When determining the “status” of park facility needs, the Mecklenburg County Park and Recreation Department only takes into account facilities that are owned and/or operated by the Park and Recreation Department. Other community recreational resources are not recognized or considered in the overall facilities count.*

The CCBAC recommends that the Park and Recreation Department complete a comprehensive “Park Facility Inventory”, including recreation facilities provided by other community resources, as an accurate method of determining how many park and recreation facilities are in Mecklenburg County.

**Board Action**

Commissioner Samuelson asked if there was a connection between greenways and open space? Mr. Guignard said yes, but he is not exactly sure what it is.

Commissioner Mitchell questioned the need for including 9 hole golf courses on the list of facility types as shown on the Appendix page of the report, since the majority of golf courses being built today are 18 hole.

This fact was acknowledged by staff.

Board Members also asked for clarification of the standards listed, specifically where did they come from, what source?

**Motion was made by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to authorize staff to move forward with conducting a Park Facilities Inventory as recommended by the Citizens’ Capital Budget Advisory Committee, which would include all assets, County and non-County owned.**

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

**MECKLENBURG COUNTY OPEN SPACES**

Recommendation: Up to 10% of all land in the County be held in some manner, which precludes commercial or residential development or government facilities beyond those of the outdoor facilities of parks.

There was discussion regarding the definition of open space.

**Motion was made by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Cox, Helms, James, Ramirez, Samuelson, and Woodard voting yes, to direct staff to consult with the Trust for Public Land and the Catawba Lands Conservatory for a response to the following questions regarding Open Space: What’s a standard for Open Space? What is the definition of Open Space? What is the purpose of Open Space?**

Commissioner Mitchell returned to the meeting.

Commissioner Samuelson asked staff to also include in the response regarding Open Space the definition that was used in the agreements with the Towns.

**MECKLENBURG COUNTY GOVERNMENT FACILITIES**
Recommendation: The CCBAC recommends that a process of continuous review by knowledgeable professionals be adopted for these facilities.

**Board Action**

Motion was made by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to accept the Citizens’ Capital Budget Advisory Committee’s recommendation regarding Mecklenburg County Government Facilities, which was that a process of continuous review by knowledgeable professionals be adopted for these facilities.

**MECKLENBURG COUNTY LAND ACQUISITION**

Recommendation: Concurrently with the two-year Capital Improvement Program review, the County should assess land requests submitted by each department and agency in their ten-year CIP and determine whether land should be acquired to address these identified needs.

**Board Action**

Motion was made by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to adopt a process of continuous review of land acquisition.

**PAY-AS-YOU-GO**

Chairman Cox referenced the Overview section, paragraph four of the Citizen’s Capital Budget Advisory Committee Report, which read as follows:

> CMS, Central Piedmont Community College (CPCC), the Library and Park and Recreation are the departments and agencies most affected by this need. As a facility ages, such portions of a building as roofs, HVAC systems, plumbing and electrical systems all reach the end of their economic life long before the "bricks and mortar" have reached the point of no longer being viable. The cost of replacing major components that reach the end of their useful lives and the pressure to avoid increases in the tax rate has made the concept of pay-as-you-go politically unpopular. However, the reality is that these items create a "pay now or pay later" need. These costs just do not conveniently fit into the concept and cost of day-to-day operating expense, but we believe that the concept of financing these type items through a CIP is not prudent use of public funds because eventually, it will cost more to do it through a CIP. The CCBAC recommends that a plan be put in place to phase these costs out of CIP requests. The CCBAC recognizes that this is not something that can occur by one stroke of the pen. It is going to take several years to accomplish, but the departments are capable of providing budget projections that will provide a basis for phasing them out of the CIP requests.

**Board Action**

It was the consensus of the Board to approve in concept the recommendation of the Citizen’s Capital Budget Advisory Committee on pay-as-you-go for heavy maintenance (CMS and Non-CMS), subject to an analysis of how much it would cost over the next five years.

The question was also posed to staff on what it would cost to reach the goal of paying for CMS and Non-CMS maintenance over a three-year period.

Commissioner Helms suggested designating a part of the tax rate (5 cents) to cover maintenance cost, debt service, and/or pay-as-you-go as circumstances warrant.
CIP REQUESTS

Chairman Cox referenced Overview section, paragraph 7 of the Citizen’s Capital Budget Advisory Committee Report, which read as follows:

It also became apparent that for some departments, it is difficult or impossible to relate CIP requests to any tangible standard of comparison. For those departments such as Storm Water, WTVI, etc. whose CIP requests seem to have little or no relationship to such things as population or demographics or other measurable numbers, the CCBAC recommends that the best solution appears to be a process of continuous review.

Board Action

Motion was made by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to accept the Citizens’ Capital Budget Advisory Committee recommendation regarding CIP Requests that there be a process of continuous review.

ADULT DETENTION CENTERS

Chairman Cox referenced Overview section, paragraph 8 of the Citizen’s Capital Budget Advisory Committee Report, which read as follows:

The CCBAC would like to point out that Mecklenburg County’s Adult Detention Centers house approximately 450 state inmates. Of this number, an average of 56 have been sentenced and are awaiting transfer to state facilities. While there is a normal waiting period from the time of sentencing until transfer, most, if not all, of these inmates could be transferred sooner than they are now, thus alleviating some of the overcrowding pressure on our facilities. The Sheriff understands this problem but is unable to obtain transfers in a timely fashion, even though State policy expects transfers within 5 days. We believe the BOCC should request that state liaisons seek remedies to this problem, thus reducing the burden on Mecklenburg County taxpayers who must make up the difference of the under-funded reimbursement by the State to Mecklenburg County for housing delayed-transfer of State inmates.

Board Action

It was the consensus of the Board to accept the recommendation of the Citizen’s Capital Budget Advisory Committee regarding Mecklenburg County’s Adult Detention Centers that the Board should request that state liaisons seek remedies to this problem, thus reducing the burden on Mecklenburg County taxpayers who must make up the difference of the under-funded reimbursement by the State to Mecklenburg County for housing delayed-transfer of State inmates.

DEPARTMENTAL CIP REQUESTS

The Board discussed the Overview section, paragraph 9 of the Citizen’s Capital Budget Advisory Committee Report, which read as follows:

There is another item of concern, which may not be explicitly included in the charge to the CCBAC. However, it is an integral part of the process of arriving at a CIP for a Department. The issue is, within a departmental CIP request, how are the costs of individual projects determined? The committee believes that County facilities should cost no more than comparable commercial facilities in Mecklenburg County. A point could be made that most commercial facilities are not designed to last 50 to 75 years. However, within Mecklenburg County, schools, libraries, government and jail facilities should have a useful life of more than 40 or 50 years.

Board Action

It was the consensus of the Board to accept the recommendation of the Citizen’s Capital Budget Advisory Committee regarding departmental CIP requests, which was that County facilities should cost no more than comparable commercial facilities in Mecklenburg County and that this should be taken into consideration when determining project cost.

CHARLOTTE-MECKLENBURG SCHOOLS
No action was taken regarding Charlotte-Mecklenburg Schools. It was noted that the Board would discuss these standards and other matters with the Board of Education at a joint meeting scheduled for Wednesday, January 28, 2004.

Recommendation: Setting standards for the BOCC to follow for funding CMS is more of when money should be allocated since state law sets standards for primary and secondary public education buildings. Student count is set at 800 for elementary schools, 1200 for middle schools and 2000 for high schools. Class size is also recommended but each school district may vary from the state standards if they show reasonable cause.

Beyond this the CCBAC has determined the following parameters for the Board of County Commissioners to use to determine when CMS should receive capital money.

1. Growth. CMS’s student population has grown substantially the past few years and will continue to grow in the future. The students must be housed and so the BOCC should plan on building enough new seats to house the new students. We recommend these seats be in buildings and not mobile units.

2. Renovations. Currently the buildings CMS is constructing should last 75 years before needing major renovations. This is not true of those built during the 70’s, which have a life span closer to 50 years. Additionally, many schools have had major renovations done during the past decade and this work continues. Taking all this into consideration we believe enough capital money should be made available each year to renovate 1/60 of the seats of the entire school system.

3. Mobile classrooms. CMS currently has 586 mobile classrooms. Many of these are being used as permanent additions at various schools. We believe it is necessary to have the flexibility mobile classrooms provide, but there are too many now. The CCBAC recommends replacing 80% of these classrooms with permanent structures over a 20-year time period.

4. Maintenance. CMS continually requests money for reroofing, paving, HVAC work and other items, which should be funded operationally. We strongly encourage the BOCC to find a way to fully fund the building maintenance programs of CMS without resorting to borrowing money.

ADULT AND JUVENILE DETENTION FACILITIES

No action was taken regarding Adult and Juvenile Detention Facilities other than during the discussion that took place regarding paragraph 8 of the Overview section of the Citizens’ Capital Budget Advisory Committee report, which is noted above.

Adult Detention Facilities:

Recommendation: The Citizens’ Capital Budget Advisory Committee recommends that standards for adult detention facilities in Mecklenburg County mirror the sheriff’s expected detention population estimates. Hence, a bed-per-inmate standard is recommended. Sufficient beds should be available for the number of adult inmates in Mecklenburg County taking into consideration separation requirements that decrease available bed usage to 80% - 85%. Construction for additional beds should begin before such space is needed.

Future developments should plan for expected inmate population so sufficient beds are available at all times for the then-present inmate population without the need for using mobile trailers to house inmates.

This Committee does not feel that a standard for Mecklenburg County should depend upon any particular weight given to the availability of housing federal inmates or state inmates from other jurisdictions.
Juvenile Detention Facilities:

This Committee feels that a standard cannot be recommended for juvenile detention facilities because juvenile detention is technically a state function and is not required of the counties. Rather, this Committee feels that the decision to build a juvenile detention facility to replace the Gatling Juvenile Detention Center is first a social and political question.

However, in determining whether a new facility should be constructed, this Committee recommends that at least the following issues be considered:

- capital expenditures and operational costs for existing situation versus a proposed new facility of approximately 100 beds
- juvenile inmate transportation requirements for housing in other jurisdictions and/or hearings in Mecklenburg County
- Department of Social Services responsibilities for existing situation versus a proposed new facility
- visitation possibilities for existing situation versus a proposed new facility

Social responsibility and/or desire of local community to care for our youth

Facility specific structural and operational requirements have been provided by North Carolina law and the American Correctional Association. Thus, the standards which are recommended by this Committee are not meant to supercede or adjust current practices to meet and/or exceed these legal requirements and recommended standards.

Chairman Cox thanked the Citizen’s Capital Budget Committee for their report.

(2) ADOPT FIXED ANNUAL CAPITAL FINANCING LIMITS OF $90 TO $100 MILLION FOR CMS AND $50 TO $60 MILLION FOR NON-CMS PROJECTS BEGINNING WITH THE ANNUAL SALES SCHEDULED IN JANUARY, 2005

Commissioner James addressed his agenda item entitled, Adopt Fixed Annual Capital Financing Limits Of $90 To $100 Million For CMS And $50 To $60 Million For Non-CMS Projects Beginning With The Annual Sales Scheduled In January, 2005. He stated that he was not looking for any action to be taken at this time.

General Comments

Commissioner James noted that his agenda item could not be dealt with entirely until staff conducts various financial analyses.

Commissioner Helms noted that he was not comfortable with setting any caps when it’s unknown what the needs were.

Commissioner James noted that at some point the Citizen’s Capital Budget Advisory Committee would need some form of direction as it relates to whether or not there would be an 04 bond referendum.

Finance Director Harry Weatherly noted that one of things the County has to do when placing a referendum on the ballot was to justify the need for the cash, which requires the approval of the State Treasurer’s Office. He stated that it was the State Treasurer’s Office that issues the authority to hold a referendum and not the County Commission. He noted further that the cash needs need to be relatively soon, whether it’s one month or six months later.

Director Weatherly noted also that there was “no way” the County could make application on a referendum for 04 and publicly state that it would not sell until 07.

Chairman Cox noted the following in summary:
• To date, no direction has been given to the Citizen’s Capital Budget Advisory Committee regarding 04 referendum.

• The question of a 2004 Bond referendum is still open.

This concluded the discussion.

______________________

Motion was made by Commissioner Mitchell, seconded by Commissioner James, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:43 P.M.

______________________________ ____________________________
Janice S. Paige, Clerk                                        Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

JANUARY 28, 2004 1:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at the Charlotte-Mecklenburg Schools Education Center located at 701 East Second Street, Charlotte, N.C. on Wednesday, January 28, 2004 at 1:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms, Bill James Norman A. Mitchell, Sr., Jim Puckett Dan Ramirez, Ruth Samuelson, and Valerie Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: None

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

The meeting was called to order by Chairman Cox.

The purpose of the meeting was to meet with the Charlotte-Mecklenburg Board of Education (BOE) to discuss budgetary and financial matters.

Board of Education Chairman Joe White thanked the Board for meeting with the Board of Education.

Chairman White called upon School Board member Kaye McGarry, chair of the BOE Finance and Capital Facilities Committee to make remarks regarding the BOE’s willingness to work with the Board of County Commissioners more effectively in the budgetary process as it relates to CMS request for funding.

The meeting was then turned over to Superintendent James Pughsley.

Dr. Pughsley reviewed the agenda for the meeting, which consisted of presentations on the following:

- Charlotte-Mecklenburg Schools’ (CMS) response to the recommendations of the Citizen’s Capital Budget Advisory Committee (CCBAC) addressed by Guy Chamberlain
- Capital Projects addressed by Guy Chamberlain
- Funding Framework addressed by Dr. Pughsley and Finance Director Sheila Shirley
- Support Operations Efficiency and Effectiveness Review addressed by Dr. Pughsley
- Student Achievement addressed by Dr. Pughsley.

Dr. Pughsley emphasized that the information being presented was conceptual in nature and used only to demonstrate CMS’ ability and willingness to address budgetary matters differently.

Commissioner Samuelson entered the meeting during Dr. Pughsley’s opening remarks.

Commissioners Puckett and Clarke entered the meeting during Mr. Chamberlain’s presentation on CMS’ response to the recommendations of the CCBAC.
DISCUSSION HIGHLIGHTS

Note: No formal action was taken. General discussion was held. Below are highlights of the discussion. It is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

Response to the Recommendations of the CCBAC

- CMS agrees with the CCBAC recommendation regarding Growth.

  CCBAC Recommendation: CMS student population has grown substantially the past few years and will continue to grow in the future. The students must be housed and so the Board of County Commissioners should plan on building enough new seats to house new students. We recommend these seats be in buildings and not mobile units.

- CMS agrees in concept with the CCBAC recommendation regarding Renovations, however the following was noted:
  “While a constant funding level is desired, some adjustment should be made to acknowledge the non-uniform distribution of age of our facilities. The sixty (60) year life span of schools built in the 50’s and 60’s is optimistic.”

  CCBAC Recommendation: Currently the buildings CMS is constructing should last 75 years before needing major renovations. This is not true of those built during the 70’s, which have a life span closer to 50 years. Additionally, many schools have had major renovations done during the past decade and this work continues. Taking all this into consideration we believe enough capital money should be made available each year to renovate 1/60 of the seats of the entire school system.

- CMS would like to defer any action on the above recommendation regarding renovations until after they have had an opportunity to discuss this matter with the CCBAC in more detail, specifically to justify that renovations need to occur at a faster pace than 1/60.

- CMS agrees with the CCBAC recommendation regarding Mobile Classrooms.

  CCBAC Recommendation: CMS currently has 586 mobile classrooms. Many of these are being used as permanent additions at various schools. We believe it is necessary to have the flexibility mobile classrooms provide, but there are too many now. The CCBAC recommends replacing 80% of these classrooms with permanent structures over a 20-year time period.

- CMS agrees in concept with the CCBAC recommendation regarding Maintenance, however the following was noted:
  “CMS is willing to work with the Board of County Commissioners to seek the annual funding required for this kind of capital work. As an example, dedicate ½ per cent sales tax for this purpose.”

  CCBAC Recommendation: CMS continually requests money for re-roofing, paving, HVAC work and other items, which should be funded operationally. We strongly encourage the Board of County Commissioners to find a way to fully fund the building maintenance programs of CMS without resorting to borrowing money.

Capital Projects

Mr. Chamberlain presented the following:

“Of the $500 million in general obligation bonds and COPs that have not yet been sold, approximately $350 million is for projects that have not yet started. The following actions would allow reallocation of up to $50 million to initiate the construction of projects that will provide for 3200 additional seats that are presently unfunded:
• Suspend the design of seven projects included in the 2002 Bond Referendum as “design only.” Under the most favorable scenario it is unlikely that construction funds for these projects would be available until 2007. This measure will allow $4.1 million to be allocated to other projects. (It was noted that funds could be redirected to growth projects.)

• Reduce the scope of three baseline standard (equity) projects that cannot be executed for at least two years due to current water and sewer limitations. Full funding for these projects would be included in the next bond referendum. Nearly $21.5 million would be available for reallocation. (It was noted that funds could be reallocated for new schools or school additions.)

• Eliminate classroom wing additions at three schools that are at or below capacity. This will allow nearly $17.3 million to be allocated to other projects.

• Reduce the capacity of a replacement school to be consistent with current enrollment. Nearly $4.9 million would be available for reallocation.

• Consider a more cost effective solution for the permanent location of a special program. As much as $3.6 million could be redirected.”

**Funding Framework**

It was noted that ‘framework’ in this report was defined as a formula, which may be used to calculate the combined amount of operations and capital funds to be allocated by the Board of County Commissioners to CMS.

The intent of the formula is provide an agreed upon model which would serve to guide and/or facilitate the annual budget discussions between the Board of Education and the Board of County Commissioners.

It is contemplated that the formula would establish the minimum and not the maximum amount of revenue, which flows to CMS for both operating and capital needs on an annual basis.

The Formula Funding Models presented were: Base Model, Base Model and Triggers, and Per-Pupil (Wake) Model.

The Formula Funding Objectives and Triggers presented were: Predictable, Sustainable, and Responsive to Change.

It was noted that the models presented were examples only and estimates.

Noted also was that the Base Model does not respond to changes that occur.

**Support Operations Efficiency and Effectiveness Review**

It was stated that the overall objective of the Support Operations Efficiency and Effectiveness Review was to establish a process for CMS support operations that would help CMS assess actions to date and to continue to identify ways to improve CMS efficiency and effectiveness.

**Student Achievement**

Dr. Pughsley reviewed various statistics regarding Student Achievement.

**Comments/Questions**

Chairman White noted that CMS, as shown in the presentation, was willing to reprioritize and reallocate funds.

Chairman White noted also that all of CMS’ efforts were designed for student achievement.

Commissioner James addressed the CCBAC recommendation on renovations and requested an analysis of what was remaining to be done at older schools.

Commissioner Mitchell asked about the 586 mobile classrooms, specifically how many students
does this equate to? The response was 10,000 – 12,000 students.

Commissioner Puckett asked for a comparison of how CMS determines its equity needs versus the Department of Public Instruction (DPI) guidelines. The response was that at each level there were educational specifications that define program spaces, i.e. how large specific types of classrooms should be and the square footage per pupil.

It was also stated that CMS’ educational specifications were generally consistent with that of DPI either at or below DPI guidelines.

Commissioner Puckett stated that he would like to see the comparison between CMS and DPI.

Commissioner Helms asked for clarification regarding the ½ per cent sales tax referenced in the presentation regarding maintenance. The response was that this was used for example purposes and that the decision of how to fund maintenance costs would be the decision of the BOCC.

Commissioner Helms said the issue of maintenance must be dealt with.

Commissioner Ramirez asked if the CCBAC recommendation and CMS’ response regarding renovations and maintenance were interrelated in that continued funding was needed for renovations and maintenance? The response was yes, but that they were two distinct categories of work with perhaps $13 million annually for facility operational needs and then some level of funding for renovations.

Commissioner Clarke asked at what point would CMS be prepared to present real estimates and specifics? The response was that a specific date could not be given at this time because there was still much work to be done by the BOE and its staff.

Commissioner Samuelson asked for clarification regarding “design only” and the use of templates. It was noted that sometimes a site prohibits the use of the template.

Commissioner James asked about capital relocation of funds. He asked if the reallocation of up to $50 million to initiate the construction of projects that would provide for 3200 additional seats and presently unfunded were for the proposed two high schools and middle school? The response was no and that these were projects identified as future projects in the CIP.

Commissioner Woodard expressed concern for those schools referenced in the presentation that have water and sewer issues. The response was that there were three schools being served by on-site septic tanks and by well water. It was noted that these schools cannot be enlarged at this time and that a project could not be permitted until the schools have permanent water and sewer. CMUD has indicated this would not be available until 2007.

Commissioner Woodard asked if this had any negative impact on the students at these schools? The response was no.

Commissioner Puckett asked if the capital building schedule had been reprioritized by the BOE? The response was that if Commissioner Puckett was referring to the “phase sort” that came about after the ‘97’ bonds and was adjusted after 2000, that this was limited to those funded projects which had a finite scope. It was noted that through some evaluation criteria it was determined which of those projects were the most needy and which were the least needy. It was noted further that CMS was almost through that list and was now getting into the next phase of projects. It was noted also that when that prioritization occurred equity was not totally embraced.

Mr. Chamberlain said that CMS was currently evaluating all existing facilities. He said that when the next CIP was presented to the BOE it would include that assessment and that projects would be shown for the full ten-year plan versus the usual three-year plan.

Commissioner Puckett asked since there had been a change in the way students were assigned, if there had been a corresponding change in the way CMS reprioritize its building schedule? Dr. Pughsley’s response was no. He said that a criteria had not been put in place and was not used
to arrive at the numbers represented in the presentation. He noted that the presentation was
designed to see what was possible. He noted further that when something was presented to the
Board in final form there would be specific criteria in place that would guide CMS in making its
recommendations.

Commissioner James referenced the chart included in the material headed $130 million and figures
under 2005 and 2006. He asked how did CMS arrive at what represents a $35 million reduction in
‘05’ and 44 million in ‘06’ when you compare it to what the BOCC had received on a prior occasion? Commissioner Cox asked Commissioner James to speak with Dr. Pughsley off-line
regarding that matter.

Commissioner Helms asked when would CMS reach 900 mobile units and would it happen if the
BOCC made available $150 million annually in CMS’ capital needs budget. The response was it’s
unknown at this time because final decisions have not been made regarding where students will be
assigned. It was noted, however that CMS would peak at 911 under the $130 million by 2012 and
with the $150 million it would be less than that and earlier.

Closing Remarks

Commissioner Puckett said that it should be kept in mind that the State has a responsibility also for
providing adequate funding for schools. He said the BOCC should continue to put legislative
pressure on the State to assist in meeting the needs of the schools. He noted also that perhaps the
State needed to take a look at urban systems versus rural systems and determine if there needed to be
some type of variation in how the two systems were funded.

Commissioner Puckett asked for clarification regarding the Per Pupil Model. It was not that what
was presented was based on the way this model was prepared in Wake County with the differences
being the numbers used and the addition of the “at-risk” assumptions and the capital piece noted at
the bottom of the chart.

Commissioner Puckett asked if the population numbers used were actual and the response was yes.

Commissioner Samuelson noted the following in her closing remarks:

- The County experiences the same issues of growth, changes in demographics, and increased
debt service the same as CMS.
- The demand on County Services has increased and continues to increase.
- She felt what the County was being asked to do, without a formula or framework, was to
“take” from County services to fund CMS when both entities were facing the same
pressures.
- If there was a formula or framework she would feel more comfortable.
- Part of the idea for proposing a framework was so that when both entities were facing the
same pressures, the Schools could still come and request additional funding but it would be
in a different context, meaning that CMS would not be asking for additional funding from
County services that were experiencing the same pressures.
- The framework would not be meant to deny or lessen the importance of issues facing CMS.
- The idea of the framework was to indicate that the County and CMS were both 1) facing the
same pressures, 2) after the same pot and 3) trying to figure out a way to address this without
fighting each other for those dollars.
- A framework is not a cap. It’s a way of guaranteeing one’s share.

Commissioner Cox noted that today’s meeting was the beginning of a process and not the end.

Chairman Cox noted that the next step would involve the County Manager and the School
Superintendent meeting to discuss what was presented and comments shared at today’s meeting.
They would report back in perhaps three weeks with their feedback and recommendations for further
action.

Chairman Cox noted that today’s meeting was a presentation of concepts and ideas.
Chairman Cox encouraged those with any ideas or proposals to discuss them with County Manager Jones and Dr. Pughsley.

Chairman Cox stated that he felt that what the BOCC wants to do was to come up with a funding framework, which in his opinion is a set of principles that should guide the funding relationship between CMS and the BOCC into the future. He continued and stated that those principles may include a funding formula but that that’s not the only principle involved in this framework. He said others have been suggested.

This concluded the discussion.

* A copy of the information provided to the Board by CMS is on file with the Clerk to the Board.*

There being no further business to come before the Board the meeting was declared adjourned at 3:15 p.m.

Janice S. Paige, Clerk

Tom Cox, Chairman
ATTENDANCE

Present:  Vice-Chairman Dan Ramirez  
Commissioners Dumont Clarke  
H. Parks Helms, Bill James  
Norman A. Mitchell, Sr., Jim Puckett  
Ruth Samuelson, and Valerie Woodard  
County Manager Harry L. Jones, Sr.  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

Absent:  Chairman Tom Cox

-INFORMAL SESSION-

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

The meeting was called to order by Vice-Chairman Ramirez in the absence of Chairman Cox.

(1A) STAFF BRIEFING/THE FUTURE OF POLICING COMMITTEE REPORT


Commissioners Woodard, Helms and Clarke entered the meeting during this time.

Report Highlights:

- It was originally thought that full annexation would have occurred by this time, however, it has not and is not expected until at least 10 years from now.
- The Committee did not deal with the issues of Homeland Security or Fire services because it was felt that the topic of Police Services was enough at this time. Also, that there was already a mechanism in place for Homeland Security issues.
- The southern towns were comfortable with the current level of service being provided.
- The Committee recommends that the current policing model with the Charlotte-Mecklenburg Police Department as the primary provider of police services in the unincorporated area of the County be maintained but with modifications. The modifications would address the County’s payments to the City for police services in the unincorporated area and the provision of police services to areas in Davidson and Mint Hill that are difficult for Charlotte-Mecklenburg Police officers to reach.
- The Committee recommends there be a cap on County payments at the current level for the next four years, which should be a savings to the County annually of at least $400,000. The payments would have a “ceiling” but no “floor” so that they could
conceivably be lowered during the four-year life of the agreement.

• The Committee recommends adopting an interlocal agreement between the City of Charlotte and the Town of Davidson under which the Davidson Police Department would be the first responder to police calls for service in its sphere of influence in exchange for the CMPD providing dispatch services and access to computer applications to the Davidson Police Department.

• During the next fiscal year, the CMPD and Mint Hill Police Department would begin discussions on transferring areas within Mint Hill’s sphere of influence to that department.

• The Committee recommends maintaining the current specialized services.

• The Committee recommends allowing Charlotte and each of the towns to define service level expectations for their communities that are based on their workloads, available resources, and philosophy of policing.

• The Committee recommends keeping the Future of Policing Committee intact as a forum for discussing issues of importance to all law enforcement agencies in Mecklenburg County.

• The response time goal is 10 minutes.

Commissioner Samuelson asked what would occur at the end of the four-years in regard to the County’s cost? The response was that the matter would be revisited.

Commissioner Puckett encouraged the Board to consider when developing the legislative agenda to seek legislative authority to allow Town Law Enforcement officers the authority to police their ETJ’s unincorporated areas outside their sphere of influence if they desire to do so. This would provide another option if the City of Charlotte decided that it no longer would provide service to the unincorporated areas of the County and also if it’s not feasible for the Sheriff’s office to provide the service because of the small size of the area.

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive as information, “The Future of Policing Committee Report” and direct the County Manager to work with the appropriate City officials on amending the Law Enforcement Service District Agreement as recommended in “The Future of Policing Committee Report.”

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

(2A) CLOSED SESSION/LAND ACQUISITION CONSULT WITH ATTORNEY

Prior to going into Closed Session, Commissioner Samuelson announced the following land acquisition matters to be discussed in Closed Session:

Tax Parcel 015-231-19
Tax Parcels 009-041-02, 009-041-03 and 009-041-05

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to go into Closed Session to discuss Land Acquisition and Consult with Attorney regarding US Airways Bankruptcy.

The Board went into Closed Session at 5:38 p.m. and came back into Open Session at 6:30 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The item identified was Item 13.

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

Commissioner Helms was away from the dais when the meeting was called to order and until noted in the minutes.

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

Commissioner Helms entered the meeting following the invocation.

(1A) NATIONAL BLACK HIV/AIDS AWARENESS DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating February 5, 2004 as National Black HIV/AIDS Awareness Day.

The proclamation was read by Commissioner Woodard and accepted by Pastor Gwendolyn Curry and Peyton Savage.

(2) PUBLIC APPEARANCE

Dr. Gary R. Kushner, Dental Director of the Health Department’s dental program addressed “Give Kids A Smile Day” February 6, 2004. “Give Kids A Smile Day” will be recognized nationally with the focus being to improve oral health for needy children and to allow them to access care. It was noted that locally there would be 10 private practices with 50 different dentist seeing approximately 350 children. It was noted also that the Health Department would be participating along with Central Piedmont Community College, and Carolinas Medical Center.

Commissioner Clarke asked what entity sets the reimbursement rate for Medicaid for dental coverage. The response was the State and that it varies from state to state.

Commissioner Clarke asked that staff place on the Board’s Legislative Agenda for consideration a request that the Medicaid reimbursement rate for dental coverage be increased.

(2A1) CLOSED SESSION LAND ACQUISITION GAR CREEK

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve purchase of 14.147-acre Tax Parcel 015-231-19 from Catawba Lands Conservancy for $161,675 as part of the Gar Creek land acquisition.

APPOINTMENTS

(3A) SCHEDULE OF UPCOMING NOMINATIONS/APPOINTMENTS


Adult Care Home Community Advisory Committee
Architectural Selection Committee (General Contractor Needed)
Building Development Commission
Engineers & Surveyors Committee (Professional Engineer Needed Private Sector)
Information Services and Technology Committee
(3B) APPOINTMENTS

AREA CLIENT RIGHTS COMMITTEE

The vote was taken on the following nominee for appointment to the Area Client Rights Committee:

Suzanne Boyd Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Vice-Chairman Ramirez announced that Suzanne Boyd was appointed to the Area Client Rights Committee as a mental health professional for a three-year term expiring February 3, 2007.

She replaces Susan Morrow.

BOARD OF EQUALIZATION & REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

Round One

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<tr>
<th>Nominee</th>
<th>Commission Members</th>
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<tbody>
<tr>
<td>Joanne Allen</td>
<td>Commissioners James, Mitchell, Puckett, and Woodard</td>
</tr>
<tr>
<td>Victoria Matias</td>
<td>None</td>
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<tr>
<td>Meredith (Dick) Stoever</td>
<td>Commissioner Samuelson noted that Mr. Stoever asked that his name be removed from consideration at this time.</td>
</tr>
<tr>
<td>Alan Turner</td>
<td>Commissioners Clarke, Helms, Ramirez, and Samuelson</td>
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</tbody>
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Round Two

<table>
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<tr>
<th>Nominee</th>
<th>Commission Members</th>
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<tbody>
<tr>
<td>Joanne Allen</td>
<td>Commissioners Mitchell, Puckett, and Woodard</td>
</tr>
<tr>
<td>Victoria Matias</td>
<td>None</td>
</tr>
<tr>
<td>Alan Turner</td>
<td>Commissioners Clarke, Helms, James, Ramirez, and Samuelson</td>
</tr>
</tbody>
</table>

Vice-Chairman Ramirez announced that Alan Turner was appointed to the Board of Equalization and Review to filled an unexpired term expiring April 7, 2004.

He replaces Jeannette Koger.

BUILDING DEVELOPMENT COMMISSION

The vote was taken on the following nominee for appointment to the Building Development Commission:

Charles Horne Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Vice-Chairman Ramirez announced that Charles Horne was appointed to the Building Development Commission as the Master Electrical Contractors Association representative for a three-year term expiring January 21, 2007.

He replaces Jerry Ellenburg.
CITIZENS CAPITAL BUDGET ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Citizens Capital Budget Advisory Committee:

**Round One**

Renata Henderson    Commissioners Clarke and Woodard
Chris Jackson     Commissioners Mitchell, Puckett, and Samuelson
Michael Murdock    Commissioners Helms, James, and Ramirez
William Rakatansky  None

**Round Two**

Renata Henderson    Commissioners Clarke and Woodard
Chris Jackson     Commissioners Puckett, Ramirez, and Samuelson
Michael Murdock    Commissioners Helms, James, and Mitchell
William Rakatansky  None

**Round Three**

Renata Henderson    None
Chris Jackson     Commissioners James, Mitchell, Puckett, Ramirez, and Samuelson
Voting Ceased
Michael Murdock
William Rakatansky

Vice-Chairman Ramirez announced that Chris Jackson was appointed to the Citizen’s Capital Budget Advisory Committee to fill an unexpired term expiring July 31, 2004.

He replaces Warren Turner.

MINORITY AFFAIRS ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Minority Affairs Advisory Committee:

Terri Consuelo    Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard
Sadrita Davis-Hasty  Commissioners Mitchell and Woodard
William Medina    Commissioners Clarke, Helms, James, Puckett, Ramirez, and Samuelson
Asabi Yakini     Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Vice-Chairman Ramirez announced that Terri Consuelo and Asabi Yakini were appointed to the Minority Affairs Advisory Committee for three-year terms expiring February 3, 2007 and William Medina to fill an unexpired term expiring January 22, 2006.

They replace Victor Guzman, Yvette Sayles, and Roger Suclupe.

TRANSIT SERVICES ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Transit Services Advisory Committee:
Vice-Chairman Ramirez announced that James E. Dixon, III was appointed to the Transit Services Advisory Committee for a three-year term expiring February 3, 2007.

*He replaces Donald Howard.*

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 21, 2004, Budget/Public Policy Meeting held January 13, 2004 and Special Meetings held November 11 and 18, 2003 and December 2, 2003.

(8) TASERS AND RELATED EQUIPMENT – SHERIFF DEPARTMENT

1) Approve the purchase of Taser non-lethal weapons by the Sheriff’s Office without competitive bidding, as authorized by G.S. 143-129(f); and

2) Approve a contract with TASER International, Inc. for the purchase of TASER X26 devices in the amount of $251,367.

*Note: The Mecklenburg County Sheriff’s Department recommended the purchase of Tasers as another weapon option for its officers. The Taser is an energy-conducted device that strikes a subject with a current causing the subject to temporarily lose voluntary muscle control.*

(9) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $84,597.21 resulting from clerical errors, audits and other amendments.

*A list of the taxpayers’ requests is on file with the Clerk to the Board.*

(10) STATE ALLOCATION - AREA MENTAL HEALTH AUTHORITY

1) Recognize, receive and appropriate prorated State continuation funds in the amount of
$139,552 for FY03-04 (increased to $279,104 for FY04-05) to develop and provide services and supports for adult mental health consumers returning to the community.

2) Establish 1 full time and one .5 part time consumer peer advocate position (Rehabilitation Aide) to function as part of the Local Management Entity.

(11) AREA MENTAL HEALTH AUTHORITY SECOND QUARTER FY 2004

Receive the Second Quarter 2004 Area Mental Health Authority Report.

Note: Financial Management:

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Budgeted Revenue</th>
<th>Actual Revenue</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>19,685,899</td>
<td>8,052,031</td>
<td>41%</td>
</tr>
<tr>
<td>Medicaid - CAP</td>
<td>2,947,524</td>
<td>768,923</td>
<td>26%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>18,036,784</td>
<td>4,061,221</td>
<td>23%</td>
</tr>
<tr>
<td>State – CTSP</td>
<td>2,206,445</td>
<td>217,264</td>
<td>10%</td>
</tr>
<tr>
<td>State - MR/MI</td>
<td>2,699,013</td>
<td>648,191</td>
<td>24%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>513,183</td>
<td>232,951</td>
<td>45%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,478,838</td>
<td>998,658</td>
<td>29%</td>
</tr>
<tr>
<td>County</td>
<td>36,009,527</td>
<td>16,129,173</td>
<td>45%</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>85,577,213</strong></td>
<td><strong>31,108,412</strong></td>
<td><strong>36%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>5,797,053</td>
<td>2,226,950</td>
<td>38%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>20,072,882</td>
<td>5,794,290</td>
<td>29%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>10,567,930</td>
<td>4,141,608</td>
<td>39%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>10,623,435</td>
<td>4,707,574</td>
<td>44%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,649,714</td>
<td>3,660,654</td>
<td>31%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>10,359,217</td>
<td>3,878,323</td>
<td>37%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>16,506,982</td>
<td>6,699,013</td>
<td>41%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>85,577,213</strong></td>
<td><strong>31,108,412</strong></td>
<td><strong>36%</strong></td>
</tr>
</tbody>
</table>

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

(12) MENTAL HEALTH - CASCADE PROGRAM LEASE AMENDMENT

Authorize the County Manager to execute a lease amendment with LNR Millenium Manager, Inc. for additional space at 5800 Executive Center Drive for the CASCADE Program.

(14) 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 name of an additional person, J. Kris Krider.

Resolution recorded in full in minute book 42-A, Document #
(13) MALLARD CREEK GREENWAY EASEMENT DONATIONS

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to accept donation of the following Mallard Creek greenway easements:

<table>
<thead>
<tr>
<th>#</th>
<th>Tax Parcel</th>
<th>Parcel</th>
<th>Owner</th>
<th>+/-Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>047-171-31</td>
<td>A</td>
<td>TIAA CREF</td>
<td>4.0</td>
</tr>
<tr>
<td>2</td>
<td>047-431-02</td>
<td>C1</td>
<td>James F. Alexander Family</td>
<td>8.4</td>
</tr>
<tr>
<td>3</td>
<td>047-441-01</td>
<td>D</td>
<td>Sara L. Alexander Family</td>
<td>4.1</td>
</tr>
<tr>
<td>4</td>
<td>047-191-03</td>
<td>E</td>
<td>Robert F. Alexander</td>
<td>.7</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(TOTALS)</td>
<td>(17.2)</td>
</tr>
</tbody>
</table>

Commissioner Puckett removed this item from consent for more public awareness.

(15) CENTRALINA CLEAN FUELS COALITION - NATURAL RESOURCES COMMITTEE

Commissioner Samuelson addressed the Natural Resources Committee recommendation in regards to the Centralina Clean Fuels Coalition and called upon General Manager Bobbie Shields to present the recommendation.

Motion was made by Commissioner Samuelson, seconded by Commissioner James, and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve a Memorandum of Understanding with the U.S. Department of Energy as recommended by the Centralina Clean Fuels Coalition.

Note: The purpose of the Memorandum of Understanding (MOU) is to set forth the agreements, respective responsibilities, and procedures necessary to carry out the objectives of the DOE Clean Cities program which accelerates the introduction and expands the use of alternative fuels and alternative fuel vehicles.

Memorandum of Understanding recorded in full in Minute Book 42-A, Document #

(16) ENVIRONMENTAL LEADERSHIP POLICY - NATURAL RESOURCES COMMITTEE

Commissioner Samuelson addressed the Natural Resources Committee recommendation in regards to an Environmental Leadership Policy and called upon General Manager Bobbie Shields to present the recommendation.

Motion was made by Commissioner Samuelson, seconded by Commissioner Helms, and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive the report regarding the proposed Environmental Leadership Policy and set a public hearing for February 17, 2004 to receive public comment regarding the proposed policy.

Note: The proposed Policy expresses Mecklenburg County’s desire to optimize in-house environmental practices, become a model of environmental stewardship for local governments, business and industry in our region, and use and apply the County’s existing and future resources wisely for the benefit of future generations in order to conserve and protect our air, water and land resources.

Report Highlights:

- The task force recommends that the Hub and Spoke Model be used to communicate emergency information to the international communities in Charlotte-Mecklenburg. The Hub and Spoke Model can be used as a means of identifying contact points within the non-English speaking community in Charlotte-Mecklenburg for rapid and effective communication of emergency information.
- The task force recommends that the effort be made to recruit and train bilingual volunteers for the Citizen Corps and the Red Cross Crisis Preparedness Team and assign them to emergency response agencies like the Police Department and Fire Department.
- The task force surveyed city and county agencies involved in the Emergency Response System and found that educational outreach is occurring. However, it is limited in scope and language capabilities. The task force recommends that the following materials be developed: 1) Crisis Response Manual and 2) Crisis Response Video.
- The task force recommends that the Emergency Broadcast System messages for television and radio be translated into several languages.

Motion was made by Commissioner Helms, seconded by Commissioner James, and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive the report from the Charlotte-Mecklenburg International Emergency Preparedness Task Force entitled "Communicating in Crisis: Recommendations to Improve Communication and Emergency Preparedness with Charlotte-Mecklenburg's Non-English Speaking Population" with appreciation and thanks.

Commissioner Clark requested colored copies of the appendixes shown in the report.

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

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard, and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:00 P.M.

Janice S. Paige, Clerk

Dan Ramirez, Vice-Chairman
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, Charlotte, N.C. on Tuesday, February 10, 2004 at 3:00 p.m.

ATTENDANCE

Present: Vice-Chairman Dan Ramirez, Commissioners Dumont Clarke, H. Parks Helms, Bill James Norman A. Mitchell, Sr., Jim Puckett Ruth Samuelson and Valerie Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Chairman Tom Cox

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

The meeting was called to order by Vice-Chairman Ramirez in the absence of Chairman Cox.

Commissioner Mitchell gave the invocation.

The purpose of the meeting was to discuss funding of Outside Agencies.

(1) GRANT FUNDING OF OUTSIDE AGENCIES

Vice-Chairman Ramirez called upon Commissioner Samuelson to lead the discussion on funding of Outside Agencies.

Note: No formal action was taken by the Board. General discussion was held. Below are highlights of the discussion. It is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

Commissioner Samuelson suggested the Board consider whether changes were needed regarding how outside agencies were funded.

Commissioner Samuelson said that consideration should not only be given to how the County funds outside agencies, but also, should the County continue to fund outside agencies.

Commissioner Samuelson said her preference was that if funding were continued that the Board changes its guidelines on how this was done.

Commissioner Samuelson asked General Manager John McGillicuddy to address the County’s current process for funding outside agencies.

The following was noted:

There are two major categories of outside agencies (OSA):

1. Service vendors – these agencies are contracted by County departments to provide a specific
service that is mission-critical to the departments. Departments directly contract with the agencies to provide the specific service and existing funds are requested and allocated within the respective department budgets. The Board does not vote on these agencies individually.

2. **Grant recipients** – these agencies receive funding from the County through discretionary decisions of the Board and are not part of the County’s operational service, essentially the Board has provided a “grant” based on the desire of a majority of the Board to support an agency’s mission and work in the community with property tax revenues. This category represents the majority of the current outside agency funding however, within this category are those agencies with which the County has some contractual or other Board-policy defined obligation. These agencies are the Marine Commission(s) and Performing Arts Center.

It was noted that if the County was going to be in the grant-making business, it needed to do so through the use of sound and consistent criteria with a stable and predictable process within which to consider and award grants. The following were provided for the Boards consideration for a general criteria, process and funding approach:

**Option 1**

*(If the County is going to be in the grant-making business)*

**Criteria**
It is recommended that the Board and County Manager use the same general criteria that are used to assess County programs: Program Relevance; Program Performance; Program Efficiency. Those agencies requesting a grant would be required to provide a three-year business plan that staff and the Board would use to assess the agency’s relevance to the County’s mission and goals, the value/results of the proposed service, and the management efficiency demonstrated by the agency.

**Process**
The Board would consider grant requests each year as part of its annual strategic planning and budgeting process. Grant requests would be reviewed by the County Manager, with recommendations provided to the Board as part of the County Manager’s Recommended Budget. Grant requests approved by the Board would involve a three-year funding commitment. At the end of the three-year cycle, the grant would expire and the agency would not be allowed to re-apply for another grant to cover the previously funded service. As a result, it is expected that during the three-year grant period, the agency would need to develop non-County funding sources in order to continue providing the service beyond the three-year grant period. In addition, County funds would decrease incrementally during this three-year period, adding to the incentive for the agency to find alternative sources of funding.

At the end of the three-year grant period (or at any time prior), County departments could consider contracting with the agency to provide these services as part of the department’s plan to achieve its Balanced Score Card objectives. However, funding would come from within the department’s approved budget, not through a grant.

**Option 2**

*(If the County is NOT in the grant-making business, and that providing grants will NOT continue to be a component of the Board’s overall strategic plan)*

**Criteria**
It is recommended that the Board and County Manager use the same general criteria that are used to assess County programs: Program Relevance; Program Performance; Program Efficiency. Those agencies requesting phase-out funding would be required to provide a three-year business plan that staff and the Board would use to assess the agency’s relevance to the County’s mission and goals, the value/results of the provided service, and the management efficiency demonstrated by the agency.

**Process**
The Board would consider grant requests each year for the next three years as part of its annual strategic planning and budgeting process. Grant continuation requests would be reviewed by the County Manager, with recommendations provided to the Board as part of the County Manager’s
Recommended Budget.
Grant requests approved by the Board this year would involve a three-year funding commitment. At the end of the three-year cycle, all grants would expire and the County would cease to issue discretionary grants. As a result, it is expected that during the three-year grant period, the agency would need to develop non-County funding sources in order to continue providing the service beyond the three-year grant period. In addition, County funds would decrease incrementally during this three-year period, adding to the incentive for the agency to find alternative sources of funding.

At the end of the three-year grant period (or at any time prior), County departments could consider contracting with the agency to provide these services as part of the department’s plan to achieve its Balanced Score Card objectives. However, funding would come from within the department’s approved budget, not through the grant.

General Manager McGillicuddy noted that there were plans to change the current process if the Board decides to remain in the grant funding business using the above criteria.

He noted that currently outside agencies apply to the County’s budget office for a specific amount of funding in order to assist them in carrying out their mission. Then during the budget process the Board discusses the requests and decides which ones they wish to fund by a majority vote.

It was noted that many of the requests were based on historical requests/funding. It was noted also that there were sometimes requests from new organizations for one-time funding.

Commissioner Clarke entered the meeting during this time.

Comments

Commissioner Samuelson stated that the majority of the outside agencies provided a valuable service but that the funding process needed to be changed in order to be more effective with the taxpayers’ money. She noted also that the taxpayers’ money was to be used for the business of government and that as a governmental entity the County should not be giving the public’s money to entities that have a “charitable intent.”

Commissioner Samuelson stated that she would like to remove the political aspect when it comes to funding outside agencies.

Commissioner Woodard entered the meeting during this time.

Commissioner Mitchell said that it was his belief that the outside agencies currently receiving funding qualified for County assistance. He said that the County was in the “people business.” He noted also that he was still interested in receiving information regarding the impact of the budget cuts that occurred with the FY04 budget on outside agencies and County services. He referenced a letter he received from the Mecklenburg Council on Adolescent Pregnancy regarding how they were impacted.

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

Commissioner Puckett said that he felt if the County continued to fund outside agencies it should be done so in the concept of being seed money, provided only for a specific length of time, after which an agency would have to find another source of revenue.

Commissioner James said that he was interested in how the departments assigned to the various outside agencies viewed these entities and would they fund them.

Commissioner James said he felt that if the service being provided by the outside agency did not fit in the County’s realm of services, then it should not receive funding.

Commissioner Woodard said that she felt many of the outside agencies currently receiving funding from the County were providing health related services, which was a function of county government. She said that she was interested in how much it would cost the County to provide some of the
services currently being provided by the outside agencies.

General Manager McGillicuddy noted that per Commissioner Samuelson’s comments that what was being put before the Board was the philosophical question of should the County be in the grant funding business and if not what should the County do and if so, what should the County do?

General Manager McGillicuddy informed the Board that staff was prepared to put together a new process for managing the grant process if the Board desired to do so. He stated that the process would be based on the criteria of Program Relevance, Performance, and Efficiency. Departments would be consulted for input regarding the various agencies. He noted that this would be a less subjective system.

Commissioner Samuelson said that she felt the County should not fund agencies that do not qualify as service vendors.

Commissioner Woodard requested a list of those agencies that would not qualify as service vendors. She said more information was needed from staff before the Board could consider if and which agencies should be funded.

County Manager Jones encouraged the Board to let staff continue to work on a new process that would assist the Board in its decision-making process for outside agencies. He noted that there would be agencies that may not directly hook to a County department but have relevance to the County’s mission. He noted further that the Board would never be able to completely get away from the political consideration of funding outside agencies and/or programs.

Commissioner Puckett asked if it was felt the County should provide funding to agencies whose services were not a core service of the County, would the Board be willing to wipe the slate clean and set aside funds and let anyone who desires to apply do so and whoever received a majority vote gets funded? He stated that outside agencies should be adopted by a department and that department should advocate for that agency and indicate to the Board whether that agency could perform that service for less than the County.

Commissioner Helms said he felt the County was in the grant making business and decided annually what the funding levels would be. He said that he did not view the agencies currently being funded as “charitable organizations.” He said they all were consistent with the 2015 Plan.

Commissioner Helms noted that per his review of the options presented that he could probably “live” with Option One, although he does have reservations with some of it. He expressed concern that it would be difficult for some of the agencies to find alternative funding.

County Manager Jones indicated to the Board that unless directed otherwise staff would move forward with the process it has in place, which involves an evaluation of the outside agencies and would get the Board to the point of having to make decisions around the relevance, performance and efficiency of a particular agency. He noted that the question of whether an agency hooks to department was another issue.

Commissioner Puckett suggested there be sponsored and unsponsored grants and that the unsponsored grants should be announced and opened up to all non-profits.

General Manager McGillicuddy noted that under the current process any agency could apply to the County.

Commissioner Samuelson stated that although no action was being taken, she felt confident that staff would go through the current process and improve it. She noted however that she still had concerns and felt there should be an RFP available to make sure that the agency evaluated was the one that should have been evaluated. She said that without that process she probably would vote against any outside agency on the list at budget time because the County would not have really established that the outside agencies being funded, for the reasons the County was funding them, were the ones the County should be funding.

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General Manager McGillicuddy stated that indirectly the County does have an RFP because as part of developing the new process staff developed a form that each agency will use, which is on the Web soliciting for agencies to submit. He noted that it might not be as specific as those used by grant funding agencies, such as the Foundation for the Carolinas, but it is in essence an RFP form.

This concluded the discussion.

As stated earlier, the above summary highlights are not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

A copy of the list of Outside Agencies provided to the Board is on file with the Clerk to the Board.

Motion was made by Commissioner Helms, seconded by Commissioner Woodard, and unanimously carried, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, 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

Dan Ramirez, Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

FEBRUARY 17, 2004  5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in
Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg
Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-
Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 17, 2004.

ATTENDANCE

Present:  Chairman Tom Cox, Commissioners
          Dumont Clarke, H. Parks Helms
          Bill James, Norman A. Mitchell, Sr.
          Jim Puckett, Ruth Samuelson, and
          Valerie Woodard
          County Manager Harry L. Jones, Sr.
          County Attorney Marvin A. Bethune
          Clerk to the Board Janice S. Paige

Absent:  Commissioner Dan Ramirez

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

-INFORMAL SESSION-

(1) STAFF BRIEFINGS – NONE

(2) CLOSED SESSION LAND ACQUISITION AND BUSINESS LOCATION AND
EXPANSION

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the
following land acquisition matters to be discussed in Closed Session all located on Pleasant
Grove Road and for school purposes:

Tax parcel 035-162-12 & -06 owned by Dale Mauney
Tax parcel 035-162-07 & -13 owned by Ann Hutton
Tax parcel 035-162-08 owned by Terry Kelly.

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried
7-0 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Samuelson, and Woodard voting
yes, to go into Closed Session to discuss land acquisition and business location and expansion.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 5:50
p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

No items were identified for removal from consent.

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

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

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

Commissioner Clarke entered the meeting following the invocation.

(1A) NCACC OUTSTANDING PROGRAM AWARDS

This item was removed from the agenda and rescheduled for March 2, 2004.

(1B) HUMAN RELATIONS MONTH

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to adopt a joint proclamation designating February 2004 as Human Relations Month.

The proclamation was read by Commissioner Samuelson and accepted by Don Steger, Chairman of the Community Relations Committee.

Commissioner Helms entered the meeting during the reading of the proclamation.

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:

Rusty Loudermilk addressed a concern with Charlotte-Mecklenburg Schools (CMS) regarding his being unable to obtain up-to-date reports on CMS’s compliance with the Americans with Disabilities Act as it relates to facilities being accessible. Mr. Loudermilk stated that his request came about as a result of his inability to attend a play at Independence High School because the facility was not wheelchair accessible. Mr. Loudermilk shared a letter with the Board that he had received from CMS regarding his request and the unacceptable manner in which Mr. Loudermilk has conversated with CMS staff. Mr. Loudermilk asked members of the Board to assist him in his request for up-to-date reports from CMS. He stated that the information he received was from 1997.

A copy of the letter Mr. Loudermilk shared with the Board is on file with the Clerk to the Board.

City of Mount Holly Council members Jim Hope, Phyllis Harris, Pat Hubbard, David Moore, and Frank McLean asked the Board to consider adopting a resolution in support of naming the NC Highway 27 Bridge after Mount Holly slain police officer Randy Pendleton. It was noted that to pursue this matter with the N. C. Department of Transportation requires the support of Mecklenburg County, Gaston County and the City of Mount Holly because the bridge was in both Mecklenburg and Gaston Counties.

Chairman Cox informed the Mount Holly Council that this matter would be placed on the Board’s next agenda for consideration, which would be the Board’s March 2, 2004 meeting.

Terry Beasley, Michelle Gay, and Lourie Reed, representing Mecklenburg Council on Adolescent Pregnancy addressed the services provided by their agency and the results of a recent
Adolescent Sexuality Report for Mecklenburg County, which summarizes the teen pregnancy and sexually transmitted disease rates for 2002.

A copy of a handout regarding Mecklenburg Council on Adolescent Pregnancy’s report findings is on file with the Clerk to the Board.

Robert FitzPatrick, Patrick George, Terry Thirion, Mark Alexander Palmer, and Curt Dansby, spoke in opposition to the Cherry trees being cut down in Freedom Park. Mr. George representing Heartwood Tree Service offered his professional services to prune the trees for the County at no cost. Mr. George stated that the trees still had a considerable amount of life expectancy.

Note: A petition was provided to the Board with the names of persons opposed to the cutting down of the Cherry trees. Photographs of the trees in bloom were also shared with the Board.

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

Chairman Cox asked Mr. George to contact the County Manager regarding his willingness to prune the trees at no cost to the County.

Commissioner Puckett asked that staff provide the Board its rationale for wanting to remove the trees.

(2A) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the total purchase price of +/- $320,000 for the Charlotte-Mecklenburg Board of Education’s purchase of 3.33 acres to expand the Oakdale Elementary School site. The tax parcels being:

Tax parcel 035-162-12 & -06 owned by Dale Mauney for $145,000
Tax parcel 035-162-07 & -13 owned by Ann Hutton for $120,000
Tax parcel 035-162-08 owned by Terry Kelly for $21,800

Note: The subject properties located along Pleasant Grove Road would expand the 9-acre Oakdale School campus to just over 12 acres.

(3) APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to reappoint Louise McCrorie to the Adult Care Home Community Advisory Committee for a three-year term expiring February 4, 2007.

Commissioner James nominated the following persons for appointment to the Adult Care Home Community Advisory Committee: Susan Billings, Candace Council, Neal Hood, Desiree Johnson, Jennifer Nash, Gene Rogers, and Barbara Watson.

Appointments will occur on March 2, 2004.

LIBRARY BOARD OF TRUSTEES

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett,
Samuelson, and Woodard voting yes, to waive the Board’s policy regarding persons serving on advisory boards for a maximum time limit of six years (eight years for the Library Board of Trustees) and allow the nomination of Patricia Norman and William Wood for another possible term on the Library Board of Trustees because of extenuating circumstances; thus nominating them.

Note: The extenuating circumstances were as follows: 1) four members of the Library Board of Trustees were rotating off, which included Ms. Norman and Mr. Wood, 2) the Library Board of Trustees have asked that consideration be given to reappointing Ms. Norman and Mr. Wood for continuity purposes, and 3) in light of the fact that a new Library Director will be coming on Board.

Commissioner James nominated the following persons for appointment to the Library Board of Trustees: Dan Burrell, Fred Dabney, Hope Parrott, Sally Robinson, Chase Saunders, Meredith Trunk, and Darrell Williams.

Appointments will occur on March 2, 2004.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to reappoint Peggy Quinn and Carol Rabon to the Nursing Home Community Advisory Committee for three-year terms expiring February 17, 2007.

Commissioner Puckett nominated the following persons for appointment to the Nursing Home Community Advisory Committee: Susan Billings, Candace Council, Neal Hood, Deseree Johnson, Jennifer Nash, Gene Rogers, Yvonne Satterfield, Barbara Watson, and Barbara Whitt.

Appointments will occur on March 2, 2004.

ZONING BOARD OF ADJUSTMENT CITY OF CHARLOTTE

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to reappoint West Hunter to the Zoning Board of Adjustment for the City of Charlotte for a three-year term expiring February 17, 2007.

(4A) PUBLIC HEARING ENVIRONMENTAL LEADERSHIP POLICY

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to open a public hearing to receive comments on the proposed Environmental Leadership Policy.

Laura Cummings, Environmental Policy Administrator addressed the proposed policy.

The proposed Policy expresses Mecklenburg County’s desire to optimize in-house environmental practices, become a model of environmental stewardship for local governments, business and industry in our region, and use and apply the County’s existing and future resources wisely for the benefit of future generations in order to conserve and protect our air, water and land resources.

The following persons spoke in support of the Environmental Leadership Policy: Lisa Renstrom with the Central Piedmont group of the Sierra Club, Blair Israel representing the Centralina Council of Governments (offered and presented their written support of this efforts via a letter which was given to Commissioner Samuelson, chair of the Board’s Natural Resources
Committee), Jean Woods with the Catawba Lands Conservancy and the Park and Recreation Stewardship Advisory Council (Ms. Woods invited the committee that would be formed per the adoption of the resolution to meet with the Stewardship Advisory Council to discuss the policy in order to strengthen it even more), Carla Vitez with the Park and Recreation Stewardship Advisory Council (Ms. Vitez echoed Ms. Woods’ comments regarding further strengthening the policy and guiding principles), and Charlie Williams with the Park and Recreation Stewardship Advisory Council (Mr. Williams noted that it’s felt that there was a difference between maintenance of a property and its management for biological values and that environmental education was a worthy goal. He stated further that they would like to see this policy support the efforts that are currently going on in the Park and Recreation Department and included somehow in the policy.)

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to close the public hearing on the proposed Environmental Leadership Policy and adopt the resolution entitled, Resolution of the Mecklenburg County Board of Commissioners for the Adoption of an Environmental Leadership Policy with one amendment that in Guiding Principle number six that the word “manage” be added after the word “maintain.”

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

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - HIV/AIDS TASK FORCE: ISSUES AND RECOMMENDATIONS FOR ADDRESSING HIV DISEASE IN MECKLENBURG COUNTY

Sitting as the Board of Health, the Board received the HIV/AIDS Task Force report on Issues and Recommendations for Addressing HIV Disease in Mecklenburg County. The matter was introduced by County Manager Jones.

Note: The Board of County Commissioners took action on September 3, 2003 to authorize the establishment of the HIV/AIDS Task Force with the following charge: "Bring back to the Board of County Commissioners through the Health Department recommendations for a broad-based, comprehensive community plan to eliminate HIV disease in Mecklenburg County" and to develop a plan and recommendations for consideration by the Board at the January, 2004, strategic meeting.

The report was presented by Peter Safir, Health Director, Dr. John Foust and Pastor Gwen Curry Co-Chairs of the Task Force.

It was noted that while there were divergent views on how best to reduce and eliminate this epidemic, HIV/AIDS poses a serious challenge to the health and economic conditions for our community. The actions proposed provide a framework for responding to this challenge, measuring progress, and reporting periodically to the Board.

The Board was asked to consider taking the following actions:

1) Receive the report from the HIV/AIDS Task Force.
2) Adopt the vision for 2015 "no new cases of HIV disease with no person left behind."
3) Endorse the formation of a HIV Disease Community Council and appointing one member of the Board of County Commissioners to serve.
4) Support an appropriation during the budget process for new funding in FY05 to expand services to reduce HIV disease toward achieving the 2015 vision.
5) Consider legislative advocacy in North Carolina and nationally to obtain additional resources for fighting this epidemic.
The following persons spoke in support of the recommendations for addressing HIV disease in Mecklenburg County:

Amy Brooks, Rev. Carl Arrington representing the Regional Aids Interfaith Network (RAIN), Cheryl Roberge, Cindy Craig pediatric Social Worker at the Pediatric Infectious Disease Clinic, Yvonne Pettis President of the Charlotte-Mecklenburg Branch of the NAACP, Wil Butler, Rev. Larry Hill (Woodland Presbyterian Church), and Rev. Alexander Porter (Matthew Murkland Presbyterian Church).

Motion was made by Commissioner Samuelson, seconded by Commissioner James that as the Board of Health, to send the HIV/AIDS Task Force report to the Board’s Youth and Families Committee for further review and discussion of the details of the report and to address a concern she has that the report does not adequately address the issue of informing people that they can say no to engaging in behaviors that impact their health.

Substitute motion was made by Commissioner Helms, seconded by Commissioner Mitchell that as the Board of Health to 1) receive the report from the HIV/AIDS Task Force, 2) adopt the vision for 2015 "no new cases of HIV disease with no person left behind," and 3) endorse the formation of a HIV Disease Community Council and appoint one member of the Board to serve.

Commissioner Helms noted that he felt the 4th and 5th action requests would come about naturally as a result of approving actions 1-3.

Commissioner Woodard noted that if the matter was referred to a Board Committee that it should be the Community Health and Safety Committee, however, her preference was for the Board to move forward with the recommended actions by the Task Force and noted in the Substitute motion.

After much discussion Commissioner Helms amended his substitute motion as follows and Commissioner Mitchell the seconder agreed:

Substitute motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, that as the Board of Health to 1) receive the report from the HIV/AIDS Task Force, entitled HIV/AIDS Task Force: Issues and Recommendations For Addressing HIV Disease in Mecklenburg County, 2) adopt the vision for 2015 "no new cases of HIV disease with no person left behind," and 3) that this matter be scheduled for further discussion and debate at a future Public Policy meeting to be scheduled by the County Manager.

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

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 3, 2004 and Special Meetings held January 28, 2004 and November 18, 2003 and Closed Session minutes of February 3, 2004.

(8) ADELANTE GRANT - SHERIFF’S OFFICE

Authorize a grant application by the Sheriff’s Office for $30,000 from the Z. Smith Reynolds Foundation, Inc. for continuation of the Adelante (formerly Unido Conjuntamente, or United
Together) program and recognize, receive and appropriate grant if awarded.

Note: This grant would fund a Spanish-language basic living skills program (via contract) targeted to male Hispanic inmates ages 18 and older in the jail system.

(9) 2005 GOVERNOR’S CRIME COMMISSION GRANT PRE-APPLICATIONS

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

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Program Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Hope Haven (Grant # 312)</td>
<td>Hope Haven/ABC Prostitution Project</td>
</tr>
<tr>
<td>2. Hope Haven (Grant #303)</td>
<td>Hope Haven/McLeod Prostitute Program</td>
</tr>
<tr>
<td>3. Hope Haven (Grant #314)</td>
<td>Hope Haven Inmate Return Project</td>
</tr>
<tr>
<td>4. Sheriff’s Office (Grant #647)</td>
<td>Metrolina JusticeXchange Web Portal Pilot</td>
</tr>
<tr>
<td>5. Sheriff’s Office</td>
<td>Gang Extrication Training</td>
</tr>
</tbody>
</table>

(10) DESTRUCTION OF DOCUMENTS – LUESA

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

- 6 boxes of permitting and inspections records dated November and December of 2003 that have been imaged on optical disk and verified in lieu of originals.
- 490 commercial project plans permitted in November and December of 2001.
- 4 boxes of minimum housing and junk vehicle cases closed since 1997.

(11) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

Set a public hearing for March 2, 2004 at 6:30 p.m. on Street Lighting Preliminary Assessment Rolls for the Brantley Oaks, Hearthstone, Royal Oaks and Spicewood Subdivisions.

Resolutions recorded in full in Minute Book 42-A, Document #

(12) LAND ACQUISITION FOR MALLARD CREEK GREENWAY

Accept donation of a 3.7376-acre portion of Tax Parcel 049-382-04 on North Tryon Street/US Highway 29 from Lydia A. McNeary and Charlotte A. Fischer.

Note: The property is within the floodplain and will be incorporated in the development of Phase IV of the Mallard Creek Greenway trail.

(13) BUSINESS INVESTMENT GRANT – KING MACHINE

Approve the County share of a Business Investment Grant to King Machine for a total estimated amount of $88,364 over 5 years.

Note: King Machine is a privately held company that manufactures and repairs tire molds for the automotive industry. The total City/County grant for the five-year period estimated at $138,764.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
(14) **LEVEE/FLOODWALL POLICY – LUESA**

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to adopt the Resolution Approving Levee/Floodwall Policy and Application Fee in the amount of $500.

*Note: The construction of levees and floodwalls on FEMA regulated streams would reduce future flood losses for a number of locations across Mecklenburg County.*

*Resolution and Policy recorded in full in Minute Book 42-A, Document #*

(15) **MEMORANDUM OF UNDERSTANDING WITH WTVI**

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve a Memorandum of Understanding with the Charlotte-Mecklenburg Public Broadcast Authority (WTVI).

*Note: Approval of the MOU would transition WTVI from being a grant recipient of the County to a service vendor of the County, providing services that contribute to achieving the Board’s goals of increased public awareness of County responsibilities, services and results.*

*Memorandum of Understanding recorded in full in Minute Book 42-A, Document #*

(16) **PARENTS RIGHTS COUNSELING POLICIES**

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to withdraw from the agenda Item 16-Parents Rights Counseling Policies in light of the absence of Commissioner Ramirez one of the co-sponsors of the item.

*Note: Commissioner James co-sponsored Item 16 but was not opposed to it being withdrawn from the agenda.*

(17) **IMPACT OF MOLD ON PUBLIC HEALTH**

Mike Kaminsky spoke regarding a mold issue he experienced. He asked the Board to consider investigating this issue and making changes in County policy regarding the abatement of mold in private residences.

Mr. Kaminsky noted a website he developed on this issue, [www.sewagebackup.net](http://www.sewagebackup.net).

Bobbie Cobb with the County’s Land Use and Environmental Services Agency addressed this issue. Mr. Cobb noted that the County did not have the authority to regulate cleanup of the types of situations addressed by Mr. Kaminsky. He noted further that staff would not recommend pursuing obtaining such authority because along with the issue of mold is moisture, thus not only would sewage back-up be a concern but also other types of moisture problems such as flooding and leaking water pipes. It was noted also that currently Public Health does not have the resources to take on this additional authority if received. Also, that regulating the clean-up would open up a liability on the County.
Mr. Cobb noted further that this was a matter of concern for the Charlotte-Mecklenburg Utilities Department and thus a City of Charlotte responsibility and liability.

Commissioner Samuelson asked Mr. Cobb for a recommendation.

Mr. Cobb stated that Mr. Kaminsky should continue to work with the City of Charlotte regarding this matter and that the Board not seek legislative authority to regulate mold and mold clean-up.

No formal action was taken, however, Commissioner Samuelson asked the County Manager to make note of this issue and to remind the Board to bring this matter to the attention of the Mecklenburg Legislative Delegation the next time the Board meets with the Delegation to see what could be done on their level.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner James, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:57 p.m.

____________________  ______________________________  ____________________________
Janice S. Paige, Clerk  Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center at 11:30 a.m. on Tuesday, February 17, 2004.

**ATTENDANCE**

**Present:**
- Chairman Tom Cox, Commissioners
- Dumont Clarke, H. Parks Helms
- Bill James, Norman A. Mitchell, Sr.
- Jim Puckett, Ruth Samuelson, and
- Valerie Woodard
- County Manager Harry L. Jones, Sr.
- Clerk to the Board Janice S. Paige

**Absent:**
- Commissioner Dan Ramirez

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

The purpose of the meeting was to discuss the Board’s FY05-07 Strategic Business Plan and priorities for the FY2005 annual budget and other related matters.

County Manager Jones noted that this meeting was a follow-up to the Board’s Strategic Planning Conference in January. County Manager Jones said that the agenda was divided into the following five sections, however Sections II and III would be the focus of discussion:

**Section I - Strategic Direction Endorsed**
(This section was for reference only and included those Program Categories for which there were no services highlighted by the Board or the County Manager for follow-up.)

**Section II - Proposed Changes to Service Priority**
(Board action needed on this section in order to address proposed changes in service priority.)

**Section III – Proposed New or Revised Strategies**
(Board action needed on this section)

**Section IV – Services Highlighted With No Details**
(Opportunity for further discussion on services highlighted by a Board member but no details were given for highlighting it.)

**Section V – Miscellaneous Questions**
(Addresses services that Board members asked questions about but does not require any discussion or action by the Board.)

The meeting was then turned over to General Manager John McGillicuddy to review with the Board the above referenced sections.

**Commissioner Helms entered the meeting at the start of the discussion on Section II- Proposed Changes to Service Priority.**

**ACTIONS TAKEN**
Section II - Proposed Changes to Service Priority

PRIORITY LEVEL 1
Service Name: Gatling Juvenile Detention Facility - Program Category: Jail and Detention Facility Operations

Motion was made by Commissioner Puckett, seconded by Commissioner James and failed 4-4 with Commissioners Cox, James, Puckett, and Samuelson voting yes and Commissioners Clarke, Helms, Mitchell, and Woodard voting no, to change the priority level of the Gatling Juvenile Detention Facility from Level 1 to Level 7.

Motion was made by Commissioner Samuelson but died for lack of a second, to change the priority level of the Gatling Juvenile Detention Facility from Level 1 to Level 4.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-2 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, and Woodard voting yes and Commissioners James and Samuelson voting no, to leave the priority level of the Gatling Juvenile Detention Facility at Level 1.

PRIORITY LEVEL 2
Service Name: General - Program Category: Disability Prevention and Treatment

Motion was made by Commissioner Samuelson, seconded by Commissioner Helms and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to leave the priority level of the Disability Prevention and Treatment Program at Level 2.

It was noted during the discussion that this matter was being discussed by Area Mental Health’s Financial Rules Committee. Staff was asked to provide information on the number of persons the County could be serving.

Service Name: Child & Adolescent Services - Program Category: Child and Adolescent Mental Illness Prevention and Treatment

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to leave the priority level of the Child and Adolescent Mental Illness Prevention and Treatment Program at Level 2. Secondly, to asked the Area Mental Health’s Financial Rules Committee to discuss the issues raised by Commissioner James as noted below and report back to the Board at a future Budget/Public Policy meeting in April.

Issues noted by Commissioner James were:

1. Medicaid – A policy is needed requiring that clients be placed in State approved Medicaid facilities as much as possible and that the procedures currently being followed by Area Mental be placed in policy form.
2. Medicaid Diagnosis – A Medicaid Diagnosis policy is needed. The concern is that the County pays for services not covered by Medicaid.
3. A policy is needed regarding services for non-Medicaid clients.
4. A policy is needed regarding detox and substance abuse services as it relates to “repeat offenders” or persons that return for services more than once.

Commissioner Puckett asked that the Financial Rules Committee address the issue of how to deal with persons that come from outside of Mecklenburg County for these services.

PRIORITY LEVEL 3
Service Name: Charlotte-Mecklenburg Council on Aging Program Category: Aging-In-Place Support Service
Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to support the County Manager’s recommendation regarding Program Category: Aging-In-Place Support Service, which was to direct the County Manager to evaluate the relevance, performance and efficiency of the Council on Aging and, if warranted, adjust the priority of this service accordingly.

**PRIORITY LEVEL 4**
**Service Name:** Court Day Care Program Category: Court Services Coordination

Motion was made by Commissioner James, seconded by Commissioner Puckett to support the County Manager’s recommendation regarding Court Day Care Program Category: Court Services Coordination, which was to change the service priority from Priority 4 level to Priority 7 level for the Court Day Care. Conduct a review of other NC Counties to compare levels of service and determine if this service could be managed as a fee-for-service operation.

Commissioners Helms and Clarke spoke in opposition to the County Manager’s recommendation and noted that this was a much needed service for the judicial system. They noted that more often than not children should not be exposed to what occurs in a courtroom. They noted that the majority of persons that utilize the service cannot afford to pay daycare.

Commissioner Samuelson stated that she supported the service idea but that it should be funded by organizations such as the Junior League or the Foundation for the Carolinas rather than the County. She stated that the County should only participate by providing the space for the service.

Following continued discussion of this matter, Commissioners James and Puckett withdrew their motion.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell to leave the priority level of the Court Day Care Program Category: Court Services Coordination at Level 4.

Substitute motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and failed 4-4 with Commissioners Clarke, Helms, Mitchell, and Samuelson voting no and Commissioners Cox, James, Puckett and Samuelson voting yes, to either cease funding for the Court Day Care Program or put the Courts on notice that funding would be phased out. Therefore, alternative funding sources should be sought and that the County would only provide the space.

The vote was then taken on the original motion with the following amendment that the matter of alternative funding sources be discussed in the spring. Thus, the motion read as follows:

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to leave the priority level of the Court Day Care Program Category: Court Services Coordination at Level 4 and that in the spring during budget discussions the matter of alternative funding be discussed.

**PRIORITY LEVEL 5**
**Service Name:** Basic Operating Grants (ASC) Program Category: Recreation & Leisure

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to leave the priority level of Basic Operating Grants (ASC) Program Category: Recreation & Leisure at Level 5 and that the matter be scheduled for discussion at a future Budget/Public Policy meeting.

Service Name: Community Cultural Connections (ASC) Program Category: Recreation & Leisure
Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to leave the priority level of Community Cultural Connections (ASC) Program Category: Recreation & Leisure at Level 5 and that the matter be scheduled for discussion at a future Budget/Public Policy meeting.

Service Name: Various Program Category: Homelessness Services

Commissioner Woodard suggested changing the priority level of Homelessness Services to Level 2 noting that this was about people in need, healthcare, and about its impact on children.

Commissioner Samuelson noted that Homelessness was being addressed by Social Services and Area Mental Health from the prevention aspect. She stated that some of the services in this category could be rolled into Social Services and Area Mental, but that there were some that funding should be phased out over a period of time. She stated further that she did not feel Homelessness should be a stand alone program category.

Motion was made by Commissioner Mitchell but died for lack of a second, to support the Manager’s recommendation, which was to maintain current services in the Board’s Priority 5 level for FY05. Direct staff to evaluate the demand for services and opportunities to serve homeless more effectively, considering the recommendations from the Living in the Shadows report. This evaluation and recommendations should be used by the Board to reconsider its priority for these services for FY06.

Motion was made by Commissioner Puckett but died for lack of a second, to eliminate the Program Category of Homelessness Services and fold the individual services under this area into Area Mental Health (AMH) and the Department of Social Services (DSS) and that those that do not fit under AMH or DSS be considered as grant recipients under Outside Agencies.

Staff asked the Board not to eliminate this program category.

Commissioner Samuelson suggested the matter be sent back to the County Manager to redefine the scope of this category.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for Homelessness Services, which was to maintain current services in the Board’s Priority 5 level for FY05. Direct staff to evaluate the demand for services and opportunities to serve homeless more effectively, considering the recommendations from the Living in the Shadows report. This evaluation and recommendations should be used by the Board to reconsider its priority for these services for FY06.

The Board recessed at 2:00 p.m. and reconvened at 2:10 p.m.

Service Name: Shelter for Battered Women; and Domestic Violence Victim Services Program Category: Domestic Violence Protection & Prevention

Commissioner Woodard noted that she would like to see the Shelter for Battered Women; and Domestic Violence Victim Services Program Category: Domestic Violence Protection & Prevention moved to Level 2.

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for the Shelter for Battered Women; and Domestic Violence Victim Services Program Category: Domestic Violence Protection & Prevention, which was to retain the current Priority 5 level for these services, pending the examination that will be conducted in FY05.
PRIORITY LEVEL 6
Service Name: Aquatics - Category: Aquatic Services

Motion was made by Commissioner Helms, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for Aquatic Services, which was to maintain all aquatic services in Priority 6 and direct the Manager to evaluate the feasibility and reasonable timetable for the aquatic services targeted to the broad community to be self-funded through fees, which could allow a shift in county funds to pay for small, neighborhood pools; and with the following amendment that it also be added that the County Manager evaluate the feasibility of this service being provided through partnerships with other organizations and that staff investigate the possible use of Lake Norman and other lakes as requested by Commissioner Puckett.

Service Name: Work First; and Work Release & Restitution Center - Program Category: Personal Responsibility/Self-Sufficiency Training, Counseling and Case Management

Motion was made by Commissioner Samuelson, seconded by Commissioner Helms and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for Work First; and Work Release & Restitution Center - Program Category: Personal Responsibility/Self-Sufficiency Training, Counseling and Case Management, which was to provide the County Manager additional flexibility in moving these services to higher priorities as part of developing the County Manager’s Recommended Budget for FY05, but that Work Release be moved to Level Three.

Staff was asked to verify the numbers shown for Work Release.

PRIORITY LEVEL 7
Service Name: Diversity/Minority Affairs Office - Program Category: Diversity/Minority Affairs

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for Diversity/Minority Affairs, which was to retain the current priority for this service.

SECTION III

PRIORITY LEVEL 1

- Service Name: Adult Mental Health Continuum - Program Category: Adult Mental Illness Prevention and Treatment
- Service Name: Adult Substance Abuse Treatment - Program Category: Substance Abuse Prevention and Treatment
- Service Name: Behavior Health Center - Program Category: Adult Mental Illness Prevention and Treatment
- Service Name: Substance Abuse Prevention Services - Program Category: Substance Abuse Prevention and Treatment

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to leave the following service areas in Priority Level 1 and that they be referred to the Area Mental Financial Rules Committee for review and discussion:

- Adult Mental Health Continuum - Program Category: Adult Mental Illness Prevention and Treatment
- Adult Substance Abuse Treatment - Program Category: Substance Abuse Prevention and Treatment
- Behavior Health Center - Program Category: Adult Mental Illness Prevention and Treatment
- Substance Abuse Prevention Services - Program Category: Substance Abuse Prevention and Treatment

**PRIORITY LEVEL 2**

**Service Name:** Metrolina AIDS Project  
**Program Category:** Communicable Illness & Disease

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for the Metrolina AIDS Project, which was to direct the County Manager to seek the professional assessment of the Health Department staff in evaluating the most effective use of this level of funding ($53,299) in providing HIV case management, resources management (short-term referral assistance) and practical support through volunteers to approximately 1,150 HIV-infected and affected individuals and families in Mecklenburg County, through either in-sourcing this service, outsourcing it to Metrolina AIDS or another agency, or some other alternative.

**PRIORITY LEVEL 3**

**Service Name:** Spirit Square (Blumenthal Center) - Program Category: Property/Asset Management and Maintenance

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for Spirit Square (Blumenthal Center) - Program Category: Property/Asset Management and Maintenance, which was that because of the contractual obligation, that this service remain at its present Priority Level of 3.

*It was noted also that because of the contractual obligation, it was appropriate for the County to maintain this funding within the County budget rather than through CMS.*

**PRIORITY LEVEL 4**

**All Services in** - Program Category: Economic Development MWBE, Advantage Carolina, and Charlotte Regional Partnership

*Note: Staff analysis reveals that while the Carolinas Regional Partnership appears from performance data to be making a positive contribution to increasing jobs and business recruitment, the other two services in this category – Advantage Carolina and MWBE, do not demonstrate success of note. It also is not clear at this time what, if any, impact the pending disparity study results would have on the goals and design of MWBE. The Board is scheduled to receive the study results in March.*

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for the Economic Development category, which was that once it has provided direction relative to the disparity study, the Board should instruct staff to reassess the opportunity to focus the County investment in areas of demonstrated performance and/or enhanced coordination between internal and external providers.

**Service Name:** District Attorney Support Personnel; Drug Court - Program Category: Court Services Coordination

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett,
Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for District Attorney Support Personnel; Drug Court - Program Category: Court Services Coordination, which was to direct the County Manager to evaluate and emphasize as a priority those services with demonstrated results in decreasing or reducing the growth of pre-trial inmate population.

Commissioner Samuelson noted that it would be her intent, when the time was appropriate, that the Board would consider lowering the priority of any services that did not come out of the Pre-trial Inmate Population Study successfully.

Service Name: Voices and Choices - Program Category: Regional Planning

It was noted by several Board members that other groups should be in the Regional Planning category, such as the Metropolitan Transit Commission (MTC), Centralina Council of Governments (COG), Mecklenburg-Union Metropolitan Planning Organization (MUMPO), and the Marine Commissions.

Commissioner Samuelson noted that she felt the Board had not adequately informed Voices and Choices of its expectations of them.

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for Voices and Choices, which was that for consideration for FY06, direct staff to develop in FY05 a draft regional interdependence and planning policy to describe the goals, strategies and performance measures that would be used to establish the priority of this Program Category and its service/funding level.

PRIORITY LEVEL 5
Service Name: Nature Museum - Program Category: Recreation & Leisure

Noted: Overall, the FY03 attendance at the Nature Museum was split equally between schools and the general public. The target audience for nature education includes school-age children, primarily serving children ages 2-8 with 100% participation from children in kindergarten and the fourth grade. However, the Nature Museum is a County facility and unless the facility is closed or operated as a passive facility, programming for the facility will be funded by the County, regardless of whether the programming is provided by County staff, an outside agency or CMS.

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the County Manager’s recommendation for the Nature Museum, which was that if the Board intends for the County to own and operate a Nature Museum that includes educational programming, the current arrangement offers a reasonable value to the public.

PRIORITY LEVEL 6
Athletic Services - Program Category: Athletics

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to take no action at this time regarding Athletic Services - Program Category: Athletics that it remain in Priority Level 6.

PRIORITY LEVEL 7
Communities in Schools - Program Category: County Education & Other Education Services

Motion was made by Commissioner James, seconded by Commissioner Puckett to approve the
County Manager’s recommendation for Communities in Schools, which was the Board request the Board of Education to consider the value of the services provided by Communities in Schools and whether or not this service should be incorporated into and/or funded through the CMS funding provided by the County.

Chairman Cox and Commissioner Helms spoke in opposition to the idea of Communities in Schools funding being allocated to Charlotte-Mecklenburg Schools. It was felt that Communities in Schools was successful because it was a stand alone organization.

Substitute motion was made by Commissioner Helms, seconded by Commissioner Woodard and carried 6-2 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, and Woodard voting yes and Commissioners James and Samuelson voting no, to leave Communities in Schools as a Priority 7 and that it continue to be funded by the County and at an appropriate level.

SECTION IV – SERVICES HIGHLIGHTED WITH NO DETAILS
(Under this section the Board was provided an opportunity for further discussion on services highlighted by a Board member but no details were given for highlighting it.)

No action was taken on this section. Board members were asked to contact staff if they have a concern, otherwise this section would remain as it currently stands.

SECTION V – MISCELLANEOUS QUESTIONS
(This section address those services that Board members provided asked questions about but does not require any discussion or action by the Board.)

It was the consensus of the Board to receive Section V as information.

This concluded the discussion.

The Board was asked to consider holding a special meeting next week to receive information regarding revenue projects and on how to move forward with the budgeting process. It was the consensus of the Board to meet Tuesday, February 24, 2004 from 11:00 a.m. to 1:00 p.m.

ADJOURNMENT

There being no further business to come before the Board that the meeting was declared adjourned at 4:35 P.M.

Janice S. Paige, Clerk

Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

FEBRUARY 24, 2004 11:00 A.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center at 11:00 a.m. on Tuesday, February 24, 2004.

ATTENDANCE

Present:
Vice-Chairman Dan Ramirez, Commissioners
H. Parks Helms, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Ruth Samuelson and Valerie Woodard
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent:
Chairman Tom Cox and Commissioner Dumont Clarke

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

The meeting was called to order by Vice-Chairman Ramirez in the absence of Chairman Cox.

The purpose of the meeting was to discuss FY 05 budget matters, including but not limited to, revenue projects and priorities for the FY 05 annual budget.

Vice-Chairman Ramirez called upon County Manager Jones to outline how the meeting would proceed.

County Manager Jones addressed handouts that were distributed on Key Facts about the FY05 budget process and an outline of Program Category Funding by Priority Ranking. A schedule of upcoming budget/public policy workshops was also provided. He then turned the meeting over to Interim Budget Director John Skidmore who walked the Board through the handouts in detail.

Commissioner Helms entered the meeting during Director Skidmore’s presentation.

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

(1) FY05 BUDGET PROCESS

Discussion Highlights

- Current budget estimates reveal a $32 million gap between projected revenues and the projected cost of providing the same services currently being provided.
- The gap is due to lower than usual revenue from property and sales taxes; Staff estimates a $10.5 million increase in tax revenue for FY05 from the current budget.
- Staff projects on the revenue side a 1.75 percent increase to the assessed valuation, which equates to approximately $8 million for FY05.
- Staff projects a $2.5 million increase in sales tax revenue.
- Interests from investments is projected to be flat for FY05.
Federal and State revenue projected to increase at just over $4 million but that revenue is tied to a specialized service and cannot be used to replace County dollars for other programs.

The estimated cost of providing current services in FY05 is $42.5 million more than the current budget.

Key cost increases include (but are not limited to):

- Additional cost of paying off bonds to build schools, parks, libraries, etc., slated to increase in FY05 by $18 million.
- County’s share of Medicaid is slated to increase in FY05 ($477,000).
- Preliminary estimates for employee salary and benefits increases ($10,030,000 is the preliminary figure and a 2.7 percent average salary increase)
- Must-Do IT Investments, such as replacing our financial system is slated to increase $4,050,000.
- Replacing old vehicles at a cost of $750,000 (note this is with a lease/purchase approach otherwise the cost would be $2.9 million)
- Annualized cost of facilities opened this year, and projected costs to open new facilities in FY05

It was noted that the operational costs for Charlotte-Mecklenburg Schools (CMS) and Central Piedmont Community College (CPCC) were not increased. They remain flat for FY05.

The funding gap will be addressed by budgeting in two service levels and budgeting based on the Board’s priorities.

- Service Level 1 will be those services in the Board’s Priority Levels 1 – 3; the Employee Resource Management program category from Priority Level 4; and other mandated services in the Board’s Priority Level 4 – 7. These will be the first services included in the County Manager’s Recommended Budget.
- Service Level 2 will be all the discretionary services in the Board’s Priority Levels 4 – 7, excluding the Employee Resource Management program category.

Using the current revenue projections and the Board’s priorities, there would not be enough money to fund all the services in Service Level 2. As a result, those services in Service Level 2 will be budgeted using a zero-based budgeting approach, which involves providing a sound business case for continued funding, which should be based on relevance, performance (results) and efficiency, as well as cost in property tax dollars.

Services in Service Level 2 will be included in the County Manager’s Recommended Budget based on the business case provided by the departments.

Services in Service Level 2 are not necessarily identified for reduction or elimination. The Manager may or may not recommend funding, based on the business case justification. Ultimately, the Board will decide if an existing service will be maintained. It does mean there is a higher level of scrutiny being placed on these funding requests.

It was noted that departments at Priority Levels 1-3 were asked to take a 2% efficiency reduction.

Comments

County Manager Jones noted the following:

- County funding is not an entitlement; funding must be justified.
- Those services in Service Level 2 were at some risk because as of today there is not enough funding at the current tax rate to pay for those services in FY05.
- It will be up to those departments and agencies with services that fall within Service Level 2 to build a “sound business case” for that service.
This would be the first time the County has used a true zero based budgeting approach.

County Manager Jones encouraged the Board to direct any inquires it may receive from employees, advocacy groups, or advisory boards regarding services in Level 2, to the appropriate director to make sure staff is aware of their perspective in developing the business case for their service and that the business case should be the focus of attention.

County Manager Jones also asked the Board to encourage their constituents to let the process work.

Commissioner Samuelson asked was there enough revenue to fund Priority Service Level One and the response was yes.

Commissioner Helms asked for clarification regarding Priorities 1, 2, & 3 and were they in Service Level One and the response was yes.

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

The following were noted by Staff:

- After funding everything in Service Level One, there would be $10 million left perhaps, which would be the pool of funds the County Manager would have the flexibility to use in developing his recommended budget.
- There is a range of $40-$60 million in reductions that must take place and includes services in Service Level Two and the 2% efficiency cuts in Service Level One. (This range is subject to change.)
- Departments are not being provided targets as it was previously thought. Services in Service Level Two will start from zero.
- Growth was not occurring as rapidly as it had in the past.
- Businesses were not investing in their business as they had been.
- There is a projected decrease in state certified values for the public service companies.
- The assessed total valuation, which is normally projected to increase by 3%, is projected to increase next year about 1.7%.

The Board was informed that the information presented was a “macro” look of where things were currently, however there were still many matters that have to be dealt with such as CMS, CPCC, and employee benefits.

Commissioner Puckett asked would the County Manager use the $10 million pool to put back in the 2% efficiency reductions that would occur in Service Level One and the response was that he had that flexibility.

Commissioner Samuelson asked if that when the relevance, performance, and efficiency criteria was applied and there was a “green” or “mandated” with flexibility in it, that was not performing well and was not efficient that that service would not just be continued on as it was but might be placed in the zero based category or required to do something to justify its continued funding; even if it was not one the Board had identified for discussion? The response was yes.

County Manager Jones in response to a question raised by Commissioner Helms concerning the format of the Manager’s recommended budget, reminded the Board that he had asked at the Strategic Planning Conference that the Board not give him specific directions around what type of budget to develop. He stated that he would show the Board what the current tax rate budget would allow the County to pay for and that he would also show what the cost would be to fund everything at current service level. He noted that he asked the Board to give him the “freedom” to make a recommendation on the broad choices that he believed the Board should consider for the community.

Commissioner Helms stated that he agreed with that approach and encouraged the County Manager to informed the Board of exactly what was needed and to not whole back. County Manager Jones informed the Board that he and the School Superintendent were working...
on developing a funding framework, which was forthcoming.

County Manager Jones noted that at the Board’s next Budget/Public Policy meeting staff would provide the Board with a more detailed discussion on debt and capital.

**ADJOURNMENT**

Motion was made by Commissioner Helms, seconded by Commissioner James, and unanimously carried, with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 12:20 P.M.

__________________________________________
Janice S. Paige, Clerk

__________________________________________
Dan Ramirez, Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

MARCH 2, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, March 2, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms Bill James, Norman A. Mitchell, Sr. Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

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

-INFORMAL SESSION-

(1) STAFF BRIEFINGS – NONE

(2) CLOSED SESSION CONSULT WITH ATTORNEY

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 7-0 with Commissioners Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to go into Closed Session to Consult with Attorney regarding Mecklenburg County, North Carolina v. Cheri M. Fee, Leila F. Helms and Husband, Rick B. Helms, Wachovia Bank, N.A. (Formerly First Union National Bank), Trste, Inc., Trustee, Adams Outdoor Advertising of Charlotte, and Elite Cleaners, Inc.

Note: Commissioner Clarke was present when the above motion was made but out of the room at the time of the vote. He returned immediately following the vote.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:35 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 12, 13, 17, and 18.

The Board then proceeded to the Meeting Chamber for remainder of the meeting.
Invocation was given by Commissioner Puckett, which was followed by the Pledge of Allegiance to the Flag.

(1A) NCACC OUTSTANDING PROGRAM AWARDS
No action was taken because of the absence of the presenter. This matter will be rescheduled.

(1B) RECOGNITION OF VOLUNTEER FIREMEN
The Board recognized five (5) Mecklenburg County volunteer firefighters who were awarded Distinguished Service Awards at the 53rd annual banquet of the Mecklenburg County Volunteer Firemen’s Association on January 24, 2004. They were introduced by Fire Marshall Donald Beard.

1. Terry F. Mayhew with the Cornelius-Lemley Volunteer Fire Department
2. Kenneth R. Bolton with the West Mecklenburg Volunteer Fire and Rescue Department
3. Baxter McGalliard with the Steele Creek Volunteer Fire
4. Thomas Mark Watson with the Mint Hill Volunteer Fire and Rescue Department
5. Matt Norem with the Robinson Volunteer Fire & Rescue Department

Commissioner Helms entered the meeting during this time.

CONSENT ITEMS
Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of Items 12, 13, 17, and 18 to be voted upon separately.

(7) APPROVAL OF MINUTES

(8) TAX REFUNDS
Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $183,623 resulting from clerical errors, audits and other amendments.

A list of the Taxpayers’ requests is on file with the Clerk to the Board.

(9) PERMIT FEE SURCHARGE REVENUE
Recognize, receive, and appropriate $361,000 from permit fee surcharge revenue.

(10) CAPITAL RESERVE FUNDS – PARK & RECREATION
Recognize and appropriate entrance fees accrued at McDowell Nature Preserve for the acquisition of Paddle Wheelers and Kayaks for peak season operations at the McDowell Nature Preserve waterfront in the amount of $20,116.00
(11) AMERICORPS GRANT APPLICATION

Authorize the Park and Recreation Department (Cooperative Extension Service Division) to apply for a one-year AmeriCorps grant.

Note: The grant would be used to support a one (1) year program that would work in conjunction with the Charlotte-Mecklenburg Police Department and Charlotte-Mecklenburg Schools to provide youth programs as a component of the “Gang of One” initiative.

(14) NEW COURTHOUSE PROJECT CONTRACTS - MILLWORK, ROOFING, PAINTING, TERRAZZO FLOORING, AND CARPET & VCT FLOORING

1. Authorize the County Manager to negotiate and execute a contract with the low bidder, Carolina Roofing, Inc., for the Roofing Package within the $2,223,000 allocated for roofing for the New Courthouse project.

2. Award construction contracts for the following bid packages to the contractors shown and in the amount indicated:

<table>
<thead>
<tr>
<th>Bid Package</th>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Millwork</td>
<td>Beaubois</td>
<td>$5,553,533.</td>
</tr>
<tr>
<td>Painting</td>
<td>Turner-Baxter, Inc.</td>
<td>$540,000.</td>
</tr>
<tr>
<td>Ceramic Tile</td>
<td>Kasa Construction</td>
<td>$219,500.</td>
</tr>
<tr>
<td>Carpet &amp; VCT Flooring</td>
<td>The Environmentalists</td>
<td>$914,109.</td>
</tr>
</tbody>
</table>

Total $7,227,142.

(15) CONDEMNATION FOR DRUID HILLS PARK SITE

Adopt Resolution entitled: Mecklenburg Board Of Commissioners’ Resolution Authorizing The Institution Of Condemnation Proceedings For The Acquisition Of Tax Parcel 077-076-17 Belonging To Joe Howey And Eunice Sistare Howey And Any Others With Valid Interests Therein For A Neighborhood Park In The Druid Hills Neighborhood.

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

(16) RIGHT-OF-WAY FOR ESTELLE STREET REALIGNMENT AT L. C. COLEMAN PARK

Authorize the County Manager to sign General Warranty Deed to the City of Charlotte for road right-of-way, permanent drainage easements, temporary construction easements and sidewalk easements related to the realignment of Estelle Street at L. C. Coleman Park affecting County Tax Parcels 069-093-40, 069-096-15 and –41, 069-094-27 and 069-096-14.

(19) LEASE WITH ADAMS OUTDOOR ADVERTISING

Adopt Resolution entitled: Resolution Declaring Intent To Lease Property To Adams Outdoor Advertising.

Note: The resolution describes the County’s proposal to enter into a lease with Adams Outdoor Advertising (AOA) for two existing double-faced billboards on County property located on I-85. This property was acquired for the expansion of Hoskins Park; funding for development of this part of the park site is not anticipated for the duration of the lease term. The Resolution will also assist the County in settling the condemnation action for the Sno-White/Elite Cleaners property in that AOA will release its claim on proceeds from the County’s acquisition of that site.
Resolution recorded in full in Minute Book 42-A, Document #

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12) PARK NAMING PROPOSAL

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the official naming of park property on Little Rock Road as the “Robert L. Smith Park.”

Note: The name of the park was proposed by the Pawtucket Homeowner’s Association to honor Charlotte Police Officer Robert L. Smith who was killed in the line of duty in 1987 while investigating a report of gunshots fired into residential property in their community.

Charlotte-Mecklenburg Police Chief Darryl Stephens spoke in support of the park naming.

Commissioner Samuelson removed this item from consent for more public awareness and in honor of the memory of Officer Smith.

(13) RESOLUTION OF SUPPORT NAMING OF NC HWY. 27 BRIDGE

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a Resolution of Support as requested by the Mount Holly City Council for the naming of NC Hwy. 27 Bridge after slain Mount Holly Police Officer Randy M. Pendleton.

Note: Officer Randy M. Pendleton was member of the Mount Holly Police Department, the Catawba Heights Volunteer Fire Department, and the Gaston County Police Department and served with integrity, professionalism, and valor. Officer Pendleton lost his life in the line of duty and in service to his fellow man while serving as a Patrol Officer with the Gaston County Police Department. The City of Mount Holly has requested to the N. C. DOT that the NC Highway 27 Bridge be named after Officer Pendleton as a tribute to his memory. Because this bridge is in both Gaston County and Mecklenburg County, the Mount Holly City Council has requested the support of Mecklenburg in this effort.

Commissioner Samuelson removed this item from consent for more public awareness and in honor of the memory of Officer Pendleton.

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

(17) SIDEWALK EASEMENT ON VENICE STREET AT SOLOMON PARK

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to sign General Warranty Deed to the City of Charlotte for road right of way, permanent drainage easements, temporary construction easements and sidewalk easements related to street improvements at Venice Street at Solomon Park affecting County Tax Parcel 069-104-37 and –38.

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

(18) RIGHT-OF-WAY FOR GARIBALDI AVENUE AT STEWART CREEK GREENWAY
Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to sign General Warranty Deed to the City of Charlotte for road right-of-way and permanent storm drainage easement at Tax Parcel #067-072-02.

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

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the public appearance portion of the meeting:

William Chandler (chairman of the Park and Recreation Commission), James Brown (Park and Recreation Commission), Rodger Raymer, Andra Eaves (Park & Recreation staff), and Stormie Benfield each addressed illegal sexual activity that was occurring in Kilborne Park.

Those representing Park and Recreation stated that staff, as well as, the Charlotte-Mecklenburg Police were aware of the problem and that it was being addressed. It was noted also that the Park and Recreation Department and the Charlotte-Mecklenburg Police Department was not only addressing the problem of illegal sexual activity in parks but any illegal activities.

Mr. Chandler stated that the issue of illegal sexual activity occurring in parks was not “a park problem” but that it was manifesting itself in the parks. He said that it was inappropriate and not attacking the problem for persons to say, “cut off the parks” or that Park and Recreation was not doing its job.

Park Commissioner Brown referenced an e-mail from James Roberts regarding the issue of illegal sexual activity in Kilborne Park. He said many of the things Mr. Roberts stated in his e-mail were incorrect.

Those living near the park stated that they wanted the trees in Kilborne Park to remain as they are. They spoke of how enjoyable the park was and felt that Park and Recreation was handling the matter. They indicated they don’t condone the sexual activity that was said to be occurring, nor have they witnessed it. It was also felt that Mr. Roberts had inappropriately addressed the handling of this matter.

Also present were Charlotte-Mecklenburg Chief Darryl Stephens and Police Captain Dale Green, who’s responsible for the district Kilborne Park is in. It was noted that the Charlotte-Mecklenburg Police were in partnership with Park and Recreation and the community to address this problem.

Note: This issue of illegal sexual activity, specifically, homosexual activity was raised by Mr. James Roberts who had signed up to speak but did not appear. The speakers spoke in rebuttal to comments that were anticipated to be made by Mr. Roberts.

(3A) APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Susan Billings, Candace Council, Desiree Johnson, Jennifer Nash, and Barbara Watson to the Adult Care Home Advisory Committee for one-year terms expiring March 2, 2005.

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

Prior to the vote, Chairman Cox noted that Patricia Norman and William Wood have indicated that they would be willing to serve for two additional years.

Attorney Bethune noted that in the case of the Library Board of Trustees the Board might not be able to adjust the length of the term. He said that what would occur is that Ms. Norman and Mr. Wood would have to resign when they no longer wished to serve.

Chairman Cox also noted for the record that Sally Robinson was his wife’s aunt.

Chairman Cox announced that Patricia Norman, Sally Robinson, Darrel Williams, and William Wood were appointed to the Library Board of Trustees for four-year terms expiring March 12, 2008.

They replace Patsy Kinsey and Don Stegar.

Note: Patricia Norman and William Wood served previously, however, the Board at the February 17, 2004 meeting waived its policy regarding serving on advisory boards and permitted Ms. Norman and Mr. Wood to be nominated for consideration for another term because of extenuating circumstances.

The extenuating circumstances were as follows: 1) four members of the Library Board of Trustees were rotating off, which included Ms. Norman and Mr. Wood, 2) the Library Board of Trustees asked that consideration be given to reappointing Ms. Norman and Mr. Wood for continuity purposes, and 3) in light of the fact that a new Library Director would be coming on Board.

Commissioner Puckett noted that he felt it was important that representation on the Library Board of Trustees be geographically balanced and asked was it possible to have designated geographic locations for appointment.

Chairman Cox suggested he prepare a statement for the Board’s consideration regarding this principal because to make it mandatory would require a change in state legislation.

NURSING HOME COMMUNITY CARE ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Yvonne Satterfield and Barbara Whitt to the Nursing Home Community Care Advisory Committee for a one-year term expiring March 2, 2005.

(3B) SCHEDULE OF UPCOMING NOMINATIONS/APPOINTMENTS

Commissioner Woodard read as information the upcoming Nominations/Appointments for April
Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to hold a hearing on a request by the Law Offices of Foodman Hunter & Karres, PLLC for reimbursement of North Carolina excise tax in the amount of $716.00.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the hearing on the request by the Law Offices of Foodman Hunter & Karres, PLLC for reimbursement of North Carolina excise tax in the amount of $716.00, and approve the reimbursement.

Note: Foodman Hunter & Karres, PLLC incorrectly filed a General Warranty Deed in Mecklenburg that should have been filed in Union County. North Carolina General Statute 105-228.37 requires that the Board of Commissioners conduct a hearing on a request for refund of excise taxes collected on a deed that was incorrectly submitted for recording in Mecklenburg County. The property subject to the deed is located in Union County.

(4B) STREET LIGHTING ASSESSMENT ROLLS

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all the property owners in the Brantley Oaks, Hearthstone, Royal Oaks and Spicewood subdivisions.

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing on Street Lighting Preliminary Assessment Rolls for Brantley Oaks, Hearthstone, Royal Oaks and Spicewood Subdivisions.

No one appeared to speak.

Desmond Cole with Real Estate Services was present to address any questions.

Motion was made by Commissioner James, seconded by Commissioner Puckett and
unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing on Street Lighting Preliminary Assessment Rolls for Brantley Oaks, Hearthstone, Royal Oaks and Spicewood Subdivisions and adopt Final Assessment Roll for each subdivision.

Resolutions recorded in full in Minute Book 42-A, Document #

(6) MANAGER’S REPORT COUNTY MANAGER’S 2003-2004 STRATEGIC MANAGEMENT PLAN

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the County Manager’s 2003-2004 Strategic Management Plan.

Note: This plan will be used as part of the County Manager’s mid-term and annual evaluation.

It was noted also that the Plan was subject to change depending on actions taken by Board, which the County Manager would deem as having a high priority and would be incorporated into the Plan. County Manager Jones stated that the Board would be informed of any changes.

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

(5) ADVISORY COMMITTEE REPORTS – NONE

(22) PARENTS RIGHTS COUNSELING POLICIES – COMMISSIONER RAMIREZ AND COMMISSIONER JAMES

Motion was made by Commissioner James, seconded by Commissioner Puckett, to adopt Parents Rights Counseling Policies that were in effect for 19 months from August 12, 1997 to March 2, 1999 but repealed on March 2, 1999, entitled “Policy on Human Sexuality Counseling and Education” and “Policy on Human Sexuality Counseling of Children.”

Substitute motion was made by Commissioner Ramirez, seconded by Commissioner James, to approve as the Board’s Parents Rights Counseling Policy the compromise proposal presented at the March 2, 1999 meeting, by then Commissioner Tom Cox, entitled Mecklenburg Board of County Commission Policy on Sexuality Counseling for Children.

Commissioner Samuelson noted that two changes had occurred in the community since the time of the initial policy that may or may not have any bearing on the substitute motion or the original motion. They were the new Health Insurance Portability and Accountability Act (HIPAA) requirements regarding privacy and Area Mental Health’s going to a new system where they provide certain services through contracts with other entities that are free standing entities.

Commissioner Samuelson stated that implementation of either policy might be impacted by these things. She suggested that since the impact was unknown that perhaps approval of either should be contingent on the Human Services Council or staff or someone reviewing these issues to make sure the County was not in violation of HIPAA or in conflict with the new AMH plans.

Commissioners Ramirez and James makers of the substitute motion accepted Commissioner Samuelson’s suggestion.

Discussion continued.

Chairman Cox then restated the substitute motion as follows, which was not accepted by Commissioners Ramirez and James makers of the substitute motion: that the Board’s preferred policy was the March 2, 1999 policy proposed by him entitled Mecklenburg Board of County
Commission Policy on Sexuality Counseling for Children. Also, that the preferred policy be examined by the County Manager from a HIPAA point of view, Area Mental Health and any other way he deemed appropriate and that the matter be brought back to the Board at the appropriate time.

Discussion continued.

Chairman Cox then stated that the request for a review of HIPAA and new Area Mental Health procedures and any others deemed appropriate by the County Manager, would be removed from the substitute motion. He stated further that as Chairman he would request that the County Manager conducts the review and report back to the Board in about a month.

The vote was then taken on the substitute motion and carried 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting yes and Commissioners Clarke, Helms, Mitchell, and Woodard voting no, to approve as the Board's Parents Rights Counseling Policy the compromise proposal presented at the March 2, 1999 meeting, by then Commissioner Tom Cox, entitled Mecklenburg Board of County Commission Policy on Sexuality Counseling for Children.

Chairman Cox noted that this matter would probably come up in conjunction with the HIV/AIDS discussion.

It was the Board’s understanding that this matter would be back on a future agenda pending the County Manager’s review.

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

(20) MECKLENBURG COUNTY DISPARITY STUDY REPORT

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to receive as information the report from MGT of America on findings of the Mecklenburg County Disparity Study; and to direct staff to develop some proposals, based upon the recommendations in the Disparity Study report, and present them to the Board at a future meeting.

In November 2002, Mecklenburg County commissioned MGT of America to conduct a Disparity Study to determine whether or not, and to what extent, remedial programs for racial or gender discrimination are appropriate. This study covered five calendar years, beginning January 1, 1998, through December 31, 2002.

The report was presented by Michelle Ramirez and Vince Eagan. The presenters were introduced by Deborah Bright, Assistant to the County Manager for Diversity/Minority Affairs.

Prior to the above vote Commissioner James asked that his concerns be noted in the minutes.

▶ It needs to be a race and gender-neutral program.
▶ It should not be a program that has a race or gender conscience method involved in it
▶ It has to be narrowly tailored.
▶ He was willing to consider contract sizing if he knew what the financial impact of that was.
▶ The procurement cards were fine. He understands it as being data collection.
▶ The state contracts using people that were already on the minority list was fine.
▶ Vendor sourcing he doesn’t think he has a problem with it.
▶ He is highly opposed to a commercial anti-discrimination list because that’s what the City of Charlotte did. He feels such decisions should be made by the courts.
▶ On the bonding issue he feels it would depend on the cost. He requested that the County Manager provide the details on this.
▶ On access to capital he is interested in the cost to link those deposits.
On discretionary purchases he thinks he has a problem, but needs more information from staff since this was not addressed.

He is opposed to multi-prime contractors because he thinks it’s used to increase minority participation with no “real substance.” “It just allows you to pick a black contractor and a large white contractor and say now we’ve satisfied both because we’re taking a piece of the pie and scraping it off, but it cost the taxpayers more money.”

He stated that some of the things mentioned in the report he felt the County could do, such as, the development of minority businesses and mentoring programs, but he doesn’t want to “go so far as to create a race based program or to be in the business of deciding what companies are discriminating and which are not.” He said that he would leave that up to the court system. He said that he was afraid that if the County go into that business it would be “effectively using it as a hammer to implicitly threaten businesses that do business with Mecklenburg County” that they either comply or be on the County’s “bad list.”

Prior to the above vote Commissioner Mitchell said he felt there was “some sense of hope here in this community from what’s coming out of this report.” He said that he was confident that the County Manager and his staff would come back with recommendations for putting together a “strong and a good” MWBE plan. He stated further that he has often said “there’s no problem with people making money, but there is a problem when minorities and Black Americans are systematically shut out of the system.”

Prior to the above vote Commissioner Puckett noted that per his review of the report the Board may be “talking about fixing something that in essence may not need to be fixed.” He stated that part of the problem was that there were not enough majority minority ownerships in some of the contracting groups. He stated, “by enlarge” he felt the County was doing a pretty good job that “by in large” at least on the County side “you don’t find that race enters into a lot of the things the County does.” He noted also regarding multi-prime contracts that it may not cost more money but it does slow the process down.

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

(21) TAXING STADIUM/COLISEUM “NAMING RIGHTS”

Commissioner James addressed Item 21 Taxing Stadium/Coliseum “Naming Rights,” which he placed on the agenda. He asked the Board to consider adopting:

- A Legislative request for both the current years short session and next years long session that requires the lessee (individual or group acquiring the naming rights) to pay property taxes on annual lease cost for these naming rights,
- Instruct the County Manager to discuss with the City Manager, Mayor and the Charlotte City Council members a request that they consider endorsing this proposed legislation and report back to the board with his findings, and
- Instruct the County Attorney to draft potential language to amend the Machinery Act for submission to the General Assembly and report back to the Board with various options.

Commissioner James asked that the following be noted in the minutes, which were his comments and written explanation of this issue:

Currently Mecklenburg County taxes the Carolina Panthers stadium (and other major entertainment properties) using the “cost” approach that assumes depreciation based on the initial construction price. Additional future incremental value from “naming rights” are effectively ignored in this calculation resulting in a windfall of large dollar non-property tax assessable assets to the parties involved. In discussions with the County Attorney, the NC Machinery Act does NOT include taxing the purchaser (owner) of naming rights and the “seller” (in the above case the Panthers) do not pay taxes on the transaction because the Tax Office utilizes the “cost” approach based on the original construction price in determining the value of the stadium.
To tax “naming rights” would require a legislative change and as a practical matter, would probably require the City of Charlotte to support the legislation. Changes to the Machinery Act can only be accomplished with State-wide, general legislation, and must be effective in all taxing jurisdictions in the State. Since there are a variety of major projects that have naming rights in Charlotte-Mecklenburg there is a large pool of assets that are now going without taxation (Blockbuster Pavilion, the new Bobcats Stadium and perhaps a new Baseball stadium).

In my opinion, this loophole in the law is flawed. Using ONE recent example, the Bank of America $100 million “deal” (based on $5 million a year for 20 years), if “naming rights” were taxed to the owner (purchaser) of the “right”, the bank would owe Mecklenburg County and the City of Charlotte the following annually:

- Mecklenburg County = $5,000,000 times .7364 per $100 of assessed valuation = $36,820 per year
- City of Charlotte = $5,000,000 times .4200 per $100 of assessed valuation = $21,000 per year
- Total Annual Revenue from Naming Rights for this ONE property = $57,820 per year
- Total Future Revenue Over 20 Year Term = $1,156,400 (this one property)

Adding naming rights as outlined above (for the Bobcats Stadium, potential baseball stadium, Blockbuster and others) could provide a significant source of legitimate revenue as these corporations are (in my opinion) purchasing a significant asset within our borders and should be taxed on this value. (This item was reviewed by the County Attorney.)

Commissioner James asked why was the Carolina Panthers Stadium, which he said was obviously worth more than its original cost, to be taxed at original cost “for no other reason than we can’t find a comparable building in Mecklenburg County.” “Why would we allow $100 million worth of naming rights to basically slip under the table untaxed?”

Chairman Cox said that the answer was that the Machinery Act did not allow it.

Commissioner Helms stated the sometimes the economic impact of the Stadium is overlooked.

He noted that prior to the Stadium being built in that section of the community nothing was there that generated any tax revenue. He stated that the Stadium was an economic engine that has generated more taxes in a shorter period of time than perhaps any other comparable investment in the private sector.

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and carried 7-1 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Samuelson, and Woodard voting yes and Commissioner James voting no, that Item 21 Taxing Stadium/Coliseum “Naming Rights” do lie upon the table, which means no action will be taken.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner James, and carried 8-0, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:16 P.M.

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in the Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, March 9, 2004.

ATTENDANCE

Present: Chairman Tom Cox and Commissioners Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard. County Manager Harry L. Jones, Sr. and Clerk to the Board Janice S. Paige.

Absent: Commissioner Bill James

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

Chairman Cox called upon County Manager Jones to outline how the meeting would proceed.

County Manager Jones noted that the two topics for discussion were E-Government/Technology Investment Justification Methodology and Employee Compensation and Benefits Analysis Methodology. He stated that these methodologies would be used by staff to develop and make recommendations to the Board in these two areas.

He then called upon Joel Zimmerman, chair of the Information Services & Technology Advisory Committee to address how the County’s methodology should be used in evaluating return on investment.

Commissioners Helms, Woodard, and Ramirez entered the meeting during Mr. Zimmerman’s presentation.

Discussion Highlights

Note: No formal action was taken by the Board. General discussion was held. Below are highlights of the discussion. It is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

(1) E-Government/Technology Investment Justification Methodology

Mr. Zimmerman noted the following:

- Cost reduction by itself is not a sufficient reason to do something.
- The act of laying off a substantial number of professional County employees would have political repercussions. Although it might reduce costs, the County’s costs might increase from the larger perspective because it would add to the County’s unemployment population.
- Although most companies spend an enormous amount of money for disaster recovery plans for Information Technology and never have a disaster, which means financially the return on that investment is zero, this is still not reason enough to stop because the cost savings factor is outweighed by the risk if something were to happen.
The return on investment is critical consideration for any Information Technology (IT) project, however, a comprehensive evaluation to select or approve IT projects must consider more than a simple financial return on investment.

Quote from Information Week Magazine: “Group forced cost cutting is a thing of the past. The key to achieving business objectives lies in understanding and marshalling underlying IT assets. You can no longer cost cut your way to success. Now you have got to figure out what the value is in your organization.”

Value can be achieved in other ways besides reducing costs.

Points from Deloitte Research Group on evaluating IT investments:
“Public sector organizations should evaluate IT investments not only by the cost savings they generate for government but by the financial benefits they create for citizens and businesses.”

Points from Deloitte Research Group on how IT can add value to government operations within the domain of regulatory compliance:
1. By providing information in one easy to access location
2. By simplifying and streamlining reporting requirements
3. By reducing the number of forms required to operate and transact business
4. By making transactions such as paying fees and paying permits easier
5. By helping businesses understand what regulations apply to them.

“While financial return on investment is clearly important, you cannot properly evaluate potential IT investments if that is all you’re thinking about. Just because the return on investment is high, doesn’t necessarily mean that we should outsource the majority of our jobs to India. Just because the return on investment is low does not mean we should fail to prepare for potential IT disasters.”

“Good decisions about IT funding must be made on the basis of a broad consideration of value, financial and otherwise that an IT application brings to the County.”

Comments:

Commissioner Helms asked was there an accurate way to measure or determine whether IT investments enhance public confidence in government services? The response was that it could be done several ways and that one should never underestimate the importance of asking people what they think. It was noted that public opinion can be widely measured and relatively easy. Also, that there were indirect ways such as looking at the volume of usage of services and how they’ve increased or diminished over time.

Commissioner Clarke stated that he would like to see the other things the Deloitte Research Group came up with added to the consideration that the County uses.

Chairman Cox stated that he would be interested in seeing an analysis of the values of some the investments. He stated further that it was unfair to say “we expect soft benefits on hard dollar investments.” He said that an analysis needs to be done on the hard dollar costs and hard dollar benefits.

Commissioner Puckett asked would the Board receive the hard cost analysis as referenced by Chairman Cox?

County Manager Jones stated that staff plans to use this criteria as a means of evaluating and ranking the IT proposals. He noted that all projects go through the IT Executive Committee headed by Deputy County Manager Russ Crider, that conducts an exhaustive review.

County Manager Jones stated also that when staff reports back, the intent would be to have the recommendations to track the criteria presented.

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

(2) Employee Compensation and Benefits Analysis Methodology
County Manager Jones noted that the two key points he hoped would come out of the Employee Compensation and Benefit Analysis discussion would be answers to the following questions:

1. Are we using the appropriate data to help the Board develop an understanding in the course of recommending employee compensation?
2. Is the current employee compensation philosophy still valid?

County Manager Jones called upon Human Resources Director Susan Hutchins to address the Employee Compensation and Benefits Analysis Methodology.

Director Hutchins noted the following:

- The County uses a three-step methodology for developing employee compensation and employee benefits plans.
  1. Research
  2. Analysis
  3. Recommendation Principles

- Compensation recommendation principles
  - Consistency with Board’s Compensation Policy
  - Market competitiveness of pay plan structure (pay ranges)
  - Market competitiveness of employee salaries

The current Compensation Philosophy is:
That the County Government exists to provide certain necessary and important services to the citizens of Mecklenburg County. In order to fulfill this responsibility, the County must attract and retain competent and loyal employees dedicated to the mission of providing high quality public service. This requires a comprehensive compensation program that rewards and recognizes employee commitment, skill development, and quality service delivery through performance excellence.

- Principles of the compensation philosophy
  1. Individuals will be paid in a fair and consistent manner relative to the scope and responsibilities of the job.
  2. The County will compensate its employees at a sufficiently competitive level that attracts and retains quality employees based on a comparative market analysis.
  3. Performance pay will allow employees to earn additional compensation based on exceptional achievement of individual and team results and enhancement of skills.
  4. The County will recognize the value of long-term commitment to the organization and continued performance excellence by the award of longevity pay to employees with 10 or more years of service.
  5. The County will consider the economic well-being of the organization in the administration of the compensation and benefits programs.
  6. A competitive, cost efficient benefit program will be offered to all eligible employees.

- Data sources used for making compensation projections
  1. National Human Resources compensation consulting firms, such as, World At Work (American Compensation Association), Hewitt & Associates, Mercer, and Hay
  2. Employers Association (local association)
  3. Public Sector employers: City of Charlotte, Cumberland County, Durham County, Forsyth County, Guilford County, New Hanover County, and Wake County
  4. Regional and national consumer price index data and overall inflation data
  5. Private sector employers.

- Mecklenburg County’s actual salary increases were budgeted at 2.7% for FY04, using a range of 0% - 4% based on performance.
A copy of a handout distributed by Director Hutchins is on file with the Clerk to the Board.

Comments

Commissioner Puckett asked if exit interviews were done and the response was yes.

Commissioner Puckett asked was pay the number one reason for employee turnover. The response was that it varies but usually it’s because of pay and advancement opportunity.

Commissioner Puckett noted that staff may want to question the continued provision of longevity pay and use those dollars for merit pay.

Commissioner Samuelson echoed Commissioner Puckett’s sentiments regarding longevity pay.

County Manager Jones stated that the total annual longevity pay was about $1.4 million. He noted that in the past when the longevity question has come up, there was a legal question regarding whether or not employees currently receiving longevity pay have a vested right to continue to receive it.

He noted that the City of Charlotte changed its longevity pay policy years ago, such that new hires after a certain date would not receive longevity pay.

Commissioner Samuelson asked was there a good reason why the discontinuation of longevity pay couldn’t be applicable to new hires, if the legal question pertained to those currently receiving it?

County Manager Jones noted that the continuation of longevity pay was a policy question that the Board would have to decide on.

Commissioner Samuelson asked why was longevity pay implemented?

County Manager Jones noted that many jurisdictions provide longevity pay. He stated that what he recalled was that since government was different from the private sector which would award bonuses to employees around the latter part of the year, governmental jurisdiction began awarding employees for achieving a threshold of employment. He stated that it was an additional recognition provided to employees for service to the organization.

Deputy County Manager Crider stated that it was a retention incentive.

Commissioner Samuelson stated that she did not understand the value of retaining and rewarding someone just because they’ve been with the County a long time. She stated that in her opinion, having merit pay would be incentive enough to remain.

Commissioner Samuelson asked were corporate bonuses given based on longevity as opposed to the performance of a unit?

County Manager Jones stated that they were given based on performance.

Commissioner Clarke stated that he felt longevity pay was implemented years ago because the perception in the private sector was that someone who had been with the organization a long time added value to the organization because of their experience and familiarity with how things were done and it was recognized. He stated that he felt the public sector through providing longevity pay was trying to emulate the private sector in this regard.

Commissioner Clarke noted that today, however, that for most private sector employers it really doesn’t matter how many years you’ve been with the organization.

Director Hutchins noted that in the past when an employee had been with the organization a long time they would reach the top of their pay range and wouldn’t receive a salary increase unless their range moved. She stated that now employees who fall at the top of their range receive cash bonuses for their merit.
She stated that another factor that must be considered is market adjustments.

It was stated that when adjustments are made to the County’s pay plan structure to reflect the market movement, that adjustment is not flowed through the employees within the range. The market adjustment is only applicable to those employees below the minimum of the range. These employees are brought up to the minimum.

Employees within the range essentially lose “relative” position and do not receive an increase to reflect the market movement, however, they do get a performance increase. Also, that typically the County doesn’t fund the performance increases at a level that recognizes both the market movement and performance increase, which is justified by the fact that an investment is made in longevity pay, so that employees that have been with the County and tend to be up in the range do receive the additional longevity pay.

Commissioner Woodard stated that she felt longevity pay balances itself out when you consider the time it takes to train new employees and there are employees that have been with the organization a long time. She noted also that she felt that in order to receive longevity pay one would have to receive a good performance review. She stated that the longevity pay was there to keep “good,” “solid” employees in place because if there was a lot of turnover of younger people or persons with less time, there would still be a “core” group of people that are in place for the organization to continue to run on a regular basis. She feels it’s an advantage for the County to have longevity pay.

Commissioner Samuelson asked was longevity pay tied to performance? The response was yes an employee has to be “a successful” performer. It was stated that anyone not receiving a performance rating of “successful” would not receive longevity pay.

It was noted that there have been long-term employees that were not meeting expectations or needing improvement that have not received longevity pay.

Commissioner Samuelson asked was longevity pay something new hires ask about? The response was if they’re coming from another government it’s usually asked and taken into consideration by the potential new hire.

County Manager Jones reminded the Board that one of the questions raised to the Board was whether or not the Board felt the current Compensation Philosophy was valid. He said that based on the questions raised he would report back to the Board on the issue of longevity pay. He noted that even if the Board decided to discontinue longevity pay, the County would still have to pay some amount of money for longevity pay, probably the $1.4 million annually. He stated that there would not be any immediate savings realized, if his legal interpretation was correct.

Commissioner Samuelson stated that there could be a savings down the road.

Commissioner Puckett stated that he really would not expect a savings from it even in ten years, but that he would like to see that money shifted into the pool for more merit pay. He said that in his opinion what the County currently has is a philosophy that if an employee remains with the County for ten years and is working satisfactory they’ll receive longevity pay. He said he was glad that it was tied to performance. He stated that making a shift towards merit rather than longevity was in keeping with the balanced scorecard efforts.

Chairman Cox said he felt the compensation analysis should be based on the “total compensation,” not just pay, but things such as health insurance and other benefits.

Chairman Cox noted the importance of health insurance to the quality of people’s lives. He said he felt organizations such as the County have an “obligation” to provide health insurance, at the cost, for employees that leave the organization. He stated that this would mean after a certain period of time, “seven years” someone should be able to purchase their health insurance at the cost it cost the County and to continue to purchase it. He said there were people who felt trapped in their job because they have acquired health conditions making them not employable.
Chairman Cox said that he would like to see what it would cost the County to continue to offer health insurance to those that leave the County’s employment. This request was echoed by other Commissioners also.

Commissioner Clarke noted that with each of the principles used in the compensation analysis that there should be supporting “commentary” developed for the underlying reason(s) for the principles being what they are.

Chairman Cox said that the County’s compensation philosophy appeared to be geared toward competition and comparison with the “outside.” He said it should be more focused on attraction and retention of the highest quality of employees. Further, that because of the changing lifestyles of workers, it may mean the County’s compensation methods or philosophy becomes more “liberal” and “variable” in the way that it’s done.

Chairman Cox said that he would imagine there would be a good number of employees located on the Billingsley Road campus that would love to have a day off in exchange for a %10 reduction in pay because those jobs are so stressful.

Commissioner Samuelson said that she felt what Chairman Cox was referring to was the availability of a menu of compensation options.

Chairman Cox stated that he would like to see more individuality in how the County compensates employees.

Chairman Cox noted also that he really did not like the use of the word “consistent” as stated in the Recommendation Principles. He said that if it were something like “appropriate” to keep, attract and retain the highest quality people then he would be happy.

Commissioner Woodard noted that the County currently offers flextime to employees.

Director Hutchins noted that there were a variety of work options currently available, some of which similar to what Chairman Cox expressed. She stated that if an employee indicates that they would like to work ¾ of the time and the department can accommodate them, then their salary is reduced to accommodate this and they receive the extra time off.

Chairman Cox posed the scenario of allowing an employee to elect a salary hit today in exchange for the benefit of being able to continue their health insurance beyond their termination of employment with the County. He stated that personally he would take advantage of that offer.

Commissioner Ramirez stated that he would like to see the total compensation information, which would include sick, vacation, health insurance, etc.

Director Hutchins stated when staff brings back its recommendations the total package would include the value of benefits.

It was noted that the County’s health insurance benefits were valued very high by employees.

Commissioner Clarke left the meeting at this point and was absent for the remainder of the meeting.

It was the consensus of the Board that a formal presentation of the Benefits Methodology was not necessary.

Director Hutchins noted as an FYI that per the changes in the County’s health plans, 29% of the employees selected Employee-Only insurance and 71% of employees and retirees under age 65 selected the Enhanced Plan, meaning they’re paying a portion of their individual health insurance coverage for the first time.
There being no further business to come before the Board the meeting was declared adjourned at 4:35 p.m.

Janice S. Paige, Clerk

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Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

MARCH 16, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, March 16, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms Bill James, Norman A. Mitchell, Sr. Jim Puckett, Dan Ramirez Ruth Samuelson, and Valerie Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

-Informal Session-

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

(1) STAFF BRIEFINGS - NONE

(2) CLOSED SESSION LAND ACQUISITION & CONSULT WITH ATTORNEY

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

- Tax Parcel 129-101-49 on Commonwealth Avenue
- Tax Parcel 081-102-14 on East 19th Street.

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 7-0 with Commissioners Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to go into Closed Session to discuss land acquisition and consult with attorney.

The Board went into Closed Session at 5:16 p.m. and came back into Open Session at 6:05 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 7 and 13.

The Board then proceeded to the Meeting Chamber for remainder of the meeting.
Commissioners Clarke and Samuelson were away from the dais when the Formal Session was called to order and until noted in the minutes.

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

Commissioner Samuelson entered the meeting following the invocation.

(2A) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Puckett and 8-0 carried with Commissioners Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the tax auction purchase of Tax Parcel 081-102-14 owned by Unknown on East 19th Street for up to $6500.00.

This tract will be used for park and recreation purposes. The above property is being sold pursuant to a tax foreclosure action. The property’s frontage is on an undeveloped portion of East 19th Street and is bisected by Little Sugar Creek. The parcel includes 0.16 acre and will be part of the greenway/open space preserved in the Belmont area.

(1A) NCACC OUTSTANDING PROGRAM AWARDS

The Board recognized Kim Kilday representing the North Carolina Association of County Commissioners (NCACC) to present the 2003 NCACC Outstanding Program Awards to two Mecklenburg County Departments for their winning entries.

The two (2) Mecklenburg County programs that were named among the top county programs in the state for 2003 by the North Carolina Association of County Commissioners were “Establishing Ethical Expectations” and “CharMeck.Org.” The winning programs were selected for superior innovation and collaborative efforts in the categories of General Government, Human Services and Public Education/Participation.

The following is a brief summary of the “Establishing Ethical Expectations” program, which was submitted by the Human Resources Department.

Mecklenburg County Manager Harry L. Jones, Sr. was appointed in the fall of 2000. Soon after his appointment he established Mecklenburg County’s organizational values, of which ethics and accountability became focal points. The County Manager took his message of ethical expectations on the road and met with all supervisors and managers, giving a real boost to the significance of his message. The Human Resources Department incorporated this message into human resource policy and developed a communication and training plan. A brochure was designed to enhance communication.

The following is a brief summary of “CharMeck.org,” which was submitted by the Public Service and Information Department.

“CharMeck.org” is the result of a unique collaboration between Mecklenburg County Government and the City of Charlotte. Online surveys revealed that citizens wanted to conduct business over the Internet rather than waiting in lines at various government locations. City and county employees formed an Internet Management Committee (IMC) that led the collaboration. The result was a custom-designed system that updates immediately and allows citizens to instantly publish services and forms on a joint Website, “eServices.CharMeck.org”. The site is a single page index of hundreds of useful online options that save citizens time and money.
The Board recognized Susan Hutchins, Director of Human Resources and Brian Schick representing the Charlotte Chamber of Commerce for presentation of the Gerald G. Fox Employee of the Year Award for 2003.

**Commissioner Clarke entered the meeting at this time.**

The winner of the Gerald G. Fox Employee of the Year Award for 2003 was Wanda Moss, a Community Social Worker with the Department of Social Services. Ms. Moss received a check, gift certificate and a plaque.

The first runner up was Marie Genie, also a Social Worker with the Department of Social Services.

Selections were made by a committee of the Chamber’s Business Advocacy Group.

The Board expressed congratulations and thanked Ms. Moss and Ms. Genie for their work and dedication.

The Board recognized Wil Butler, former chair of the Health Committee of the Human Services Council for receiving the Robert Ed Strother Partnership Award.

Susan Garvey, Co-chair of the Human Services Council and Gail Fennimore of the Council addressed the award received by Mr. Butler.

**Note: Each year, the Association of North Carolina Boards of Health (ANCBH) recognizes individuals and groups for their contributions to and accomplishments in public health. Mr. Butler was presented the Robert Ed Strother Partnership award during the 2004 Annual State Health Director’s Conference in Raleigh on January 29th. The award criteria required that the nominee has established and/or fostered a public-private partnership, which has improved public health for the community.**

Mr. Butler thanked the Board for recognizing him for having obtain the award, which he stated was deserving of many others that he served with while on the Human Services Council.

The following persons appeared to speak during the public appearance portion of the meeting:

**Michael Marks, Rob Weigle & Elijah Kelly** representing Homeless Helping Homeless addressed the needs of the homeless community, specifically, the need for a year-round shelter.

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

**Robert Oberg** addressed the needs of the homeless and asked that the issue of homelessness be a priority of the Board as it goes through its budget process.

**Winona Chestnut**, Director of Fighting Back addressed Alcohol Awareness Month activities scheduled for April.

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

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

(3A) **WASTE MANAGEMENT ADVISORY BOARD**
Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Walter G. Bauer to the Waste Management Advisory Board as recommended by Charlotte City Council to fill an unexpired term expiring September 30, 2004.

Commissioner James returned to the dais.

(3B) ESTABLISH 2004 BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a resolution authorizing appointment of the Board of Equalization and Review and authorize the County Assessor to adjust tax assessments.

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

Motion was made by Commissioner Ramirez, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize increasing the membership of the Board of Equalization and Review from seven (7) members to nine (9).

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve compensation for the chairman of the Board of Equalization and Review to be $125.00 and members $100.00 per diem and $15.00 per hour after the initial three-hour period.

Garrett Alexander, Tax Assessor addressed the above matters.

(3C) NOMINATIONS/RE-APPOINTMENTS
BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Damon Bidencopke, Kenneth Friedman, David Fuller, Kenneth Hammond, and Doug Wynne to the Board of Equalization and Review for a one-year term expiring April 7, 2005.

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Alan Turner to the Board of Equalization and Review for a one-year term expiring April 7, 2005.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to waive the Board’s term limit policy because of extraordinary circumstances and reappoint James Barnette, James Hobbs, and Michael Scharf to the Board of Equalization and Review for a one-year term expiring April 7, 2005.

Note: The extraordinary circumstance noted was the need for continuity because of the high carryover of appeals.

Motion was made by Commissioner Samuelson, seconded by Commissioner Helms and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, reappoint Mr. James Barnett as Chairman of the
Board of Equalization and Review for the duration of his term, expiring April 7, 2005.

Garrett Alexander, Tax Assessor addressed the above matters.

BUILDING DEVELOPMENT COMMISSION

Chairman Cox nominated John Komisin for appointment to the Building Development Commission as the Chamber of Commerce representative.

The appointment will occur on April 6, 2004.

CHARLOTTE CERTIFIED DEVELOPMENT CORPORATION

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Maggi Braun, Ervin Cobb, C. Morgan Edwards, Ellie McIntire, James Paterson, and Patricia Pollack to the Charlotte Certified Development Corporation for three-year terms expiring April 30, 2007.

Commissioner James nominated the following persons for appointment to the Charlotte Certified Development Corporation: Edna Chirico, John DiCristo, Kevin Geddings, John L Moore, Thomas Mussouni, Sandra Ridings, and Todd Taylor.

Appointments will occur on April 6, 2004.

COMMUNITY RELATIONS COMMITTEE

The following persons were nominated for appointment to the Community Relations Committee:

Hannah Clinton by Commissioner Woodard
Lawanda Horton by Commissioner Puckett
Larry Ross by Commissioner James
John Treadwell by Commissioner Samuelson
Connie Vetter by Commissioner Clarke

Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close nominations for appointment to the Community Relations Committee.

An appointment will occur on April 6, 2004.

DOMESTIC VIOLENCE ADVISORY BOARD

Motion was made by Commissioner Helms, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Linda Lawyer and Betty Marlin to the Domestic Violence Advisory Board for three-year terms expiring April 3, 2007.

ENGINEERS AND SURVEYORS SELECTION COMMITTEE

The following person was nominated to serve on the Engineers and Surveyors Selection
Committee:
Edward Elliott    by Commissioner Samuelson

The appointment will occur on April 6, 2004.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

The following persons were nominated for appointment to the Information Services and Technology Committee:

Ralph Boral    by Commissioner Helms
John Greenwood   by Commissioner Helms
John Lillard    by Commissioner Ramirez
Scot McMillian   by Commissioner Woodard
Jon Vordermark   by Commissioner Samuelson

Appointments will occur on April 6, 2004.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS -NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Samueelson, seconded by Commissioner Puckett and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of Items 7 and 13 to be voted upon separately:

(8) CHILD CARE RESOURCES, INC. (CCRI) CHILD CARE SUBSIDY

Amend the Department of Social Services’ FY04 budget to recognize, receive and appropriate additional Federal and State revenues in the amount of $2,782,435 for the child care subsidy program.

Note: The funding will be used to serve children who are in need of child care. The Department of Social Services contracts child care eligibility services with Child Care Resources, Inc. (CCRI). The additional allocation will reduce the current shortfall in Child Care funding.

Note: Chairman Cox asked that the following be noted in the minutes as it relates to Item 8 Child Care Resources, Inc. (CCRI) Child Care Subsidy:

“Commissioner Cox recognized that he messed up on Item 8 Child Care Resources, Inc. (CCRI) Child Care Subsidy and that he should have, as it is his normal practice, asked to be excused on matters relating to this client relationship; but hearing no out-cry from his fellow Commissioners to deal with it in great detail, he asks the Clerk to make the note that he messed up and won’t do it again.”

Commissioner Cox asked Board members if they knew what he was referring to and they all indicated yes.

(9) SHERIFF’S SPECIAL REVENUE FUND

Recognize, receive and appropriate $45,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.
(10) DEPARTMENT OF JUVENILE JUSTICE & DELINQUENCY PREVENTION
FY04 FUNDING

Approve the revised FY04 allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) state funds as noted below.

<table>
<thead>
<tr>
<th>Department/ Program Name</th>
<th>Sponsoring Agency</th>
<th>Original Allocation</th>
<th>Revised Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Homes, Inc</td>
<td>DSS/Youth Homes, Inc.</td>
<td>$306,830</td>
<td>$319,249</td>
</tr>
<tr>
<td>FACET</td>
<td>DSS/Youth &amp; Family Svc</td>
<td>$223,214</td>
<td>$223,214</td>
</tr>
<tr>
<td>Transition House</td>
<td>DSS/ Youth Network, Inc.</td>
<td>$253,614</td>
<td>$253,614</td>
</tr>
<tr>
<td>Choices</td>
<td>DSS/Youth Network, Inc.</td>
<td>$85,514</td>
<td>$85,514</td>
</tr>
<tr>
<td>Present Day Restitution</td>
<td>DSS/ Youth Network, Inc.</td>
<td>$148,214</td>
<td>$162,314</td>
</tr>
<tr>
<td>RISE</td>
<td>Sheriff’s Office</td>
<td>$401,454</td>
<td>$401,454</td>
</tr>
<tr>
<td>JCPC</td>
<td>Court Services</td>
<td>$15,500</td>
<td>$15,500</td>
</tr>
</tbody>
</table>

Total: $1,434,340 $1,460,859

(11) FY05 MECKLENBURG COUNTY BOARD OF COMMISSIONERS BUDGET CALENDAR

Approve the FY05 Budget Calendar as noted below.

January 29-30 Strategic Planning Conference
February 10 Budget/Public Policy Workshop 3-5pm
March 9 Budget/Public Policy Workshop 3-5pm
March 16 Budget/Public Policy Workshop 3-5pm
April 6 Budget/Public Policy Workshop 3-5pm
April 13 Budget/Public Policy Workshop 3-5pm
April 20 Budget/Public Policy Workshop 3-5pm
May 4 Notice of Budget Public Hearing Issued N/A
May 5 Budget/Public Policy Workshop 3-5pm
May 11 Budget/Public Policy Workshop 3-5pm
May 18 Presentation of Manager’s Recommended Budget 6pm
May 25 Budget Workshop 5-9pm
May 27 Budget Public Hearing 6pm
June 2 Budget Workshop 5-9pm
June 3, 7, 8, 9 Budget Workshops (if needed) 5-9pm
June 15 Budget Adoption 6pm

(12) TAX REFUNDS

Approve refunds to taxpayers in the amount of $120,568.00 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 taxpayers requests is on file with the Clerk to the Board.

(14) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION – SET PUBLIC HEARING

Authorize the Clerk to publish notice of intent to hold a public hearing at the April 6, 2004 Board of County Commissioners meeting to receive comments on the Mecklenburg County Department of Social Services’ application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2004-2005.

(15) STRUCTURED DAY PROGRAM CONTINUATION FUNDING REQUEST
Authorize the County Manager to submit the FY05 Structured Day Program funding request in the amount of $410,178 to the Department of Correction.

Note: The Structured Day Program is an alternative to incarceration providing enhanced supervision, job skill development and substance abuse treatment to nonviolent drug and property offenders.

(16) CHANNEL IMPROVEMENT 2004 CONTRACT

Award channel improvement 2004 contract to the low bidder, KIP Corporation, in the amount of $182,300.00 to provide construction services to resolve various minor system/backyard drainage problems throughout the county.

(17) LEASE WITH ADAMS OUTDOOR ADVERTISING

Adopt Resolution entitled: Resolution Authorizing Leasing Property To Adams Outdoor Advertising.

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

(18) ADOPT REFUNDING BOND ORDER

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Samuelson moved adoption of the following resolution, the motion was seconded by Commissioner Puckett, and the resolution was read by title:

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

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

1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on December 17, 2002, the Issuer shall issue its bonds in the aggregate principal amount of $150,055,000, subject to adjustment as hereinafter provided.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2004C” (the “Bonds”). The Bonds shall be dated April 1, 2004, 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 September 1, 2004, and semi-annually thereafter on March 1 and September 1. The Bonds shall mature annually on March 1, as follows, subject to adjustment as hereinafter described:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
<th>Year</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>$2,685,000</td>
<td>2010</td>
<td>$24,125,000</td>
</tr>
<tr>
<td>2006</td>
<td>2,115,000</td>
<td>2011</td>
<td>23,625,000</td>
</tr>
<tr>
<td>2007</td>
<td>14,160,000</td>
<td>2012</td>
<td>23,205,000</td>
</tr>
<tr>
<td>2008</td>
<td>17,865,000</td>
<td>2013</td>
<td>24,775,000</td>
</tr>
<tr>
<td>2009</td>
<td>17,500,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

3. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in 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 March 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. 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.

United States of America
State of North Carolina
COUNTY OF MECKLENBURG

GENERAL OBLIGATION REFUNDING BOND, SERIES 2004C

INTEREST RATE MATURITY DATE OF BOND CUSIP
April 1, 2004

REGISTERED OWNER: Cede & Co.
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, 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 March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a March 1 or September 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on September 1, 2004, and semi-annually thereafter on March 1 and September 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 17, 2002, (the “Bond Order”) and a resolution adopted by that Board (the “Resolution”) to provide funds, together with any other funds that may be provided, to advance refund all or a portion of the County’s outstanding Public Improvement Bonds, Series 1996A dated as of March 1, 1996 and outstanding Public Improvement Bonds, Series 1996B dated as of March 1, 1996.

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 or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

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

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

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated April 1, 2004.

________________________
Chairman of the Board of Commissioners

(SEAL)

________________________
Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

10
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: April 27, 2004

ASSIGNMENT

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

Dated: _____________________________

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

Signature Guaranteed: _____________

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

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

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

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond and interest thereon, to the extent of the sum or sums so paid.
The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

7. The Issuer hereby reserves the right to (a) increase or decrease the aggregate principal amount of the Bonds to be sold by an amount not to exceed $15,000,000 and (b) increase or decrease the principal amount of any maturity of the Bonds to be sold by an amount not to exceed $2,250,000 per maturity, following the opening of bids therefor.

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

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

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

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

12. The Issuer hereby approves the terms of the Escrow Deposit Agreement by and between the Issuer and Escrow Agent in the form presented to the Board and hereby authorizes the officers of the Issuer designated therein to execute and deliver the Escrow Deposit Agreement in substantially such form, with such changes and insertions as such officers shall deem necessary to accomplish the purposes for which the Bonds are being issued, their execution thereof constituting conclusive evidence of such approval.

13. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:
   (a) by not later than seven months from the end of each fiscal year of the Issuer, to each nationally recognized municipal securities information repository (“NRMSIR”) and to the state information depository for the State of North Carolina (“SID”), if any, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.
   (b) 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;
unscheduled draws on debt service reserves reflecting financial difficulties;
unscheduled draws on any credit enhancements reflecting financial difficulties;
substitution of any credit or liquidity providers, or their failure to perform;
adverse tax opinions or events affecting the tax-exempt status of the Bonds;
modification to the rights of the beneficial owners of the Bonds;
bond calls;
defeasances;
release, substitution or sale of any property securing repayment of the Bonds;
rating changes; and

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.

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

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

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

(b) 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 investment banking firm of Banc of America Securities LLC is hereby authorized to serve as financial advisor to the Issuer (the “Financial Advisor”) in connection with sale and issuance of the Bonds. The Financial Advisor and its affiliates are hereby expressly authorized to bid for the purchase of the Bonds.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Tom Cox, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard

NAYS: None.

Resolution and Extract recorded in full in Minute Book 42-A, Document #
(19) CHARLOTTE-MECKLENBURG REGIONAL CONSORTIUM PROGRAM –
SET PUBLIC HEARING

Authorize the Clerk to the Board to publish notice of intent to hold a public hearing on April 6,
2004 at 6:30 p.m. to receive comments on the Charlotte-Mecklenburg Regional Consortium
Program.

Note: Mecklenburg County is a member of the Charlotte-Mecklenburg Regional Consortium along
with the City of Charlotte, and the towns of Mint Hill, Matthews, Pineville, Huntersville, and
Cornelius. The purpose of hearing is to obtain comments and recommendations from the public
regarding how the Charlotte-Mecklenburg Regional Consortium should spend its federal (HUD)
dollar allocation.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(7) APPROVAL OF MINUTES

Commissioner Ramirez removed this item from consent in order to clarify the substitute motion
he made on March 2, 2004 regarding Item 22 Parent Rights Counseling Policies.

Commissioner Ramirez stated that the intent of his substitute motion was to adopt as the Board’s
Parents Rights Counseling Policy the compromise proposal presented at the March 2,1999
meeting, by then Commissioner Tom Cox, entitled Mecklenburg Board of County Commission
Policy on Sexuality Counseling for Children.

He stated that he misunderstood Chairman Cox’s interpretation of his substitute motion on
March 2, 2004. The substitute motion as interpreted by Chairman Cox was that it was the
Board’s preferred policy and not that it was being adopted. The matter would come back to the
Board for adoption pending the County Manager’s report on any matters that might impact the
policy, such as, but not limited to the Health Insurance Portability and Accountability Act
(HIPAA).

Commissioner Ramirez asked the Board to consider amending the minutes of March 2, 2004, to
reflect the original intent of his substitute motion, which was that the Board approve as the
Board’s Parents Rights Counseling Policy the compromise proposal presented at the March
2,1999 meeting, by then Commissioner Tom Cox, entitled Mecklenburg Board of County
Commission Policy on Sexuality Counseling for Children. Secondly, that the policy will stand as
is unless when the County Manager reports back it has been determined that the policy as it is
currently written is not legal and/or needs to be amended because of HIPAA regulations or other
reasons.

Commissioner Ramirez also asked that the word “not” be inserted in the paragraph that reads:
Chairman Cox then restated the substitute motion as follows, which was “not” accepted by
Commissioners Ramirez and James . . .

The insertion of the word “not” would then have the affect of changing the substitute motion
voted upon on March 2, 2004 to be as it was originally stated by Commissioner Ramirez and
seconded by Commissioner James. Thus, it would read:
Substitute motion was made by Commissioner Ramirez, seconded by Commissioner James, to
approve as the Board’s Parents Rights Counseling Policy the compromise proposal presented at
the March 2,1999 meeting, by then Commissioner Tom Cox, entitled Mecklenburg Board of
County Commission Policy on Sexuality Counseling for Children.

Chairman Cox asked for a vote on the amendments to the minutes of March 2, 2004, Item 22 as
requested by Commissioner Ramirez. The Board voted unanimously to amend the minutes of
March 2, 2004, Item 22 as requested by Commissioner Ramirez, which included the insertion of
the word “not” as indicated by Commissioner Ramirez above and to change the substitute
motion
ever read as follows:

The vote was then taken on the substitute motion and carried 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting yes and Commissioners Clarke, Helms, Mitchell, and Woodard voting no, to approve as the Board’s Parents Rights Counseling Policy the compromise proposal presented at the March 2, 1999 meeting, by then Commissioner Tom Cox, entitled Mecklenburg Board of County Commission Policy on Sexuality Counseling for Children.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve minutes of Regular Meeting held March 2, 2004 as amended, Budget/Public Policy Meeting held February 10, 2004, Special Meetings held February 24, 2004 and November 25, 2003, and Closed Session minutes of March 2, 2004.

(13) SURPLUS PROPERTY AUCTION

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the list of vehicles, (Exhibit A), as surplus, and adopt Resolution Authorizing Sale of Personal Property by Public Auction on the 17th day of April 2004 at 10:00 a.m. at 3301 Rotary Drive, Charlotte, North Carolina.

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

Resolution and Exhibit A recorded in full in Minute Book 42-A, Document #

(20) DEVELOPMENT OF POST-CONSTRUCTION ORDINANCE

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the process for the development of a Post-Construction Ordinance as outlined by staff.

Rusty Rozzelle presented the development process.

Note: The North Carolina Phase II Storm Water rules require communities to develop ordinances for controlling and managing storm water runoff and associated negative water quality impacts resulting from post-construction storm water discharges through the use of a combination of structural and non-structural best management practices (BMPs). The Mecklenburg County Water Quality (MCWQP) proposes the use of a “stakeholders’ process” for the development of these rules similar to the process used for the development of the S.W.I.M. Program. Since the Towns and City of Charlotte are required at some point to develop post-construction ordinances, MCWQP proposes that one stakeholders’ group be used to develop draft ordinance language that can be applied to all jurisdictions.

The stakeholders’ process will include the following components:

1. Assessment of current and future watershed conditions through an analysis of existing data and information and the use of water quality models.
2. Establishment of criteria to assess whether water quality conditions are adequately protected.
3. Set specific ordinance objectives.
4. Establishment of water quality goals for fulfillment of ordinance objectives.
5. Identification of tools (structural and nonstructural BMPs) necessary to meet the water quality goals.
6. Receipt of public comments.
7. Development of draft ordinance for consideration by elected officials.
The stakeholders’ group will consist of representatives from the following organizations appointed by staff from Mecklenburg County, City of Charlotte and the Towns:

- Staff Representative
- Charlotte Chamber of Commerce
- Home Builders Association /Real Estate and Building Industry Coalition (REBIC)
- Building Development Commission
- Charlotte Mecklenburg Utilities Advisory Committee
- Commercial Board of Realtors
- Subdivision Steering Committee
- City of Charlotte Property Owner
- Storm Water Advisory Committee
- Charlotte Mecklenburg Planning Commission
- Marine Commission
- Sierra Club
- Northern Town Property Owner
- Southern Town Property Owner

The stakeholder process will be administered by Mecklenburg County staff with cooperation and input from the City of Charlotte and Towns, which have given their approval for moving forward.

A copy of the process as presented by staff is on file with the Clerk to the Board.

(21) CULTURAL FACILITIES PLAN (COMMISSIONER HELMS)

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive as information the Cultural Facilities Master Plan, a project of the Arts & Science Council of Charlotte-Mecklenburg, in partnership with the Foundation For The Carolinas and Charlotte Center City Partners with additional funding provided by the James L. and John S. Knight Foundation and the National Endowment for the Arts

The plan was presented by Mark Bernstein and Robert Bush on behalf of the Arts and Science Council.

Highlights

The vision for Charlotte-Mecklenburg’s cultural facility development:

- Enables cultural institutions to move forward with their individual plans yet contains the framework to connect them to the broader vision of Charlotte-Mecklenburg’s future and to each other;
- Addresses not just the facility needs within Charlotte’s Cultural District but the needs of the rapidly growing municipalities and neighborhoods across Mecklenburg County;
- Builds upon the community’s commitment to education and the integral role that cultural institutions play in academic attainment and lifelong learning;
- Recognizes the changing dynamics of our suburban communities and our public institutions;
- Articulates the needs of neighborhoods and municipalities as well as the Center City Cultural District;
- Values historic preservation as an important resource and tool for connecting us to our past;
- Supports the role of culture in a vibrant tourism industry;
- Creates opportunities for shared infrastructure and collaboration; and
- Forges new partnerships that will create the synergy required for cultural institutions to thrive, propelling the next 25 years of cultural development.

The themes that provide the context for the Plans recommendations are:
1. **Target Markets – Whose needs are we trying to meet?**
2. **Cultural Offerings – What types and mix of facilities are needed?**
3. **Facility Placement and Infrastructure – Where should cultural facilities be located?**
4. **Public/Private Partnerships – How do we make our vision a reality?**

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

(22) **CHARLOTTE-MECKLENBURG SCHOOLS AUDIT OF COUNTY ONLY FUNDING (COMMISSIONER JAMES)**

In light of the Board’s meeting with the Charlotte-Mecklenburg Board of Education and subsequent information to be received as a result of that meeting Commissioner James stated that no action was required at this time on Item 22 Charlotte-Mecklenburg Schools Audit Of County Only Funding. The Board was being asked to consider authorizing County staff to contact Charlotte-Mecklenburg Schools’ staff in order to provide a full audit of County-only funding for Charlotte-Mecklenburg Schools, either by the School’s auditor or by the County’s Auditor and to report back to the Board the particulars regarding the audit request.

**ADJOURNMENT**

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:45 P.M.

____________________
Janice S. Paige, Clerk  
____________________
Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center on Tuesday, March 16, 2004 at 2:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms, Bill James Norman A. Mitchell, Sr., Jim Puckett Dan Ramirez, and Ruth Samuelson County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner Woodard

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

The Board met with members of the Charlotte-Mecklenburg Board of Education to discuss the “Agreed Upon Procedures” report of Deloitte & Touche and a “Funding Framework” proposal for Charlotte-Mecklenburg Schools (CMS).

Two other topics scheduled for discussion following the CMS matters were Debt/Capital and Fleet Replacement/Management.

(1) “AGREED UPON PROCEDURES” REPORT

County Finance Director Harry Weatherly presented the “Agreed Upon Procedures” Report of Deloitte & Touche.

Note: Deloitte & Touche representatives were not present.

Commissioner Clarke entered the meeting during this time.

Director Weatherly also addressed the resolution adopted by the Board requesting the report.

Director Weatherly noted the following:

- It was understood when the process began that it would not be a “fullfledged” financial audit.
- The audit would be of the seven items listed in the adopted resolution, entitled “Mecklenburg County Board of Commissioners Resolution Concerning Board of Education Financial Information.”
- The audit would not be on the County’s total appropriation to CMS.
- The report does not give a conclusion and that in accordance with accounting standards an opinion for conclusion is not given.
- It is up to the user of the report to draw their own conclusion.
- The seven items noted in the resolution, which are the areas counties in North Carolina are required by statute to provide funding for school operations were:
(1) Maintenance/repair of school buildings [G.S. 115C-524(b)]
(2) Supplies for school buildings [G.S. 115C-522(c)]
(3) Sites for school buildings [G.S. 115C-426]
(4) School buildings [G.S. 115C-521(b)]
(5) School furniture and apparatus [G.S. 115C-522(b)]
(6) Garage and maintenance equipment for school buses [G.S. 115C-249(e)]
(7) Water supply and sewerage facilities [G.S. 115C-522(c)];

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

Director Weatherly stated that the report was being provided to the Board as information and that staff would wait for further direction from the Board.

Comments

Chairman Cox said in his opinion Appendix A of the report was responsive to the matters outlined in the resolution.

Chairman Cox noted that there were Board members who felt the report should have addressed more than the seven items listed in the resolution. He said that some felt it should have included an audit of the funds that the County appropriated to CMS and how much of those funds were spent for the purposes indicated in CMS’s budget request.

Chairman Cox stated, however, that he did not recall this being the case, nor was it addressed in the resolution that was adopted.

Commissioner James stated that in his opinion the report did not address matters that he thought it should have, which was the additional piece referenced by Chairman Cox.

Commissioner Puckett stated that he also thought the report would have addressed more.

Commissioner Helms stated that they felt the report covered everything that was outlined in the resolution adopted by the Board.

Commissioner James stated that what he wanted was for CMS to have their auditor audit the “county-only” dollars.

Commissioner James stated that he “had no idea” how CMS’s budget request made in March related to the function code budget produced in June.

Commissioner James stated that he wanted to make sure that both bodies were speaking the same financial language during the budget process.

Commissioner Mitchell noted that the County Commission should not try to micro-manage the Board of Education who was also an elected body.

Commissioner Puckett noted that the County was mandated to provide certain funding to CMS but not at a certain level.

Commissioner Helms entered the meeting during this time.

Chairman Cox suggested that if any Board member wanted a more fuller report that they should place that request on the Board’s agenda for consideration.

Board of Education Member Larry Gauvreau said he felt the County should ask for a more broader report. He noted that he thought a supplemental audit would have been received.

Commissioner Clarke noted that on the Board’s regular meeting agenda Commissioner James has an item requesting an audit of “county-only” dollars, but that he felt the County should
have a good estimate of the cost of doing such an audit before any action is taken. Commissioner Helms said the only thing that needs to happen is for the BOCC and the BOE to share the appropriate information in order to craft a good budget. He said an audit was not needed in order to do this.

Chairman Cox noted that a supplemental audit was not received nor requested.

This concluded the discussion. It is not inclusive of every comment and/or question asked but reflects key points and requested follow-up. No action was taken regarding this matter.

(2) “FUNDING FRAMEWORK” PROPOSAL FOR CHARLOTTE-MECKLENBURG SCHOOLS

County Manager Jones, Deputy County Manager Russ Crider, Superintendent of Schools James Pughsley, and CMS Finance Officer Sheila Shirley addressed the “Funding Framework” proposal for CMS that had been worked on by County and CMS staff.

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

Highlights of the Funding Framework:

**Principles:** An agreed upon set of concepts or criteria evident, over a defined period of time, in a given structure.

**Framework:** A structure which serves as a foundation for developing a long range (3 years) plan.

**Formula:** A quantitative set of rules or an equation which, when consistently applied, results in a comparable funding allocation.

**Listing Of Principles:** The principles which follow are “drivers” upon which the funding framework structure was developed and for the purposes of this presentation, define quantitatively a formula which may be used to calculate the combined amount of funding for operations and capital to be allocated by the Board of County Commissioners to the Charlotte-Mecklenburg Board of Education on an annual basis.

1. Ensure funding is predictable and sustainable. (9-26) (2&5)
2. Recognize operating and capital (debt-service funding) would come from a single appropriation. (22-24)
3. Ensure that funding relationship is multi-year: know over a 3-year period. (D-F)
4. Ensure framework is designed to identify a minimum allocation, not a maximum. (16)
5. Provide for responsiveness to growth in the student population. (15)
6. Ensure that funding is based on demonstrable results. (14-BSC)
7. Build a new seat for each new child. (17-21)
8. Adopt a refurbishment program – target would provide funding to sustain a seat refurbishment program over a period of time. (17-21)
9. Adopt a program to reduce the need for mobile classrooms to an acceptable time frame. (17-21)
10. Commitment by BOCC not to request refund of BOE monies remaining at year-end.

**Assumptions:**

1) Minimum of 4% increase over prior year adjusted base allocation amount – designed to correlate with student population growth and provide maintenance of current effort.
2) The components of the two-½ cent sales taxes would continue to be applied to CMS debt service.
3) Opening of New Facilities – designed to allow for increase in funding based on the per square foot amount (derived from the previous year) * the new square footage to be added. In addition, this also includes funding for new staffing required to open the new
4) Debt service reflected is based upon annual bond sales of approximately $150 million.

5) Salary Increase Above 2% - For example, if the state provides a 5% increase, the funding framework would include additional funding to provide for the 3% salary increase for locally paid employees (% above 2%). In 2004-05, this would equate to approximately $5.3 million. There is a placeholder on the spreadsheet for this trigger in future years; however, no projections of the amounts are reflected beyond 2004-05.

**Level I, II, and IV Enhanced Funding** – designed to provide additional funding for our most challenging populations. Based on the total number of students who score at Level I and II on the preceding year EOG tests in grades 3-8, and 25% of those who score at upper-Level III and lower-Level IV on EOG in 3-8. This would also include high school students who score at Level I, II and 25% of students who score at upper-Level III and lower-Level IV on the EOC tests given the preceding spring.

- **Assumption Calculation** (for illustration purposes) – the estimate equates to approximately 30,000 students or approximately 25.5% of the student population.
  
  Therefore, the formula would provide a 20% increase in the per pupil amount funded for these specific students, i.e., for FY 2004-05:
  
  \[(117561*25.5\%)*($2392*20%) = $14,341,502.\]

**Triggers:**

**Exceptional Growth** - designed to cover growth in excess of projected increase in enrollment. Recommend this be funded from an ADM reserve to be held by the county. Formula would be: (Actual 20th day enrollment less projected student enrollment) * per pupil allocation (based on current year adjusted base allocation per pupil amount) i.e., In FY 2004-05, if projected enrollment was 117,561 and 20th day actual enrollment was 117,761, the result is growth in excess of projection of 200 students = 200 * $2392 = $478,400 additional funding to be allocated from an ADM reserve held by the county. No adjustments are reflected in the model for future years, but this would be the manner in which this trigger would work.

The above principles, framework, assumptions and resulting formula shall be agreed upon by the Mecklenburg Board of County Commissioners and Charlotte-Mecklenburg Schools Board of Education.

\(^{(i)}\) Evidence by way of Equity+ schools indicates that +30% differentiation will produce demonstrative results.

It was noted that the funding framework was not a static model but a live model with things changing as the process continues. Also, that it would be tweaked based on comments received.

**Comments**

Commissioner Puckett asked what was the rationale for why the County would automatically pay above 2% for teacher salary supplement even if the County only plans to pay its own employees 2%.

Staff’s response was that there were teachers and other district employees paid fully by the County and that if the state provides a 5% salary increase for state funded teachers and the County only provided a 2% increase there would be equity problems.

Commissioner Puckett said he did not think the County’s supplement should be based on what the state does. He said all County employees, including those that work for CMS, should be treated the same.

Commissioner James asked why was it being assumed that there would be a 4% increase in the Schools’ operating budget, when it’s not known if the Schools spent what was previously allocated efficiently.

Staff’s response was that historically the School’s growth has been about 4%.
Commissioner Puckett questioned the accuracy of the 4% growth.

Chairman Cox stated that the County should not want to commit to a funding framework that “guarantees pressure increases” on the property tax every year.

Chairman Cox asked for clarification of various columns on the spreadsheet, which was given.

Staff noted that the numbers used in the spreadsheet were projected estimates, done prior to the January 04 sale.

Chairman Cox asked regarding Line 14 of the spreadsheet, “What should we expect with the additional appropriation of $14 million to the set of children that would receive the benefits of this enhanced funding?”

Dr. Pughsley stated that he felt CMS had the ability via its balanced scorecard to give evidence of that.

Chairman Cox noted that he would define demonstrable results as being able to state the following:

- “This is what we are going to do and this is what we have done with these set of children.”
- “These were the results we achieved and therefore we proposed to do same thing to a greater population with this enhanced funding.”

Chairman Cox asked CMS officials if they would consider an initiative that focused on feeder schools to under performing high schools? He specifically mentioned West Charlotte High School.

Dr. Pughsley noted that feeder schools have taken on a little different definition today than three years ago because of the Choice Plan. He stated that if students stayed in their home school then that could be done with a great deal of certainty, however when students reach the exit points, 5th and 8th students go in different directions. Dr. Pughsley said that it was a “pipeline” problem, which was probably what Chairman Cox was referring to and that they were aware of this.

Dr. Pughsley stated that despite this problem, CMS was sending a better product from elementary and middle schools today than it was a few years ago.

Dr. Pughsley concluded by saying they were aware of the problem and how to fix it, but that they need the resources to do it. Also, that CMS was accountable and prepared to give the “hard evidence” of progress as it relates to student achievement.

Chairman Cox said that he was interested in seeing the correlation between the County’s appropriation to the Schools and the proven results that CMS achieved.

Dr. Pughsley stated that his staff was in the process of doing a cost/benefit analysis to show that relationship.

Commissioner Puckett noted that he did not see in the information presented any lessening of the County’s funding because of anticipated increases in state or federal funding.

Dr. Pughsley stated that this was not taken into consideration when developing the model.

Commissioner Clarke noted that the two staffs had done a “good faith effort” to try and build a flexible framework for the funding formula, but unless the two bodies come to some agreement around the assumptions, it’s going to be difficult to get the framework to a state where it’s useable.
Commissioner Clarke suggested further discussion needs to probably occur regarding the principles in order to build some consensus.

Chairman Cox noted that the funding framework was just one of the principles.

Chairman Cox said other principles that Dr. Pughesley talked about include, “if you save a dollar we won’t take it from you.” Chairman Cox stated that this has been a problem in the past where the Board of Education will claim money for enhanced efficiencies and the County would say “that’s good” we’ll take that money and reduce the next year’s allocation. Chairman Cox said that this was a principle where there has to be some agreement on.

Chairman Cox said another principle to be considered would be if the County was to fund Line 14, would the Board of Education be willing to provide the County with reports on how much of the money allocated for that line item was spent and on the purposes for which it was targeted?

Dr. Pughesley said yes, if it were confined just to that line item. He noted that what tends to happen, however is that things grow beyond the initial request.

Commissioner Samuelson said that she appreciated the hard work the two staffs put into the framework, but that she had significant disagreements with some of the principles and assumptions presented.

Commissioner Samuelson noted that sometimes people tend to forget that the County Commission is not the party primarily responsible for fixing the education system, that the state is the primary funding source and the Board of Education is the primary determiner of how funds are spent.

Commissioner Samuelson noted that the County had other obligations for which the County was the primary funding source.

Commissioner Samuelson stated that per her review of the assumptions and principles presented the County bares all of the risks, be it economic, market or the risk of the state or federal government taking dollars away from the County.

Commissioner Samuelson said she has a problem with any formula that does not reflect the fact that the County’s revenues and responsibilities change. She said the County can’t lock the Schools into something that then, of necessity, requires that the County “rob” its other mandated services for which the County was the sole or primary funding source, or that the County would have to go and take those dollars from the public via a tax increase.

Chairman Cox noted that the principles came from him as an attempt to try and establish a way of doing business that could be sustainable and could get the County and the Schools out of the squabbles that occur every year when it comes to funding schools.

Board of Education member Molly Griffin noted that it was the Board of County Commissioners that made the request for the development of a funding formula and not the Board of Education.

Member Griffin noted also that until the Board of Education is given its own taxing authority there would continue to be tension every year regarding CMS funding.

Commissioner Helms noted that he has never really been supportive of the formula concept, but that if there was going to be a formula, he felt that what staff outlined goes a long way towards accomplishing that. He stated that it would result in a “tax equivalent” increase, which is not necessarily a property tax rate increase. He stated that what he sees in the formula is the five cents that he has referenced in the past as the figure that was needed for the next budget cycle.

Chairman Helms said he thinks it’s important that the County has a stake/investment in the Charlotte-Mecklenburg School system.
Commissioner Ramirez thanked both staffs for their work on the framework. He noted that he was disappointed that the two bodies were not at the point of understanding better the needs and constraints that each body was faced with. He said that he had hoped as a result of the one-on-one meetings that had occurred that the two bodies would have been closer to reaching that point of understanding or consensus.

Commissioner Ramirez said that his preferred solution and the one that was probably the most equitable would be to have a factual per pupil funding method, as Commissioner Helms has referenced in the past.

Board of Education Chairman Joe White noted that Charlotte-Mecklenburg Schools really should not be compared to other school systems because it’s not always a comparison of “apples to apples.” He noted that CMS is often compared to Wake County but that Wake County deals with less than half of the children on free/reduced lunch than what CMS does.

Chairman White noted that he and Chairman Cox both believe that every elected official in Mecklenburg County is seriously interested in educating all children within the community. He stated that there may be different philosophies and philosophical differences around how to achieve that but that everyone is interested in the education of the children.

Chairman White noted that what he and Chairman Cox were trying to do was to find some type of funding framework that would make the budgeting process predictable and sustainable. He stated also that from the Board of Education’s perspective it also needs to be adequate in order for CMS to educate the children. Chairman White noted that he also understood the County’s perspective that it also needs to be affordable.

Chairman White concluded by thanking both staffs and the County Commission for the work that has been done to get the two bodies to this point. He also made the following statement: “The process of education is expense. There is no cheap way to do it. The process of a lack of education is much more expense in the long run than the process of education on the front end.”

County Manager Jones in his closing remarks again thanked school officials for working with he and his staff. He noted that the model does need to be tweaked and would be.

County Manager Jones said that he felt if agreement could be reached around the base operating piece than the other pieces would take care of themselves.

County Manager Jones concluded by saying that for him as a manager having a framework with some predictability was an important consideration for him.

Chairman Cox concluded the meeting by thanking the Board of Education for meeting with the Board. He said that the two bodies would reconvene at the appropriate time if deemed necessary by the County Manager and the Superintendent.

This concluded the discussion. It is not inclusive of every comment and/or question asked but reflects key points and requested follow-up. No action was taken regarding this matter.

(3) DEBT/CAPITAL UPDATE

Because of time constraints this item was not addressed.

(4) FLEET REPLACEMENT/MANAGEMENT

Because of time constraints this item was not addressed.

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There being no further business to come before the Board that the meeting was adjourned by
common consent at 4:25 p.m.

Janice S. Paige, Clerk

Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 6, 2004  5:00 P.M.

NORTH CAROLINA

MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, April 6, 2004.

ATTENDANCE

Present:  Chairman Tom Cox, Commissioners
           Dumont Clarke, H. Parks Helms
           Bill James, Norman A. Mitchell, Sr.
           Jim Puckett, Dan Ramirez
           Ruth Samuelson and Valerie Woodard
           Deputy County Manager Russell Crider
           County Attorney Marvin A. Bethune
           Clerk to the Board Janice S. Paige

Absent:  None.

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-INFORMAL SESSION-

(1A) STAFF BRIEFING CHARLOTTE-MECKLENBURG HISTORIC LANDMARKS COMMISSION

The Board received a presentation on the operations of the Charlotte-Mecklenburg Historic Landmarks Commission. The Board was also provided a list of properties in Mecklenburg County designated as Historic Landmarks. The presentation was made by Jeff Bradsher, Chairman of the Historic Landmarks Commission.

No action was taken nor required at this time.

Chairman Cox thanked Mr. Bradsher for his report.

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

(1B) STAFF BRIEFING FREEDOM MALL – PROPOSED USES

The Board received a presentation on proposed uses of Freedom Mall. The presentation was made by Mark Hahn, Director of Real Estate Services and Gustavo Mibelli, Real Estate Services.

It was noted that the Board approved the purchase of Freedom Mall with the understanding that it would be utilized to meet future space needs of County departments.

Mr. Mibelli reviewed various scenarios for the building and site, including the specific departmental uses intended, as well as, anticipated time frames and costs.

Comments
Commissioner James stated that he would be interested in knowing if there was any interest on the part of the new Board of Education for relocating their central administrative offices to the
Commissioner Helms stated that he would like to see a Small Area Plan for the entire Freedom Drive area.

No action was taken nor required at this time.

(2A) CLOSED SESSION LAND ACQUISITION

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

Tax parcel # 047-191-03 on Mallard Creek at U.S. Highway 29 owned by Robert F. Alexander et al.

The Board went into Closed Session at 6:00 p.m. and came back into Open Session at 6:03 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 9, 15, and 19.

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

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

-FORMAL SESSION-

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

Commissioner Woodard entered the meeting following the invocation.

(27) REQUEST TO ACQUIRE LAND EASEMENTS THROUGH MECKLENBURG COUNTY

The Board received a presentation from City of Monroe Officials regarding their plans to construct a natural gas pipeline.

Mayor Judy Davis and Don Mitchell Energy Services Director for the City of Monroe presented their request to the Board.

The City of Monroe is proposing to construct a natural gas pipeline originating at the Transcontinental Pipeline (TRANSCO) near Mooresville, NC and extending to connect to the existing natural gas system serving Monroe and other portions of Union County. The project would require acquisition of approximately 150 parcels within Mecklenburg County. G.S. 153A-15 provides that, for certain listed counties including Mecklenburg, before a unit of local government outside the county may acquire or condemn land in the county, the Board of Commissioners must approve the acquisition or condemnation.

Commissioner James noted that the Mayor and Council members for the towns of Matthews and Mint Hill should be informed of this request and notified of the hearing.

Chairman Cox encouraged officials from the City of Monroe to seek the support of those
municipalities that would be impacted by the construction of the gas pipeline.

Commissioner Ramirez asked had there been any discussions with Piedmont Natural Gas regarding the construction of the gas pipeline.

Mr. Mitchell stated that discussions had taken place with Piedmont Natural Gas and that they were supportive of the City of Monroe’s plans.

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive the presentation from City of Monroe Officials regarding their plans to construct a natural gas pipeline and to set a public hearing for May 5, 2004 at 6:30 p.m. to receive public comments regarding the City of Monroe’s plans to construct a natural gas pipeline.

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

(1A) **PROCLAMATION WEEK OF THE YOUNG CHILD**

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to adopt a joint proclamation designating April 18-24, 2004 as the Week of the Young Child in Charlotte and Mecklenburg County.

*The proclamation was read by Commissioner Ramirez and accepted by Kim Vanover with the N.C. Association for Education of Young Children Southwest and Jane Myer, Executive Director of Smart Start.*

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

(1B) **PROCLAMATION CHILD ABUSE AWARENESS AND PREVENTION MONTH**

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation declaring April 2004 as Child Abuse Awareness and Prevention Month in Mecklenburg County.

*The proclamation was read by Commissioner Clarke and accepted by Frank Crawford of Youth Homes, Inc. and Richard Jacobsen, director of Social Services.*

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

Commissioner Puckett returned to the dias.

(1C) **PROCLAMATION INCOME MAINTENANCE ELIGIBILITY PROFESSIONALS WEEK**

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating April 19-23, 2004 as Income Maintenance Eligibility Professionals Week in Mecklenburg County.

*The proclamation was read by Commissioner Woodard and accepted by Richard W. Jacobsen, Jr., director of Social Services and members of his Eligibility staff.*

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

(1D) **PROCLAMATION FAIR HOUSING MONTH**
Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a joint proclamation designating April 2004 as Fair Housing Month in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Mitchell and accepted by Don Steger, Chairman of the Community Relations Committee.

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

(1E) PROCLAMATION SCOTTISH HERITAGE WEEK

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating April 2004 as Scottish Heritage Month in Mecklenburg County.

The proclamation was read by Commissioner Puckett and accepted by members of the Scottish Heritage Society.

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

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Blanche Penn thanked the Board and specifically Commissioner Woodard for inviting students from the Winters Plus Agency program to have dinner with the Board and to sit in on the Informal Session of the meeting. Ms. Penn addressed the Winters Plus Agency’s work with various students.

Jim Johnson with Nevins, Inc. and Carol Davis a recipient of the services provided by Nevins, Inc. thanked the Board for their support of Nevins, Inc. and persons with developmental disabilities. Ms. Davis described her work at a local Eckerds. Mr. Johnson noted the services provided by Nevins.

Greg Price, a bondsman, addressed concerns he had with Pre-trial Release services. He stated that persons were being released through Pre-trial Release that have been charged with drug trafficking and assault on a female. He noted also the release of someone that was mentally unstable. Mr. Price stated that he felt persons should not be released through Pre-trial Release when charged with these types of offenses. He stated that he was supportive of Pre-trial Release services but that it should be used for misdemeanor crimes. Mr. Price requested a copy of the rules and regulations, and criteria set forth in Pre-trial Release services. He also requested information on how many persons Pre-trial Release services have released and what their charges were.

Chairman Cox asked staff to provide Mr. Price with the rules governing Pre-trial Release.

Commissioner James asked Mr. Price to provide the County Manager information regarding the incidences he noted and any others regarding the release of persons, which he felt was in appropriate so that it could be verified.

Christian Essien-Akpan informed the Board that he was assaulted by a Deputy Sheriff at the Courthouse on December 30, 2002. He stated that on this date he was in Courtroom 2205 and was asked to leave because he was talking. Mr. Essien-Akpan stated that he had not been informed of courtroom procedures. He stated that later the Deputy Sheriff took out a warrant on him citing assault on a government official and resisting arrest. Mr. Essian-Akpan stated that there was nothing for him to be arrested for. He stated that when he was placed in jail he suffered
many bruises and pains, which resulted in numerous medical bills. He noted further that he filed
a complaint with the Sheriff’s Office but had not received a satisfactory response. He stated that
he was convicted of the charges, however, he appealed and the case was dismissed. He stated
that he was informed that the Deputy Sheriff that assaulted him was no longer with the Sheriff’s
Office.
Mr. Essien-Akpan asked the Board to look into this matter on his behalf because he has
outstanding medical bills that he can’t afford to pay by himself. He noted also that because of the
charges that were pending on him he lost job opportunities.

Chairman Cox asked that the County Manager request a full report from the Sheriff regarding
Mr. Essian-Akpan situation and that it be provided to the Board and made a matter of public
record.

Chairman Cox informed Mr. Essien-Akpan that he was not sure if the Board could do anything
regarding his record.

Reverend Willie Simpson addressed his organization called Witness of Peace (We Care). He
stated that last year We Care feed about 420 people in one of the parks and provided educational
information. He stated that We Care would like to hold this same type of event on May 15, 2004
at Progress Park. He asked the Board to adopt this program so that it can continue. He noted that
he was currently faced with an insurance issue. Rev. Simpson stated that assistance was received
last year from Park and Recreation and that there were no incidences. He asked that the
insurance requirement be waived and that the Board adopt his program.

Chairman Cox asked Reverend Simpson to follow-up with Commissioner Woodard regarding
his request, since the event would be taking place in District 3.

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

(3B) SCHEDULE OF UPCOMING NOMINATIONS/APPOINTMENTS

The Board received the following information regarding upcoming nominations/appointments
for
April 20, 2004:

- Application Deadline April 9, 2004; Nominations April 20, 2004; Appointments May
- Adult Care Home Community Advisory Committee
- Architectural Selection Committee (General Contractor Needed)
- Area Client Rights Committee
- Historic Landmarks Commission
- Nursing Home Community Advisory Committee
- Personnel Commission
- Storm Water Advisory Committee
- Waste Management Advisory Committee

(3A) APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

The vote was taken on the following nominee for appointment to the Building Development
Commission:

Komisin, John C. Commissioners Clarke, Cox, Helms, Mitchell,
Puckett, Ramirez, Samuelson, and Woodard

Chairman Cox announced that John C. Komisin was appointed to the Building Development
Commission as the Charlotte Chamber of Commerce representative and as Chair of the Building Development Commission for the duration of his term, expiring July 18, 2004.

Mr. Komisin is filling the unexpired term of James Clements.

CHARLOTTE CERTIFIED DEVELOPMENT CORPORATION

The vote was taken on the following nominees for appointment to the Charlotte Certified Development Corporation:

Chirico, Edna
DiCristo, John
Geddings, Kevin
Moore, John L. III
Mussouni, Thomas
Ridings, Sandra H.
Taylor, Todd C.

Commissioners Clarke, Mitchell, Puckett, Ramirez,
Samuelson, and Woodard
Commissioners Helms and Puckett
None
Commissioners Clarke, Cox, Ramirez, Samuelson,
and Woodard
Commissioners Cox, Helms, Puckett, Ramirez, and
Samuelson
Commissioners Clarke, Helms, and Mitchell
Commissioner Cox

Chairman Cox announced that Edna Chirico, John L. Moore, III, and Thomas Mussouni were appointed to the Charlotte Certified Development Corporation for three-year terms expiring April 30, 2007. They are replacing Mary Bruce, Greg Pappanastos, and Mark Stevens.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Clinton, Hannah M.
Horton, Lawanda
Ross, Larry G.
Treadwell, John
Vetter, Connie J.

None
Commissioners Cox, Puckett, Ramirez, Samuelson,
and Woodard
None
None
Commissioners Clarke, Helms, and Mitchell

Chairman Cox announced that Lawanda Horton was appointed to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring July 2, 2005. She replaces Maura Chavez.

ENGINEERS AND SURVEYORS SELECTION COMMITTEE

The vote was taken on the following nominee for appointment to the Engineers and Surveyors Selection Committee:

Elliott, Edward J.

Commissioners Clarke, Cox, Helms, Mitchell,
Puckett, Ramirez, Samuelson, and Woodard

Chairman Cox announced that Edward Elliott was appointed to the Engineers and Surveyors Selection Committee for a three-year term expiring April 6, 2007. He replaces Ira Pearce.
INFORMATION SERVICES & TECHNOLOGY COMMITTEE

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

Boral, Ralph       Commissioner Mitchell
Greenwood, John    Commissioners Clarke, Cox, Helms, Mitchell, Ramirez, and Woodard
Lillard, John      Commissioners Samuelson and Woodard
McMillian, Scot    None
Vordermark, Jon D. Commissioners Clarke, Cox, Helms, Puckett, Ramirez, and Samuelson

Chairman Cox announced that John Greenwood was appointed to the Information Services & Technology Committee to fill an unexpired term expiring, February 4, 2005 and Jon Vordermark for a three-year term expiring, February 4, 2007.

They are replacing James Hayes and Gary Zukowski.

Commissioner James returned to the dais.

(3C) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Lynn Boggs to the Mecklenburg EMS Joint Agency Board of Commissioners as the Presbyterian Healthcare System representative effective April 7, 2004.

Ms. Boggs will replace Mr. Steve Carpenter.

(2A) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase of Tax Parcel 047-191-03 on Mallard Creek at U.S. Highway 29 from Robert F. Alexander et al for $8,700.

Note: This property will be part of the new greenway segment between I-85 and U.S. Highway 29.

(4A) PUBLIC HEARING NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing to receive comments from the public on Mecklenburg County Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2004-2005.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing regarding Mecklenburg County Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2004-2005. Secondly, to adopt a Resolution
authorizing 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 2004-2005.

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

(4B) PUBLIC HEARING CHARLOTTE-MECKLENBURG REGIONAL CONSORTIUM PROGRAM

Motion was made by Commissioner Helms, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing to receive comments and recommendations regarding allocation of federal (HUD) consortium funds.

No one from the public appeared to speak.

Stan Wilson, Neighborhood Development - Housing Manager with the City of Charlotte addressed this matter.

Mecklenburg County is a member of the Charlotte-Mecklenburg Regional Consortium along with the City of Charlotte, and the towns of Mint Hill, Matthews, Pineville, Huntersville, and Cornelius. The purpose of the hearing is to obtain comments and recommendations from the public regarding how the Charlotte-Mecklenburg Regional Consortium should spend its dollar allocation.

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing regarding allocation of federal (HUD) consortium funds.

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of items 9, 15, and 19 to be voted upon separately:

(7) APPROVAL OF MINUTES


B) Approve amending minutes of March 2, 2004 to reflect the following changes:

1. Item 3 Appointments Nursing Home Community Care Advisory Committee: Change the expiration date for Yvonne Satterfield and Barbara Whitt from March 2, 2007 to March 2, 2005.

2. Item 20 Mecklenburg County Disparity Study Report: Change in the 13th bullet the word “neutral” to the word “based.”
(8) PUBLIC SERVICE & INFORMATION REVENUE

Recognize, receive and appropriate $16,680 to be used for the printing of Mecklenburg Matters leaflet and insertion into City of Charlotte utility bills to educate the community about Mecklenburg County services.

Note: This is the amount of additional revenue generated through Public Services and Information’s Resource Development efforts.

(10) PROPERTY EXCHANGE WITH BOARD OF EDUCATION

Approve exchange of County-owned Tax Parcel # 161-043-01 at Oakhurst School for Board of Education’s orphan Tax Parcel #151-113-73 on Hillside Avenue at Little Sugar Creek.

(11) FREEDOM PARK INDOOR SHELTER CONSTRUCTION

Award a construction contract in the amount of $798,401 to Farley Associates, Inc. for the renovation of the existing indoor picnic shelter at Freedom Park.

Note: The renovated facility of approximately 5,738 square feet will include meeting space, new restrooms, park offices, an exterior terrace, and other support spaces.

(12) TAX REFUNDS

Approve tax refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $42,136 resulting from clerical errors, audits and other amendments.

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

(13) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

Set a public hearing on April 20, 2004 at 6:30 p.m. on Street Lighting Preliminary Assessment Rolls for the Capps Hollow, Mountain Point Estates, Mountain Point, South Bridge Forest, McGinnis Village, and Cardinal Woods Subdivisions.

Resolutions recorded in full in Minute Book 42-A, Documents #

(14) HEAVY EQUIPMENT PURCHASE - LUESA

Approve one-time contracts for the purchase of one (1) excavator and one (1) tub grinder in the total amount of $523,614.00 to the following lowest, responsive, responsible bidders as follows:

Saba Holdling Co. dba L.B. Smith Charlotte, NC $113,628
J.W. Burress, Inc. Charlotte, NC $409,986

Note: The heavy equipment currently used for handling yard waste needs replacing to support the operations at the Compost Central facility.

(16) DESTRUCTION OF DOCUMENTS - LUESA
Approve the disposal of the following Land Use and Environmental Services Agency records and plans in accordance with North Carolina records retention policies:

- 6 boxes of permitting and inspections records dated January and February of 2004 that have been imaged on optical disk and verified in lieu of originals.
- 511 commercial project plans permitted in January and February of 2002.

(17) **REVENUE/EXPENSE MODIFICATION TO PARK AND RECREATION OPERATING BUDGET**

Recognize and appropriate $89,673 in participant fee for Park and Recreation senior trips.

(18) **NEW GOVERNMENT DISTRICT PARKING DECK PROJECT – CONTRACT FOR SITEWORK AND FOUNDATIONS**

Authorize the County Manager to negotiate and execute a contract with the low bidder, Crowder Construction Company for the Sitework and Foundations Package within the $4,300,000 allocated for Sitework and Foundations for the New Government District Parking Deck.

(20) **FUTURE OF POLICING LAW ENFORCEMENT SERVICE DISTRICT (LESD)**

Adopt a resolution to amend the Agreement Between The City Of Charlotte And Mecklenburg County For The Continued Consolidation Of The Charlotte-Mecklenburg Police Department to incorporate a new funding method for the Law Enforcement Service District.

*Note: County payments to the City for police services will remain at their present level for the next four years; leaving the LESD tax rate at 16.79 cents.*

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

(21) **EXEMPTION FROM FORMAL PROCESS FOR SELECTION OF ENGINEERING FIRM**

Adopt a resolution exempting the proposed Jail heating pipe repair project from engineering selection requirements.

*Note: Recently the Jail has experienced numerous leaks in the galvanized pipes that are part of the hot water heating system for certain areas within the Jail. Testing and expert analysis has determined that the galvanized pipes in the system have become pitted with holes caused by copper particulates in the water and iron/zinc polarity reversal. Because of the extensive water damage that could occur in the Jail if the piping is not replaced very soon, it is necessary to hire an engineering firm to design repairs to the system more quickly than could be done if the normal engineering selection process were to be followed. This Resolution will allow the Director of Real Estate Services and the County Manager to more quickly select an engineering firm and get this repair project underway. The repairs to the Jail will be formally bid and the Board will be asked to approve the low bidder to make the repairs as soon as the specifications can be prepared and bid.*

Resolution recorded in full in Minute Book 42-A, Document #
Approve the site master plan for the County owned park property at Bud Henderson and Beatties Ford Roads.

Note: The Town of Huntersville currently leases this 41-acre tract of county-owned parkland and intends to develop it as an active ballfield complex for the community. The Town contracted with a consultant (Site Solutions) to prepare a park master plan, which was presented to the public via two (2) community workshops. Input was received and original site plans were changed to address issues and concerns raised at these meetings. The Town of Huntersville’s Park Commission and Board as well as the County’s Park and Recreation Commission and Northwest Park District Advisory Council have all reviewed and approved the current park master plan that has been developed.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

Vice-Chairman Ramirez chaired the meeting until Chairman Cox returned.

**9) GRANT REVENUE FOR SCHOOL BUS RETROFIT PROJECT**

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize, receive and appropriate grant revenue in the amount of $50,000 from the Mobile Sources Emissions Reductions Grants program for retrofitting approximately 50 school buses with emission control devices to reduce air pollutants including carbon monoxide, hydrocarbons and particulate.

Laura Cummings with the Land Use & Environmental Services Agency addressed this matter prior to the above vote.

Commissioner Clarke removed this item from consent for more public awareness.

**15) ENDERLY RECREATION CENTER CONSTRUCTION – ENGINEERING TESTING & INSPECTION SERVICES**

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to negotiate a fee and execute a contract with Titan-Atlantic Terracon Inc. for Engineering Testing and Inspection Services for the new recreation center.

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

**19) NEW COURTHOUSE PROJECT - CONTRACT FOR TERRAZZO**

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to award a construction contract for Terrazzo to Carolina Marble & Tile Company, Inc. in the amount of $877,249.

Commissioner Woodard removed this item from consent to inquire about MWBE status of the contractor. It was noted that Carolina Marble & Tile was a Woman owned company.

Commissioner James asked that staff add another column to the bid tabulation chart to indicate
whether bidders are MWBE or not.

Commissioner Cox returned to the dais and resumed chairing the meeting.

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

(23) FREEDOM PARK CHERRY TREE ACTION PLAN

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive information regarding the management plan for the long term care of the mature cherry trees in Freedom Park.

Jeff L. Robinson, Park Services Manager and Patrick George of Heartwood Tree Service addressed this issue prior to the above vote.

Note: Park and Recreation recently unveiled a restoration plan for Freedom Park that involved the replacement of twenty-one (21) mature cherry trees along the bank of Little Sugar Creek. Citizens concerns were expressed to the Central Park District III Advisory Council and the BOCC in public forums. As a result of these concerns, staff proposes to establish a partnership with “Heartwood Tree Service” to jointly develop and implement a management plan for the care of the trees. A recent assessment of the trees in question, by Patrick George of Heartwood Tree Service, concludes several of the trees can have their lives extended through selective pruning while several others merit removal. Heartwood Tree Service will perform the pruning at no charge to the County. Park staff will carry out all removals and replacements. The proposed partnership will be presented to the Central Park District III Advisory Council and Park & Recreation Commission for endorsement.

(24) SELECTION OF INDEPENDENT AUDITOR

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive the report regarding the selection of an independent auditor and approve the recommendation from the Audit Review Committee appointing Cherry, Bekaert and Holland as external auditor beginning with the June 30, 2004 fiscal year audit.

Commissioner James returned to the dais.

(25) MULTI-FAMILY HOUSING REVENUE BONDS

Commissioner Clarke asked to be excused from voting on Item 25 Multi-Family Housing Revenue Bonds to avoid a conflict of interest.

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to excuse Commissioner Clarke from voting on Item 25 Multi-Family Housing Revenue Bonds to avoid a conflict of interest.

Commissioner Helms introduced the following resolution, the title of which was read, and moved that it be adopted:

RESOLUTION GIVING PRELIMINARY APPROVAL TO ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS

WHEREAS, pursuant to N.C.G.S. § 153A-376, the Board of Commissioners of the County of Mecklenburg (the “County”) has the power to exercise directly those powers granted by law to county housing authorities created under Chapter 157 of the North Carolina General Statutes (the “Act”); and

WHEREAS, pursuant to the Act, the County has the power to issue its bonds and loan the proceeds to third parties to finance the cost of providing multifamily housing for low and moderate income persons; and
WHEREAS, First Centrum or an affiliated limited partnership or limited liability company (hereinafter collectively, the “Company”) has requested that the County assist it, by issuing bonds for its benefit, in financing the acquisition, construction and equipping of a 90-unit residential apartment community for senior citizens named the University Square Senior Apartments and located at the intersection of Hedgelawn Drive and University City Boulevard (NC Highway 49) in northeast Charlotte (the “Development”); and

WHEREAS, the County is informed that the Development is a facility that can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG:

1. The County agrees, subject to further review of the details of the Development and the proposed financing, to assist the Company in financing the construction and equipping of the Development, and, in particular, to issue the County's multi-family housing revenue bonds (the “Bonds”) in an amount now estimated not to exceed $4,700,000 to provide all or part of the cost of the Development.

2. The County intends this paragraph to be a declaration of official intent (within the meaning of Treasury Regulation Section 1.150-2) to reimburse for certain expenditures heretofore paid or to be paid by the Company, such reimbursement to be made with the proceeds of the Bonds. The Company has advanced or will advance its own funds to pay certain capital costs (the “Original Expenditures”) relating to the Development. The funds heretofore advanced or to be advanced by the Company to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the Company to permanently finance the Original Expenditures. As of the date hereof, the Company reasonably expects that it will reimburse itself for the Original Expenditures with the proceeds of the Bonds, and the maximum principal amount of the Bonds is expected to be $4,700,000.

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon among the County and the Company. The County and the Company shall enter into a “financing agreement” pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium if any, and interest on the Bonds and to pay all of the expenses of the County in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the County and a trustee (the “Trustee”) or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the County's rights to payments under the financing agreement, except the County's right to payment of fees and expenses and indemnification. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the County, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Company.

4. The County hereby authorizes the Company to proceed, upon the prior advice, consent and approval of bond counsel and the County’s counsel, to obtain approvals in connection with the issuance and sale of the Bonds and to obtain an allocation of a sufficient amount of the State of North Carolina's “private activity bond limit”, as required by the Internal Revenue Code of 1986, for the Bonds.

5. It having been represented to the County that it is desirable to proceed with the acquisition, construction and equipping of the Development, the County agrees that the Company may proceed with plans for such acquisition, construction and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Company to obligate the County without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the County's adoption of this resolution. The County agrees that the Company may be reimbursed from the proceeds of the Bonds, if and when issued, for all qualifying costs so incurred by it.

6. All obligations hereunder of the County are subject to the further agreement of the County and the Company to terms for the issuance, sale and delivery of the Bonds and the execution of a financing agreement, indenture or security agreement and other documents and agreements necessary or desirable for the issuance of the Bonds, and the approval of the Development and the Bonds by the North Carolina Volume Cap Allocation Committee and the North Carolina Local Government Commission, to the extent required by North Carolina law. The County has not authorized and does not authorize the expenditure of any funds or monies of the County from any source other than the proceeds of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Development, including the reasonable fees and expenses of the County's counsel, bond counsel and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Company, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Company and the County shall have no responsibility therefor. It is understood and agreed by the County and the Company that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or commissioners from time to time of the County.

7. The officers of the County are hereby authorized and directed to take all actions in furtherance of the resolution and the issuance of the Bonds.

8. The County hereby approves Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina, to act as bond counsel for the Bonds.
9. This resolution shall take effect immediately.

The motion having been duly seconded by Commissioner Ramirez, and the resolution having been considered, it was adopted by the following vote:

AYES: Commissioners Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard.

NAYS: None

NOTE: Commissioner Clarke did not vote on this matter. Prior to consideration of this matter he asked to be excused to avoid a conflict of interest and the Board by unanimous vote, voted to excuse Commissioner Clarke.

Resolution and Extract recorded in full in Minute Book 42-A, Document #

(26) POLICY ON SEXUALITY COUNSELING FOR CHILDREN

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 5-4, with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting yes and Commissioners Clarke, Helms, Mitchell and Woodard voting no, to receive the memorandum from the County Attorney on the proposed Policy On Sexuality Counseling For Children and approve the draft revised Policy attached to the memorandum, with the Policy to become effective May 1, 2004.

Note: The delayed implementation is necessary to provide time to communicate the new Policy to County and Area Authority employees and employees of contract agencies.

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

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:20 P.M.

_________________________________________  __________________________
Janice S. Paige, Clerk                          Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center on Tuesday, April 6, 2004 at 3:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, H. Parks Helms, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Dan Ramirez, Ruth Samuelson
Valerie Woodard
Deputy County Manager Russell Crider
Clerk to the Board Janice S. Paige

Absent: None

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

The purpose of the meeting was to discuss FY05 budget matters, including, but not limited to, Gatling Juvenile Detention Center, Fee Funding Components of Park and Recreation (Athletics and Aquatics), and FY05 Debt and Capital.

Chairman Cox called upon Deputy County Manager Russ Crider to outline the process and topics for discussion. Deputy County Manager Crider noted that no action was being asked of the Board but rather to receive information from staff and provide input.

(1) GATLING JUVENILE DETENTION CENTER

Deputy County Manager Crider addressed the Gatling Juvenile Detention Center.

Commissioners Woodard and Ramirez entered the meeting during this time.

Deputy County Manager Crider stated that the strategic question before the Board was: Should the County remain in the juvenile detention facility operations business or rely on the state to house juvenile offenders?

The following was noted:

- Housing juvenile offenders sentenced to detention is a state responsibility with a mandated County cost
- Several years ago, Mecklenburg County decided to operate its own facility, Gatling Juvenile Detention Facility, originally managed by DSS but reassigned to Sheriff’s Office two years ago
- Gatling is a 30-bed facility for males only
- Gatling is a secure detention for offenders charged with delinquent and undisciplined
offenses pending court placement disposition

- State reimburses Mecklenburg County $71 per day per juvenile, based on the State’s determination of Mecklenburg’s service costs
- Mecklenburg County pays $80 per day per juvenile to house juveniles in other facilities operated by the state, out of Mecklenburg County
- Other state facilities are located in Gaston County, New Hanover County and in Morganton, NC.

Projections

- In FY05, we project the Sheriff’s Office cost to operate Gatling will be $1,416,310 in County dollars
- If Gatling is closed, the cost will be $1,214,400. This is what it would cost Mecklenburg County to pay for the out-of-county housing. This does not include other costs, such as travel by deputies
- Other costs that would be incurred by the County if Gatling closes include an additional $3,540 in staff hours for Area Mental Health case managers to travel to and from Mecklenburg to conduct assessments and arrange for services. This is based on an estimated additional 152 staff hours for travel. While this would not increase the County’s hard costs, it would represent a significant amount of staff time spent just on traveling…preventing staff from providing other AMH services. Mileage expenditures also would increase by approximately $2,500.
- The impact on DSS would be similar to that of Area Mental Health. DSS averages between 10 and 15 children per month that it is required to personally visit. The Adoption and Safe Families Act requires that these visits be made twice per month. Both staff driving time and mileage costs would increase.
- Other organizations would have an interest related to geographic proximity. We are unable to quantify or articulate the potential impact of these organizations, but assume they would include the Public Defenders Office, the Council for Children, the Mental Health Association, as well as parents and family members of the youths in detention.

Long-Term Strategy, Implications

- There also are some implications regarding the County’s long-term strategy
- The Sheriff’s Office is projecting a need to build a new facility with design beginning in FY05, to accommodate future growth in male juveniles and to house a projected growth in female juveniles
- Debt Service for this facility would be approximately $1.2 million a year. Preliminary estimates also would increase the County’s operating cost from the current $1.4 million to nearly $4.4 million a year for this new facility.
- Whether the County remains in the juvenile detention business or not, there would be the question of the disposition of the Gatling facility and land. Any new facility would not likely be built on this property, so this facility would become open for sale or redevelopment.

Choices

There appear to be three distinct choices for the Board:
1. Get out of the business of juvenile detention now and determine the disposition of the Gatling facility
2. Remain in the juvenile detention business unless it requires additional capital investment beyond basic facility maintenance (e.g., requiring bond funds)
3. Remain in the juvenile detention business and prepare to invest in capital improvement to build a new facility for future growth.

The current cost of operating the facility is $1.4 million and the projected cost for operating a new facility as was described to the Citizen’s Capital Budget Advisory Committee would be $4.4 million because it would be a larger facility.

Comments

Chairman Cox asked would the number of juveniles be sourced entirely from within Mecklenburg County? Sheriff James Pendergraph responded that it probably would.

Sheriff Pendergraph addressed the Gatling Juvenile Detention Center and noted the following, including feedback received from Police Chief Darrel Stephens and Bill Underwood with the Children’s Law Center:

- Closing Gatling is not a good idea and the Sheriff’s Office recommends it not be closed.
- Gatling should be kept open for the community and because of the resources available here and because of local law enforcement needs.
- The proposed new facility that was on a list of proposed capital projects presented to the Citizens Capital Budget Advisory Committee was removed last year.
- A new facility is not being requested at this time because the number of juvenile detainees has dropped.
- Police Chief Darrel Stephens has expressed the following:
  - Closing Gatling would be a set back for juvenile justice in Mecklenburg County. Closing Gatling would send the wrong message to the community in terms of the priority that the County places on children and public safety.
  - It would be expense and time consuming for officers to take juveniles out of the County, especially if they need to go back and forth to interview juveniles in the course of their investigation.
  - Housing juveniles out of the County would make it more difficult for families to visit.
  - Other juvenile detention facilities do not provide the level of education for detainees as at Gatling.
  - The Charlotte-Mecklenburg Police department has a good working relationship with the administrators of Gatling.
  - Juvenile Court Judges may be less likely to place violent juvenile offenders in custody if they were to be sent out of the County, which would create additional problems, including the opportunity to commit additional offenses.
- Bill Underwood, Executive Director of the Children’s Law Center supports keeping Gatling open. They would also like to see the facility converted to house females as well.
- There are 30 beds at Gatling and on an average daily basis 21 juveniles are being housed.
- One of the reasons the number being housed has dropped is because status offenders are not being kept at Gatling anymore.
- There will be a tremendous need for having more beds readily available for juveniles in Mecklenburg County because of the juvenile problems that exist and number of gangs that are coming into Mecklenburg County.
- Sheriff Pendergraph noted also that the courts were not sentencing as many juveniles to detention as they use to. For example, in the past runaways were sent to Gatling until their court date came up but this is not occurring as much now. Also, the majority of the offenders at Gatling are rapist, robbers, murderers, and other serious felony offenders.
- Closing Gatling would be a savings of $201,000 for the County.

Chairman Cox asked Sheriff Pendergraph was it correct to say that because a new facility was not being requested that Choice #3 as presented to the Board was no longer a matter of consideration at this time regardless of the cost? Sheriff Pendergraph said that this was correct.

Chairman Cox asked how does the state determine the cost per juvenile at $71.00? The response was that it was based on the total cost that’s submitted by the Sheriff’s Office, which is then shared 50/50.
Chairman Cox asked if there was a 100 bed facility what would the cost per day be to build it, operate it and would the state be interested in setting its reimbursement rate so that the County could make the project work? Sheriff Pendergraph said that he did not know the answer to this at this point. He said that it was difficult to say what the state would agree to.

Sheriff Pendergraph stated, however, that negotiating a rate to recover the cost to house offenders from outside of Mecklenburg County was something worth looking into.

Chairman Cox noted that negotiations should occur “up front” prior to a facility being built. Sheriff Pendergraph agreed.

Commissioner Samuelson asked what prompt the County to operate its own facility years ago? Sheriff Pendergraph stated that he believed a detention facility opened in Mecklenburg County in 1968 and later became Gatling. The current facility was constructed and opened in 1972 and until two years ago was under DSS.

Commissioner Samuelson asked about the teachers at Gatling. Sheriff Pendergraph stated that the teachers were from Charlotte-Mecklenburg Schools (CMS).

Commissioner Clarke asked were the teachers funded through county dollars or state dollars. The response was probably both.

Sheriff Pendergraph noted that CMS was required to provide teachers for persons under age 16 in order to continue their education regardless of where they are.

Commissioner Samuelson asked were there to be an explosion of juvenile offenders because of gang violence or other issues, would a temporary measure be to house juveniles in the current jail? Sheriff Pendergraph stated that state law prohibits housing juvenile offenders with adult offenders.

Commissioner Ramirez asked about the status of negotiations with the State to operate Gatling? Sheriff Pendergraph stated that the State lost interest.

Commissioner Mitchell asked the Sheriff if there had been any dialogue with the District Attorney or any of the Judges regarding the impact of closing Gatling? Sheriff Pendergraph noted that he spoke briefly with the District Attorney and that he expressed concern. He has not spoken with any of the Judges.

Commissioner James requested information on the County’s total cost for operating Gatling, including the CMS cost.

Commissioner James requested information on the legal status of offering this service to boys and not girls. He said that he was concerned that the current system may be unconstitutional. He wants to know if the County has any legal exposure for only offering this service to boys and not girls.

Commissioner James noted that he agreed that keeping Gatling open or closing it does not have a big impact dollarwise but that the County was at a crossroads. He said that at some point the County was either going to have to include girls or build a building or expand it. He stated that one possible way of getting the State interested would be for the County to notify the State that the County does not plan to put anymore funds into Gatling, build a new facility, or expand the current facility until there is an understanding with the State. He said the Board needs to collectively say to the State that the County was doing the State’s job and that the County was willing to do its part, but if the State wants the County to expand Gatling or build a new facility, or provide this service to girls, then the State must be willing to do its part.

Commissioner Woodard asked what was the youngest age of children at Gatling? Sheriff Pendergraph said the youngest is usually 8 or 9 years old.
Commissioner Helms entered the meeting at this time.

Commissioner Woodard asked the Sheriff what he saw as an alternative for children that young.

Sheriff Pendergraph stated that if Gatling was not kept open, the only alternative would be to send the children out of the County. He noted that Gaston County was where assignments were made for beds for juvenile detainees, however, it’s usually at capacity. Juvenile offenders are then sent away even farther, usually to Taylorsville, New Hanover or somewhere else.

Sheriff Pendergraph noted again that if Gatling closed and based on current figures and Gatling’s housing rate that it would only save the County $200,000 over the next projected fiscal year. He stated if Gatling were at capacity then that figure would be different. Further, that it’s hard to say when Gatling may be at capacity and if it’s closed then it would cost the County more to house juveniles out of the County.

Sheriff Pendergraph noted also that Gatling was not dilapidated. He said that it was in good repair and clean. Also, that for the time in which it was built it’s okay but that it will “out live” its purpose one day.

Sheriff Pendergraph noted that the Town of Huntersville had expressed an interest in the property.

Commissioner Samuelson asked if the value of the property was known? Deputy County Manager Crider said it was not known at this time but would be obtained if this was something the Board might be interested in.

Commissioner Samuelson noted that at this point she was inclined to go with Choice #2, unless it’s determined that Gatling has exceptional value. She said that if this was true, which she doubts, then it would make sense for the County to sell the property and build a new facility further out. She said this was perhaps worth looking into.

Sheriff Pendergraph noted that property was available at Jail North for a new facility.

Commissioner Clarke asked the Sheriff to provide his comments regarding the impact of closing Gatling to the Board in writing, as well as, a copy of Chief Stephens’ letter that the Sheriff referenced.

Commissioner Helms noted that a question that has to be addressed was: If the County doesn’t provide this service, then who will? He stated that some have suggested it should be provided by the state. Commissioner Helms said if that’s the case then the question to be put before the Mecklenburg Delegation was whether this was something they were willing to take up and advocate for in the General Assembly. He stated that if the Delegation’s answer is no, then the County either funds it or it closes.

Chairman Cox as a follow-up to Commissioner Helms’ remarks stated that the question was basically would the Delegation support what is necessary to affect Choice #3, which was to remain in the juvenile detention business and prepare to invest in capital improvement to build a new facility for future growth. He noted further that in order to construct roughly a 100-bed facility in Mecklenburg County there would have to be a better reimbursement rate.

Commissioner Helms noted that if the County did not participate in the funding at some level then it would not continue as a facility for these special need children.

Commissioner James noted also that if the County did not participate then Mecklenburg County children would not have priority if it were a State facility only. He said if it’s a joint venture then Mecklenburg County children could get priority.

It was the consensus of the Board to authorize the Chairman to contact the Chair of the Mecklenburg Delegation and others to see if the Gatling matter could be moved forward.
Commissioner Samuelson asked Chairman Cox to remember to include in his advocacy with the Chair of the Delegation the impact and value of this on the children and the judicial system.

This concluded the discussion on Gatling.

(2)  FEE FUNDING COMPONENTS OF PARK AND RECREATION (ATHLETICS AND AQUATICS)

Deputy County Manager Crider noted that as part of identifying the choices and consequences for the Board in the upcoming budget the County Manager suggested the feasibility of letting athletic services and aquatic services be primarily fee funded rather than funded through additional fees and property tax revenue.

Deputy County Manager Crider noted further the following on behalf of the County Manager:

- After having seen the information provided by Director Weston that while this strategy is a choice of the Board that the consequences would preclude adopting this strategy because the fees would be too expensive.
- The athletic services were already highly privatized with $1.5 million in County dollars leveraging several million more in services provided by athletic associations and other organizations, with most of these organizations already charging fees to participants.
- In the case of aquatics while residents throughout the County use these services, it is unreasonable to expect that persons would pay the amount of fees that would be necessary for these services to be fully self-funded.
- Unless the Board directs the County Manager otherwise, it is unlikely that the County Manager would recommend moving to a fully self-funded fee based strategy for these services.

Commissioner James noted that this didn’t mean that the County Manager may not recommend some fee increases, just that he would not recommend a full reimbursement strategy.

Deputy County Manager Crider noted that Commissioner James’ statement was correct.

Deputy County Manager Crider then called upon Wayne Weston Director of Park and Recreation to address this issue.

Director Weston reviewed the Department’s Revenue and Pricing Policy, specifically Sections 3 and 4. He addressed basic, extended, and special services. He also addressed aquatic services, including comparative information of aquatic facilities in other cities throughout the country and the County’s cost for operating its facilities. The following was noted:

- There are fee adjustments for special groups and situations, for youth, seniors and non-county residents.
- Water facilities are usually the “loss” leader in revenue programs.
- Mecklenburg County’s Swim Program generates somewhere in the neighborhood of $3.5 million annually in economic impact, some of which is in fairly hard dollars.
- Examples: the March of Dimes Heart Walk generated $100,000 here in the community. $3.1 million was generated from swim meet. There’s a contract with Metro Schools. The Charlotte Fire Department conducts training at the Aquatic Center at no cost, which would be a cost of $19,000. Typically there are 4-6 children that come out of the County’s Aquatic Center Swim Programs that receive college scholarships at the rate of $50,000 a year.
- There’s no real standard as far as how revenues are collected and that recouping 80% of the total expenses in aquatics for public recreation is virtually unheard of.
- Reaching 50% or above is the goal strived for in Mecklenburg County.
- When it comes to athletics it is basically privatized and that cost is tied up in permanent staff that administers and manages the various sites.
- Of the athletic services budget of $1.7 million, only $300,000 is tied up with commodities, materials and supplies. The remaining portion is staff salaries, who manage
and monitor each of the contracts to ensure that the facilities are properly maintained.

- The County’s $1.7 leverages $28 million in private investment, which comes from partnerships combined with economic impact from major events that come to the community.

Comments

Commissioner Samuelson asked for clarification regarding Extended and Special Services, which was given.

Commissioner James requested information on the number of persons that utilize the pools versus the cost to operate them.

Commissioner James also inquired about the pool leakage at Revolution Park.

Director Weston stated that funds were not available to fix the leak. He stated that it would cost between $250,000-$500,000.

Director Weston stated the $250,000-$500,000 was a projection because the contractor was not sure at this point where the leak was. Director Weston noted that it’s under six feet of cement.

Director Weston stated that all pools will leak at some point.

Director Weston noted that in an effort to save, Park and Recreation installed 136 waterless urinals in the park system over the last two years, which saves on the average 40,000 gallons per year, thus the County is saving 5.4 million gallons.

Commissioner Mitchell requested information on the amount of revenue that is generated from swim meets at Revolution Park.

Director Weston said he felt the County was on target with its current policies. He said also

- The County was in line with what’s occurring across the country.
- Mecklenburg County has grand facilities.
- The participation rates were high.
- The County has a good blend of urban and suburban users.
- The Aquatic Center experiences a 5% increase every other year, which stays in line with the increases by the “Y.”

Chairman Cox asked that the information Director Weston shared in chart form be reduced to a format such that it could be distributed to the Board.

A copy of a handout from Director Weston is on file with the Clerk to the Board.

(3) FY05 DEBT AND CAPITAL

Finance Director Harry Weatherly shared updated information with the Board regarding General Fund debt service projections.

Commissioner Puckett entered the meeting during this time.

Highlights

- The debt service information distributed will be the amount budgeted for next year assuming there is not a drastic change in the bond market.
- The gross (total) general fund debt service numbers reflected in the handout is less than what was seen previously because it reflects the actual January 04 Sale. The variable rate projections for debt that is outstanding in the variable mode was also revised.
- Of the $15.6 million noted on the handout in the Change from Prior Issues column 04 to 05,
the Charlotte-Mecklenburg Schools portion is about $8.3 million.
- The only amount included in the proposed January 05 Sale as a potential debt service budget need for next year is an amount for debt service interest on a variable rate.
- If the County sells in January 05, the fixed rate debt service would not be due in that fiscal year. It goes into the next fiscal year.
- The variable the County sells, the County pays a monthly amount.
- Regardless of the amount of the next January sale, the County probably has the capability of issuing $50 million in variable rate, a cost savings to the County.
- If the County had not issued variable rate ever, the County’s budget for 05 would be appropriately $3 million higher on the debt service. The County is saving approximately $3 million because of the issuance of variable rate for next year’s budget.
- The net County general fund debt service numbers reflected in the handout is less than what was seen previously for several reasons, one being the sales tax revenue estimation was increased based on additional information received. Also, there's a better understanding of how the state changed its distribution to local governments in July and August.
- Sales tax goes to school debt service. There are two half-cent sales tax and a portion of each goes to the schools.
- There are other revenues that have gone into the net County dollar increase, such as ABC profits, interest earnings, and a portion of fund balance.
- The County’s policy is to strive to make 8% undesignated fund balance, 8% of the budget. Anything above that amount, which is not determined until after year-end, is reserved to be utilized by the Board for capital and/or debt in a subsequent year.
- A one-time revenue source for next year is the premium received from the bond sale in 04, $7.8 million, which was cash to the County that must be applied to debt service on those bonds.
- A new sheet will be provided to the Board because the results of the refunding have been received.

Chairman Cox asked was there something called a “fund balance carry forward,” which is the amount of money in fund balance prior to the end of the year that senior management feels can be carried forward into the next year and still maintain the 8%. The response was yes.

Commissioner Samuelson asked for clarification regarding 06. The response was that the figures shown were a very rough estimate of the cost of debt already sold through 04.

Commissioner Helms asked about the designated half-cent sales tax and what was the estimate for the half-cent sales tax that became effective in January 03 for next fiscal year. Director Weatherly stated that he could not answer that at this time, but that he would get that information to the Board.

Commissioner Helms noted that the half-cent sales tax in connection with the transit system generates in the range $50 million annually. He asked what’s the difference between this sales tax and the other. The response was that part of it was because it comes back basically based on point of sale and the other has to be shared based on point of sale and population.

Chairman Cox noted that the formulas were also different.

A copy of Director Weatherly’s handout is on file with the Clerk to the Board.

This concluded the discussion.

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

There being no further business to come before the Board the meeting was declared adjourned at 4:27 p.m.
ATTENDANCE

Present: Chairman Tom Cox and Commissioners 
Dumont Clarke, H. Parks Helms 
Norman A. Mitchell, Sr., Jim Puckett 
Dan Ramirez, Ruth Samuelson, and 
Valerie Woodard 
County Manager Harry L. Jones, Sr. 
Clerk to the Board Janice S. Paige

Absent: Commissioner Bill James

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

Chairman Cox called upon County Manager Jones to outline how the meeting would proceed. He noted that the meeting would not officially be in session until the arrival of another Commissioner.

County Manager Jones noted that the two topics for discussion were the Area Mental Health Financial Rules Committee Report and E-Gov/Information Technology Investment.

(1) AREA MENTAL HEALTH FINANCIAL RULES COMMITTEE REPORT

Director Crockett and Doctors Tom Gettleman and Bruce Noll of Carolinas Healthcare presented the Area Mental Health Rules Committee Report.

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

Commissioner Clarke entered the meeting during Director Crockett’s opening remarks. The meeting was thus officially in session.

Commissioners Woodard, Helms, and Ramirez entered the meeting during Dr. Gettleman’s presentation.

Director Crockett noted that the Area Mental Health Rules Committee’s report addressed the following questions:

· Should the County only place children at institutions that are Medicaid reimbursable by the state, i.e. should the County place children out of state? 
· Should the County only provide treatment for those diagnoses/services that are Medicaid reimbursable? 
· Should the County only provide treatment/services to those individuals eligible for Medicaid? 
· Does the County provide services in a disproportionate percentage in relationship to other counties in N.C.?
The report also included:

- A synopsis of the typical child/adolescent served by Area Mental, which was given by Dr. Gettleman
- Statistics on out of state placement utilization
- An Out of Home/State Placement Policy
- A synopsis of the typical adult mental health and developmentally disabled individuals served by Area Mental, which was given by Dr. Noll.
- Information on funding for services, which is blended for all consumers and consist of Medicaid, state, and County funds.

Other highlights

- Area Mental Health served 25,479 consumers in FY02/03.
- Area Mental Health serves only the most severely and persistently disabled consumers (those unable to function in the community without some type of treatment/support).
- Medicaid will pay for services for all psychiatric diagnoses considered “medically necessary.”
- 55% of all Area Mental Health consumers are Medicaid-eligible.
- State dollars are exhausted between 4.5 and 9 months depending on the population. It is at this point that the County dollars come into play to provide the continuation of services.
- Many consumers are not eligible for Medicaid (i.e. the working poor).
- The “working poor” are those that have jobs and medical insurance but their child’s needs are such that their insurance coverage will not provide the necessary service that the child may need. The question then becomes what would happen to that family if there was no assistance from the County? Even with assistance it can often become very expensive and difficult for a family to try and meet their child’s needs and could possibly destroy a family that has medical insurance.
- There is also a category of the “working poor” that have jobs but no insurance.
- Medicaid pays for some but not all of the services often needed.
- In some cases partial hospitalization is funded by Medicaid with some assistance from the County. Per the new state health reform plan, this is however a type of service that the state wants to pull out of and not reimburse for. If this were to occur, then hospitalization may not be an option or the County would be faced with the decision of whether to fund that level of care.
- Consumers with private insurance and/or resources are referred into the private sector.
- County provided services that neither Medicaid nor the state pay for include: bus tokens (for example to enable persons a means of transportation to get to mental health programs that assist in their care), baby supplies for mothers in treatment with no resources, summer programs for developmentally disabled children, and jail programs.
- Per changes in the state health plan, the state wants and is mandating community-based care, which is a positive because children would be able to be served in their communities and closer to their families for support.
- Private insurance will only pay for in-hospital care, but not partial hospitalization, group home services or other community-based services that are not provided in a medical clinic setting even if it’s the better way to provide the services needed.
- The state will not fund services for children that are placed outside of the state.
- Staff continues to work hard to decrease the number of out of state placements.
- Epidemiological studies and prevalent rate studies indicate that in communities the size of Mecklenburg County there would be about 11,596 children who would rise to the level that they would need services as intensive as those provided by Area Mental Health.

The Committee recommends:

- The Community Collaborative committee approve all out of state placements prior to the placement occurring (This is a committee mandated by the state.)
- The Financial Rules Committee review all out of state placements quarterly
- The Board of County Commissioners approve the Out of Home/Out of State Placements Policy
The County should continue to fund consumers not covered by Medicaid using a sliding fee scale (The committee considers county-subsidized services consistent with community need.)

The Financial Rules Committee review all services provided by County dollars on a quarterly basis.

The proposed Out of Home/Out of State Placement Policy for Children and Adolescents states:

- As a last resort – used only for safety and treatment purposes that cannot be achieved at home and there are not other options available.
- It must directly relate to measurable outcomes, with concrete plans to bring the child back to a stable/permanent home in their community within 90 days or as quickly as the child achieves satisfactory outcomes.
- Efforts will be made to place the child within 90 miles/90 minutes of the child’s home. Mecklenburg County will strive to decrease the number of contracts with any provider outside of the 90 mile/90-minute radius for any residential care.
- An out of state placement may only be made when there are not other options available.
- Out-of-state placements may only be made to a facility that is nationally accredited.
- Out-of-state placements must receive approval from the Community Collaborative prior to the placement occurring.
- The Financial Rules Committee will review all out of state placements on a quarterly basis.

Comments/Questions

Chairman Cox asked what happens when persons reach age twenty-five? The response was that hopefully the services that were put into place in their earlier years, would cut down on the need for continued services or at least at that level. It was noted, however, that in the case of the child profiled, one with major depression and psychotic features, it’s likely that they would need some level of on-going outpatient care for episodes throughout their adulthood.

Commissioner Clarke said he appreciated the examples of the persons profiled as typical consumers because often people think these services are being provided to persons that are a total burden on society and not working and not paying taxes. He noted that he personally knew people that have needed and used these services.

Dr. Gettleman noted that there are many persons who after having received Area Mental Health services are able to engage themselves into some type of productive activity as they get older even if they have a psychiatric diagnosis and may need episode-based care, but not the same level of care.

Commissioner Puckett requested information on the percentage of those served by Area Mental Health that are the “working poor” compared to those that are unemployed.

Commissioner Puckett asked was it fair to say that in some or most cases those classified as the “working poor” would end up with better services if they were to drop to the lower segment of Medicaid? Also, does this drive more people to Medicaid? The response was yes and that it’s being seen more. Further, that when it comes to the “working poor” concept and with children Medicaid does offer some level of reimbursement but on the adult side a large percentage of people fall into that category and there is no assistance. Thus families are left in essence with no other options other than to become poor enough to get Medicaid in order to get some of their health care needs met.

Commissioner Samuelson asked if part of the funds provided by the County used to “fill-in” the gaps for the “working poor”? The response was yes.

Commissioner Helms asked were County’s statistics or services comparable to any other counties in N. C.? Dr. Gettleman said that he was not sure of how Mecklenburg County compared to other counties, but that the quantity of services provided by CMC-Randolph has grown enormously over the past ten years and especially within the last five years. He said the volume of need has increased.
Commissioner Helms noted that some Commissioners have raised the question of whether or not the County pays a disproportionate amount for area mental health services compared to other counties in N. C., however he feels Mecklenburg County has a disproportionate number of children/adolescents needing these services and that it is also a unique service that is not available in other areas.

Dr. Gettleman agreed and said he didn’t think there was anywhere in the state that came close to providing the breadth of services provided in Mecklenburg County. He noted also that many counties send children to Mecklenburg County for living placements who then need supplemental behavior healthcare.

Chairman Cox requested information on how many children served by Area Mental Health had private insurance without any coverage limitations; the number with private insurance but coverage is limited; those receiving full Medicaid; those receiving some Medicaid and some County assistance; and those that are not eligible for Medicaid and with services available on a sliding fee scale.

Chairman Cox asked could children from an “advantage” family receive government assistance in this service area? The response was that their family would pay for those services but that what often happens is the child from the “advantage” family would cycle through in-patient stays a lot more often because they are not getting the supplemental services out in the community and would continue to be re-hospitalized and getting some outpatient treatment when they are not in the hospital.

Chairman Cox noted that he was concerned about what would happen to the children in the community if the County stopped funding these services.

Chairman Cox asked about the number of adults with severe/persistent mental illness. The response was that there were about 1,300-1,400 persons in the County’s case management program with a third of them being in the category of the consumer that was profiled (RK) a patient with schizophrenia and substance abuse problems. It was noted that there were a lot of RK’s going untreated not only locally but nationwide. It was noted further that statistics indicate that the incidences of schizophrenia in the U. S. and the world throughout is about one percent of the population.

Commissioner Samuelson asked what type of contact do these adults have with their families. The response was that many of them were estranged from their families, like in RK’s (the consumer profiled) case. It was noted that this was not usual because the illness itself creates behaviors that family members don’t understand. It was noted, however that in the profile given on consumer HH (developmentally disabled) the family has contact and is supportive.

Commissioner Mitchell asked was the person profiled (RK) mental illness due to their substance abuse problem? The response was that in the case of the client profiled he would be mentally ill even if the substance abuse was not there.

Commissioner Clarke asked for clarification on the comment made by Dr. Noll that one percent of the population is schizophrenic or diagnosed with it. The response was yes that at some point in their life and that it’s the same for persons with bi-polar disorder.

Commissioner Clarke noted the comment that was made regarding families and dealing with adults with mental illness and how often the family does not understand the illness and how to deal with it.

Commissioner Clarke stated that he knew from personal experience there are times when families lose complete contact with family members in this mental state and that sometimes these problems come about gradually and the family is unaware of what’s occurring. He noted that he himself has a brother that disappeared when he was 29 years of age and that the family has not heard from him since, which was in 1983. He noted further that his family made very diligent efforts to try and locate him but to no avail. He stated that his family now having looked back on the situation has concluded that his brother was gradually becoming schizophrenic. He said it’s their hope that his brother is still alive and is receiving help. He said that the point he
wanted to make was that often families are unaware and it’s not that they want to dump their relatives or responsibilities.

Commissioner Puckett asked if Carolinas Healthcare served persons with mental illnesses that are not a part of the County’s case management system. The response was yes.

Director Crockett noted as an example that if one of the Commissioners had a family member who had insurance that wanted to be hospitalized here in the County then they had two options to either go to CMC-Randolph, which is owned by the County and operated by CMC or to go to Presbyterian Hospital, however, they have very limited bed space because they have a problem with getting psychiatrist but are working on obtaining more.

Commissioner Woodard asked was it true that once a person reaches the age of 21 that they are on their own and the family is not required to fund or assist the individual? Also, does this mean the person becomes a “ward” of the County; and if so, how much of this exist in Mecklenburg County? The response was yes once they become 21 years of age they are on their own, but there are still instances where the family can get involved.

Commissioner Puckett asked about the funding of CMS Developmental Pre-School referenced in one of the profiles. It was stated that CMS funds the school (LifeSpan) nine months out of the year and the County supplements the pre-school during the summer because CMS does not provide these services to this population outside of the school year.

Commissioner Puckett asked who provides the CMS funding, the state or the County? The response was that it was probably both but staff was not sure.

Commissioner Clarke asked why was the Financial Rules Committee established. The response was that the Committee was established as part of the County’s move towards Mental Health reform. It’s a subcommittee of the planning Collaborative Committee that is helping to design the reform.

Director Crockett noted that as the state focuses more on target populations, it’s going to be critical that the County makes sure its dollars are going to the right consumers and places to meet the needs. The Financial Rules Committee will provide this oversight.

Commissioner Clarke asked about the rights of consumers if they are in disagreement with a decision made by the Committee as it relates to Out-of-Home/State placement? The response was that it would depend upon the method of funding. For example, the Medicaid consumer would have a right of appeal to Raleigh. If it is a totally County funded placement there is not currently anything available other than appealing to Director Crockett. Director Crockett noted however that an appeal process is being looked at for this category of consumers.

Commissioner Clarke asked what would be the criteria for making the decision to place someone out-of-home/state? The response was that consideration would be given to whether or not there was any reasonable placement option within the community or the state. Staff would follow the Out of Home/State Placement Policy as outlined. It was noted that there were procedures that accompany the policy, which can be provided to the Board if that’s desire of the Board.

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

Commissioner Clarke asked how does one respond to those advocates that think the Out of Home/State Placement Policy is just a cost containment measure and that the needs of the children are not being considered.

Director Crockett responded by saying that she truly believes this is not a cost containment methodology. She stated that the County has an obligation and a right to treat these children in the community and not send them away from their families. Director Crockett stated that if these children are not treated in the context of their family, the County is throwing its money away. She strongly supports treating them locally and getting their families involved in that treatment. She noted further that it is cheaper to serve these children locally.
County Manager Jones asked when other counties send children to Mecklenburg County is that a reimbursable service? The response was that these children are sent to Group Homes and that placement is paid for by the county that is sending the child to that Group Home. It was noted that if that child has a psychiatric crisis or needs psychiatric medication they go through Carolinas Healthcare at CMC-Randolph and that the majority of the times that’s funded through Medicaid.

Commissioner Puckett asked if there was a residency requirement. The response was that Area Mental Health has a residency requirement but not Carolinas Medical Center.

Chairman Cox asked for feedback regarding the proposed Out of Home/State Placement Policy.

Deputy County Manager Crider noted that the policy would be placed on a future agenda for the Board’s consideration and that unless the Board directs staff otherwise, staff will construct Area Mental Health’s FY05 budget based on that premise.

Commissioner Helms stated that he was not in disagreement with what was presented but that he does feel that as the procedures are developed to implement the policy that it’s important that staff answer some of the questions raised by Commissioner Clarke concerning the criteria to be used and why it’s being done.

Commissioner Helms noted that he was not interested in whether or not Mecklenburg County’s cost was disproportionate of other counties. He stated that he wants this new process done in a way that serves this population and that if the proposed policy accomplishes that he would be supportive of it.

Commissioner Woodard returned to the meeting.

Commissioner Samuelson noted her support of the Out of Home/State Placement Policy and the work of the Financial Rules Committee.

Commissioner Puckett stated that he did not have a problem with the Out of Home/Out of State Placement Policy as presented. He noted, however, that he was interested in the County’s costs versus that of other counties and feels it does have relevance.

Director Crockett noted that Mecklenburg receives more from its Area Mental Health program then any of the other programs in the state. She noted also that Mecklenburg County serves a significant number of more consumers than Wake County.

Director Crockett noted that it’s difficult to compare Area programs because for example, Wake County has been able to keep their costs down because of the state hospital that is there, Dorthea Dix. She noted further that this will change with the new reform because Dorthea Dix will no longer be in Wake County. The state is also closing over 600 state hospital beds by 2007.

Director Crockett stated that she was not asking for more money from the County but rather she feels the Area program should grow through Medicaid funding to serve more consumers, but keep County dollars static.

Richard Jacobsen, Director of Social Services noted that there is a cost to the County in the County’s Medicaid budget, a five percent share.

Chairman Cox thanked Director Crockett and the other presenters for their report and suggested that when this matter is placed on a future Board agenda for action that the profiles of the typical child/adolescent and adult mental health and developmentally disabled individuals be shared and condensed to a four or five minute version, in order that the public may be informed of these profiles as well.

(2) E-GOV/INFORMATION TECHNOLOGY INVESTMENT
Deputy County Manager Russ Crider presented information regarding FY 05 budget priorities for Information Technology Investment.

He noted the following:

- In preparation for the FY 05 budget process, all County information technology requests have been reviewed by the Information Technology Executive Council.
- To merit consideration, project requests had to include a business case, cost analysis, and return on investment (ROI) information.
- At the Strategic Planning Conference in January, the Board adopted the funding strategy of establishing an E-Government/Technology Reserve, funded by up to 1% of net County revenue each fiscal year.
- The County Manager will recommend and the Board will decide how much of this 1% would be allocated each year based on the projected benefit and return on investment for each proposed investment.
- Any portion of the 1% that is not spent in any fiscal year would carry over to subsequent years, providing an ongoing funding source, but which is only approved for expenditure if there is a demonstrated return on investment.
- It is estimated that 1% of net County revenue for FY05 would be approximately $7.5 million. The investments below total $5,168,763, not including CJIS funding.

Priority ranking of the requests for FY05:

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 05 Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. CJIS</td>
<td>TBD</td>
</tr>
<tr>
<td>2. Finance Advantage System</td>
<td>$750,000</td>
</tr>
<tr>
<td>3. Replace Tax Collections &amp; Vehicle Tax Systems</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>4. Replace PCs 4, 5, and 6 years old</td>
<td></td>
</tr>
<tr>
<td>- 6+ years old</td>
<td>$201,268</td>
</tr>
<tr>
<td>- 5-6 years old</td>
<td>$186,380</td>
</tr>
<tr>
<td>- 4-5 years old</td>
<td>$843,988</td>
</tr>
<tr>
<td>5. Upgrade MS/Office</td>
<td>$545,367</td>
</tr>
<tr>
<td>6. Collocation and Enterprise Storage Phase 1</td>
<td>$511,060</td>
</tr>
<tr>
<td>(Disaster Recovery)</td>
<td></td>
</tr>
<tr>
<td>7. Strategen (DSS transportation)</td>
<td>$234,000</td>
</tr>
<tr>
<td>8. Horizon (Library system)</td>
<td>$239,700</td>
</tr>
<tr>
<td>9. Land Records Data Warehouse</td>
<td>$357,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,168,763</strong></td>
</tr>
</tbody>
</table>

It was noted that:

- The first two projects do not have an accompanying description, business case, and ROI. CJIS will be discussed in detail at an upcoming Board meeting. The Finance Advantage system upgrade was approved by the Board last year and is in the second year of a three-year project.
- The MS/Office funding request represents the annual cost for a three-year project.

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

Comments/Questions

Commissioner Helms asked was it correct that the priorities presented assume that the Board would commit to the 1%? Deputy County Manager Crider stated that this was the theory behind it, however, staff understands that this will be a difficult year and that it may not be possible to put the $7.5 million in the FY05 budget.

Commissioner Helms asked was the CJIS cost known. Deputy Manager Crider said not at this time.

Chairman Helms said he supports the proposal of setting some amount aside for these types of investments and having a reserve to avoid neglecting maintenance in these areas as done in the
Deputy County Manager Crider noted that the longer the County delays doing these types of things its makes it more difficult for staff to do its job efficiently.

Commissioner Ramirez asked if the County planned to purchase or lease computers? The response was that the estimate provided was for the purchase of computers. It was noted that staff has looked in the past at leasing computers and will continue to do so in order to see which method is the most financially advantageous.

Commissioner Ramirez noted that leasing may not be the best financially but it would allow the County to pay as you go rather than requiring a sizeable amount of funds at one time. He said the same could be true with the software as well. It was noted that the software agreement was a three-year plan and an enterprise agreement with MS/Office, which would allow the County to copy the software and place it on the system.

Deputy County Manager Crider noted that no action was being required of the Board at this time. He stated that the information was being provided so that the Board would be familiar with it when it appears in the County Manager’s recommended budget. He stated that there would be some amount of funding in the County Manager’s recommended budget for these items in the priority order listed.

This concluded the discussion.

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

Prior to closing:

Chairman Cox noted that at the request of the Board of Education, the Board would consider at the April 20th meeting the matter of the COPs for the two high schools and a middle school.

Also, an updated debt service projection handout was distributed.

A copy of the updated debt service projection is on file with the Clerk to the Board.

ADJOURNMENT

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:10 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 15, 2004 8:00 P.M.

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 at 8:00 p.m. on Thursday, April 15, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett Dan Ramirez, Ruth Samuelson, and Valerie Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioner Dumont Clarke

The Board met in special scheduled session during the broadcast of “Mecklenburg Forum Live.”

The purpose of the Board’s attendance on “Mecklenburg Forum Live” was to hold an Electronic Town Meeting to receive citizens' comments on, but not limited to, Air Quality.

Roger Kortekaas, host of Mecklenburg Forum Live outlined the process for proceeding. He informed viewers that they could call-in or e-mail their questions and/or comments to the Board at 704-336-6515 or log on to 4citizenhelp.com.

Chairman Cox welcomed viewers to Mecklenburg Forum Live and introduced Board members and County Manager Harry L. Jones, Sr.

Mr. Kortekaas noted that the general topic for tonight’s forum was Air Quality. He said the Environmental Protection Agency had announced that Mecklenburg County and much of the region was in “non-attainment” in regards to air quality and ozone levels. This means Mecklenburg County’s air does not meet federal standards.

Next a video was shown concerning Ozone Non-Attainment, after which, open discussion took place.

General Discussion

Chairman Cox and Commissioner Samuelson addressed the impact of “non-attainment” status on the County if there’s no improvement and the ozone level remains high. They noted things such as, the lost of federal funds, other economic consequences, including health care cost.

Commissioner Ramirez said this was a regional issue.

Commissioner Puckett suggested things that everyone could do to help reduce the ozone levels and improve air quality. He noted things such as, taking trips at off-peak hours and not cutting grass on high ozone days.

Commissioner Helms said that altering the use of our vehicles would be a cultural change for the
community because everyone was so dependent upon the automobile. He addressed how mass transit would assist in this effort.

Commissioner Samuelson suggested another way that everyone could help in this effort was to avoid going through drive-through lines on high ozone days.

Commissioner Samuelson noted that she recently purchased a hybrid vehicle made by Toyota, which is extremely low on emissions.

The following comments were received from the public:

Gail (last name not given) telephoned and commented on the Transit System. She said buses were not well maintained (mechanically). She said the handicap ramps break often and that black smoke is exhausted from the buses, which adds to the pollution and contributes to health care problems. She said people must be convinced to use the transit system more. She also said more money needed to be put into the transit system.

Chairman Cox and Commissioner Helms addressed various transit system initiatives being pursued, such as the purchase of low-fuel emission buses and other vehicles. It was also noted that a study was underway dealing with fuel efficiency and emissions on a certain number of buses to determine whether in this environment the Transit System could acquire equipment and have a mix of fuels that would lower emissions, as well as keep the operating cost down. The results of the study should be available by the end of the year.

E-mail question (name not given) was received concerning County vehicles. The e-mailer asked whether the County was setting a good example with the number of vehicles the County has on the road.

Chairman Cox noted that there was a policy in place to replace some County vehicles with lower-emission vehicles. He also noted the County’s use of smaller vehicles and a study that’s underway on the use of hybrid vehicles.

Tina (last name not given) telephoned and commented on the use of lawn equipment, specifically, gas blowers. She suggested the Board consider placing a ban or limit the hours of usage of this type of equipment. She said this type of equipment was often used during peak hours. She suggested people go back to using rakes and brooms.

Commissioner Samuelson noted there have been discussions regarding asking the State Legislature if there could be a state sales tax holiday, similar to the back-to-school no sales tax day. She said the idea was that perhaps one day in the spring if people bought lower emitting, fuel efficient and cleaner burning lawn equipment, construction, commercial, or personal use equipment that they would not have to pay sales tax on it that particular day.

Commissioner Puckett said he was not sure if government should be in the regulating business when it comes to the type matter addressed by caller Tina. He said that he would hope businesses, especially lawn service businesses would be more proactive and try to schedule when certain tasks were done and type of equipment used. He noted, however, that if everyone doesn’t chip in and do their part then government might be forced to impose certain regulations.

Hank Khan, Town of Cornelius Commissioner telephoned and commented on the allocation of limited resources. He asked that the arts not be neglected in favor of just roads and schools.

Commissioner Helms said he felt the arts would not be neglected.

Paul (last name not given) telephoned and said that what the voters of Mecklenburg County voted for was rapid transit not mass transit. He suggested that when there’s a bad air day that regulations be implemented and enforced banning persons from doing unnecessary construction, lawn service, and using off-road vehicles that contribute to the problem. He said an exception should be made, however, for highway construction work because that work is aimed at
improving air quality. He suggested banning it for that day and/or during certain hours. He said in the construction industry it could be looked upon as a bad weather day.

Commissioner Samuelson noted that staff was looking into these matters, including possible regulations especially in light of the announcement that Mecklenburg County was among those that are in non-attainment status.

Commissioner Ramirez noted that whatever Mecklenburg County does to improve its air quality would affect surrounding counties. He said Mecklenburg County needs to be the model for improvements. He also feels regulations are forthcoming.

Commissioner Helms noted that regional cooperation would be very important in dealing with this issue.

Beth (last name not given) telephoned and commented on hybrid vehicles. She suggested the County replace all of its vehicles with hybrid vehicles, which would cut the County’s gas cost by 60% and it would cut fuel emissions. By doing this she said the County would be a model for others.

She also suggested amending the Building Code so that lower-emission vehicles would have special parking privileges like handicapped parking.

Chairman Cox noted that the County recently adopted an Environmental Leadership Policy, which commits county government to operate in a manner to conserve and to protect its air, water, and land resources. He stated that the idea in doing this was so that the County could be a role model to other governments and businesses via the way the County conducts its business.

Commissioner Samuelson suggested to Beth and others that may be listening, to visit the County’s website to find out more about what the County was doing as it relates to environmental initiatives.

Commissioner Woodard said people need to be encouraged to use transit more, which in the past has mainly been used by the working poor.

Steve (last name not given) telephoned and noted that the County’s air quality problem did not happen over night but rather its been occurring over a long period of time. He stated that this should have been an issue of concern 10 or 15 years ago. He said no one wants to make the needed sacrifices.

Commissioner Helms said some improvements have been made but not to the degree that it should have occurred. He said it was imperative this matter be addressed and that the necessary cultural changes take place to improve air quality.

Chairman Cox said he felt once people understand the non-attainment issue that they will embrace needed changes.

Commissioner Ramirez noted that in Washington, D.C. employers were using flextime heavily.

Rick (last name not given) telephoned and commented that with the today’s technology people can now work from home. He noted also that advertising doesn’t help the problem either when advertisements encourage the purchase of large SUV’s.

E-mail received (name not given) addressed how racetracks contribute to air pollution.

Caller (name not given) said the only way to really address the problem was by increasing the gasoline and fuel taxes.

E-mail received (name not given) addressed the use of property tax to help clean up the environment.
Commissioner Mitchell noted that Mecklenburg County was a growing community and that the tax rate would have to be adjusted to address needs because of growth.

Commissioner James said he felt government should operate more efficiently before resulting to tax increases.

Chairman Cox made closing remarks. He noted that this Board’s leadership and feels future leadership would continue to address this issue.

This concluded the meeting.

ADJOURNMENT

There being no further business to come before the Board the meeting adjourned at 9:00 p.m.

Janice S. Paige, Clerk

Tom Cox, Chairman
ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, H. Parks Helms
Bill James, Norman A. Mitchell, Sr.
Jim Puckett, Dan Ramirez,
Ruth Samuelson, and Valerie Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

Commissioners Samuelson and Mitchell were absent when the Informal Session was called to order and until noted in the minutes.

-INFORMAL SESSION-

(1) STAFF BRIEFINGS - NONE

(2) CLOSED SESSION - LAND ACQUISITION - BUSINESS LOCATION AND EXPANSION - CONSULT WITH ATTORNEY

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

Tax parcel #129-101-49 at 3404 Commonwealth Avenue.

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cox, Helms, James, Puckett, Ramirez, and Woodard voting yes, to go into Closed Session to discuss Land Acquisition, Business Location and Expansion, and to Consult With Attorney.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:11 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 8, 9, 12, and 13.
The Board then proceeded to the Meeting Chamber for remainder of the meeting.

-FORMAL SESSION-

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

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

Commissioner Woodard entered the meeting following the invocation.

(1A) FEINSTONE ENVIRONMENTAL AWARD – ITEM WAS REMOVED AND RESCHEDULED FOR MAY 5, 2004.


(1C) COUNTY GOVERNMENT WEEK

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation proclaiming April 18-24, 2004 as National County Government Week.

The proclamation was read by Commissioner Samuelson.

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

(2) PUBLIC APPEARANCE

Laurin Mullis representing the Association for Retarded Citizens (ARC) of Mecklenburg County spoke during public appearance regarding ARC services and new initiatives. It was noted that one forthcoming initiative would involve a community needs assessment being conducted for the purpose of implementing a plan to improve the service system for persons with disabilities. Ms. Mullis also announced an upcoming ARC Fest fundraiser event on May 4th at 6:00 p.m. at the Neighborhood Theatre.

(3) APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Tamara Gray, Louise McCrorie, and Denise McLlwain to the Adult Care Home Community Advisory Committee for a three-year term expiring April 1, 2007.

AREA CLIENT RIGHTS COMMITTEE

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Almator McCray to the Area

BUILDING DEVELOPMENT COMMISSION

Commissioner Puckett nominated David Shultz for appointment to the Building Development Commission as the Professional Engineers of North Carolina representative.

The appointment will occur on May 5, 2004.

HISTORIC LANDMARKS COMMISSION

The following persons were nominated for appointment to the Historic Landmarks Commission:

- Scott Abernathy by Commissioner Puckett
- Russell Ford by Commissioner James
- Susan Holland by Commissioner Ramirez
- Sally Hughes by Commissioner Helms
- Curtis Krumel by Commissioner Clarke
- Yolanda Law by Commissioner Mitchell
- Jeremy Pinson by Commissioner Samuelson

An appointment will occur on May 5, 2004.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Commissioner Helms nominated the following persons for appointments to the Nursing Home Community Advisory Committee: Martin Alphin, Kent Rittenhouse, and Elizabeth Westerberg.

Appointments will occur on May 5, 2004.

PERSONNEL COMMISSION

Commissioner James nominated the following persons for appointments to the Personnel Commission: John Adams, Jerome Byrnes, Donna Hallenbeck, Paul Strickland, and William Wilder.

Appointments will occur on May 5, 2004.

STORM WATER ADVISORY COMMITTEE

Commissioner James nominated the following persons for appointments to the Storm Water Advisory Committee: Peter Barclay and Paul DuPont.

An appointment will occur on May 5, 2004.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Thomas Atwood to the Waste Management Advisory Board for a three-year term expiring March 14, 2007.

Commissioner James nominated the following persons for appointments to the Waste...
Management Advisory Board: Roger Moose and Ronald Santini.

Appointments will occur on May 5, 2004.

(4) PUBLIC HEARING – STREET LIGHTING FINAL ASSESSMENT ROLLS

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all the property owners in the Capps Hollow, Cardinal Woods, Mountain Point, Mountain Point Estates, Southbridge Forest and McGinnis Village subdivisions.

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing on Street Lighting Preliminary Assessment Rolls for Capps Hollow, Cardinal Woods, Mountain Point, Mountain Point Estates, Southbridge Forest and McGinnis Village Subdivisions.

No one appeared to speak.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing on Street Lighting Preliminary Assessment Rolls for Capps Hollow, Cardinal Woods, Mountain Point, Mountain Point Estates, Southbridge Forest and McGinnis Village Subdivisions and adopt the Final Assessment Roll for each subdivision.

Resolutions recorded in full in Minute Book 42-A, Documents #

(5) ADVISORY COMMITTEE REPORTS COMMUNITY CHILD FATALITY PREVENTION AND PROTECTION TEAM ANNUAL REPORT

The Board received the annual report from Community Child Fatality Prevention and Protection Team.

The Community Child Fatality Prevention and Protection Team is a multidisciplinary group mandated by the State to review all child fatalities in Mecklenburg County occurring in children between the ages of birth through seventeen. The mission of the team is:

- To identify gaps and deficiencies in the comprehensive local child service system, both public and private agencies and individuals.
- To advocate for prevention efforts, needed remedies, and a coordinated response in order to serve all of the community’s children and families.

The report was given by Ann Pfiefer, chairman of the Child Fatality Prevention and Protection Team, Police Captain Tim Danchez, and Dr. Mary Rogers with Carolinas Medical Center.

The following was noted for calendar year 2001:

- 137 Mecklenburg County resident children died:
  - 114 Natural Deaths
  - 13 Unintentional Injuries
  - 5 Homicides
  - 5 Suicides

The report also addressed

- Demographics of the 137 children who died
- Preventable Deaths
- Child Abuse and Neglect

Other highlights:
The number of suicides and Sudden Infant Death Syndrome (SIDS) increased. Some of the risk factors for these suicides were depression, substance abuse, behavioral problems, gun availability, and a history of previous suicide attempts. National statistics show that an estimated one out of thirteen high school students will attempt suicide this year and about 80% of those children will have communicated to someone that they are thinking about this. The committee has met with school officials regarding this. Successful completion of suicides are five times more likely to occur if there’s a gun in the home. When it comes to SIDS it’s due to unsafe sleeping conditions. Per the Committee’s review of this issue, there is now Para-natal counseling in hospitals and in primary care physician offices in multiple languages regarding SIDS. There’s a Gang of One initiative, which is a resource network for children who may be feeling pressure to join a gang or are trying to get out of a gang. It’s a hotline staffed 24 hours by bi-lingual volunteers. The Youth Protection Ordinance (Curfew Ordinance) is being re-emphasized. The Committee has met with school officials regarding gun control.

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

Commissioner Samuelson asked what were the curfew hours?

Captain Danchez said the curfew is in effect from Sunday – Thursday from 11:00 p.m.– 6:00 a.m. for children less than 16 years of age that are not accompanied by an adult. Friday-Saturday, the hours are Midnight until 6:00 a.m. An adult is anyone over the age of 18.

Commissioner Clarke noted that parents need to be aware that it’s important that children not be aware of where guns are kept.

Captain Danchez stated that they do have an educational initiative regarding gun safety for parents and that free gunlocks were available. Persons desiring gunlocks should contact the police department.

Commissioner Ramirez asked for clarification regarding the Hispanic community and child fatalities as it relates to SIDS.

Dr. Rodgers noted that it was not just a problem in the Hispanic community but that there has been increase in persons from Southeast Asia, and Africa.

Chairman Cox thanked the presenters for their report.

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of Items 8, 9, 12, and 13 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 6, 2004 and Special Meeting held April 6, 2004, and Closed Session minutes of April 6, 2004.

(10) FEINSTONE ENVIRONMENTAL AWARD – PARK AND RECREATION
Recognize, receive and appropriate $1,000 from the State University of New York College of Environmental Science and Forestry for Reedy Creek Nature Center as recipient of the 2004 Feinstone Environmental Award.

Note: Funds are to be used to purchase nature center exhibit materials.

(11) ARTS AND SCIENCE COUNCIL GRANT – PARK AND RECREATION

1) Approve application by Parks and Recreation to the Arts and Science Council for a $10,000 grant for FY2005 to be used for a Youth and Teen Program developed in conjunction with the Georgia Haygood Group Arts Management.

2) Recognize, receive and appropriate the $10,000.00 grant, if awarded.

(14) NEW COURTHOUSE PROJECT - AWARD CONSTRUCTION CONTRACT FOR ROOFING PACKAGE

Award construction contract for roofing for the new courthouse project to Carolina Roofing, Inc in the amount of $2,447,729.

(15) NEW GOVERNMENT DISTRICT PARKING DECK – AWARD CONSTRUCTION CONTRACT

Award a contract with the low bidder Crowder Construction Company in the amount of $4,697,400 for the site work/foundation package for the new Government District Parking Deck.

Note: The Board authorized the contract for this package at its April 6, 2004 meeting within a $4,300,000 allocation, however staff was unable to negotiate with the vendor to reduce the cost of this package.

(16) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $4,595.00 for Land Use & Environmental Services, $6,005.00 for Park & Recreation, $562.00 for Social Services and $4,488.00 for Area Mental Health for stolen and damaged property.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Chairman Cox left the dais and was away until noted in the minutes. Vice-Chairman Ramirez chaired the meeting until Chairman Cox returned.

(8) CHILD WELFARE REVENUES – DEPARTMENT OF SOCIAL SERVICES

Motion was made by Commissioner Woodard, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize, receive and appropriate $397,786 of additional federal funds to be used for Adoption Incentive expenditures ($99,118) and other qualifying program services ($298,668).

Commissioner Woodard removed this item from consent for clarification regarding the receipt of the additional funds. Richard Jacobsen, Director of Social Services responded.
Chairman Cox returned to the dais and resumed chairing the meeting.

(9) CRISIS INTERVENTION PROGRAM – DEPARTMENT OF SOCIAL SERVICES

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to amend the Department of Social Services’ FY04 budget to recognize, receive and appropriate $46,824 in additional funds from the U.S. Department of Energy for the Crisis Intervention Program.

Commissioner Woodard removed this item from consent for clarification regarding the receipt of the additional funds and for more public awareness. Richard Jacobsen, Director of Social Services responded.

(12) LEASE OF LANDFILL COMPACTOR

Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to negotiate and execute:

(1) A 36-month lease for one (1) landfill compactor (with option to purchase) from Road Machinery Services, Inc. or its leasing agent, and

(2) A total maintenance and repair contract with Road Machinery Services, Inc. for the landfill compactor for a total 36-month payment of $322,702.20.

Commissioner Samuelson removed this item from consent for more public awareness of how this purchase will contribute to better air quality.

(13) LITTLE SUGAR CREEK GREENWAY – PRELIMINARY DESIGN

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to negotiate a fee and execute contracts with a landscape architectural firm for:

A. Preparation of the Preliminary Design for the Little Sugar Creek Greenway along Kings Drive from Baxter Street to Morehead Street.

B. After approval of the Preliminary Design, to negotiate a fee and execute a separate contract for preparation of construction documents, bidding, and construction administration.

Commissioner Samuelson removed this item from consent for more public awareness. Robert May with the County’s Land Use and Environmental Services Agency (LUESA) addressed this project.

(17) FY2005 TRANSIT PROGRAM

Ron Tober, Executive Director, Charlotte Area Transit System (CATS) presented the proposed FY2005 Transit Operating Program and the proposed FY2005-FY2014 Transit Capital Program.

The proposed expenditures for FY2005 total $295,886,795 of which $ 68,080,892 is allocated for operating programs and $227,805,903 for capital programs. During FY2005 $26,717,123 will be drawn down from the Capital Reserve Fund under the revised Program’s proposed.
Transit Program Highlights:

FY2005 Transit Operating Program:

- Revenue service hours will increase 4.3% to 908,323 hours and ridership will increase 2.4% to 16.4 million riders. Regional service expansion into Lincoln County is included in the FY2005 Operating Program.
- The second bus garage will open at South Tryon Street in mid 2005.
- CATS’ bus fleet expands to 319 vehicles.
- A new $100,000 DSS sponsored program, More-at-4 Child Development Service.

FY2005 Transit Capital Program:

- South Corridor Light Rail Project (SCLRT) budget at 65% Design Level is $398.7 million vs. $371 million.
- SCLRT
  - Complete Final Design
  - Construction of the Vehicle Maintenance Facility
  - Communications and Fare Collection Equipment
  - Construction of Critical Path Items
  - Convention Center Modifications
  - Project Administration

- Placeholder for debt service expense for proposed CATS Office Space.
- Capital Reserve Fund is projected at $105,004,733 at the end of FY2005.
- The other corridors, i.e.: US-74, Streetcar/Center City and Northeast will advance to the Draft Environment Impact Statement stage of the FTA’s New Starts project.

The February 1999 Transit Governance Interlocal Agreement calls for the Mecklenburg County Board of Commissioners and the Charlotte City Council to each approve the CATS capital and operating programs. Upon adoption by the BOCC the Program will be included in the budget ordinance of the County (a) to recognize sales tax revenues and other County Contributions for maintenance-of-effort and/or other purposes; (b) to provide for the transfer of those revenues to the City of Charlotte in accordance with the Interlocal Agreement; and (c) to provide for any other actions to be undertaken by the County in accordance with the adopted Transit Program.

Mr. Tober noted that there was a change in the budget approved by the Metropolitan Transit Commission (MTC), which was a modification to the County’s maintenance of effort contribution. He noted that the Interlocal Agreement provided that the County and the City would continue to contribute to the transit program the amount of money they were spending on public transportation in 1998 when the sales tax was passed. The original assumption was that the County would contribute $464,000, which was the amount the County was spending in 1998 on seven transportation programs, however, now only one of those programs has been assumed as part of the CATS operation or the public transportation operation and is being financed by the sales tax. It was noted that the other six programs continue to be financed and operated by the County through DSS. Noted further, that as a result of discussions with County staff concerning the amount being contributed, the program that was approved by the MTC includes just under $182,000 in contribution from the County versus the $464,000.

Commissioner Helms highlighted the capital program income received from federal and state grants and noted that the Transit Program was a catalyst for bringing a lot of other dollars to the community. He noted further that a part of that was contributable to the fact that the citizens of the community voted to support the half cent transit tax.

Commissioner Mitchell asked was the south corridor project on schedule? Mr. Tober said yes and that it was scheduled to be complete by October 2006.

Commissioner Clarke asked about plans for the eastside regarding bus rapid transit versus light rail.

Mr. Tober noted that included in the budget presented was funding for the next phase of work in
this area, which will include looking at finalizing the alignment and station locations and also looking at the technology question. He stated that a final decision on the technology in both the southeast corridor out Independence Blvd. and the West corridor out Wilkinson Blvd. has not been made but would probably be made about a year from now.

Commissioner Clarke commented on the maintenance of effort and noted that the County’s contribution was a little less than one-tenth of one percent, which raises the question for him as to why was the County involved at all in approving the Transit Operating and Capital Programs, since the County’s contribution was so small.

Chairman Cox noted that the County contributes more than the $181,000 annually because it’s a County-wide tax.

Commissioner Helms concurred that it was a County-wide tax and noted that in the current year that contribution via the half cent sales tax was $52.3 million and projected at $54.2 million for next fiscal year.

Mr. Tober noted that state law requires that those governmental units that were previously spending funds prior to the enactment of the tax on public transportation continue to expend at the level they were expending. He noted that the sales tax couldn’t be used to supplant those funds, only to supplement. He stated that the Interlocal agreements also require this.

Commissioner James noted his concern that the half cent transit tax, a county-wide tax was being siphoned off in part to subsidize the old Charlotte bus system, what’s referred to in the report as maintenance of effort.

Commissioner James said what he wanted to know was how much of the transit tax goes to subsidize the Charlotte bus system.

Mr. Tober stated that he did not know the specific amount but would estimate that probably 30% of the sales tax was going towards the operation of the “core” bus system.

Mr. Tober noted that residents of the City of Charlotte also pay the sales tax and voted for it in the election of 1998.

Commissioner James noted that he was concerned also that the tax was sold on the basis that it was going to be mass transit, a “people mover” system and not in essence a local bus system. He stated that he understands that there’s probably no legalistic thing to say this can’t be done but his concern is that by subsidizing the old Charlotte bus system, “you’re robbing the future of CATS ability to fund the Transit Plan because you’re siphoning money” off for things that he thinks the City of Charlotte should pay for and not for the “broadcasted, advertised intended purpose of the tax.

Commissioner James asked Mr. Tober if he believed he would be able to open and operate the lines with the current half cent sales tax or does he foresee some other dedicated revenue source being needed?

Mr. Tober said that the program or plan that has been put together and was approved by the MTC in November 1998 and by the Mecklenburg, Union, Metropolitan Planning Organization (MUMPO), is affordable with just the half cent sales tax. He stated that they have no plans to seek an additional tax from local sources for the planning of the Transit System. He stated that the half cent sales tax would provide, if managed appropriately, enough revenues over time because it will grow over time and it grows at a rate faster than inflation, to pay for the operation of the transit system and for matching federal and state grants.

Commissioner James requested for his future use, a tracking from year to year of the 30% number that was estimated as being the amount that was going towards the “core” bus system. He stated he was interested in knowing as things move forward whether or not more was being taken out of the half cent sales tax for the “old” bus system. He stated that it may be that at some
point in time the City of Charlotte may need to increase its maintenance of effort.

Chairman Cox noted that the County’s maintenance of effort really did not go down because the $181,000 was what it should have been all along. He said what happened was that staff and Mr. Tober discovered this error and corrected it.

Commissioner James asked was the County entitled to a refund for the amount it paid in excess of the $181,000?

Chairman Cox response was that this matter had been worked out by the County Manager’s office and CATS.

Commissioner Samuelson asked about the bus purchases and whether or not these would be gas vehicles or some other low emission buses.

Mr. Tober noted that CATS was getting ready to fuel the entire fleet, new and old buses with ultra low sulfur diesel fuel.

Commissioner Samuelson asked for clarification regarding the process that would be used if someone wanted to take issue with an item that’s in the proposed budget, that this was not a matter for which the Board of County Commissioners has authority over, but rather the MTC.

Mr. Tober confirmed that it was the MTC that has jurisdiction over these matters.

Commissioner Woodard asked if there were seat beats or child restraints on the bus system and/or on the new transit system?

Mr. Tober’s response was that there were no seat belts or child restraint seats on any of CATS buses.

Commissioner Puckett asked for clarification regarding the half cent sales tax being able to cover the operating and capital costs for the next twenty years. He noted that he personally doesn’t think it will cover it.

Mr. Tober stated that it would provide enough resources to pay for and help subsidize the operation of the transit system and to match federal and state capital grants.

Chairman Cox noted that a lot has been said in the radio media regarding what was promised and what was not in 1998, but that he was here in 1998 and that anyone who projected a cost in 1998 as being “the gospel” was not listening.

Chairman Cox continued and said that what was approved in 1998 was the creation of a half cent transit tax and to build a transit system and to complete it by the year 2025. He said that what was being voted on was the County’s portion of the plan. He said that it was never promised that it would fully cover the plan and that it was done with the anticipation of receiving state and federal revenues to match. He stated that if the half cent sales tax had not been approved there would not be any state or federal revenues.

Commissioner Puckett asked was it correct to say that the half cent would cover the local portion of the capital and the operating of the transit system, assuming that 75% of the capital investment was made by both the state and federal governments?

Mr. Tober stated that the percentage coming from the state and federal governments was closer to 80% with the local share being around 20% of the sales tax.

Commissioner Helms noted in reference to Commissioner James’ request regarding the amount of the sales tax that’s spent on the “core” bus system that it was really irrelevant because the half cent sales tax is paid by every citizen in Mecklenburg County, more than 500,000 of them being
City of Charlotte residents.

Commissioner Helms noted that he too was a part of the 1998 referendum and it was clear that the cost of the system was estimated. He said that it was understood that the half cent sales tax was only a part of the total cost of the system. He said that has changed and will change as things move forward. He said that the contributions by the federal government and state government will change and that what was promised was exactly where things were headed and what he feels there will be in 2025.

Commissioner James concurred that it’s a county-wide tax and that there are 500,000 people in the City. He stated that his concern was what if things don’t turn out as expected and expenses are significantly higher in the future or other events occur which impact the financial report. He stated that if this were to occur then where would the money come from to support the system.

Commissioner James stated that when this occurs he wants to be able to say, “well you know, we’ve been spending 30% of that transit tax money on the Charlotte bus system and therefore you City of Charlotte are going to write the check.”

Commissioner Clarke noted that everyone benefits from the bus system, even though they may not ride it.

Commissioner Helms concluded the discussion and noted the following point regarding an increase utilization of the bus system and the rapid transit system when gasoline gets up to $3 – $4 per gallon. He feels that things are moving in that direction, if not $3, certainly it’ll soon be over $2.00 per gallon. He stated that you don’t wait until gas prices reach $4 per gallon to try and find an alternative transit system. He said he felt what was occurring in the community as it relates to the transit system was timely. He complimented Mr. Tober and his staff.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve the proposed FY2005 Transit Operating Program and the proposed FY2005-FY2014 Transit Capital Program in accordance with the Transit Governance Interlocal Agreement.

Note: Commissioner Ramirez seconded by motion, however, he left the meeting prior to the vote being taken and was absent for the remainder of the meeting.

A copy of the Transit Operating and Capital Programs reports is on file with the Clerk to the Board.

U.S. NATIONAL WHITETWATER CENTER AT HISTORIC TUCKESEELEE FORD PARK

Motion was made by Commissioner Mitchell, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to approve a resolution approving a revised site master plan at Historic Tuckesegee Ford Park and declaring intent to approve Lease and Development Agreement with Charlotte Whitewater Park, Inc. for the U.S. National Whitewater Center At Historic Tuckesegee Ford Park.

Note: On August 12, 2003, the Mecklenburg County Board of Commissioners approved the concept of the Charlotte Whitewater Park being built on County park property as a public/private partnership. Subsequently, staff has negotiated a Lease and Development Agreement and a Services Agreement for BOCC approval along with a revised and final site master plan for the park. The construction of the recreational facilities will be funded 100% with private capital. The agreements define specifically what amenities will be built, operated, and made available to the public when the park is first opened for use, and the County’s contingent obligation to fund operating deficits under certain circumstances. On May 5, 2004 the Board will be asked to approve the Lease and Development Agreement and the Services Agreement. This facility and park will not receive any
capital or operational funding by the County. In the event of operational budget shortfalls, the County will agree to fund up to $1M annually for seven (7) years - $7M maximum. Similar funding commitments for additional amounts are expected to be made by a group of other local governments in the region.

Prior to the above vote, Commissioner James asked was the Board’s approval contingent upon all the other parties agreeing? He stated that he wanted to make sure that the County didn’t agree to its $1 million annually for seven years in the event of operational budget shortfalls and then have some other party pull out and the County is then obligated for more than the $1 million.

Attorney Bethune noted that the Services Agreement presented does not anticipate the Board’s approval being contingent upon Whitewater receiving similar commitments from other local governments.

Attorney Bethune noted further that the County’s commitment was to pay up to $1 million but that it was also contingent upon only paying seven/twelfths of any operating deficit. So, in the event Whitewater does not get commitments from the other governments such that they would have a full $12 million worth of commitments over the life of the project, the County’s obligation was still only seven/twelfths of the operating deficit each year to a maximum of $1 million.

Commissioner James said that he would like this matter brought back before the Board if one of the other governments that had agreed to participate decide not to.

It was noted that the only thing the Board was being asked to do at this time was to declare its intent. Also, that when this matters comes back on May 5th that staff would update the Board on what governments have agreed to participate.

Commissioner Puckett requested that it be incorporated in the agreement that before the County would give its $1 million that if Whitewater has not maintained the asset under what the County has agreed upon as being correct maintenance, that the County be able to deduct what it felt needed to be done for maintenance of that asset so to avoid further deterioration.

Attorney Bethune noted that there was no provision for that per say but that there were provisions in the lease that Whitewater must properly maintain the asset. If they don’t the County can terminate the lease. He said that in essence the County can get out of all its obligations and not just a portion, if Whitewater fail to maintain it in the first seven years.

Blaine Gregory with Park and Recreation presented this issue.

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

(19) MOUNTAIN ISLAND LAKE – MEMORANDUM OF UNDERSTANDING (MOU)

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to authorize the County Manager to negotiate and execute the Memorandum of Understanding for the Protection of Water Quality in Mountain Island Lake with Gaston County, Lincoln County, the City of Mount Holly, City of Gastonia, City of Charlotte, Town of Cornelius, Town of Huntersville, the Centralina Council of Governments, and the Mountain Island Lake Marine Commission.

Rusty Rozzelle addressed this issue prior to the above vote.

Commissioner Clarke noted that although this will be a difficult funding year for the state that Mecklenburg County has a big stake in seeing that the General Assembly funds the Clean Water Management Trust Fund. He encouraged everyone to contact state representatives (House and Senate) regarding the importance of this fund.

Memorandum of Understanding recorded in full in Minute Book 42-A, Document #
(20) MECKLENBURG COUNTY SURFACE WATER POLLUTION CONTROL ORDINANCE

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 7-1 with Commissioners Clarke, Cox, Helms, James, Mitchell, Samuelson, and Woodard voting yes and Commissioner Puckett voting no, to adopt the Mecklenburg County Surface Water Pollution Control Ordinance.

Rusty Rozzelle addressed this issue prior to the above vote.

The purpose of this Ordinance is to prevent pollutants from entering the storm drain system; to maintain and enhance surface water quality; and to meet the requirements associated with the NPDES storm water permit.

The proposed Ordinance is applicable to all parts of Mecklenburg County not located within a municipality’s corporate limits. Pursuant to North Carolina General Statute 153A-122, the governing body of any municipality located within Mecklenburg County may by resolution permit this Ordinance to be applicable within the corporate limits of such municipality.

Also prior to the above vote:

Commissioner James asked had the ordinance been adopted by Charlotte City Council.

Mr. Rozzelle said that staff approached the City and that they were considering it.

Commissioner James referenced Section 4, Prohibited Discharges to the Storm Drain System paragraph (C) and noted a pool leakage at Revolution Park, which would put the County in violation of its own ordinance, even though this is within the City limits of Charlotte. He stated that perhaps the Board should consider repairing the leak or not filling the pool.

Commissioner Puckett referenced Section 5, Powers and Authority for Inspection. He stated that he was not comfortable with inspectors being able to go on private property for this purpose. He suggested that perhaps a notice could first be sent.

Attorney Bethune clarified that the City of Charlotte has already adopted an ordinance very similar to the County’s that’s applicable within the City limits. He stated that the City did this several years ago because they are in the Phase I of the NPDES program and the County is in Phase II. He noted further that what Mr. Rozzelle was referring to was that the City of Charlotte is considering letting the County’s ordinance become effective within its jurisdiction and having the County participate in the enforcement of it.

Attorney Bethune noted in response to Commissioner Puckett’s question that if someone refuses a request to go on their property the County would not go on their property. The County would then go to a judge and get an Administrative Search Warrant in order to go on the property if the judge allows it.

Attorney Bethune stated that having this in the ordinance gives the judge jurisdiction to allow the County to go on the property if the County shows proper cause.

Note: A second reading will be required on May 5, 2004 because all Commissioners were not present at the time of this vote.

(21) ELIZABETH AVENUE REDEVELOPMENT PROJECT

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to:
1. Approve a Development Agreement with the City of Charlotte, Providence Road Land Partners, Grubb Properties, Novant Health and East Park for the development and funding of up to 1,000 public parking spaces in the Elizabeth Avenue redevelopment; and,

2. Adopt a resolution approving an Interlocal Agreement with the City of Charlotte to provide for the financing, ownership and operation of these public parking spaces.

Agreement and Resolution recorded in full in Minute Book 42-A, Documents #

(22) AMEND CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner James, seconded by Commissioner Helms and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to amend the School Facilities – 2004 Capital Project Ordinance in order to provide the full budgetary authority for the two high schools in northern Mecklenburg County as presented with one amendment that it also include the expansion of a middle school in northern Mecklenburg County.

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

Prior to the above vote:

Commissioner Mitchell stated that he thought it had been stated sometime in the past that no action would be taken on this matter until after there was a funding formula in place.

Commissioner Mitchell stated that he was concerned because if this action is taken now and a formula is later put in place that there would be schools throughout the County that would need renovations and repairs that would be pushed down the line if there was a set formula. He noted that he would reluctantly support this request because he does understand the growth issue, but was suspicious of how this came about.

Chairman Cox stated that currently there was not a formula but lots of versions being talked about. He stated that at this point it’s not known if one would be put in place at all. He noted, however, that if one was put in place that limited total spending in some way that he wasn’t sure if the Board of Education would push projects on down or not. He noted that what was before the Board was a specific request of the Board of Education and something that they’re wanting to move forward now, rather than waiting.

Finance Director Harry Weatherly noted an error on the ordinance, which was the omission of the expansion of a middle school in northern Mecklenburg County. It was noted that the dollar amount was the same.

The makers of the motion agreed to amend their motion to include the expansion of the middle school.

Commissioner Woodard said that she felt this action was just placing a band-aid on the problem. She noted that perhaps the Board of Education needs to look at other alternatives for dealing with overcrowding, for example utilizing those schools that are under capacity.

Rhonda Lennon spoke in support of the ordinance.

(23) DSS OFFICE OF FAITH-BASED & COMMUNITY INITIATIVES AND THE WELLNESS INTERFAITH NETWORK APPROPRIATION REQUEST

Motion was made by Commissioner James, seconded by Commissioner Helms and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to authorize a $3,000 appropriation from unrestricted contingency to support The Wellness Interfaith Network (WIN).
Note: This allocation will help sponsor a one-day conference on “Developing Successful Faith and Community-Based Grant Proposals” sponsored by the DSS Office of Faith-Based and Community Initiatives and The Wellness Interfaith Network. The conference is designed for all faith-based and community-based organizations and other community members who are seeking knowledge about the grant application process for federal funds. The conference will be held on April 27, 2004 at 8:00 a.m. at the Friendship Missionary Baptist Church.

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett, and carried 8-0, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:45 P.M.

____________________________________  _________________________
Janice S. Paige, Clerk  Tom Cox, Chairman
Chairman Cox and Commissioners Helms, Ramirez, and Woodard were absent when the meeting was called to order and until noted in the minutes.

The purpose of the meeting was to discuss FY05 budget matters, including, but not limited to receiving a presentation on Employee Compensation and Benefits and on the Reallocation of FY04 Funds.

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 5-0 with Commissioners Clarke, James, Mitchell, Puckett, and Samuelson voting yes, to elect Commissioner Samuelson as Acting Chairman until the arrival of Chairman Cox or Vice-Chairman Ramirez.

Acting Chairman Samuelson then called the meeting to order.

County Manager Jones addressed how the meeting would proceed. He then called upon Susan Hutchins, Director of Human Resources to present the FY05 compensation and benefits preliminary recommendations.

(1) Employee Compensation and Benefits

Director Hutchins presented FY05 Preliminary Employee Compensation and Benefits Recommendations.

The presentation covered:
- Salaries and Pay Range Recommendations
  2.7% increase to payroll ($4,214,144)
- Benefits Plan Recommendations
  Medical Plan (7.5% increase to medical budget - $1,379,520)
  401k/457 Employer Match 4% ($394,910)
- Compensation Philosophy
- 2004 Benefits Comparison Summary
- Responses to Commissioners’ Questions
Noted Key Facts:
- Employee salaries and pay ranges are below market
- Benefits are competitive with market, generally
- Market for salaries projected to increase in FY05
- Medical Plan redesign is containing costs
- Insurance reserves dangerously low.

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

Chairman Cox and Commissioner Ramirez entered the meeting during the discussion of Salaries and Pay Ranges.

Chairman Cox assumed chairmanship of the meeting.

Comments

Chairman Cox noted that he was interested in putting in the County’s current health coverage design plan a factor for accountability for those employees who smoke or are obese. He noted that smokers and persons that are obese over time add to the cost of the County’s health care coverage, which impacts everyone. He stated that he did not have a definition of obesity, but believes “you know it when you see it.”

Chairman Cox’s proposal would require those employees who smoke or are obese to bear some of the cost for their health coverage.

Commissioner Samuelson asked whether the County could legally require smokers and persons that are obese to bear this additional cost.

Director Hutchins noted that staff would research this matter and report back to the Board. She noted that it was being done when it comes to life insurance, but she was not sure about health insurance coverage. She noted further that most of the programs that are being used were more promotional and offer incentives for not smoking rather than it being a disincentive or cost factor.

Chairman Cox suggested consideration be given to increasing employee premiums but offering a discount to those that do not smoke.

Commissioner Samuelson asked Chairman Cox if his proposal included dependents and his response was that at this point he could not answer that.

Commissioner Mitchell noted that if you do this for smokers and persons that are obese, you need to look at other health risk factors such the use of drugs and alcohol.

Commissioner James noted that determining obesity might be tricky because what has to be looked at is the cause of the obesity, for example, is the obesity the result of medication(s) someone may be on for some other health problem or from eating.

Commissioner Clarke noted that being equitable was important because there were other health factors that also add to the cost of medical insurance.

Commissioner Woodard entered the meeting.

Director Hutchins noted that many cities and counties make contributions to 401K/457 in the range of 4% - 5% regardless of the match. It was noted also that law enforcement officers automatically receive 5%.

Director Hutchins noted that the County Manager would be making recommendations in his recommended budget regarding longevity pay.

Commissioner Puckett requested a copy of the survey data for the Benefit Comparison report, specifically from the Employer’s Association.
Commissioner James referenced conversations in past years regarding the issue of whether persons leaving the County’s employment could be allowed to maintain their insurance coverage at whatever the employee cost was, particularly for those that may be uninsurable when they leave. He noted that it was determined that it could be done, however, there would be a cost associated with it and that the matter was not pursued.

Commissioner Ramirez as a follow-up to comments made by Commissioner James regarding insurance coverage for persons that leave the County’s employment, ask if staff would provide information on the possibility of those employees maintaining their insurance if they pay their cost and the county’s cost?

Director Hutchins noted that this would require an actuary study and that if funds were made available that staff could pursue this. She noted, however that the premium cost would probably be 2-3 times higher then what they were now. So, it becomes an affordability issue if you pass along all of the cost onto the employee.

This concluded the discussion of Employee Benefits and Compensation. No action was taken or required.

(2) Reallocation of FY04 Funds

Interim Budget Director John Skidmore addressed the reallocation of FY04 funds.

The following was noted
  • The reallocation of FY04 would address urgent needs.
  • It’s projected that the County’s actual cost for Medicaid in the current fiscal year will be less than the amount budgeted.
  • The County Manager is recommending that a portion of the overage be used to offset anticipated costs in FY05 that are urgent needs; projected to total $3.3 million.
  • The County would reallocate funding as follows, in the order of priority:
    $757,940 for capital reserve to pay for billing roof repairs, HVAC replacement/repair
    $933,015 for PC replacement and Microsoft Office upgrade
    $315,000 for the replacement of 40 vehicles
    $1,294,045 returned to General Fund Balance

The rationale and details for each was reviewed.

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

Comments

Commissioner Samuelson questioned the need for the reallocations at this time versus discussing them during budget deliberations. She noted that if these funds were not reallocated that they would go into reserve and then be eligible for the 05 budget.

Director Skidmore noted that there had not been any vehicle replacements in the last two years.

County Manager Jones reminded the Board that last year during the 04 budget process that there were things he recommended relative to vehicle and computer replacement; and that he informed the Board shortly after the approval of the budget that if he identified savings during the current fiscal year budget that he would come back to the Board and ask for funding for these items, especially in the area of computers and vehicle replacement. He noted that if he recalled correctly this was acceptable to the Board.

County Manager Jones noted also that Board authorization was not necessary for the above referenced reallocations to occur because he has authority to approve these types of matters. However, in keeping with his philosophy of “full disclosure” to the Board, he wanted to bring this matter to the Board’s attention.
Staff noted also that if these actions were taken now, it would increase some efficiencies.

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell to authorize the County Manager to move forward with his recommendations for the reallocation of FY04 Funds to address the needs as outlined, which were that the County would reallocate funding as follows, in the order of priority:

- $757,940 for capital reserve to pay for billing roof repairs, HVAC replacement/repair
- $933,015 for PC replacement and Microsoft Office upgrade
- $315,000 for the replacement of 40 vehicles
- $1,294,045 returned to General Fund Balance

Commissioner Samuelson said she was uncomfortable with voting on this matter, since she had pending questions, which she did not have with her, specifically regarding PC Replacement and Microsoft Office.

**Commissioner Samuelson left the meeting and was absent for the remainder of the meeting.**

Commissioner Puckett asked County Manager Jones if these matters would be his highest priorities going into FY05 budget deliberations.

County Manager Jones noted that these were his highest priorities for FY04 using surplus funds. It was noted also that these were high priorities during the FY04 budget process but they were not funded because of cuts made by the Board during the FY04 budget process.

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

Chairman Cox stated that the Board should want the County Manager to find ways to save in the current budget year in order to reduce the “pain and risk” that he would be faced with next fiscal year.

After further discussion Commissioners Clarke and Mitchell withdrew their motion.

Commissioner Clarke asked that it be noted for the record that it was very clear that County Manager Jones was not simply giving the Board “full disclosure” of what he intended to do with the excess Medicaid funds, but that he was also clearly giving the Board the opportunity to “overrule” him if the Board chose to do so.

This concluded the discussion of this matter. No action was taken nor required.

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

There being no further business to come before the Board the meeting was declared adjourned at 5:03 p.m.

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in
Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg
Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-
Mecklenburg Government Center at 6:00 p.m. on Wednesday, May 5, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Dan Ramirez, Ruth Samuelson
and Valerie 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-

(1) STAFF BRIEFINGS - NONE

(2) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT
IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)(1) -
LAND ACQUISITION

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

- In the Highland Creek Area tax parcels 029-471-01, -05, -06 & -15; 029-281-09; 029-
  471-02, -03, -04, -07 & -10; 029-471-08; 029-471-09; 029-471-14; 029-471-11 & -12;
  029-471-13; 029-471-16; 029-471-17; and 077-091-02 at Druid Hills

- Tax parcel # 075-042-38 at Cummings Avenue from Habitat for Humanity Charlotte

- Tax parcels # 059-071-14, 059-071-20, 059-081-23, and 059-081-24 off Tuckasegee Road
  and Yahtzee Lane owned by Allen and Rosemary Hubbard

- Tax parcels # 047-431-02 and 047-441-01 owned by the Alexander family in the Mallard
  Creek area for the Mallard Creek Greenway.

Motion was made by Commissioner Samuelson, seconded by Commissioner James and
unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez,
Samuelson, and Woodard voting yes, to go into Closed Session to Prevent Disclosure of
Information that is Confidential Pursuant To G.S. 105-259. (G.S. 143-318.11(A)(1) and to
discuss Land Acquisition.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 6:15
p.m.
REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The item identified was Item 16.

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

-FORMAL SESSION-

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

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of Item 16 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 20, 2004 and Special Meeting held April 13, 2004, and Closed Session minutes of April 20, 2004.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments in the amount of $128,059.79.

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

(9) STORM WATER FEE – SET CITY/COUNTY JOINT PUBLIC HEARING

Set a joint public hearing with the Charlotte City Council on May 18, 2004 at 6:30 p.m. on a proposed increase in the Storm Water fee for the minor system inside the City.

(10) SHERIFF’S OFFICE VOCREHAB GRANT FROM THE GOVERNOR’S CRIME COMMISSION

Approve application for and, if awarded, recognize, receive and appropriate $74,367 grant from the Governor’s Crime Commission for the Successful Reintegration Project. Secondly, approve, if grant is awarded, the transfer of the $24,789 (25%) match from the Sheriff’s Office Commissary Special Revenue Fund.

(11) AUTOS, VANS, & TRUCK PURCHASES

Approve the establishment of unit price contracts for various County vehicles, to include sedans, vans, trucks and truck equipment.

Note: The City / County Procurement Services Division has determined that a unit price contract for various vehicles should be in place so, that as funds become available and/or as wrecked vehicles are required to be replaced, they are obtained in an expedient manner without the necessity of an informal bid or otherwise exceeding a $100,000 threshold requiring a formal process. The contracts
will allow for model year and option cost adjustments as required. The contracts will be for one year with options to renew for two one-year terms.

(12) AREA MENTAL HEALTH AUTHORITY THIRD QUARTER FY 2004 REPORT

Recognize and receive the Third Quarter 2004 Area Mental Health Authority Report.

Financial Management portion of the report:

### Revenues

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budgeted Revenue</th>
<th>Actual Revenue</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>19,685,899</td>
<td>12,493,631</td>
<td>63%</td>
</tr>
<tr>
<td>Medicaid – CAP</td>
<td>2,947,524</td>
<td>1,058,367</td>
<td>36%</td>
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<tr>
<td>State and Federal</td>
<td>18,183,599</td>
<td>8,505,764</td>
<td>47%</td>
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<tr>
<td>State – CTSP</td>
<td>2,206,445</td>
<td>36,558</td>
<td>2%</td>
</tr>
<tr>
<td>State - MR/MI</td>
<td>2,721,636</td>
<td>64,096</td>
<td>2%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>514,966</td>
<td>328,218</td>
<td>64%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,288,106</td>
<td>1,790,451</td>
<td>54%</td>
</tr>
<tr>
<td>County</td>
<td>36,011,077</td>
<td>26,413,081</td>
<td>73%</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td><strong>85,559,252</strong></td>
<td><strong>50,690,166</strong></td>
<td><strong>59%</strong></td>
</tr>
</tbody>
</table>

### Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>5,772,965</td>
<td>3,364,298</td>
<td>58%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>20,090,186</td>
<td>9,839,254</td>
<td>49%</td>
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<tr>
<td>Adult Mental Health</td>
<td>10,783,195</td>
<td>6,492,882</td>
<td>60%</td>
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<tr>
<td>Adult Substance Abuse</td>
<td>10,460,226</td>
<td>7,061,898</td>
<td>68%</td>
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<tr>
<td>Local Management Entity</td>
<td>11,563,858</td>
<td>5,647,766</td>
<td>49%</td>
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<td>BHC Randolph</td>
<td>10,359,217</td>
<td>7,798,302</td>
<td>75%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>16,529,605</td>
<td>10,485,766</td>
<td>63%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>85,559,252</strong></td>
<td><strong>50,690,166</strong></td>
<td><strong>59%</strong></td>
</tr>
</tbody>
</table>

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

(13) CONDEMNATION FOR MALLARD CREEK GREENWAY

This item was removed from the agenda.

(14) JOINT USE AGREEMENT BETWEEN MECKLENBURG COUNTY AND CHARLOTTE-MECKLENBURG BOARD OF EDUCATION – MALLARD CREEK COMMUNITY PARK

(A) Approve amending the Mallard Creek Community Park master plan to include a high school without losing any of the original master plan amenities.

(B) Approve the Mallard Creek Community Park/New High School Joint Use Agreement between Mecklenburg County and Charlotte-Mecklenburg Board of Education for a new high school to be built on the Mallard Creek Community Park site.
(15) LAND SWAP AND LEASE/OPERATING AGREEMENT BETWEEN MECKLENBURG COUNTY AND CHARLOTTE-MECKLENBURG BOARD OF EDUCATION - HICKORY GROVE SITE

Approve the Land Swap and Lease/Operating Agreement between Mecklenburg County and Charlotte-Mecklenburg Board of Education for the Hickory Grove Site.

Note: Mecklenburg County and Charlotte-Mecklenburg Board of Education desire that a new elementary school, including a new recreation center, be constructed on the Hickory Grove Site and that Mecklenburg County may develop at a later date additional park facilities and/or a full service branch library. Mecklenburg County’s share of the funding will be from COPS approved in the Park and Recreation Facilities 2004 Capital Project Ordinance adopted by BOCC in January 2004 not to exceed $1,500,000.

(17) BUOY INTERLOCAL AGREEMENTS – MOUNTAIN ISLAND LAKE AND LAKE WYLIE

Approve resolution approving new agreements with the Mountain Island and Lake Wylie Marine Commissions for the storage, maintenance and installation of marine buoys on Mountain Island Lake and Lake Wylie.

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

(18) MECKLENBURG COUNTY SURFACE WATER POLLUTION CONTROL ORDINANCE – SECOND READING

Adopt the Mecklenburg County Surface Water Pollution Control Ordinance. (Second Reading)

Note: Phase II Storm Water Rules require that Mecklenburg County and the Towns develop, implement and enforce a program to detect and eliminate sources of water pollution. Water quality monitoring activities performed by Mecklenburg County’s Water Quality Program will be used to detect pollution sources, but currently Mecklenburg County and the Towns do not have a regulation in place to require the elimination of these sources. The Mecklenburg County Surface Water Pollution Control Ordinance will provide this regulatory authority, which will significantly enhance Mecklenburg County’s capabilities for improving surface water quality conditions and will comply with the Phase II Permit requirements. The proposed Ordinance is applicable to all parts of Mecklenburg County not located within a municipality’s corporate limits. Pursuant to North Carolina General Statute 153A-122, the governing body of any municipality located within Mecklenburg County may by resolution permit this Ordinance to be applicable within the corporate limits of such municipality. The Towns have been contacted and most have agreed to adopt such a resolution once Mecklenburg County’s Ordinance is in place. The Ordinance will go into effect upon its adoption.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(16) BUDGETARY ACTION

This item was removed from consent by Commissioner Samuelson.

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett, to approve reallocation of FY04 funds to address urgent needs as outlined in the County Manager’s April
20, 2004 memo with the exception of the replacement of vehicles and PC replacement and Microsoft Office upgrade and that these two items be dealt with during the normal budgeting process.

Substitute motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and carried 7-1 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, and Woodard voting yes and Commissioner Samuelsdon voting no, to approve the reallocation of FY04 funds to address urgent needs as outlined in the County Manager’s April 20, 2004 memo as follows:

The County would reallocate funding as follows, in the order of priority:

- $757,940 for capital reserve to pay for building roof repairs, HVAC replacement/repair
- $933,015 for PC replacement and Microsoft Office upgrade
- $315,000 for the replacement of 40 vehicles
- $1,294,045 returned to General Fund Balance

Note: The memo stated that staff was projecting the County’s actual costs for Medicaid in the current fiscal year to be less than the amount budgeted. As a result, the County Manager recommended that a portion of the overage be used to offset anticipated costs in FY05 that are urgent needs for the County.

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

(1A) FEINSTONE ENVIRONMENTAL AWARD

The Board recognized the following Reedy Creek Nature Center staff as recipients of the 2004 Feinstone Environmental Award:

- Marek Smith, Environmental Education Supervisor
- Sarah Kiser, Environmental Education Specialist
- Adam DeWitte, Environmental Educator
- Heather Burgess, Environmental Education Specialist
- Heather Burgess, Environmental Education Assistant
- Henry Haithcox, Nature Preserve Technician
- Alison Toney, Nature Center Attendant

Steve Law of Park and Recreation introduced the staff.

Note: Reedy Creek Nature Center was selected as one of two First Place recipients of the prestigious 2004 Feinstone Environmental Award, chosen from among 60 nature centers across the United States. Reedy Creek Nature Center was selected for “demonstrating a clear commitment to educational programs focusing on the natural environment, excellence in programming, service to the community and in serving as a role model that other centers may emulate.” The award included a commemorative statue and a $1,000 cash prize.

(1B) WILDLIFE SOCIETY 2004 NC CHAPTER AWARD

The Board recognized Don Seriff, Conservation Supervisor with the Park and Recreation Department, as recipient of The Wildlife Society 2004 NC Chapter Award.

Steve Law of Park and Recreation introduced Mr. Seriff to the Board.

Note: This award is presented in recognition of outstanding service as a wildlife professional and for individual effort and contributions to wildlife conservation in North Carolina. The Wildlife Society is an international non-profit professional association dedicated to excellence in wildlife stewardship through science and education.
(1C) NATIONAL EMS WEEK AND ACE ACCREDITATION

Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating May 16-22, 2004 as EMS Week in Mecklenburg County in recognition of the tireless efforts of EMS professionals at Medic and the EMS system as a whole.

The Board also recognized Medic’s recent accreditation as a Communications Center of Excellence by the National Academies of Emergency Dispatch.

The proclamation was read by Commissioner Samuelson and received by Joe Penner, Director of Medic.

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

(1D) OLDER ADULTS MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating May as Older Adults Month in Mecklenburg County.

The proclamation was read by Commissioner Mitchell and received by Dr. Carol Baker of the Department of Social Services.

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

(1E) COVER THE UNINSURED WEEK

Motion was made by Commissioner Ramirez, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating May 10-16, 2004 as Cover the Uninsured Week in Mecklenburg County.

The proclamation was read by Commissioner Ramirez and received by Anne Dalton of the Health Department, Dr. Stephen Keener, Medical Director of the Health Department, and Dr. John T. Klimas on behalf to the Mecklenburg Medical Society.

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

Chairman Cox left the dais and was away until noted in the minutes. Vice-Chairman Ramirez chaired the meeting until Chairman Cox’s return.

(1F) DRUG TREATMENT COURT MONTH

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and carried 7-0 with Commissioners Clarke, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating May 2004 as Drug Treatment Court Month in Mecklenburg County.

The proclamation was read by Commissioner Clarke and received by Janeanne Tourtellottt, Director of the Drug Treatment Court Program, Judge Sisk, and Judge Lewis.

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

Chairman Cox returned to the dais.
(1G) NATIONAL DAY OF PRAYER

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating May 6, 2004 as National Day of Prayer in Mecklenburg County.

The proclamation was read by Commissioner James.

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

(3A) ADVISORY COMMITTEE REPORTS - CITIZENS’ CAPITAL BUDGET ADVISORY COMMITTEE (CCBAC)

This item was removed from the agenda.

(3B) ADVISORY COMMITTEE REPORTS STATUS OF SENIORS UPDATE

The Board received as information the Strategic Planning Report from the Status of Seniors Initiative Executive Advisory Board.

The report was given by Former County Manager Gerald G. Fox and Ted Rash.

Note: The report addresses the needs, resources, issues and concerns of the older adults of Mecklenburg County.

A copy of the report 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:

Mark Alexander Palmer representing Historic Preservation of Elmwood/Pinewood Cemetery, Inc. shared information regarding the cemetery. He noted also that they were in the middle of their fundraising campaign and will soon have their national registry complete. He addressed an event, a picnic, that was scheduled to take place this weekend at the cemetery and noted that it was being sponsored by Historic Charlotte. He stated that he along with others were appalled that this activity would be allowed to take place in the cemetery. Mr. Palmer stated he has informed Charlotte City Council of this concern as well. Another concern he mentioned and expressed opposition to was a proposed amphitheater in the Settler cemetery area.

Chairman Cox asked Mr. Palmer why would someone want to have a picnic in a cemetery and Mr. Palmer’s response was that the Elmwood/Pinewood Cemetery is looked upon as being a park.

Chairman Cox asked was the cemetery operated by the City of Charlotte and Mr. Palmer’s response was yes, but he felt the Board should be aware of what was taking place, also.

Chairman Cox thanked Mr. Palmer for sharing this information.

(6) MANAGER’S REPORT - NONE

(19) ELON HOMES SPECIALTY PARK

Motion was made by Commissioner Samuelson, seconded by Commissioner James and
unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the Elon Homes Specialty Park Master Plan contingent upon North Carolina Department of Environment and Natural Resources approval of the Foxhole Landfill permit modification.

(20) CHARLOTTE WHITewater PARK

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a resolution approving the Lease and Development Agreement and Services Agreement between the County of Mecklenburg and Charlotte Whitewater Park, Inc. for the design, construction, and operation of a high adventure park at Historic Tuckaseegee Ford Park.

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

(21) REVOLUTION POOL

Commissioner James, sponsor of the Revolution Pool item, noted that no action was required on this matter, in light of the fact that the pool leak that existed has now been repaired.

Commissioner James noted that he placed this matter on the agenda in order to get a response from staff regarding the pool leak (20,000+ gallons of water per day, 2 million gallons in a year) and for the Board to consider whether or not the pool should be filled. He noted that his preference was that the pool not be filled until the leak was repaired.

County Manager Jones noted that staff would begin filling the pool on May 15th and that it was scheduled to open May 29th.

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

(4A) PUBLIC HEARING CITY OF MONROE’S REQUEST TO ACQUIRE LAND EASEMENTS THROUGH MECKLENBURG COUNTY

Motion was made by Commissioner Mitchell, seconded by Commissioner Samuelson and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to open a public hearing to receive comments regarding the City of Monroe’s plans to construct a natural gas pipeline through a portion of Mecklenburg County.

Note: The City of Monroe is proposing to construct a natural gas pipeline originating at the Transcontinental Pipeline (TRANSCO) near Mooresville, NC and extending to connect to the existing natural gas system serving Monroe and other portions of Union County. The project would require acquisition of approximately 150 parcels within Mecklenburg County. G.S. 153A-15 provides that, for certain listed counties including Mecklenburg, before a unit of local government outside the county may acquire or condemn land in the county, the Board of Commissioners must approve the acquisition or condemnation. If approval was granted the City of Monroe would be able to obtain easements and rights-of-way or property in fee simple as necessary and expedient.

The following persons appeared to speak in support of the City of Monroe’s request to acquire land easements through Mecklenburg County in connection with its plans to construct a natural gas pipeline through a portion of Mecklenburg County:

Commissioner Woodard returned to the dais.

Mayor Judy Davis, City of Monroe
Highlights of her comments:

- Mayor Davis thanked the Board for its consideration of this matter.
- As a utility provider the City of Monroe’s paramount responsibility is providing safe, reliable service at the lowest possible cost to its citizens and customers.
- In April 2002 the City of Monroe began a process to seek out and determine what alternatives existed for natural gas supply at the conclusion of its current natural gas supply contract.
- Proposals were requested from all natural gas suppliers in and around North Carolina.
- Also, a preliminary engineering and cost feasibility for building a pipeline and becoming a direct customer of Transcontinental pipeline.
- At this point the City of Monroe has determined that the most feasible alternative is for Monroe to build its own pipeline.
- The City of Monroe has established a preliminary alignment for the proposed pipeline and is flexible with regard to the alignment and is committed to working with individual property owners to minimize any adverse impact on their property.
- Monroe staff is working with the Town of Davidson to explore alternate alignments in the vicinity of Davidson College.
- Monroe has received approval for a tap to the Transcontinental pipeline from the Federal Energy Regulatory Commission.
- Monroe’s contract with Piedmont Natural Gas Company expires in December 2006.
- During negotiations with Piedmont Natural Gas Company the point of difference has been based solely on the estimated cost of the proposed pipeline.
- Upon entering into negotiations with Piedmont Natural Gas Company, Piedmont Natural Gas agreed not to oppose any actions or requests by the City of Monroe related to the project as long as the City of Monroe negotiated in “good faith.”
- Once the question of project cost surfaced, both parties mutually agreed to hold discussions in abeyance until firm competitive bids could be received to determine the actual cost of the pipeline.
- In order to have a pipeline completed by December 2006, the City of Monroe must continue to move forward.
- Discussions with Piedmont Natural Gas Company will resume after land rights are granted and the final route is determined and Monroe has all of the costs needed.
- At the present time the pipeline is the lowest cost option.
- The purpose of the project is to help the City of Monroe remain competitive, in order to not lose its existing industries and employment to other states that have more competitive utility costs.
- The project is critical to industry retention efforts of Monroe and in portions of Union County, as well as economic impacts in Mecklenburg County and the region.
- Many individuals work in Monroe but live in Mecklenburg County and feel the project is important to the retention of their jobs.
- Support of the project has been expressed by the congressional delegation, Department of Commerce, and from other cities that realize the adverse impact that would be realized by further lost of major industry in this area.
- Additional letters of support were received from the Towns of Pineville, Huntersville, and Cornelius, Secretary of Commerce, a resolution from the Union County Board of Commissioners, and letters from Senators Elizabeth Dole and John Edwards, in addition to the letters from Representatives Sue Myrick and Robin Hayes.
- Monroe’s largest businesses depend on natural gas and have stated that “as a bottom line” that if the City of Monroe cannot do something that they will leave.
- The lost of these businesses will mean a tremendous lost of jobs and impact on Monroe’s economy.
- One of these businesses is the largest electric users in the North Carolina Municipal Power Agency #1.
- This is the agency where places like Monroe, Cornelius, Pineville, Huntersville and other surrounding areas like Gastonia get their power. If this one industry leaves it will impact each of these areas as far as electric rates.

Pat Decourcy, CFO of Allvac located in Monroe spoke in support of Monroe’s request. Highlights of his comments:
• The economic well being of Allvac relies on reasonably priced natural gas.
• Allvac is one of the largest consumers of natural gas in North Carolina.
• Allvac currently pays some of the highest rates for natural gas transportation in the country.
• North Carolina ranks among the top 10 in the highest cost for natural gas transportation in the country.
• Allvac pays substantially less at many of their other facilities throughout the country.
• Allvac currently has approximately 1000 employees with 100 of those employees residing in Mecklenburg County.
• Allvac like many manufacturing firms face increasing pressure from foreign competition, which is dramatically altering the global market place in which they participate.
• Cost effective natural gas will help Allvac remain competitive in their industry and to continue to provide good jobs.

Hunter Dalton with Allvac spoke in support not only on behalf of Allvac but also as a citizen. Highlights of his comments:
• The global market place has and will continue to seek and find the lowest cost materials available anywhere on the globe.
• He asked the Board to support the region’s industrial base by approving the City of Monroe’s request.

Jesse Tilton, CEO of Electric Cities of North Carolina spoke in support of Monroe’s request. Highlights of his comments:
• The pipeline would have positive economic effects for Monroe, Mecklenburg County, and the region as a result of the construction of the pipeline and the ability of Monroe to provide natural gas at a competitive price.
• The pipeline will better position the City of Monroe to control gas prices and enable Monroe to retain industry and jobs that will help the entire region and attract new industry.
• Those industrial customers of Monroe use 70 percent of Monroe’s natural gas supply. In addition those same customers constitute about 35 percent of the electric load of Monroe.
• The largest customer of natural gas and electricity in Monroe constitutes the largest electric load of any of the 19 cities in Power Agency 1.
• The retention of all of the operations of that one industry is critical.
• If the pipeline is not built and Monroe loses this particular industry, electric costs would increase for the Power Agency cities in Mecklenburg County.
• Monroe is one of only eight North Carolina cities that owns and operate a natural gas system. Four of the eight cities are already connected to the Transco pipeline, which is the ultimate purpose of Monroe’s project.

Mike Shalati, County Manager of Union County spoke in support of Monroe’s request. Highlights of his comments:
• It was noted that the two counties have partnered in the past on various projects, such the landfill and transportation issues.
• He noted the impact of this on the state noting the State’s lost of industry.
• He stressed the importance of economic development.
• He stressed the importance of retention and expansion of industry as an economic development initiative.

Art Krackie with Allvac spoke in support of Monroe’s request and noted that although he works in Monroe, he is a resident of Mecklenburg County.

Jim Carpenter, President of the Union County Chamber of Commerce spoke in support of Monroe’s request. Highlights of his comments:
• A resolution was adopted by the Union County Chamber of Commerce in support of Monroe’s request, which was distributed to the Board.
• There are about five or ten industries in Monroe that “carry the load” or consume 60 percent of the natural gas supplied by the City of Monroe.
• If Monroe were to lose those industries the economy of Monroe and Union County would take the front pages away from the PillowTex occurrence in Cabarrus County.
• It’s extremely important to the economy and residents of Union County and Monroe that their business and industry remain competitive.

Jerry Cox, Town Manager of Huntersville spoke on behalf of the Town of Huntersville and expressed support of Monroe’s request.

Highlights:
• This is an example of how Interlocal government cooperation can work, not only at the local level but also at the regional level.
• If Monroe is successful in maintaining their economic base, their industrial base, as well as, being able to expand, those benefits will also transcend within the entire region.
• It’s true that if Monroe is not successful that it would have the potential of negative impacts as it relates to electrical rates on Huntersville, Cornelius, and Pineville because they are a part of Power Agency #1.
• It’s not just a matter of a pipeline going into Monroe but rather an international, national, state, and local issue in terms of competition.

Ron Leitch, Manager of the Charlotte Office of the Department of Commerce spoke in support of Monroe’s request.

Highlights of his comments:
• He distributed a letter from the Secretary of Commerce in support of Monroe’s request.
• The Dept. of Commerce is not just supportive of this because it’s Monroe or Union County but because of its support of industry, new and existing, and competitiveness in North Carolina.

Robert Zoeller, representing Consolidated Metco spoke in support of Monroe’s request.

Highlights of his comments:
• Although he works in Union County he is resident of Mecklenburg County, along with 20 others at his company.
• The need for natural gas for Metco and the competitive pricing of that gas is imperative.
• Natural gas represents 10% of Metco’s operating budget on an annualized basis.
• Natural gas is a large consideration to any future expansion, relocation, and or location of future plants for Metco.
• The pricing in this competitive market can only be improved through competitive gas, labor and things of this nature. If not, Monroe and Union County will lose a very important manufacturer.
• The strength and quality of the counties surrounding Mecklenburg County contributes to the health of Mecklenburg County as well.

Tom Williams, President of Allvac spoke in support of Monroe’s request.

Highlights of his comments:
• He is concerned about economic development in the region.
• Infrastructure that currently exist in the area is good, but there has to be vision and commitment for improvements that will positively effect the environment of the region in the future.
• Growth in Monroe and Union County is considerably greater as a residential neighborhood of Charlotte rather than a developing industrial region.
• To balance this effect will require improved roads and cost effective utilities, such as natural gas and electricity.
• This request will most likely have opposition from property owners on right-of-way and from utility companies that operate in a monopolistic environment today somewhat.
• In today’s globally competitive business environment, corporations will make capital investment and business decisions with a great emphasis on cost.
• Part of Allvac’s expansion has moved across state lines because of cost. It is imperative that in the regions where companies are located that they be competitive in infrastructure, utilities, and transportation access.
• This type of decision will require futuristic thinking and will never win popularity contests in all areas.
This would be one step in keeping the region competitive in a global environment.

Khary Gaylord, a resident of Mecklenburg County that works in Monroe at Tyson Foods, spoke in support of Monroe’s request.

Huigh Sexton, Commissioner Union County spoke in support of Monroe’s request. Highlights of his comments:
- On April 19th the Union County Board of Commissioners voted unanimously to support Monroe’s request.
- They are supportive not only for economic development reasons, to save jobs, but to also keep jobs.
- He noted the growth challenges Union County is faced with.
- The possible lost of $6 billion in the eight-county region from the federal government if the region’s air quality is not in compliance is another reason why Monroe’s request is so important.
- Invoke the good neighbor policy on behalf of Monroe and Union County and grant the City of Monroe its request.

The following persons spoke in opposition to Monroe’s request:

Bob McIntosh, an attorney and property owner on Gray Road in Davidson spoke in opposition to Monroe’s request. Highlights of his comments:
- He’s been a resident of Mecklenburg County all of his life.
- He stated that Piedmont Natural Gas was an outstanding corporate citizen and noted that his father was employed with Piedmont Natural Gas for 38 years.
- Per comments made regarding job retention, no one guaranteed or can guarantee that if Monroe’s request is denied that these jobs would indeed leave Monroe. Nor did anyone guarantee that if approved these jobs would remain in Monroe.
- There are other factors that come into play in the global economy besides the price of natural gas.
- He does not feel the Board’s decision will determine whether Monroe loses jobs or not.
- He noted that his grandparents bought their farm in 1946, which is on Gray Road. He addressed how his grandparents and their children paid off the loan note for their property. He noted the importance and sentimental value of their property.
- Two natural gas lines currently run across their property already (123 acres).
- These two existing gas lines constitute 8.11 acres of their land.
- His grandmother does not have natural gas at her home because she is unable to tap into the lines, yet two very large pipelines run across her property.
- “How much should one family be asked to bear on this? We have already committed our property and our lives to the benefit of this region and everybody that enjoys natural gas.”
- The arguments presented to the Board are economic arguments. “It’s dollars and cents.”
- Monroe has natural gas provided to them regularly that they’re using daily.
- This is not an issue of gas not being available but rather an issue of what will Monroe pay for gas.
- “We are coming to you to ask you humbly because we have no where else to turn, to use your powers to protect us.”
- “It’s totally in your discretion. Under the eminent domain laws in N. C. if we lose tonight, we lose because they will come and they may come across us. Right now the plan is to come across us and if they don’t come across us, they’re going to come across somebody just like us.”

Mabel McIntosh, grandmother of Mr. Bob McIntosh asked the Board to protect her property, which her family has lived on since 1946. She stated that there were already enough pipelines.

Dr. Karen Goldstein of Davidson College, Vice-President for Business and Finance spoke in opposition to Monroe’s request. Highlights of her comments:
Monroe’s proposal is not essential to the provision of public service and “is contrary to public policy because it encourages the proliferation of redundant gas pipelines.”

Federal policy deregulating the natural gas transportation industry was the result of a public policy decision to curtail the proliferation of underutilized transportation lines.

This proposal is in opposition to that because the lines already crossing Davidson College property are used to only a fraction of their capacity.

Monroe’s proposal has the potential for significant harm to Davidson College; its operations and its ecological sensitive campus areas.

Davidson College currently has four major electric and gas pipelines crossing its campus. These easements consume 23.5 acres of Davidson College property.

Davidson College feels strongly that the proposal to run an additional gas line through the campus, including the sensitive natural areas, makes no “practical or political sense.”

It has not been said that this proposal is indeed the most economical option for Monroe.

Monroe’s plan is “vague, broad, and undefined and therefore gives Monroe too much discretion over citizens of Mecklenburg County.”

The current proposal would allow Monroe to acquire through whatever means, including condemnation.

The City of Monroe has declined requests to refined the location stating that it needs these broad condemnation powers first before they can provide greater details.

These requested powers are much too great for an out of county entity to “wheel over the citizens of Mecklenburg County,” except in a situation involving extraordinary public need, which Davidson College does not feel is the case in this instance.

Robert Rhyne, a life long resident of Mecklenburg County spoke in opposition to Monroe’s request.

Highlights of his comments:

- He lives right on the county line of Mecklenburg County and Cabarrus County.
- He is caught in the “cross hairs” of Piedmont Natural Gas and the City of Monroe.
- Piedmont Natural Gas has already been on Mr. Rhyne’s property and surveyed the line in Mecklenburg County. They have indicated that they will build a line partly on the same route as Monroe, per the map he’s seen.
- He asked Piedmont Natural Gas personnel to leave his property, including the portion that’s in Cabarrus County, which they did. However, Piedmont Natural Gas Company subpoenaed Mr. Rhyne and obtained a civil injunction against Mr. Rhyne. This is required Mr. Rhyne to hire a lawyer to keep Piedmont Natural Gas from coming across his property in Cabarrus County.
- “You talk about Piedmont Natural Gas being a good citizen, right now I don’t feel that way.”
- When Bradford Farms was built next to his home, he asked Piedmont Natural Gas to provide him with natural gas and they consented, however, at a cost of $8,000 for 600 feet. He does not have natural gas from Piedmont Natural Gas.
- It was noted that later N. C. Natural Gas decided they needed to bring a line through, so he now has natural gas.
- He is concerned about his property, which has been kept undisturbed, 300 acres.
- He stated that if Monroe runs a line and Piedmont Gas runs a line that would be at least 120 feet of a clear area that would be taken.
- Both of the proposed lines cross property owned by Mecklenburg County that was bought for land reserve about three years ago on Camp Stewart Road and Rocky River Road.
- The routes they’ve seen from Piedmont Natural Gas indicate that they’re going to go through at the shortest distance they can even though they can go up Reedy Creek but it’ll cost them more money and they’ll have to cross MarcHaven Golf Course.
- He asked the Board to look into the matter of the property owned by the County on Camp Stewart and Rocky River Road, which he believes was purchased for park and/or school purposes.

Frank Yoho, Senior Vice-President of Commercial Operations for Piedmont Natural Gas stated that he was speaking for informational purposes in response to questions from several Commissioners.
Highlights of his comments:

- Piedmont Natural Gas is currently serving the City of Monroe and hopes to keep them as a “valued” customer for the long term, well beyond the existing contract, which expires in December 2006.
- Monroe has been open in indicating to Piedmont Natural Gas that they are exploring the option of building their own pipeline, duplicating Piedmont’s existing facilities and capacity.
- In response to Monroe’s option, Piedmont Natural Gas has made a proposal to provide Monroe the same service that a duplicate pipeline would provide at an economically equivalent price and substantial savings to Monroe and its customers and would avoid the unnecessary duplication of facilities and potential land disruption including that in Mecklenburg County.
- Piedmont Natural Gas has given Monroe a lower cost option for their review.
- It’s Piedmont Natural Gas’ understanding that Monroe is in the process of doing their own evaluation of the cost of such a pipeline, which Piedmont Natural Gas appreciates Monroe’s due diligence in going through this process.
- Piedmont Natural Gas has shared with Monroe its cost estimate for such a project, including land cost.
- It’s Piedmont Natural Gas’ experience in this business and opinion that no action is required by the Board of County Commissioners for Monroe to develop such a cost estimate for them to finalize their negotiations.
- Piedmont Natural Gas is concerned about several of the statements in the resolution before the County Commission. For example:
  - The City of Monroe has told Piedmont Natural Gas that they were still in the cost determination and project evaluation stage and that they have not yet decided to build the duplicate pipeline as stated in the resolution.
  - Piedmont Natural Gas’ proposal allows Monroe to achieve their objective to obtain gas supplies from Transco and therefore the duplicate pipeline is not necessary for this stated reason in the resolution.
  - Monroe in Piedmont Natural Gas’ offer would have total control of their gas cost and responsibility for such at their service that they would receive through a direct tap.
  - Piedmont Natural Gas’ current proposal offers substantial cost savings and they believe the same economic benefits to Monroe and its customers as this duplicate pipeline without the risks, cost, and land disruptions.
  - Given the fact that Piedmont Natural Gas has ample existing and low cost expandable capacity and this pipeline would not physically go through any unserved territory, Piedmont Natural Gas fails to see any economic development benefit either locally or regionally.
  - Monroe has created a competitive situation and a competitive option and Piedmont Natural Gas feels that they have met the competition and was able to do so without disturbing any land in Mecklenburg or any other county.

Todd Lamb, City Manager of Mint Hill spoke on behalf of the Town of Mint Hill and particularly Mayor Biggers.

Highlights of his comments:

- The Town of Mint Hill has not taken a position for or against the City of Monroe’s request.
- The Town of Mint Hill was hoping to have received additional information with more specifics.
- He shared with the Board a map showing the impact of the pipeline.
- The Town of Mint Hill is concerned about the alignment, which was termed as being a generalized area by the City Manager of Monroe when the alignment was questioned.
- The Town of Mint Hill has had a lot of impacts in the last seven or eight years, for example the impact of 485, which essentially split Mint Hill in half.
- The Town of Mint Hill needs more specifics before it can receive citizen input and before it can take any action.
- The Town of Mint Hill will continue to work with the Board of Commissioners and the City of Monroe to help with this issue.
• Perhaps there is an alternate route that would not impact Mint Hill as it does now. The line where it goes now currently goes on a lot of undeveloped land between 485 and some existing roads.
• Monroe has said that it would be very feasible for them to realign that to match up with the road but there’s nothing to guarantee that will happen.
• If the Board makes this decision, it would be Manager Lamb’s concern as to what repercussion would the Town of Mint Hill have if the City of Monroe is condemning land and trying to put this together without a specific route that everyone is comfortable with.

Commission Comments

Chairman Cox
• Noted he felt the Board would need time to sort through all the issues and that the hearing and/or discussion would need to be continued to another date.
• Requested the Clerk provide a list of speakers and their contact information to the Board.
• Is interested in knowing whether Piedmont Natural Gas’ offer was competitive and if not, why.

Attorney Bethune noted that the Board could continue the public to another date, call another hearing, or just place this matter back on the Board’s agenda at a future date, persons would still have an opportunity to address it. He noted that this was not a required public hearing.

Commissioner Clarke
• Noted that when this matter was discussed at the April 6, 2004 meeting, he was left with the impression that all negotiations with Piedmont Natural Gas were at an end.
• He asked Mayor Davis why was the County’s approval needed at this point in the process in order for the City of Monroe to get firm bids and to determine a more refined cost of constructing the pipeline? Could not firm bids be received without the County’s approval?
• In his opinion, the City of Monroe can’t really determine if it’s getting a better deal buying from Transco, building its own pipeline, and transporting the gas themselves until the specific cost of the pipeline is known.

Mayor Davis stated that when they spoke with Piedmont Natural Gas there was a significant difference in Monroe’s estimates and Piedmont Natural Gas’. The Mayor stated that negotiations have not ceased but Monroe is at a point where it’s felt Piedmont Natural Gas’ estimates are too high.

Mayor Davis stated that her order of preference in this matter was to first seek approval to come into Mecklenburg County and then determine the cost. Further that it was felt that it would not be wise to spend the public’s money on obtaining appraisals on 150 properties and then go before the Mecklenburg Board of Commissioners and the request is denied.

Mayor Davis stated that if the Board of Commissioners are going to deny the City of Monroe’s request then this is a mute issue.

Commissioner Clarke asked if the pipeline is constructed would Monroe be purchasing from Transco or purchasing from gas marketers and just paying transportation to Transco?

Don Mitchell Monroe Electric Utilities Director stated that they would be using transcontinenal pipeline to transport the gas to Monroe’s pipeline and would buy gas on the “spot market” from “well head” as much as they do now. “There’s an additional fee Monroe has to pay to move the gas through the transcontinental pipeline plus pay Piedmont to move the gas from their tap on Transco to Monroe.

Commissioner Clarke asked for clarification regarding whether Monroe was currently purchasing gas from Piedmont Natural Gas or just paying Piedmont Natural Gas to transport it to Monroe.
Mr. Mitchell stated that it was a month-to-month decision. If buying gas from the “well head” and transporting it through Transco and Piedmont’s system is more economical then buying gas directly from Piedmont they transport gas. If Piedmont’s gas is more economical Monroe buys gas from Piedmont.

Commissioner Clarke asked if the transportation charge was regulated by the Utilities Commission and set by them?

Mr. Mitchell said yes.

Commissioner Samuelson
- Noted that she also was concerned about why the Board’s authority was needed at this point.
- She feels there are a lot of ways to estimate the cost short of hiring an appraiser.
- She expressed concern for condemning people’s property.
- She noted that like Allvac to Monroe, Piedmont Natural Gas was one of Mecklenburg County’s large employers.
- She stated that this was a regional problem that needed a regional solution. She feels that giving Monroe condemnation authority now would make it a non-regional decision and would make it basically one body or group of bodies going around another one.
- She tends to think as Mr. McIntosh stated that this really comes down to an economic issue and economic negotiations. Further that there was at least one party that was still willing to negotiate.

Commissioner Puckett asked if the $1.2 million allocated for land acquisition based on per acre price?

Mr. Mitchell’s response was that they looked at the preliminary route and used an appraiser they’ve dealt with in the past and received his opinion, not an official opinion but through general conversation regarding land values in Mecklenburg County and the impact of a pipeline. They used those figures along with their engineering consultant to develop those figures.

Mr. Mitchell said that you couldn’t obtain a final price, a firm price to bid a project of this nature without obtaining right-of-way. Mr. Mitchell stated that there was not a contractor around that would bid a project with unsecured right-of-way. He stated that Monroe’s request was not so much for condemnation rights, Monroe has to have the right to obtain right-of-way in Mecklenburg County.

Commissioner Puckett
- Would also like to see firmer cost.
- Mecklenburg and Monroe were neighbors but also competitors and that one of the great advantages that Union County has is lower land costs and one of the greatest advantages that Mecklenburg has sometimes are utilities.
- He encouraged the City of Monroe to “sharpen” its pencils and take a closer look at the land costs.

Commissioner Mitchell asked about Monroe’s cost savings if it were to build its own pipeline.

Mr. Mitchell stated that using the estimates they currently have, it’s felt that they would save a $1 million plus annually over the fees they have to pay for use of Piedmont Natural Gas’ pipelines presently.

He noted that they do want to get to the final cost of the pipeline but they need permission from Mecklenburg County to obtain right-of-way so they can determine if their $1.2 million estimates are right or wrong and to find out whether their $11 million in materials is correct and whether the remaining cost for construction is correct. He stated that their estimate and Piedmont Natural Gas’ were way apart. He stated that Monroe wants to get to the place where they can take competitive bids and know what the cost of the pipeline is going to be. He stated that to get competitive bids they must have the majority of the right-of-ways to make sure.
**Commissioner Mitchell**
- Noted he felt some of the decisions that would be made concerning this matter could have a negative affect on Monroe and Union County if authorization is not given and that there would probably be some damaging consequences.
- Noted he understood what the City of Monroe and Union County were facing. He is supportive of economic development, retaining and attracting jobs.
- He stated that this was a regional issue and that as a good neighbor Mecklenburg County should meet Monroe “half way” in trying to assist them in solving some of the issues within their community.
- He hopes deferring this matter will allow a solution to be reached between Monroe and Piedmont Natural Gas.
- If a solution is not reached then he would be willing to support Monroe’s request.

**Commissioner James**
- Noted that a big portion of this pipeline crosses Mint Hill, which is in his district.
- His preference is to defer because he wants to make sure the concerns of Mint Hill are addressed.
- Noted that it would be helpful when this matter comes back to the Board that Monroe provides the Board with a one page summary on why the pricing under Monroe’s proposal is dramatically different and why is it that under Piedmont Natural Gas’ proposal it would in essence cost a $1 million a year more to your customers and citizens.
- Noted that what was confusing was that Pineville, Huntersville, and Cornelius were saying yes this is a good deal and then there’s Davidson College and Piedmont Natural Gas saying it’s not, and citizens basically on both sides per e-mails he’s received.
- He noted also the impact of this on Bradford Farms, noting that persons in Bradford Farms should have some sort of assurances and should be communicated with.
- Noted that by giving approval at this point and once given it can’t be taken back, the Board would have to live with whatever decisions the City of Monroe makes about the alignment.
- He encouraged Monroe to consider the option of receiving only the power to acquire without power of eminent domain. Doing this in essence puts Monroe on an “equal footing” with the property owners. They could negotiate with property owners but if they decided not to sell, they could not make them.
- Noted that it was possible that if Monroe can’t reach a compromise with Piedmont Natural Gas and provides information on the cost showing that they have a million dollars in savings, it’s possible that the County may let Monroe negotiate without giving the power of eminent domain. This would allow Monroe to go and determine what the cost is.
- He feels, however, Monroe should be able to estimate the cost without having acquisition authority.
- The alignment has to be more defined.
- He encouraged Monroe to participate with the Town of Mint Hill in their discussion of this matter and to address any concerns they have.
- He feels the Bradford Farms issue of the pipeline backing up to these homes also needs to be addressed and that there may also be other subdivisions that may be impacted as well.

**Commissioner Ramirez**
- Noted he supports deferral in order to allow further negotiations with Piedmont Natural Gas and to allow time for the cost to be more definitive.
- He asked had Cabarrus County and Iredell County been contacted and had they received their approval?

**Mayor Davis** stated that they were scheduled on the agendas for both counties later this month.

**Commissioner Puckett** asked about the easement size on a 10-inch pipe and what’s required on each side. The response was 30 feet (15’ on each side) or in some instances it may be 50 feet.

Commissioner Puckett also asked was it true that if 30 or 50 feet were needed it can’t overlay an existing easement that someone else has and that it would be an addition to what’s already there?
The response from Monroe officials was that if the other easement holder would grant Monroe the right to use their easement then if could overlap but if not it would be in addition to what’s there.

Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing regarding the City of Monroe’s plans to construct a natural gas pipeline through a portion of Mecklenburg County and to defer action on this matter to no specific date to allow the City of Monroe and Piedmont Natural Gas Company an opportunity to continue their negotiations; and that the City of Monroe and Piedmont Natural Gas both notify the Board upon the completion of those negotiations, so that this matter can then be rescheduled for consideration by the Board.

(3A) APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

The vote was taken on the following nominee for appointment to the Building Development Commission:

David Shultz

Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Chairman Cox announced that David Shultz was appointed to the Building Development Commission as the Professional Engineers of N. C. representative to fill an unexpired term expiring July 18, 2005.

He replaces David Daignault.

HISTORIC LANDMARKS COMMISSION

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

Round One
Scott Abernethy Commissioner Puckett
Russell Ford None
Susan Holland None
Sally Hughes None
Curtis Krumel None
Yolanda Law Commissioners Clarke, James, Mitchell, and Woodard
Jeremy Pinson Commissioners Ramirez and Samuelson

Round Two
Scott Abernethy Commissioner Puckett
Russell Ford None
Susan Holland None
Sally Hughes None
Curtis Krumel None
Yolanda Law Commissioners Clarke, Cox, James, Mitchell, and Woodard

Voting Ceased

Jeremy Pinson

Chairman Cox announced that Yolanda Law was appointed to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2006.
She replaces Ross Richardson.

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

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

- Martin Alphin
- Kent Rittenhouse
- Elizabeth Westerberg

Chairman Cox announced that Martin Alphin, Kent Rittenhouse, and Elizabeth Westerberg were appointed to the Nursing Home Community Advisory Committee for a one-year term each expiring May 5, 2005.

They are replacing Joan McGill, David Phillips, and Bobbie Williams.

**PERSONNEL COMMISSION**

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

- John Adams
- Jerome Byrnes
- Donna Hallenbeck
- Paul Strickland
- William Wilder


They are replacing Sharon McKnight, Cynthia Mitchell, and Rita Wallace.

**STORM WATER ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment to the Storm Water Advisory Committee:

- Peter Barclay
- Paul Dupont

It was noted prior to the above vote that Mr. Barclay was not eligible for the slot that was open.

Chairman Cox announced that Paul Dupont was appointed to the Storm Water Advisory Committee as the institutional representative for a three-year term expiring May 6, 2007.

He replaces Robert Weis.

**WASTE MANAGEMENT ADVISORY BOARD**
The vote was taken on the following nominees for appointment to the Waste Management Advisory Board:

Roger Moose    Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard
Ronald Santini   Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Chairman Cox announced that Roger Moose was appointed to the Waste Management Advisory Board for a three-year term expiring March 14, 2007 and Ronald Santini to fill an unexpired term expiring June 3, 2006.

They are replacing Beth Clark and Mike Fox.

(3B) SCHEDULE OF UPCOMING NOMINATIONS/APPOINTMENTS

The Board received as information the upcoming nominations/appointments for May 18, 2004.

Application Deadline May 10, 2004; Nominations May 18, 2004; Appointments June 1, 2004.

- Adult Care Home Community Advisory Committee
- Alcoholic Beverage Control Board
- Architectural Selection Committee (General Contractor Needed)
- Area Client Rights Committee
- Central Piedmont Community College Board of Trustees
- Citizen’s Transit Advisory Committee
- CMUD Advisory Committee
- Historic Landmarks Commission
- Minority Affairs Advisory Committee
- Nursing Home Community Advisory Committee
- Planning Commission
- Public Broadcasting Authority
- Region F Aging Advisory Committee
- Region F Emergency Medical Services Advisory Council
- Waste Management Advisory Board
- Women’s Commission

(2B1) LAND ACQUISITION

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes to, approve total prices for Charlotte-Mecklenburg Schools Board of Education purchases of +/- $1,953,270 for 31.9 acres for North Middle School at Highland Creek and up to $50,000 for .88 acre for Druid Hills Elementary School site expansion. The properties are: Tax parcels 029-471-01, -05, -06 & -15; 029-281-09; 029-471-02, -03, -04, -07 & -10; 029-471-08; 029-471-09; 029-471-14; 029-471-11 & -12; 029-471-13; 029-471-16; 029-471-17; and 077-091-02.

(2B2) LAND ACQUISITION

Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase of Tax Parcel #075-042-38 at 1819 Cummings Avenue form Habitat for Humanity Charlotte for $26,535.61.
(22) RECORDING OF CLOSED SESSIONS

Motion was made by Commissioner James, seconded by Commissioner Puckett and failed 7-1 with Commissioners Clarke, Cox, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting no and Commissioner James voting yes, to amend the Board’s Policy entitled “Disclosure of Minutes of Closed Session” to require the recording of Closed Sessions for those items that the County Attorney, as parliamentarian, determines will ultimately be made public at some future date, with the understanding that there are certain things that may never be made public.

Prior to the above vote the following comments were made regarding this issue:

Commissioner James
- Noted that on April 18, 2001 he submitted an agenda item asking the Board to go on record of supporting House Bill 514, “An Act to Implement the Public’s Right to Know Details of Closed Meetings After the Justification for Withholding Details has Passed by Adding to the Open Meetings Law a Requirement to Make Recordings of All Closed Meetings,” and/or to amend the Board’s Policy to require the recording of Closed Sessions but was unsuccessful in getting either approved. House Bill 514 also failed to get approved.
- He stated that despite these failed attempts, and in light of the recent Observer article concerning Closed Session discussions regarding the Episcopal Diocese property, he again ask that consideration be given to amending Board Policy to allow the recording of Closed Sessions.
- In 2001 the issue in question was the proposed new courthouse and moving it over to Trade Street, which was all done in Closed Session.
- The County’s Closed Session minutes were summary minutes and not the most the County could do, but the least.
- The closed session minutes were in keeping with what is allowed under the law, however, summary minutes are not descriptive in many cases.
- He’s aware that Commissioners can request that certain comments be included in the minutes but that this can sometimes become tiring to remember to inform the Clerk when you want certain statements included.
- Per his conversation with the County Attorney the Board could record all closed session items, including items that would never be made public or record only those items that would eventually become public.
- His policy preference would be to only record those that would eventually become public and that the County Attorney be the person to determine which items would fall into this category.
- It’s possible to provide detailed minutes instead of an audio recording but this would mean the Clerk would have to transcribe every statement that was made, which isn’t necessary. The Clerk could continue to prepare the Closed Session minutes as she normally does and in addition just record the discussions, so that when the matter becomes public the recording would be available as well.
- He’s aware that Chairman Cox has expressed in the media his concern regarding the disclosure of negotiating strategy, however, he’s not concerned about that because he has not noticed that the County has ever had a negotiating strategy particularly, at least not one that he felt was “coherent.”
- What got him started on this issue this time was information he read in the media concerning the Bank of America/Exxon deal, which he never knew anything about, having set through Closed Sessions where this matter was discussed. He did not recall anyone saying during those meetings the amount of $135,000 maximum market value, which the Attorney (McNair) for the Episcopal Dioceses inferred in the article that he informed the County of. Commissioner James stated that he did not recall staff bringing this up during Closed Session.

Chairman Cox asked Commissioner James was he certain that what he read in the media was
true.

Commissioner James stated that he had no reason not to believe it was true. He stated that the minutes concerning this issue may be flawed and in his opinion did not provide all of the information that he believes should be in them.

**Chairman Cox**
- The Board’s minutes are summary minutes, not verbatim, however, they often indicate specifics and provide detail. (Chairman Cox noted examples of when this has occurred.)
- You do not disclose your reasons and thinking about land acquisition.
- Anyone who wants things inserted in the minutes can do so and have. He doesn’t feel you get anything in return but what you give up is potentially millions.
- If he were an entrepreneur he would get a copy of every closed session tape regarding land acquisition, study it and then sell his services to owners of property and guarantee them that they can get “x” amount of dollars and anything over that amount would be split with them.
- Having knowledge of what the County does and does not do is worth money on the open market and the cost of that would come out of the taxpayer’s pocket.
- He has seen this type of contingency fee in other applications in local government. He believes it would happen if the Board supports the recording of Closed Sessions.
- He can see an agent getting this database (closed session recordings) and going through them and saying to the County, “you set a precedent on this particular acquisition and I want my client to be treated exactly the same way.” “Boom there goes your price right up.”

**Commissioner Samuelson**
- Originally did not have a problem with Closed Sessions being recorded because she felt that it would not change whatever it was she wanted to say, however, she realized today that she asked a question that was necessary for her to decide if the price the County was paying was fair or accurate. She realized that the answer to that question would do exactly what Chairman Cox stated. Had it been public someone could have then begin to realize some rationale for doing some things and it would have given some people an advantage. Using this as an example, if the session was recorded she would ask her question in private and it would still remain private or if the session was not recorded she could ask her question so that all Commissioners could hear it and discuss it.
- Her guess is that that it would be very hard to record the sessions but exclude those things that had a bearing on future negotiations.

**Commissioner Woodard**
- Stated that because of security concerns she was not supportive of recording closed sessions.
- She posed the question of what assurances do you have that this information would remain confidential.
- Although the County Attorney would be the one to decide if a recording can be released, how can you be sure that the recordings won’t get in the hands of someone else and then everyone is in a predicament.

Chairman Cox noted as an example the recording of a personnel matter that could get leaked to the press and wound up in a magazine, which would be devastating.

**Attorney Bethune** addressed some of the logistics and mechanics that would have to happen to make this work effectively and the additional work it would place on the Clerk were the Board to approve recording Closed Sessions.
- The Clerk would have to keep a separate tape on each separate subject. As an example, the Board had three acquisition matters and two of them were approved and voted upon in open session and one was not. The tapes of the two that were approved would become public immediately after the Board voted on them. The one that was deferred may or may not come back and/or may or may not become public at some point in time. Therefore you couldn’t have two subjects on one tape.
If the Board decides to record closed sessions staff would recommend not recording items such as “To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a)(1) or Personnel Matters.

Under N. C. law, the County is required to keep records until authorized to destroy them. The N. C. Dept. of Cultural Resources publishes a schedule that indicates how long to keep various documents. A video tape or audio tape of a meeting can be destroyed the minute the minutes have been approved for that item. If the Board decides to record closed sessions staff will need to know how long the Board wants the tapes to be kept because by law the Clerk could destroy the tape of the session once the minutes are approved.

If someone comes to the Clerk and request to listen to a recording of a closed session, the Clerk has to locate the tape, let them listen to the tape and if they request a copy, the Clerk has to make a copy of that tape.

He is not really keen on the idea of recording closed sessions and thinks a lot of good things have been said about problems that could incur for the County.

It was noted also that this was something that only one other government in N. C. does and that the County probably would not be well greeted at the next N. C. Association of County Commissioners meeting if this were approved. He said the press would run all over the state saying Mecklenburg County did this and you should also.

He stated that this would be a trend that other N. C. counties would not appreciate.

Commissioner Clarke

Noted that he could not support the recording of closed sessions for many of the reasons already expressed.

He does feel the County should make sure it satisfies the law of standard in terms of what the minutes say of closed session because transparency is important.

Once the reason for keeping matters confidential has passed the County should have a very accurate and complete record of the action that was took.

He doesn’t think you could possibly go to the point of having to do a “blow by blow” of how you got to a decision. He stated as an example, no one wants to know how the watch was made so to speak but I do think they need to know what time it is and whether it’s a.m. or p.m. and it should be complete.

He asked Attorney Bethune to comment on how he felt the Board could strengthen its compliance with the statutory standard regarding minutes beyond just being diligent as a Board when it comes to reviewing the draft of minutes before they are approved.

Attorney Bethune

“Let me read the statutory test, what the Clerk is suppose to do. Initially the law said we had to keep minutes. Well, if you want to know what minutes are they are a reflection of what happened. So then, the press didn’t like that because they really didn’t want to know what happen in closed session they wanted to know what was said. So then they tried to get this Bill passed (HB 514) and they didn’t get that. The law has been changed somewhat over time and the test is this, the Clerk is suppose to keep a general account of the Closed Session so that a person not in attendance would have a reasonable understanding of what transpired. It doesn’t say of what was said. It is a general account of what transpired.”

Attorney Bethune stated that he felt what the Clerk does meets that test every time. He stated that if the Clerk didn’t he would have informed her. He said that the Clerk is a professional and knows what the standard is and does a good job of meeting it. Further that he doesn’t know if anything further needs to be in the minutes. He said it is not to contain the details of everything that happen or was said.

Attorney Bethune stated that he felt Mecklenburg County meets the test a lot better then some other governmental bodies whose closed session minutes he has seen.

Commissioner James agreed that Mecklenburg County does meet the test better then some other governmental bodies.

Commissioner James again referenced comments he read in the newspaper regarding the Episcopal Dioceses property and noted that none of those comments were reflected in the
Chairman Cox noted that in the future if the Board feels the minutes of a closed session should include additional details then that should be discussed prior to approving them.

Commissioner James asked how would you know to include something if you haven’t been told about it in Closed Session to begin with?

Commissioner Samuelson said if information was never provided then how would recording solve the problem because if it was not stated it wouldn’t be on the recording.

Commissioner James stated that what he really wants to know is how can the Board improve minutes of closed session to make them better and more complete.

Attorney Bethune suggested in response to Commissioner James’ question that Board members read the draft of the minutes that are submitted to them by the Clerk and if it’s felt the minutes are not complete, inform the Clerk before they’re approved and provide whatever additional detail you feel is needed.

Chairman Cox concurred with Attorney Bethune’s suggestion.

Commissioner Ramirez stated that he felt the Clerk was doing her job. Also that the County should not be tied in the negotiation stages and that recording the sessions could hamper the County in negotiations.

Commissioner Mitchell stated that he also felt the Clerk’s minutes of closed session meet the requirements.

This ended the discussion regarding recording of closed sessions after which the aforementioned vote was taken.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:05 P.M.

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center on Tuesday, May 5, 2004 at 3:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
          Dumont Clarke, Bill James
          Norman A. Mitchell, Sr., Jim Puckett
          Dan Ramirez, Ruth Samuelson
          Valerie Woodard
          County Manager Harry L. Jones, Sr.
          Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

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

The purpose of the meeting was to discuss FY05 budget matters, including, but not limited to receiving a presentation on Ground and Storm Water Services, Revenues, and Central Piedmont Community College.

County Manager Jones addressed how the meeting would proceed. He then called upon Dr. Tony Zeiss, President of Central Piedmont Community College (CPCC).

(1) Central Piedmont Community College (CPCC)

Dr. Zeiss presented CPCC’s budget request. He was assisted by Vice-President Kathy Drumm.

Noted Key Facts:

- Two budget level service requests were presented, neither of which included estimated salary increases. The cost of each 1% for salary increases, if provided is $72,600.
- Service Level #1 total was $17,549,117.00.
- Service Level #2 total was $18,607,317.00.
- Capital Reserve Projects total was $1,015,000.
- All of the additional costs noted in Service Level #1 are critical for operations for the College.
- The only option to operate at funding below Service Level #1 would be to transfer part of the cost of the current salary supplement to State operating dollars.
- The impact of this transfer would result in the cancellation of classes impacting student registration in critical delivery areas such as Public Safety, Engineering, Health, and Languages.
- Class cancellations required to meet County budget reductions would be in addition to the 3,700 students who were unable to register in 2003-04.
- CPCC requested that consideration be given to placing on the Board’s agenda, CPCC’s request for $24 million in COPS funding for the Belk Expansion and New Parking Deck projects that were presented to the Board last fall. If this commitment is not made $6 million in state bond funds will be lost.
A copy of the presentation handout is on file with the Clerk to the Board.

Commissioners Mitchell and Clarke entered the meeting during Dr. Zeiss’ presentation.

Comments
Commissioner Samuelson asked if funds received from the State had use restrictions like Charlotte-Mecklenburg Schools’ state funds? The response was yes.

Commissioner James asked Dr. Zeiss would the concept of a funding framework for operational and capital funding work for CPCC? The response was that they would be willing to consider it but there were two concerns. 1) How would you arrive at the number? 2) Would those numbers be looked at annually because you may have more capital needs one year than operating and vice-versa?

It was also noted that if the framework were based on enrollment it would be more favorable. Further, that the framework should not be based on community growth, because CPCC needs to be ahead of community growth. CPCC would also want upfront notice and input into the development of the framework.

Commissioner Samuelson asked how does the State calculate funding? The response was that there was a formula based on the number of full-time equivalent students. It was noted also that the state has a sliding scale, such that the larger you are the fewer dollars received. CPCC is the least funded community college because it’s the largest.

Commissioner Samuelson asked as it related to larger systems receiving less, was it because the state figures in economies of scale? The response was yes, but the teacher to student ratio is the same.

Commissioner Puckett asked for clarification regarding the decrease in state funding. The response was that the state reduced the amount per student.

Commissioner Woodard entered the meeting.

This concluded the discussion of CPCC. No action was taken or required.

(2) Ground and Storm Water Services

Dave Canaan, Director of Storm Water Services and Peter Safir, Health Director addressed Ground and Storm Water Services.

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

Comments
Commissioner Samuelson asked what was the danger of not properly abandoning a well? The response was containments could get in.

Commissioner Puckett asked about the fee charged for sampling a well and whether it covered the County’s cost. The response was no, not in staff’s opinion.

Commissioner Clarke asked if the County could require persons obtaining their drinking water from wells to connect to the water distribution system? The response was yes, if the County adopts the proposed Groundwater Well Program and regulations that are required under certain conditions.

Commissioner Woodard asked if there had been any efforts to locate unidentified wells? The response was that staff has done it through educational programs and through comparing CMUD water and sewer data with well information system data, but primarily staff has relied upon
voluntarily registration of wells. It was noted further that staff has been unable to go out and actively locate wells because of a lack of resources, which is the intent of the proposed program.

Commissioner Ramirez asked if there was a minimum lot size for putting in a private well? The response was no, only if there’s already a community well you cannot put in a private well.

Commissioners Mitchell and Woodard asked why not make it mandatory that persons register their wells? The response was that initially staff would like to see can’t they through the efforts of the proposed program increase voluntary registration.

Commissioners Mitchell and Woodard expressed concern for health risks. The response was that although there are contaminated wells they do not pose an imminent health risks and that the proposed program is designed to prevent one from occurring.

Commissioner James questioned the need to charge a fee if the use of a well is for irrigation purposes only. The response was that staff views wells the same regardless of their use. Also, that the only time a fee comes into play for wells used for irrigation is at the time they’re first driven and if it’s ever repaired.

Commissioner Clarke asked was there any effort to identify the children whose drinking water comes from wells that are not receiving chlorination? The response was there was not a specific program but that staff works closely with pediatric dentists at the Health Dept. to try to identify these children.

Commissioner Clarke asked if this (identifying those children) was something that could be included in the proposed program? The response was that staff would look into this.

Commissioner Puckett noted that his first reaction was that he was not comfortable with the $400.00 fee across the board but he does feel the cost needs to be more reflective of what staff has to do, particularly in contaminated areas. He noted that he liked the idea of placing the burden back on the person doing the contamination.

This concluded the discussion of this matter. No action was taken nor required.

(3) Revenue Update

County Manager Jones noted that because of time constraints that staff would provide the Board with the revenue update at a later time.

(4) Other

Restructuring of Court Services Coordination

County Manager Jones informed the Board that he was going to propose a restructuring of the Court Services coordination responsibility in his recommended budget. He noted the following:

- The history of the Court Services Department and changes in state law that had an impact on the department.
- The initial reason for creating the Court Services Department primarily has been eliminated.
- The restructuring being proposed would create some efficiencies totaling about $370,000.
- The responsibility for the Structured Day Program, as well as Pre-Trial Service would be transferred to the Sheriff’s Office.
- As a part of the Manager’s recommended budget he would be recommending the creation of a Jail Population Administrator position.
- Court Services responsibilities related to contracts and monitoring, working with various agencies, budgetary and management responsibilities will be transferred to the County Manager’s Office.
- The CJIS project has already been transferred to the Information Services and Technology Department.
If approved these changes would be effective July 1, 2004.

Comments

At the request of Chairman Cox, General Manager John McGillicuddy addressed the philosophy behind having a Jail Population Administrator.

Commissioner Woodard noted that at the appropriate time she would like some discussion regarding the Court Set.

Commissioner Mitchell asked about the displacement of employees as a result of the restructuring. County Manager Jones said there would be four positions impacted, one of which was vacant and three employees run the risk of being laid off. It noted that efforts would be made to try to place these employees in other areas of the County. It was noted that the County has a Reduction In Force Policy, which would come into play.

This concluded the discussion of this matter. No action was taken nor required.

Staff distributed a Q & A sheet per questions raised by Commissioners at the last workshop.

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

There being no further business to come before the Board, the meeting was declared adjourned by common consent at 5:30 p.m.

Janice S. Paige, Clerk                     Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

MAY 11, 2004 3:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center on Tuesday, May 11, 2004 at 3:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, H. Parks Helms, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Dan Ramirez, Ruth Samuelson
Valerie Woodard
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: None

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

The purpose of the meeting was to discuss FY05 budget matters, including, but not limited to receiving a presentation from the Charlotte-Mecklenburg Board of Education (BOE), the Education Budget Advisory Committee (EBAC), and the Citizen’s Capital Budget Advisory Committee (CCBAC).

Invocation was given by Commissioner Samuelson, after which the meeting proceeded as follows:

(1) Charlotte-Mecklenburg Schools (CMS)

Board of Education Chairman Joe White made opening remarks and thanked the Board for allowing the Board of Education to present its 2004-2005 budget request.

Commissioners Clarke, Helms, and Puckett entered the meeting during this time.

Chairman White addressed the importance of high quality education to the community. He also noted national recognitions received by CMS and achievements that had been made with regards to student improvement. He noted, as well, that there were some things that CMS had not done as well as it would have liked. As a result of which, included in CMS’s budget were requests for new monies to address some of those issues that the BOE feels would give the Superintendent the opportunity to address some of those “shortcomings.”

Chairman White noted prior to turning the podium over to Dr. James Pughsley, Superintendent of Schools, that CMS’s 2004-2005 budget request was approved but not unanimously. He stated that there were some that felt it wasn’t asking for enough and those that felt it was asking for too much. He noted that in his opinion CMS’s budget request was a “responsible budget” that provides CMS with the adequate resources to continue the “momentum” for moving in the right direction and providing a quality education for all children. He noted also that the process of education was an expensive process but the process of not educating “our children” was an even more expensive process.
Dr. Pughsley and Sheila Shirley, Finance Officer presented CMS’s budget request.

Dr. Pughsley addressed the long range and immediate challenges, new initiatives, budgetary goals, changes to the CMS 03-04 County appropriation, and a funding framework.

Ms. Shirley addressed funding sources, federal, state, and local.

CMS’s 2004-2005 budget request was $289,911,497.

Dr. Pughsley noted with regards to a funding framework that several models had been discussed with the latest being one that would place operating monies and debt service monies in the same “pot.” Dr. Pughsley stated that conceptually they were in agreement with that and that they were willing to continue discussing this possibility.

A copy of CMS’s presentation and budget request is on file with the Clerk to the Board.

Comments

Commissioner Samuelson asked about the following:

- Clarification regarding a one-time state mandated bonus to a certain group of employees referenced by Ms. Shirley. She asked if the state mandated it to all employees and whether the County paid for all of it or just its match. The response was that the County just paid its match.
- The expiration date of a magnet grant referenced by Ms. Shirley. The response was that it was a three-year federal grant.
- CMS health insurance and were they on the State’s plan. The response was yes and that they were required to participate in the state plan at this time.
- Charter School Funding – It was noted that the State provides the county funding per pupil directly to the Charter Schools. The county per pupil amount has to come from the local school district and CMS has to calculate what their per pupil amount is for the local budget. CMS then writes a check to the Charter Schools for the local per pupil budget.
- Does the State give the Charter Schools the same amount per pupil as they do CMS? The response was yes.
- What formula is used to determine the per pupil amount? The response was excluding Bright Beginnings, it’s the total local appropriation divided by the number of students in the district and the number in the charter schools, to get an overall per pupil amount. It was noted that this formula was mandated by the state.
- “No Child Left Behind” – Will CMS receive more or less federal money for “No Child Left Behind” next year and were not additional funds received last year? The response was that additional funds were received last year, however, those funds are categorical in nature and CMS is restricted on how those funds can be spent. It was noted also that Title I, “No Child Left Behind” has never been fully funded. It was noted also that at this time CMS has no idea how much will be received for next year.
- State Budget – What is the BOE and its staff doing to motivate the state to meet the obligations that the state passes on to CMS and to provide more funds to CMS? The response was that CMS was in the process of lobbying the state and just recently met with the Mecklenburg Legislative Delegation.

Commissioner Helms asked about the following:

- What if the County said it couldn’t increase taxes to meet the equivalent tax rate needed to fund the Schools’ request but perhaps at a lesser amount? Which items would CMS
remove from the list of items noted on the “Detail of Changes to 03-04 County Appropriation” handout? The response was that CMS staff would have to consult with the BOE and give serious consideration to the entire budget and not limit it to the items listed on the “Detail of Changes to 03-04 County Appropriation” handout.

- What is the state appropriation based on? The response was that it is based on the 20th day, which is when the official count goes in.

Commissioner Ramirez asked about the following:

- Clarification regarding the state appropriation for salary increases. The response was that 2-3 percent is being proposed by the Governor. It was noted also that CMS would be willing to take 2-3 percent off the 5 percent with the understanding that if the state increase came in at a higher level that the County would be willing to pick that up and make CMS “whole.”

- Charter Schools – What’s the cost per pupil? The response was that it was about $2,236.

Commissioner James asked about the following:

- The Arts Teach Program and how would CMS feel about taking over this program if the funding was allocated directly to CMS? The response was that this was a strong partnership program that enriches CMS’ curriculum, however, CMS staff would not recommend taking over this program to the BOE.

- Charter Schools – Why is the Charter School number listed in the budget as an increase? He noted that he felt it should be reflected in the per pupil enrollment “upfront.”

On priorities Dr. Pughesley noted that the 9th Grade Initiative was a high priority but if CMS were to receive a lesser amount, then CMS would have to review the total budget and not just one part of it.

Commissioner Mitchell asked for information on the number of students that went to Charter Schools and then returned to CMS? How much money has been lost since the inception of Charter Schools and how much is still being lost?

Commissioner Samuelson requested information on the number of students that leave CMS to go to a Charter School and/or Private School in the middle of the year.

Chairman Cox asked the BOE and CMS staff to provide the Board with an analysis of Charter Schools.

Commissioner Puckett requested as part of that analysis that information be given on the number of students that leave CMS to go to a charter school and then drop out.

Commissioner Puckett then asked about the following:

- Requested information on the estimated amount to be received from the City of Charlotte’s Speeding Camera revenues.

- Would CMS investment in the Lawson HR/Payroll Project result in lower cost? The response was that what’s expected is that there would be greater efficiencies, which can be demonstrated. Commissioner Puckett noted that he would like to see that information so that he could compare it to what the County is doing.

- Requested information on the schools that would be most impacted by the 9th Grade Initiative and the capacity of those schools compared to the middle school feeder system. He also requested information on the number of students that it would be applicable to.

- Would there be any programs discontinued at the middle school level because of the 9th
Commissioner Woodard asked about the following:

- The Choice Plan. She asked if transportation and the pupil assignment plan were draining most of the cost of monies coming into the system. The response was that transportation expenses have increased since the implementation of the Choice Plan.

- Has there been any consideration to revamping the Choice Plan? She feels it’s a very costly plan. Commissioner Woodard noted also that there were a lot of schools underutilized, especially in the inner city. The response was that the BOE plans to review the pupil assignment plan at its upcoming retreat.

It was noted that there were approximately 14,000 students in mobile units, about 600 units in the system. It was noted further that if these students were placed in an available seat in the district there would still be a need for mobile units. It was noted that there were about 4,000 empty seats in the system.

Chairman Cox asked that this number be verified because he has heard the number was greater.

Commissioner Clarke asked about the following:

- Does CMS have a strategy for reducing the number of schools that have a high percentage of low-income students? It was noted that this was something that CMS was aware of and needs to address.

- Does the County pay for CMS health insurance? The response was yes if they are locally funded employees.

- Could the County receive a portion of its money back if 5% was allocated for salary increases and the state allocation came in lower? The response was yes CMS would be willing to do that with the understanding that if it came in higher the County would be willing to cover that cost. It was noted however that if the County only gives CMS the amount that is called for by the raise, matching what the state does, then the Board needs to allow CMS the flexibility to do what is right by way of the school system, which means they would make sure that their teachers and other employees that are paid with local funds would receive an equivalent amount of a raise as other employees of CMS.

- If the County were to fund CMS at the requested level would that get CMS back to the per pupil funding amount that it was at in 01-02? The response was no, it would not get CMS back to the 01-02 amount ($2,477), which was its highest level. The current request would place the per pupil amount at $2,466.

- How would the Leandro case impact or benefit CMS as it relates to state funding? The response was that it was difficult to say at this time.

Commissioner James requested information on the number of magnet schools, those that are whole magnets and those that are partial magnets. He also requested information on the funding sources of magnets and the amounts.

This concluded discussion on CMS’ budget request. No action was taken or required at this time.

(2) Education Budget Advisory Committee

The Board received a presentation from the Education Budget Advisory Committee (EBAC) regarding its support for increased funding for CMS operating budget. The presentation was made by Ken Harris (Chairman), Howard Haworth, Ernie Dehnert, and Sue Breckenridge.

Commissioners James and Samuelson left the meeting during this time and were absent for
the remainder of the meeting.

**Highlights**

The presentation addressed the major challenges CMS faces and EBAC’s recommendations. One of which was that the CMS operating budget for 04-05 be funded at an additional $50 million with the caveat that CMS be required to develop strategic and defined accountability plans justifying the increased amount.

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

**Comments**

Chairman Cox raised a question regarding teachers in the equity plus schools after it was noted that in the elementary equity plus schools teacher turnover was at 28% with 48% of those teachers having 4 years or less of experience. He asked which teachers in the equity plus schools were the most effective in yielding results on test scores, the qualified vs. experienced?

Mr. Haworth stated that he did not know the answer but that he would like to see over the history of the Equity Plus program a scattered chart on what the teacher composite looks like in those schools where there was progress. He noted that he would suspect that experience was always extremely important, however, he feels that there are beginning to four year teachers in the system that were just as good as the experienced teacher.

Commissioner Ramirez asked why was it that some of the best teachers weren’t interested in going to the Equity Plus schools?

Ms. Breckenridge responded by saying if a strategic plan was presented to EBAC, which stated a certain percentage of the systems certified teachers would be moved into the Equity Plus schools and outlined the progress expected in one year and the cost for doing it, then EBAC would be supportive of that and would seek the Board’s support.

Mr. Haworth noted that it has to be kept in mind also that if you start mandating where teachers have to teach relative to experience and other abilities, then many of your most valuable teachers may go to another system.

Commissioner Clarke asked whether EBAC felt the BOE should have its own taxing authority, thus it would not have to come to the BOCC for funding.

Ms. Breckenridge noted that in Ohio the school districts have taxing authority and that there were some benefits to having this authority. She noted that Board members are held accountable and if the citizens aren’t pleased then they’re voted out of office. She noted that in the case of Ohio the BOE is made up of business people that live in that district, however the risk in doing this is that the community becomes polarized and people buy homes in school districts that are the best that they can afford and the poorer schools never get anything. She said there were benefits and risks. She stated that she didn’t know if having its own taxing authority was the right answer or not.

Mr. Harris noted that this was a highly controversial topic in Raleigh.

Mr. Dehnert noted that although it is controversial EBAC does plan to discuss it with the Mecklenburg Legislative Delegation when it goes to Raleigh.

Commissioner Woodard noted that there was some irony in the matter regarding teachers and where they’re placed and where children are placed. “There are teachers who are reassigned for the purpose of working with students because of their experience or what have you and they don’t have a choice. Yet, there are children who decide where they want to go. She stated that there was something wrong with this picture because “teachers are choosing the jobs they’re choosing to do. Students are students to learn wherever you put them.” She noted that she continues to feel that most of the monies were going into the pupil assignment plan and having to give children what they want.
EBAC members noted that this was a very interesting point and worthy of further discussion. Ms. Breckenridge noted that principals can also make a difference.

Commissioner Helms suggested that the Board convey to the Board of Education and to Dr. Pughesley that the Board of County Commissioners have received a recommendation from EBAC that the additional funding for 04-05 be $50 million contingent upon the development of a business plan that would show how CMS would achieve certain goals. Further, that if CMS would like to prepare such a business plan and present it to the Board of County Commissioners prior to the adoption of the budget, that the BOCC would take that into consideration in setting the budgeted amount for the Board.

Chairman Cox noted that he wasn’t sure if there was enough time for this to occur.

Commissioner Puckett noted that he would like to add to Commissioner Helms’ statement that Business Plan should be tied to an external performance audit, which probably can’t be done in a month.

Chairman Cox noted the following resolve that the BOCC, BOE, and EBAC agree to get together again soon to talk out a way of going forward.

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

(3) Citizen’s Capital Budget Advisory Committee

Lewis Guignard presented the Citizen’s Capital Budget Advisory Committee report.

The report addressed the Citizen’s Capital Budget Advisory Committee recommendations regarding:

- CPCC
- CMS
- Government Facilities
- Law Enforcement
- Park and Recreation
- Charlotte-Mecklenburg Public Library
- Historic Landmarks Commission
- Storm Water
- The Court System and WTVI

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

Comments

Commissioner Puckett asked if the CCBAC had received or would receive the information they needed from CMS? The response was that “for the most part” they have. Mr. Guignard noted however that personally he has asked for information that they haven’t given him. He feels personally it depends on whether or not it suits their political agenda as to whether or not they give you information.

Commissioner Puckett inquired about the ball fields. The response was that yes the CCBAC recommends 20 ball fields but that they did not specifically address the types of new ball fields as it relates to the turf issue.

Commissioner Mitchell inquired about a future land banking bond discussion. The response was that the CCBAC was discussing this matter, however there still needs to be a general definition of what was open space because it means different things to different people or entities. It was noted that this presents a problem and more input was needed from the Board

Commissioner Clarke inquired about land acquisition, for example park land and greenway that
has been acquired and in particular acquisition of r-o-w for the Little Sugar Creek Greenway and West Park. He noted that he did not see in the CCBAC recommendation anything regarding funding the capital cost of completing these initiatives.

The response was that the CCBAC has not addressed this and one reason was because Park and Recreation did not come back with the information that was requested.

Commissioner Clarke noted that thought has to be given to the capital cost for developing these initiatives.

Chairman Cox inquired about a report from Civitas. It was noted that a report was not planned but that what staff was doing was pursuing land acquisition of the Tryon Street option and have come to a point where the current owner is not interested in talking further, so things are at a stand still. It’s not known if this with change with conditions in the next few months or not.

Chairman Cox noted that the expectation was that a report would come back to Board indicating what was discovered.

This concluded the discussion of this matter. No action was taken nor required.

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

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board the meeting was declared adjourned at 6:45 p.m.

Janice S. Paige, Clerk

Tom Cox, Chairman
ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Dan Ramirez, Ruth Samuelson
and Valerie Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

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

-INFORMAL SESSION-

(1A) STAFF BRIEFINGS LIBRARY BOARD OF TRUSTEES

The Board received as information the Library Board of Trustees strategic planning process, which was addressed by Bill Wood, Chairman of the Library Board of Trustees and Charles Brown, Director of Libraries.

Highlights:

Goals:
- To review and update, as necessary, the mission, vision and values of the Public Library of Charlotte and Mecklenburg County.
- To review and reevaluate, as appropriate, the Library's current Facilities Master Plan. In addition, design a process that will link the anticipated operational budget impact to future major capital project requests.
- To review and evaluate a range of current Library programs and services.

Process:
- The Board of Trustees has begun development of a strategic plan with consultant Emmie Alexander, of Alexander Hancock Associates. The initial scope of work includes individual interviews with trustees and a board retreat focusing on this topic.
- The initial work of the trustees will be enhanced by up to five community meetings to be held throughout Mecklenburg County to solicit public input into planning for the Library's future.
- In addition to community involvement, up to three staff meetings will be convened around the Library system, to involve library staff in the process as well.

Desired Outcome:
Development of a framework and process for answering the strategic questions facing the Library over the next three to five years, and an action plan with steps, timeliness, and responsibilities.

Note: A special focus will be on creating a fiscally responsible building program, utilizing possible collaborations with CMS, Parks and Recreation, CATS, and others as appropriate. Related to this will be the development of a three-year projected budget, using the best information available.

Comments

Chairman Cox noted the following:
- For the record, Sally Robinson, Library Board Trustee is his wife’s aunt.
- He emphasized the need and importance of strategic planning.
- He suggested that the Library Board of Trustees (LBT) during their strategic planning process focus on what it means to be in the Library business today, not twenty years ago, and what it’ll mean to be in the library business five years from now.
- Regional collaboration with libraries in other surrounding counties is something the LBT may want to consider.
- He is supportive of joint use.
- He emphasized the need for integration of the library system with the transit system.

Commissioner Samuelson noted the following:
- Support for mini libraries at transit stops
- Asked would there to be a specific policy regarding joint use?
- She would like a policy or some type of guidelines to be put in place.
- She feels that a policy or guidelines would be helpful not only for current members of both bodies but those to follow.

Mr. Woods stated at this point that he welcomed any feedback she or other Commissioners might have on this subject, which could be discussed at their upcoming retreat.

Commissioner Clarke noted the following:
- Echoed comments made by Chairman Cox and Commissioner Samuelson regarding integration with the transit system and support of joint use.
- It’s important to find a way to put in a link between capital expansion and making sure that funding to fully operate new capital facilities is going to be there.
- It's not right, as it currently is, to have at least two of the regional libraries operating at a different set of hours not available to a segment of the public on the weekends the way they are in other parts of the community. He feels that if things like this continue it’ll send a bad message.
- He stated that if the County is going to build and operate capital facilities, it has to be ready to pay for them and do it in a way that is not only practicable, efficient and within the County’s means but it has to be perceived as being fair also.
- He encouraged investment in technology that would reduce labor cost. He stated labor cost would continue to go up because health care is such a huge component of labor cost.

Commissioner Woodard asked that the public be made aware of the various cost of services at the library. She noted that she was recently at the Library and was not aware that copies were no longer free and at the time did not have on her the change necessary to receive copies.

Director Brown stated that free copies were discontinued because it began to get out of hand. He stated that they would make sure library patrons were aware of this.

Chairman Cox thanked members of the Library Board of Trustees for being present. He noted that the Charlotte-Mecklenburg Public Library system was a great system. He asked the Library Board of Trustees to make sure the Board of Commissioners understood when the system begins to cross the threshold of losing the quality of the library system as it currently exist. He stated that he would not want and feels the public would not want, the Charlotte-Mecklenburg Public Library system to lose its quality operation.
Mr. Woods said that he agreed with Chairman Cox’s comments regarding a quality system and that in his opinion we’re on the edge of the quality issue. “Can we stay open?” “Of course we can.” “Are we going to be able to offer services that made us the Library of the Year, for example several years ago?” He stated that this was what was at risk as resources are cut. He stated that they couldn’t afford to continue cutting hours of operation and acquisition of materials.

Director Brown noted that he had experience with technology investments, such as self-check-out, self-pick-up and reserves. He said that these were things they would be looking into, however what he has found is that these investments don’t necessarily reduce labor cost but rather contain cost.

(2A) CLOSED SESSION LAND ACQUISITION

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

Tax parcel 047-431-02 and 047-441-01 in the Mallard Creek area owned by the Alexander family.


It was noted that Land Acquisition 2A3 had been removed.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to go into Closed Session to discuss land acquisition.

The Board went into Closed Session at 5:41 p.m. and came back into Open Session at 5:55 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 7, 16, 17, 20, and 21.

Commissioner James noted that on Item 22 Eastover Woods Subdivision/Briar Creek Floodway that he had received additional information from the County Attorney and from Mr. Woodlief.

Commissioner James asked Attorney Bethune was Mr. Woodlief correct in his assertion that the County Park and Recreation Department should have been notified by the Planning Commission of this proposed subdivision plan?

Attorney Bethune stated that at the present time it appears to be true. He stated that he had spoken with Planning Commission staff and Park and Recreation and that from what he can determine so far, no one on County staff received notice nor has anyone on the Planning Commission staff indicated that they gave notice. Also, that per his view of the greenway master this section of Briar Creek is included in the 1999 Greenway Master Plan.

Commissioner James noted that Mr. Woodlief plans to ask the Board to direct staff to evaluate this property.

Chairman Cox noted that he wanted to be fair in this matter. He asked if the owner of this property was aware that this matter was on the Board’s agenda. He stated that if they were not that in order to be fair the Board should hold a public hearing or something similar so that all
parties could voice their opinion and the Board could hear both sides of the issue.

Attorney Bethune stated that the owner was E.C. Griffith Company and that their Attorney, Bill Sturges knew this matter was on the agenda, however when he found out he was out of town on another commitment. Attorney Bethune stated Attorney Sturges believes that this matter involves legalities, which he agrees, and that he (Atty. Sturges) would be the appropriate person to address this matter.

Attorney Bethune stated he had some information regarding this matter but nothing conclusive at this time. He shared a memorandum received from Park and Recreation, which indicated what the department would have asked for had they been involved in this process in a timely fashion. He also shared a map, which showed the lots that have been platted by the current owner (indicated on the map in yellow) and the common open space area, which is not assigned to any particular lot (indicated on the map in pink) and is all in the floodplain.

Attorney Bethune noted that he shared this information with Attorney Sturges and that it should be provided to Mr. Woodlief as well.

Commissioner James noted that he had given Mr. Woodlief a copy.

Attorney Bethune informed the Board that per the memorandum from Park and Recreation staff had they been informed they would have asked for a donation of the common open space property (indicated in pink on the map) but not the property that is in yellow. He stated that they would not have attempted to stop the subdivision but would have tried to get the common open space, most of which is in the SWIM buffer.

Attorney Bethune clarified that this was not a zoning issue but a subdivision issue and floodplain issue.

Commissioner Clarke stated that this was really a matter that should be addressed by a court. He stated that it really related to a feud an individual has with whether a permit should be issued or not.

Commissioner James said the flood permit was something that the County was to decide on.

Commissioner Clarke stated he agreed that it needed to be clear as to whether the procedure was followed.

Commissioner James stated that he was not opposed to deferring this matter at this time, nor did he object to the E.C. Griffith Company being notified.

Commissioner James asked that Attorney Bethune share with both sides the additional information he provided to the Board tonight, which was a memo from Park and Recreation and a map. Further, that Attorney Bethune report back to the Board at a later date with a full report on this matter and that both sides be allowed to present their case.

It was the consensus of the Board that this was how the item would be addressed during Formal Session.

*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 Samuelson, which was followed by the Pledge of Allegiance to the Flag.
CONSENT ITEMS

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

(8) DEPARTMENT OF JUVENILE JUSTICE & DELINQUENCY PREVENTION FY05 FUNDING

Approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,460,859 for fiscal year 2005 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

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<th>FY04 Allocation</th>
<th>Proposed FY05 Allocation</th>
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</table>

$1,460,859

(9) DSS CRISIS INTERVENTION PROGRAM FUNDING

Amend the Department of Social Services' FY04 budget to recognize, receive and appropriate $5,203 in additional Energy Administration funds from the U.S. Department of Energy for administration of the Crisis Intervention Program.

(10) STORM WATER FEE/MAJOR SYSTEM COMPONENT – SET PUBLIC HEARING

Set a public hearing on June 1, 2004 at 6:30 p.m. on a proposed increase in the Major System component of the Storm Water fee.

(11) DESTRUCTION OF DOCUMENTS - LUESA

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

- 6 boxes of permitting and inspections records dated March and April of 2004 that have been imaged on optical disk and verified in lieu of originals.
- 615 commercial project plans permitted in March and April of 2002.
- 1440 cancelled bond files from 2003 and 2004 with 7,000 documents, which have been scanned and proofed.

(12) ROBERT WOOD JOHNSON FOUNDATION GRANT APPLICATION

1) Authorize the Department of Social Services to apply for grant monies from the Robert Wood Johnson Foundation in the amount of $150,000 in support of a Mecklenburg Center for Aging;

2) Authorize the County Manager to accept and disburse the funds, if awarded; and amend the DSS budget in the amount received.
(13) HEALTH & WELLNESS TRUST FUND FUNDING

1) Recognize, receive and appropriate $200,000 of additional grant funding from the State of North Carolina Health & Wellness Trust Fund to provide community/school teen tobacco prevention and cessation programs.

2) Approve the carry forward to the next fiscal year of any unspent grant funds at June 30, 2004.

(14) CDC REACH 2010 – MEDIA PROJECT

1) Recognize, receive and appropriate $54,900 from Carolinas HealthCare System for the CDC REACH 2010 Public Relations/Media Project.

2) Approve carry forward to the next fiscal year of any unspent grant funds at June 30, 2004.

(15) BIG SUGAR CREEK GREENWAY LAND DONATION

Accept donation of 3.132-acre Tax Parcel #167-081-09 off South Tryon Street from R. Marion Ross, Jr., Lola M. Ross, Trustee, and Ross Land Company for the Big Sugar Creek Greenway.

(18) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

1) Adopt a grant project ordinance for the federal Scattered Site Housing Grant #04-C-1236 awarded to Mecklenburg County by the State of North Carolina Department of Commerce and authorize the Chairman to sign the grant agreement.

2) Adopt Resolution to Select Program Administrator for the Community Development Block Grant Program.

3) Authorize the County Manager to negotiate and execute a contract with Centralina Council of Governments to provide administrative services for the 2004 CDBG Scattered Site grant.

Ordinance and Resolution recorded in full in Minute Book 42-A, Documents #

(19) OFFICE SUPPLIES CONTRACT

Approve a three (3) year contract with two (2) one-year renewal options for an estimated annual expenditure of $750,000.00 with Office Depot, Inc. for providing office supplies to all County departments.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(7) APPROVAL OF MINUTES

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve minutes of Regular Meeting held May 5, 2004 as amended with the amendment being as follows:
Add to the motion regarding the closing of the public hearing on the City of Monroe’s plans to construct a natural gas pipeline through a portion of Mecklenburg County, that the City of Monroe and Piedmont Natural Gas both notify the Board upon the completion of their negotiations and not just the City of Monroe as stated in the minutes.

(16) DEMOLITION OF BUILDINGS ON IRWIN CREEK AT CLANTON PARK

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve use of $55,000 from 1999 land bonds for demolition of small retail center on property acquired for the expansion of Clanton Park.

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

(17) HOMELAND SECURITY GRANTS

Motion was made by Commissioner Mitchell seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to 1) Recognize, receive and appropriate the following grants related to Homeland Security:

- $2,140,637 for equipment, training and planning from the U.S. Department of Homeland Security Office of Domestic Preparedness;
- $102,549 for Urban Search & Rescue from the Department of Justice.

2) Authorize the carry forward of any unspent funds for the above grants at June 30, 2004 to the next fiscal year.

3) Authorize the County Manager to negotiate and execute an agreement with the City of Charlotte for the Charlotte-Mecklenburg Emergency Management Department to manage and administer the grant program in accordance with the grant regulations.

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

(20) MALLARD CREEK RECREATION CENTER LEASE ARRANGEMENT

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve a resolution of intent for a lease agreement between Mecklenburg County and The Branch Family Church that would credit the cost of installing central air conditioning in the gymnasium against rental fees for use of Mallard Creek Recreation Center.

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

Commissioner Puckett removed this item from consent for more public awareness.

(21) MULTI-FAMILY HOUSING CONDUIT FINANCING - RESOLUTION GIVING PRELIMINARY APPROVAL TO ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS – HERITAGE EAST APARTMENT COMMUNITY REDEVELOPMENT PROJECT

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve resolution entitled: Resolution Giving
Preliminary Approval To Issuance Of Multifamily Housing Revenue Bonds – Heritage East Apartment Community Redevelopment Project.

Note: This resolution gives preliminary approval for issuance of multi-family housing revenue bonds for Heritage East Apartment Community Redevelopment Project.

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

Extract and Resolution recorded in full in Minute Book 42-A, Document #

(2A2) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a resolution of intent to exchange a portion of tax parcel 125-201-51 for tax parcels 069-093-37, 069-093-38, 095-131-43, and 095-131-63.

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

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to instruct the Clerk to the Board to publish notice of the Board’s intent to exchange the properties.

(1A) DISTINGUISHED THERAPEUTIC RECREATION (TR) DEPARTMENT

The Board recognized the Park and Recreation Department Division of Therapeutic Recreation for receiving the 2004 Distinguished TR Department Award from the North Carolina Recreation and Park Society – Therapeutic Recreation Division.

Carla Gray of Park and Recreation addressed the award and introduced members of the Therapeutic Recreation staff.

(1B) WATER QUALITY VOLUNTEER RECOGNITION

The Board recognized the following four (4) volunteer groups for receipt of individual awards for their efforts toward improving water quality conditions in Mecklenburg County streams through participation in the Adopt-A-Stream Program:

- **School Category**: Central Piedmont Community College-Student Life and Biology Departments
- **Organizations Category**: Boy Scout Troop #118 and Boy Scout Troop #35
- **Business Category**: S&ME
- **Overall Outstanding Group**: Church of the Holy Comforter – Jr. and Sr. EYC groups

Rusty Rozzelle of Land Use and Environmental Services presented the awards.

(4A) PUBLIC HEARING STORM WATER FEE – CONDUCT CITY/COUNTY JOINT PUBLIC HEARING

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and
unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a joint public hearing with Charlotte City Council to hear comments related to a proposed increase in the Storm Water fee for the minor system inside the City.

Motion was made by Charlotte City Council and unanimously carried to open the public hearing as well.

Ruth McNeil with Land Use and Environmental Services and Tim Richards with the City of Charlotte addressed the proposed increase in the Storm Water fee.

No one from the public appeared to speak.

Commissioner James asked would the additional funds generated be used to fix storm drains and culverts and things that get clogged up? The response was yes.

Commissioner Samuelson asked how many years would an annual increase be needed? The response was through the next 10-12 years.

Commissioner Puckett asked for clarification on how individual drainage problems were addressed and noted that he often receives calls from constituents regarding problems.

The response was that Storm Water Services should be responding to all requests for services for problems that receive street water. Local drainage that does not come from a public street is not covered by the City.

It was noted that at the inception of the program it was felt that the best and most fair way to levy these fees would be based on one’s contribution to the problem and not the value of your home or the benefit received.

Commissioner Mitchell asked if the increase would improve response time and reduce the backlog? The response was yes.

Commissioner Mitchell asked what was the status of the backlog. The response was that work is broken down into three categories, which overlap to some extent. The categories are high priority problems, such as flooding of living space, crawl space, and streets of which there were probably 300-400 of those. There are probably about 6,000 backlogged in the lower priority channel type problems. There are also about 95-100 large neighborhood wide type problems, such as the CIP’s that cost anywhere from $1 million - $5 million to correct.

Mayor Patrick McCrory noted that City Council discussed and received answers to questions on this issue at one of their budget workshops, which was why they had no questions at this time. He stated that they were present, as required, to receive public comment.

There were no further questions from the Board.

Mayor McCrory then asked for a motion to close the public hearing on behalf of Charlotte City Council, which was moved and unanimously carried.

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing on the proposed increase in the Storm Water fee for the minor system inside the City.

The Mayor and members of Charlotte City Council left the meeting at this time.

(1C) NATIONAL FOSTER CARE MONTH 2004

Motion was made by Commissioner Samuelson, seconded by Commissioner James and
The Board also recognized Owen and Hazel Dildy as Mecklenburg County’s Foster Parents of the Year.

Danette Smith, director of Youth and Families Services, introduced the Dildy’s.

The proclamation was read by Commissioner Samuelson and accepted the Director Smith.

Chairman Cox left the dais during the reading of the proclamation and was away until noted in the minutes.

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

(1D) 2004 THIRD ANNUAL SENIOR SCAM JAM

Chairman Cox returned to the dais.

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a joint proclamation recognizing the Better Business Bureau’s 2004 Third Annual Senior Scam Jam.

The proclamation was read by Commissioner Ramirez.

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

(2) PUBLIC APPEARANCE

Commissioner Puckett took a point of personal privilege during the public appearance portion of the agenda to note that May 20th marks the 220th anniversary of Meck Deck Day and that activities would be taking place downtown on the square.

He also noted the passing of former Mecklenburg County Sheriff C. W. Kidd and expressed sympathy to his family on behalf of the Board.

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

Shanita Thompson, Pastor of Fellowship Deliverance Ministries and founder of Independence Through Education thanked the Board for its support of Fighting Back with whom Independence Through Education has a contract with. She also informed the Board about the Belmont View Youth Newspaper.

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

Loula Pickens, Erica Frazier, Mary Barringer, and Herman Thomas residents of the Hampshire Hills neighborhood addressed a zoning code enforcement issue. They specifically addressed the legality of a permit allowing a church to be built in the backyard of an existing house at the entrance of their neighborhood and zoning matters related to the church. It was noted that per their research of the restricted covenant of Hampshire Hills issued by John Crosland, it indicates that no structure shall be erected on any residential plot other than one detached single-family dwelling. They addressed environmental issues regarding the creek that runs behind the church and adjacent properties. It was noted also that they have spoken with zoning officials, the city attorney, and at City Council meetings. They asked the Board to look into this matter and revoke all permits for construction at 5829 The Plaza.
Commissioner Woodard asked that staff follow-up with the representatives of Hampshire Hills regarding their concerns and to keep the Board informed of this matter.

(5) ADVISORY COMMITTEE REPORTS CITIZEN’S TRANSIT ADVISORY GROUP (CTAG)

The Board received a presentation from CTAG representatives regarding their preliminary transit governance recommendation.

Jerry Blackmon, former County Commissioner and Gerald G. Fox, former County Manager, members of CTAG, gave the report.

The presentation covered the:
- History of CTAG
- Current Governance Structure Characteristics
- Mandatory Governance Review
- Study Scope and Process
- Transit Governance Structure Principles
- Review of Current Transit Structure
- Why the Recommended Changes
- Preliminary Recommendation Overview
- The Next Steps
- Status of Rapid Transit Planning

The long-term vision is to have an independent regional transit agency owning/operating transit facilities across county and state lines. Also, to have
- Proportional representation with weighted voting
- A policy board with mixture of elected and non-elected individuals; min. 50% non-elected
- Maximum number of 15 board members
- Dedicated funding sources from member jurisdictions
- Member jurisdictions must have adopted transit supportive land use policies/zoning

It was noted that state legislative authority would be needed in order to accomplish some of these things.

Prior to the long-term vision, the preliminary recommendation includes expanding the Metropolitan Transit Commission to nine voting members and eventually 15. The City of Charlotte would continue to be the administrative agency and Charlotte City Council and the Board of County Commissioners would continue to review/approve the transit budget.

It was noted that a final report would be presented to the MTC in June.

Commissioner Ramirez asked if it was known which other counties might be asked to participate? No definitive answer could be given at this time but that system would enter other counties in the future.

Chairman Cox noted that it would be his prediction that by the end of the decade, at least two other counties would be participating.

Commissioner Ramirez asked would there be federal participation as a voting member in the future? The response was probably not. It was noted that the funding that is recommended now is 50% federal, 25% state, and 25% local. Noted further was that the recommendation was that the state not only be involved from the financial side but also in the planning and coordinating with other counties. The state is currently represented on the Transit Commission but not as a voting member, but the recommendation was that they become a voting member.

Commissioner James expressed concern regarding the participation of the Towns and whether they would be in agreement with the expansion recommendations. The response was that thus far
most of the Towns have been supportive.

Mr. Blackmon noted that this was a costly program, but in the long term, a terribly important program. He said the population of Charlotte-Mecklenburg was predicted to double in the next thirty years, which is why it’s important that there be a good transportation system in place. He said otherwise Charlotte-Mecklenburg would be a “second rate” community.

Commissioner James expressed concern about the transit authority structure and it being given taxing authority. He noted that if there were citizens on the authority, they could not be given taxing authority because only persons that can be voted out of office have the right to tax. He noted further that in the past the towns have always been opposed to proportional representation because they always get the “short end of the stick.” He stated that they may not be opposed to it in this particular case but they have opposed it in the past.

Commissioner James said that he was interested in knowing the opinions of the Towns.

Commissioner Samuelson said she felt it was good to have citizens participate and share the load but that it was harder for those non-elected representatives to share in the accountability. She expressed concern for the percentage of non-elected members. She asked for clarification on the rationale for the 50% non-elected representation. Also, how would they be appointed and for how long? The response was that those decisions had not been made yet, but the understanding was that Board County Commissioners, Charlotte City Council, and the Town Boards would appoint them.

Commissioner Puckett said he was a little “leery” of authorities and agencies and concerned about accountability. He stated that he understood the expansion need but not the need for an independent authority. The response was that legally you couldn’t create an entity through Interlocal agreements that can own assets. What was being recommended was an agency that could own assets, buy assets, and bond itself. It was stated that currently this was being done by the City of Charlotte for the transit commission. It was noted that once you enter into other counties and states then you have assets in other counties and that if the agency is going to own its own assets it has to be an independent authority.

Commissioner Puckett asked if this meant the City, County and Towns could not own an asset together? The response was that someone would have to be the contract entity and with authority to own and buy assets.

Commissioner Ramirez expressed concern for the taxing authority also. He asked how would this work with other counties and states involved? The response was that no matter where the county was located, North Carolina or South Carolina that in order to become a part of this entity the counties would have to “pay to play” by having an equivalent taxing authority and place that equivalency into the “pot” for mass transit services.

Chairman Cox noted that he felt Board members were concerned about the entity being able to levy taxes and that the accountability for levying taxes needed to remain with those that were elected. The response was that this was understood and that it would depend on how the legislation was written for the independent authority. The Authority could be given taxing authority, revenue raising authority or it could remain with the individual local government entities.

Chairman Cox asked if CTAG had a recommendation on this particular concept. The response was no not at this time.

Commissioner Ramirez asked would it be possible for the independent authority to be elected? The response was that this probably could be done, if that’s the desire.

Chairman Cox noted per his observation of the remarks made, Board members would like clarification on the taxing authority issue and accountability.

Chairman Cox noted further that he felt it would be difficult for the Board to support an entity
where there were private citizens levying taxes without accountability to the public.

Chairman Cox thanked the presenters and other members of their board. The presenters expressed thanks as well for having the opportunity to serve and encouraged and welcomed the Board’s feedback.

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

**MANAGER’S REPORT**

(6) RECEIVE MANAGER’S REPORT - COUNTY MANAGER’S FY2005 RECOMMENDED BUDGET

County Manager Jones presented his recommended budget for FY2005.

Highlights:

- Total recommended budget for FY2004-2005 is $1,125,100,754.
- It proposes to fund priority services identified in the 3-yr Strategic Business Plan.
- It is a 5.06% increase from the current amended budget.
- The budget is presented in two service levels. Service Level One includes those services recommended for funding. Service Level Two includes those services not recommended for funding.
- Choices and Consequences were addressed.
- Sources of revenue were addressed.
- A 2.46 cents property tax rate increase is being recommended, which would result in a tax rate of 76.1 cents per $100 assessed valuation from the current 73.64 cents.
- This is a 3.34% tax rate increase.
- This tax rate increase is needed to prevent the elimination of services in priority levels 5-7 that have demonstrated value to the community and are most likely to continue achieving the results desired by the Board.
- Efficiency reductions were addressed.
- General Debt Service was addressed.
- CMS funding $352,237, 211, a 6.02% increase from FY04.
- CPCC funding $28,976,693, an 11.18% increase from FY04.
- Changes in the structure and allocation of resources was addressed. The following was noted:
  - As it relates to diversity goals, resources that are in the Diversity/Minority Affairs Office to address these areas of concern will be shifted to Human Resources. A position will be established within the Human Resources Department dedicated to workforce planning and diversity, with the primary accountability of achieving the goal of no statistical disparities in employee satisfaction and in striving to have a workforce that is reflective of our community. This position will replace one of the positions in the current Office of Diversity/Minority Affairs.
  - That additional resources be allocated to address disparities in our Minority- and Women-Owned Business Enterprise. However, because the County does not have an implementation plan developed at this time, it is being proposed that $200,000 be placed in restricted contingency. These funds would be allocated if the Board approves an implementation plan. This restructuring also would suggest a possible change in the role of the Minority Affairs Advisory Committee. It’s being proposed that the Board consider reconstituting this committee as an advisory committee to help develop the MWBE implementation plan and to provide community input into the carrying out of that plan, should it be approved by the Board. Also being proposed is the expansion of the Personnel Commission by two members to include additional representation and a reconstituted charge to advise the County on its model diverse organization strategies.
  - Another restructuring involves a part of the County Manager’s Office, specifically the Office of Strategic Organizational Improvement. This is the part of the Manager’s Office responsible for strategic planning, performance monitoring and evaluation, and performance budgeting. There are similar
resources spread out in several departments, however in FY05 these resources and functions will consolidate.

- Fighting Back funding has been reduced by one-third, based on the strategy of weaning the community-based effort from government funding over three years.
- Outside Agencies - Several agencies are recommended for funding because they are part of a high-priority array of services and are demonstrating positive results. However, several agencies are not recommended for funding because they are low priorities, have not been recommended for funding by the department with which they are affiliated, provide services that are not consistent with the County’s core mission and/or provide insufficient value to warrant an additional increase in the property tax rate at this time.

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

Chairman Cox on behalf of the Board complimented County Manager Jones for an excellent job in presenting his recommended budget.

The Board opted not to ask any questions at this time. It was noted that the Board would conduct its first budget workshop on May 25, 2004.

County Manager Jones asked the Board to direct any questions they may have concerning the budget to General Manager John McGillicuddy.

(22) EASTOVER WOODS SUBDIVISION/BRIAR CREEK FLOODWAY

Commissioner James addressed the Eastover Woods Subdivision/Briar Creek Floodway in response to information he received from Mr. John B. Woodlief. He noted that the Board had discussed this some during the Informal Session.

Note: The Woodlief's information, included documents from the Planning Commission showing that the Planning Commission determined that the Greenway issue was “not applicable” as it related to the Eastover Woods Subdivision. A map, however supplied by Mr. Woodlief indicates that the site in question is part of the greenway master plan and therefore should have been presented to the Park and Recreation Department for comment.

Commissioner James noted that if this was true and the matter was not presented to Park and Recreation for consideration was the County denied its right to properly exercise its jurisdiction over the Greenway portion of this proposed subdivision?

Commissioner James asked the Board to consider the following:

- Direct staff to provide an update at the June 1, 2004 meeting on the Eastover Woods Subdivision/Briar Creek Floodway issue raised by Mr. John B. Woodlief.
- Direct staff to include as part of the update answers to the following questions:
  - Did the Charlotte-Mecklenburg Planning Commission violate the Preliminary Subdivision requirements as it relates to Greenway?
  - Should the Park and Recreation Department have been notified of the proposed Eastover Woods Subdivision and given the opportunity to comment?
  - Does the County have the right of appeal if there was a violation in procedures?

Upon receiving a report from staff regarding this issue, the Board could then determine if this is an appropriate matter for the Board to pursue.

Attorney Bethune noted that if the Board took the action outlined by Commissioner James that he would be prepared to report back to the Board on June 1, 2004 with answers to questions raised by Commissioner James, as well as, provide other relevant information that might be informative to the Board.

Attorney Bethune noted that he informed the attorney for Mr. Griffith, the developer and the developers, of this matter being on the Board’s agenda, however, the attorney was unable to be
Commissioner James informed Mr. Woodlief who was present that what the Board planned to do was to have Attorney Bethune look into this matter and report back to the Board, no action would be taken by the Board at this time.

Attorney Bethune referenced a memo he had received from Park and Recreation, as well as a map, which he stated that Mr. Woodlief should be given a copy of.

Commissioner James noted that it appears from the memo from Park and Recreation that they did not receive notice, however at this point this is a tentative conclusion.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to defer taking any action on Item 22 Eastover Woods Subdivision/Briar Creek Floodway.

It was the consensus of the Board that Attorney Bethune research this matter and report back to the Board at the June 1, 2004 meeting.

Prior to the above vote, Mr. John Woodlief addressed the Eastover Woods Subdivision and the Greenway Master Plan. He asked the Board to direct staff to conduct a legal review of the consequences and remedies related to the failure of the Charlotte-Mecklenburg Planning Commission to coordinate with the Park and Recreation Department concerning the reservation for greenway acquisition with the objective of enabling the department to exercise its right to reserve the property for eighteen months as specified in the ordinance and work with the neighbors to find a suitable mechanism for the acquisition of the land recognizing that the alternatives provided in the Greenway Master Plan.

A copy of Mr. Woodlief’s remarks and handout, which includes signed petitions.

Also prior to the above vote, Commissioner Samuelson noted that in the information that was provided tonight by Mr. Woodlief for some reason her name has been drugged through this on a variety of cases not entirely accurately. Therefore she wanted to add an addendum to the comments she made on July 8th per the information distributed. She noted that she wanted the public to know that the concern she had in that particular interchange was about allegations made to County staff. She noted that shortly after July 8th she did arrange for Mrs. Woodlief and the County Attorney to have a conversation about those allegations. Her role in that was to do what Commissioners are called to do, which was to facilitate a meeting between Mrs. Woodlief and the County Attorney to address the concerns that had been stated.

APPOINTMENTS

(3A) NOMINATIONS/REAPPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Danielle Obiorah to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2007.

Chairman Cox asked the Board to consider deferring nominations for another appointment to the Alcoholic Beverage Control Board for reasons he could not disclose at this time.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez,
Samuelson, and Woodard voting yes, to defer making nominations to the Alcoholic Beverage Control Board until the June 15, 2004 meeting.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Motion was made by Commissioner Puckett, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint David A. Lewis to the Central Piedmont Community College Board of Trustees for a four-year term expiring June 30, 2008.

CMUD ADVISORY COMMITTEE

The following persons were nominated for appointment to the CMUD Advisory Committee by Chairman Cox: Patricia Harris and Kevin Hinde.

An appointment will occur on June 1, 2004.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Harold Norman to the Historic Landmarks Commission for a three-year term expiring July 31, 2007.

The following persons were nominated for appointment to the Historic Landmarks Commission:

Scott Abernethy    by Commissioner Puckett
Nancy Betler     by Commissioner Samuelson
Sally Hughes     by Commissioner Samuelson
Curtis Krumel     by Commissioner Clarke

An appointment will occur on June 1, 2004.

MINORITY AFFAIRS ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to defer making appointments to the Minority Affairs Advisory Committee in light of the County Manager’s recommended budget, which calls for a change in the role of the Committee.

PLANNING COMMISSION

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Julie Chiu and Del Ratcliffe to the Planning Commission for three-year terms expiring June 30, 2007.

PUBLIC BROADCASTING AUTHORITY

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Andrew Lax, Ada Nicolay, and Angeles Ortega to the Public Broadcasting Authority for three-year terms expiring June 30, 2007.
The following person was nominated for appointment to the Public Broadcasting Authority: Hattie Leeper.

It was the consensus of the Board to keep nominations open for appointments to the Public Broadcasting Authority.

Note: This matter will be placed on the June 15, 2004 agenda for additional nominations.

WASTE MANAGEMENT ADVISORY BOARD

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

The appointment will occur on June 1, 2004.

WOMEN’S COMMISSION

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Sarah Stevenson to the Women’s Commission for a three-year term expiring June 19, 2007.

The following persons were nominated for appointments to the Women’s Commission by Chairman Cox: Karen Bean, Eva Danner, Robert Fuller, Marcia Harrison, Kariba Hudson, Ruby Odom, Evita Pierce, Velia Watson, and Judy Williams.

Appointments will occur on June 1, 2004.

(3B) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint John Scott and Brenda Williams to the Waste Management Advisory Board as recommended by Charlotte City Council.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Puckett, and unanimously carried, with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:15 P.M.
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, Charlotte, N. C. on Tuesday, May 25, 2004 at 2:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms, Bill James Norman A. Mitchell, Sr., Jim Puckett Ruth Samuelson, Dan Ramirez, and Valerie Woodard County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: None

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

The purpose of the meeting was to begin deliberation on the County Manager’s recommended budget for FY05 and to take action if deemed appropriate.

Chairman Cox called on County Manager Jones to proceed with the agenda, which was outlined as follows:

- Workshop Process (Endorse Process and Affirm or Amend Process Spreadsheet)
- Budget Questions (Receive Revisions and Provide Staff with Questions)
- Manager Presentation (Special Evaluation Studies)
- Pull Items from Priority Levels 1-7

County Manager Jones called on General Manager John McGillicuddy to facilitate the meeting.

General Manager McGillicuddy began by reviewing various handouts of revised pages of the County Manager’s recommended budget. General Manager McGillicuddy noted that none of the revisions impacted total County dollars.

Commissioners Helms and Clarke entered the meeting during this time.

The following budget/funding revisions were noted:

- $165,000 in expenditures was added to the Medical Examiner’s recommended budget due to lower projected state revenue.
- Because of an oversight, $292,356 was added as revenue and expenditures to reflect the revenue from increased fees for well water regulations and the cost of providing the service enhancements. There’s no impact on County dollars.
- $225,816 in expenditures was added to the Department of Social Services’ recommended budget for General Assistance. These funds were incorrectly coded as an efficiency reduction.

It was noted that per these changes the recommended tax rate would be 76.15 cents rather than 76.1

“Rules of Engagement”
The Board then discussed the process for proceeding.

General Manager McGillicuddy reviewed staff’s recommendation for conducting the workshops, which was referred to as the “Rules of Engagement.”

1. The Board would use the Manager’s recommended budget as the starting point.
2. The Board would start at Priority Level 1 and go through to the last priority level with Board members pulling from each priority level any items they chose to. Those pulled items would then be placed in the “parking lot” for follow up.
3. After all items have been pulled, the Board would then be asked to approve the remaining services in the Priority Level by one straw vote, as it does with consent items at a regular meeting.
4. The Board would go through each Priority Level in this manner.
5. Then, the Board would address each pulled service individually. The process would be the same as the Board uses for pulled consent agenda items: The Board member who pulled the item would identify the reason for pulling the item and would make a motion for action as appropriate. Other members could make a motion or a substitute motion, using the same process as with the consent agenda. The Board would conduct a straw vote on each service until the “parking lot” list was eliminated and action was taken on all items that were on the list.
6. The Board would then review the draft straw vote budget and make any changes, per the usual process of making motions and taking straw votes.

Note: Any potential additions to the budget that were not listed on the spreadsheet should be treated as a “pulled item.”

General Manager McGillicuddy stated that the intent was for the Board to spend its time on those pulled items rather than on all 314 services. He noted that using the above process the Board would have multiple chances to take straw votes.

Commissioner James noted that he had already submitted to staff his proposed changes to the County Manager’s recommended budget, which would result in a balanced, and no tax increase budget. He noted also that he had submitted his questions to staff as well.

Commissioner Samuelson stated that she was uncomfortable with using the word “straw vote.” Also, that she was concerned about taking straw votes all during the process rather than at the end because her opinion may change on some matters as she goes through the process. She stated that she would not want to be characterized either correctly or incorrectly as being in support or not in support of something that she might pass over initially, but it wouldn’t mean she wouldn’t want to revisit the matter. She stated that using the word “straw vote,” which has been used in the past on the final night of budget discussions, throughout the process sounds too final. She said if it’s meant to be that final then she would either vote for or against every item to be consistent and that way no one could misinterpret her intentions.

Commissioner Samuelson asked staff what was the intent of the voting throughout the process, was it really a “straw vote” or just an indication of “relative comfort level?”

General Manager McGillicuddy stated that it was the latter, a tentative endorsement. He stated that the process ask that the Board come back at the end and then take that final straw vote.

Commissioner Samuelson stated that in the past the Board has not taken these types of votes beforehand and she wants to make sure that everyone knows that she is not committing to anything at this stage of the process.

Commissioner James stated that his preference would be that the Board rather than voting on a specific amount would instead just pull items for discussion purposes. He stated that he would not want the public to get the idea that by taking “straw votes” the Board is saying that particular item is “safe” or not.

Chairman Cox noted that all of the counties he was familiar with take straw votes with items thus
being in and/or out of the budget at different stages in the process.

Commissioner Ramirez stated that he did not have a problem with conducting straw votes throughout the process.

General Manager McGillicuddy stated that per the proposed workshop schedule the Board would not begin taking straw votes until next week, which would be after the Board had conducted the public hearing on the Manager’s recommended budget.

County Manager Jones noted that $178 million of the recommended budget was for mandated services, thus leaving about $599 million of services that would be subject to the Board’s discussion, debate, and discussion.

Chairman Cox asked the Board for feedback regarding the proposed “rules of engagement.”

Commissioners Samuelson and James noted that they were okay with the “rules of engagement” as long as it’s understood that the votes that would be taken were tentative votes, not binding and such to change.

**It was the consensus of the Board to accept the proposed “rules of engagement” as presented by staff.**

General Manager McGillicuddy reviewed the proposed schedule of what would take place at each workshop. He also reviewed a spreadsheet, which addressed the recommended budget by priority level.

Commissioner Samuelson requested that totals be shown on the spreadsheet by sections or program category using the totals in the County Manager’s recommended budget.

Commissioner James asked if the spreadsheet included revenue from U.S. Airways and the response was no.

Commissioner Clarke asked if the projections for revenue for next fiscal year included any amount of revenue derived from collecting taxes that were actually owed in a prior year and the response was yes, but not from U.S. Airways.

**Special Evaluation Studies**

County Manager Jones and General Manager McGillicuddy addressed the handout regarding ongoing program reviews and special studies. It was noted that some of the studies would be done by staff and some by outside consultants.

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

Commissioner Mitchell asked if it was expected that all the studies would be completed in FY05 and in what priority order.

The response was yes it’s expected that all of the studies would be completed in FY05 and that the first priority would be the study related to Pre-trial Jail Population Management.

Commissioner Mitchell also asked where would the resources come from to conduct the studies.

The response was that funds would be budgeted and that staff would work within those funds come back to the Board for additional resources if deemed necessary.

Commissioner Puckett asked regarding the Building Maintenance & Management study, if it was possible to determine what the cost would be or in expanding this to include the County possibly managing CMS’s building facilities also.

General Manager McGillicuddy stated that staff would ask the contractor when hired what the
additional cost would be.

Commissioner Woodard asked about the Court Set and whether the purpose of the study would be to privatize this service.

General Manager McGillicuddy stated that what staff planned to do was to hire someone to provide an independent assessment of the value of the investment in the court set.

**Pulled Items By Priority Level**

Commissioner James noted that he had already pulled his items and submitted that information to staff already.

The following items were pulled by Commissioners for discussion purposes at a subsequent workshop:

*Note: Several of Commissioner James’ pulled items from the list he previously submitted to staff are noted below and were provided by General Manager McGillicuddy who had a copy of Commissioner James’ list.*

### Priority Level 1

<table>
<thead>
<tr>
<th>Category</th>
<th>Pulling Commissioner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMS Operating Funding</td>
<td>Chairman Cox and Commissioner James</td>
</tr>
<tr>
<td>CMS Debt</td>
<td>Chairman Cox</td>
</tr>
<tr>
<td>Childcare Services</td>
<td>Chairman Cox (Chairman Cox noted that his purpose for pulling Childcare Services was so that he could be excluded from discussion and action on this matter to avoid a conflict of interest, as he has done in the past.)</td>
</tr>
<tr>
<td>Gatling Juvenile Detention Facility</td>
<td>Chairman Cox</td>
</tr>
<tr>
<td>Public Assistance (DSS)</td>
<td>Commissioner Samuelson</td>
</tr>
<tr>
<td>Indigent Care (HSP)</td>
<td>Commissioner Samuelson</td>
</tr>
<tr>
<td>MedAssist (DSS)</td>
<td>Commissioner Samuelson</td>
</tr>
<tr>
<td>Civil Legal Assistance (OSA)</td>
<td>Commissioners Samuelson and James</td>
</tr>
<tr>
<td>General Assistance (DSS)</td>
<td>Commissioners Samuelson and James</td>
</tr>
<tr>
<td>IT Resource Management</td>
<td>Commissioner Samuelson noted that she would have some questions regarding this section.</td>
</tr>
<tr>
<td>Gatling Juvenile Detention Facility</td>
<td>Commissioners James</td>
</tr>
<tr>
<td>Detention &amp; Rehab Services</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Adult Substance Abuse Treatment</td>
<td>Commissioners James and Woodard</td>
</tr>
</tbody>
</table>

### Priority Level 2

<table>
<thead>
<tr>
<th>Category</th>
<th>Pulling Commissioner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>STD/HIV Tracking &amp; Investigations</td>
<td>Commissioner Samuelson</td>
</tr>
<tr>
<td>Metrolina AIDS Project</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>CPCC Operating Funding</td>
<td>Commissioners Clarke and James</td>
</tr>
<tr>
<td>Children Developmental Services</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>Senior Management (Mgr.)</td>
<td>Commissioner Samuelson</td>
</tr>
<tr>
<td>Contracted Lobbying</td>
<td>Commissioner Samuelson</td>
</tr>
<tr>
<td>ABC Profit Distribution</td>
<td>Chairman Cox</td>
</tr>
<tr>
<td>Zoning Code Enforcement</td>
<td>Commissioners Samuelson and Clarke</td>
</tr>
<tr>
<td>Voter Registration &amp; Maintenance</td>
<td>Commissioner James</td>
</tr>
<tr>
<td>Primary &amp; General Elections</td>
<td>Commissioner Woodard</td>
</tr>
</tbody>
</table>

### Priority Level 3

<table>
<thead>
<tr>
<th>Category</th>
<th>Pulling Commissioner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-home Aide</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Adult Social Work</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Senior Nutrition</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Just 1 Call</td>
<td>Commissioner Woodard</td>
</tr>
<tr>
<td>Tech Reserve</td>
<td>Commissioner Samuelson</td>
</tr>
</tbody>
</table>
Greenways by Commissioner James
Inmate Library Services by Commissioner James
Public Library Services by Commissioner Samuelson
Fighting Back by Commissioner Woodard
Work First by Commissioner Woodard
Work Release & Restitution by Commissioner Woodard
Spirit Square by Commissioner Samuelson
WTVI-Operations by Commissioner James
Voter Education Outreach by Commissioner James
Mecklenburg Transport by Commissioner James

Priority Level 4

Homeland Security by Commissioner Samuelson
Child Development Community Policing by Commissioner James
Mecklenburg Sentencing Services by Commissioner James
Drug Court/Drug Treatment Court by Commissioner Woodard
Court Set by Commissioner Woodard
Public Defender Support Personnel by Commissioner James
Pretrial Release Services by Commissioner Samuelson
Charlotte Regional Partnership by Commissioner James
MWBE (MGR) by Commissioner James
MWBE (NDP) by Commissioner James
Benefits (NDP) by Chairman Cox
Advantage Carolina by Commissioner Clarke
Model Diversity Organization by Commissioner James
Merit Increases by Commissioner James
Stewardship Services by Commissioner James
Regional Planning-Restricted by Commissioner Samuelson

Priority Level 5

Shelter for Battered Women by Commissioners Samuelson and Woodard
Domestic Violence Services by Commissioners Samuelson and Woodard
Programma Confianza by Commissioner James
NOVA by Commissioners Samuelson and Woodard
Homelessness Support Services by Commissioner Woodard
House of Grace by Commissioners Samuelson and Woodard
Substance Abuse Services (Health) by Commissioner James
Charlotte Emergency Housing (DSS) by Commissioners Samuelson and Woodard
Park Operations & Maintenance by Commissioner James
Marketing & Sponsorship by Commissioner Samuelson
Nature Museum by Commissioner James
Park & Rec. Cn., Special Facility Programming

Priority 6

Indoor Pools by Commissioner Woodard
Outdoor Pools by Commissioner Woodard
Athletic Services by Commissioner James
Veterans Outreach by Commissioner Woodard

Priority Level 7

Lake Norman Marine Commission by Commissioner Samuelson
Lake Wylie Marine Commission by Commissioner Samuelson
Mt. Island Lake Marine Commission by Commissioner Samuelson
Service Level 2

Commissioner Samuelson stated that she wanted to pull under Service Level 2 every Outside Agency that was listed as an Outside Agency last year (those that are independent 501C3 that are working with the County).

Chairman Cox stated that he wanted to pull everything in Service Level 2.

Commissioner Clarke asked if the funding stream that goes to Strengthening Families through DSS the same as it was last year because he recalled there was a good bit of discussion regarding this.

General Manager McGillicuddy stated that the $150,00 listed is money that was provided by the County directly to Strengthening Families to support their services.

Commissioner Clarke noted that last year there were two different funding streams for Strengthening Families, one that’s under a contract and one that’s under a grant.

General Manager McGillicuddy stated that Commissioner Clarke was correct.

Chairman Cox noted that additional items could still be pulled. Commissioners were asked to submit any additional items they would like pulled and/or any questions to General Manager McGillicuddy.

The meeting then recessed by common consent at 4:07 p.m. until June 2, 2004 at 5:00 p.m.

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

Janice S. Paige, Clerk

__________________________

Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

JUNE 1, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 1, 2004.

ATTENDANCE

Present: Vice-Chairman Dan Ramirez, Commissioners
          H. Parks Helms, Bill James, Norman A. Mitchell, Sr.
          Jim Puckett, Ruth Samuelson, and Valerie Woodard
          County Manager Harry L. Jones, Sr.
          County Attorney Marvin A. Bethune
          Deputy Clerk to the Board Tonette F. Spears

Absent: Chairman Tom Cox and Commissioner Dumont Clarke

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

- INFORMAL SESSION -

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

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

Tax parcel #005-201-28 contiguous to the rear portion of the existing 16.25-acre of Cornelius Elementary School campus.

Motion was made by Commissioner James seconded by Commissioner Samuelson and carried 6-0 with Commissioners James, Mitchell, Puckett, Ramirez, Samuelson and Woodard voting yes, to go into closed session to discuss land acquisition and consult with attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:55 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 21 and 29.

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

- FORMAL SESSION -

Invocation was given by Commissioner Woodard, which was followed by the Pledge of Allegiance to the Flag.
(2) PUBLIC APPEARANCE

The following person appeared to speak during the public appearance portion of the meeting:

Nancy Bryant, President of Carolinas Clean Air Coalition (CCAC), expressed concern with the Northlake Mall air permit application. Ms. Bryant stated that the CCAC wrote letters to Don Willard, Director of Air Quality with LUESA, expressing concerns with an independent study indicating that Northlake Mall will exceed CO standards. She further stated the CCAC has requested a forum to address these and other ozone concerns.

Commissioner Samuelson asked County Manager Jones was there anything the Board needed to do to authorize a forum?

County Manager Jones stated the Manager’s Office would take the lead on this request and come back to the Board in July with a structure for a forum.

Commissioner Samuelson asked County Manager Jones if he thought the issue should be referred to the Board’s Natural Resources Committee.

Manager Jones stated he preferred staff come back with answers.

(2A) LAND ACQUISITION – CLOSED SESSION

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase price of $50,000 for Tax Parcel #005-21-28 adjoining the existing Cornelius Elementary School campus.

Note: The property will be used to expand the Cornelius Elementary School campus.

(3A) APPOINTMENTS

CMUD ADVISORY COMMITTEE

The following individuals were nominated on May 18, 2004; however, since that time, it was determined that neither of the applicants were eligible for the slot that was available. No action was required of the Board at this time.

The nominees were Patricia A. Harris and Kevin S. Hinde.

HISTORIC LANDMARKS COMMISSION

The vote was taken on the following nominees for the Historic Landmarks Commission:

<table>
<thead>
<tr>
<th>Round 1</th>
<th>Round 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scott Abernethy</td>
<td>Scott Abernethy</td>
</tr>
<tr>
<td>Nancy Betler</td>
<td>Nancy Betler</td>
</tr>
<tr>
<td>Sally Hughes</td>
<td>Sally Hughes</td>
</tr>
<tr>
<td>Curtis Krumel</td>
<td>Curtis Krumel</td>
</tr>
</tbody>
</table>

Vice-Chairman Ramirez announced Scott Abernethy was appointed to the Historic Landmarks Commission.
Mr. Abernethy’s appointment is for a three-year term expiring July 31, 2007 and he is replacing John E. Misenheimer.

**WASTE MANAGEMENT ADVISORY BOARD**

It was the consensus of the Board to appoint Spice Vice, the only nominee, to the Waste Management Advisory Board for a three-year term expiring June 1, 2007.

*Spice Vice is filling a vacant slot on the Waste Management Advisory Board.*

**WOMEN’S COMMISSION**

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

**Round 1**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Commission Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karen Bean</td>
<td>Commissioners Helms, James, Puckett and Samuelson</td>
</tr>
<tr>
<td>Eva D. Danner</td>
<td>Commissioner Mitchell</td>
</tr>
<tr>
<td>Robert L. Fuller</td>
<td>Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard</td>
</tr>
<tr>
<td>Marcia R. Harrison</td>
<td>Commissioners James, Puckett, Samuelson, and Ramirez</td>
</tr>
<tr>
<td>Kariba J. Hudson</td>
<td>Commissioners James and Samuelson</td>
</tr>
<tr>
<td>Ruby G. Odom</td>
<td>Commissioners Helms and Woodard</td>
</tr>
<tr>
<td>Evita D. Pierce</td>
<td>None</td>
</tr>
<tr>
<td>Velia B. Watson</td>
<td>Commissioners Helms, Puckett and Ramirez</td>
</tr>
<tr>
<td>Judy H. Williams</td>
<td>Commissioner Ramirez</td>
</tr>
</tbody>
</table>

Vice-chairman Ramirez announced that Robert L. Fuller was appointed to the Women’s Commission.

Mr. Fuller’s appointment is for a three-year term expiring June 19, 2007 and he is replacing Lisa Conklin.

**Round 2**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Commission Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karen Bean</td>
<td>Commissioners Helms, James, Puckett, Ramirez, Samuelson, and Woodard</td>
</tr>
<tr>
<td>Eva D. Danner</td>
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</tr>
<tr>
<td>Marcia R. Harrison</td>
<td>Commissioners Helms, James, Puckett, Ramirez, Samuelson, and Woodard</td>
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</tr>
<tr>
<td>Judy H. Williams</td>
<td></td>
</tr>
</tbody>
</table>

Voting ceased.
Vice-chairman Ramirez announced that Karen Bean, Marcia R. Harrison and Kariba Hudson were appointed to the Women’s Commission.

Ms. Bean will fill an unexpired term expiring October 31, 2005 replacing Tammy Bridges.

Ms. Marcia R. Harrison will fill an unexpired term expiring October 31, 2006 replacing Kimberly Owen.

Ms. Kariba J. Hudson will fill an unexpired term expiring December 3, 2006 replacing Jewel Sowell.

(40) CUTTING POLLUTION WHEN IT COUNTS: EPISODIC OZONE CONTROLS

Steven Webber, chair of the Air Quality Commission addressed Episodic Ozone Controls. He stated, the Air Quality Commission endorses the Episodic Ozone Control Program, in concept, and recommends opening a public review and comment period.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve opening a public review and comment period beginning June 1, 2004 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO).

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to endorse Mecklenburg County government piloting the proposed episodic approach and recruiting and partnering with other pilot organizations during the summer of 2004.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to schedule a public hearing as a timed item for 6:30 PM on September 8, 2004 to receive public comment.

Don Willard, Director of Air Quality with LUESA, introduced Leslie Rhoads lead person of the Mobile Source Program to make the presentation.

Ms. Rhoads gave a PowerPoint presentation on Episodic Ozone Controls.

Commissioner James expressed concern with imposing a mandatory program on small businesses. He stated, for instance, one of the recommendations in the proposal was for employers to stagger their employee’s arrival time to work. He stated that for smaller business this might not be manageable.

Ms. Rhoads answered by stating flextime was only one of the options offered to employers.

Commissioner James asked what was the penalty for non-compliance?

Ms. Rhoads stated if the proposed regulation is adopted within the Mecklenburg County Pollution Control Ordinance the maximum penalty within that ordinance is a $10,000 per day civil penalty. She further stated they would rather have and encourage compliance with the policy versus the penalty.

Commissioner James stated he felt this could be an additional financial burden on smaller businesses. He further stated he would be interested in knowing how some of the smaller businesses felt about this regulation.

Ms. Rhoads stated the intent of the pilot program was to get feedback on the various concerns businesses might have. She also stated businesses of all sizes were being asked to participate in the pilot program. Commissioner Samuelson asked which companies have been approached to be part of the pilot
Ms. Rhoads noted the following companies: Mecklenburg County, City of Charlotte, RBC Centura Bank, Moore & Van Allen Law Firm, and Public Works of Matthews.

Commissioner Puckett stated some companies because of the type services they provide, i.e. foodservice delivery, restaurants, might not be able to comply with some of the requirements. He requested that an exemption program be considered for companies that would fall into that type category.

Ms. Rhoads stated this concern had been addressed, also. She further stated the more businesses thought about ways of reducing air pollutants the more innovative they became.

Mark Boggs, member of Carolinas Clean Air Coalition, spoke in favor of implementing the Episodic Ozone Control program.

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

**4A) PUBLIC HEARINGS – REAL ESTATE EXCISE TAX REFUND**

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelsen, and Woodard voting yes, to hold a hearing on a request by the Law Offices of McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $221.00.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelsen, and Woodard voting yes, to close hearing and approve the reimbursement to the Law Offices of McMillan & Terry, P.A. for reimbursement of North Carolina excise tax in the amount of $221.00.

*Note: McMillan & Terry, P.A. incorrectly filed a General Warranty Deed in Mecklenburg County. North Carolina General Statute 105-228.37 requires that the Board of Commissioners conduct a hearing on a request for refund of excise taxes collected on a deed that was incorrectly submitted for recording in Mecklenburg County. The property subject to the deed is located in Union County and has since been recorded in Union County.*

**4B) STORM WATER FEE MAJOR SYSTEM COMPONENT**

Motion was made by Commissioner James, seconded by Commissioner Samuelsen and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelsen, and Woodard voting yes, to conduct a public hearing to hear comments related to a proposed increase in the major system component of the Storm Water fee.

Dave Canaan, Director of Water & Land Resources with LUESA gave an overview.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Samuelsen and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelsen and Woodard voting yes, to close the public hearing on the proposed increase in the major system component of the storm water fee.

**5A) ADVISORY COMMITTEE REPORTS - HUMAN SERVICES COUNCIL BUDGET RECOMMENDATIONS**

Motion was made by Commissioner James, seconded by Commissioner Samuelsen and unanimously carried with Commissioner Helms, James, Mitchell, Puckett, Ramirez, Samuelsen, and Woodard voting yes, to receive a report from the Human Services Council regarding the
County Manager's proposed FY04-05 budget and its impact on the County's health and human services programs.

Gail Fennemore and Susan Garvey, co-chairs of the Human Services Council, addressed the County Manager’s proposed FY04-05 budget and its impact on the County’s health and human services programs.

Ms. Fennemore stated the Human Services Council supported the County Manager’s proposed budget as it relates to health and human services. She further stated anything less than the proposed human services budget would seriously erode core services and would profoundly affect the quality of living in Mecklenburg County.

Ms. Garvey explained in the past 3-years Area Mental Health, the Health Department and Social Services have put into action efficiencies totaling over 9.4 million dollars. She further stated that some were true efficiencies and many were direct reductions to programs and direct services to clients. She stated it was unreasonable to expect this level of savings to continue and services not decline. She stated if further cuts were made it would impact quality.

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of items 21 and 29 to be voted on separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held May 18, 2004 and Closed Session minutes of Regular Meeting held May 18, 2004 and May 5, 2004.

(8) STREET NAME CHANGE/SET PUBLIC HEARING

Set a public hearing at 6:30 p.m. on July 13, 2004 on the request to name an existing 0.14 mile non-State maintained section of Brawley Lane to Williamsgate Lane.

Note: This section of roadway is located westerly from the 3900 block of Oakdale Road and extends from Robinson Church Road northwesterly to its end at the relocated Brawley Lane.

(9) EPA GRANT FUNDS – PARK & RECREATION

1) Recognize, receive, and appropriate a grant awarded by the U.S. Environmental Protection Agency.

2) Authorize carry forward of the unspent grant funds at June 30, 2004 to FY05.

Note: The Division of Natural Resources has been awarded a matching grant from the U.S. Environmental Protection Agency for conducting an Educators’ Naturalist Weekend. The EPA will provide $4,376 in funding to match the County’s funding of $2,185, which will come from the Parks and Recreation operating budget.

(10) CELL TOWER LEASE RENEWAL AT QUAIL HOLLOW MIDDLE SCHOOL

To decline offer to lease Alltel cell tower at Quail Hollow Middle School campus.

Note: North Carolina General Statute (NCGS) 115C-518(a) requires CMS to give the County first opportunity to acquire any CMS-owned real estate that is proposed for disposal. To follow
this statute in a technical sense, CMS must offer the above cell tower site to the County prior to renewing the lease with Alltel scheduled to expire in August of 2004. CMS does intend to renew the lease and is thus following the statute by giving the County right of first refusal for the tower site.

(11) FEDERAL GRANT APPLICATION FOR AREA MENTAL HEALTH AUTHORITY

1) Approve submission of a grant application for a Substance Abuse Mental Health Administration Services (SAMHSA) three-year grant in the amount of $1,500,000 for residential substance abuse treatment services for women involved with Family Drug Court.

2) Recognize, receive and appropriate funds, if grant is awarded.

Note: This action allows AMH to apply for a federal grant in the amount of $1,500,000 ($500,000 per year for three consecutive years). This initiative is a multi-agency (AMH, DSS, and Courts) collaboration to meet the substance abuse needs of women involved with Child Protective Services or whose children have been adjudicated, abused/neglected.

(12) CATAWBA RIVERKEEPER FOUNDATION, INC. – SPECIAL CONSUMPTION PERMIT REQUEST

Approve a special consumption permit for The Catawba Riverkeeper Foundation, Inc. to establish a beer garden and sell beer within enclosed area for the purpose of raising funds for the Riverkeeper Foundation at the 2004 River Romp Kinetic Eco-Race on Saturday, August 7, 2004 at Ramsey Creek Park.

Note: River Romp is a full day festival on Lake Norman, featuring the annual kinetic race patterned after a number of very successful races around the country. The main event is a race of human-powered, environmentally friendly vehicles. Kinetic events draw many entrants and spectators each year. River Romp is the first kinetic race to be held in the Southeast.

(13) STEWARDSHIP FUND/MANAGEMENT OF NATURAL AREAS

1) Approve the establishment of a Stewardship Fund for the long-term management of natural areas.

2) Approve Park and Recreation Stewardship Special Revenue Fund Ordinance.

Note: The Stewardship Fund will provide a dedicated source of funding that will supplement the County’s annual operating budget for the long-term management of ecologically significant natural areas.

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

(14) AMERICORPS GRANT FUND CARRY-FORWARD

Approve the carry-forward of remaining AmeriCorps Grant funding at June 30, 2004 to July 31, 2004, when the grant ends.

(15) RECEIPT OF RENTAL FUNDS

Recognize revenues received from rental of building on County property at 9th and Brevard Streets in First Ward and appropriate rental funds for upkeep and management of site.

(16) LAND EXCHANGE WITH STEEPLE PROPERTIES, LLC

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

(17) SCATTERED SITE GRANT MATCHING FUNDS
Recognize, receive and appropriate $26,379 of revenues received from the Community Development client loan payments and appropriate as local match for the Community Development Scattered Site Grant.

(18) FOUNDATION FOR THE CAROLINAS GRANT APPLICATION
1) Ratify the submission of a grant application by the Department of Social Services for grant funds from the Foundation for the Carolinas in support of the activities and recommendations of the Status of Seniors Initiative.
2) Recognize, receive and appropriate funds, if grant is awarded.

(19) FLOOD HAZARD MITIGATION PLANS
A) Adopt Flood Hazard Mitigation Plans (Watershed Studies) for Mallard, McAlpine, Four Mile, Lower Little Sugar, Sugar, and McDowell Creeks;
B) Adopt Revised Flood Hazard Mitigation Plans (Watershed Studies) for Upper Little Sugar, Briar, McMullen and Irwin Creeks floodplains; and
C) Adopt the Flood Hazard Mitigation and Environmental Restoration Summary Report.

Watershed Map, Flood Hazard Mitigation and Environmental Restoration Summary Report are on file with the Clerk to the Board.

(20) CARRY FORWARD STATE 319 GRANT - GOOSE CREEK WATER QUALITY MANAGEMENT
Authorize the carry forward of funds remaining at June 30, 2004 from the Goose Creek Water Quality Management grant and required match to FY05.

(22) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT GRANT APPLICATION
A) Authorize the County Manager submit an additional grant request in the amount of $350,000 to the North Carolina Division of Emergency Management for the acquisition of flood prone properties.
B) Authorize the County Manager to submit multiple grant applications in an amount up to $4,000,000 to the North Carolina Division of Emergency Management for acquiring various flood prone structures throughout Mecklenburg County.

(23) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT GRANT
1) Recognize, receive and appropriate $411,885 in Hazard Mitigation funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.
2) Authorize the County Manager to execute contracts with the N.C. Department of Crime Control and Public Safety, Division of Emergency Management for Flood Mitigation Assistance Grants.
3) Appropriate $137,295 from Storm Water Fund Balance for matching funds toward the acquisition of flood prone structures.

(24) 2004 STATE HOMELAND SECURITY GRANT APPLICATION

1) Approve submission of a grant application to the North Carolina Department of Crime Control and Public Safety for $1,344,521 of the 2004 Homeland Security Funds, and

2) Recognize, receive and appropriate funds when received. Authorize the County Manager to sign the Grant Contract with the North Carolina Department of Crime Control and Public Safety.

3) Authorize the County Manager to negotiate and sign the Contract with the City of Charlotte for the pass-through of the funds.

(25) MALLARD CREEK RECREATION CENTER LEASE ARRANGEMENT

Approve a resolution authorizing the formulation of a lease agreement between Mecklenburg County and The Branch Family Church that would credit the cost of installing central air conditioning in the gymnasium against rental fees for use of Mallard Creek Recreation Center.

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

(26) INSURANCE REIMBURSEMENT

Recognize and appropriate insurance reimbursement in the amount of $7,195 received for damage to Sheriff’s vehicle and recognize and appropriate Sheriff’s Pistol Permit fees in the amount of $16,706.

(27) ALERT BIOTERRORISM SURVEILLANCE ACTIVITY GRANT APPLICATION

Authorize the Health Department to apply for federal funding from the Center for Disease Control in the amount of $279,570 for one year beginning July 1, 2004 to assist in a Bioterrorism Alert System.

Note: The grant will be used to enhance MOST (Medical On-line Surveillance Tool) which captures syndrome and symptom indicators from the region.

(28) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $524,577.11 resulting from clerical errors, audits and other amendments.

(30) PUBLIC SERVICE AND INFORMATION REVENUE

Recognize, receive and appropriate $3,500 to be used for expenses incurred for Mecklenburg at the Mall.

Note: April 18-24 was National County Government Week. To celebrate, Mecklenburg County’s Public Service and Information department organized Mecklenburg at the Mall for the purpose of putting its departments and services on display. The event took place in and around Eastland Mall on Saturday, April 24, 2004. The following sponsorships were obtained to pay for the expenses incurred in association with the event: $2,500 from Duke Power, $250 from Charlotte Metro Credit Union, $250 from Beazer Homes, and $500 from the Male Involvement Project.

(31) AREA MENTAL HEALTH FUNDING ADJUSTMENT

Approve, recognize, receive and appropriate funds as specified below:
A) Recognize, receive and appropriate State Non-UCR funds in the amount of $3,091 for housing start-up and transitional staffing.

B) Recognize, receive and appropriate one-time Mental Health State Trust funds in the amount of $100,000 for outpatient services for dually diagnosed (substance abuse/mental illness) consumers.

C) Recognize, receive and appropriate one-time State Mental Health Trust funds in the amount $54,639 for planning related to the Mobile Crisis services.

D) Recognize, receive and appropriate funds in the amount of $16,745 from the Governor’s Crime Commission through contract with the National Center for Children Exposed to Violence at Yale University, for the Child Development-Community Policing program to provide replication training to a delegation for Raleigh, NC, and carry forward any remaining grant funds unspent at June 30, 2004 to FY05.

E) Recognize, receive and appropriate funds in the amount of $6,330 for the purpose of assisting with community supports, residential living subsidy and updating evaluations for specific developmentally disabled consumers.

(32) JUVENILE GANG EXTRACTION TRAINING GRANT - SHERIFF’S OFFICE

Recognize, receive and appropriate the Juvenile Gang Extraction Training grant in the amount of $10,984 from the Governor’s Crime Commission Office and carry forward any unspent grant funds at June 30, 2004 to FY05.

Note: The Juvenile Gang Extraction Training grant will address the growing problem of juvenile crime.

(33) SHERIFF’S SPECIAL REVENUE FUND

Recognize, receive and appropriate $55,000 for the Sheriff’s Special Revenue Fund for Inmate Commissary.

(34) HOME AND COMMUNITY CARE BLOCK GRANT

Approve the Home and Community Care Block Grant funding plan for fiscal year 2005.

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

(35) TARGET GRANT APPLICATION – WOMEN’S COMMISSION

Approve submission of a grant application for funding in the amount of $5,000.00 from Target to the Mecklenburg County Women’s Commission for the annual Child Observer’s “HERO” Holiday Celebration for December 2004 (FY 04-05). If awarded, recognize, receive and appropriate such funds.

(36) CARRY FORWARD OF FUNDS – WOMEN’S COMMISSION

Approve request to carry forward revenues in excess of expenses at June 30, 2004 into FY05 for the Displaced Homemaker and Child Observer’s Program.

(37) DONATION OF FUNDS TO THE WOMEN’S COMMISSION

Recognize, receive and appropriate donated funds in the amount of $7,079 from Duke Power (Business Women’s Network) for the Displaced Homemaker Program and $8,023 from contributions for the Child Observer’s Program.

(38) CARRY FORWARD FUNDS: DEPARTMENT OF SOCIAL SERVICES
Approve carry forward of DSS funds from FY04 to FY05 as shown below.

1) Carry forward DSS Good Friends/Volunteer donated funds in excess of expenditures. These revenues are estimated to total approximately $160,000 at this time, with no County dollars required.

2) Carry forward the U.S. Administration on Aging Funds for the Save Our Seniors (SOS) Grant in an amount not to exceed $159,211, with no County dollars required.

3) Recognize, receive and carry forward At-Risk Case Management Services Cost Settlement funds. Cost settlement is a result of adjustments to initial DSS day sheet claims as compared to payments after the claims were processed through the federal system. The amount to carry forward is $723,458.42, with no County dollars required.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(21) **MEMBERSHIP IN THE PRODUCT STEWARDSHIP INSTITUTE**

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve and endorse the submission of an application for Mecklenburg County to become a Coalition Member of the Product Stewardship Institute.

*Commissioner Samuelson removed this item from consent for more public awareness.*

(29) **LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS**

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to:

1) Amend the LUESA Fee Ordinance to reflect the sunset of the 5 percent technology surcharge on Building Permit Fees implemented July 1, 2002.

2) Approve correction to Appliance/Equipment Change-Out fee.

3) Approve revised wording on Credit/Refund Policy to clarify current departmental policy.

*A second reading will be required since all members of the Board were not present at the meeting.*

*Commissioner Samuelson removed this item from consent for more awareness.*

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

(39) **STATE SECONDARY ROAD PROGRAM – FY 2004-2005**

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive a report from the North Carolina Department of Transportation on the Secondary Road Program for Mecklenburg County and to approve the State Secondary Road Program for FY 2004-2005. Secondly, to approve the State Secondary Road Program for FY 2004-2005 for Mecklenburg County.

Desmond Cole with the Real Estate Services Department addressed this matter.
COPS FUNDING FOR CENTRAL PIEDMONT COMMUNITY COLLEGE (CPCC)

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve Certificates of Participation (COPs) to fund renovation/expansion of the Belk Building and construction of a parking deck for CPCC.

Commissioners James and Helms requested that the following be included in the minutes:

Commissioner James: I don’t have any problem with this and Tony and Ms. Drumm and Wanda and others got together and we’ve had several meetings about this. Just to kind of bring this full circle, my complaint with regard to bonds has been the same one whether its been CPCC or CMS or the County and that is that we voted to establish a goal or guideline or whatever particular terminology is applicable of roughly $50 million - $60 million in non-CMS debt. We were waiting on Mr. Cox to come back and kind of negotiate and work out the details on the CMS side. Because CPCC is included in non-CMS debt the expenditure of $15 million and I’m presuming this is for sell in January 05 (County Manager Jones: That’s correct.) and the $9 million in January 06 would exacerbate the current planned 05 sales that are now at I think at roughly $130 million. So the plan was suppose to be to sale $50 million - $60 million and next year we’ve got this bulge of $100 million and the year after that we’ve got something. So, we were, I thought going to discuss deferring land bonds or something in order to even out those years 04, 05, 06. I don’t have any problem voting for this but I want the minutes to reflect that there was this vote that was taken that established this goal, this guideline of $50 million - $60 million for 05 and for 06 and that this particular funding would in essence be an affirmation of first priority.

Commissioner Helms: Mr. Chairman I want to say that I don’t believe that this Board has taken any formal action to limit that amount. It has been discussed but that issue has not been voted on by this Board, to my knowledge.

Commissioner James: My opinion is that there was a vote that was taken on September 3rd I believe of 2003. That vote basically set a guideline of $50 million - $60 million in total expenditures for non-CMS funding for year 05 and for the year 06.

Mr. Jones and I have had some discussions about this. There was a subsequent vote in January 04 that was not taken, the item was in essence pulled or it was deferred or whatever, no action was taken on it to actually set the $50 million - $60 million in concrete but when we voted in September 3, 2003 we voted to establish a goal or guideline, a target of $50 million - $60 million. I’m not saying that we set it in stone. What I am saying is that we did vote to set a target and when we start funding $24 million here and $50 million there and whatever and we have a total needs list of $130 million and a $50 million - $60 million limit, we’ve got a problem we have yet to address. I’m just pointing out that that needs to be reflected in the minutes.

Commissioner Helms: Mr. Chairman I want the minutes to reflect that I disagree with Commissioner James on that issue. I want the minutes to reflect that I disagree with that interpretation of what this Board has done.

Commissioner Puckett noted for the record that he agreed with Commissioner James’ assessment.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve Central Piedmont Community College Facilities 2004 Capital Projects Ordinance.

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

EASTOVER WOODS SUBDIVISION/BRIAR CREEK GREENWAY

Vice-chairman Ramirez called on Attorney Bethune to address the Briar Creek Greenway.

Attorney Bethune noted that at the last meeting he was instructed to answer the following three
questions:

1) Did the Charlotte-Mecklenburg Planning Commission violate the Preliminary Subdivision requirements as it relates to Greenway?

Answer: Yes. The property which has been approved by the Planning Commission on the preliminary subdivision plat known as Eastover Woods Subdivision is located on Briar Creek. The Mecklenburg County Greenway Master Plan does show a Greenway along Briar Creek. Therefore, under the City’s Subdivision Ordinance, the County Park and Recreation Department should have been notified of the proposed subdivision.

2) Should the Park and Recreation Department have been notified of the proposed Eastover Woods Subdivision and given the opportunity to comment?

Answer: Yes. The following is the provision in the City’s Subdivision Ordinance that would have required this action.

“(j) Public school and public park sites. When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.”

3) Does the County have the right to appeal if there was a violation in the procedures?

The City's Subdivision Ordinance provides in Section 4.102 that appeal of the decision on a preliminary plan may be initiated by a number of different entities, including any department of Mecklenburg County. Thus, the Subdivision Ordinance does grant the County Park and Recreation Department the right to appeal from an approval of a preliminary subdivision plan. However, the Subdivision Ordinance goes on to provide in Section 4.103 that the notice of appeal must be filed within ten (10) days of the date a preliminary plan approval is issued or denied. Thus, the time for filing an appeal as provided by the City's Subdivision Ordinance has expired since the preliminary plat was approved in 2003. The Woodliefs did appeal that approval and the Planning Commission held an all-day hearing before confirming approval of the preliminary subdivision plan. Following that decision the Woodliefs filed a lawsuit in Superior Court challenging the decision.

Attorney Bethune stated he did further research to determine if the County has rights to have the subdivision approval plan overturned. He stated that he had conversations with Nancy Brunnemer with Real Estate Services and the developer to see if the developer would be willing to donate land to the County. In essence, he was trying to achieve what would have occurred had the County been notified of the subdivision.

Attorney Bethune addressed a letter he received from Wayne Weston, Director of Park and Recreation that indicated if the County had been informed of the subdivision the only portion the County would have been interested in trying to obtain in the subdivision process would have been the common open space, which is approximately 4 acres.

Attorney Bethune further stated the County has no right under the subdivision ordinance to demand the developer donate property; however, the County has a right to put a reservation on the property the County wish to acquire if not donated. He further stated the only property the County would be interested in putting a reservation on is the 4 acres (next to the creek and not the four lots).
Attorney Bethune addressed a letter he received from the developers’ attorney, Mr. Sturges. The memo indicates the developer is willing to permit the Park and Recreation Department to have (30) days to review the proposed subdivision (as approved) and to elect to reserve all or a portion of the site identified in Mr. Weston’s memorandum of May 18, 2004, for up to 18 months, should it desire to do so. The memo notes that by the developers taking this action any error by the Planning Commission staff in not notifying the Park & Recreation Department would be cured. The developers made this proposal with the conditions that the maximum amount of land that the Park and Recreation Department could elect to reserve would be the open space designated in Mr. Weston’s memorandum of May 18, 2004 and that there is no challenge to the prior approval of the subdivision.

Attorney Bethune noted the developers would negotiate with the Park and Recreation Department relative to some land on the other side of the creek which was initially owned by the developers but is now owned partially by E.C. Griffith and Catawba Land Conservancy for which there is no greenway trail at present.

Attorney Bethune addressed the letter from Mr. Woodlief’s attorney, Mr. Davies that contend that the proposal by the developers would not put the Park and Recreation Department in the same position they would have enjoyed had they been notified. He further stated that Attorney Davies letter stated the proposal outlined in Mr. Sturges’ letter does not offer the unlimited review and reservation rights mandated by the City’s Subdivision Ordinance. The developer only offers a limited review of a small portion of the project to Park and Recreation Department. Further conditions demanded by the developers requiring Park and Recreation to make no challenge to the prior approval of the subdivision, even though it was left out of the process.

Attorney Bethune stated based on the written material received from Attorneys Sturges and Davies it is his tentative recommendation to the Board they accept the proposal from Mr. Sturges recognizing that the proposal does not give the County unlimited rights to seek reservation of the entire subdivision; however, based on information obtained from Mr. Weston and conversations with Nancy Brunnemer the County would not have requested reservation of the four lots. Therefore, giving the county the rights to reserve the common open space he believes puts the County in the position it would have been in not from a theoretical standpoint but from a practical standpoint. The County would never have asked for reservation of the four lots. The County would ask for reservation of property it intends to acquire. And, with discussion with Nancy Brunnemer, the county does not have unlimited funds to purchase all the property owned by developer and the developer might choose not to offer to the County for dedication.

Mr. Woodlief stated that since Mr. Weston's memo of May 18, 2004 he and Mr. Weston have walked the entire basin. He stated that he would reaffirm that Park and Recreation would be interested in the 4 acres. Mr. Woodlief expressed that the desires of the neighborhood and him, as indicated by the120 petitions, is the land should be reserved for discharge of floodwaters. And, they feel the entire parcel should be reserved for the greenway. He further stated he felt the subdivision process is not one to provide for purchase of the 4 acres from the E.C. Griffith but provides for extraction. He stated in his viewing of the Greenway Master Plan as a condition for approval, this land could be extracted but not forced to be given with no cost to the County. He further stated that the neighbors have a baseline value of the property and if the land would not be donated the neighborhood would want the 18 months reservation time to purchase the property and would donate the land to the County.

Commissioner Samuelson asked Attorney Bethune what does Mr. Woodlief mean by extraction?

Attorney Bethune stated he thinks Mr. Woodlief's statement is a misstatement and misunderstanding of the County's rights under the subdivision ordinance. He further stated if the County is notified of a subdivision and the County believes there is a greenway on the property to be subdivided the County could reserve the portion of the site they are prepared to purchase. The County has 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. Attorney Bethune stated the Board cannot hold up the entire subdivision. According to information he has received from Park and Recreation and from Real Estate Services, the County would not have
been willing to hold up the entire subdivision only the portion identified as the common-open space. Most of the dedication the county receives under this ordinance is because the developer has the right to transfer density credits from the portion donated to the County to the other portion of the property. In this instance, given the size of the property, approximately 2-acres that can be developed there are no density credits to be transferred from the 4-acres that are in the S.W.I.M. buffer and the common-open space into the 4-acres. The developer has elected not to dedicate it and there is no requirement that the developer give land to the County.

Mr. Davies addressed the letter from Attorney Sturges in response to Attorney Bethune's letter. He addressed the Greenway Master Plan adopted by the Board.

After further discussion of the County acquiring the land, the Board asked for Attorney Bethune's recommendation.

Attorney Bethune's response: After hearing additional comments from Attorney Sturges and Mr. Woodlief he stands by his original recommendation to the Board. He believes that the Board can, by negotiations, achieve what would have been achieved had the Board been informed of the subdivision during the subdivision approval process. This is not to say the Board would have achieved all we could have achieved because theoretically if the Board had been involved on the front end the entire 6-acres could have been reserved. However, based on the information presented by Park and Recreation the County would have only tried to acquire the 4-acres. Now the developer is offering the opportunity for the County to put the reservation on the 4-acres.

Attorney Bethune recommended that the Board instruct him to continue negotiations with the developer.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive as information the input from all parties and direct staff to continue with negotiations and to report back to the Board periodically.

**RESTRICTIONS ON MECKLENBURG COUNTY FUNDS PROVIDED TO ORGANIZATIONS OR FACILITIES THAT PERFORM ABORTIONS (STAM V THE STATE OF NORTH CAROLINA DECISION)**

Motion was made by Commissioner James, seconded by Commissioner Puckett to 1) Instruct the County Attorney to document and research the legal questions surrounding "Stam V State of North Carolina" as it pertains to organizations that receive County money; 2) request that Carolinas Medical Center provide us with their opinion on the rental of their facilities for Abortions regarding "Stam V State of North Carolina"; and 3) that staff report back to the Board with the results of these queries.

Commissioner James spoke to the motion. Commissioner James gave background information on his requests to Carolinas Medical Center to receive information on partial birth abortions as it relates to the court case, “Stam V State of North Carolina” and legal questions surrounding this court case and its application to use County tax dollars in Mecklenburg County. He further stated he had asked County Attorney, Bethune, if he had an opinion on this. He stated Attorney Bethune said he would have to research this matter before he could provide an opinion and in order to do the research he would need the vote of the Board.

Timothy Hanline and Warren Shinn, citizens, spoke against abortions and giving taxpayers’ dollars to agencies that allow abortions in their facilities.

Commissioner Helms objected to the speakers comments due to the fact their comments were not relative to Commissioners James' item.

Commissioners Mitchell and Woodard also addressed the relevance of the speakers comments.

Substitute motion was made by Commissioner Woodard, seconded by Commissioner Mitchell, to table the discussion and refer the matter to the Board’s Community & Health Committee.
Seth Dobson, a citizen, also spoke in opposition to funding agencies or physicians with taxpayers' dollars that perform or allow abortions in their facilities.

The Board discussed the matter further.

The vote was then taken on the substitute motion and failed 4-3 with Commissioners James, Puckett, Ramirez, and Samuelson, voting no, and Commissioners Helms, Mitchell and Woodard voting yes.

The vote was taken on the original motion and passed 4-3 with Commissioners James, Puckett, Ramirez, and Samuelson voting yes, and Commissioners James, Mitchell and Woodard voting no.

Attorney Bethune stated he has a "Conflict of Interest" because he and his law partner are representing Carolinas Medical Center on another case. He further stated he would asked Deputy County Attorney, Sandra Bisanar, to research the answers and report back to the Board.

(44) SENATE BILL 1057 "THE DEFENSE OF MARRIAGE CONSTITUTIONAL AMENDMENT"

Motion was made by Commissioner James, seconded by Commissioner Puckett and carried 4-3 with Commissioners James, Puckett, Ramirez, and Samuelson voting yes, and Commissioners Helms, Mitchell and Woodard voting no, to adopt a resolution expressing support of Senate Bill 1057. "The Defense of Marriage Constitutional Amendment."

The Board addressed and debated the motion.

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

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson, and unanimously carried, with Commissioners Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:57 P.M.

____________________ __________________________
Tonette Spears, Deputy Clerk Dan Ramirez, Vice-Chairman
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, Charlotte, N. C. on Wednesday, June 2, 2004 at 5:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
        H. Parks Helms, Bill James
        Norman A. Mitchell, Sr., Ruth Samuelson, and
        Valerie Woodard
        County Manager Harry L. Jones, Sr.
        Clerk to the Board Janice S. Paige
        Deputy County Attorney Sandra Bisanar

Absent: Commissioners Dumont Clarke, Jim Puckett, and Dan Ramirez

The purpose of the meeting was to continue deliberation on the County Manager’s recommended budget for FY05 and to take action if deemed appropriate.

Chairman Cox called on County Manager Jones to proceed with the agenda, which was outlined as follows:

- Budget Questions/Additional Information
- Discussion, Debate on Pulled Items
- Straw Votes on Pulled Items, by Service

County Manager Jones then called on General Manager John McGillicuddy to facilitate the meeting.

General Manager McGillicuddy reviewed various handouts that consisted of revised pages of the County Manager’s recommended budget and recommended fee changes for Park and Recreation services. General Manager McGillicuddy noted that none of the revised pages resulted in any changes in the recommended budget total.

The floor was then opened for questions.

Park and Recreation Fees

Commissioner James asked staff to provide answers to the following questions:

- What categories are impacted by the proposed fee increases?
- What would be the revenue impact of increasing the neighborhood fees by $1.00?
- How does staff plan to increase the fees for neighborhood pools over time, so that pool fees would be the same at all pools?

Commissioner Helms stated that he would like the fees for Park and Recreation services to remain the same and not be increased.

Commissioner Samuelson asked were the recommended fee increases benchmarked against what others charge. Wayne Weston, Director of Park and Recreation said yes.
Rules of Engagement

Chairman Cox suggested the Board go through the list of items that were pulled at the May 25, 2004 budget workshop for the purpose of addressing questions and/or to advocate for those items and afterwards take straw votes on those items.

Commissioner Samuelson stated that she was uncomfortable with taking any votes at this time.

Other Board members indicated that they were okay with taking straw votes.

Commissioner Woodard stated that she wanted to make sure that whenever the Board took straw votes that there would be ample time for discussion and debate on items.

General Manager McGillicuddy stated that staff had contemplated on the Board taking straw votes throughout the process beginning with today’s workshop.

Chairman Cox suggested that if the Board was not going to take straw votes today then perhaps the Board should adjourn, cancel the meeting scheduled for tomorrow, June 3rd and not meet until the 9th or whenever the Board was ready to start voting. He stated that he did not think the Board needed as much time as the schedule provides to get questions answered.

Commissioner Samuelson stated that she was under the impression, before speaking with General Manager McGillicuddy today, that votes would not be taken until the 9th of June. She acknowledged that perhaps her thinking of how the workshop process would flow was based on what had occurred in previous years rather than the new process outlined by staff. She stated that she was not comfortable with voting until all of her questions were answered and she had gone through, figured out and evaluated the whole budget, so that when she does vote she knows that what she is voting on balances in a way that she is comfortable with. She stated that if the Board chose to start voting today that she would not participate in the voting and would not vote until the Board was ready to take final straw votes.

Commissioner Helms suggested that the Board begin taking straw votes with the understanding that when the Board meets on June 9th adjustments could still be made through additional voting.

County Manager Jones stated that per the “rules of engagement” the Board was to pull items from the priority listing that they had questions on, submit their questions to staff, staff would respond and the Board would begin straw voting today. He stated that when the Board asked staff to revamp the budget process one of the changes would be to take incremental votes rather than waiting to do them at the end of the process.

Chairman Cox stated that he wanted to follow the “rules of engagement” but questions whether the meeting should continue today in light of the fact that Commissioner Samuelson would not be voting and there were three Commissioners absent.

Commissioner Samuelson stated that what she wanted was ample time, as the Board has had in the past, to digest the information received, to get her questions answered, and to come up with a budget that she was willing to stand for election on. She stated that she was not willing to “stand for election” on something that she has not gotten her questions answered on.

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard but was not recognized by the Chairman, to move forward.

Chairman Cox noted that a vote was not necessary and that the Board would move forward with getting questions answered and go from there.

Commissioner Helms asked if the CMS operating budget amount of $13.8 represented new initiatives and the response was yes.

Commissioner Samuelson asked for clarification on whether, even if votes were taken today,
there would be a night when the Board would have an opportunity to straw vote and go through every item on the pulled list again. She stated that she wanted to make sure that if she did not vote today that she would have another opportunity to do so.

General Manager McGillicuddy responded by referring to #6 of the “rules of engagement” which states “the Board would then review the draft straw vote budget and make any changes, per the usual process of making motions and taking straw votes.”

Commissioner Samuelson stated that the only way she could condone moving forward was with the assumption that at some point after all the questions have been answered and all of the information is “out there” that the Board go back through the entire list and vote on those items.

Chairman Cox noted that Board members would have an opportunity to request another vote on any items they choose.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 4-2 with Commissioners Cox, Helms, Mitchell, and Samuelson voting yes and Commissioners James and Woodard voting no, to proceed with using the “rules of engagement” outlined by staff at the May 25, 2004 meeting and agreed upon by the Board at that time.

(Note: Prior to the vote, Commissioner James stated that he was voting no because of the absence of other Board members.)

Chairman Cox noted that motions for tentative votes would not require a second. He also stated that he would accept substitute motions. He stated that the Board would begin the voting by going through the list of items that were pulled at the May 25th meeting.

**Straw Votes**

**Charlotte- Mecklenburg Schools**

Motion was made by Commissioner Helms and failed with only Commissioners Helms and Mitchell voting yes, to add $10 million to the Manager’s recommended budget for Charlotte-Mecklenburg Schools operating budget.

*Note: When Chairman Cox called for the above vote and only Commissioners Helms and Mitchell voted in the affirmative, it was stated that the motion failed and a vote was not called for the opposition.*

**Public Assistance**

Motion was made by Chairman Cox that under Public Assistance that Aid Payments in the amount of $28,936,724 be added to the accumulating list of items not pulled.

It was noted that the total dollar amount for the items not pulled was $526 million.

(Note: No action was taken on the above motion.)

Commissioner Samuelson asked for clarification of the difference between public assistance and general assistance, which was given by Richard Jacobsen, director of Social Services.

Commissioner Samuelson asked that information be provided showing what’s included under general assistance.

**Childcare Services**
Motion was made by Commissioner Helms and carried 3-0 with Commissioners Helms, James, and Mitchell voting yes, to add $711,019 to the County Manager’s recommended budget for Childcare Services.

Note: 1) Commissioners Cox, Samuelson and Woodard did not vote. 2) Chairman Cox noted for the record, prior to the above vote that he would not vote on Childcare Services in order to avoid a conflict of interest. 3) Commissioner Samuelson indicated prior to any votes being taken on items that were pulled on May 25th that she would not be voting. 3) Commissioner Woodard stated that since the Board would have another opportunity to vote on these matters that she would wait until that time to vote.

Public Assistance

Motion was made by Commissioner Helms and carried 3-1 with Commissioners Cox, Helms and Mitchell voting yes and Commissioner James voting no, to add $9,845,702 to the County Manager’s recommended budget for Public Assistance.

Note: Commissioners Samuelson and Woodard did not vote for reasons previously stated.

Chairman Cox asked for clarification on a non-vote. General Manager McGillicuddy stated that at this point in the process a non-vote is just not a vote in this forum.

Indigent Care

Motion was made by Commissioner Helms and carried 3-1 with Commissioners Cox, Helms and Mitchell voting yes and Commissioner James voting no, to add $17,775,000 to the County Manager’s recommended budget for Indigent Care.

Note: Commissioners Samuelson and Woodard did not vote for reasons previously stated.

Chairman Cox noted that the current voting process was not working and that perhaps the Board should only ask questions and defer taking any further votes.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell but was not recognized by the Chairman that the meeting be recessed until June 3, 2004 at 5:00 p.m.

Chairman Cox asked for questions of staff at this time.

STD’s/HIV Tracking & Investigations

Commissioner Samuelson asked about the six new positions for Sexually Transmitted Diseases (STD’s)/HIV Tracking & Investigations and whether it had been determined what these positions would do.

County Manager Jones stated that the HIV/AIDS Task Force was scheduled to make a presentation at the June 3, 2004 budget workshop and would address this and other questions.

Gatling and Adult Substance Abuse Treatment

Commissioner James noted that he pulled Gatling because of the issue with state funding, but that it would be premature to make a motion at this time. He noted also that he pulled Adult Substance Abuse Treatment.

Commissioner James asked what would be the impact of having a policy that would limit the number of times a person could receive detox services, since there are persons who cycle in and out of detox? He asked how much would it save the County if there was a fixed policy that
limited the number of “drunks” and “drug addicts” going into detox?

Grayce Crockett, director of Area Mental Health response was that staff did not currently have that data readily available and were still trying to pull it together. She noted, however that substance abuse was a medical condition just like diabetes. She stated that limiting persons for example to two episodes of detox would be the same as saying to someone with diabetes that if they have a blood sugar crisis that they could only go to the emergency room once or twice. She stated that in her opinion denying that type of care would be very difficult.

Director Crockett stated that staff was trying to pull together data on the number of times persons cycle through.

Chairman Cox left the meeting until noted in the minutes.

Commissioner James said that he would rather spend more money on childhood developmental disabilities because these were individuals who “through no fault of their own” have problems that need to be helped.

General Manager McGillicuddy noted that there may be a short-term savings by doing what Commissioner James was suggesting but that there would be a long term higher cost for not having addressed those problems. He stated that the consequences of such a policy would have to be evaluated.

Commissioner James stated that he wanted to know the “short-term” savings. He stated that he did not care what the long-term implications to society were because the County keeps treating drunks over and over again or don’t treat drunks.

Commissioner James stated that in order for him to put money into childhood developmental disabilities, he would have to cut something out of the budget and that if he has a choice between childhood developmental disabilities and detox he would cut detox and not services for persons with childhood developmental disabilities, which is why he was trying to quantify a dollar figure where detox services was concerned.

Director Crockett noted that detox was a relatively low cost service. She stated that detox was usually a three-day stay at $100 per day. She stated that what typically happens if a person is not in detox then they would end up in an emergency room or at the jail.

Director Crockett reiterated that alcoholism is not a voluntary choice that an individual makes. She stated that it was a medical condition, long recognized by the professional and medical community as a medical condition and that it was not just a lack of moral character that creates alcoholism.

Commissioner James noted that his father is an alcoholic and his great grandfather was an alcoholic and that it was a moral issue.

Commissioner Helms noted that he disagreed with the comments made by Commissioner James regarding alcoholism. He stated that alcoholism was a serious disease, an illness. “I would no more throw an alcoholic out on the street than I would somebody that had life threatening cancer.”

Commissioner Helms stated that although Commissioner James stated he would have to take money from detox to add more to childhood developmental disabilities services that adding a tenth of a penny to the tax rate could fund it all. He stated that persons receiving detox services deserve the same treatment as any other individual that has a need.

Chairman Cox returned to the meeting.

“Rules of Engagement”

Chairman Cox noted that after having conferred with the County Manager, he would suggest that
the Board cease voting today and not meet again until June 9, 2004 at which time the Board would then begin taking its tentative votes. Further that if the Board does not complete its work on June 9th that the Board be prepared to meet on subsequent days, as necessary until the Board comes up with a budget. Those days would be June 10th, possibly the afternoon of the 15th, 16th and 22nd.

Chairman Cox asked County Manager Jones if this was workable? County Manager Jones stated that it was but that he would have to check on room availability.

Commissioner Samuelson stated that she did not understand why the process of asking questions and doing the straw votes on a night that apparently worked very well in prior years, was suddenly not acceptable or not workable or would require all these extra meetings.

Commissioner Samuelson stated that she felt the meeting was productive and that she still had questions. She stated that if the Board was going to do something on June 9th that she would get with staff personally to address her remaining questions.

Chairman Cox stated that he did not feel the Board was making any progress at today’s meeting. He noted that the votes that had been taken by the Board were not productive in light of the fact that two Commissioners were not voting and one member was voting occasionally.

Chairman Cox stated that personally, at this point he felt the Board should not meet until it’s ready to vote and all members were present.

Commissioner Helms stated that he would excuse himself from the meeting since no votes would be taken and for medical reasons.

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

Commissioner Samuelson asked were members expected to have all of their questions answered by June 9th.

Chairman Cox stated that he would hope so but that doesn’t preclude members from asking questions.

County Manager Jones asked Board members to provide General Manager McGillicuddy with any additional questions they may have or additional items they wanted pulled.

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

Commissioner Cox noted that advocacy, questions, and voting would take place on June 9, 2004. Chairman Cox stated also that on June 9, 2004 the Board would go down every line item and build the budget from zero.

Commissioner Samuelson stated that she would get with General Manager McGillicuddy regarding the questions she had.

Chairman Cox clarified that based on today’s discussion, the Board would not meet again until June 9, 2004.

The meeting was then recessed by common consent at 6:35 p.m. until June 9, 2004 at 5:00 p.m.

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

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 15, 2004.

ATTENDANCE

Present:
- Chairman Tom Cox, Commissioners
- Dumont Clarke, H. Parks Helms
- Bill James, Norman A. Mitchell, Sr.
- Jim Puckett, Dan Ramirez,
- Ruth Samuelson, and Valerie Woodard
- County Manager Harry L. Jones, Sr.
- County Attorney Marvin A. Bethune
- Clerk to the Board Janice S. Paige

Absent: None.

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

-INFORMAL SESSION-

Chairman Cox noted that the first order of business would be Closed Session.

(2) CLOSED SESSION LAND ACQUISITION

Commissioners Puckett and Samuelson entered the meeting.

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

- Tax Parcel 043-114-13 on West Sugar Creek Road and Tax Parcel 075-042-30 on Irma Street
- Tax Parcels 059-071-14, 059-071-20, 059-081-23 and 059-081-24 off Tuckaseegee Road
- Tax Parcel #171-184-01 off Tyvola Road.

Motion was made by Commissioner Ramirez, seconded by Commissioner Puckett and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to go into Closed Session to discuss land acquisition.

The Board went into Closed Session at 5:15 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 during Closed Session.

(1) STAFF BRIEFING BUDGET PROCESS (CMS FUNDING)

Chairman Cox addressed future Charlotte-Mecklenburg School funding, capital and operating. He noted that he and Commissioner James would be asking the Board in July and/or August to make a
decision that would “rationalize” the Board’s approach to funding CMS capital and operating. He noted that this decision could involve input from members of the Board on “funding frameworks.”

Chairman Cox encouraged Board members to contact him or Commissioner James with any input they may have regarding a funding framework.

Chairman Cox noted that unlike it was stated in the media, the Board has not been trying to “reduce” CMS spending but trying to “rationalize” it.

Commissioner James stated that he did not feel the Board could reach any type of consensus within the next week on a funding framework and therefore it should be dealt with separately since it was too late to do anything this fiscal year. He noted also that he felt the County should also have a funding framework.

Chairman Cox then shared information on the “High School Challenge” and noted the following:

- The purpose of the “High School Challenge” was to answer the question: What would it take to double the End-of-Grade (EOG) test scores for children in CMS high schools, specifically West Charlotte, Garinger, and West Mecklenburg?
- Chairman Cox will ask the Board for approval of the three steps High School Challenge,” which would involve appropriating $6 million and placing it into restricted contingency for this purpose.
- The Board of Education (BOE) responded positively to the initial idea of the “High School Challenge.”
- The three steps would involve 1) CMS’s acceptance of the funding from the Board and would spend it on two high schools and feeders. 2) A business plan would be developed with the goal of doubling the EOG scores in three-years. The money would flow, if the Board approves Chairman Cox’s recommendation, after the plan has been “affirmed” by the Board of County Commissioners. 3) An evaluation of the plan would occur.
- It was noted that it would be the sole responsibility of the BOE to prepare and “approve” the plan.

Commissioner Helms entered the meeting during this time.

A copy of Chairman Cox’s presentation on the “High School Challenge” is on file with the Clerk to the Board.

Commissioner Samuelson asked for clarification regarding whether or not the Board of Education had approved the information as it was being presented.

Chairman Cox stated that if the Board approved the additional funding for the “High School Challenge” then there would be further discussions with CMS regarding the details for proceeding. He noted, however, that if CMS declined to accept the funding that he would expect those funds to be redirected somewhere else in the County’s budget per approval by the Board.

No action was taken on this matter at this time it was presented as information only.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 7, 16, and 17.

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

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-FORMAL SESSION-
Invocation was given by Commissioner Woodard, which was followed by the Pledge of Allegiance to the Flag.

(1A) NATIONAL HIV/SYPHILIS COUNSELING AND TESTING DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Helms and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating June 27, 2004, as "National HIV/Syphilis Counseling and Testing Day."

The proclamation was read by Commissioner Woodard and accepted by Peyton Savage with Metrolina Aids Project (MAP) and Pastor Gwen Curry.

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

(2A1) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a Resolution of Intent to Exchange with Heritage Investments of NC, LLC, Tax Parcel 043-114-13 on West Sugar Creek Road for Tax Parcel 075-042-30 on Irma Street; and to instruct the Clerk to Board to publish notice of the Board’s intent to exchange the properties.

Note: The exchange parcel the County is to receive is within the second block of a four-block area to be assembled for a new neighborhood park in the Lincoln Heights neighborhood west of Beatties Ford Road in Central Park District I.

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

(2A2) CLOSED SESSION

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase of 14.737-acre Tax Parcel #171-184-01 adjoining the Marion Diehl Center property from Walter C. Comer III, Trustee for $850,000.

Note: The property will be utilized as part of the athletic complex to be developed in partnership with Queens University.

(2A3) CLOSED SESSION

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase of Tax Parcels 059-071-14, 059-071-20, 059-081-23 and 059-081-24 off Tuckaseegee Road and Yahtzee Lane from Allen and Rosemary Hubbard for $450,000 for the Tuckaseegee Road Neighborhood Park.

(1B) 100TH YEAR ANNIVERSARY OF LAKE WYLIE

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation recognizing the 100th
Year Anniversary of Lake Wylie.

The proclamation was read by Commissioner Puckett and accepted by David Culley, Chairman of the Lake Wylie Marine Commission.

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

(2) PUBLIC APPEARANCE

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

Terry Belk spoke in opposition to any forthcoming proposals to name the new county courthouse after former/late Ronald Reagan. Mr. Belk also encouraged Chairman Cox to support Charlotte-Mecklenburg Schools and the proposed tax increase.

Chairman Cox noted to Mr. Belk that he could not address budget matters during the Public Appearance portion of the meeting because that matter was scheduled on the agenda for discussion.

Note: Public Appearance is the time during which the public may address matters that are not on the Board’s agenda for discussion. The public can address matters scheduled for discussion, but only when the matter is taken up by the Board.

Ana Villalba expressed concern regarding Pit Bulls in her neighborhood. Ms. Villalba believes the owners of the dogs are breeding them. She also complained of the smell and barking of the dogs. Also, that the dogs are often not restrained. She stated that she contacted the Animal Control Department but was unable to get answers to her questions. She is seeking clarification on Animal Control Ordinance. Ms. Villalba feels the presence of these dogs is a public safety issue.

Chairman Cox referred Ms. Villalba to County Manager Jones, who stated that he would have staff contact Ms. Villalba regarding her concerns and provide a follow-up report to the Board.

Commissioner James noted to staff that per their review of the current Animal Control Ordinance that if the 1991 ordinance was insufficient in addressing the concern expressed by Ms. Villalba that staff make recommendations for possible changes.

Martin Davis addressed remarks he stated Commissioner Helms made at the June 1, 2004 meeting regarding abortions that he read in the Charlotte Observer. He expressed his opposition to those remarks.

(3) RE-APPOINTMENTS/NOMINATIONS

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment to the Alcoholic Beverage Control Board:

<table>
<thead>
<tr>
<th>Name</th>
<th>Nominee By</th>
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<tbody>
<tr>
<td>Kelly Alexander</td>
<td>Commissioner Mitchell</td>
</tr>
<tr>
<td>Charles Beard</td>
<td>Commissioner Ramirez</td>
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<tr>
<td>Zerrick Bynum</td>
<td>Commissioner Samuelson</td>
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<tr>
<td>Charles Knox</td>
<td>Commissioner Mitchell</td>
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<tr>
<td>Ron Leeper</td>
<td>Commissioner Mitchell</td>
</tr>
<tr>
<td>James Polk</td>
<td>Commissioner Samuelson</td>
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<tr>
<td>Lloyd Scher</td>
<td>Commissioner Helms</td>
</tr>
<tr>
<td>Elton Shoemaker</td>
<td>Commissioner Ramirez</td>
</tr>
<tr>
<td>Christine Walker</td>
<td>Commissioner Clarke</td>
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</tbody>
</table>

An appointment will occur on July 13, 2004.
BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Puckett seconded by Commissioner Samuelson, and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint John Kominisi to the Building Development Commission for a three-year term expiring July 18, 2007.

The following person was nominated by Commissioner Ramirez for appointment to the Building Development Commission: Paul Strickland.

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson and Woodard voting yes, to leave nominations open for the Building Development Commission general public slot to allow for the receipt of additional applications.

Motion was made by Commissioner Helms, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to waive the Board’s term limitation policy and allow Mr. Tom Turner to be reappointed to the Building Development Commission for a three-year term expiring July 18, 2007 as recommended by the American Institute of Architects to serve as their representative.

CHARLOTTE CERTIFIED DEVELOPMENT CORPORATION

The following persons were nominated for appointment to the Charlotte Certified Development Corporation:

Mic Alexander     by Commissioner Woodard
Patricia Conley     by Commissioner Samuelson
John DiCristo     by Commissioner Helms
Sandra Ridings     by Commissioner Samuelson
Todd Taylor      by Commissioner James

An appointment will occur on July 13, 2004.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Christopher Gegg, Heath Gilbert, Chris Jackson, Mark Leggett, and Tim Morgan to the Citizen’s Capital Budget Advisory Committee for two-year terms expiring July 31, 2006.

The following persons were nominated for appointment to the Citizens Capital Budget Advisory Committee:

Jerome Alexander     by Commissioner Helms
Thomas Fitch     by Commissioner Clarke
Cynthia Grizzle    by Commissioner Ramirez
Renata Henderson     by Commissioner Clarke
Michael Murdock     by Commissioner Samuelson
William Rakatansky     by Commissioner Mitchell

Appointments will occur on July 13, 2004.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard to reappoint

Substitute motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint William Chandler to the Park and Recreation Commission for a three-year term expiring June 30, 2007.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and failed 5-4 with Commissioners Cox, James, Ramirez, Puckett, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to reappoint Victor Alexander to the Park and Recreation Commission for a three-year term expiring June 30, 2007.

The following persons were nominated for appointment to the Park and Recreation Commission:

Victor Alexander by Commissioner Woodard
Scott McClure by Commissioner Samuelson
Michael McMahan by Commissioner Helms
Cassie Brown by Commissioner James
John Culbertson by Commissioner James
Marshall Dean by Commissioner James
Andy Dulin by Commissioner James
Michael Evans by Commissioner James
Karl Froelich by Commissioner James
James Hixon by Commissioner James
Vickie Lee by Commissioner James
Joseph Lee by Commissioner James
Russell Loudermilk by Commissioner James
Paige McThenia by Commissioner James
Bradley Pearce by Commissioner James
Jon Pendleton by Commissioner James
Patricia Redd by Commissioner James
Lloyd Scher by Commissioner James
Paul Strickland by Commissioner James
David Tibbals by Commissioner James
Janet Woodson by Commissioner James

Appointments will occur on July 13, 2004.

PUBLIC BROADCASTING AUTHORITY

The following persons were nominated for appointment to the Public Broadcasting Authority by Commissioner Ramirez: Patricia Lambright, Hattie Leeper, Edward Lewis, Angela Payne, Lloyd Scher and Christopher Whitten.

An appointment will occur on July 13, 2004.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS - NONE

(6) MANAGER’S REPORT – STRATEGIC BUSINESS PLAN

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard, but was withdrawn to approve the Mecklenburg County FY2005-2007 Strategic Business Plan as
recommended by the County Manager.

Commissioner James asked that consideration be given to deferring this matter until the next meeting to allow him and perhaps others more time to review the proposed plan.

Commissioners Puckett and Woodard withdrew their motion and it was the consensus of the Board to defer discussion/action on this matter until the July 13, 2004 meeting in order to provide the Board more time to review the plan.

County Manager Jones noted that if anyone had questions regarding the proposed plan to contact Deputy County Manager Russ Crider or General Manager John McGillicuddy.

CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of Items 7, 16 and 17 to be voted upon separately.

(8) DSS REVENUE ADJUSTMENT

Amend the Department of Social Services’ FY04 budget to recognize adjustments in Transportation revenues of $65,000, and appropriate expenses in the same amount.

(9) TAX REFUNDS

Approve tax refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $743,004.69 resulting from clerical errors, audits and other amendments.

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

(10) LABORATORY SERVICES

Adopt a Resolution to amend the City-County Restated Consolidated Shared Programs Joint Undertaking Agreement to consolidate environmental laboratory services operated by the County’s Land Use and Environmental Services Department under the Charlotte-Mecklenburg Utilities Department.

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

(11) CLOSING OF ROADWAYS AND THEIR RIGHTS-OF-WAYS IN THE VICINITY OF THE AIRPORT – SET PUBLIC HEARING

Adopt a resolution on the intent to close the following roadways in the vicinity of the airport and that sets a public hearing at 6:30 p.m. on July 13, 2004 on the request to close roadways in the Airport area: Midwood Drive (SR 1563), 0.20 mile; Trexler Avenue (SR 1593), 0.40 mile; Cathey Drive (SR 1360), 0.17 mile; Freeman Drive (SR 1359), 0.27 mile; Briar Court, 0.06 mile; Bell Avenue, 0.12 mile; First Street, 0.14 mile, and Hillcrest Drive (SR 1361), 0.23 mile.

Resolution recorded in full in Minute Book 42-A.

(12) STRUCTURED DAY PROGRAM REALLOCATION FUNDING

1) Recognize, receive and appropriate $5,000 in reallocated funds to the Structured Day Program from the Department of Correction for the purchase of walk through metal detector and hand-held detector.
2) Amend the FY04 Structured Day Program budget to reflect total budget of $415,178.

13) CONDEMNATION OF EASEMENT FOR MALLARD CREEK GREENWAY

Approve resolution entitled: Mecklenburg County Board of Commissioners Resolution Authorizing The Institution of Condemnation Proceedings for the Acquisition of Greenway Easements Over Portions of Tax Parcels 047-431-02 and 047-441-01 Belonging to John William Alexander, James Frosts Alexander, Sarah Land Alexander, Stella Harman Alexander, Margaret Stafford Alexander, Edward Boone estate and others.

Resolution recorded in full in Minute Book 42-A.

14) MCCOY ROAD PRAIRIE RESTORATION GRANT APPLICATION

Authorize the Park and Recreation Department to apply for a prairie restoration grant through the Natural Resources Conservation Service, and if awarded, recognize, receive and appropriate funds.

Note: Revenue to be recognized in account 5534-3201, expenditures to be recognized in account 5534-5301 ($2,175) and 5534-6005 ($28,300).

15) WINGET ROAD PRAIRIE RESTORATION GRANT APPLICATION

Authorize the Park and Recreation Department to apply for a prairie restoration grant through the Natural Resources Conservation Service and if awarded, recognize, receive and appropriate funds.

Note: Revenue to be recognized in account 5534-3201, expenditures to be recognized in account 5534-5301 ($550) and 5534-6005 ($7,220).

This grant will fund future restoration initiatives implemented at the Winget Road Prairie, located within Winget Park. Funds will be distributed on a reimbursement basis over a 5-year period as conservation practices are implemented.

18) MCALPINE CREEK GREENWAY DONATION

Accept the donation of 2.507-acre floodplain area on McAlpine Creek at Independence Boulevard from Voit Partners, Ltd. for the McAlpine Creek Greenway.

19) FUNDING ADJUSTMENT – AMH

A) Recognize, receive and appropriate one-time State funds in the amount of $22,000 for the purpose of developing a safe play area for the children in the CASCADE program.

B) Recognize, receive and appropriate one-time State funds in the amount of $30,000 for the continued implementation of First-In-Families.

20) SALE OF LAND TO HABITAT FOR HUMANITY OF CHARLOTTE

(1) Declare as surplus property all of Tax Parcels 077-081-04, 077-082-07, -06, -04 and –02 in Druid Hills, 065-049-11 on Clay Avenue and 063-014-05 on S. Linwood Avenue; and

(2) Adopt a resolution of intent to sell all of Tax Parcels 077-081-04, 077-082-07, -06, -04 and –02 in Druid Hills, 065-049-11 on Clay Avenue and 063-014-05 on S. Linwood Avenue to Habitat for Humanity of Charlotte for $120,000, with the proceeds directed to the County Facilities Special
Revenue Fund.

Resolution recorded in full in Minute Book 42-A.

(21) SALE OF LAND TO HERITAGE INVESTMENTS OF NC, LLC

(1) Declare all of Tax Parcels 043-114-09 and 043-114-14 on West Sugar Creek Road surplus property; and

(2) Adopt a resolution of intent to sell all of Tax Parcels 043-114-09 and 043-114-14 to Heritage Investments of NC, LLC for $35,500, with the proceeds directed to the County Facilities Special Revenue Fund.

Resolution recorded in full in Minute Book 42-A.

(22) PIPE REPLACEMENT AT JAIL CENTRAL

(1) Recognize and appropriate $1.2 million in additional State reimbursement for inmate housing in the General Fund to be transferred to capital reserve for the pipe replacement project at Jail Central.

(2) Approve above transfer and additional $300,000 to the Capital Reserve Fund for Jail Central pipe replacement project for a total of $1.5 million.

(23) RECORDS RETENTION AND DISPOSITION SCHEDULE

(A) Approve the new County Management Records Retention and Disposition Schedule.

(B) Approve the new County Sheriff’s Office Records Retention and Disposition Schedule.

The North Carolina Department of Cultural Resources has revised the records retention schedule for County Management and for the Sheriff’s Department. The Board is required to approve and sign off on these new schedules.

A copy of the schedules is on file in the Clerk to the Board.

(24) CARRY FORWARD OF ELECTIONS FUNDS

Approve carry forward of $450,000 to Fiscal Year 2004-2005 to conduct the postponed 2004 Election.

Note: The primary election originally scheduled for FY04 has been postponed until July 20, 2004; therefore, this request is to carry forward $450,000 to FY 05 for use when the primary election is scheduled. Also, FY04 had contingency funding for a second primary, if necessary.

(25) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – SECOND READING

1) Amend the LUESA Fee Ordinance to reflect the sunset of the 5 percent technology surcharge on Building Permit Fees implemented July 1, 2002.

2) Approve correction to Appliance/Equipment Change-Out fee.

3) Approve revised wording on Credit/Refund Policy to clarify current departmental policy.
Policies recorded in full in Minute Book 42-A, Documents #

(26) LEASE OF LANDFILL COMPACTOR

Rescind authorization for the County Manager to negotiate and execute:

1) A 36-month lease for one (1) landfill compactor (with option to purchase) from Road Machinery Services, Inc., or its leasing agent; and

2) A Total Maintenance and Repair contract with Road Machinery Services, Inc. for the landfill compactor for a total 36-month payment of $322,702.20.

3) Authorize the County Manager to negotiate and execute:

1) A 36-month lease for one (1) landfill compactor (with option to purchase) from Carolina Tractor, Inc., or its leasing agent; and

2) A Total Maintenance and Repair contract with Carolina Tractor, Inc. for the landfill compactor for a total 36 month payment of $361,656.00

Note: On April 20, 2004 the BOCC authorized the Manager to negotiate and execute an agreement with Road Machinery, Inc., for the lease of a landfill compactor. Subsequently, upon detailed review of the proposed lease documents, we determined that the bid did not meet specifications. The compactor currently used for handling inert, construction and demolition debris suffers extensive downtime and needs to be replaced in order to properly support the operations at the Foxhole Landfill.

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

(7) APPROVAL OF MINUTES

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve minutes of Special Meetings held May 25 and June 2, 2004, and Closed Session minutes of May 5, 2004 as presented by the Clerk to the Board; and minutes of Special Meeting held June 9, 2004 with the following amendments:

- On page 3 of the draft minutes with regards to the discussion on the proposed GOP Budget by Commissioner Ramirez, add more of the remarks made by Commissioner Samuelson following the remarks made by Commissioner Helms.
- On page 4 of the draft minutes under Targeted Tax Rate (Commissioner Puckett) move Chairman Cox’s statement regarding the need for seconds on procedural matters, prior to the motion made by Commissioner Puckett.
- On page 8 of the draft minutes under House of Grace, Mental Health, etc. add “and the Community At-large” to the statement made by Commissioner Samuelson regarding who she felt these services were the primary responsibility of.
- On page 9 of the draft minutes under Charlotte-Mecklenburg Housing Partnership, delete Chairman Cox’s name appropriately where it appeared twice.

(16) GRANT APPLICATION – RECREATIONAL SERVICES FOR CHILDREN AFFECTED BY HIV/AIDS – FY2004

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez,
Samuelson, and Woodard voting yes, to approve submission of application for the US Department of Health and Human Services / Administration of Children and Families “Recreational Services for Children Affected by HIV / AIDS – FY2004” grant for a maximum of $100,000; and recognize, receive and appropriate funds if grant application is accepted by the US Department of Health and Human Services.

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

(17) NEW GOVERNMENT DISTRICT PARKING DECK PROJECT-AWARD CONSTRUCTION CONTRACTS

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to award construction contracts for the following bid packages for the new Government District Parking Deck to the contractors and in the amounts indicated below. Secondly, that staff report back to the Board periodically on this project, per the comments made regarding this being a quality project.

<table>
<thead>
<tr>
<th>Bid Package</th>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masonry</td>
<td>Pyramid Masonry</td>
<td>$172,800</td>
</tr>
<tr>
<td>Aluminum</td>
<td>Harris Cartner Wall Systems</td>
<td>$480,000</td>
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<td>Curtainwall</td>
<td>Otis Elevator</td>
<td>$395,000</td>
</tr>
<tr>
<td>Elevator</td>
<td>PC Jackson</td>
<td>$362,000</td>
</tr>
<tr>
<td>Plumbing</td>
<td>WB Moore</td>
<td>$362,000</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>Carolina Fire Control</td>
<td>$167,460</td>
</tr>
<tr>
<td>Electrical</td>
<td>Carolina Fire Control</td>
<td>$1,440,000</td>
</tr>
<tr>
<td>Architectural</td>
<td>Harris Cartner Wall Systems</td>
<td>$650,000</td>
</tr>
<tr>
<td>Sunscreen</td>
<td>Donald C. Neal Construction</td>
<td>$140,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$3,807,360</td>
</tr>
</tbody>
</table>

- Otis Elevator will perform all of their work with their own forces.

Commissioner Helms removed this item from consent in order to have staff give a description of changes that occurred to bring the project into budget, which was given by Mark Hahn, Director of Real Estate Services. It was noted that the main changes were the removal of the top level of the deck, the deletion of approximately half of the retail, and the removal of the steel canopy over the plaza area.

Commissioner Samuelson asked how much would it cost to add the canopy back in? The response was that it was about $705,000.

Commissioner Helms noted that he wanted to make sure that in keeping the project within budget that the County doesn’t end up with a project that looked “skimpy” and detracts from the entrance to the Government Center. He asked staff to keep the Board informed of this project. He noted that he could recall on projects in the past that started out with “grand hopes and visions” and ended up being unattractive and did not meet the expectations of the citizens. He does not want this to occur with this project.
(27) SELECTION OF NACO VOTING DELEGATE

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, and Woodard voting yes, to appoint Commissioner Norman Mitchell as the Board’s voting delegate for the 2004 Annual NACo Conference to be held July 16-20, 2004 in Phoenix, Arizona.

Note: Commissioner Samuelson was away from the dais at the time of the vote but returned immediately following.

(28) QUEENS UNIVERSITY OF CHARLOTTE / MCPRD PARTNERSHIP

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the updated concept of Master Plan for Queens University of Charlotte Sports Complex at the Marion Diehl Park.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve Resolution Declaring Intent to Enter into Lease with Queens University of Charlotte for a Sports Complex at the Marion Diehl Park.

Resolution recorded in full in Minute Book 42-A.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to seek permission from the Charlotte City Council for the County to enter into the Lease.

Note: Chairman Cox was away from the dais at the time of the vote and returned immediately following. Vice-Chairman Ramirez called for the vote.

Fred Gray, Deputy Director of Park and Recreation addressed the lease.

(30) REDEVELOPMENT PROJECT GRANT – OLD CONVENTION CENTER

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the recommendation of the Ad-hoc Economic Development Committee to provide a grant to support Spectrum Properties’ plans to redevelop the Old Convention Center. The maximum amount of the recommended grant is fifty-percent of eligible sales taxes receipts not to exceed $3.2 million payable over a period up to 10 years.

Note: Spectrum Properties and The Ghazi Company are planning for the project to open with the new NBA arena in the summer/fall of 2005. The project will include a ten-screen movie theater, a sport and billiards bar, a jazz/comedy club, a fitness center, several theme restaurants, and a variety of other retail and office tenants. The building located on College Street between Trade and Fourth, has been vacant for several years.

Motion was made by Commissioner Ramirez, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to develop an agreement with Spectrum Properties for the redevelopment of the Old Convention Center based on the terms and conditions approved by the Board.

Commissioner Samuelson asked the Board’s Ad-hoc Economic Development Committee to
consider establishing some guidelines so that the Board has a framework for evaluating these types of requests in the future.

Commissioner Ramirez noted that there were existing guidelines, which the Committee used.

Commissioner Samuelson asked that in the future those guidelines be included with the request when it comes before the Board.

BUDGETARY MATTERS FY05

(29A) EXPANSION OF GROUNDWATER WELL PROGRAM – ADOPTION OF FY05 FEES

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a resolution authorizing the establishment of groundwater well fees.

Resolution recorded in full in Minute Book 42-A.

(29B) STORM WATER SERVICES – ADOPT RESOLUTION, CITY’S MINOR SYSTEM FEE

Resolution recorded in full in Minute Book 42-A.

(29C) STORM WATER SERVICES – ADOPT RESOLUTION, COUNTY’S MAJOR SYSTEM FEE INCREASE

Resolution recorded in full in Minute Book 42-A.

(29G) MECKLENBURG COUNTY’S LONGEVITY POLICY

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

(29H) MECKLENBURG COUNTY’S RETIREE MEDICAL INSURANCE POLICY
Motion was made by Commissioner Ramirez, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve changes to the retiree medical insurance policy to make it clear that, only individuals who retire, as Mecklenburg County employees are eligible to receive these benefits.

Note: This clarification was needed because several former employees of Mecklenburg County who are planning to retire from another local government employer in North Carolina have raised questions about their eligibility to receive these benefits.

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

(29I) MECKLENBURG COUNTY’S CRIMINAL HISTORY ORDINANCE

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve changes to the County’s Criminal History Ordinance authorizing the Sheriff to conduct criminal history and motor vehicle checks on applicants for County employment rather than the Director of Court Services.

Note: Due to the reorganization and restructuring of the Court Services Department, the Director of Court Services position is being eliminated. Therefore, the ordinance needs to be changed to authorize the Sheriff or his designee to perform these functions on behalf of Mecklenburg County.

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

(29J) FY 04-05 REVENUE & PRICING POLICY - PARK & RECREATION

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve new fees, changes to existing fees and amendments to the Park & Recreation Department Revenue & Pricing Policy for FY 04-05.

Note: The primary fiscal impact of the proposed changes will be to generate additional revenue from facility rentals.

Park & Recreation Department Revenue & Pricing Policy for FY 04-05 is recorded in full in Minute Book 42-A, Document #

(29D) OPERATING BUDGET AND WORK PROGRAM FOR FY04-05

The following persons appeared to speak regarding the Operating Budget and Work Program for FY04-05:

Lewis Guignard spoke in opposition to a tax increase.
Nancy Klein spoke in support of the Women’s Commission programs, specifically the Displaced Homemaker Program.
Dan Bishop spoke in opposition to a tax increase.
Noelle Davis, Gene Gibson, Susan Surles, and Janet Lowder spoke in opposition to the closing of Gatling.

STRAW VOTES

Charlotte-Mecklenburg Schools (CMS)
Motion was made by Commissioner Cox to fund Charlotte-Mecklenburg Schools (CMS) Operating budget at $265 million, which includes $3.5 million in fines and forfeitures.

Chairman Cox noted that the $265 million was really $261.5 million when you back out the $3.5 million in fines and forfeitures.

Substitute motion was made by Commissioner Clarke and failed with only Commissioners Clarke, Helms and Mitchell voting yes, to fund CMS Operating budget at $276,252,679, which includes $3.7 million as requested by the Board of Education for the 9th Grade Initiative.

Substitute motion was made by Commissioner Puckett, seconded by Commissioner James and failed 5-4 with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting no and Commissioners James, Puckett, Ramirez, and Samuelson voting yes, to change the rules of engagement, such that the Board would operate on its straw vote that any amount that goes over the expenditure that would take the Board beyond the current tax rate of 73.64 cents would have to be countered with a reduction. Secondly, to fund Charlotte-Mecklenburg Schools (CMS) Operating budget at $265 million, which includes $3.5 million in fines and forfeitures.

Chairman Cox prior to the above vote, stated that the motion was to in essence, change the rules of engagement to in effect, fund Charlotte-Mecklenburg Schools (CMS) Operating budget at $265 million, which includes $3.5 million in fines and forfeitures and to set a tax rate.

Substitute motion was made by Commissioner Ramirez and failed 5-4 with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting no and Commissioners James, Puckett, Ramirez, Samuelson voting yes, to approve the GOP Budget presented on June 9th, which included the friendly amendments made by Commissioners Samuelson and James.

The vote was then taken on the original motion made by Commissioner Cox and failed 4-4 with Commissioners Clarke, Cox, Helms, and Woodard voting yes and Commissioners James, Puckett, Ramirez, Samuelson voting no.

Note: Commissioner Mitchell did not vote.

Charlotte-Mecklenburg Schools (CMS) High School Challenge

Motion was made by Commissioner Cox and carried 5-4 with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting yes and Commissioners James, Puckett, Ramirez, and Samuelson voting no, to place $6 million into contingency for the Charlotte-Mecklenburg Schools (CMS) High School Challenge.

Volunteer Fire – Matthews

Motion was made by Commissioner James and carried 6-3 with Commissioners Helms, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes and Commissioners Clarke, Cox, and Woodard voting no, to add back into the budget funding for the Volunteer Fire Department (Matthews) in the amount of $67,500 with $67,500 being deducted from Undesignated Technology Reserve.

Gatling

Motion was made by Commissioner Woodard and failed 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to fund Gatling in the amount of $1,415,166.
Motion was made by Commissioner Mitchell and failed 6-3 with Commissioners Cox, James, Puckett, Ramirez, Samuelson, and Woodard voting no and Commissioners Clarke, Helms, and Mitchell voting yes, to fund Charlotte-Mecklenburg Schools (CMS) Operating budget at $268 million, which includes $3.5 million in fines and forfeitures.

**Charlotte-Mecklenburg Schools (CMS)**

Motion was made by Commissioner Helms and failed with only Commissioners Clarke, Cox, Helms, and Woodard voting yes, to fund Charlotte-Mecklenburg Schools (CMS) Operating budget at $265 million, which includes $3.5 million in fines and forfeitures.

**Central Piedmont Community College (CPCC)**

Motion was made by Commissioner Helms to increase CPCC Operations funding by $390,000. Substitute motion was made Commissioner Samuelson to increase CPCC Operations funding by $390,000 and take $390,000 out of Undesignated Technology Reserve.

Commissioner Helms accepted Commissioner Samuelson’s substitute motion as a friendly amendment.

The vote was then taken on the original motion as amended and unanimously carried with the Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes.

**Council on Aging**

Motion was made by Commissioner Helms to add an additional $29,000 to the Council on Aging funding.

No action was taken.

*The Board recessed at 9:48 p.m. and came back into session at 9:55 p.m.*

*Commissioner Helms withdrew the motion he made prior to the Board’s recess.*

**Charlotte-Mecklenburg Schools (CMS)**

Motion was made by Commissioner Cox and carried 5-4 with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting yes and Commissioners James, Puckett, Ramirez, and Samuelson voting no, to fund Charlotte-Mecklenburg Schools (CMS) Operating budget at $265 million, which includes $3.5 million in fines and forfeitures.

**Gatling**

Motion was made by Commissioner Cox and carried with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting yes, to fund Gatling at $1,415,166.

**Council on Aging**

Motion was made by Commissioner Helms and failed 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to add an additional $29,000 to the Council on Aging funding.
**Fighting Back**

Motion was made by Commissioner Helms and **carried 5-4** with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting yes and Commissioners James, Puckett, Ramirez, and Samuelson voting no, to fund Fighting Back in the amount of $217,854.

**Court Day Care**

Motion was made by Commissioner Helms and **failed 5-4** with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to increase funding for Court Day Care in the amount of $34,000.

**Catawba Lands Conservancy**

Motion was made by Commissioner Helms and **failed 6-3** with Commissioners Clarke, Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Helms, Mitchell, and Woodard voting yes, to increase Catawba Lands Conservancy funding by $11,464.

**African-American Historic Resource Program**

Motion was made by Commissioner Mitchell and **carried 5-4** with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting yes and Commissioners James, Puckett, Ramirez, and Samuelson voting no, to fund the African-American Historic Resource Program in the amount of $1,500.

**Horticulture**

Motion was made by Commissioner Cox to fund the Horticulture program in the amount of $122,766.

Substitute motion was made by Commissioner Ramirez and **carried 6-3** with Commissioners Clarke, Cox, Helms, Mitchell, Ramirez, and Woodard voting yes and Commissioners James, Puckett, and Samuelson voting no, to fund Horticulture in the amount of $122,766 and take $122,766 out of Undesignated Technology Reserve.

**Community Building Initiative**

Motion was made Commissioner Helms and **failed 5-4** with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to increase Community Building Initiative funding by $27,200.

**NCCJ Empowered Youth Initiative**

Motion was made by Commissioner Helms and **carried 5-4** with Commissioners Clarke, Helms, Mitchell, Ramirez, and Woodard voting yes and Commissioners Cox, James, Puckett, and Samuelson voting no, to put $100,000 in the budget for NCCJ and take $100,000 out of Undesignated Technology Reserve.
Employment Services Resource Center

Motion was made by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Cox, Helms, Mitchell, Ramirez, and Woodard voting yes and Commissioners James, Puckett, and Samuelson voting no, to include $55,006 in the budget for Employment Services Resource Center (Women’s Commission) and take $55,006 out of Undesignated Technology Reserve.

4-H/Americorp

Motion was made by Commissioner Clarke to fund 4-H in the amount of $146,799.

Substitute motion was made by Commissioner Puckett and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Puckett, Ramirez, and Woodard voting yes and Commissioners Cox, James, and Samuelson voting no, to fund 4-H in the amount of $146,799 and take $146,799 out of Undesignated Technology Reserve.

Greater Enrichment Center

Motion was made Commissioner Helms and failed 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to fund the Greater Enrichment Center at $170,334 and take $170,334 out of Undesignated Technology Reserve.

Community Rural Development

Motion was made Commissioner Helms and failed 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to fund Community Rural Development at 85,667.

Family and Consumer Science

Motion was made Commissioner Helms and failed 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to fund Family and Consumer Science at $105,774.

BUDGET ORDINANCE

Motion was made by Commissioner Helms, seconded by Commissioner Woodard to direct staff to incorporate into the budget ordinance and into other appropriate documents the decisions made by straw votes taken at tonight’s meeting and to present that budget ordinance to the Board tomorrow at a recessed meeting at 4:00 p.m. on June 16, 2004.

Commissioner Ramirez offered a friendly amendment, which was not accepted that the Board convene at 6:00 p.m. rather than 4:00 p.m.

Substitute motion was made by Commissioner Samuelson, seconded by Commissioner Puckett to finish up tonight with the development of a FY 04-05 budget ordinance rather than returning on tomorrow.

Several members expressed concern for having staff to work on developing the budget ordinance tonight because of the latest of the hour. It was felt that there was less chance of error if staff were given the opportunity to come back on tomorrow.

The vote was taken on the substitute motion and failed 8-1 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, and Woodard voting no and Commissioner Samuelson voting yes.
The vote was then taken on the original motion and carried 6-3 with Commissioners Clarke, Cox, Helms, Mitchell, Ramirez, and Woodard voting yes and Commissioners James, Puckett, and Samuelson voting no.

Note: In light of the above motion no action was taken on items (29E) FY 05 Pay Plan and (29F) Salary Increases For The Sheriff, and Register of Deeds. These matters will be addressed at the June 16, 2004 meeting.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, and carried 8-1, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, and Woodard voting yes and Commissioner Samuelson voting no, that there being no further business to come before the Board that the meeting be recessed at 10:35 p.m. until 4:00 p.m., Wednesday, June 16, 2004 here in the Meeting Chamber.

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in recessed Formal Session from Tuesday, June 15, 2004 in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 4:00 p.m. on Wednesday, June 16, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms Bill James, Norman A. Mitchell, Sr. Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: None.

-FORMAL SESSION-

Chairman Cox noted that the Board would continue finalization of the following budget matters from the recessed meeting of June 15, 2004:

(29D) FORMERLY (29F) SALARY INCREASES FOR THE SHERIFF AND REGISTER OF DEEDS AND BOARD OF COMMISSIONERS

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke, to approve 3.5% salary increases for the Sheriff, Register of Deeds, and members of the Board of County Commissioners effective June 23, 2004.

Substitute motion was made by Commissioner Helms, seconded by Commissioner Samuelson and carried 8-1 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes and Commissioner Ramirez voting no, to approve a 3.5% salary increase for the Sheriff effective June 23, 2004.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve a 3.5% salary increase for the Register of Deeds effective June 23, 2004.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 8-1 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes and Commissioner Helms voting no, to approve a 3.5% salary increase for the Board of County Commissioners effective June 23, 2004.

(29E) FY05 PAY PLAN

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve changes to the FY05 Pay Plan for employees.
Note: Consistent with approval of the FY05 Operating Budget, the Board needs to approve changes in the employee compensation plan including an average 3.6% adjustment to pay ranges and a performance pay matrix of 0-5%.

(29F) BUDGET ORDINANCE

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-4, with Commissioners Clarke, Cox, Helms, Mitchell, and Woodard voting yes and Commissioners James, Puckett, Ramirez, and Samuelson voting no, to adopt the Mecklenburg County Budget Ordinance Fiscal Year 2004-2005 with a Tax Rate of 75.67 cents per $100 of assessed valuation of taxable property and a 16.26 cents of taxable property subject to taxation in the Law Enforcement Service District.

______________________________ ____________________________
Janice S. Paige, Clerk       Tom Cox, Chairman

ADJOURNMENT

Motion was made by Commissioner Samuelson, seconded by Commissioner James, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:15 P.M.
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

JULY 13, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, July 13, 2004.

ATTENDANCE

Present:
Chairman Tom Cox, Commissioners
Dumont Clarke, H. Parks Helms
Bill James, Norman A. Mitchell, Sr.
Jim Puckett, and Ruth Samuelson
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:
Commissioners Dan Ramirez and Valerie Woodard

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-INFORMAL SESSION-

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

(1A) STAFF BRIEFING LAND BOND FUNDS TO PURCHASE PARK LAND IN MATTHEWS

The Board received a report from Lee Myers, Mayor of Matthews, regarding the Towns’ plans to acquire park land and their request for financial assistance from Mecklenburg County.

The Town of Matthews is requesting $5,000,000 in County Land Bond funds to assist them in purchasing an approximately $10,000,000 parcel of land for park and open space purposes within incorporated limits of the Town of Matthews with a 1:1 match.

Background: On March 5, 2002, the Board of County Commissioners approved a resolution requiring interested towns to: 1) Formally express the extent of their interest in the land bond challenge grant program by March 22, 2002. 2) To execute an interlocal agreement on or before November 1, 2003.

The Town of Matthews decided against entering into a challenge grant interlocal agreement with Mecklenburg County, which would have made available up to $5,000,000 of land bond funds to leverage $10,000,000 from the town to acquire open space with a 1:2 match.

Mayor Myers noted the following:

- The Town of Matthews wants a 1:1 match rather than the 1:2 match as recommended by the County Manager.
- The Town of Matthews is moving forward with placing a $5 million bond referendum on the ballot in November to raise the money needed for their park and open space project. If the referendum is successful, and with the County’s $5 million Challenge Grant this would equal a total of $10 million.
- The Town of Matthews has committed $1.4 million of its available funds to develop and construct and acquire some additional land for greenways in Matthews that would tie into
the Four Mile Creek Greenway, Squirrel Lake Park, into downtown Matthews, and other areas.

- The Town has committed $500,000 for improvements at Squirrel Lake Park.
- As part of its Long Range Planning process the Town plans to develop space at its Public Safety building as a recreation center.
- $800,000 has been committed for Park and Recreation facilities.
- The Town has thus committed $2.7 million towards park and recreation, greenways, and a recreation center.
- It was noted that although it’s not permissible per the Challenge Grant guidelines, that perhaps the Town should be given credit for their $2.7 million commitment.
- The County has deviated in the past from the 1:2 match. The cases referenced were with the Town of Davidson and the Town of Cornelius (The Boys Club project, however it did not go through).
- The Town of Matthews is willing to adopt most of the provisions in the Challenge Grant guidelines.

**Commissioner Helms entered the meeting.**

Comments

Commissioner Mitchell asked why didn’t the Town of Matthews participate in the program initially. Mayor Myers response was that the Town responded back to the County indicating that they would accept the $5 million, however at the time it was presented the Town of Matthews was not in a position to sign on without having a specific plan.

Commissioner Samuelson asked for clarification on the provisions in the Challenge Grant guidelines that were not acceptable to the Town of Matthews. The response was the 1:2 match.

Mayor Myers said the Town of Matthews was unable to do the 1:2 match because the Town did not have enough money, to come up with enough on a 1:2 split to make the dollars work. He said they needed $10 million.

Commissioner Samuelson asked whether the $5 million that was originally offered to the Town of Matthews had been reallocated somewhere else? Staff’s response was no.

Commissioner James addressed Matthews’ request and reiterated Mayor Myers comments regarding the Town’s inability to do the 1:2 match. He expressed his support for the 1:1 match.

Commissioner Clarke asked why couldn’t the Town of Matthews change its bond referendum request to $7.5 million? The response was that it’s felt that if the bond referendum was more than $5 million it would lessen chances for a successful bond referendum. It was noted that there would be a road improvement bond referendum on the ballot as well for $7.5 million.

Commissioner Samuelson asked could the difference be split, $1.5 million? The response was that if the County gave the Town of Matthews credit for the commitments already made, excluding the recreation center, the Town would “just about be there.”

Commissioner Clarke asked if the Town of Matthews would be able to restrict park usage to its residents only or charge a fee for non-residents? The response from County Attorney Bethune was yes, but that one of the requirements of the Challenge Grant is that the park has to be open to everyone in Mecklenburg County. It was noted that the County currently charges fees at some of its parks for non-residents, mainly those that are on or near the county line.

Commissioner Clarke asked if the Town of Matthews currently charged fees to enter into their park(s) and the response was no.

Commissioner Helms said he felt the Town of Matthews could successfully pass a $7 million bond referendum, especially if the County gave the Town $5 million. Mayor Myers said if the bond referendum was not successful then the Town would be “dead in the water.”
Commissioner Helms asked County Attorney Bethune to clarify what occurred with the Town of Davidson’s Challenge Grant.

Attorney Bethune noted that the Town of Davidson signed the agreement for the 1:2 match and a park was done (1:2). The Town of Davidson then stated that they would give up a portion of their funds for a piece of land that the County could own. In the Town of Cornelius’ case, the County was going to own the land that the Boys and Girls Club would be located on and the Town of Cornelius would develop it.

Attorney Bethune said that these were two situations where the County deviated from the plan because the entity gave up their funds, which would result in the County owning the park or the recreation center. Attorney Bethune stated that although it was a deviation it was still, in essence, a 1:2 match.

General Manager Bobbie Shields noted that the deadline for the Towns to sign the Challenge Grant Interlocal Agreement was November 1, 2003 and that only the Towns of Mint Hill, Cornelius and Davidson signed.

Mayor Myers stated that out of the Towns that signed only one has done anything under and in compliance with the agreement and that was the Town of Davidson. He stated that he believed the reason the others had not done anything was because they can’t meet the 1:2 requirement. He asked the Board to consider giving the Town of Matthews credit for the $1.9 million they have committed.

Attorney Bethune said the original purpose of the Challenge Grant was to leverage County dollars.

Commissioner Samuelson asked would the County have the option of taking half of the County’s $5 million and whatever land is bought with that half the County would own? She stated that in the Town of Matthews case of the $10 million parcel the County would own $2.5 million and Matthews would own the other $7.5 million, thus Matthews contribution to the part of the park they own would be 1:2.

Attorney Bethune said he thought mathematically that would be consistent with what occurred with the Town of Davidson, but whether the property in Matthews was one that the County would want to own was something Park and Recreation would have to address.

County Manager Jones noted that if the County required a 1:2 match then the County’s commitment of land bond funds would be about $3.3 million and Matthews about $6.7. He stated that a 1:1 match would be $5 million.

Mayor Myers said the 1:1 match would be part of their sell strategy for promoting their bond referendum.

Chairman Cox noted that he would want to construct the agreement with the Town of Matthews using the same spirit the County did with Davidson and Cornelius.

Mayor Myers said he was willing to go with the alternative of the County taking title, like in Davidson. He asked that the County put Matthews on par with Davidson and spend the money to buy the land and the County takes title and they would manage it.

Commissioner Puckett said he felt a 1:1 match was still a good deal for the County.

Commissioner Samuelson asked Director of Park and Recreation Wayne Weston to comment on the parcel in Matthews.

Director Weston said he did not foresee a problem as long as the park did not compete with existing parks or parks underway in the area. He said that he would be willing to work with the Town of Matthews in the Master Planning process.
Chairman Cox said he felt the Board was supportive of the proposal but that the discrepancy was around how the deal should be constructed.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to make a special exception to allow the Town of Matthews to execute an interlocal agreement to participate in the Challenge Grant Program, contingent upon the Town of Matthews submitting to the voters in a referendum, a bond referendum in whatever amount they wanted and the County would match it one dollar for two.

Substitute motion was made by Commissioner James, however there was no second, to provide the Town of Matthews up to $4 million following the terms of the land bond agreement and assuming they pass their bond referendum.

Chairman Cox suggested delaying this matter until the next meeting in order to come up with some options that were in concept with what was done with some of the other Towns.

Mayor Myers said he believed their deadline for notifying the Board of Elections in order to place a referendum on the ballot was August 9, 2004.

Substitute motion was made by Commissioner Puckett, seconded by Commissioner James and failed 4-3 with Commissioners Clarke, Cox, Helms, and Mitchell voting no and Commissioners James, Puckett, and Samuelson voting yes, to make a special exception to allow the Town of Matthews to execute an interlocal agreement to participate in the Challenge Grant Program, contingent upon the Town of Matthews submitting to the voters in a referendum, a bond referendum in whatever amount they wanted and the County would match it one dollar for one.

The vote was then taken on the original motion and failed 4-3 with Commissioners Cox, James, Puckett, and Samuelson voting no and Commissioners Clarke, Helms, and Mitchell voting yes.

Chairman Cox asked that staff calendar this matter for the August meeting and to develop some options that would allow the Town of Matthews to do what it wanted to do in a way that was consistent with the County’s practices and policies in the past.

(2A) CLOSED SESSION LAND ACQUISITION

Prior to going into Closed Session Chairman Cox announced that the matter to be discussed in Closed Session was Tax Parcel 075-042-16.

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

*The Board went into Closed Session at 6:03 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 7, 9, 15, and 30.

*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.
(2A1) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to approve the purchase of Tax Parcel #075-042-16 at 2121 Haines Street from Robert T. Drakeford for $58,700.

Note: This property is part of the site to be assembled for the Lincoln Heights Neighborhood Park.

(1A) KEEP MECKLENBURG BEAUTIFUL

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to adopt a resolution supporting the Keep Mecklenburg Beautiful program.

Note: On June 21, 2004, Mecklenburg County was certified as an affiliate of Keep America Beautiful. This resolution will recognize the efforts of the Board of Directors of Keep Mecklenburg Beautiful, Mecklenburg County staff and citizens across the County in preventing litter.

Commissioner Samuelson read the resolution.

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

(1B) RECOGNITION OF PARK AND RECREATION EMPLOYEE

The Board recognized and joined Pastor Alfred C. Harrison, pastor of the Fellowship In Christ Christian Center who presented a plaque to Park and Recreation employee Dora DuBose, Recreation Coordinator for Central Park District 2 in appreciation of her work with the Belmont, Villa Heights, and Optimist Park Communities, and the Fellowship In Christ Christian Center.

Ms. DuBose expressed thanks for this recognition.

(1C) RECOGNIZE SANDY DUPUY - CITIZEN VOLUNTEER OF THE YEAR

This matter was deferred because of the absence of Mrs. DuPuy.

(1D) RECOGNIZE CASCADE AND CHILD DEVELOPMENT - COMMUNITY POLICING PROGRAMS – AMH

The Board recognized and honored the CASCADE and Child Development-Community Policing Programs for receiving honorable mention for the 2004 Wernert Award from the Technical Assistance Collaborative.

Note: The Thomas M. Wernert Award for Innovation in Community Behavioral Healthcare is an annual award that recognizes state, county or community based non-profit organizations providing exemplary behavioral health services. The annual award program identifies and gives national recognition to programs demonstrating innovation and creativity while ensuring community and consumer participation.

CASCADE (Courage and Support for Changing Attitudes, Dependencies and Environments) is a program operated by Area Mental Health, which provides holistic, gender specific substance abuse treatment for adult pregnant, postpartum and parenting women and the children. This program assists women to develop healthy families and lifestyles, and to increase the number of healthy, drug-free babies born to these women.
The Child Development/Community Policing program is a collaboration among the Charlotte-Mecklenburg Police Department, Area Mental Health and DSS Child Protective Services. The program currently operates in 5 of the twelve police districts considered among the highest violent crime districts in the county. This partnership provides immediate assessment, intervention and referral to children impacted by abuse, neglect, violence and other trauma.

Grayce Crockett, Director of Area Mental Health addressed the award.

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

(1E) “READ THIS BOOK” MONTH PROCLAMATION

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, and Samuelson voting yes, to adopt a proclamation designating July 2004 as “Read This Book” Month.

Commissioner Samuelson read the proclamation and noted the books referenced in the Proclamation and selected by the Public Library of Charlotte & Mecklenburg County, one book for each reading level, pre-readers, early readers, adolescents and adults, which were: If You Give a Mouse A Cookie, The Whipping Boy; Eragon and Two Souls Indivisible.

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

Commissioner Puckett returned to the dais.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the public appearance portion of the meeting:

Terry Belk addressed respect for those appearing before the Board. He stated that when he appeared at the June 15, 2004 meeting a Commissioner made a comment and “heckled” him. Mr. Belk stated the following regarding this, “that’s okay too because if I can give it, I can take it but at the same time I want to correct him on something.” “He said it was you all’s meeting. It’s not you all’s meeting. It’s the people of Mecklenburg County meeting.”

Chairman Cox apologized to Mr. Belk on behalf of the Commissioner who heckled him.

Note: The name of the Commissioner was not given.

Christine Simpson addressed difficulties she experienced with those in the medical community. She commented on having been misdiagnosed by doctors.

Chairman Cox referred Ms. Simpson to Deputy County Manager Russ Crider for further follow-up to her concerns.

DeeDee Murphy, Executive Director of Leadership Charlotte addressed the goals of Leadership Charlotte and their upcoming Community Awards program on October 14, 2004.

Susan Lindsay, Joan Thomas, Jeanie Welch, and Mary Pettigrew addressed code enforcement issues, particularly in older neighborhoods. It was noted that these issues were impacting property values. Some of the issues noted were: 1) Failure to maintain communication of process with complainant, 2) No after hours code enforcement, 3) Illegal signs, cars in front yards, burned out houses, junk cars, trash at curbs, weeds, etc., and 4) Illegally parked 18-wheeler trucks and large oil tanker trucks. The need for more zoning inspectors was also expressed.

Note: Ms. Lindsay read a statement from Ms. Diane Langevin, President of the Winterfield Neighborhood Association in her absence. Neighborhoods from the following areas were
represented East Charlotte, West Charlotte, Southwest, and Northeast Charlotte. Pictures were also shared with the Board.

Copies of handouts regarding this issue are on file with the Clerk to the Board.

Commissioner Clarke suggested the County conduct an oversight hearing regarding the question of zoning code enforcement and take a look at how the County was doing in this area; how could it be done better; and how could coordination with the City of Charlotte be improved.

Commissioner Clarke suggested that the Board’s Effective and Efficient Government Committee be given this charge to look into the matter of Code Enforcement and conducting a hearing.

County Manager Jones noted that he and City Manager Pam Syfert have discussed this issue and have agreed to work together on coming up with an approach to make the area of Code Enforcement work better. County Manager Jones stated that staff would follow-up and report back to the Board.

Chairman Cox suggested that this be a matter of priority for the Board’s Strategic Planning Process in the fall.

(3B) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to appoint Rodney Conklin to the Waste Management Advisory Board as recommended by Charlotte City Council for a three-year term expiring July 13, 2007.

(3D) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

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

**Round One**
- Kelly M. Alexander, Jr.  None
- Charles Beard, Jr.  None
- Zerrick Bynum  Commissioner Mitchell
- Charles E. Knox  Commissioners Clarke and Helms
- Ron S. Leeper  None
- James K. Polk  Commissioners James and Samuelson
- Lloyd Scher  None
- Elton L. Shoemaker  Commissioner Puckett
- Christine S. Walker  None

**Round Two**
- Kelly M. Alexander, Jr.  None
- Charles Beard, Jr.  None
- Zerrick Bynum  None
- Charles E. Knox  Commissioners Helms and Mitchell
- Ron S. Leeper  None
- James K. Polk  Commissioner James
- Lloyd Scher  None
- Elton L. Shoemaker  Commissioners Clarke, Cox, Puckett, and Samuelson
- Christine S. Walker  None

**Round Three**
Chairman Cox announced that Elton L. Shoemaker was appointed to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2007. He is replacing Mary Howerton.

**CHARLOTTE CERTIFIED DEVELOPMENT CORPORATION (BUSINESS EXPANSION FUNDING CORPORATION)**

The vote was taken on the following nominees for appointment to the Business Expansion Funding Corporation:

**Round One**
- Mic Alexander: None
- Patricia Conley: None
- John DiCristo: Commissioners Clarke, Helms, and Mitchell
- Sandra Ridings: None
- Todd Taylor: Commissioners Clarke, Cox, James, Puckett, and Samuelson

**Round Two**
- Mic Alexander: None
- Patricia Conley: None
- John DiCristo: Commissioners Clarke and Mitchell
- Sandra Ridings: None
- Todd Taylor: Commissioners Cox, Helms, James, Puckett, and Samuelson

Chairman Cox announced that Todd Taylor was appointed to the Business Expansion Funding Corporation to fill an unexpired term expiring April 30, 2007. He is replacing John Moore.

**PUBLIC BROADCASTING AUTHORITY**

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

- Patricia Lambright: None
- Hattie Leeper: None
- Edward Lewis: Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson

Voting Ceased
- Angela Payne
- Lloyd Scher
- Christopher Whitten

Chairman Cox announced that Edward Lewis was appointed to the Public Broadcasting Authority for a three-year term expiring June 30, 2007.
He is replacing Patricia Norman.

PARK AND RECREATION COMMISSION

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

Southwest Park District
Michael McMahan   Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson

Voting Ceased
Jon Pendleton
Patricia Redd

Northeast Park District
Vickie Lee   Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson

Voting Ceased
Joseph Lee

Northwest Park District
James Hixon   None
Scott McClure   None
Bradley Pearce   Commissioners Clarke, Cox, Helms, James, Puckett, and Samuelson

At-Large

Round One
Victor Alexander   Commissioners Helms and Mitchell
Cassie Brown   None
John Culbertson   None
Marshall Dean   None
Andy Dulin   None
Michael Evans   Commissioner Clarke
James Hixon   None
Vickie Lee   (Previously appointed to Northeast Park District slot)
Joseph Lee   None
Russell Loudermilk   None
Scott McClure   Commissioners Cox, James, Puckett, and Samuelson
Michael McMahan   (Previously appointed to the Southwest slot.)
Paige McThenia   None
Bradley Pearce   (Previously appointed to the Northwest slot.)
Jon Pendleton   None
Patricia Redd   None
Lloyd Scher   None
Paul Strickland   None

Round Two
Victor Alexander   None
Cassie Brown   None
John Culbertson   None
Marshall Dean   None
Andy Dulin   None
Michael Evans   Commissioner Helms
James Hixon   None
Joseph Lee   None
Russell Loudermilk   None
Chairman Cox announced that Vickie Lee was appointed the Park and Recreation Commission as the Northeast Park District Representative, Michael McMahan as the Southwest Park District Representative, Bradley Pearce as the Northwest Park District representative, and Scott McClure as an At-Large representative. Each for a three-term expiring June 30, 2007.

They are replacing Victor Alexander, Karl Froelich, Judy Horn, and William Pickens.

(3C) CMUD

The following person was nominated for appointment to the Charlotte-Mecklenburg Utility Department Advisory Board:

Allen Harrington     by Chairman Cox

The appointment will occur on August 10, 2004.

(3A) CITIZENS CAPITAL BUDGET ADVISORY COMMITTEE APPOINTMENT

Chairman Cox raised the question of whether or not the Board wanted to keep the Citizen’s Capital Budget Advisory Committee in light of the Board’s new standards or that perhaps they should just be asked to ensure that proposals that come before the Board were in compliance with the standards.

Commissioner Mitchell stated that they should be kept as an advisory board. No other comments were made.

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to waive the Board rules regarding term limitation for service on an advisory board and extend the term of Lewis Guignard as a member of the Citizen’s Capital Budget Advisory Committee for 90 days, thus increasing the size of the Citizen’s Capital Budget Advisory Committee temporarily.

Prior to the above vote Commissioner Puckett noted that Mr. Guignard term expires July 31, 2004, however, he is in the middle of an extensive review and analysis regarding Charlotte-Mecklenburg Schools and it would be in the best interest of the committee and the Board to allow him to finish this work and report to the Board.

The vote taken on the following nominees for appointment to the Citizen’s Capital Budget Advisory Committee:

Round One
Jerome Alexander     Commissioners Clarke, Cox, Helms, James, and Mitchell
Thomas Fitch     Commissioners Cox, James, and Puckett
Cynthia Grizzle     Commissioners Helms, James, and Samuelson
Renata Henderson     Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson
Chairman Cox announced that Jerome Alexander, Thomas Fitch, Renata Henderson, and Michael Murdock were appointed to the Citizen’s Capital Budget Advisory Committee for two-year terms expiring July 31, 2007.

They are replacing Lewis Guignard (who term was extended for an additional 90 days), Franklin McCain, Marqx Scott, and Debbie Ware.

Motion was made by Commissioner Puckett, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to appoint Chris Jackson as Chairman of the Citizen’s Capital Budget Advisory Committee for the duration of his term.

(4A) PUBLIC HEARING NAME CHANGE – SECTION OF BRAWLEY LANE TO WILLIAMSGATE LANE

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to open a public hearing to hear citizen’s comments on the proposed renaming of a 0.14 mile non-State maintained section of Brawley Lane to Williamsgate Lane; located westerly from the 3900 block of Oakdale Road and extends from Robinson Church Road northwestwardly to its end at the relocated Brawley Lane.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to close the public hearing on the proposed renaming of a 0.14 mile non-State maintained section of Brawley Lane to Williamsgate Lane; located westerly from the 3900 block of Oakdale Road and extends from Robinson Church Road northwestwardly to its end at the relocated Brawley Lane and approve the renaming of this section of Brawley Lane to Williamsgate Lane.

(4B) CLOSING OF ROADWAYS AND SECTION OF ROADWAYS AND THEIR RIGHTS-OF-WAY IN THE VICINITY OF THE AIRPORT

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to open a public hearing to hear citizen’s comments on the proposed closing of roadways in the Airport area. The roadways for closure are Midwood Drive (SR 1563), 0.20 mile; T trexler Avenue (SR 1593), 0.40 mile; Cathey Drive (SR 1360), 0.17 mile; Freeman Drive (SR 1359), 0.27 mile; Briar Court, 0.06 mile; Bell Avenue, 0.12 mile; First Street, 0.14 mile and Hillcrest Drive (SR 1361), 0.23 mile.

No one appeared to speak.

Motion was made by Commissioner Samuelson, seconded by Commissioner James and
unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to close the public hearing on the proposed closing of roadways in the Airport area and adopt the Order for Closing. The roadways for closure are Midwood Drive (SR 1563), 0.20 mile; Trexler Avenue (SR 1593), 0.40 mile; Cathey Drive (SR 1360), 0.17 mile; Freeman Drive (SR 1359), 0.27 mile; Briar Court, 0.06 mile; Bell Avenue, 0.12 mile; First Street, 0.14 mile and Hillcrest Drive (SR 1361), 0.23 mile.

Order for Closing recorded in full in Minute Book 42-A, Document #

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) RECEIVE MANAGER’S REPORT – CIP RECOMMENDATION AND HIV/AIDS REPORT

CIP Recommendation

County Manager Jones presented his report and recommendations for the 2004-06 capital improvement program (CIP).

County Manager Jones recommended

- A bond referendum in the amount of $69 million for Park and Recreational facilities to be on the November 2004 ballot. This funding would be used for Greenway Development ($25 million), Youth Sports Complexes ($15 million), Phase I of Revolution Park Regional Recreation Center ($5 million) and West Park Development ($24 million). If approved, a portion of the funding would be included in the January 2005 sale.

- Freedom Mall property - The County has the opportunity to address some space needs issues, particularly the relocation of some County departments from leased space. To accommodate these relocations, the mall property will require some renovations. County Manager Jones recommended funding the development of a plan and beginning renovations in the amount of $12 million. There are some additional renovation/major repair needs, primarily for roofs, at the Library and some County buildings that total $2.2 million. Also, the McDowell Street parking deck has some safety and code issues that need to be addressed; the cost estimate for this is $2.4 million. COPs funding is the County Manager’s recommendation for these Government Facilities.

- Expansion at Jail North - recommended that the Board conduct an additional review of this proposed expansion, including further input from staff on the CCBAC’s recommendation, before funding this project.

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

The following persons spoke in support of a fall Park and Recreation bond referendum: William Chandler, Chairman of the Park and Recreation Commission and members Robert Patterson and William Brawley.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Helms, Mitchell, Puckett, and Samuelson voting yes, to authorize the County Manager to proceed with the process necessary to begin the work for a bond referendum on November 2, 2004 for $69,000,000 for Park and Recreation facilities and that the Manager report back to the Board on a suggested plan for the sell of those bonds in January 2005 or thereafter.

HIV/AIDS Report

It was noted that during the budget process $315,000 was placed in restricted contingency to address the issue of HIV/AIDS and that because of the Board’s summer schedule staff feels that
it will not be able to meet the deadline for removal of those funds from restricted contingency within 90 days as originally planned.

County Manager Jones asked the Board to refer the HIV/AIDS presentation that was going to be made to the Board per questions raised during the budget process to the Board’s Community Health and Safety Committee or other appropriate committee as determined by staff, to allow for due diligence regarding this matter so that staff can then report back to the Board perhaps in September.

It was the consensus of the Board to refer this matter to the appropriate Board Committee as determined by staff.

(37) WEST PARK IN THIRD WARD UPDATE

The Board received an update on site options for West Park in Third Ward.

Mark Hahn, Director of Real Estate Services and Wayne Weston, Director of Park and Recreation gave the update.

Commissioner Samuelson suggested the County get some type of okay from the City of Charlotte that the City was willing to work with the County on the different phases of the project before the County has a referendum placed on the ballot. She stated that she would not want a situation where the County got the money approved and then later the City informs the County that it’ll take seven years for them to deal with the road closures and the County only has seven years to issue the bonds.

Commissioner Samuelson asked if timing wise would the County be okay?

Director Hahn stated that staff would have to check with the City regarding their capital program to determine when the City could come on board with the road changes based on the County’s starting date. He noted that the City was currently conducting a Center City transportation and street study and that out of this should come a capital program.

Commissioner Samuelson said she would like some type of dialogue to occur with the City regarding this issue prior to a referendum being held.

County Manager Jones said staff would make this request to the City.

Chairman Cox suggested a meeting be held with Debra Campbell, Planning Director and that a representative from the Board be involved in that meeting.

Commissioner Samuelson volunteered to be the Board’s representative.

Per questions raised by Commissioner James regarding the size and design of the park, it was noted that once funding was secured staff would start a detailed designed process.

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

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to approve the following item(s) with the exception of Items 7, 9, 15, and 30 to be voted upon separately:

(8) ADDITIONAL POSITIONS AT THE DEPARTMENT OF SOCIAL SERVICES
Establish 2 positions at the Department of Social Services to determine Medicaid eligibility for the Physicians Reach Out Program.

(10) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $680.00 for Land Use & Environmental Services, $2,487.00 for the Health Department, $4,200 for Park & Recreation and $5,738.00 for Area Mental Health.

*Note: All reimbursements were for stolen and damaged items.*

(11) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $412,247.50 resulting from clerical errors, audits and other amendments.

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

(12) CLEAN AIR ACT SECTION 105 GRANT AWARD AMENDMENT

Recognize, receive, and appropriate $28,207 in additional Clean Air Act Section 105 Grant revenue.

(13) ALL HAZARD MITIGATION PLANNING GRANT – LUESA

1) Recognize, receive and appropriate $75,000 in Pre Disaster Mitigation funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.

2) Authorize the County Manager to execute a contract with the N.C. Department of Crime Control and Public Safety, Division of Emergency Management for Pre-Disaster Mitigation Planning Assistance.

(14) CAPITAL PROJECT ORDINANCE – COURTHOUSE

Amend the Court Facilities Approved in November 2, 1999 Referendum Capital Project Ordinance.

*Note: This will provide budgetary authority for contracts for the Courthouse project.*

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

(16) BRADFORD DISTRICT PARK DEVELOPMENT

1) Adopt a Resolution Approving a Development Agreement and Lease for Bradford District Park with the Town of Huntersville.

2) Amend the Park and Recreation Approved in November 2, 1999 Referendum Capital Project Ordinance, and

3) Approve an Architectural Firm to Design Phase II of the Park.

*Resolution and Agreement recorded in full in Minute Book 42-A, Document #*

*Ordinance recorded in full in Minute Book 42-A, Document #*
(17) ARCHITECTURAL/ENGINEERING AND PROGRAMMING SERVICES – BEHAVIORAL HEALTH CENTER

Approve authorizing the County Manager to negotiate a fee and execute a contract with Gantt Huberman Architects PLLC, for Architectural/Engineering Services for addition to the Behavioral Health Center and associated renovations and systems modifications; and in the event negotiations with this firm are unsuccessful, approve negotiations with Issacs + Associates Architects.

(18) USE OF AREA MENTAL HEALTH BUILDINGS

Approve request to provide County-owned space at no cost to contract service providers who must provide services within close proximity to other support therapies/services located at the Mecklenburg County Area Mental Health Authority campus at 429 Billingsley Road and at the Men’s Shelter.

(19) INTERLOCAL TAX COLLECTION WITH THE TOWN OF CORNELIUS

Adopt resolution authorizing Mecklenburg County to enter into an agreement for the County to collect real estate and personal property taxes for the Town of Cornelius.

Resolution and Agreement recorded in full in Minute Book 42-A, Document #

(20) AGREEMENT – NORTH CAROLINA FORESTRY SERVICE

Approve “Agreement for the Protection, Development, and Improvement of Forest Land in Mecklenburg County” with the North Carolina Department of Environment and Natural Resources.

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

(21) QUEENS UNIVERSITY OF CHARLOTTE / MPRD PARTNERSHIP

Approve Resolution Approving a Lease with Queens University of Charlotte for a Sports Complex at the Marion Diehl Park.

Resolution and Agreement recorded in full in Minute Book 42-A, Document #

(22) GRANT APPLICATION WITH U.S. DEPARTMENT OF JUSTICE—SHERIFF’S OFFICE

Authorize application and recognize, receive and appropriate funds when received. Furthermore, recognize and appropriate interest income earned on this grant during the term of the grant in accordance with grant requirements.

(23) SHERIFF’S SPECIAL REVENUE FUND

Recognize, receive and appropriate for the Sheriff’s Special Revenue Fund:

(a) $14,000 from Inmate Commissary sales
(b) $15,500 from Seized Assets
(c) $100,000 from Concealed Handgun Permit fees.
1) Authorize the County Manager to negotiate and execute an Agreement for the Administration of the Public Art Program for Mecklenburg County.

2) Receive and approve the Arts and Science Council Public Art Work Plan-FY2005 for Mecklenburg County.

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

### CHILD DEVELOPMENT-COMMUNITY POLICING - AMH

Approve, recognize, receive and appropriate $257,437.34 from the North Carolina Governor’s Crime Commission for the Child Development-Community Policing – Area Mental Health Program.

### APPOINTMENT OF PUBLIC ART COMMISSIONERS

Appoint the following individuals as County representatives on the Public Art Commission for 2005: Mary Hopper (Community Representative), Deb Ryan (Education Representative), and Mike Adams (Business Representative).

### SALE OF LAND TO HABITAT FOR HUMANITY OF CHARLOTTE

Adopt a resolution to authorize the sale all of Tax Parcels 077-081-04, 077-082-07, -06, -04 and -02 in Druid Hills, 065-049-11 on Clay Avenue and 063-014-05 on S. Linwood Avenue to Habitat for Humanity of Charlotte for $120,000.

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

### SALE OF LAND TO HERITAGE INVESTMENTS OF NC, LLC

Adopt Resolution Authorizing the Sale of Approximately One (1) Acre of Surplus County Property Located At West Sugar Creek Road (All of Tax Parcels 043-114-09 and 043-114-14 to Heritage Investments of NC, LLC for $35,500, with the sale proceeds deposited in the County Facilities Special Revenue Fund.

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

### LAND EXCHANGE WITH HERITAGE INVESTMENTS OF NC, LLC

Adopt a resolution entitled: Mecklenburg County Board of Commissioners Resolution Authorizing the Exchange of Tax Parcel 043-114-13 on West Sugar Creek Road for Tax Parcel 075-042-30 on Irma Street.

*Note: Tax Parcel 075-042-30 is owned by Heritage Investments of NC, LLC.*

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

### CONSERVATION EASEMENT – NCDOT

Approve/authorize the County Manager to negotiate and execute a conservation easement and permanent access easement to NCDOT on +/- 13 acres of Mecklenburg County property located...
along Back Creek (tax parcels 051-134-66 and 051-133-35).

(32)  **ACQUISITION OF TANKER/PUMPER TRUCK**

Adopt resolution approving the incurrence by Mallard Creek Volunteer Fire Department and Rescue Services, Inc. of up to $250,000 indebtedness from BB&T Governmental Finance to finance the acquisition of various fire equipment and a pumper/tanker truck.

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

(33)  **MECKLENBURG COUNTY AQUATIC CENTER CAPITAL RESERVE REQUEST**

Authorize a capital reserve expenditure not to exceed $45,000 from funds accrued through aquatic revenues for improvements at the Mecklenburg County Aquatic Center.

(34)  **MECKLENBURG COUNTY GOLF COURSE CAPITAL RESERVE REQUEST**

Authorize a capital reserve expenditure not to exceed $55,000 from funds accrued through golf revenues to conduct an independent operational review of Mecklenburg County’s five municipal golf courses.

(35)  **SURPLUS MECKLENBURG COUNTY VAN DONATION TO URBAN STREET OUTREACH MINISTRIES**

Adopt resolution authorizing the disposal of surplus property and the donation of a surplus County owned van (1998 Chevrolet G-3500 Van #3368 with 136,000 miles which the County no longer needs) to Urban Street Outreach Ministry, Incorporated.

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

(36)  **FREEDOM MALL EXPANSION REQUEST**

ITEM WAS REMOVED FROM THE AGENDA

**THIS CONCLUDED ITEMS APPROVED BY CONSENT.**

(7)  **APPROVAL OF MINUTES**

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Helms, Mitchell, Puckett, and Samuelson voting yes, to approve minutes of Regular Meeting held June 1, 2004, June 15th and 16th 2004, Closed Session Minutes of June 15th 2004, and Special Meeting held May 11, 2004.

Commissioner Puckett removed this matter from consent in order to note for the record that at the June 15, 2004 meeting he mistakenly voted in the affirmative on Item (29d) Operating Budget and Work Program For FY04-05, Straw Votes Volunteer Fire – Matthews to add back into the budget funding for the Volunteer Fire Department (Matthews) in the amount of $67,500 with $67,500 being deducted from Undesignated Technology Reserve.

Commissioner Puckett noted this because he could not request that his vote be changed at this point in the process.
(9) CHARLOTTE/MECKLENBURG AIR AWARENESS FUNDS

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Helms, Mitchell, Puckett, and Samuelson voting yes, to recognize, receive and appropriate $53,916 in funding from the State of North Carolina for Charlotte/Mecklenburg Region Air Awareness coordinator and program.

Commissioner Clarke removed this item from consent for more public awareness and to get clarification regarding the position involved. The response was that this was not a new position.

(15) PLANNING COMMISSION INTERLOCAL AGREEMENT

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Helms, Mitchell, Puckett, and Samuelson voting yes, to adopt a Resolution approving revised Planning Commission Interlocal Cooperation Agreement.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION APPROVING 2004 PLANNING COMMISSION INTERLOCAL COOPERATION AGREEMENT

WHEREAS, North Carolina General Statute 160A-460, et seq., authorizes units of local government to jointly exercise any function which they have been granted the power to exercise alone, or to contract with the other for the exercise of any governmental function which they have been granted the power to exercise alone, and to enter into contracts and agreements to specify the details of these joint undertakings; and

WHEREAS, Mecklenburg County and the City of Charlotte entered into an Interlocal Cooperation Agreement with respect to the Planning Commission in 1988, which was amended in 1992 to reflect changes in the attendance requirements for Planning Commission members; and

WHEREAS, in the fall of 2003 the City and the County negotiated changes to the Planning Commission Interlocal Agreement with respect to selection of the Planning Director and a new process for the City to obtain Mecklenburg County's input into documents produced by the Planning Commission for adoption by the Charlotte City Council such as area plans and text amendments to land use ordinances, to include a procedure for County and Board of Education staff to be involved in the Planning Commission's process for developing drafts of such documents, and for the Board of County Commissioners to use the same process for soliciting input from the City Council on adoption and amendment of parks master plans; now, therefore, be it

RESOLVED, that the Chairman of the Board of County Commissioners is hereby authorized and directed to execute the Planning Commission Interlocal Cooperation Agreement in substantially the form attached to this Resolution, with any necessary minor additions, deletions or changes, and this Resolution shall be spread upon the Minutes of the Board of County Commissioners.

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

Chairman Cox removed this item from consent for more public awareness and to highlight that the agreement calls for the City to seek County input on certain matters.

(30) CONSERVATION EASEMENT - HODGES PROPERTY

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to approve/authorize the County Manager to negotiate and execute a conservation easement on property owned by William and Linda Hodges located along Lake Wylie (portions of tax parcels 217-191-65, 217-191-19, 217-191-48).

Commissioner Samuelson removed this item from consent for more public awareness.
(36.5) REQUEST CHANGE IN EMPLOYMENT STATUS OF RELATIVE – SHERIFF’S OFFICE

Motion was made by Commissioner James, seconded by Commissioner and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to approve the Sheriff to employ his son as a full-time employee (currently in part-time status) for approximately six-months (thirteen pay periods) until he completes the hiring process with another law enforcement agency.

(38) STATE OF THE ENVIRONMENT REPORT 2004

The Board received the State of the Environment Report 2004.

The report was given by Laura Cummings, Environmental Policy Administrator with Land Use and Environmental Services Agency (LUESA).

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

(39) PUBLIC FORUM REGARDING ENVIRONMENTAL IMPACTS

The Board received a report from Nancy Bryant regarding the need for a public forum to address environmental regulatory issues and the process that would be used.

General Manager Bobbie Shields introduced Ms. Bryant and noted that staff was supportive of a public forum being held.

Note: The forum would take place on a weeknight the first week in October from 7:00 p.m.-9:00 pm. at the Government Center.

Motion was made by Commissioner Clarke, seconded by Commissioner Helms and unanimously carried with Commissioners Clarke, Cox, James, Helms, Mitchell, Puckett, and Samuelson voting yes, to direct the Mecklenburg County Environmental Policy Coordinating Council (EPC) and the Land Use and Environmental Services Agency (LUESA) to organize a public forum to assess the need for additional regulation pertaining to the environmental impacts of major development projects.

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

(40) NEW GOVERNMENT DISTRICT PARKING DECK PROJECT – BUDGET UPDATE

The Board received an update on the budget of the New Government District Parking Deck. Mark Hahn, Director of Real Estate Services gave the update and noted the following:

At the June 16, 2004 Board of County Commissioners meeting, staff informed the Board that the new parking deck was over budget, and that a value engineering process had been initiated to bring the project back within budget.

Based on bids received at the end of June with approximately 95% of the construction having been bid out, the project with approximately 1,000 deck spaces is currently within budget. Major items that were deleted to bring the project back within budget included one level of parking and the steel canopy in the plaza area across from the new courthouse. In order to mitigate the loss of one level of parking, approximately half of the proposed retail space was converted into parking spaces, resulting in a net loss of only 117 spaces. The estimated cost to add major items back into the project follows:

- One level of parking: $1,000,000
- Steel Canopy at Plaza: $1,180,000
A copy of the rendering of the original design and current design is on file with the Clerk to the Board.

(41) NEW GOVERNMENT DISTRICT PARKING DECK PROJECT – AWARD CONSTRUCTION CONTRACTS:

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Helms, Mitchell, Puckett, and Samuelson voting yes, to award construction contracts for the following bid packages to the contractors and in the amounts indicated:

<table>
<thead>
<tr>
<th>Bid Package</th>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steel and Misc.</td>
<td>Daniel Metals, Inc.</td>
<td>$1,195,000</td>
</tr>
<tr>
<td>Metal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Precast Concrete</td>
<td>Tyndall Corporation</td>
<td>$7,609,460</td>
</tr>
<tr>
<td>Painting</td>
<td>Coatings 2000, Inc.</td>
<td>$49,490</td>
</tr>
<tr>
<td>Waterproofing</td>
<td>ABG Caulking, Inc.</td>
<td>$139,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$8,992,950</td>
</tr>
</tbody>
</table>

(42) BRIAR CREEK GREENWAY

Nancy Brunnemer with Real Estate Services addressed a proposed resolution approving a Briar Creek Greenway Agreement with E. C. Griffith Company et. al. and the specifics of the agreement.

John Woodlief spoke in opposition to the proposed resolution and agreement.

A copy of Mr. Woodlief’s statement is on file with the Clerk to the Board.

Attorney Bethune noted that there were several statements made by Mr. Woodlief that in his opinion were incorrect.

Chairman Cox asked Attorney Bethune to state what those matters were.

Attorney Bethune noted the following:

- He was not sure what Mr. Weston said to Mr. Woodlief concerning this issue but that before this matter was placed on the agenda he spoke with Director Weston and Director Weston indicated his support of the agreement.
- Although Mr. Woodlief stated the agreement was not effective because it was not signed by all of the parties, the agreement specifically indicates in paragraph 16 that it won’t be effective until all parties have signed.
- The reason the agreement has not been signed by the Catawba Lands Conservancy is because their Board of Directors won’t meet until September. The matter has been discussed with their staff and they have expressed support of the agreement. However, if their Board of Directors choose not to sign then the agreement would not be affective relative to anything that happens on the other side of the creek.
- The greenway trail shown on the map in red on the orange property, the agreement just recites that the County would get all of those agreements prepared and recorded by a certain date, perhaps December.
- Mr. Woodlief continues to use the word “circumvent” as if E. C. Griffith Company has intentional done something to try and thwart the process, however he has not seen anything to make him believe that was true.
- In response to Mr. Woodlief’s comments regarding public input, normally what would happen in this kind of detail relative to how a greenway trail goes and how much land a developer chooses to dedicate to the County is simply done among Planning Commission staff, the developer, and Park and Recreation staff. Just as it has been done in this case but in this case somewhat after the fact, since the Planning Commission staff failed to
notify Park and Recreation staff.

- Actually this matter has had more public input then almost any other he’s aware of because it has appeared before the Board of County Commissioners now on three occasions.

Attorney Bethune stated that there were other issues that he could address but he summarized by saying, to the best of his knowledge this is consistent with the principles the County is trying to achieve with the Greenway Plan. He stated that it gives the County something that it otherwise would not have, which was the greenway trail through the land that’s in yellow on the map provided.

Nancy Woodlief spoke in opposition to the proposed resolution and agreement. She asked the Board to evaluate what it would be receiving in return for waiving its right to object to the subdivision permit.

Attorney Bethune noted in response to comments made by Mrs. Woodlief that there was no statutory right at this point to object to the subdivision because one would have had to object within 30 days after it was approved.

Attorney Bethune said what the County was waiving was its right to try to bring a lawsuit to achieve something for which he could not find any legal support to achieve.

Attorney Bethune summarized and said he felt what the County was doing was putting an end to its even possibility of trying to revoke the subdivision permit. He stated that was something the Woodlief’s themselves were attempting to do and that the courts would decide if they have a right to do it. Further, that he wasn’t aware of any legal right the County has to do that under the current circumstances.

Commissioner Clarke asked to be excused from voting on the Briar Creek Greenway matter regarding an agreement with E.C. Griffith Company et.al. to avoid a conflict of interest. He stated that he discovered that one of his partners did work for E.C. Griffith Company on a regular basis, however he was not involved in this case.

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to excuse Commissioner Clarke from voting on the Briar Creek Greenway matter regarding an agreement with E.C. Griffith Company et.al.

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

Commissioner James commented that if the County did not approve the proposed resolution and agreement then the County would have to do what the Woodlief’s suggested, which was to hold up the project.

Attorney Bethune clarified that the County could not “hold up” the project, unless the Board decides it wants to acquire the four lots. He stated that the County could hold up any development of the property that saids “area to be protected” but that nothing could be done in that area anyway under current regulations.

Motion was made by Commissioner Samuelson, seconded by Commissioner Helms and carried 5-1 with Commissioners Cox, Helms, Mitchell, Puckett, and Samuelson voting yes and Commissioner James voting no, to adopt Resolution Approving Briar Creek Greenway Agreement with E.C. Griffith Company et. al.

**Resolution and Agreement recorded in full in Minute Book 42-A, Documents #**

**Commissioner Clarke returned to the dais.**

(43) **MECKLENBURG COUNTY FIRE/INSURANCE DISTRICTS**
Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to adopt a resolution approving Mecklenburg County Fire/Insurance Districts, entitled Mecklenburg County Board of Commissioners Resolution Approving Insurance District Boundaries. Secondly, to request that the County Manager report back to the Board with a recommendation on population, unincorporated area or unincorporated area evaluation as it relates to funding of volunteer fire departments.

Commissioner James commented prior to the above vote that the question that needed to be addressed was if the County is providing funding for the unincorporated area then should the County only use a flat funding when some of the volunteer fire departments have huge populations or huge unincorporated area and others don’t have much of anything.

Resolution recorded in full in Minute Book 42-A, Document 

Copies of the maps are on file with the Clerk to the Board.

(44) MATTHEWS-MORNING STAR VOLUNTEER FIRE DEPARTMENT, INC. – FUNDING AGREEMENT

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 5-2 with Commissioners Clarke, James, Helms, Mitchell, and Samuelson voting yes, and Commissioners Cox and Puckett voting no, to approve a one-year funding agreement for the Matthews-Morning Star Volunteer Fire Department, Inc.

Agreement recorded in full in Minute Book 42-A, Document 

(45) CULTURAL FACILITY MASTER PLAN IMPLEMENTATION PROPOSAL

The Board received a report from Dan Prickett, Arts and Science Council Board Chairman, regarding the Cultural Facility Master Plan and a funding request to support a 1200-seat Theater.

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

Commissioner James addressed the figures that were listed as tax revenue from estimated investment in real and personal property on page 2 of the report. He noted that this was an area of concern that he would be looking at very closely.

Commissioner Puckett expressed concern for economic development in areas other than downtown Charlotte. He noted that he hopes when staff reports back on this matter that the report includes not only the details of numbers noted in the report but also on how the numbers relate to investment county-wide and to the total the County is investing in economic development.

Commissioner Helms stated that he felt it needs to be kept in mind that this type of investment was not just something for the inner city but for the County as a whole. He said the infrastructure just happens to be in the inner city. He said that he agreed with Commissioner Puckett that there needs to be an honest appraisal of what this means. He feels it would show that this investment would affect citizens from one end of the County to the other in a positive way.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to authorize the County Manager and his staff to work with the City Manager, Wachovia, and the Arts and Science Council staff to address the outstanding issues related to the 1200-seat Theater and bring a report back to the Board by September of this year. Further, that staff be authorized to work with the Arts and Science Council on community cultural centers, the Carolina Raptor Center and auxiliary facility and report back to the Board as specific proposals and funding needs are identified.
(46) 2005 MEDICAL PLAN RATES

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to approve the changes to the medical plan rates for 2005 and corresponding policy changes in support of those rates.

Note: Medical rates will be increased 15% for the Enhanced PPO plan and 12% for the Standard plan effective January 1, 2005. In addition, the Board requested that staff develop different rates for tobacco users, which will apply in 2005 to regular employees but not retirees and dependents.

Susan Hutchins, Director of Human Resources addressed this issue.

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

(47) SELECTION OF VOTING DELEGATE FOR NCACC ANNUAL CONFERENCE

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to appoint Commissioner Norman Mitchell as the Board’s voting delegate for the 2004 Annual NCACC Conference to be held August 19-22 in Asheville, N. C.

(48) NAMING OF THE COUNTY COURTHOUSE

Commissioner Puckett addressed his request to the Board to consider naming the new County courthouse that’s under construction after former/late President Ronald Reagan.

Motion was made by Commissioner Puckett, seconded by Commissioner James, to name the new courthouse that’s under construction after former President Ronald Wilson Reagan.

The following person spoke in opposition of naming the new County Courthouse after former President Ronald Reagan: Terry Belk. Mr. Belk stated that President Reagan was a good man but not a good President. He then noted things that occurred under President Reagan’s administration. Mr. Belk suggested that the citizens of Mecklenburg County be given the opportunity to provide input on what the name of the new courthouse should be and/or to comment on recommendations from the Board.

The following person spoke in support of naming the new County Courthouse after former President Ronald Reagan: Mark Alexander Palmer. Mr. Palmer read a letter that was written by Mrs. Reagan regarding her husband.

Note: *Lloyd Scher, former Commissioner was present but had to leave prior to the discussion of this issue, however his opposition was noted by Chairman Cox. A copy of a statement regarding this matter that was left by former Commissioner Scher is on file with the Clerk to the Board.

Commissioner Samuelson expressed concern for the cost of doing this since funds were not budgeted to do this.

Substitute motion was made by Commissioner James but failed to get a second, to instruct the County Manager to hire a statistician to conduct a poll for the purpose of determining if the voters of Mecklenburg County wish to name the Mecklenburg County courthouse after President Ronald Wilson Reagan and that staff report back in 30 days.

Commissioner Helms said he felt a courthouse should not be named after politicians. He noted further that there were various members of the County’s judiciary that would be just as deserving.
of such an honor. However, he feels the courthouse should be named the Mecklenburg County Courthouse.

Commissioner Mitchell suggested that perhaps there was something else that could be named after President Reagan rather than the new courthouse, which he feels should be named the Mecklenburg County Courthouse.

Commissioner Samuelson asked Commissioner Helms if he would be willing to commit at this time to saying that if he is still on the Board at the time of the opening of the new courthouse that he would join her in supporting the name being the Mecklenburg County Courthouse and his response was yes.

Chairman Cox noted that he was not supportive of naming the courthouse after any individual.

He noted also that he would be supportive of appointing a committee to consider an appropriate recognition for President Reagan if that was the desire of the Board.

Substitute motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 6-1 with Commissioners Clarke, Cox, Helms, James, Puckett, and Samuelson voting yes and Commissioner Mitchell voting no, to establish a nine-member committee comprised of three elected officials from the Board of County Commissioners, Charlotte City Council and the Board of Education with appointments being made by the Chairs of each elected body with the objective that the committee be balanced; that the committee be charged with the task of coming up with recommendation(s) on naming an appropriate public facility or landmark after President Ronald Wilson Reagan; that the committee go about their work in a diligent fashion and report back to their respective board’s when they’re ready.

Note: Each Commissioner that expressed their concerns stated that their comments in no way were to be taken as a negative reflection of President Reagan, whom they each respected.

(49) “BUY AMERICAN”

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to instruct the County Manager and staff to begin gathering information on the potential cost of “buying American” including both the cost to bidders and contractors submitting bids to Mecklenburg County thus: 1) Prohibiting employee/subcontractor outsourcing” to other countries (outside the United States) 2) Prohibiting contract/subcontract construction or delivery systems to companies outside the United States.

(50) ADOPTION AND FOSTER CARE BY UNMARRIED COUPLES

Commissioner James addressed his request concerning adoption and foster care by unmarried couples.

The following persons spoke in opposition to Commissioner James’ request and asked the Board to think of the children in need of care and love. It was noted by some of the speakers that Commissioner James’ proposal was discriminatory and prejudice.

Rev. Mick Hinson
Katie Henderson
Alex Wagaman
Rev. Tonyia Rawls
Beverly Mitzel
Ashley Grier

Motion was made by Commissioner James, seconded by Commissioner Puckett and failed 6-1 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, and Samuelson voting no and
Commissioner James voting yes, to request that the General Assembly clarify the current legal uncertainty surrounding the State’s position regarding adoption and foster care applications by unmarried couples living in conjugal relationships and others; and reach a consensus on two significant foster/adoptive care issues during the upcoming 2005 “long” legislative session.

(51) POLICY FOR ANNUAL PAY ADJUSTMENTS FOR SHERIFF, REGISTER OF DEEDS, AND BOARD OF COUNTY COMMISSIONERS

Commissioner Puckett addressed the establishment of a policy for annual pay adjustments for the Sheriff, Register of Deeds and Board of County Commissioners and stated that he would like to send this matter the Board’s Effective and Efficient Government Committee.

It was the consensus of the Board to refer this matter to the appropriate Board Committee as determined by staff.

(52) CMS FUNDING FRAMEWORK

Chairman Cox addressed a proposed CMS Funding Framework, which was provided as information. He asked that the Board instruct the County Manager to define various parameters in the Funding Formula and to report back to the Board.

It was the consensus of the Board to have the County Manager do some calculations on what was presented and to report back.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:55 P.M.

Janice S. Paige, Clerk

Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

AUGUST 10, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, August 10, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, H. Parks Helms
Bill James, Norman A. Mitchell, Sr.
Jim Puckett, Dan Ramirez,
Ruth Samuelson, and Valerie 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-

(1) STAFF BRIEFINGS – NONE

(2A/B) CLOSED SESSION LAND ACQUISITION AND PERSONNEL MATTER

Prior to going into Closed Session Chairman Cox announced that the land acquisition matters to be discussed in Closed Session were Tax Parcels:

- #077-076-17
- #009-111-19 and 009-111-11
- # 095-102-55

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

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:00 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 16, 22, and 24.

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

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-FORMAL SESSION-

1
Commissioner Woodard was absent when the Formal Session was called to order and until noted in the minutes.

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

Commissioner Woodard entered the meeting.

(2A1) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Samuelson, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve acquisition of Tax Parcel #077-076-17 at 1400 Norris Avenue for Druid Hills Park from Joe Howey and Eunice Sistare Howey for $140,000.

(2A2) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a resolution of intent to exchange a portion of Tax Parcel 009-111-19 at North Mecklenburg Park for a portion of Tax Parcel 009-111-11 to be added to this park.

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

(2A3) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Puckett, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase of .186-acre portion of Tax Parcel # 095-102-55 from Austin Seagrave for $8,917 for the Briar Creek Greenway.

(1A) RECOGNITION SANDY DUPUY

The Board recognized Sandy DuPuy, chairperson of the Mecklenburg County Consumer and Family Advisory Committee for Area Mental Health, for being named Citizen Volunteer of the Year by the North Carolina Council of Community Programs.

Note: Grayce Crockett, Director of Area Mental Health stood in for Mrs. DuPuy who was unable to be present because of a death in her family.

(1B) RECOGNITION REPRESENTATIVE MARTHA ALEXANDER

The Board recognized Representative Martha Alexander for being named the 2004 State Leadership award winner by the North Carolina Council of Community Programs.

Representative Alexander thanked the Board for recognizing her.

(1C) RECOGNITION INFORMATION SERVICES & TECHNOLOGY

The Board recognized the Information Services & Technology Department for receiving the 2004 Blue Diamond Award given by the Charlotte Chamber of Commerce and the 2004 Ralph W. Ketner Employee Productivity Award given by the North Carolina Association of County
Commissioners.

Note: This was the Department’s third Blue Diamond Award for excellence in the use of technology.

IST’s Geographic Information Systems (GIS) Division won the award for the creation of POLARIS, a mapping and data program that allows customers to access all public information about land parcels and homes including aerial and ground-level photography.

The 2004 Ralph W. Ketner Employee Productivity Award given by the North Carolina Association of County Commissioners was for the County’s Real Estate Lookup (RE/LOOKUP) System.

Mecklenburg County’s Real Estate Lookup (RE/LOOKUP) System provides a wealth of information to County residents about property values, ownership, unpaid taxes, tax collection history, and much more.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Diane English and Michael Marsicano addressed the Crossroads Charlotte Project, which is an outgrowth of the 2000 Social Capital Benchmark Survey. The Crossroads Charlotte Project is aimed at forging a consensus around one vision for the future of Charlotte-Mecklenburg. Those involved will be looking 10 years ahead and developing four plausible futures. There will be between 40-50 lead institutions involved from the public, private and non-profit sectors. A list of those that have signed up to participate was shared with the Board.

Commissioners were invited to participate.

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

Jeff Wise with Whitewater Park, Inc. thanked the Board for partnering with Whitewater for the U. S. National Whitewater Center at historic Tuckesegee Ford Park. An engraved paddle was presented to the Board as a token of appreciation.

Brooke Gibson, Cheryl Steele, and Amy Massey addressed an upcoming fundraiser sponsored by Crew Charlotte, Inc. a non-profit organization that supports commercial real estate professionals in the Charlotte region. They announced that on September 11, 2004 they would be having their second annual charity fundraiser, with proceeds going to support the Women’s Commission and Habitat for Humanity of Charlotte.

Donna Jenkins Dawson addressed Youth and Family Services. She noted that Jack Stratton had planned to be with her but that he was ill. She said that when you hear Youth and Family Services you “think of something that would help to encourage and cultivate diversity tolerance; raise our children up to be heroes; you think of family and communities being of one.” Ms. Dawson said that this was not the case with the County’s Youth and Family Services Department. She then referenced the Stratton case, noting that the Stratton’s children were taken from them because they were of a diverse culture. She said that this has left the Stratton’s with very little hope. She noted that she would continue to voice her concerns as a concerned parent and citizen. She also expressed her interest in serving on an advisory board and stated that she has applied for several.

APPPOINTMENTS

(3A) CHAIRMAN FOR ABC BOARD

The vote was taken on the following members of the Alcoholic Beverage Control Board for Chairman:

John L. Chanon Commissioners Cox, James, Puckett, Ramirez, and Samuelson
Chairman Cox announced that John Chanon was appointed Chairman of the Alcoholic Beverage Control Board for the duration of his term.

*Note: The Board asked that in light of the resignation of William Seymour that this opening be advertised and scheduled for the Board’s September 8, 2004 meeting, at which the Board would nominate and make an appointment to fill this vacancy.*

*Chairman Cox noted that because of the importance of this Board and the nature of its work that it was important that this vacancy be filled as soon as possible.*

(3B) **TOWN OF MINT HILL PLANNING BOARD**

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Thomas N. Gatz to the Mint Hill Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Mint Hill Board of Commissioners for a term expiring June 30, 2006.

(3C) **CMUD ADVISORY COMMITTEE**

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Allen Harrington to the Charlotte-Mecklenburg Utility Department as the real estate development representative for a three-year term expiring June 30, 2007.

*He replaces Marvin Wyant.*

(3D) **NOMINATIONS/APPOINTMENTS**

**AIR QUALITY COMMISSION**

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Nancy Bryant, Kimberly Holley, Gordon Miller, and Michele Sinn to the Air Quality Commission for three-year terms expiring August 31, 2007.

**BOARD OF MOTOR VEHICLE REVIEW**

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Shirley Floyd, Brenda Jackson, and Charles Roberts, Jr. to the Board of Motor Vehicle Review for a one-year expiring July 18, 2007.

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to waive the Board’s term limitation policy and reappoint James Bowers and Eric Little to the Board of Motor Vehicle Review for a one-year expiring July 18, 2007. Secondly, to reappoint Eric Little as Chairman for the duration of his term.
CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Sandra Caldwell, Eshe Glover, Hal Markowitz, Howard McClure, Jr., and Kathleen Smith to the Community Relations Committee for three-year terms expiring September 1, 2007.

The following persons were nominated for appointment to the Community Relations Committee:

Philip Bell by Commissioner Woodard
Felicia Green by Commissioner Samuelson
James McCoy by Commissioner Mitchell
Donna North by Commissioner Helms
Connie Vetter by Commissioner Helms

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close nominations to the Community Relations Committee.

An appointment will occur on September 8, 2004.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Helms, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reassign Stephanie Taylor who is currently serving on the Park and Recreation Commission as the Northern Towns representative to represent the North district for the remainder of her term.

Wayne Weston, Director of Park and Recreation addressed this issue prior to the above vote. He noted that Ms. Taylor had also served in the capacity of the North Park District representative on occasions.

Note: Kevin Young, who was the North Park District representative recently resigned. There were no applicants eligible to fill this slot, however current member Stephanie Taylor serving as the Northern Towns representative asked to be placed in the North Park District slot. The above action now leaves open the Northern Towns slot.

Motion was made by Commissioner Puckett, seconded by Commissioner Helms and carried 8-1 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, and Woodard voting yes and Commissioner Samuelson voting no, to keep nominations open for the Northern Town slot and to direct the Clerk to readvertise in order to get more applications for consideration.

WASTE MANAGEMENT ADVISORY BOARD

Commissioner Woodard nominated Shawn Brady for appointment to the Waste Management Advisory Board.

The appointment will occur on September 8, 2004.

PUBLIC HEARINGS

(4A) REAL ESTATE EXCISE TAX REFUND
Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to hold a hearing on a request by the Law Offices of McMillan & Terry, P. A. for reimbursement of North Carolina excise tax in the amount of $221.00.

McMillan & Terry, P. A. incorrectly filed a General Warranty Deed in Mecklenburg County. The property subject to the deed is located in Union County and has since been recorded in Union County.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the hearing on a request by the Law Offices of McMillan & Terry, P. A. for reimbursement of North Carolina excise tax in the amount of $221.00 and approve the reimbursement.

(4B) REAL ESTATE EXCISE TAX REFUND

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to hold a hearing on a request by the Law Offices of Morris & Schneider, P.C. for reimbursement of North Carolina excise tax in the amount of $1,374.00.

Morris & Schneider, P. C. incorrectly filed a General Warranty Deed in Mecklenburg County. The property subject to the deed is located in Union County and has since been recorded in Union County.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the hearing on a request by the Law Offices of Morris & Schneider, P.C. for reimbursement of North Carolina excise tax in the amount of $1,374.00 and approve the reimbursement.

ADVISORY COMMITTEE REPORT

(5A) PARTNERS FOR PARKS

The Board received as information an update on the Partners for Parks Foundation.

Brad Davis gave the report. Doug Youngblood accompanied him at the podium.

Highlights:
- Partners for Parks is a private, non-profit, non-partisan foundation that seeks to promote and enhance parks, recreation, open space, and neighborhoods throughout Mecklenburg County and the surrounding area.
- Its mission is to improve the quality of life for citizens within the area through the improvement of parks.
- Funds raised support programs throughout the park and recreation system.
- Over this past year Partners for Parks administered around $250,000 in funds for 27 projects.
- They are involved in the Little Sugar Creek Greenway project and applied for grants, which they received to fund the staff positions of Community Liaison for Little Sugar Creek Greenway.
These positions will be responsible for educating on the benefits of the greenway, building constituency support, and fundraising.

The staff positions are paid for by Partners for Parks and managed on a daily basis by the Park and Recreation Department.

Anyone wanting more information regarding Partners for Parks may contact Brad Davis at 704-333-0325.

**Commissioners Puckett and Ramirez left the dais and were away until noted in the minutes.**

**MANAGER’S REPORT**

**6A) THREE-YEAR STRATEGIC BUSINESS PLAN**

Motion was made by Commissioner Samuelson, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Samuelson, and Woodard voting yes, to approve the FY2005-2007 Strategic Business Plan.

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

**Commissioners Puckett and Ramirez returned to the dais.**

**6B) LAND BONDS CHALLENGE PROGRAM – STATUS REPORT AND OPTIONS**

Motion was made by Commissioner Helms, seconded by Commissioner James, to authorize the County Manager to negotiate and execute Challenge Grant Program interlocal agreements with the Town of Matthews, Huntersville, and Pineville as outlined in Option 2 below, if the Town Board, by vote, requests another chance to participate in the Challenge Grant Program; and contingent upon the Town’s making a request to participate in the Program.

Substitute motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to negotiate and execute Challenge Grant Program interlocal agreements with the Town of Matthews, Huntersville, and Pineville as outlined in Option 2 below, if the Town Board, by vote, requests another chance to participate in the Challenge Grant Program; and contingent upon the Town’s making a request to participate in the Program by January 1, 2005.

*Option 2. Allow non-participating Towns another chance to participate*

- Continues the Challenge Grant Program but gives non-participating Towns another chance to sign an interlocal agreement
- Continues to provide flexibility, per Section VI, to amend the Agreement or approve a supplemental agreement to accommodate special requests
- Could satisfy the recent special requests if Mecklenburg County uses a portion of the funds allocated to the Towns to acquire and own property, which may be managed by the Towns and may be contiguous to property they own.

**6C) CHARLOTTE KNIGHTS BALLPARK REPORT**

The Board received a report from the Charlotte Knights organization. The Knights asked the Board to consider making available to the Charlotte Knights a parcel of land owned by the County in Third Ward to be used for a baseball stadium.

Don Beaver, CEO for the Charlotte Knights, Tom Chema and Patrick Zohn, gave the report.

The following persons appeared to speak:
Tom Sykes’ remarks:
- He commented on other sites, particularly Memorial Stadium and how this site could easily be converted for another type of sport.
- The BOCC entered into a covenant with the voters in 2001 to support an innovative concept called land banking bonds.
- The parcel in question during the 2001 bond campaign was to be considered for use as a park.
- The voters are expecting a park in this area because that was what they were told in 2001.
- The BOCC should “stay the course.”

Mark Alexander Palmer’s remarks:
- He addressed the Elmwood and Pinewood Cemeteries noting that these were active cemeteries.
- There is concern that some in the Fourth Ward neighborhood and surrounding area want to turn the cemetery into some type of park like area with greenways going through it.
- Something of this nature would disturb burial plots.
- CATS staff is considering widening Smith Street with a greenway going through it and on down 5th and 6th Streets rather than through the cemetery.
- He is not opposed to the Knights request as long as it doesn’t interfere with Elmwood and Pinewood cemeteries.

Richard West’s remarks, a member of the Third Ward Neighborhood Association:
- He supports the property being used as a park.
- He’s not opposed to baseball but feels it’s not the appropriate place for a stadium.
- The addition more people in the Third Ward area as a result of Johnson and Wales and the multi mobile transit station already impacts the area.
- Per correspondence with Park and Recreation Commissioner Laura McClettie, she is against a baseball stadium on the property in question.
- He suggested splitting the bond referendum in order to avoid confusion. Have one for the park, one for baseball and one for the balance of the projects.
- To not specify what the funds would be used for will be confusing to the public.
- The bond should be split for simplicity purposes.
- He supports the park because of flexibility.

Beth Springstone’s remarks, a resident of Third Ward:
- She loves parks and would never turn one down but from the examples of successful parks shown at a park planning meeting, they were all in cities that were extremely dense.
- Charlotte does not have that type of density.
- She never received an answer at the park planning meeting to her question on how would Charlotte develop the kind of traffic needed for a successful park.
- Without the traffic that’s needed it will be a “pretty place of green” like Marshall park.
- She also posed the question of why would workers Uptown walk to a park?
- Why would residents of Third Ward and Fourth Ward walk to another park when they already have parks?
- Why would anyone outside of Uptown come to this park?
- There would have to be something for people to come to over and over again.
- Although the football stadium is in this area, it’s “dead” a lot of the time except for when there is a game taking place.
- A baseball stadium “could” be a great reason to come into Uptown/Third Ward and serve as a bridge between Uptown and Third Ward.
- A baseball stadium would allow something to be done with the land now rather than it not being used until sometime in the future.
- The Whitewater project is a great example of some creative financing and cooperation between different entities.
- She would like to see a baseball stadium if it had park area around it and used for festivals and to bring some vibrancy to this “dead” area.
- Keep in mind that there are a lot of residents in this area and they will be impacted by whatever decision is made.
The residents of this area need to be included in the planning for this area.

Comments
Commissioner Samuelson noted and/or asked the following:
- She took issue with the comment made regarding “people won’t walk.”
- She noted that in that statement the presenter was implying that the only fans that would come to ball games were those that worked Uptown.
- She would challenge the assumption made that walking or walking from Uptown was necessarily the criteria. She noted that people would just as well walk to other sites.

The Knights’ response was that when they speak of “walkability” of ballpark they talk about it in terms of what they have seen replicated in other cities. It was stated that the “gate” is increased if you have a ballpark in the core of the city. However, this was not to say that people in the other seven sites who live close to it would not necessarily walk. The Knights are looking at this from the perspective of what’s the site that maximizes the ability to capture a large population around the ballpark. It was noted further that when it comes to ballparks there were two markets, the family market where families will drive to the ballpark. The second market if a ballpark is placed in the right location is the business market, which is the market the Knights currently do not have and would never have in a suburban or destination location here in Charlotte-Mecklenburg because there is too much competition for that in Charlotte-Mecklenburg.

Commissioner Samuelson said she understood that but wanted to make the point that when the Knights say people “won’t walk” what they really mean is that Uptown business people won’t walk but “the reality is people will walk.”

- The Knights do run the risk of losing some of their family market because a lot of families she knows won’t go Uptown.
- Commissioner Samuelson asked the Knights to keep in mind that their existing fan base has some concern.
- She noted that there was now available Uptown another 20-acre parcel located off West Morehead Street within walking distance. She encouraged the Knights to look into this property being handled by Bissell.
- Commissioner Samuelson clarified that when it came to Civitas and their wanting another site, that this had been checked and those other sites are not available.
- Therefore, the Board does not have any other options if it wants a park Uptown.
- Commissioner Samuelson asked if the Third Ward site was “so good” economically, why do the Knights still need financial assistance from the County?

The response was that every site has pluses and minuses. They have tried to determine which site would maximize the private investment and they feel the Third Ward site is that site. It was noted further that the Knights would look into the site noted by Commissioner Samuelson off West Morehead Street, however, 100% financing by the Knights for the capital cost of building the building was not possible with any of the sites. It was stated that there would not be enough revenue generated from the ballpark to do this.

Commissioner James noted and/or asked the following:
- What was the estimated cost of building a ballpark of the nature the Knights desire? The response was somewhere in the neighborhood of $32 million - $34 million.
- He feels this issue is about money.
- The County has a site that’s worth $24 million and in order to put a baseball stadium on that site, the Knights are willing to come up with $17 million, which is roughly half of the cost approximately.
- The County would have to come up with $17 million in construction cost; plus the County would have to donate the $24 million in land, roughly a $41 million investment on the County’s part.
- A $41 million investment of this nature has not been on any three, five, or ten-year capital plan.
- The County has a list of requests from people wanting things and the Knights would just be another one.
The problem he has other than the fact that he has a general issue with funding sports, he doesn’t believe it’s a County responsibility.

He would consider allowing the Knights to use or borrow against the Memorial Stadium site because it’s already a stadium.

He stated that the County still owes $24 million in bonds on the Third Ward property.

The public was told that the land bonds would be used for a park and a variety of other things.

The County did not specifically ask the public if a baseball stadium was an appropriate use for the $220 in land bonds.

If the County were to spend it on a baseball stadium the County would be violating the 2010 Plan, which said it should be some type of open park with highrises around it.

He does not think the County can afford to do what the Knights were requesting.

The County would have to draft the Bond ballot initiative, narrowly construed and defined enough as to specifically exclude arenas and stadiums.

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He does not think the County can afford to do what the Knights were requesting.

The County would have to draft the Bond ballot initiative, narrowly construed and defined enough as to specifically exclude arenas and stadiums.

Motion was made by Commissioner Woodard, seconded by Commissioner James to move forward the Park in Third Ward and that the Board’s Baseball Committee look at other alternatives the County has control over for presentation to the Knights for locating a baseball stadium by some time in September.

Commissioner Ramirez expressed his support for this matter going to the Baseball Committee for further review.

Substitute motion was made by Commissioner Helms, seconded by Commissioner Mitchell to refer the issue of the Knights request to the Board’s Baseball Committee for further consideration. Secondly, that the Committee consult with staff, the director of Park and Recreation, members of the Park and Recreation Commission, and Gateway Consultant on alternatives that might be considered.

Commissioner Helms noted the following:

- When the County purchased the land in Third Ward the intention at that time was that it be used for a park.
- It was also the County’s intention to work with Charlotte City Council on the possibility of this being the site for an uptown basketball arena, however the County could never negotiate with the City on the siting of an arena.
- He’s not sure which is better for the site, a park or baseball stadium, but that anytime you have a private entity, such as the Knights, saying they will give the County $17 million consideration should be given.
- The County doesn’t need to give them this land. They don’t have to own the land. The County can own the land. They are willing to construct a stadium that the County could own and lease to the Knights, if that’s the desire of the Board.
- He would not want this site, if it were a park to end up like Marshall Park.
- He thinks it’s inappropriate to close out any options to determine what is in the best interest of the taxpayers’ dollars that they want to use for recreational purposes.
- The public/private aspects of these needs to be considered.
- Even if the County put $24 million in this site in the next four to six years, it’s a long way from becoming the kind of open space that Central Park is in Manhattan because it is a place that’s surrounded by residential structures where people go out and that’s the only place they have. Mecklenburg County doesn’t have the density for that and may never have it.
- Let’s not preclude the opportunity to discuss the best and highest use of this land and best use of the taxpayers’ dollars.

Commissioner Puckett noted the following:

- Expressed support for the substitute motion.
- He feels the Third Ward site was a “perfect” site for minor league baseball, however the County is not a “venture capitalist.”
- He supports the substitute motion because it does provide the opportunity for further review of the Knights request.
• He encouraged the Baseball Committee to look at the numbers very closely and that if they can show the return on the investment that pays for it, he may be willing to support it.

Commissioner Mitchell expressed his support of the substitute motion. He noted the following:
• The County was in a dilemma because the citizens were promised a park.
• He’s afraid that if this matter is not done right then there’s a strong possibility that it might be very difficult to get future bonds past in the community.
• The Board doesn’t want to lose the citizens’ trust.
• Third Ward is an excellent site, however, what the Board promised the citizens of Mecklenburg County was a park.

Commissioner Clarke expressed support of the substitute motion and noted the following:
• The Third Ward site does have a lot of advantages, but also consequences as it relates to action the Board will be taking later in the meeting regarding a November Park and Recreation Bond Referendum.
• He stated that per what happens with this matter being taken to the Baseball Committee, the development money in the November Bond Referendum would decrease.

Chairman Cox asked if the November bond referendum could be sized on September 8, 2004? The response was that it could be decreased but not increased. To increase it, would mean starting the process all over again and holding Special Meetings in August, in order to meet the required timeframe for steps to be taken for holding a November bond referendum.

Commissioner Samuelson noted that personally she doesn’t want $24 million on the ballot in November for a park or stadium because she thinks it’s premature. She doesn’t mind waiting two years.

Commissioner Samuelson suggested amending the substitute motion, which was not accepted by the makers of the substitute motion, to send the matter to the Board’s Baseball Committee with the understanding that the $24 million would not be placed on the November referendum for either a park or baseball stadium because this was an issue that’s yet to be resolved.

Commissioner Woodard noted the following:
• Both projects are good for economic development but it needs to be kept in mind that the citizens were told that this would be a park.
• Maintaining the public’s trust is important.

Commissioner James asked about the language used on referendums. He asked about the latest date the Board could restrict the dollars through the wording of the referendum to ensure that the bond referendum amount cannot and will not be used for an arena or a stadium. The response was that the last specific date was unknown but that it could be done on September 8, 2004.

Commissioner James noted that he would actively campaign against the Park and Recreation bond issue “if there is any chance that there is an arena or a stadium” that that money could be used for.

The vote was then taken on the substitute motion and carried 7-2 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, and Samuelson voting yes and Commissioners James and Woodard voting no.

Chairman Cox asked the County Manager to place the Knights matter back on the Board’s September 8, 2004 agenda.

Commissioners Woodard and Mitchell left the dais and were away until noted in the minutes.

(6D) INTERIM HEALTH DIRECTOR

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 7-0
with Commissioners Clarke, Cox, Helms, James, Puckett, Ramirez, and Samuelson voting yes, to appoint Dr. Wynn Mabry as the Interim Health Director pursuant to G.S. 130A-40, effective September 1, 2004.

CONSENT ITEMS

Motion was made by Commissioner Puckett, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Clarke, Cox, Helms, James, Puckett, Ramirez, and Samuelson voting yes, to approve the following item(s) with the exception of Items 16, 22, and 24 to be voted upon separately:

(7) APPROVAL OF MINUTES


(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $433,914.60 resulting from clerical errors, audits and other amendments.

A list of the taxpayers to receive refunds is on file with the Clerk to the Board.

(9) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT

Decrease Section 103 Federal grant revenue by $13,000 to align the Particulate Matter 2.5 budget with the actual allocation received from EPA.

(10) 911 SURCHARGE SPECIAL REVENUE FUND

Recognize and appropriate to MEDIC $1,700,000, the estimated County share of 911 Surcharge Special Revenue Fund to be received in FY05.

Note: A portion of the proceeds from the 911 surcharge on telephone exchange access lines imposed by the City of Charlotte are being allocated to MEDIC in accordance with the City/County Joint Undertaking Agreement, Amended September 2001. The appropriation for FY05 is based upon the estimated distribution allocation budget provided by the City. MEDIC can only use the funds for the lease, purchase or maintenance of emergency telephone equipment as defined in the North Carolina General Statute 60A-4.

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

Recognize and appropriate $950,000 in fee revenue for expenditure in the Register of Deeds Enhancement/Preservation Special Revenue Fund.

(12) 2001 SCATTERED SITE GRANT CLOSE OUT – SET PUBLIC HEARING

Set a public hearing for September 8, 2004 at 6:30 p.m. for the Close-out of the Scattered Site Housing Grant #CDBG 01-C-0803, and authorize the Clerk to the Board to publish Notice of the hearing in the newspaper.

(13) 2004 SCATTERED SITE HOUSING GRANT – RESOLUTIONS
Adopt the following Resolutions:

1. “Mecklenburg County Community Development Block Grant Scattered Site Housing Program CDBG #04-C-1236 Program Initiation Manual Resolution,” which adopts the Program Initiation Manual for the Scattered Site Housing Grant #CDBG 04-C-1236 and approves the policies and plans specific to the grant.

2. “Resolution Authorizing Mecklenburg County Director of Finance And His Designees To Sign Signatory Form For The Community Development Block Grant Program Grant #04-C-1236.”

Resolutions recorded in full in Minute Book 42-A, Documents #

(14) AREA MENTAL HEALTH AUTHORITY FOURTH QUARTER FY 2004 REPORT

Recognize and receive the Fourth Quarter 2004 Area Mental Health Authority Report.

Noted below is the Financial Management portion of the report.

III. Financial Management:

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<th>Revenue Source</th>
<th>Budgeted Revenue</th>
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<td><strong>87%</strong></td>
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<table>
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<tr>
<th>Service Continuum</th>
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<td><strong>$74,758,513</strong></td>
<td><strong>87%</strong></td>
</tr>
</tbody>
</table>

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

(15) COLONEL FRANCIS J. BEATTY DISTRICT PARK - PHASE 2

Award a construction contract to T.K. Browne Construction Company, Inc. in the amount of $2,050,500.00 for the Colonel Francis J. Beatty District Park-Phase 2 Project.

Note: The proposed work comprises of the construction of a restroom/ vending building, one large picnic shelter, two softball fields, walking trail with eight picnic pads, one volleyball court, and one horseshoe court.
(17) NEW COURTHOUSE PROJECT - CONTRACT FOR TELECOMMUNICATIONS

Award construction contract for the Telecommunications bid package to Network Cabling Systems, Inc. in the amount of $592,116.

Note: This is part of the new Courthouse Project.

(18) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

Adopt Resolutions that set a public hearing on September 8, 2004 on Street Lighting Preliminary Assessment Rolls for the Ridgewood Subdivision and Northpark Business Park.

Resolutions recorded in full in Minute Book 42-A, Documents #

(19) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

Adopt a Resolution that sets a public hearing on September 8, 2004 on Mecklenburg County’s participation in the Street Lighting Assessment project for the Highland Park Subdivision.

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

(20) NC HEALTHY WEIGHT INITIATIVE GRANT OPPORTUNITY

Authorize the Health Department to apply for funding from the NC Healthy Weight Initiative in the amount of $15,000 for the period September 15, 2004 through May 30, 2005 to support the Fit City Challenge Initiative.

(21) ADDITIONAL CITY FUNDING FOR THE COUNTY WATER QUALITY PROGRAM

Recognize, receive and appropriate $538,500 from the City of Charlotte Storm Water Services Division for the County Water Quality Program.

Note: Additional equipment is needed that was not budgeted for in FY05 to supplement current monitoring efforts with enhanced storm water and continuous water quality monitoring capabilities. The $444,000 necessary for the purchase of this equipment is being provided by the City of Charlotte. Also, an amendment is needed to the existing contract with TetraTech, a private consultant, for the development of a water quality model in support of the current post-construction ordinance development process. Of the $135,000 necessary for the completion of this additional modeling, $94,500 will be paid by the City.

(23) MECKLENBURG COUNTY ABC BOARD GRANT AWARD

Recognize, receive and appropriate $10,000 from the Mecklenburg County ABC Board for the Fighting Back Alcohol Awareness Month in April 2005.

(25) LUESA FEE ORDINANCE – AMEND

Amend the LUESA fee ordinance to provide additional code enforcement services; and recognize, receive and appropriate $150,000 in fees from overtime inspections.
(26) SOLID WASTE CAPITAL RESERVE FUNDS

Approve appropriating $3,500,000 from the Solid Waste Enterprise Fund Unrestricted Net Assets to the Solid Waste Management Facilities Capital Reserve Fund and $307,600 from the Solid Waste Enterprise Fund Unrestricted Net Assets to the Foxhole Landfill Capital Reserve Fund.

(27) FY05 GOVERNOR’S CRIME COMMISSION GRANT AWARD – ELECTRONIC COURTROOM

Recognize, receive and appropriate the following grant award from the Governor’s Crime Commission in the amount of $58,901.50.

1. Alexander Youth Network – MST Intervention for Court-Involved Youth
   Grant Number 060-1-03-015-AK-101  (Award Amount:  $150,448.89)

2. Summit House – Substance Abuse Program
   Grant Number 060-1-04-013-AD-133 (Award Amount:  $18,431.93)

(28) FY05 GOVERNOR’S CRIME COMMISSION GRANT AWARD – ELECTRONIC COURTROOM

Recognize, receive and appropriate the following grant award from the Governor’s Crime Commission in the amount of $58,901.50 (Trial Court Administrator – Electronic Courtroom Grant Number 060-1-04-15B-AD-064).

(29) ORDER OF COLLECTION – 2004 AD VALOREM TAXES

Authorize the Tax Collector to collect 2004 ad valorem taxes.

Order of Collection recorded in full in Minute Book 42-A, Document #

THI 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

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

(16) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT

Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 6-0 with Commissioners Clarke, Cox, Helms, James, Ramirez, and Samuelson voting yes, to adopt Resolution Authorizing Sale of Personal Property by Public Auctions, public and electronic auction.

Note: The electronic auction will take place on the 7th day of September, 2004 at 4:00 pm, and public auctions on the 18th day of September, 2004 at 10:00 am and on the 20th day of October 2004 at 10:00 am, the surplus property described on Exhibits A, B and C, as per the terms and conditions in accordance with G.S. 160A-270(b) and in compliance with County policies. The locations for these auctions are: September 7th 3301 Rotary Drive and Amble Drive, Charlotte, North Carolina; September 18th 3301 Rotary Drive and October 20th 15401 Holbrooks Road, Huntersville, North Carolina.
Resolution recorded in full in minute book 42-A, Document #

Commissioners Puckett and Mitchell returned to the dais.

(22) PHILIP MORRIS, USA GRANT AWARD – WOMEN’S COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to recognize, receive and appropriate the $8,000 grant awarded to the Women’s Commission by Philip Morris, USA.

Each year the Women’s Commission, with community participation, holds an annual Child Observer’s “HERO” Holiday Celebration for the child witnesses that participate in the services of the Domestic Violence Unit. This grant submission will help fund the December 2004 Holiday Celebration.

Commissioner Woodard returned to the dais.

(24) RECEIPT OF RENTAL FUNDS - 9TH AND BREVARD STREETS IN FIRST WARD

Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize receipt of funds in the amount of $56,400 for rental of building at 9th and Brevard Streets in First Ward, and appropriate funds for management of site.

(30) NOVEMBER 2, 2004 BOND REFERENDUM

RESOLUTION MAKING REQUIRED FINDINGS

Commissioner H. Parks Helms introduced the following resolution and moved that it be adopted, Commissioner Norman A. Mitchell, Sr. seconded that motion, and the resolution was read by title:

RESOLVED that the Board of Commissioners of the County of Mecklenburg hereby makes the following factual findings:

Description of the project: Bonds in the maximum principal amount of $69,000,000 are proposed to be issued for various park and recreation projects.

Facts regarding necessity of proposed projects: The proposed projects are necessary and expedient because present facilities are inadequate to meet the needs in the community.

Facts supporting the amount of bonds proposed: The amount of bonds proposed is adequate and not excessive for the proposed purposes based on present estimates.

Past debt management policies: The County has in the past always appropriated funds in accordance with North Carolina law during each fiscal year in an amount sufficient to retire all principal and interest on indebtedness.

Past budgetary and fiscal management policies: The County has always adopted its budget in a timely manner in accordance with North Carolina statutory requirements and has obtained an unqualified opinion from a certified public accountant in connection with each annual audit.

Retirement of Debt: Any increase in the County’s property tax rate resulting from issuance of the proposed bonds is not excessive.

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner H. Parks Helms moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Norman A. Mitchell, Sr., and the bond order was read by title:

“BOND ORDER AUTHORIZING THE ISSUANCE OF $69,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG”

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

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

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

Section 1. The Board determines that it is necessary to provide 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.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds, which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be $69,000,000.

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

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

Section 5. 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 Dumont Clarke, Tom Cox, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard

NAYS: None

* * *

RESOLUTION AUTHORIZING PUBLIC HEARING

Commissioner H. Parks, Helms moved the adoption of the following resolution, the motion was seconded by Norman A. Mitchell, Sr. and the resolution was briefly described to the Board:

WHEREAS, the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $69,000,000 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 10, 2004, 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 8, 2004.

The Clerk to the Board is hereby directed to cause a copy of the bond order to be published with the notice of 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 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 Dumont Clarke, Tom Cox, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard

NAYS: None

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to acknowledge publication of Notice of Intent to apply to the Local Government Commission for a November 2, 2004 Referendum, and filing of Application with the Local Government Commission.

Resolution and Extracts recorded in full in Minute Book 42-A, Document #
• Commissioner Samuelson said to her it still seems premature to be taking the above action, which is why she’s hesitant to include the $24 million.
• Gary Hill spoke in support of the bonds.
• Tom Sykes spoke in support of the bonds.

(31) INTEREST RATE SWAP RESOLUTION

Commissioner Bill James introduced the following resolution, the title of which was read:

RESOLUTION AUTHORIZING THE COUNTY TO ENTER INTO INTEREST RATE SWAP AGREEMENTS AND RELATED AGREEMENTS AND AUTHORIZING THE COUNTY TO FILE AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL THEREOF

BE IT RESOLVED by the Board of Commissioners of the County.

Section 1. The Board of Commissioners has determined and does hereby find and declare as follows:
(a) In January 2005, the County wants to issue general obligation bonds from one or more voted bond authorizations completed prior to the date hereof and to enter into a fixed rate installment financing certificate of participation transaction.
(b) After consideration and consultation with financial advisors to the County, the Board of Commissioners has determined that the County is likely to achieve economic benefits from issuing some or all of those obligations as variable rate obligations (the “2005 Obligations”) and entering into one or more forward-starting, fixed rate swap agreements (the “Swap Agreements”) relating to the 2005 Obligations in September 2004, effective when the 2005 Obligations are issued in January 2005. By entering into the Swap Agreements in September 2004, the County can lock in fixed interest rates with respect to the 2005 Obligations at favorable interest rates, instead of risking higher fixed interest rates when the 2005 Obligations are issued.
(c) Under the Swap Agreements, the Counterparty will agree to make variable interest rate payments based on an index approximating the variable rate on the 2005 Obligations on a notional amount corresponding to the principal amount of the 2005 Obligations, and the County will agree to pay the Counterparty fixed rate interest payments on the same notional principal amount.

Section 2. Subject to the limitations set forth in this resolution, the Director of Finance of the County is hereby authorized to negotiate on behalf of the County an arrangement for one or more Swap Agreements as described above and related agreements. The Director of Finance is hereby authorized to execute and deliver the final Swap Agreements on behalf of the County. The initial notional amount with respect to which the payments under the Swap Agreements relate shall not exceed $150,000,000.

Section 3. The Director of Finance is hereby authorized to file an application of the County with the North Carolina Local Government Commission for approval of the County entering into Swap Agreements and related agreements, and the North Carolina Local Government Commission is hereby requested to approve the same. In connection with the Local Government Commission’s consideration of such application, the Board makes the following findings and determinations:
The annual audits of the County show the County to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.
That entering into the Swap Agreements and related agreements is necessary or expedient.
No increases in taxes are expected to be necessary to enable the County to make the payments expected to be required with respect to the Swap Agreements or related agreements.

Section 4. Public Resources Advisory Group will serve as swap advisor for the County. The Director of Finance in consultation with the swap advisor will determine the counterparty or counterparties.

Section 5. All officials and staff members of the County are each hereby authorized to execute on behalf of the County the various certificates, proofs, instruments or other documents to be executed in connection with the delivery of the Swap Agreements and related agreements. All actions previously taken by the County and its representatives in connection therewith are hereby ratified and approved.

Section 6. This resolution shall take effect upon its passage.

The foregoing resolution was seconded by Commissioner Ruth Samuelson and adopted by the following vote:

AYES: Commissioners Dumont Clarke, Tom Cox, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard

NAYS: None

Resolution and Extracts recorded in full in Minute Book 42-4, Document #

(32) MIDTOWN REDEVELOPMENT PROJECT
Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and carried 8-1 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes and Commissioner James voting no, to direct the County Manager to work with the City of Charlotte and the Midtown Redevelopment Team to negotiate a development agreement that would address the issues raised by Board’s Economic Development Committee regarding the Midtown Redevelopment Project.

Note: The Economic Development Committee raised the following issues/concerns:
- The project must demonstrate the public purpose that would be served by the County’s participation;
- The project must provide separation between vehicular and pedestrian traffic to facilitate safe access to the greenway;
- Urban design standards must take into account the County’s greenway master plan concepts;
- The project must allow for the proper handling of trash along and within the greenway park;
- The project must address the impacts that storage of vehicles may have on air quality;
- The project must result in positive net revenue to the County throughout the term of a development agreement.

Commissioner Samuelson left the dais and was away for the remainder of the meeting.

ADJOURNMENT

Motion was made by Commissioner Puckett, seconded by Commissioner James, and carried 8-0, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:50 P.M.

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in a Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 10:45 a.m. on Tuesday, August 24, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms Bill James, Norman A. Mitchell, Sr. Jim Puckett, and Ruth Samuelson County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioners Dan Ramirez and Valerie Woodard

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

The Board met in Special Meeting session for the purpose of awarding a construction contract for the Hot Water System Pipe Replacement at Jail Central, and to take action as may be deemed appropriate.

(1) JAIL CENTRAL PROJECT - CONTRACT FOR HOT WATER SYSTEM PIPE REPLACEMENT

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, to award a construction contract for Hot Water System Pipe Replacement at Jail Central to P.C. Godfrey, Inc. in the amount of $1,200,000.

Note: Commissioner Puckett entered the meeting prior to the above vote being taken.

The Hot Water System Piping Replacement is required due to a pipe failure that has occurred in the Hot Water System of Jail Central. An engineering analysis has determined that all of the 2” galvanized pipe in this system needs to be replaced.

Also, prior to the above vote and in response to a question raised by Chairman Cox, Robert Lutz with Real Estate Services explained why there was a big difference in cost between the low bidder, P.C. Godfrey, Inc. and the other bidders. Mr. Lutz stated the difference was because P.C. Godfrey was more familiar with Jail Central conditions and the other bidders added in additional costs because of unknown conditions.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Samuelson, and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, and Samuelson voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:55 A.M.

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, September 8, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms Bill James, Norman A. Mitchell, Sr. Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie 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 started shortly after 5:00 p.m. because of a previous Special Meeting of the Board.

-INFORMAL SESSION-

(1) STAFF BRIEFINGS – NONE

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

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

Tax Parcel # 095-102-54 at 1905 Arnold Drive
Tax Parcel #075-042-21 at 2014 Haines Street, #075-042-17 at 2028 Haines Street and #075-043-20 on Kennesaw Drive.

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to go into Closed Session to discuss Land Acquisition and to Consult with Attorney regarding US Airways Group, Inc. and subsidiaries.

The Board went into Closed Session at 5:33 p.m. and came back into Open Session at 6:05
Commissioner Ramirez 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 13, 16, and 18.

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

-FORMAL SESSION-

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

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

(1) PROCLAMATION FAMILY DAY

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and carried 7-0 with Commissioners Cox, Helms, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to adopt a proclamation designating September 27, 2004 as Family Day – A Day to Eat Dinner With Your Children.

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

(2A1) CLOSED SESSION - LAND ACQUISITION

Motion was made by Commissioner Samuelson, seconded by Commissioner James and carried 7-0 with Commissioners Cox, Helms, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to approve the purchase of .16-acre portion of Tax Parcel # 095-102-54 at 1905 Arnold Drive from Samuel Joseph Todd IV for $7,823 for the Briar Creek Greenway.

(2) PUBLIC APPEARANCE

No one appeared to speak during public appearance.
APPOINTMENTS

(3A) TOWN OF HUNTERSVILLE PLANNING BOARD

Motion was made by Commissioner Samuelson, seconded by Commissioner James and carried 7-0 with Commissioners Cox, Helms, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to appoint Gordon L. Barber to the Huntersville Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Huntersville Board of Commissioners.

(3B) NOMINATIONS/APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment to the Alcoholic Beverage Control Board:

Zerrick Bynum by Commissioner Samuelson
Charles E. Knox Jr. by Commissioner Puckett
James Polk by Commissioner Samuelson
Don Reid by Commissioner Ramirez
Paul Strickland by Commissioner Ramirez
Charles Teal by Chairman Cox
Charles Thrift by Chairman Cox

Motion was made by Commissioner Puckett, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Cox, Helms, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to close nominations to the Alcoholic Beverage Control Board.

An appointment will occur on September 21, 2004.

COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Community Relations Committee:

Round One
Philip Bell None
Felicia Green Commissioners Cox, Ramirez, and Samuelson
James McCoy Commissioners Mitchell and Puckett
Donna North Commissioner Helms
Connie Vetter None

Round Two
Philip Bell None
Commissioners Clarke and Woodard entered the meeting at this time.

(5A) ADVISORY COMMITTEE REPORT

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive as information the Mecklenburg County Consumer and Family Advisory Committee Annual 2003-2004 Report and affirm that they are the advocate for persons with disabilities, mental health and related issues, thus the advocacy group for the Area Mental Health Authority and the Area Mental Health Board.

Sandy DuPuy, Chairman of the Consumer and Family Advisory Committee gave the report.

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

PUBLIC HEARINGS

(4A) STREET LIGHTING FINAL ASSESSMENT ROLLS

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson,
and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all the property owners in the Ridgewood and Northpark Business Park Subdivisions.

Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing on Street Lighting Preliminary Assessment Rolls for Ridgewood and Northpark Business Park Subdivisions.

No one appeared to speak.

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing and adopt Final Assessment Roll Resolutions for the Ridgewood and Northpark Business Park Subdivisions.

Resolved recorded in full in Minute Book 42-A, Document #

(4B) STREET LIGHTING PROGRAM APPROVAL FOR NEW SUBDIVISION

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all the property owners in the Highland Park Subdivision.

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing on the Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Highland Park Subdivision.

No one appeared to speak.

Motion was made by Commissioner Samuelson, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing and adopt Final Assessment Resolution for the Highland Park subdivision.

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

(4C) 2001 SCATTERED SITE GRANT CLOSE-OUT

Motion was made by Commissioner Clarke, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing for the Close-Out of the
Scattered Site Housing Grant #CDBG 01-C-0803.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing for the Close-Out of the Scattered Site Housing Grant #CDBG 01-C-0803 and authorize the submission of the close-out documentation to the NC Department of Commerce, Division of Community Assistance.

Note: North Carolina Department of Commerce, Division of Community Assistance grant procedures requires a Public Hearing to close Scattered Site Grants. The County has completed Scattered Site Grant #CDBG 01-C-0803, which repaired five residences.

(4D) CUTTING POLLUTION WHEN IT COUNTS: EPISODIC OZONE CONTROLS

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing to receive public comment on proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO), regarding episodic ozone control measures.

Don R. Willard, Director Land Use & Environmental Services Agency – Air Quality Division and Leslie Rhodes of his staff addressed this issue.

Note: Mecklenburg County Air Quality Division proposes that the Mecklenburg Board of Commissioners (BOCC) consider adopting a local regulation pursuant to the Mecklenburg County Air Pollution Control Ordinance that would require temporary actions by business, industry and government to alter activities that generate ozone precursor emissions to eliminate or delay those emissions only when unhealthful ozone levels are predicted. Targeting days and specific activities and their emissions will reduce public exposure to unhealthful ozone levels by reducing the number of days when the national ambient air quality standard for ozone is exceeded and lower the ozone levels when we do exceed. A local rule could be adopted pursuant to NCGS 143-215.112 “Local Air Pollution Control Programs” (a)(1) and (c)(4). The proposed regulation would be called “Episodic Emission Controls for Ozone.”

Ms. Rhodes stressed four things:
1. The County will get reductions through this program.
2. The County is projected to be very close to attainment by the 2009 deadline.
3. We are the only region in the state projected to be that close.
4. This is one of the very few ways that we can make a difference locally and the Air Quality Division believes choosing to do nothing is too big of a gamble for the community that “we all serve.”

Comments:
Commissioner Samuelson noted two consequences if attainment is not reached, the County’s reputation for having clean air and ability to attract businesses and the loss of transportation funds. She asked Ms. Rhodes to comment on another consequence that is not known to most people.

Ms. Rhodes said if the deadline is not met then automatically in 2010 there will be regulations that affect industrial sources in the community that are already permitted. She said it’s basically a Title V Federal Permitting Program, which at this time is only applicable to companies that have emissions of 110 tons or greater. If attainment is not met it will drop to 50 tons, which will affect many industrial sources in the community, as well as businesses wanting to relocate.

Commissioner Clarke requested information on how other Episodic Emission Controls for Ozone programs have worked in other places and the effectiveness of those programs.

The response was that the idea of instituting Episodic Controls on a mandatory basis was a relatively innovative approach and that staff was not aware of any mandatory programs. There are many communities that have voluntary programs. It was noted that in Austin, Texas it has been requested that the program become mandatory. It was noted as well, that many areas do not have the forecasting expertise or ability or the area doesn’t lend itself to ozone forecasting as it does here, which is imperative for a mandatory program.

Mr. Willard noted further that a lot of the control factors that would be in the menu or that would be open to companies that are required to do this, are things that are being done and expected of business and individuals in other areas. He said the difference was that they are doing this on a seasonal or year-round basis. He said the things that people are being asked to do are things that staff has researched and found from other communities. The County’s program is only requiring these things when they’re needed.

Commissioner Mitchell inquired about fuel tankers. Staff noted that one of their pilot companies delayed the fueling of their fleet and the refilling of their tanks by tankers.

Commissioner Mitchell asked was there enough staff to enforce this and the response was yes.

Commissioner Helms asked staff to respond to the statement that has been made by some in the community that the current measures that are in place will enable the County to meet the ambient air quality goals by the year 2010 and this is just an “insurance policy.”

Staff’s response was that the data that suggest that the County will be in attainment by the deadline based on federal and state regulations, as is confirmed by the state, is based on assumptions. “It’s a prediction.” Staff doesn’t feel it’s worth the risk of what will happen to industrial sources in the community, as well as, to the health of the community.

Mr. Willard reiterated that staff believes this is needed to meet the standard in 2009.

Commissioner Helms asked Mr. Willard if he felt the County would be in attainment by the year 2010, if nothing were done. Mr. Willard’s response was no. He feels the County may be close but not in attainment.
Commissioner Puckett asked Mr. Willard to comment on where he felt the County would be if this policy were fully implemented. Mr. Willard said his belief is that the County may be at or right under 84. He noted that the weather was a huge factor in all of this.

Commissioner Ramirez expressed concern for how this policy would impact small businesses.

Mr. Willard noted that this policy would not have any affect on any business’ ability to conduct its business on an Ozone Action Day. He stated that what this policy was mostly about was how people get back and forth to work. He said it allows flexibility for a business to alter its business operations if it chooses to do.

The following persons appeared to speak in support of the proposal:

Mary Barker, Vice-Chairman of the Air Quality Commission addressed the consequences of not implementing this proposal, which included health issues.

Gordon Miller, member of the Air Quality Commission noted things that he has learned regarding non-attainment. He noted also that he asked staff to take a look at the industry contribution to ozone formation and to model those results. He said that non-attainment would occur even if you took all of the industry out of the County. He noted that growth contributes and that the weather also plays a big part. He said that voluntary programs do not work. He said air pollution is no longer a business issue but a personal one for everyone regarding how we live our lives. He said simple things like more miles mean more ozone. “A more modest lifestyle may mean less ozone problems.” He said an action that the County could take, would be to do something called “peak shaving.” He said that this is when you can cut into the very highest ozone exposure days by asking the business community to help remove somewhere in the neighborhood of about 0.1 pounds of emission per person on orange, red, and purple days.

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that eight additional minutes be given to speakers in support of this proposal.

Nancy Bryant, President of the Carolinas Clean Air Coalition and a member of the Central Piedmont Sierra Group said she was aware of the Chamber’s concern for the cost of this proposal, but that something has to be done. She noted the impact of poor air quality on health. She said that all sectors would have to bear the cost of this because everyone contributes.

Geoffrey McIntyre addressed the need for this proposal in order to reduce health care issues. He suggested rather than having fines that perhaps property tax incentives would be a better method of inducing businesses to comply with mandatory or voluntary measures. He noted that smoking vehicles should be addressed.

Melissa Pease expressed concern for the County’s poor air quality and how this impacts health. She noted that having unhealthy air also impacts whether businesses relocate to the community. She said that healthy air and a healthy economy go “hand in hand.”

The following persons spoke in opposition:
Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that a total of eighteen minutes be given to speakers in opposition of this proposal, which was the amount allocated to those in support.

Joe Smith, GenPak Corporate Environmental Compliance Executive addressed growth. He suggested looking at other areas for reductions. He noted things such as asking parents to take advantage of the public school transportation, to avoid letting there engines run while waiting to drop their children off at school, reduce the number of students driving to school. He suggested everyone consider carpooling and using buses more. He said there needs to be more mass transit in outlying areas of the county and not just in the inner city.

Allen Gray representing the construction industry and the Association of General Contactors (AGC) expressed concern for possible financial risk if this proposal is put into place, especially since the months of May – September are the core of the construction season. He said they believe this represents an enactment of authority to address the problem without a clean workable well thought out strategy to address the compliance issues facing a complex and diverse construction industry. He asked the Board to delay action until representatives from the industry, business community, and clean air officials could develop a realistic, workable plan for implementation in a regional approach to achieve better air quality.

Commissioner Clarke suggested to Mr. Gray that the local members of the AGC submit a consolidated plan rather than each submitting their own plan. Mr. Gray said that they would be willing to do that. He said that it might take them two months to accomplish this.

Dave Franchina representing the Charlotte Chamber’s Environmental Concerns Committee said the Chamber was in full support of clean air, but does not feel this is the way to do it. They feel that even with this ordinance there will not be much benefit. They are concerned about the economic cost of this and that impact on businesses. They also have record keeping concerns. They are afraid also that these regulations will drive companies out of the County. He said the Chamber wants to continue working with the Air Quality Division to help develop ways to address air pollution.

Mohammad Jenatian President of the Greater Charlotte Hospitality and Tourism Alliance said they recognize the need for something to be done to protect the environment but that a “one size fit all” ordinance does not work. He said he hopes there is an opportunity to work with the Air Quality Division to address this issue more in order to put a plan together that everyone can embrace. He noted also that he questions the statement that voluntary programs don’t work.

Benne Hutson an Environmental Attorney appearing as a citizen noted the following issues: 1) In 1990 when the Clean Air Act Amendments were adopted, the 10 worst ozone areas were told to come up with commute options to reduce ozone, none were successful because there was not enough of a reduction to make a difference, but there was a tremendous amount of cost. 2) The no enforcement component of this is a “red heron.” 3) The sunset provision is backwards because it states that if you’re not in compliance you continue with this ordinance. He said if the ordinance isn’t working it should be tossed. 4) In considering the assumptions regarding turning over vehicle fleets, he suggested getting creative and consider for example, if you buy a hybrid
car you get a property tax exemption or if you buy a new car, you get a reduction in your personal property tax even if it’s not a hybrid vehicle. Also, go to the General Assembly and request a sales tax free weekend in the spring applicable when you purchase new lawn equipment and other small sources of gasoline powered engines.

E. Wayne Eriksen, representing Piedmont Air Conditioning of Charlotte addressed the nature of their business and how this would impact their business. He said that this ordinance could negatively impact the future economic growth of the County.

Robert W. Keller said new laws and regulations continue to be made, noting that if the federal government passes a law then the County passes a law. He said this has to come to a stop, particularly with what’s being proposed. He feels it will not work. He questioned putting something into law just because “you think” you need it. He said voluntary programs should be looked at. He said passing this could create another bureaucracy.

Commissioner Clarke noted that the Board would not be taking action on this matter until October 19, 2004. He encouraged speakers to also submit their comments to the Board in writing. He recommended to staff that a procedure be established for the submission of written comments and that staff summarize comments received and provide that information to the Board in advance of October 19th.

Commissioner Puckett requested information regarding the results of what occurred in Atlanta, Georgia.

Chairman Cox thanked those who spoke for appearing.

This concluded the hearing. No action was taken or required at this time.

(28) AAA BASEBALL COMMITTEE REPORT

The Board received a report from the Baseball Committee, Chaired by Commissioner Samuelson.

Commissioner Samuelson reported that the Committee liked the idea of baseball in Charlotte and the possibility of putting it on County property, however there was no discussion of the County paying for anything on the building. (Commissioner Samuelson noted for the record that she’s opposed to the County paying anything for the building.) Further, that the Committee said it was willing to study site issues for six-months and that an amount not be placed on the ballot for development of the Third Ward property as a park because there were so many questions regarding it. She noted also that neighborhood groups would also be involved in the study process.

Commissioner Samuelson said that speaking as an individual Commissioner and since the Committee met, she now feels the referendum piece of the Committee’s recommendation should be reconsidered. However, as Chair of the Committee, Commissioner Samuelson made the following motion on behalf of the Committee:
Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez, that the County engage in a six-month joint study of alternate ballpark sites with Center City Partners, City staff, the Charlotte Knights and other interested groups; and to not place $24 million for the Third Ward park in the November Bond Referendum.

Commissioner Samuelson said that she now feels that some money should be included in the referendum for the development of the Third Ward Park but less than the amount recommended by the County Manager and with the stipulation that language be added to the ballot restricting the usage of that money such that it cannot be used for a professional baseball stadium.

Commissioner Helms said he too, originally supported the Committee’s recommendation regarding the November Bond Referendum, but having talked with representatives from the Third Ward Neighborhood Association, now feels that monies should be included for the Third Ward Park.

Substitute motion was made by Commissioner Helms, seconded by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Helms, James, Mitchell, and Woodard voting yes and Commissioners Cox, Puckett, Ramirez, and Samuelson voting no, to defer a decision on the Baseball Report for a period of six-months to allow for a joint study of alternate ballpark sites as recommended by the Committee and to include language on the Bond Referendum that says the $69 million will not be used for a baseball stadium.

Prior to the above vote the following person appeared to speak: Bill Blackwell with Knights Baseball. Mr. Blackwell said that he hoped the motions don’t preclude the best possible use of the Third Ward site, which they feel should be for a baseball stadium. He said they hope there will be an opportunity for the Knights to work with the County and the other groups recommended by the Committee to study this over the next six-months.

(4E) NOVEMBER 2, 2004 BOND REFERENDUM

Motion was made by Commissioner Puckett, seconded by Commissioner Woodard and unanimously carried to allow those that signed up to speak on this matter a total of 15 minutes.

* * *

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 $69,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG” which had been introduced on August 10, 2004, had been published in a qualified newspaper on or before September
2, 2004, with notice that the Board would hold a public hearing thereon on September 8, 2004. 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 2.69% of the assessed valuation of property in the County subject to taxation.

*     *     *

PUBLIC HEARING ON BOND ORDER

Commissioner Samuelson moved that the Board proceed to hold a public hearing on the bond order. The motion was seconded by Commissioner Woodard and was unanimously adopted.

At 9:00 P.M., the Chairman of the Board announced that the Board would hear anyone who wished to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds.

After the Board had heard all persons who requested to be heard, Commissioner Woodard moved that the public hearing be closed. The motion was seconded by Commissioner Samuelson and was adopted 8-0. (Note: Chairman Cox was away from the dais when the vote was taken to close the public hearing and returned to the dais following the vote.)

*     *     *

ADOPTION OF BOND ORDER

Commissioner James moved that the Board adopt, with the change as detailed below, and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $69,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on August 10, 2004. Such bond order is adopted with the following as Section 1:

Section 1. The Board determines that it is necessary to provide park and recreation facilities
(other than a stadium for professional baseball), including the acquisition and construction of new park and recreation facilities, the improvement and expansion of existing park and recreation facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

The motion was seconded by Commissioner Helms and was adopted by the following vote:

AYES: Commissioners Clarke, Cox, Helms, James, Mitchell, Samuelson, and Woodard

NAYS: Commissioners Puckett and Ramirez

* * *

RESOLUTION AUTHORIZING BOND ELECTION

Commissioner James moved the adoption of the following resolution respecting the required bond referendum, the motion was seconded by Commissioner Samuelson, and the resolution was read by title:

WHEREAS, the Board has adopted the bond order hereinafter described authorizing the issuance of $69,000,000 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 2, 2004.

(2) The Clerk is hereby authorized and directed to publish a notice of that election, which shall be in substantially the following form:

THE COUNTY OF MECKLENBURG, NORTH CAROLINA

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that a special bond election will be held in the County of Mecklenburg, North Carolina, on November 2, 2004, 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 $69,000,000, 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 $69,000,000 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 $69,000,000 park and recreation bonds are authorized to pay capital costs of providing park and recreation facilities (other than a stadium for professional baseball), including the acquisition and construction of new park and recreation facilities, the improvement and expansion of existing park and recreation facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor.

The ballots to be used at the election shall contain the words, “SHALL the order authorizing $69,000,000 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 (other than a stadium for professional baseball), including the acquisition and construction of new park and recreation facilities, the improvement and expansion of existing park and recreation facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and 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 7:30 P.M. The election will be held at the following precincts and polling places:
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<tr>
<th>PRECINCT</th>
<th>POLLING PLACE</th>
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<tbody>
<tr>
<td>1</td>
<td>Westminster Presby Ch., 101 Colville Rd, Charlotte, NC 28207</td>
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<td>2</td>
<td>St. John’s Baptist Ch., 300 Hawthorne Ln., Charlotte, NC 28204</td>
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<td>3</td>
<td>Greater Providence Baptist Ch., 2000 Milton Road, Charlotte, NC 28215</td>
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<td>4</td>
<td>Hickory Grove Presbyterian Ch., 5735 E. Wt Harris Blvd., Charlotte, NC 28215</td>
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<td>5</td>
<td>Third Presbyterian Ch., 4019 Central Ave., Charlotte, NC 28205</td>
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<td>Amity Presbyterian Ch., 2831 N. Sharon Amity Rd., Charlotte, NC 28205</td>
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<td>7</td>
<td>Randolph Middle Sch., 4400 Water Oak Rd., Charlotte, NC 28211</td>
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<td>Myers Park Elem. Sch., 2132 Radcliffe Ave., Charlotte, NC 28207</td>
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<td>Dilworth Elem. Sch., 405 East Park Ave., Charlotte, NC 28203</td>
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<td>Greek Orthodox Cathedral, 600 East Blvd., Charlotte, NC 28203</td>
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<td>11</td>
<td>Greater Mount Moriah Baptist Ch, 747 West Trade Street, Charlotte, NC 28202</td>
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<td>Church In The City, 118 S. Bruns Ave., Charlotte, NC 28208</td>
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<td>First Ward Elem. Sch., 715 North Caldwell St., Charlotte, NC 28202</td>
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<td>Piedmont Middle Sch., 1411 Hawthorne Ln., Charlotte, NC 28205</td>
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<td>Midwood Baptist Ch., 2029 Mecklenburg Ave., Charlotte, NC 28205</td>
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<td>East Stonewall AME Zion Ch., 1729 Griers Grove Rd., Charlotte, NC 28216</td>
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<td>17</td>
<td>The Palmer Building, 2601 E. 7th St., Charlotte, NC 28205</td>
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<td>18</td>
<td>Mint Museum Of Art, 2730 Randolph Road, Charlotte, NC 28207</td>
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<td>Myers Park High Sch., 2400 Colony Rd., Charlotte, NC 28209</td>
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<td>Avondale Presbyterian Ch., 2821 Park Rd., Charlotte, NC 28209</td>
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<td>21</td>
<td>St. Paul United Methodist Ch., 2830 Dorchester Pl., Charlotte, NC 28209</td>
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<td>Professional Dev. Center, 428 West Blvd., Charlotte, NC 28203</td>
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<td>Calvary Baptist Ch., 2200 Ashley Road, Charlotte, NC 28208</td>
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<td>Phillip Berry Recreation Center, 440 Tuckaseegee Rd., Charlotte, NC 28208</td>
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<td>West Charlotte Recreation Center, 2400 Kendall St., Charlotte, NC 28216</td>
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<td>26</td>
<td>Cole Memorial United Methodist Ch., 2022 Sugar Creek Rd., W., Charlotte, NC 28262</td>
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<td>27</td>
<td>Tryon Hills Pre-K, 2600 Grimes St., Charlotte, NC 28206</td>
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<td>New Covenant ARP Ch., 2541 Elkwood Cir., Charlotte, NC 28205</td>
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<td>Merry Oaks Elem. Sch., 3508 Draper Ave., Charlotte, NC 28205</td>
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<td>Plaza Road Pre-K, 1000 Anderson St., Charlotte, NC 28205</td>
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<td>Barringer Academic Center, 1500 Walton Rd., Charlotte, NC 28208</td>
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<td>Christ Episcopal Ch., 1412 Providence Rd., Charlotte, NC 28207</td>
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<td>Memorial United Methodist Ch, 4012 Central Ave., Charlotte, NC 28205</td>
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<td>CPCC West Campus, 3210 CPCC W Campus Dr., Charlotte, NC 28208</td>
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<td>Hoskins Avenue Baptist Ch., 101 S. Hoskins Avenue, Charlotte, NC 28208</td>
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<td>Hidden Valley Sch., 5100 Snow White Ln., Charlotte, NC 28213</td>
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<td>Grace Baptist Ch., 5232 The Plaza, Charlotte, NC 28215</td>
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<td>Windsor Park Elem. Sch., 3900 Sudbury Rd., Charlotte, NC 28205</td>
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<td>WTVI Television Station, 3242 Commonwealth Ave., Charlotte, NC 28205</td>
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<td>Scottish Rites Masonic Bodies, 4740 Randolph Rd., Charlotte, NC 28211</td>
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<td>Providence United Methodist Ch., 2810 Providence Rd., Charlotte, NC 28211</td>
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<td>Park Rd. Elem. Sch., 3701 Haven Dr., Charlotte, NC 28209</td>
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<td>Salvation Army Club, 940 Marsh Rd., Charlotte, NC 28209</td>
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<td>Redeemer Lutheran Ch., 2422 Ashley Rd., Charlotte, NC 28208</td>
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<td>Greenville Recreation Center, 1330 Spring Street, Charlotte, NC 28208</td>
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<td>Lincoln Heights Elem. Sch., 1900 Newcastle Street, Charlotte, NC 28216</td>
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<td>Druid Hills Elem. Sch., 2801 Lucena St., Charlotte, NC 28206</td>
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<td>Alexander Graham Middle Sch., 1800 Runnymede Ln., Charlotte, NC 28211</td>
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<td>Hickory Grove United Methodist Ch., 6401 Hickory Grove Rd., Charlotte, NC 28215</td>
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<td>Charlotte Christian Swim &amp; Tennis Cen, 7823 Sardis Rd., Charlotte, NC 28270</td>
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<td>97</td>
<td>Sharon South Homes Clubhse, 8443 Knights Bridge Rd., Charlotte, NC 28210</td>
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<td>Ebenezer A. R. Presbyterian Ch., 6210 Old Pineville Rd., Charlotte, NC 28217</td>
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<td>99</td>
<td>Greenway Park Elem. Sch., 8301 Monroe Rd., Charlotte, NC 28212</td>
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<td>100</td>
<td>Candlewyck Baptist Ch., 7200 Providence Rd., Charlotte, NC 28226</td>
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<td>101</td>
<td>Carmel Place, 5512 Carmel Rd., Charlotte, NC 28226</td>
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<td>102</td>
<td>Bible Baptist Ch., 2724 Margaret Wallace Rd., Matthews, NC 28105</td>
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<td>103</td>
<td>Cross &amp; Crown Lutheran Ch., 300 Pineville-Matt. Rd., Matthews, NC 28105</td>
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<td>104</td>
<td>Devonshire Elem. Sch., 6500 Barrington Dr., Charlotte, NC 28215</td>
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<td>106</td>
<td>Mc Clintock Middle Sch., 2101 Rama Road, Charlotte, NC 28212</td>
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<td>107</td>
<td>Derita Baptist Ch., 2835 W. Sugar Creek Rd., Charlotte, NC 28262</td>
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<td>108</td>
<td>Hickory Grove Baptist Ch., 6050 Hickory Grove Rd, Charlotte, NC 28215</td>
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<td>109</td>
<td>Hawthorne Rec. Center, 345 Hawthorne Ln., Charlotte, NC 28202</td>
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<td>110</td>
<td>Church At Charlotte, 2500 Carmel Rd., Charlotte, NC 28226</td>
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<td>111</td>
<td>Beverly Woods Elem. Sch., 6001 Quail Hollow Rd., Charlotte, NC 28210</td>
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<td>112</td>
<td>Messiah Lutheran Ch., 8300 Providence Rd., Charlotte, NC 28277</td>
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<td>Precinct</td>
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<td>113</td>
<td>Mc Kee Road Baptist Ch., 4300 Mc Kee Rd., Charlotte, NC 28270</td>
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<td>114</td>
<td>South Mecklenburg High Sch., 8900 Park Rd., Charlotte, NC 28210</td>
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<td>115</td>
<td>Good Shepherd Lutheran Ch., 7700 Lawyers Rd., Charlotte, NC 28227</td>
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<td>116</td>
<td>Cornerstone Baptist Ch., 8947 Albemarle Rd., Charlotte, NC 28227</td>
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<td>117</td>
<td>Garr Memorial Ch., 7700 Wallace Rd., Charlotte, NC 28212</td>
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<td>118</td>
<td>Providence High Sch., 1800 Pine-Matt. Rd., Charlotte, NC 28226</td>
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<td>Providence Rd. Ch. Of Christ, 4900 Providence Rd., Charlotte, NC 28226</td>
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<td>120</td>
<td>Sharon Lakes Clubbse, 8301 Sharon Lakes Rd., Charlotte, NC 28210</td>
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<td>121</td>
<td>William Davie Park, 4635 Pineville-Matthews Rd, Charlotte, NC 28226</td>
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<td>122</td>
<td>Good Shepherd United Meth. Ch., 13110 Moss Rd., Charlotte, NC 28273</td>
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<td>123</td>
<td>Northridge Sch., 7601 The Plaza, Charlotte, NC 28215</td>
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<td>124</td>
<td>Hickory Grove Sch., 6300 Highland Ave., Charlotte, NC 28215</td>
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<td>Piney Grove Sch., 8801 Eaglewind Dr., Charlotte, NC 28212</td>
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<td>Nathaniel Alexander Sch., 7910 Neal Rd., Charlotte, NC 28262</td>
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<td>127</td>
<td>Hopewell Baptist Ch., 18841 Davidson-Concord Rd., Davidson, NC 28036</td>
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<td>128</td>
<td>Mallard Creek Sch., 9801 Mallard Creek Rd., Charlotte, NC 28269</td>
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<td>129</td>
<td>Pineville Sch., 210 Lowry St., Pineville, NC 28134</td>
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<td>130</td>
<td>Idlewild Elem. Sch., 7101 Idlewild Rd., Charlotte, NC 28212</td>
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<td>131</td>
<td>South County Reg. Library, 5801 Rea Rd., Charlotte, NC 28277</td>
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<td>132</td>
<td>University City Church, 7829 Old Concord Road, Charlotte, NC 28213</td>
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<td>133</td>
<td>North County Reg. Library, 16500 Holly Crest Ln, Huntersville, NC 28078</td>
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<td>134</td>
<td>Bradley Middle Sch., 13345 Beatties Ford Rd., Huntersville, NC 28070</td>
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<td>135</td>
<td>Winding Springs Elem. Sch., 6601 Horace Mann Rd., Charlotte, NC 28269</td>
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<td>136</td>
<td>CPCC Levine Campus, 2800 Campus Ridge Rd., Matthews, NC 28105</td>
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<td>137</td>
<td>Providence Country Club, 6001 Prov Country Club Dr, Charlotte, NC 28277</td>
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<td>138</td>
<td>Olympic High Sch., 4301 Sandy Porter Rd., Charlotte, NC 28273</td>
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<td>139</td>
<td>Hawk Ridge Elem. Sch., 9201 Bryant Farms Rd, Charlotte, NC 28277</td>
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<td>140</td>
<td>Harrison United Methodist Ch., 15008 Lancaster Hwy., Pineville, NC 28134</td>
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<td>141</td>
<td>University City Reg. Library, 301 East Wt Harris Blvd., Charlotte, NC 28262</td>
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<td>142</td>
<td>Lake Norman Baptist Ch., 7921 Sam Furr Rd., Huntersville, NC 28070</td>
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<td>St. Mark Catholic Ch., 14740 Stumptown Rd., Huntersville, NC 28070</td>
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<td>St. Matthew Catholic Ch., 8015 Ballantyne Coms Pkwy, Charlotte, NC 28273</td>
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<td>Hickory Grove Baptist Ch., N. Campus2350 Odell School Rd, Charlotte, NC 28262</td>
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<td>Derita Alternative Sch., 2300 W. Sugar Creek Rd, Charlotte, NC 28262</td>
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<td>147</td>
<td>Berryhill Baptist Ch., 9801 Walkers Ferry Rd, Charlotte, NC 28214</td>
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<td>148</td>
<td>J. H. Gunn Elementary Sch., 7520 Harrisburg Rd., Charlotte, NC 28215</td>
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<td>149</td>
<td>Cornelius Town Hall, 21445 Catawba Ave, Cornelius, NC 28031</td>
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<td>150</td>
<td>Robinson Presbyterian Ch., 9424 Harrisburg Rd., Charlotte, NC 28215</td>
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<td>Back Creek Presbyterian Ch., 1821 Back Creek Ch. Rd., Charlotte, NC 28213</td>
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<td>152</td>
<td>Reedy Creek Elem. Sch., 10801 Plaza Rd. Ext., Charlotte, NC 28215</td>
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<td>153</td>
<td>Davidson Town Hall, 216 S. Main St., Davidson, NC 28036</td>
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<td>154</td>
<td>Huntersville Elem. Sch., 200 Gilead Rd., Huntersville, NC 28078</td>
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<td>Bethel Presbyterian Ch., 19920 Bethel Ch. Rd., Cornelius, NC 28031</td>
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<td>Long Creek Elem. Sch., 9213 Beatties Ford Rd., Huntersville, NC 28070</td>
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<td>McCreary Y.M.C.A., 3801 Beatties Ford Rd., Charlotte, NC 28216</td>
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<td>Hornets Nest Elem. Sch., 6700 Beatties Ford Rd., Charlotte, NC 28216</td>
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<td>159</td>
<td>Mallard Creek Presby. Ch., 1600 Mallard Ck. Church Rd., Charlotte, NC 28262</td>
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<td>Ranson Middle Sch., 5850 Statesville Rd., Charlotte, NC 28269</td>
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<td>University City United Meth. Ch., 3835 West Wt Harris Blvd, Charlotte, NC 28269</td>
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<td>162</td>
<td>Matthews Community Center, 100 Mcdowell St, Matthews, NC 28105</td>
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<td>163</td>
<td>Crown Point Sch., 3335 Sam Newell Rd, Matthews, NC 28105</td>
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<td>164</td>
<td>Christ Covenant Ch., 800 Fullwood Ln, Matthews, NC 28104</td>
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<td>165</td>
<td>Mt. Harmony Baptist Ch., 2817 Mt. Harmony Ch. Rd., Matthews, NC 28105</td>
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<td>166</td>
<td>Mint Hill Town Hall, 7151 Matt.-Mint Hill Rd., Charlotte, NC 28227</td>
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<td>167</td>
<td>Mint Hill Masonic Lodge #742, 10224 Lawyers Rd., Charlotte, NC 28227</td>
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<td>168</td>
<td>Philadelphia Presbyterian Ch., 7714 Bain Sch. Rd., Charlotte, NC 28227</td>
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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 8, 2004 (2) if submitted by mail, be postmarked no later than October 8, 2004. 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 14, 2004 and not later than 1:00 P.M. on October 30, 2004, any qualified voter may vote and 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.

(5) 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 Clarke, Cox, Helms, James, Mitchell, Samuelson, and Woodard

NAYS: Commissioners Puckett and Ramirez

* * *

19
Prior to the above actions:

Motion made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to allow a total of 20 minutes for the public to address this matter.

The following persons appeared to speak in support of the November 2004 bond referendum for Park and Recreation:

Renea Jones, Executive Director of Thomasboro Shalom spoke on behalf of the Thomasboro Community and its recreational needs. (A handout, which is on file with the Clerk to the Board, was distributed.)
Saneka Smith, student, on behalf of the Thomasboro Community
Marcus Talley, student, on behalf of the Thomasboro Community
Shelbra Booth Talley on behalf of the Thomasboro Community
Thom Tillis, Town Commissioner, on behalf of the Town of Cornelius. He stated that there are recreational needs in the northern part of the County and hopes that some of these bond funds could be used to address some of those needs. He asked the Board to consider as it prioritizes and packages this bond referendum for approval to consider a project in Cornelius and adjacent to the Huntersville jurisdiction, which would provide an opportunity to move forward with something that County staff and Parks and Recreation were currently reviewing, which is to reconfigure a park through private/public partnership that would create currency for almost a quarter of the total development cost for Robbins Park. Also, to leverage another private investment in an athletic complex that would be completely privately funded and potentially would support a “wood and bat” league. He said this would have a positive economic impact and also create capacity for youth recreation leagues. (A handout, which is on file with the Clerk to the Board, was distributed.) Chairman Cox suggested that Town Commissioner Tillis contact Commissioner Samuelson regarding future parks and recreation activity in the northern part of the County.
Ali Bahmanyar addressed recreational needs for soccer.
Luke Schmidt addressed recreational needs for soccer.
John Pahl addressed recreational needs for table tennis and badminton.
Raymond Filz addressed recreational needs for table tennis.
Jim Greenlees addressed recreational needs for badminton.
Kevin Hill and Garry Hill addressed the need for playing fields.
Richard West representing the Third Ward Neighborhood Association noted their strong desire for a park in Third Ward. He also asked that they be allowed to participate in whatever discussions take place regarding the property in Third Ward, including study groups.
Larry Huelsman, member of the Park and Recreation Commission spoke in support of facilities to accommodate the needs of badminton and table tennis.
William Chandler, Chairman of the Park and Recreation Commission spoke in overall support of the bond order. He also spoke in support of a “premier” park being developed in Third Ward.

Additionally, and for the record:
- A substitute motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and failed 7-2 with Commissioners Clarke, Cox, Helms, James, Mitchell, Samuelson, and Woodard voting no and Commissioners Puckett and Ramirez voting yes, to adopt the bond order in the amount of $57,500,000 with $25 million to be used for...
Youth Sports Complexes, $25 million for greenway, $5 million for Phase 1 of Revolution Recreation Center, and $2.5 million for park site preparation (with the idea being there is some excess land with that the County could perhaps sell and use some of that land for the development of Third Ward Park).

- County Manager Jones noted during the discussion of the adoption of the bond order that the $69 million was not the original amount requested and recommended by Park and Recreation Commission, which was $55 million. He stated that he, using his own judgment, increased the amount to $69 million because he saw the development of the Third Ward Park as being a high priority. He stated that perhaps now looking back, that he did not consider all of the factors that good management decision-making requires before making his recommendation. He said perhaps it should have been left at $55 million.

- County Manager Jones noted that he still supports a park on the County’s property in Third Ward, but that the question for him was whether the County was ready today for that to occur and can the County deliver that product to the citizens of Mecklenburg County? He stated and posed the question that at this point, when the County goes out to sell the development of the park to the citizens, what would the County tell them?

- Commissioner James stated that his motion for the adoption of the Bond Order at $69 million, which Commissioner Helms, the seconder agreed to, was to include, that a five-year plan would be developed for the use of these bond funds, which means the County would be issuing about $14.5 million annually and that the funds be allocated generally, but not specifically as outlined by Chairman Cox (noted below), with the Park and Recreation Commission making a recommendation for filling in the blanks as to how much and where the funds should be allocated.

- Commissioner James noted that because the guidelines for adopting the bond order, as set up by Bond Counsel does not lend itself to including this in the bond order motion, he was stating this separately for the record.

- Chairman Cox suggested outline for allocating these bond funds was as follows: $25 million for the highest priority, which for him personally is greenway; $25 million for second highest priority, which for him personally is fields and youth sports complexes; $5 million roughly for recreation center; and the balance going towards development and planning over a five-year period for the Park in Third Ward.

(33) JAIL VOTING

The following persons appeared to speak in support of voter registration and voting opportunities for persons in jail:

**Myra Clark**, Executive Director of ECHO, which is an organization that assist offenders and their families to make successful transition from jail or prison back into the community. She said that persons incarcerated in the Mecklenburg County jail, who are not convicted of a felony still have voting rights and should be allowed to register and vote.

**Jennifer Roberts**, a candidate for County Commission, spoke on behalf of her mother, who volunteers at the jail. She read a statement written by her mother, that noted she has in the past gone to the Board of Elections and obtain voter registration information and delivered it to the jail and is willing to do it again. Ms. Roberts stated that giving those inmates that qualify the
opportunity to participate in the election process, may make a difference in their lives and thus could reduce recidivism.

Daniele Obiorah on behalf of the Charlotte-Mecklenburg Black Political Caucus referenced statutes that addressed voting rights. She stated that this would be a coordinated effort with the use of volunteers. She said this was important because “voting is the most basic freedom afforded to citizens in this country.” She said that encouraging incarcerated citizens to participate in the electoral process “is the first step in reintegrating inmates into society and ensuring that they will become productive citizens. She noted also that she felt this was an effective rehabilitation tool. She stated further that she thought it was ironic that “our current President was once convicted of a criminal offense and obviously he was able to rehabilitate his life and despite the fact that he was convicted for DWI, which is a misdemeanor in this State, he went on to become a voting and productive citizen.”

Dwayne Collins asked the Board to “embrace” the idea of allowing individuals within Mecklenburg County to gain entry into Mecklenburg Jails to register inmates who are eligible to vote. He said if there were people in the jail who were eligible to vote then that opportunity should be afforded to them by individuals who are proficient in voter registration activities. He further stated that giving inmates this opportunity would give them the feeling of taking the first step of being brought back into the “mainstream” of American society.

Commissioner Woodard, who placed this matter on the agenda, addressed the possibility of providing voter registration and voting opportunities for those in jail. She noted the following:

- That “in the spirit of fairness and freedom for all” that she was an advocate for allowing Mecklenburg County inmates to have organized assistance in voter registration and for requesting absentee ballots.
- Currently there are programs in the jail that allow inmates to gather.
- She proposes that four community volunteers with non-criminal backgrounds be approved for this project.
- She said that these persons would work collaboratively with current program leaders already facilitating programs in the jail.
- In an effort to afford the opportunity to inmates to register before the October 8th deadline, this project must begin on or before September 15, 2004.
- The facilitators, volunteers, and the Sheriff’s Office would coordinate times of the organized registration.
- The project should be completed within five days from its implementation.
- She said that this project would not place any additional cost or need for additional personnel on the Sheriff’s Office.
- The Board was not being asked to take any action at this time.

Commissioner Woodard acknowledged that the Mecklenburg County Jail does have a policy, which states that an inmate that would like to register to vote can do so by requesting a voter registration form, but that for the most part, this does not happen.

Comments

Commissioner Samuelson said that she understood Commissioner Woodard’s desire to improve the self-esteem of the inmate to do things, which was why the County supported Work Release
and the Structured Day Programs and etc. to help inmates feel more integrated in the community. She noted further that there were lots of ways people can register to vote and that the reason these options are available is because it’s understood that not everyone can go to the Board of Elections to fill out the form, thus persons can register by mail or when they receive their driver’s license, etc. She noted that inmates currently have access to voter registration information if they request it, thus there’s no denying of access to register or to vote.

Commissioner Samuelson said she does not see a need to change the rules in order to give one group of people more access than the average citizen already has, which is why she can’t support this initiative.

Commissioner Ramirez addressed the privilege of voting from the perspective of a legal immigrant having gone through the process for citizenship. He commented on how important and dear the privilege of voting is. He noted that persons that are incarcerated were there because they elected to be there, granted some might be there by mistake, because they did not comply with the law. He said it would be difficult for him to support this initiative.

Sheriff Jim Pendergraph addressed this issue and noted the following:

- Every citizen has the right to vote.
- Inmates have always had the right to register to vote upon requesting the information.
- As of this week, per discussions that have taken place regarding this issue, he has proposed that every new inmate during the orientation process will be informed that voter registration cards were and have always been available upon request.
- Anyone wishing to register would be provided a voter registration card and the mailing address for the Board of Elections.
- Anyone requesting to vote by absentee ballot may contact the Board of Elections by mail requesting an absentee ballot and can mail it back to the Board of Elections.
- For security reasons no one will be allowed inside the secure area of the jail for a voter registration drive. The reason being because of the jail layout.
- The average length of stay in the jail is 18 days except for about 500 people that are sentenced for six-months or less.
- Because the average length of stay is 18 days, there would not be that many people to afford this to.
- He is opposed to anyone coming into the jail for an organized voter registration effort because of the disruption it would cause to the Sheriff’s Office’s schedule.
- He stated that rehabilitation was one of the Sheriff’s Office’s big points that they stress to inmates about “taking responsibility.”
- It is the inmate’s responsibility to request registration forms and to vote.

Commissioner James asked the Sheriff if he informs persons that are out on parole and committed a felon that they were still not entitled to register to vote? The response was that this was a matter for the Board of Elections. The Sheriff’s Office staff is not trained in the election laws.

Commissioner Clarke asked the Sheriff if visitors were allowed in the jail for other purposes. The response was yes, for religious purposes and that there are select inmates that qualify to participate in this. It was noted further that there were no contact visits with inmates except with
their attorney. Every inmate has one visitation day per week for an hour. Visitors must be on an approved list.

Commissioner Woodard asked the Sheriff was it not possible for a certified volunteer to coordinate with the bible study facilitator to perhaps take five minutes of their bible study time to do voter registration? The Sheriff said he would not object to the bible study facilitator distributing voter registration cards but noted only a small number of inmates participate in bible study.

The Sheriff said he was under the impression that the proposal was aimed at registering everyone in the jail.

Commissioner Woodard said this was not the case because some inmates may already be registered and some may not even want to register.

Commissioner James spoke in opposition to the proposal. He asked the Clerk to include all of his comments in the record. See below:

“The interesting thing is, it can’t escape my observation that the proposal, as nice of a person that Commissioner Woodard is, is coming from a democrat or that one of the at-large candidates running for County Commission up there is a democrat; or that the Black Political Caucus head is a democrat; or the NAACP, who has slammed our beloved President George Bush with crass comments is a democrat. All of that is to say that I think that what this is a class case of proselytizing. You’re basically going out and you’re trying to recruit individuals to the democratic cause. People know and if I had asked him he would have told you about three-quarters of the inmates in the Mecklenburg County jail are black. 92% of blacks vote for the democrats. There is a push on by the Black Political Caucus and the NAACP and John Kerry’s campaign and everything else to get blacks to turn out and vote for the democrats in a big way. This isn’t a secret. It’s not a state secret. It’s a well-known fact. Now, this is called special interest politics and I’ve heard of a lot of special interests. I saw the democrats get endorsed by all of the homosexuals in the paper the other day. I know that they are really big with some of the left-wing labor unions but I tell you, I’ve never seen a special interest made up of crooks. This is a completely new level, Commissioner Woodard. I’m still trying to imagine to myself what you could possibly offer these people, as democrats offer somebody something for everything in order to get their vote. But what could you offer this particular group of people? Now in thinking about it, it finally dawn on me what was going on. What could Commission candidate Roberts offer these inmates when she wants to go in there and proselytize? What could you offer them if you proselytize or the Black Political Caucus or the NAACP? Well, what you can do is offer them to change the Mecklenburg County Pre-Trial Release list. In other words, you can take (sentence was not completed) Mecklenburg County, the County Commissioners we decide what crimes are subject to Pre-Trial Release and what crimes aren’t. You can go in there and you can offer to these crooks and say you know what, you’re in here on a “d” misdemeanor; we’ll cut you a deal. You get all these other guys to vote and we will agree to put your crime on the Pre-Trial Release Program and if you ever get arrested again, you’ll get right out the door. You’ll get a get out of jail free ticket, just like Monopoly. I understand that you all will graciously deny that that’s the case and that you’re going to say that this proselytizing had nothing at all to do with your attempts to drum up support for a flagging democratic campaign but it seems to me that the proof is in the pudding. Everybody associated with this is a democrat
and everybody associated with it is trying to gin up Black votes for democratic party officials. What better way to do it then to find 2,136 people times 75% that’s in one spot, at one time that you can just go and say oh great, here’s 1600 Black folks that we can go register for the democrats and get them to vote. I’m not at all sure what precinct they vote in, meaning is their address record the jail or is it some place else? Is it the car or the crack house that they got picked up out of? So, really what I think is really going on is, I want to know what new changes to the Pre-Trial Release Program all you democrats are going to offer in order to induce these people to vote for you? One last point, I want to read you something out of this book Mr. Bethune gave me and naturally I’m going to read the section that supports my cause, not yours. Section 13. 2 of the Criminal Code, at least I think it’s the Criminal Code, I don’t know what it is. It’s Section 13.2 of the law, anyway issuance and filing of certificate or order of restoration, that’s restoration of citizenship voting rights, Commissioner Woodard, the agency, department, or court having jurisdiction over the inmate, probationer or parolee, or defendant at the time his rights of citizenship are restored under the provisions of G.S. 13-11, at the time his rights of citizenship are restored under the provisions of 13-1; shall immediately issue a certificate or order in duplicate evidencing offenders conditional discharge and specifying the restoration of his citizenship rights. The original such certificate or order shall be promptly transmitted to the Clerk of the General Court of Justice in the county where the official record of the case from which the conviction arose is filed. The Clerk shall then file the certificate or order without charge with the official record of the case; and it goes on to talk about it’s the duty of the Clerk where the person resides to show it to who ever wants it and all of that. I’m not sure if it really applies to federal law or federal crimes but that’s a whole other deal. The point is that this grand zeal that people in your party have for going and registering felons, ex-felons, misdemeanors, convicts, arsonists, rapist, murderers, bigamist, I don’t know what else you’re planning on doing, but whatever this grand zeal is, I don’t think any of you guys have complied with 13.2. I don’t think you’ve verified that the people that you’re trying to solicit have actually filled out the appropriate affidavit or that the agency has filled it out and that their voting rights have been restored in accordance with 13.2. So, if you’ve done that maybe that’s okay. I suspect you haven’t. I still consider that it’s proselytizing about Jesus and about politics at the same time I guess from listening to the bible study comments.”

Commissioner Puckett spoke in opposition to the proposal and said it was nothing more than “fishing” for votes. Commissioner Puckett said that he was not going to seek the vote of people who have proven that they have no respect for the law. He said there is some consequence for breaking the law and that if one of those consequences is that it’s a little tougher to vote than maybe that’ll “make them think twice before they break the law the next time.”

Commissioner Woodard made concluding remarks as follows:

- Everyone that’s in the jail is not there because they committed a crime. They’re there because they’ve been accused of a crime and are innocent until proven guilty.
- There are a lot of circumstances in this community and in the world that cause people to be in a dilemma that they wouldn’t ordinarily be in.
- There are a lot of people in the jail that don’t care to register and/or vote even if they had the opportunity.
- Often the intimidation of being in jail causes some to be uncomfortable with asking questions.
- Many in the jails may not be aware that they have this right of registering to vote and/or voting.
• The voter registration form may be difficult for some in the jails to understand.
• Making this opportunity known and available to persons in jail is a way to inspire them to move forward in the community.
• It should be kept in mind that “everybody is somebody in this community.”
• From the numbers she has seen where voter registration has taken place in other county jails 75% of those persons registered voted.

Commissioner Woodard said “we as Commissioners, we as leaders of this community, Sheriff and others need to look at this situation and look at people where they are.” She said that there were people in Nursing Homes and other facilities that can’t get out to vote and that the jail was just “one of many.”

County Manager Jones at the request of Commissioner Woodard commented on a meeting that was held on Tuesday, September 13th regarding this issue.

County Manager Jones noted those that were represented at the meeting. He said that it was an informative meeting per information they received from Reverend Allison regarding the process he uses in a number of jails throughout the state. He said that Deputy Chief Bailey addressed the nature and structure of the County’s jail, which could impose some limitations on access to the jail in as much as the County has direct supervision and uses the POD system. County Manager Jones said he left the meeting a little unsure as to whether or not the approach that was being recommended could actually be realized, but he also left with the thought that the Sheriff and his staff would determine what they believed would be the most appropriate level of involvement. One idea that was presented was the Sheriff’s orientation session and the use of technology to educate inmates, such as videos showing how to register and/or vote by absentee ballots. County Manager Jones said that he would have to yield to the professional thinking of the Sheriff on this issue. He stated further that per conversations he has had with the Sheriff, the Sheriff has assured him that he would do everything he could to provide opportunities for those persons that are incarcerated and who express a desire to vote and/or registered to vote.

Commissioner Woodard stated that she was not requesting any action on the part of the Board.

This ended the discussion of this matter.

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of items 13, 16, and 18 to be voted upon separately:

(7) APPROVAL OF MINUTES
Approve minutes of Regular Meeting held August 10, 2004 and Closed Session Minutes of August 10, 2004; Special Meetings held May 5, 2004 and August 24, 2004.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $155,708.83 resulting from clerical errors, audits and other amendments.

A list of the taxpayers receiving refunds is on file with the Clerk to the Board.

(9) APPOINTMENT OF REVIEW OFFICERS

Amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” to add the names of Kimberly P. Reilly, Pamela A. Holbrook, Brian Richards, Erin S. Burris, and Barbara Gay Nyberg and delete the names of Lori Tomaszewski, Jana McMakin, Casena Michael, and Craig L. Long.

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

(10) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of the following LUESA records and plans in accordance with North Carolina records retention policies, including (PALRM) tax assessment documents:

- 8 boxes of permitting and inspections records dated May, June, and July of 2004 that have been imaged on optical disk and verified in lieu of originals.
- 857 commercial project plans permitted in May, June, and July of 2002.
- 759 dead bond files (2,793 pages) for years 2002 – 2004, which have been imaged on optical disk and proofed.
- 1,863 pages of Monthly Financial Reports from July 2001 through December 2001, which have been imaged on optical disk and proofed.
- PALRM Box #11993 Business Personal Property Listing Forms
  Box #2 1993 Business Personal Property Listing Forms
  Box #31993 Business Personal Property Listing Forms
  Box #41993 BPP Listing forms w/ Refunds and Releases

(11) FREEDOM PARK, LITTLE SUGAR CREEK GREENWAY TRAIL ENHANCEMENTS – CONSTRUCTION CONTRACT

Award a construction contract to Eagle Wood, Inc. in the amount of $361,672.50 for the
construction of the Little Sugar Creek Greenway through Freedom Park.

(12) PROJECT CARE FUNDS RECEIVED – DSS

Recognize, receive and appropriate $37,500 in additional Federal revenue from the NC Department of Health and Human Services Division on Aging and Adult Services.

(14) NC CLEAN WATER MANAGEMENT TRUST FUND GRANT AWARD

1) Recognize, receive and appropriate $200,000 in grant funds from the North Carolina Clean Water Management Trust Fund.

2) Authorize the County Manager to execute a contract with the North Carolina Clean Water Management Trust Fund (CWMTF).

Note: Funds from this grant will be used in an effort to restore and enhance the water quality of McDowell Creek, a tributary of Mountain Island Lake (a primary drinking water source). The project will include the design and permitting of storm water Best Management Practices, including rain gardens and wetlands.

(15) NATURAL RESOURCES CONSERVATION SERVICE GRANT AWARD

1) Recognize, receive and appropriate $95,000 in grant funds from the Natural Resources Conservation Service.

2) Authorize the County Manager to execute a contract with the Natural Resources Conservation Service.

Note: Funds from this grant will be used in an effort to restore and enhance the water quality of McDowell Creek, a tributary of Mountain Island Lake (a primary drinking water source). This project will provide the planning and design of measures to control channel erosion and scour, improve aquatic habitat, and establish or enhance vegetated buffers.

(17) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $1,831.00 for the Sheriff’s Office, $5,966.00 for the Health Dept., and $2,137.00 for Social Services.

Note: All reimbursements are for stolen and damaged items.

(19) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE – LUESA
Amend the Mecklenburg County Solid Waste Fee Ordinance

Note: The amendments proposed would establish at the Foxhole Landfill a maximum tipping fee of $200 per container for loose waste and $235 per container for compacted waste while maintaining the current $30 per ton rate on loads less than the maximum. The current maximum is $165 per container.

The intent of this amendment is to reduce the quantity of waste being disposed at the Foxhole Landfill while maintaining projected total tipping fee revenues for the current budget year.

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

(20) FUNDING ADJUSTMENT – AMH

Recognize, receive and appropriate funds as specified below:

A. Recognize, receive and appropriate one-time Federal funds in the amount of $100,000 for a Substance Abuse Prevention pilot project.

B. Recognize, receive and appropriate one-time Federal funds in the amount of $199,350 to fund outpatient treatment for co-occurring disorders and providers that are will to serve Substance Abuse consumers on mood altering medication.

C. Recognize, receive and appropriate one-time State funds in the amount of $75,000 for the start-up costs associated with the HUD 811 apartment units.

D. Recognize, receive and appropriate recurring State funds in the amount of $28,950 for supporting specialized deaf services.

E. Recognize, receive and appropriate one-time State funds in the amount of $10,011 for supporting a community DD diversion site.

F. Recognize, receive and appropriate one-time Federal funds in the amount of $250,000 for intensive substance abuse treatment for families in Mecklenburg County Family Drug Treatment Court.

(21) PRAIRIE RESTORATION AGREEMENTS – PARK AND RECREATION

Amend funding level previously approved for prairie restoration agreements per the actual amounts awarded. Carry forward any unspent funds until the cost-share agreements expire.

Note: Funding for the McCoy Road Prairie Restoration project should be reduced from $30,475 to $26,575, a reduction of $3,900. Funding for the Winget Road Prairie Restoration project should be reduced from $7,770 to $5,720, a reduction of $2,050. Funds will be distributed on a reimbursement basis over a 5-year period as conservation practices are implemented.
(22) **U.S. FISH AND WILDLIFE SERVICE - PRAIRIE GRANT**

Recognize, receive and appropriate $7,825 of funds awarded by the U.S. Fish and Wildlife Service for a grant term of five years. Carry forward any unspent grant funds until grant expires.

*Note: This grant provides funding to further the County’s Piedmont Prairie restoration program. Funding is specifically provided for the purchase of a small greenhouse and associated supplies for prairie plant propagation and for the production of a prairie educational brochure. Funds will be distributed on a reimbursement basis.*

(23) **SHERIFF’S OFFICE SPECIAL REVENUE FUND**

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

(24) **VOCREHAB GRANT – SHERIFF’S OFFICE**

Reduce recognition and appropriation of Governor’s Crime Commission “Successful Reintegration Project” Vocational Rehabilitation grant by $34,051. Additionally, appropriate fund balance in the amount of $13,169.

(25) **SPECIAL CONSUMPTION PERMIT FOR LATIN AMERICAN FESTIVAL, INC.**

Approve a special consumption permit that would allow the Latin American Festival, Inc. to consume malt beverages and unfortified wine on county park property (Eastover Park) during the Latin American Festival.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

(13) **CHILD CARE RESOURCES, INC. (CCRI) FUNDS**

Chairman Cox asked to be excused from voting on Item 13 Child Care Resources, Inc. (CCRI) Funds to avoid a conflict of interest.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to excuse Chairman Cox from voting on Item 13 Child Care Resources, Inc. (CCRI) Funds to avoid a conflict of interest.

*Commissioner Helms, acting as temporary chair called for the motion on Item 13.*
Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 7-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to recognize, receive and appropriate $5,447,218 in additional Federal and State revenue for the Child Care Subsidy program.

Chairman Cox resumed chairing the meeting.

(16) NORTH MECKLENBURG PARK LAND EXCHANGE

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, adopt a resolution entitled: Mecklenburg County Board of Commissioners Resolution Authorizing Exchange of a Portion of Tax Parcel 009-111-19 at North Mecklenburg Park for a portion of Tax Parcel 009-111-11 on Sam Furr Road.

Commissioner Puckett removed this item from consent for more public awareness.

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

(18) BUSINESS RECYCLING GRANT – LUESA

Motion was made by Commissioner Samuelson, seconded by Commissioner Clarke and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to recognize, receive and appropriate $15,000 for a Business Recycling Grant awarded to Mecklenburg County Solid Waste by the North Carolina Department of Environment and Natural Resources.

Commissioner Samuelson removed this item from consent for more public awareness.

STAFF REPORTS AND REQUESTS

(26) FY05 PROGRAM REVIEW

Motion was made by Commissioner Puckett, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to receive as information the overview of FY05 Program Review.

Note: In FY04, the Board of County Commissioner’s and the County Manager’s Office conducted a strategic review of all County programs and other County-funded relationships. The objective of this Program Review was to assess the value of the funding by:

- Evaluating linkage between the programs and the County’s core responsibilities
- Determining the service directive for each program
- Evaluating the results achieved

Consistent with the Board’s Strategic Business Plan, the County Manager will continue the
program review effort at an operational level, with the review conducted by the Office of Strategic Organizational Improvement. The FY05 Program Review will be divided into two groups: a) assessments of program categories, including all services within a category; b) assessments of individual services. The following Program Categories and Services were selected for FY05 Program Review based on direction provided by the Board in developing the Board’s Strategic Business Plan.

<table>
<thead>
<tr>
<th>Program Categories</th>
<th>Services</th>
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<tbody>
<tr>
<td>• IT Resource Management</td>
<td>• Detention &amp; Rehabilitative Services</td>
</tr>
<tr>
<td>• Employee Resource Management</td>
<td>• Zoning &amp; Code Enforcement</td>
</tr>
<tr>
<td>• Communicable Illness Prevention/Treatment</td>
<td>• MWBE</td>
</tr>
<tr>
<td>• Regional Planning</td>
<td>• Office of the Tax Collector</td>
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<tr>
<td>• Homelessness Services</td>
<td>• Property Assessment Nature Preserves</td>
</tr>
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<td>• Veterans Service</td>
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COUNTY COMMISSIONERS REPORTS AND REQUESTS

(27) HIV/AIDS FUNDING

Commissioner Clarke as Chair of the Board’s Youth and Families Committee presented the Committee’s recommendations regarding HIV/AIDS funding.

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to:

(A) Approve the funding of an additional six staff in HIV/STD Services as follows (five under CHS and 1 under County):

1) 2 HIV Counselors (under CHS, $85,000) to provide testing and counseling in the STD/HIV Clinic, serving an additional 2400 clients.

2) 2 HIV Prevention Outreach Workers (under CHS, $75,000) to work in the community and on the streets providing prevention and risk reduction information to high-risk populations. They also offer counseling and testing and will serve 10,000 additional residents.

3) 1 Nurse Practitioner (under CHS, $105,000 including clinical supplies and equipment) to provide clinical care and management to recently diagnosed infected persons. Will serve up to 550 patients in managing the initial treatment plans, preventing more serious illness and reducing inpatient healthcare costs.
4) 1 Disease Intervention Specialist (under County, $50,000) to provide partner and contact notification and follow up, enforcing statutory control measures, testing and counseling. Will serve 425 additional clients.

(B) Approve changes to the text of the ABC Model.

Prior to the above vote, Commissioner James asked if there was any discussion by the Committee on the issue of condom use and distribution and needle exchange.

Commissioner Clarke stated that this matter was not on the Committee’s agenda for discussion and thus it was not discussed.

Commissioner Samuelson noted that there was someone at the meeting who brought this matter up, noting to the Committee that “here’s one of recommendations that you didn’t addressed.” She said that the person acknowledged that this model did not address condom use and distribution or needle exchange. Commissioner Samuelson echoed Commissioner Clarke’s statement that the Committee did not discuss this matter.

Commissioner James asked that the above comments of Commissioner Samuelson be included in the record. Further, that he be noted in the record as stating that in his opinion based on what’s written and was presented to the Board that “abstinence from sex outside of marriage, in other words the only sex that’s authorized under this policy is in marriage.”

*Model recorded in full in Minute Book 42-A, Document #*

(29) BOARD TRAVEL AND TECHNOLOGY POLICIES

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 7-1 with Commissioners Clarke, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes and Chairman Cox voting no, to:

1. Approve Travel Policy. To amend policy to codify that travel would be included as part of approving the budget ordinance and would allow borrowing (current un-codified policy).

2. Approve amendments to the Board Technology Policy. To amend policy to codify that travel would be a part of the budget ordinance and to conform the Technology to the travel policy to allow borrowing (current un-codified policy for Travel).

*Policies recorded in full in Minute Book 42-A, Documents #*

(30) INCREASING BOARD TRAVEL FUNDING

Motion was made by Commissioner James, seconded by Commissioner Mitchell and failed 4-4 with Commissioners Clarke, Helms, James and Mitchell voting yes and Commissioners Cox, Puckett, Samuelson, and Woodard voting no, to approve appropriating an additional $4,500 for Board travel ($500 per Commissioner).
Note: Commissioner Mitchell noted for the record and in response to articles that were written concerning his travels as a member of the Board, that all of his travels were the result of having been selected as the Board’s representative and/or his appointment to various state and national committees and/or task forces. He noted that reporters Earnest Winston with the Charlotte Observer and Mark Pellin with The Rhinoceros Times omitted this information in articles they wrote, which made him appear in a negative light to the public. Commissioner Mitchell said he knows, he nor anyone else, can control what a reporter prints but it’s expected that the facts would be reported and that pertinent information would not be omitted.

(32) LAKE NORMAN CHAMBER

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to grant $10,000.00 out of unrestricted contingency towards the Lake Norman Chamber of Commerce's Business Resource Center.

(31) PAY INCREASES FOR ELECTED OFFICIALS

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to establish a policy for determining pay increases for elected officials based on Option 1 as noted below.

Substitute motion was made by Commissioner Helms, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, to establish a policy for determining pay increases for elected officials based on Option 1 as noted below. Secondly, that this matter be voted upon separately during the budget process as it was done in the FY05 Budget Process.

Option 1
Average Increase Earned By Employees During The Current Year (the year in which the budget is being developed): Elected officials would receive an increase equal to the average increase earned by County employees during the current fiscal year (the year prior to the budget being adopted by the Board). Because there is a lag of one year, it is possible that Board members could receive raises in a fiscal year when employees do not, and vice versa.

ADJOURNMENT

Motion was made by Commissioner Samuelson, seconded by Commissioner James, and carried 8-0, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:37 p.m.
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 at 3:00 p.m. on Wednesday, September 8, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, H. Parks Helms
Bill James, Norman A. Mitchell, Sr.
Jim Puckett, Ruth Samuelson
and Valerie Woodard
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: Commissioner Dan Ramirez

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

The Board met in Special Session for the purpose of going into Closed Session to discuss Personnel Matter.

The meeting was called to order by Chairman Cox.

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Clarke, Cox, Helms, James, Mitchell, and Puckett voting yes, to go into Closed Session to discuss Personnel Matter.

The Board went into Closed Session at 3:20 p.m. and came back into Open Session at 5:07 p.m.

Commissioners Woodard and Samuelson were present when the Board came back into Open Session. They entered during Closed Session.

ADJOURNMENT

There being no further business, the meeting was adjourned by common consent at 5:07 p.m.

Janice S. Paige, Clerk

Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, September 14, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, H. Parks Helms
Bill James, Norman A. Mitchell, Sr.
Jim Puckett, Dan Ramirez,
Ruth Samuelson, and Valerie Woodard
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: None.

Commissioners Helms and Ramirez were absent when the meeting was called to order and until noted in the minutes.

(1) CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE REPORT

County Manager Jones called upon Finance Director Harry Weatherly to introduce the presenter of the Citizen’s Capital Budget Advisory Committee (CCBAC) Report, Chris Jackson, Chairman of the CCBAC.

Mr. Jackson presented the CCBAC’s recommendations on Charlotte-Mecklenburg Schools (CMS) Standards and Capital Improvement Program.

Commissioner Ramirez entered the meeting during this time.

Highlights:

- The recommendation regarding CMS Renovations was that enough capital money should be made available each year to renovate 1/60 of the seats of the entire school system.
- The recommendation regarding CMS Maintenance was that the Board find a way to fully fund the building maintenance programs of CMS without resorting to borrowing money.
- The recommendation regarding CMS Mobiles was that it was necessary to have the flexibility mobile classrooms provide, but that there were currently too many. The CCBAC recommends replacing 80% of the mobiles with permanent structures over a 20 year time period.
A copy of the report is on file with the Clerk to the Board.

Note: Guy Chamberlain with CMS was present and addressed questions from the Board along with Mr. Jackson.

Comments

Chairman Cox asked the following:
- What was the annual funding amount for growth ($79,800,000) based on? The response was that it was based on the CMS 2004 Capital Needs Assessment (CNA) and breaking down the 1-3 year plan and doing the full 10-year plan to estimate what the average cost per seat would be.
- Was it based on current dollars or inflated dollars? The response was that it was based on current dollars listed in the CNA. Chairman Cox noted that the CNA dollars he saw several months ago were inflated dollars.
- Address the renovations amount of $40,388,185. The response was that the CCBAC took the 10-year CNA figure and pushed it out to 15 years.
- What do the mandates consist of? The response was things such as asbestos and bringing schools up to code and “things of that nature.”
- Address the mobiles. The response was that the amount shown represents the cost over a 20-year period.

Commissioner James asked the following:
- As it relates to growth, what is the average number of students being used? The response was 4,200.
- What is the number of students for FY04-05 since the 20-day close? The response was about 118,600, so the growth is basically 4,700 new students, K-12.
- Is the renovation amount based on a mathematical formula or an actual listing of schools that have physical deficiencies that have to be done? The response was that there was a list that breaks it down over 10 years.
- How much of the “baseline standards” is part of the $605 million CNA? The response from Mr. Chamberlain was that over the 10-year period it was $500,216,422.

Commissioner Clarke asked the following:
- How much of the $605 million is currently funded with authorized but unissued bonds? The response from Mr. Chamberlain was that none of it was currently funded. Mr. Chamberlain said CMS’s CNA were unfunded needs.

Commissioner Samuelson asked the following:
- Inquired about “baseline standards” and how much of the $605 million were for things that were needed because of operational deficiencies versus things that were not but would make things that were operational “nicer?” Mr. Chamberlain said that he could provide a spreadsheet, which would address Commissioner Samuelson’s question, but that it was about 50-50.
- What’s the amount left between the $605 million and the number that’s referred to as “baseline” renovations? Mr. Chamberlain said it would be about $125 million.

Commissioner Puckett asked the following:
• Is the per square foot, per student number the same across the system or do they vary? Mr. Chamberlain’s response was that today they vary. He said the schools built by current standards are at the highest and anything older is probably lower.
• Using a media center as an example, is it true that any school that is being renovated or built new regardless of where it’s located would have the same square foot, per student for a media center. Mr. Chamberlain’s response was yes.

Commissioner James regarding renovations and baseline standards questioned the types of things needing to be done.

Chairman Cox said that per the list he’s seen the items to be addressed were not cosmetics.

Commissioner James noted the following:
• That he thought in January of this year, $154 million was sold ($140+ in General Obligations bonds) ($9 or $11 million in COPS). He asked for clarification on whether it was stated that CMS was only going to spend roughly $120 million for this year. Mr. Chamberlain said that was not the intention in January. He said that by the end of the year he felt they will have spent about $125 - $130 million.
• Referenced the sizing of the January 05 bond sale and the $125 million that’s being proposed and asked if that included COPS #1 and COPS #2? Mr. Chamberlain said that it only included COPS #1.

Chairman Cox said that staff would be providing the Board with more information regarding the sizing of the January 05 bond sale at the September 21, 2004 meeting.

Commissioner Mitchell said that there was a critical need for renovations in the CMS System.

Commissioner Clarke asked the following:
• Does the $40 million annually for the next 15 years for renovations take care of the maintenance and renovation needs noted in the information provided to the Board? The response was yes, that’s the CCBAC’s understanding.
• Why when you plan to spend $154 million this year, why are you only by the end of the year anticipating that you will have only spent $125 million? Mr. Chamberlain said there were two things, most significantly in March of this year the BOE directed staff to go to a revaluation process, which essentially took almost four months because of the uncertainty of the outcome of that process. As a result, he placed all projects that weren’t already under construction on hold. He said all design stopped. No new contracts were let. So several months of productivity were lost. Secondly, it’s taking about four months longer to get a project permitted then it did a year ago.

Commissioner Helms entered the meeting at this time.

Commissioner Puckett asked the following:
• Were the numbers provided based on the assumption of full capacity at each school? The response was yes, however staff will go back and revaluate this and reduce scope where it’s applicable.
• Is the per square foot measurement, per student at an equity plus school the same as it is at a non-equity plus school? Mr. Chamberlain said that was probably a reasonable conclusion. Commissioner Puckett then noted that although it was stated earlier that the
per square foot measurement, per student was the same across the system, there actually were two standards.

- Is the roughly $24 million that was not spent the same $24 million that is being recommended that could possibly be reprioritized? *Mr. Chamberlain said that he could not answer that at this time.*
- Did the CCBAC discuss the consolidation of any schools and were any other building methods considered other than what’s currently being done? *The response was yes, the CCBAC looked at other school systems regarding the possibility of a POD system, which would allow you to add or take away and use facilities somewhere else.*

This concluded the discussion of the CCBAC’s report.

*Note: Prior to the discussion of the Charlotte-Mecklenburg Schools Funding Framework, County Manager Jones announced that staff had just received word that former Deputy County Manager Russ Crider had passed away from an apparent heart attack, about an hour ago. He said the details of what had occurred and subsequent arrangements were unknown at this time. County Manager Jones at the request of Chairman Cox said a prayer in memory of Mr. Crider and in sympathy to his family.*

(2) **CHARLOTTE-MECKLENBURG SCHOOLS FUNDING FRAMEWORK**

Hyong Yi, Management and Budget Director presented a report entitled Charlotte-Mecklenburg Schools Funding Formula: A Basis for Decision-Making.

Director Yi said the objective of the proposal is to identify a transparent funding framework for CMS that:

- Accounts for all CMS costs (operating, capital, and debt service) and
- Assists the BOCC in evaluating CMS’ annual funding request.

The presentation included a review of the Framework goals, principles, and assumptions; model variations; operating budget projections and cost factors; debt budget; and appropriations.

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

Comments

- Commissioner Puckett asked was it correct to assume that no economies of scale were taken into consideration as it relates to the per seat cost allocations? *The response was that staff based it strictly on the per seat basis.*

- Commissioner Clarke asked for clarification of the statement “regardless of need,” which was stated in the Debt Issuance Model assumption. *The response was that in this context it means that staff used $100 million for the schools’ needs whether the other models suggested they needed more or less than that amount.*

Director Yi noted that the funding levels in the various models would be different, however, the relationships between the operating and the capital hold true regardless of which model is used and what numbers are plugged in.
Commissioner Woodard referenced the assumptions that were noted in the report and asked if the information presented assumed that all schools would be at capacity? The response was no that the model looks at the school district in its totality, not in its component schools.

Commissioner Samuelson referenced the blue line on the Per Seat Model and asked was the assumption that from 05 to 010 that the growth in students was relatively constant? The response was that it was because of the three-year rolling average, which tends to smooth it out through ups and downs.

Commissioner James asked why was the amount of $124 million used for new capital investment? The response was that staff did not choose the number but rather the model chose the number.

Commissioner Helms asked if the new capital investment line included new construction, renovations and maintenance? The response was yes that it includes everything.

Commissioner Helms noted that this was inconsistent with what CMS had presented and the CCBAC.

County Finance Director Weatherly noted that what was shown on the “blue line” of the handout was composed of three factors, new seats, renovations, and mobile classrooms. He said that it was not intended to be the maintenance and repairs as reflected in earlier conversations. Director Weatherly said that this was “real capital.”

Chairman Cox noted that it was a reduction in the mobile classrooms inventory and not the purchase of mobile classrooms.

Commissioner Clarke asked if the model had any factor in it to increase the operating budget so as to cover the maintenance on the expanding base of capital facilities? The response was no that it takes into account current spending levels, per student and it assumes that for a current student some portion of that per student funding is devoted to maintenance; and for every new student that same portion of per student funding would be tied to maintenance.

Chairman Cox said that the answer to Commissioner Clarke’s question was really yes because included in the $265 million was roughly “some would say,” $55 million of current expenditures for “so called” maintenance.

Director Yi noted again in his concluding remarks that the Funding Framework takes into account operating, capital, debt service and basically all the costs that staff could identify for CMS, except for funds for maintenance of buildings.

Director Yi said that if staff were to draw any conclusions regarding the Framework as a tool it would be that it was a useful tool to evaluate the Schools’ operational and capital needs if you look at them separately. He said “strange things” start to happen when you look at them together in terms of operating and capital and how they interact, but that maybe that was something the Board wants to happen.

Chairman Cox commented on the Debt Budget chart. He said that based on the way its been built the “blue line” (New Capital Investment) based upon the assumptions, predicts a capital
investment of a little over $120 million per year for investment in CMS capital. He said in that
sense it is the optimum and the model predicts that based upon the needs of the enrollment
growth and other assumptions. He said in order for CMS to keep from “digging” into their
operating they have to invest less than $120 million to make it work. He said that’s the conflict
the model somehow results in.

Commissioner Samuelson asked what was the difference between Per Student Model 1 and Per
Student Model 1a? The response was that Model 1 assumes debt service calculations based on
how debt service is currently structured. Model 1a is the same except for the debt service
calculations, which uses a bond repayment factor of .08. Also, that the difference between two
models was about $2.5 million and that you don’t save more with one model versus the other but
rather it’s a function of where you’re paying it out. Further that in Model 1 you’re paying a lot
out “up front.”

Chairman Cox said he felt the Board should not look this Framework as a “policy” in the sense
that the Board would be rigidly bound to do whatever it produced. He said it should be looked at
as a way of evaluating the request for money from CMS.

Commissioner James requested that staff e-mail the schedule that was used to put the models
together to the Board for further study.

Commissioner James also made the following comments regarding the models:
  • The High School Challenge should not be included because those funds are to be
    segregated for a separate purpose.
  • He has a problem understanding, for example in the operating portion for 06, how the
    amount is $305 million when last year it started with $265 million.
  • The High School Challenge amount of $6 million confuses the issue as to how it’s being
    allocated.
  • He commented on the “green” section of the model noting that there was a formula
    appropriation line and an on-going appropriation line, which summarizes that one
    schedule but that the difference between the two is what effectively represents a
    reduction. He does not completely understand that reduction as it relates to the next
    section of the model entitled Revised Operating Funds.

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

Commissioner Ramirez asked for clarification regarding the repayment schedule, which was
explained by Finance Director Weatherly.

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

Chairman Cox said that the Board would consider the CMS Funding Framework in October.

Commissioner Clarke suggested to staff that the base amount be $271 million.
Commissioner Helms noted that he also felt the framework should not be a “policy” but a guide.

County Manager Jones asked Board members to submit any additional comments they may have
to staff and that information would be shared with all Board members.
Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0, with Commissioners Clarke, Cox, 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 5:24 p.m.

____________________                           ______________________________  __________________________
Janice S. Paige, Clerk                           Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, September 21, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, H. Parks Helms Bill James, Norman A. Mitchell, Sr. Jim Puckett, Dan Ramirez, Ruth Samuelson, and Valerie Woodard County Manager Harry L. Jones, Sr. General Manager Bobbie Shields County Attorney Marvin A. Bethune Deputy Clerk to the Board Tonette F. Spears

Absent: None

- INFORMAL SESSION -

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

Vice-Chairman Ramirez called the meeting to order in the absence of Chairman Cox.

(1) STAFF BRIEFINGS – NONE

(2A) CLOSED SESSION – PERSONNEL MATTER

Although it was scheduled on the agenda, the Personnel Matter was not a subject for discussion during Closed Session

(2B) CLOSED SESSION - LAND ACQUISITION

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matters to be discussed in Closed Session:
Tax parcel #157-041-29 at 3522 Ellington Street and tax parcel #047-191-12 located on the north side of Mallard Creek.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 6-0 with Commissioners James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to go into closed session to discuss land acquisition.

_The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 5:25 p.m._

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

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 11, 14, 15, 19, and 20.

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

_Commissioners Clarke, Cox and Helms entered the meeting at this time._

________________

_-FORMAL SESSION-_  

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

(2B1) **LAND ACQUISITION – CLOSED SESSION**

Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase of tax parcel #157-041-29 at 3522 Ellington Street from James B. Stegall for +/-$57,600 to expand the surface parking area to support additional building at the Ellington Street and Billingsley Road complex.

(2B2) **LAND ACQUISITION – CLOSED SESSION**

Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to:

1) Authorize the County Manager to negotiate an agreement to purchase a 1.5 acre portion of tax parcel #047-191-12 from Partners for Parks Foundation, Inc. for $10,000, and
2) Authorize the foundation to reserve the $10,000 to be applied toward the cost of a future bridge across Mallard Creek between I-85 and U.S. 29/N. Tryon Street.
(1A) PROCLAMATION – HISPANIC AMERICAN HERITAGE MONTH

Motion was made by Commissioner Ramirez, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating September 15 – October 15, 2004 as Hispanic American Heritage Month.

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

(1B) PROCLAMATION – SENIOR SCAM JAM

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt the proclamation, “2004 First Annual Hispanic Senior Scam Jam.”

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:

Brett Jones-Theophilious appeared to speak on homeless people and the condition of the facilities at the Uptown Men’s Shelter.

County Manager Jones addressed Mr. Theophilious’ concerns and informed the Board that staff has responded and are working to resolve some of the issues he brought up.

Commissioner Clarke noted that currently the Uptown Men’s Shelter has a capital campaign underway to build a new facility. He stated if the campaign is successful it would also address some of the issues/concerns Mr. Theophilious brought up.

Chris Brigman, Project Director for Residential Support Services, and Pam Richards thanked the Board for continued funding for services to support individuals with disabilities.

APPOINTMENTS

(3A) ALCOHOLIC BEVERAGE CONTROL BOARD

The vote was taken on the following nominees for appointment to the Alcoholic Beverage Control Board:
Round One
Zerrick Bynum  Commissioner Samuelson
Charles E. Knox, Jr.  Commissioners Helms and Puckett
James K. Polk  Commissioners James, Mitchell, Ramirez and Woodard
Don D. Reid  None
Paul G. Strickland, Jr.  None
Charles Teal  Chairman Cox
Charles Thrift  Commissioner Clarke

Round Two
Zerrick Bynum  None
Charles E. Knox, Jr.  Commissioner Helms
James K. Polk  Commissioners James, Mitchell, Puckett, Ramirez and Woodard

Voting Ceased

Don D. Reid  None
Paul G. Strickland, Jr.  None
Charles Teal  None
Charles Thrift  None

Chairman Cox announced Mr. James K. Polk was appointed to the Alcoholic Beverage Control Board to fill an unexpired term expiring June 30, 2006.

Mr. James K. Polk replaces Mr. William Seymour.

(3B) BUILDING DEVELOPMENT COMMISSION

The following individuals were nominated for appointment to the Building Development Commission:

*Paul Strickland, Jr.  by Commissioner Ramirez
Wanda Towler  by Commissioner Woodard

*Note: On June 15, 2004, the Board, after reviewing applications, nominated only one of the applicants, Paul Strickland, Jr., who appeared to quality as a “true” general public representative. All other applicants were affiliated with a trade that is already represented on the advisory board. Nominations were left open from the June 15, 2004 meeting.

An appointment will occur on October 5, 2004.

(3C) CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE
Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and carried 5-4 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting yes, and Commissioners Clarke, Helms, Mitchell, and Woodard voting no, to defer nominations to the Citizen’s Capital Budget Advisory Committee (CCBAC) and refer this committee to the Boards Efficient & Effective Government (EEG) Committee to review the charge of this committee and the possibility of abolishment.

(3D) DOMESTIC VIOLENCE ADVISORY BOARD

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Victoria Martinez and Angela Pittman to the Domestic Violence Advisory Board for three-year terms expiring October 5, 2007.

(3E) INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

Motion was made by Commissioner Puckett, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint John Sanchez to the Industrial Facilities & Pollution Control Financing Authority for a six-year term expiring October 31, 2010.

(3F) MOUNTAIN ISLAND LAKE MARINE COMMISSION

The following persons were nominated for appointment to the Mountain Island Lake Marine Commission:

- Tom Alligood by Chairman Cox
- James R. Hixon by Commissioner Puckett
- Deborah H. Lawing by Commissioner Woodard
- Gregory L. Shelton by Chairman Cox
- Karen Steffens by Chairman Cox

Appointment will occur on October 5, 2004.

(3G) PARK AND RECREATION COMMISSION

The following person was nominated for appointment to the Park and Recreation Commission:

- Paul Pettie by Commissioner Mitchell

An appointment will occur on October 5, 2004.

(4) PUBLIC HEARINGS – NONE
(5) ADVISORY COMMITTEE REPORTS

The Board received a report on the Status of Domestic Violence in Charlotte-Mecklenburg. The presenter of the report was Sherry Barnes, Chairman of the Domestic Violence Advisory Board (DAVB).

Ms. Barnes said that although much progress has been made in regards to domestic violence since the first survey was conducted in 1986, gaps in services still exist.

In conclusion the following recommendations for Community Leaders were made:

1. **Safety Audit**: A coordinated community response to domestic violence is necessary to successfully keep victims safe, hold batterers accountable, and ultimately end the cycle of violence. A Safety Audit is the first step in developing this type of response. Field experts complete an in-depth analysis on the community’s policies, procedures, and response to domestic violence and assist with planning and implementation of a coordinated intervention. It is recommended that community leaders assist with obtaining funding to complete a safety audit for Charlotte-Mecklenburg.

2. **Give domestic violence a higher “Priority Ranking”** as this is an issue that literally affects our citizens’ safety and preservation of life.

3. **Set standards of intervention**, based on victim safety and batterer accountability, for all services receiving funding from the county and monitor compliance with these standards.

4. **Continue to fund programs providing quality services** for domestic violence and whenever possible increase the funding.

5. **Advocate for laws and funding** for domestic violence programs with legislators.

6. **Attend the community conference on Friday, October 29, 2004**, sponsored by the DVAB. A representative of the Duluth Project, a nationally renowned project, will talk about the components of a coordinated community response and how it helps the community.

It was the consensus of the Board to refer this report to the Boards Community Health and Safety Committee for review.

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

MANAGER’S REPORT

(6) MANAGER’S REPORT – NEW COURTHOUSE NAME UPDATE

County Manager Jones gave an update on the status of the name of the new Mecklenburg County
Courthouse. He told the Board the name “Mecklenburg County Courthouse” will be sandblasted into the stone panels with a cost of $11,600 for the new courthouse and would be positioned above the main entrance to the new building located at the corner of 4th and McDowell Streets.

He further stated it would not be necessary for the Board to formerly name the courthouse as the Mecklenburg County Courthouse. Staff would proceed and have the work done as the normal part of the construction process.

Commissioner Samuelson asked about the status of the committee that was going to investigate other appropriate naming opportunities after former President Reagan.

Chairman Cox stated letters were sent to the Mayor and Chair of the Board of Education. The response from the Board of Education was that they wanted to appoint Larry Gauvreau, Kaye McGarry and Lee Kindberg. He said he had not received a final response from the Mayor, who said he would forward the request to the City Council and let them take action.

**CONSENT ITEMS**

Motion was made by Commissioner Helms, seconded by Commissioner Clarke and unanimously carried, with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of items 11, 14, 15, 19 and 20 to be voted upon separately:

(7) APPROPRIATION OF MINUTES

Approve minutes of Regular Meeting held September 8, 2004 and Closed Session Minutes of September 8, 2004; Special Meetings held September 8, 2004 and April 15, 2004; and Closed Session Minutes of June 1 and 15, 2004.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $63,722.60 resulting from clerical errors, audits and other amendments.

*A list of taxpayers receiving refunds is on file with the Clerk to the Board.*

(9) WORK FIRST BIENNIAL COUNTY PLAN

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.

*Note: The Board must appoint a committee of individuals to identify the needs of the population to be served and to review and assist in developing the County plan to respond to those needs. The Committee membership should include representatives from the following:*
(10) NEW GOVERNMENT DISTRICT PARKING DECK PROJECT –
RESCIND CONTRACT AWARDED TO ABG CAULKING, INC.

Rescind action of July 13, 2004 awarding contract to ABG Caulking, Inc and reject all of the Waterproofing bids for the New Government District Parking Deck.

Note: Following the award of this contract by the Board, County staff became aware of the fact that the apparent low bidder had verbally been given incorrect information about the scope of the work, which resulted in the apparent low bidder excluding work from its bid that should have been included in its estimate of the cost. County Real Estate Services staff and the County Attorney concluded that the only fair way to resolve this situation was to rescind award of the contract, reject all bids, and re-bid this work.

(12) GOVERNOR’S CRIME COMMISSION GRANTS

Recognize, receive and appropriate the following grant awards from the Governor’s Crime Commission in the total amount of $156,615.99.

1) Assistance League of Charlotte – Mecklenburg County Teen Court Grant #060-1-03-007-K-058 Award Amount: $43,615.99

2) Chemical Dependency Center – Women’s Treatment Program Grant #060-1-03-110-AV-016 Award Amount: $113,000.00.

Note: Match funding has been secured for the Mecklenburg County Teen Court program in the amount of $14,538.66 through Assistance League of Charlotte and for the Women’s Treatment Program in the amount of $28,250.00 through the Chemical Dependency Center.

(13) GROUNDWATER WELL REGULATIONS – SET PUBLIC HEARING

Set a public hearing on October 5, 2004 on the proposed adoption of the Mecklenburg County Groundwater Well Regulations and direct the Clerk to the Board to advertise the public hearing.
(16) CATAWBA VALLEY SCOTTISH SOCIETY (CVSS) LEASE AGREEMENT AMENDMENT

1) Amend the current lease agreement between Mecklenburg County and the Catawba Valley Scottish Society by revising the rent payment terms to reflect repayment via future contributions of cash expenditures, capital improvements, volunteer labor/time, and other expenses as approved and authorize the County Manager to execute revised agreement.

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

(17) LINCOLN HEIGHTS NEIGHBORHOOD PARK LAND ACQUISITION

Approve purchase of the following ten parcels from the Northwest Corridor Community Real Estate Corporation for $585,000:

<table>
<thead>
<tr>
<th>Parcel ID#</th>
<th>Address</th>
<th>2003 Tax Value</th>
<th>Appraisal &amp; Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>075-042-01</td>
<td>2128 Madrid St.</td>
<td>$61,100</td>
<td>$75,000</td>
</tr>
<tr>
<td>075-042-02</td>
<td>2116-2120 Cummings Ave.</td>
<td>$98,100</td>
<td>$103,000</td>
</tr>
<tr>
<td>075-042-33</td>
<td>1803 Cummings Ave.</td>
<td>$43,100</td>
<td>$37,000</td>
</tr>
<tr>
<td>075-042-34</td>
<td>1807 Cummings Ave.</td>
<td>$49,700</td>
<td>$50,000</td>
</tr>
<tr>
<td>075-042-37</td>
<td>1815 Cummings Ave.</td>
<td>$42,600</td>
<td>$37,000</td>
</tr>
<tr>
<td>075-043-21</td>
<td>1601 Cummings Ave.</td>
<td>$83,700</td>
<td>$75,000</td>
</tr>
<tr>
<td>075-043-24</td>
<td>1613 Cummings Ave.</td>
<td>$33,800</td>
<td>$52,000</td>
</tr>
<tr>
<td>075-043-35</td>
<td>1705 Cummings Ave.</td>
<td>$34,400</td>
<td>$52,000</td>
</tr>
<tr>
<td>075-043-36</td>
<td>1709 Cummings Ave.</td>
<td>$34,400</td>
<td>$52,000</td>
</tr>
<tr>
<td>075-043-41</td>
<td>1701 Cummings Ave.</td>
<td>$34,400</td>
<td>$52,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$515,300</strong></td>
<td><strong>$585,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Note: The above parcels are part of the four-block area between Madrid Street and Kennesaw Drive and bordering Cummings Avenue to be assembled for a neighborhood park to serve the Lincoln Heights community.*

*1999 Land Bonds will be used for funding.*

(18) NEW GOVERNMENT DISTRICT PARKING DECK PROJECT – AWARD CONSTRUCTION CONTRACTS:

Award construction contracts for the following bid packages to the contractors and in the amounts indicated:
<table>
<thead>
<tr>
<th>Bid Package</th>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Deck</td>
<td>Carolina Time Equipment Company</td>
<td>$285,781.00</td>
</tr>
<tr>
<td>HVAC</td>
<td>Tri/Meck Mechanical, Inc.</td>
<td>$43,300.00</td>
</tr>
<tr>
<td>Roofing</td>
<td>Carolina Commercial Roofing</td>
<td>$25,742.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$354,823.00</strong></td>
</tr>
</tbody>
</table>

(21) **PERSONNEL COMMISSION CHANGES**

Increase the size of the Personnel Commission from 11 to 13 members and expand the duties and functions in the Commission By-laws to include review of the County’s Organizational Diversity initiative.

* A copy of the revised Board Section of the Human Resources Policy and Procedures Manual including a change to the Personnel Commission Bylaws are on file with the Clerk to the Board.

This item was not removed for discussion, however, Commissioner James noted for the minutes that under the revised section of “Commission, Duties and Functions,” item #6 states the Personnel Commission would periodically review the County’s Diversity Initiative and recommend to the County Manager and/or to the BOCC any policies and programs to insure the County is able to recruit, motivate and retain a diverse work force that reflects the diversity of the community.

* Commissioner James stated that in conversation with County Manager Jones his understanding of diversity is *ethnic* diversity and does not include other more esoteric definitions.

(22) **DONATION OF SURPLUS MECKLENBURG COUNTY OFFICE EQUIPMENT**

Approve the donation of surplus County owned office equipment to the Present Day Cares, Inc.

*Note: The Present Day Cares, Inc. will use the office equipment for the juvenile restitution program. Present Day Restitution provides safe supervised work sites for 72 juveniles per week.*
that are court ordered to do community service and pay back restitution.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) FREEDOM MALL – LEASE EXTENSION REQUEST

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to:

1) Authorize the County Manager to negotiate and execute a lease amendment with Media Evolved, LLC at Freedom Mall.

2) Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to Media Evolved LLC.”

Note: Media Evolved, a tenant at Freedom Mall, currently has a 5-year lease for 31,327 (SF (Suite#51) with an option to renew for one 5-year extension. Their original lease expires June 30, 2006, so if they choose to exercise the option, it would extend the expiration date to June 30, 2011, or 7 years from this past June.

Media Evolved also has a separate one-year lease for an additional 27,116 SF storage space (Suite #50-A), the term of which expired on June 30, 2004 and is currently on a month-to-month basis. They have requested an extension of this lease for the same maximum potential term as Suite #51, or effectively for 7 years.

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

(14) NC 73 TRANSPORTATION/LAND USE PLAN MEMORANDUM OF UNDERSTANDING

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt the NC 73 Transportation/Land Use Plan Memorandum of Understanding.

Note: The County’s involvement is basically assisting Huntersville with Land Development and Access Management Reviews.

Commissioner Clarke removed this item from consent for more public awareness.
(15) GRANT APPLICATION FOR SOLID WASTE VEHICLE RETROFIT PROJECT

Motion was made by Commissioner Samuelson, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes to:

1) Approve applying for federal grant funds in the amount of $150,000 to partner with City of Charlotte Solid Waste to retrofit diesel solid waste vehicles with emission control devices.

2) Recognize, receive, and appropriate the actual grant revenue upon approval of grant.

Commissioner Samuelson removed this item from consent for more public awareness.

(19) NAMING OF BASKETBALL COURTS AT RAMBLEWOOD PARK

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes to approve the dedication of Ramblewood Park basketball courts in the names of De’Von Jabari King and Fredrick Fee.

Note: Both individuals were killed tragically while going to play basketball.

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

(20) FACILITY NAMING PROPOSAL – COMMUNITY ROOM AT ENDERLY RECREATION CENTER

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the official naming of the community room located in the new Enderly Recreation Center as the R. Lee Bass Community Room.

Note: Mr. Bass was active in scouting, his church, the Masons and his neighborhood.

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

STAFF REPORTS AND REQUESTS

(23) SIZING OF GENERAL OBLIGATION BOND SALE AND CERTIFICATES OF PARTICIPATION (COPS) JANUARY 2005 SALE

County Manager Jones informed the Board this item was intended to provide current information
for the Board to begin consideration for approval of the amounts for the January 2005 sales and an opportunity for the Board to request additional information.

Finance Director, J. Harry Weatherly, Jr. addressed this issue.

Highlights

- A January 2005 bond sale in the amount of $128.3 million is being proposed, that would continue the projects underway and would also allow for those projects scheduled to be started in the next year, about one year’s worth of capital (cash) needs to begin.
- As for the Certificates of Participation (COPs) many are continuation funding for projects underway and also several new facilities that the Board approved through the last CIP process that the County Manager reported on back in July and August, from those that have already been approved in some manner $99.1 million.
- Based on the approved, both Bonds and COPs the total sale in January based on these estimations is $227.4 million.
- The County Manager recently received a letter from the School Superintendent requesting the Board to consider some COPs for school facilities in the manner of $73.9 million for several projects. The details for those projects have not been received yet.
- CMS has been notified that they will be expected to be at the October 5th meeting to make a presentation to the Board so that a determination can be made whether to proceed with those COPs.
- If the Schools receive permission to proceed with that, it adds another $14 million to the proposed sale in January.
- The total sale of $227.4 million would be for schools with $119 million of that total, the balance, being for various County projects.
- Staff not only looks at the cash needs for the next year but also at the cash on hand from previous bond sales.
- As stated at the last Budget/Public Policy Meeting, the schools have $25-$30 million they project to be on hand at the end of this calendar year.
- There are also Park and Recreation funds still on hand from previous sales, which is why on the Bonds there are no proposed amounts in January for the Park and Recreation Facilities Bonds Approved in 1999.
- The January sale date is January 19th.
- Staff is working with the County’s financial advisor to update the Debt Affordability Study in looking at that debt affordability study in connection with the debt policy that the Board passed about a year and a half ago.

Comments/Questions:

Commissioner James asked the following:
- If staff knew how many of the current CMS GO Bond projects have not been started?
  
  The response was no, but from information just received from the Board of Education (BOE), that of the $82 million there is $23 million in that number of projects that have
not yet started. Of the COPs, the $37 million, COPs #1, there’s $15.5 that have not yet been started

- If staff knew what the total unissued CMS debt was? The response was yes that before this sell and per numbers off of the 2002 referendum, $162 million, from 2000, $93.5 million and from the total COPs that you have authorized $89.5 million.

Commissioner James said in his opinion “we ought not to spend more this year than we spent last year.” Commissioner James said he feels the number to spend for CMS next year for bonds should be somewhere “south” of $124 million, perhaps $100 million.

Commissioner James asked staff to find out from CMS:
- What projects would not get completed if the amount was reduced from $133 million down to $100 million.
- What is the prioritization of the $133 million?
- What is most important to them?
- What is the first thing CMS would not do, if they didn’t get all their money?

Commissioner Clarke said that in his opinion school spending was going these days into the rapidly growing population in the North and in the Southeast and increasingly in the Southwest, down in the Steele Creek area. He said rapid population leads to demand for these public facilities.

Commissioner Clarke asked if the COPs were going any other places? The response was that it was not known.

Finance Director Weatherly said the indication from CMS staff is that they will request $14 million of the total $73.9 million to be included in the January sale.

Commissioner Puckett said he was reluctant to hand over COPs crisis dollars to fund the crisis when the school system is sitting on $255 million in general obligation bonds that their own staff said they could reallocate $28 million of it or over a 1/3 of the new crisis money they need. Yet, the BOE said no, they were not going to alter their current plans.

Commissioner Puckett said he was concerned about the additional debt and the lack of reprioritization within CMS with their current bond dollars.

Chairman Cox left the meeting and was absent for the remainder of the meeting.

Vice-Chairman Ramirez assumed chairmanship of the meeting.

Commissioner Puckett said he would rather CMS build new schools in highly overcrowded areas as opposed to just renovating schools because of the age and with very little reference to the number of children served.
Commissioner James referenced a statement he said he heard Mr. Guy Chamberlain with CMS say on television, which was that if CMS got the COPs, the second batch of $74 million; they could not and would not need a bond referendum in 2005. He said Mr. Chamberlain addressed the fact that basically there was $345 million that would be left and therefore they couldn’t swallow any additional bond referendum in 2005.

Commissioner James asked that staff, if they could, obtain a statement from CMS regarding their position in regards to the comment made by Mr. Chamberlain about a bond referendum in 2005.

Commissioner Woodard said she understands that there are school needs in the suburbia area, but that she doesn’t know if it’s to the tune of $73.9 million.

Commissioner Woodard said her concern was the cost and what’s left from the $73.9 once all the seats are filled in the new schools. She said it doesn’t make sense to just to build more schools when you have spaces available in state-of-the-art schools.

Commissioner Mitchell noted that schools were needed in the southwest part of the county because of overcrowding. He said the whole idea of not building schools, or building schools but not to renovate the schools within the inner-city, is something that’s just not going to “play.” He said these schools would have to be renovated and new schools would have to be built. He said whole thing was on a dual track.

Commissioner Mitchell said he would support the building of new schools and renovation of schools but that he definitely would not support building new schools and not renovating older schools.

Commissioner Helms asked staff to bring back some information with respect to the specific projects that will be requested in the $74 million COPs sale that the BOE is asking for. He would like to know specifically, what would be the impact of the new construction and the additions, particularly at Hopewell and Butler, the 25 classrooms that are added there. Where will those students come from?

After further debate and discussion, County Manager Jones suggested that since there were a lot of outstanding questions that on October 5th at 3 p.m. the Board hold a workshop on capital spending. He said the Board could keep on the agenda the sizing if the Board is able to get an agreement at that time for that evening. He said if an agreement could not be reached at that particular point or if there’s a need for additional information, he would propose that the Board use the Public Policy Workshop on October 12th as the date to size the bond sale and schedule the public hearing on the 19th for the COPs.

County Manager Jones noted that he had not heard any discussion regarding the non-CMS debt that staff proposes to issue, so, if there are questions Board members have regarding any of those items, they should be provided to staff, so that they could also be addressed on the 5th.
This concluded the discussion of the Sizing of General Obligation Bond Sale and Certificates of Participation (COPs) January 2005 Sale.

No action was taken. It was the consensus of the Board to proceed as outlined by the County Manager regarding meeting on October 5th at 3:00 p.m.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

None

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson, and carried 8-0, with Commissioners Clarke, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:30 P.M.

______________________________
Tonette F. Spears, Deputy Clerk

______________________________
Tom Cox, Chairman

____________________________
Dan Ramirez, Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

October 5, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 5, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, Bill James,
Norman A. Mitchell, Sr.
Jim Puckett, Dan Ramirez,
Ruth Samuelson, and Valerie Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Deputy Clerk to the Board Tonette F. Spears

Absent: Commissioner H. Parks Helms

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-INFORMAL SESSION-

(1A) STAFF BREVIFINGS – REALLOCATION OF LAND BONDS

County Manager Jones called on Nancy Brunnemer with Real Estate Services to address the reallocation of land bond dollars and the proposed joint use of a future high school/park site in Cornelius.

Kevin Bringewatt, Charlotte-Mecklenburg Schools (CMS) Attorney was present to address this matter as well.

It was noted that Mr. Bringewatt had worked with the Towns of Davidson and Cornelius to devise a plan to help purchase property on Bailey Road for a future high school/park in Cornelius and that both Towns agreed to the reallocation of their land bonds for this purpose.

Comments

Chairman Cox asked if the Board approves the agreement could Mecklenburg County keep ownership of the land?

Attorney Bethune asked Chairman Cox if he meant could Mecklenburg County 1) keep ownership of the land if the school is not built, 2) keep ownership of land until the school is built, or 3) keep ownership even if the school is built on the land?

Chairman Cox said he would like to keep ownership under all three scenarios.

Mr. Bringewatt explained the layout and current ownership of the pieces of land proposed for the assemblage of the high school/park.

Attorney Bethune noted that an earlier agreement indicated if the school was not built on the site, the land would go to Cornelius, however the County did not agree with that arrangement. He said CMS
came back with another agreement that the land would be owned by the County and leased to Cornelius for a park, but the County did not like that agreement either. CMS came with yet another agreement that if the school was not built the County would own the land.

Chairman Cox reiterated that he felt the ownership of the land should remain with the County.

Attorney Bethune said staff’s proposal to CMS was if the school was not built on the new acreage within 10 years, Mecklenburg County would take ownership at that time and the County would determine the most appropriate use of the land.

Discussion continued on the use and ownership of the land, however no action was taken.

County Manager Jones noted that CMS has an option that expires on October 30th and that this would allow time for this matter to come back to the Board for a decision.

(2A) CLOSED SESSION – LAND ACQUISITION

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

- Tax parcel #007-122-05, 06, and 07 and portions of 007-122-08, 007-121-03 and 08 on Bailey Road.

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to go into Closed Session to discuss land acquisition.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 6:05 p.m.

(2B) PERSONNEL MATTER

Although it was scheduled on the agenda, the Personnel Matter was not a subject for discussion 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, 16, 17, and 19.

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

-FORMAL SESSION-

Before the start of the Formal Session Chairman Cox announced that Item #20 Sizing of General Obligation Bond Sale and Certificates of Participation (COPs) Sale and the request from Charlotte-Mecklenburg Schools for $73.9 million of additional COPs would not be finalized at tonight’s meeting. He stated the Board met in a Special Meeting at 3 p.m. and voted to request further information.

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

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

Commissioner Clarke entered the meeting.
(1A) PROCLAMATION – NATIONAL 4-H WEEK

Motion was made by Commissioner James, seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation recognizing October 3-9, 2004 as National 4-H Week.

The Proclamation was read by Chairman Cox and received by Robert Furr, Extension 4-H Agent, Kay Wall, President of 4-H Volunteer Leaders Organization and Alex Phelps, 4-H member.

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

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

(1B) PROCLAMATION - PARENTS ON THE MOVE – PARENTS IN ACTION CONFERENCE DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating October 9, 2004 as Parents on the Move-Parents in Action Conference Day.

The Proclamation was read by Commissioner Woodard and received by the Winners Plus Agency board member Dwayne Collins and Blanche Penn.

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

Commissioner Puckett returned to the dais.

(1C) PROCLAMATION - LATINO AIDS AWARENESS DAY

Motion was made by Commissioner Ramirez, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating October 15, 2004 as Latino Aids Awareness Day.

The Proclamation was read by Commissioner Ramirez and received by Gina Esquivel, local coordinator for the National Latino Awareness of the Metrolina AIDS Project.

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

(1D) SUBSTANCE ABUSE AWARENESS MONTH

Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating October as Substance Abuse Awareness Month.

The Proclamation was read by Commissioner Samuelson and received by Cheryl Finland, staff member of Substance Abuse Prevention Services.

A copy of the Proclamation is on file with the Clerk to the Board.
The following persons appeared to speak during Public Appearance:

**Mayor Kim Phillips, Town of Huntersville** addressed the overcrowding of schools and her support of Charlotte-Mecklenburg Schools’ 73.9M emergency requests of COPs funding.

Mayor Phillips shared a video that showed the overcrowding at Brawley Middle School, North Mecklenburg Senior High and Hopewell Senior High Schools.

**Rusty Loudermilk**, expressed thanks to staff members who assisted with the process to make the Criminal Courts building more accessible for the disabled.

**Anne McQuiston**, representing Metrolina Disabilities Network and Easter Seals UCP, expressed thanks to the Board for continued support and efforts on behalf of people with disabilities and the Area Mental Health budget. **Jackie Samuels**, General Manager of Copymatic Document Solutions, spoke on behalf of her company employing individuals with disabilities through Easter Seals UCP.

**Jason Taylor**, citizen and trial lawyer addressed the Pat Martin vs. Mecklenburg County trial.

**Mary Ann Daly**, representing the Better Business Bureau (BBB) talked about work they were doing to help eliminate consumer fraud for older adults and Latin Americans. She also announced the upcoming First Latin American Scam Jam.

**Anthony Roberts**, Town Manager of Cornelius, distributed a letter from the Mayor of Cornelius that endorsed Mecklenburg County participating in the development of Robbins Park located in Cornelius. He stated he and the Mayor would like the Board to consider approving and funding $3,000,000 from upcoming bond proceeds for the planning and development of Robbins Park facilities.

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


**Donna Dawson**, spoke in support of the emergency COPs funding request from the Charlotte-Mecklenburg School system.

### APPOINTMENTS

#### BUILDING DEVELOPMENT COMMISSION

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

- **Paul G. Strickland, Jr.**    None
- **Wanda Towler**    Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Chairman Cox announced Wanda Towler was appointed to the Building Development Commission for a three-year term expiring July 18, 2007.

#### MOUNTAIN ISLAND LAKE MARINE COMMISSION

The vote was taken on the following nominees for appointment to the Mountain Island Lake Marine Commission:

- **Tom Alligood**    None
Chairman Cox announced James R. Hixon was appointed to the Mountain Island Lake Marine Commission for a three-year term expiring October 1, 2007.

**PARK AND RECREATION COMMISSION**

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

Paul Pettie Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Chairman Cox announced Paul Pettie was appointed to the Park and Recreation Commission as the Northern Town representative to fill an unexpired term expiring June 30, 2006.

(4A) **PUBLIC HEARINGS – GROUNDWATER WELL REGULATIONS**

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to open a public hearing on the proposed adoption of the Mecklenburg County Groundwater Well Regulations.

Dr. Wynn Mabry, Interim Health Director, and Dave Canaan, Director of Storm Water Services addressed this issue.

No one from the public appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to close the public hearing on the proposed adoption of the Mecklenburg County Groundwater Well Regulations.

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt the Mecklenburg County Groundwater Well Regulations; and reduce the FY05 budget, revenues and associated expenses, to reflect the revised effective date of January 1, 2005.

*Regulations recorded in full in Minute Book 42-A, Document #*

(5) **ADVISORY COMMITTEE REPORTS – NONE**

*MANAGER’S REPORT*

(6) **MANAGER’S REPORT – HIGH SCHOOL CHALLENGE PROPOSAL**

County Manager Jones introduced Dr. James Pughsley, School Superintendent, to present the High School Challenge Proposal.

Highlights:

- A Strategic Business Plan to Improve Targeted High Schools: Garinger, West Charlotte,
and West Mecklenburg

- Essential for Student Success "Reinventing" America's High Schools
- Improving student achievement is the overarching goal of the high school challenge proposal
- The Plan
  1. Measurable goals with interim targets
  2. Specific strategies to achieve the goal and interim targets
  3. Additional community resources and partnerships
  4. Regular progress reports to the community, Board of Education and Mecklenburg Board of County Commissioners
  5. Value-added components that can be replicated
  6. Based on school data, the proposed program is designed to improve academic achievement at targeted schools

- Six Program Components
  1. Academic Support
  2. Academic Rigor
  3. Student Support and Connectedness
  4. Student Management
  5. High Quality Leadership and Staff
  6. Family and Community Involvement

- Student data for the targeted schools will be monitored in the following areas:
  1. EOC Test Results
  2. Adequate Yearly Progress (AYP) Goals
  3. ABC Goals and Status
  4. Advanced Placement/International Baccalaureate Course Enrollment, Course Completion and Test Results
  5. SAT Scores
  6. Student Discipline
  7. Attendance
  8. Dropout Rate
  9. Family Involvement
  10. Community Involvement

- High School Challenge Goal is to significantly increase EOC test scores by 2007.
- Proposed Budget - $5,834,506

Dr. Pughsley said that CMS would produce a charter specific to the three high schools mentioned that include goals and strategies presented to put the challenge in place.

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

Comments:

**Chairman Cox** thanked Dr. Pughsley for the report. He said that he was glad to see the strategies have elements that were research based and that the plan appears to be flexible and comprehensive.

Chairman Cox asked the Board to review the plan for the next two weeks and be prepared to vote on it at the October 19th meeting.

Chairman Cox said he would like to see some evidence that the Board of Education is personally committed to this plan and its goals.

**Commissioner Ramirez** said he noted West Charlotte was in the process of being an accredited IB School. He asked who accredits the schools?

**Dr. Lloyd Wembly**, Assistant Superintendent for Instruction addressed this question.

**Commissioner Ramirez** asked who provides the academic scholarships addressed in the plan.

**Dr. Pughsley** said they were currently seeking help from the community to provide scholarships.
Commissioner Mitchell spoke in support of the plan.

Commissioner James said he doesn’t think enough truant officers have been allotted in the plan.

Commissioner James asked since CMS is partnering with DSS, would CMS request the monies from the County and then pay DSS? The response was yes.

Commissioner Puckett requested a breakout per pupil for these three schools versus the other schools.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried, with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of items 11, 16, 17, and 19:

(7) APPROVAL OF MINUTES


(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $5,901.33 resulting from clerical errors, audits and other amendments.

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

(9) FY05 FOSTER CARE/ADOPTION ASSISTANCE RATE ADJUSTMENTS

Recognize, receive and appropriate $56,724 as a result of an increase in the State’s standard foster care board rates and an increase in the adoption assistance supplement. Change the monthly rates as follows:

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<td>Foster Care</td>
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<td>Adoption Assistance</td>
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(10) HISTORIC LANDMARKS COMMISSION – REVOLVING FUND

Recognize and appropriate $530,000 received from previous property sales for use on other Historic Landmarks Commission projects.

(12) LANDFILL EQUIPMENT PURCHASE

Declare one (1) 1999 Caterpillar D6R machine serial number 5LN2367 as surplus and authorize the sale of this machine as a trade-in with Carolina Tractor and; Approve a contract with Carolina Tractor for the purchase of one (1) track type tractor with Waste Handling arrangement in the total amount of $256,272.

(13) FUNDING ADJUSTMENT – AMH
Recognize, receive and appropriate one-time State funds in the amount of $126,229 for the purpose of developing and providing services needed for consumers who are returning to the community as a result of downsizing of the mental retardation centers.

(14) MASON WALLACE DISTRICT PARK EXPANSION

Approve purchase of .57-acre Tax Parcel 191-041-01 on Monroe Road from the Estate of Ellis Dempsey Philemon for $40,000 for the expansion of Mason Wallace District Park.

(15) LINCOLN HEIGHTS LAND ACQUISITION

Approve tax auction bids for Tax Parcel #075-042-21 at 2014 Haines Street, #075-042-17 at 2028 Haines Street and #075-043-20 on Kennesaw Drive for $15,000 for the neighborhood Park in the Lincoln Heights area.

(18) LIBRARY FACILITIES CAPITAL PROJECT ORDINANCE – AMEND

Amend Library Facilities Approved in November 2, 1999 Referendum Capital Project Ordinance.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) ALERT BIOTERRORISM SURVEILLANCE GRANT

Motion was made by Commissioner Samuelson seconded by Commissioner Puckett and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize, receive and appropriate an Alert Bioterrorism Surveillance Grant in the amount of $279,570 from the Department of Health & Human Services, Centers for Disease Control and Prevention for one year beginning August 15, 2004 and approve the carry forward to the next fiscal year of any unspent grant funds at June 30, 2005.

Note: Mecklenburg County has been developing a community-wide, multi indicator health surveillance system designed for use by public health professionals, which it calls the Medial On-Line Surveillance Tool or “MOST.” The goals of this project are to enhance the baseline system by developing procedures and features to the existing MOST system to: 1) provide community surveillance for early recognition of disease outbreaks; 2) develop data analysis methods to provide early detection of a bioterrorism event; and 3) develop and test procedures to facilitate the flow of critical information from community data sources to local health departments and other regional and state health surveillance authorities.

Dr. Wynn Mabry, Interim Health Director, addressed this item.

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

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

Vice-Chairman Ramirez presided until Chairman Cox returned.

(16) CHARLES T. MYERS GOLF COURSE

Motion was made by Commissioner Woodard, seconded by Commissioner Puckett and carried 7-0 with Commissioners, Clarke, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize and appropriate $9,150 in capital reserve funds accrued from golf revenues to install an oil-water separator at the Charles T. Myers golf course maintenance
facility to control and treat wash-waters from the equipment wash area.

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

Chairman Cox returned to the dais.

(17) ST. MARY’S CHAPEL

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners, Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize and appropriate $6,000 in capital reserve funds accrued from St. Mary’s Chapel revenues to purchase materials to repair a leak in the bell tower.

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

(19) MULTI-FAMILY HOUSING REVENUE BONDS

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners, Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to set a public hearing for 6:30 p.m. on October 19, 2004 on the Issuance of Multi-Family Housing Revenue Bonds for University Square Senior Apartments and authorize the Clerk to publish the Notice of Hearing.

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

STAFF REPORTS AND REQUESTS

(20) SIZING OF GENERAL OBLIGATION BOND SALE AND CERTIFICATES OF PARTICIPATION (COPS) SALE

William Brawley spoke in favor of COPs funding for Butler High School.

Chairman Cox noted that the Board met at 3 p.m. and received a presentation from Charlotte-Mecklenburg Schools on their COPs request. He said a decision was not made at that meeting and that the Board was scheduled to discuss COPs funding further at the next scheduled meeting, October 12, 2004 and the following meeting if needed.

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to set a public hearing on the issuance of all COPs for October 19, 2004.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

Commissioner Clarke left the meeting at this time and was absent for the remainder of the meeting.

(21) PARK & RECREATION BONDS – STATEMENT OF INTENT
Chairman Cox addressed the Statement of Intent regarding the $69 million in Park & Recreation Bonds on the November 2004 referendum and noted the following:

- He feels it would be good to go on record stating the Board’s intent for the distribution of the bonds.
- He hopes the $69 million bond referendum would be intended to fund a development plan that would be at least 5 years at length.
- With a 5-year program for Park & Recreation facilities there would not be a need for another bond referendum for the next 4 years.
- The bond referendum language states that none of the money would be used for professional baseball.
- If the bonds were approved, his suggested breakdown would be: $25 million for greenway development, $25 million for youth sports complexes and fields, $10 million for a recreation center at Revolution Park, and $9 million for planning and initial development of a park in Third Ward.
- He asked the Board to consider rewording the intent to remove the words Revolution Park and insert recreation center and remove Third Ward Park and insert initial development of an urban park.

Commissioner Samuelson said that she was under the impression that the Park & Recreation Commission would make a presentation to the Board regarding the allotment for the various projects.

She further stated that she was not pleased with the dollar breakdown of $10 million for Revolution Park and $9 million for Third Ward Park; however, she was comfortable with directing funds to Revolution Park and Third Ward Park. Further, she recalls the breakdown of $5 million for Revolution Park and $14 for Third Ward Park.

Commissioner Puckett said he was in favor of the Statement of Intent and liked the idea that $69 million would fund the 5-year capital program for Park & Recreation. He also likes the breakdown of $25 million, $25 million and less concerned with the $10 and $9 million.

Commissioner Mitchell said he would like the breakdown of $10m for a recreation center at Revolution Park to remain.

Chairman Cox said when the Board last discussed the Park bonds allocations approved by the Board it was $25, $25, $5 for Revolution Park and $14 for planning and initial development of a Third Ward Park and that the Board requested the Park & Recreation Commission to report back to the Board.

Chairman Cox further stated that since the numbers were revised the Board needed to hear from Park & Recreation on the reason the numbers were revised.

Commissioner Woodard said she supported the Statement of Intent as presented with $10 million for a recreation center at Revolution Park and $9 million for planning and initial development of Third Ward Park as recommended by the Park & Recreation Commission.

Chairman Cox asked Wayne Weston, Director of Park & Recreation to address why the Park and Recreation Commission made the recommendation of $25, $25, $10 and $9 million.

Director Weston reported that the Park and Recreation Commission discussed the matter extensively. He noted that staff's recommendation was $25, $25, $5 and $14 with $4 million in the last year of the 5-year reinvestment program. He said with that investment it would give Park & Recreation the opportunity to determine the cost for a park in Third Ward.

Director Weston further stated that the consultant presented a very complex and busy plan for that particular park site. He feels the plan could be more simplistic and there could be a reduction in the projected build out for the park site. He said there could be potential sales of part of the park site to the private sector for mixed-use development in one area of the park, which would reduce the site, but would not go beneath the ultimate goal of 6-acres. He further stated this could generate private investment and if the Bonds pass on November 2nd, additional
revenues could be recognized.

Director Weston said the park could have the ability through private investment and altered legislation to bring in additional revenues required for build out.

Commissioner Ramirez said he initially voted against the $69 million because he did not feel there was a process for distribution. He said he recalls initially $24 million was for the Third Ward Park but was taken away. He stated that after the $24 million was taken from the Park, it was as though there was additional money and that was when other projects came up.

Commissioner Ramirez said he would like the words Revolution Park and Third Ward Park removed from the Statement of Intent. He further stated he feels that $9 million would not be enough money to build the Third Ward Park, which would leave the door open for requests for additional funding later.

Commissioner Samuelson said that after hearing the discussion she was not comfortable with the Statement of Intent because she was not okay with the allocations; but was in favor of the Bond referendum.

The discussion continued on the amount of distribution of bond dollars between Revolution Park and Third Ward Park.

Motion was made by Commissioner Puckett, seconded by Commissioner James to adopt the Statement of Intent broken down as $25 million for greenway development, $25 million for youth sports complexes and fields, and $19 million for a recreation center and an urban park.

Chairman Cox interpreted the motion to read $25 million for greenway development, $25 million for youth sports complexes and fields, and $19 million for a recreation center and Third Ward Park.

Commissioner Ramirez asked Commissioner Puckett, maker of the motion if he would accept a friendly amendment to change Third Ward Park to an Urban Park.

Commissioner Puckett noted that his motion included the words Urban Park.

The Board discussed the language to be included in the Statement of Intent.

Commissioner Puckett amended his motion and Commissioner James, who seconded it accepted the amendment to change the motion to $25 million for greenway development, $25 million for youth sports complexes and fields, and $19 million for a recreation center at Revolution Park and planning and initial development of a park in Third Ward.

The vote was then taken on the motion as amended and passed 7-0 with Commissioners Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Mitchell, and carried 7-0 with Commissioners Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:15 P.M.
ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Dan Ramirez, Ruth Samuelsen
and Valerie Woodard
County Manager Harry L. Jones, Sr.
Deputy Clerk to the Board Tonette Spears

Absent: Commissioner H. Parks Helms

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

(1) SIZING OF GENERAL OBLIGATION BOND (GO) AND CERTIFICATE OF PARTICIPATION (COP) SALES

County Manager Jones called upon Finance Director Harry Weatherly to address the sizing of General Obligation Bond (GO) and Certificate of Participation (COP) Sales in January 2005, who in turn called upon Guy Chamberlain with Charlotte-Mecklenburg Schools (CMS) to address CMS’ request.

Mr. Chamberlain addressed the following:
- Distribution of past bonds 1985-2004
- Funded projects under construction
- Funded projects not started
- Empty seats in City Within A City, “CWAC”
- Capital Improvement Plan (CIP)
- Urgent capital needs
- Proposed COPS funded projects
- Projected cash flow needs.

A copy of the report is on file with the Clerk to the Board.
Mr. Chamberlain said that growth was not the only issue impacting CMS’ CIP. He said that it should be kept in mind that many of the schools within the system were built in the 50’s and 60’s and although work has occurred at many of these schools, there are still 70 schools that do not meet current standards. Further, that the top tier of that group needs attention within at least the next 5 years.

Mr. Chamberlain said that CMS’ intent has been to complete these 70 schools over a 10-year period, however they are aware of the Citizen’s Capital Budget Advisory Committee’s recommendation to extend that out to 15 years. He said CMS feels this is reasonable and something they can deal with. He said there were 15 schools that really need a lot of renovations not only because of the condition and nature of the building but because when they were built they didn’t include the spaces that are included in schools today.

Mr. Chamberlain said in reference to the 2005 bond sale that CMS probably would not spend $20 - $30 million, closer to $20 million of the bonds that were sold earlier this year. He said that CMS would request the sale of $133 million with an expenditure of $153 million, which would include the rollover of the $20 million from 2004.

Commission Comments

Commissioner James asked was it accurate to say that most of the dollars that have been spent over the last 10 years have been spent within that 10 mile radius as shown on the chart, basically the center city?

Chairman Cox noted in response to Commissioner James’ question that in the interest of being fair that you have to ask as well or compare that to the proportion of students that are in those ranges.

A response to Commissioner James’ question was not received from CMS.

Commissioner James asked and/or noted the following:

- If there’s unspent bond money then rather than going into debt and borrowing another level of COPS, CMS should reallocate those existing funds to fix the “flaming” situation in the suburban areas.
- Is it correct to assume and per a memo from Dr. Pughesley, Superintendent that CMS anticipates a 2005 bond referendum and anticipates selling some of those bonds in 2006 and 2007? Mr. Chamberlain said that was correct and that in 2006, which is what CMS is showing as $137 million, CMS would need, in order to get these projects started somewhere around $15 million to initiate design and planning. He said that clearly if there is an upper limit then the only alternative would be to look within CMS’ own schedule and possibly make room in the schedule to allow an additional sale to keep the projects going. He said if CMS doesn’t start until 2007, some of these projects would be one - two years late. He said the impact of this would be the addition of more mobiles, perhaps $5 - $7 million in mobiles.
- What is the amount of the 2005 bond referendum? Mr. Chamberlain said the amount would be determined by the Board of Education.

Chairman Cox suggested that since the amount of a 2005 CMS bond referendum is unknown that
when the Board gets into discussion regarding the sizing of the January 05 GO bonds and COPS that the Board consider suggesting to the Board of Education that they inform the Board about their 5-year issuance plans and expectations.

Commissioner James said that he would like to know before he commits to selling whatever the amount is for 2005, so that he’ll know how much is going to be for 2005, 2006, 2007, and 2008.

Commissioner Woodard asked for clarification on the chart regarding the number of “empty” seats in “CWAC” in comparison to the chart regarding Unstarted Projects-Capacities and Enrollments with Adjacent School Capacities.

Mr. Chamberlain addressed this and said that in the aggregate there are only a net 54 empty seats in the Center City.

Commissioner Clarke asked and/or noted the following:

- Clarification regarding the CIP information that was presented. Mr. Chamberlain said it represents some of the major projects for 2004, which was developed in January of this year.
- Whether what was presented were the Board of Education’s current priorities for capital improvement projects or an excerpt from a list of priorities? Mr. Chamberlain said that it was an excerpt, but that generally speaking, these were the major priorities. He said there were other things they would put in the CIP, such as the mandates, initiatives, ADA matters, asbestos abatement, and other categorical types of things. He said that most of the things listed were in the 2003 CIP, as well as the 2002 CIP.
- Were any of the projects funded with previously approved GO bonds or COPS? Mr. Chamberlain said in a few instances the design of some was funded with 2002 bonds but no construction money.
- Is it likely that a 2005 bond referendum would be devoted to funding both new schools and major renovations and additions? Mr. Chamberlain said yes and noted again that overcrowding was not the only problem that exist but also the age of facilities.

Commissioner Ramirez asked about the use of modular construction. Mr. Chamberlain said that this was something that’s being looked at, however, modular construction is usually built in a factory somewhere and it would have to be shipped, which could be costly. He noted also that modulars were not built as well as permanent construction.

Director Weatherly addressed what would occur at the Board’s regular meeting scheduled later at 6:00 p.m. He said if the Board did not determine the size of the January 05 Sale then the plan is to continue discussion of this matter at the Budget/Public Policy meeting scheduled for October 12, 2004. He said the Board could, however move forward with scheduling a public hearing on October 19th on the issuance of COPS in order to begin the legal process and other required procedures.

County Manager Jones noted that at the last meeting there were very few questions, if any, relative to the non-CMS sizing portion, but that staff was present to address any questions.

Director Weatherly noted that included in the information provided were answers to two specific questions.
Chairman Cox shared the following thoughts:

- The chart provided by CMS was the same chart that was provided last year. He said there might be some quiver about the numbers but essentially it was the same. He said it “peaks” in a given year and then kind of “dribbles” away.
- What’s missing from the chart and from non-CMS capital planning is what we really anticipate is going to happen in those years.
- He feels there’s not a clear picture of what the issuance strategy is and the consequences of making the decisions that have to be made.
- He would like for the Board to put in place its expectations for the issuance of bonds over a five-year period so that the Board can understand the consequences of the actions and plans the Board takes.
- He feels the Board should have a better vision into the future regarding capital spending than currently exist.
- He would like to see the Board make a decision about how to issue in January at the October 19th meeting. He said that decision in two weeks needed to be informed by whatever the Board decides regarding the Funding Framework on October 12th.
- He feels the Board needs to take the time to structure the County’s capital spending correctly, even if it takes the Board until the first meeting in November to make a decision.
- He would like to see something showing over a five-year period what kind of capital spending is anticipated, estimated, or that staff thinks might happen. He said he would like to see CMS contribute to that not with a CIP but with an issuance schedule. What does CMS expect to issue over that period of time and broken down by new construction and rehab.
- He said CMS’ new construction would probably go to the suburbs because that’s where the new students are and that the rehab would probably go in the older neighborhoods because that’s where the older schools were.
- He said that the difference between new construction and rehab is what the Board or rather the level of detail to which the Board should perhaps restrict itself. The Board should look at whether the balance between new construction and rehab is correct. Or are we over balanced towards rehab like in the late 90’s? He said this is how the Board should evaluate CMS’ spending plans.
- He said the Board should be asking CMS how much do they think they will need in terms of issuance over a five-year period. The Board then would decide what mechanism or instrument to use to provide the authorization.
- He said if the Board was willing and felt value would be gained from it, he would ask that the County Manager collect from the non-CMS agencies those intentions regarding the issuance of bonds over a five-year period and put those columns into the chart and ask CMS to do the same. Then the Board could see the impact on the “bottom line.”

Commissioner Samuelson asked Chairman Cox per his remarks regarding what does CMS expect to issue over that period of time and broken down by new construction and rehab, if he would want that same type of breakdown by CPCC and Park and Recreation?

Chairman Cox said personally it didn’t matter when it comes to CPCC and Park and Recreation.

Commissioner Samuelson asked Park and Recreation Director Wayne Weston if staff could “legitimately” do $29.5 million in 06 when normally it would be around $15 million? Director
Weston said yes, because most of those projects were greenway or projects where the design is already completed.

Commissioner Clarke shared the following:
- He feels the Board has both a short term and long term decision to make.
- The short-term decision is the January 05 bond sale and no matter how much time the Board spends on the short-term decision, it would not change at all.
- He feels the Board should move forward and approve at its regular scheduled meeting later, the size of the January 05 bond sale and in the amount of $245.4 million.
- The perception is that everything on CMS’ list as it relates to renovations and additions is for schools within CWAC, but that’s not the case. A significant number of those projects are for schools in the middle suburbs, if not the outer suburbs.
- If the Board wants to go through the process of a five-year estimation as described by Chairman Cox that it could, but that the Board needs to move forward with the sizing of the January 05 bond sale.
- He doesn’t feel going through that process will change the short-term decision at all.
- The Board could request a five-year projection from CMS and others, but everyone knows what it’ll do is put significant pressure on the tax rate because there’s no other place to go to pay debt service at this point.
- He said he thinks everyone knows also that this would put incredible pressure on the Board to respond to the requests for increases in supplemental funding of the CMS operating budget.

Chairman Cox asked County Manager Jones if the Library Board of Trustees had requested or indicated any intention regarding the issuance of bonds over the next five years? County Manager Jones said that he has not been directly approached, but that’s not to say the Finance Director hasn’t been approached.

Chairman Cox also asked about CPCC. The response was that CPCC has not talked about a specific number but has talked about what their plans are, but that it would go through the normal CIP process.

Chairman Cox said the Board needs to have some idea of where it’s going with its debt issuance.

Chairman Cox said he would like to receive the “County Manager’s” thoughts on what the County should be issuing in debt over the next five years.

County Manager Jones said that he could not commit to having all of the information that the Board would want, “good” information, in two weeks. He said that he would need some time to assemble staff to make sure that the correct information is obtained. He noted that staff does have some data based on a three and five year CIP that the Board could have some conversation around. He said that he wants to provide the Board with numbers that are accurate and that reflect the true need and not something that’s just pulled out of the air and placed on a sheet of paper.

Director Weatherly said he could meet the desired schedule of the LGC if everything is done by October 19th. If it’s not done by the 19th, then the earliest he can go to the LGC would be the first week of December.
Commissioner Samuelson asked would any projects suffer if the Board waits two weeks to make a decision? Director Weatherly said that the January 19, 2005 sale date would still be met.

Commissioner Ramirez said personally he didn’t want a very detailed account of how it’ll be over the next five years. He said knowing the amount and having a brief description would be sufficient enough for him.

Commissioner Clarke asked for clarification on what he understood the Chairman has asked the County Manager to do, which is to prepare a five-year forecast of the County’s borrowing for capital facility needs and to give the Board “his” idea of what that needs to be.

Chairman Cox said that was correct and that he was still interested in what CMS has to say as well.

Commissioner Clarke said if he were the County Manager he would have to ask what criteria is to be used in preparing a five year forecast, would it be the impact on the tax rate, the capital needs that have been identified by CMS and other agencies, or the impact on the debt rate.

Chairman Cox responded by saying the Three-Year CIP is suppose to be the County’s best estimate of its spending needs over the next three years. He said the Three-Year CIP should be pretty good and that some “decent” planning should have already been done in preparing the Three-Year CIP.

Commissioner Clarke then asked for clarification regarding what staff would be coming back with and whether it would, for example, include under the column heading “Estimated January 2006 Sale and January 2008 Bond Sale some additional amount that would be in red that would indicate additional sale amounts with an additional total at the bottom.

Chairman Cox said yes, it would include 2007, 08, and 09. He said he would want CMS with respect to its building plan to “inform” this discussion by providing information that would “flow out” its’ three-year capital needs, bringing in its authorized but unissued from prior bond referendums; the “flow-out” of COPS 1 and 2 and then fold in the three-year capital needs. He said if CMS comes back with just a list of schools he’s going to be very disappointed. He wants numbers broken down by new construction and rehab.

Commissioner Puckett said that the dilemma is that currently what the Board has is a linear projection filled in halfway and then “we come in with these urgent need pieces that we have to fill in.” He said he didn’t necessarily need to know renovations, expansion, or new, but what he does want to know or have some idea of is the total need within CMS.

Chairman Cox asked if anyone was opposed to what he has suggested for the County Manager to do.

Motion was made by Commissioner Samuelson, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to give the County Manager the directions for proceeding
as outlined by Chairman Cox.

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

ADJOURNMENT

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

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Janice S. Paige, Clerk Tom Cox, Chairman
______________________________
Tonette Spears, Deputy Clerk
ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Dan Ramirez, Ruth Samuelson and Valerie Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

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

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

County Manager Jones called upon Budget and Management Director Hyong Yi to present the Charlotte-Mecklenburg Schools (CMS) Funding Framework Findings and Recommendations.

Commissioners Puckett and Ramirez entered the meeting during this time.

Director Yi addressed the following:

- The Goal and Theory of the Framework
- Staff Findings
- Findings About CMS Revenue Sources
- Additional Findings
- Staff Recommendations

1. Establish Memorandum of Understanding (MOU) with Board of Education with the following components:
   - County’s commitment to fund within pre-determined range (recommend: 30-38%) a percentage of total CMS revenue need if CMS request meets guidelines established by CMS Funding Framework.
   - Expresses County’s intent to use CMS Funding Framework as tool to evaluate CMS operational funding request and capital funding request.
2. Acknowledges that within two years, Funding Framework will not provide enough funding to meet both operational and capital needs, despite County’s increased funding.

3. Board of Commissioners and Board of Education pledge to collaborate in engaging State as third and primary funding partner, urging the State and mobilizing residents to ensure appropriate funding to meeting CMS operational growth needs beyond County commitment.

4. Program Enhancements will be considered by the Board outside of the Funding Framework.

- Benefits

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

General Manager John McGillicuddy noted that if trends continue, the trend says that while the state’s funding would go up, the percentage of revenue that CMS receives from the state would be less in relationship to the revenue CMS receives from the County.

Comments

Several Commissioners asked for clarification of the various charts and spreadsheets that were provided, which was given.

Commissioner Samuelson noted her frustration with the use of the word “needs” as it relates to CMS.

Commissioner Samuelson said it’s an implication that the current funding is all entirely “needs” based, which may or may not be the case.

General Manager McGillicuddy noted in reference to the use of the term “need,” that the phrasing was based on the Funding Framework and that it’s the need of dollars articulated in the Framework that was shared with the Board previously.

Commissioner Samuelson said although General Manager McGillicuddy’s explanation might be true, the average person reading this information will look at it as the County not meeting the “needs” of CMS.

Commissioner James suggested to staff that when revisions are made to the information that was provided that the actual five-year projected debt be listed.

Chairman Cox said the Funding Framework provides a way for the Board to evaluate CMS’ request for capital funding and with operating. He said the purpose of the Funding Framework is to “inform” the Board. Further, that it would be the decision of the Board whether to appropriate funding based solely on the Funding Framework. It’s not mandatory. He said it’s a guide not a “rule.”

Commissioner Samuelson asked what happens or how do you adjust for those instances where perhaps in some years the Board voted to appropriate less than the formula called for in any given year?
Chairman Cox said if, for example in 2006 the Board did not appropriate funding as the Funding Framework Formula projected then in 2007 the Board would just start with a different base.

Commissioner Samuelson also raised the question of whether the Board could get to the point where someone could say that because “you’ve funded for the last say four years, less than the formula projected, that the formula really doesn’t mean anything anymore because its been ignored for so long; that the numbers aren’t based on the same set of facts that they were supposedly based on when it was created.”

Chairman Cox said in his view the Funding Formula has a purpose, which is to “inform” the Board and that it’s unlike what has been done in the past. He continued by saying he understood how a growing “x” number of children would create a need for “x” number of students and the cost of new seats. He said what the formula does is to give you a “kind of objective, rational, way to evaluate the Board of Education’s request and the County’s funding practices. In responding further to the question raised by Commissioner Samuelson, Chairman Cox said if the Board had a reason to fund less than the Funding Formula projected and that reason was documented and just as rational, then may be that would justify moving away from the formula. He said that if funding continued to be less, then the Board would have to consider taking another look at the formula. He noted also that if funding exceeded the formula’s projection then that would have to be justified as well.

Commissioner Samuelson said that one of her concerns is that this type of formula creates the “impression” that it’s the County’s job to pick up the State’s “slack” and it gives the perception to the public and to future Board’s that it’s the County’s job to fully fund this.

Commissioner Samuelson said she was not “necessarily” objecting to the formula when it comes to capital because the County does have an obligation to fund capital and that it makes sense to have some type of formula to work out the capital. She said that it was the operating portion that she has concern about. She said that it bothers her that nothing is listed in the Principles that at some point the “community” can only afford so much. She said that if these are to be rational Principles than included in it should be some “total percentage of revenue or total amount on the tax rate.” She suggested there needs to be some acknowledgment of the fact that once the County has met its capital obligation the County can’t fund but “so much more.” She said this would acknowledge the pressures CMS is under, as well as the County.

County Manager Jones noted that not until the Board can get CMS to stop criticizing the County for what it’s not doing and CMS “locks hands” with the County that any impact can be made upon the General Assembly. He noted that’s why staff’s recommendation includes establishing a Memorandum of Understanding (MOU) with CMS. He said the two bodies have to become partners and that the County has to make it clear to CMS that the County cannot fund all their plans, that the County might be able to help if they will work with the County with the General Assembly to get additional funding.

Commissioner Puckett noted that the formula is being looked at from two points of view, operating and capital, but that it really needs to be mandated operating and capital and supplemental because he feels that sends a clear message to CMS and the State. Commissioner James said the formula was predicated on the assumption that if CMS spends too much on capital then it gets deducted from their operating budget.
Commissioner James said the Funding Framework Formula forces CMS to look at operating and capital together and if they spend “too much” capital they lose operating dollars.

Commissioner Clarke said he liked the recommendation of collaborating with CMS.

Commissioner James noted the following: 1) He feels the projected debt service cost in the information presented should be based upon the bond sales information that the Board received recently from Wanda Reeves of the Finance Dept. 2) That the information presented be revised to reflect the sales and CMS anticipated sale, so that the Board will have a real comparison between what CMS thinks it wants to sell versus the $124 million limit. 3) He would also like to see the debt service on those bond sales. 4) He thinks for the average person the formula is confusing and that the summary needs to be expanded to show the operating supplement as calculated in the information provided and the impact of excess debt. 5) He wants to see the net change in operating per year less the excess capital charge per year to get to net operating.

This concluded the discussion of this matter. No action was taken.

Chairman Cox said that he would bring this matter back before the Board at the October 19, 2004 meeting.

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

(2) SIZING OF GENERAL OBLIGATION BOND (GO) AND CERTIFICATE OF PARTICIPATION (COP) SALES

Finance Director Harry Weatherly distributed and addressed information concerning the Sizing Of General Obligation Bond (GO) and Certificate of Participation (COPS) Sales in January 2005.

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

Comments:

Commissioner Samuelson asked for clarification regarding the proposed issues – CIP as it relates to Court Facilities. Finance Director Weatherly said the numbers were the same for 2008 and 2009 because that was the best information staff had, which was what was submitted. Further that Finance staff took the total amount that was submitted and broke it into two years. It was noted that this was the amount for the renovation cost for the existing courthouse.

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

Prior to adjourning Chairman Cox suggested that the Board meet on October 19, 2004 at 3:00 p.m. to discuss the County Manager’s Compensation and if time permits in Open Session, continue discussion of the Funding Framework and Sizing of General Obligation Bond (GO) and Certificate of Participation (COP) Sales.
Commissioner Puckett left the meeting prior to it adjourning and was absent for the remainder of the meeting.

ADJOURNMENT

Motion was made by Commissioner James seconded by Commissioner Mitchell, and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:00 p.m.

______________________________ ____________________________
Janice S. Paige, Clerk Tom Cox, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

October 19, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 19, 2004.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners
Dumont Clarke, Bill James
Norman A. Mitchell, Sr., Jim Puckett
Dan Ramirez, Ruth Samuelson
and Valerie 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-

Note: The meeting began shortly after 5:00 p.m. because of the Board’s earlier Special Meeting.

(1A) STAFF BRIEFINGS – REALLOCATION OF LAND BONDS

Nancy Brunner with Real Estate Services and Kevin Bringewatt, Attorney for Charlotte-Mecklenburg Schools (CMS) addressed the reallocation of land bond dollars to allow the Charlotte-Mecklenburg Board of Education to utilize $1,000,000 and $500,000 respectively from the Cornelius and Davidson shares of 1999 land bonds to purchase land for a new north high school site.

Background: Charlotte-Mecklenburg Schools’ 2003 Long Range Facilities Master Plan projects the need for a new north high school site. CMS already owns approximately 35 acres at Bailey Road and seeks to acquire additional acreage to create a high school site. The proposed acquisitions will result in a new high school site that will be part of a joint use complex along with the Bailey Road middle school site (on land given to CMS by Cornelius), Bailey Road Park (an existing district park purchased and developed by Cornelius), greenway linkage from the park/schools to Davidson’s greenway system and the extension of Bailey Road through to Barnhardt Road.

CMS, Cornelius and Davidson request that the BOCC reallocate $1,500,000 from the Towns to CMS for use to acquire these parcels in accordance with the Reallocation Agreement previously provided to the Board. The main points of the Reallocation Agreement are: (1) reallocation of land bond dollars as indicated above; (2) a future joint use agreement between Cornelius and CMS for joint use of high school/park facilities; (3) contingency plans in the unlikely event that CMS does not construct a high school on the site (i.e. CMS conveys the property to Cornelius for park purposes if not used for high school within 10 years and if Cornelius does not use the property for park purposes then Cornelius conveys the property to Mecklenburg County); and (4) confirmation that this agreement amends the existing agreements between Mecklenburg County and the Towns regarding use of land bond dollars.

Attorney Bringewatt also noted the following:
CMS was not opposed to any joint use planning being done by Cornelius or the County for park purposes ahead of the Schools.

The idea that CMS would not use the land for a school is a “very” “very” remote possibility.

There is no example of CMS “land banking land, sitting on it, selling it and flipping it for some other use.”

CMS, nor Cornelius or Davidson have a problem with the land being conveyed over to the County for park purposes if not used for high school within 10 years.

The reason the agreement states a conveyance to Cornelius was because Cornelius already owns and operates Bailey Road Park; and the second scenario would be that this would be an extension of Bailey Road Park, and that the County was not likely to want to fund half of Bailey Road Park. He said CMS’ thinking was that the likely funders of this were Cornelius.

Commissioner James asked if CMS would allow the County to take over its option?

Attorney Bringewatt said CMS was not in favor of that. He said they feel their current policy is working.

Commissioner Clarke asked why should this purchase of a school site be treated any differently from any other school site purchase? He noted that perhaps it was the source of funding that originally confused the Board because they were land banking bonds that had been allocated for purchase of open space by the Towns.

Attorney Bringewatt said there was no reason why this should be treated any differently. He said that CMS already owns half of the site.

Commissioner Clarke asked County Manager Jones if Park and Recreation Director Wayne Weston was okay with the land being conveyed to Cornelius if a school is not built in 10 years?

County Manager Jones said that he had not spoken with Director Weston regarding this and therefore could not say.

Attorney Bringewatt said he recalls from past meetings that Director Weston was okay with the land being conveyed to Cornelius. He said he believes Director Weston is comfortable as long as it’s being used for park purposes.

Commissioner James asked if the County was legally allowed to acquire CMS’ option and the County purchase the property and then lease it back?

Attorney Bethune said he did not pursue this since he was informed by CMS that they would not assign the option to the County.

Attorney Bringewatt said he advised the Board of Education that this was not a good idea because it was inconsistent with state law and it would change the “game plan” on CMS’ current policy.

Commissioner Samuelson said she did not have a problem with CMS owning the land as long as it would be used for a school. She said her concern was about the “revert clause” and that her preference would be for the land to revert back to the County first rather than to Cornelius.

Andrew Grant, Assistant Town Manager for Cornelius said Cornelius would not be opposed to what Commissioner Samuelson suggested, as long as the land would be used for a park or open space.

Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to authorize the County Manager to sign an agreement for reallocation of land bond dollars to allow the Charlotte-Mecklenburg Board of Education to utilize $1,000,000 and $500,000 respectively from the Cornelius and Davidson shares of 1999 land bonds.
to purchase land for a new north high school site; but that the agreement be amended to state that in the event the Board of Education decides to dispose of the property instead of constructing a high school that the property would come to the County for park or open space; and if at the end of 10 years the Board of Education has not started construction of a school on the property then the property conveys to the County for park or open space use.

(2A) CLOSED SESSION – LAND ACQUISITION

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

Tax parcels # 007-122-05, -06 and -07 and portions of 007-122-08, 007-121-03 and –08 on Bailey Road.

Chairman Cox noted that discussion of the above tax parcels a follow up to the Board’s previous discussion regarding the reallocation of land bonds and that unless there were questions, there was really not a need to go into Closed Session.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously failed with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting no, to go into Closed Session to discuss Land Acquisition.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve Charlotte-Mecklenburg Board of Education’s proposed purchase price for +/- 44 acres (Tax Parcels 007-122-05, -06 and -07 and portions of 007-122-08, 007-121-03 and –08) on Bailey Road for $958,050.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items #12, 16, and 28.

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

- FORMAL SESSION -

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

Chairman Cox noted prior to the start of the meeting that the Board would defer consideration of the High School Challenge proposal, Item #31 until the November 3, 2004 meeting. He said there was additional information/input that the Board needed to have regarding this proposal.

(1A) PROCLAMATION – YOUTH CRISIS AWARENESS DAY

Motion was made by Commissioner Samuelson, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to adopt a proclamation designating October 21, 2004 as Youth Crisis Awareness Day and in recognition of The YouthNetwork Crisis Shelter’s thirty years of service to youth and families.

Commissioner Samuelson read the proclamation.
A copy of the Proclamation is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during Public Appearance:

Brandis Mitchell, mother of two, a current resident of Charlotte Emergency Housing noted that this temporary housing was allowing her the opportunity to “venture out” on her own, noting that she has never had any rental history. She said she wanted to let the Board know that she is interested in the community and plans to vote.

Keith Wilson, Volunteer Board President for Charlotte Emergency Housing addressed the needs of the homeless. He said although these persons may not have a permanent home, they are still constituents and that many are registered voters. He noted that at a recent candidates’ forum that was held at Hope Haven, 400 homeless persons were present, all of whom were registered. He encouraged the Board to pursue those measures addressed in the Living in the Shadows and the Out of the Shadows Reports. He encouraged the Board to not cut funding for Health and Human Services and to continue to help those that are less fortunate.

Paul Eich, Executive Director of RibbonWalk addressed the opening of a new portion of RibbonWalk. Mr. Eich noted that RibbonWalk was 192 acres of public Mecklenburg County owned park land less than 2 miles from I-77 and I-85. He thanked the Board for its assistance with this project.

(3) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Shirley Guyton-Simpson, Joseph Lee, Sr., and Maggie Moore to the Adult Care Home Advisory Committee for three-year terms expiring October, 19, 2007.

The following persons were nominated for appointment to the Adult Care Home Advisory Committee by Commissioner Puckett: Nancy C. Blough, Anthony Cirillo, Deborah L. Dirkse, Frances Hudson, Carol O’Dell, and Martha Roberts.

Appointments will occur on November 3, 2004.

CITIZEN’S TRANSIT GROUP

The following persons were nominated for appointment to the Citizen’s Transit Advisory Group by Commissioner James: Carolyn H. Carlburg, Jason Everett, Charles Held, and David Matvey.

An appointment will occur on November 3, 2004.

HOUSING AND DEVELOPMENT COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Harvey H. Boyd and Betty B. Caldwell to the Housing and Development Committee for three-year terms expiring November 7, 2007.

The following persons were nominated for appointment to the Housing and Development:
Committee:
Earlene J. Stacks by Commissioner Samuelson
Ronald Staley by Commissioner Clarke

An appointment will occur on November 3, 2004.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

The following person was nominated for appointment to the Industrial Facilities and Pollution Control Financing Authority by Commissioner Woodard: Carolyn Carlburg, who was the only applicant.

It was the consensus of the Board that nominations remain open and that staff continue to advertise for additional applications.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

The vote was taken on the following nominees for appointment to the Mountain Island Lake Marine Commission:

Round One
Tom Alligood Commissioners Clarke, Cox, James, and Samuelson
Deborah H. Lawing Commissioner Woodward
Gregory L. Shelton Commissioners Puckett and Mitchell
Karen M. Steffens None

Round Two
Tom Alligood Commissioner Clarke
Deborah H. Lawing Commissioner Woodward
Gregory L. Shelton Commissioners Cox, James, Mitchell, Puckett, Ramirez, and Samuelson

Voting Ceased
Karen M. Steffens

Chairman Cox announced that Gregory Shelton was appointed to the Mountain Island Lake Marine Commission for a three-year term expiring October 1, 2007.

Note: At the October 5, 2004 meeting Mr. James Hixon was appointed, however, staff was informed that Mr. Hixon recently moved to Union County and therefore is not eligible to serve. All Board appointees must be a resident of Mecklenburg County.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Joanna Presson to the Nursing Home Community Advisory Committee for a three-year term expiring November 18, 2007.

The following persons were nominated for appointment to the Nursing Home Community Advisory Committee by Commissioner Puckett: Anthony Cirillio, Carol M. Gaither, Priscillia Johnson, and Charles R. Morris.

Appointments will occur on November 3, 2004.

PERSONNEL COMMISSION
Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Hedy B. Foster and Frederick M. Thurman, Jr. to the Personnel Commission for three-year terms expiring November 7, 2007.

SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Barbara Hearn to the Shelter for Battered Women Advisory Committee for a three-year term expiring November 7, 2007.

The following persons were nominated for appointment to the Shelter for Battered Women Advisory Committee by Commissioner James: Audrey Hitt, Weller Johnson, Carolyn D. McCandlish, and Tammy Neal.

An appointment will occur on November 3, 2004.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to reappoint Ann Eichelberger and Steve Thomas to the Waste Management Advisory Board for three-year terms expiring October 19, 2007.

Commissioner Puckett nominated the following person for appointment to the Waste Management Advisory Board: James McCoy.

The appointment will occur on November 3, 2004.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint Christina Fisher as Chairman of the Waste Management Advisory Board for duration of her term.

(5) ADVISORY COMMITTEE REPORTS - ENVIRONMENTAL PUBLIC FORUM

The Board received an Advisory Committee Report on the Environmental Public Forum scheduled for October 21, 2004, 6:00 – 9:00 pm at the Charlotte-Mecklenburg Government Center. The purpose of the forum is to assess the need for additional regulations pertaining to the environmental impacts of major development projects.

Laura Cummings with the Land Use and Environmental Services Agency (LUESA) addressed the upcoming forum.

(4A) PUBLIC HEARINGS – MULTI-FAMILY HOUSING REVENUE BOND

On October 19, 2004, at 6:30 p.m., Commissioner Cox convened a public hearing with respect to the proposed issuance by the County of its $4,700,000 Multifamily Housing Revenue Bonds (University Square Senior Apartments) Series 2004 (the “Bonds”) for the acquisition, construction and equipping of a proposed low and moderate income housing development in the County for persons aged 55 and older.

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 issuance of the Bonds
pursuant to or who responded in writing to the notice of public hearing are as follows:

None

After the Board had heard all persons who had requested to be heard, Commissioner Ramirez moved that the public hearing be closed. The motion was seconded by Commissioner Samuelson and was unanimously adopted.

Thereupon, Commissioner Samuelson introduced the following resolution:

Resolution Authorizing The Filing Of An Application With The Local Government Commission For Approval Of The Issuance Of Multifamily Housing Revenue Bonds To Finance University Square Senior Apartments, Making Certain Findings In Connection Therewith, And Approving The Financing Team.

WHEREAS, pursuant to N.C.G.S. § 153A-376, the Board of Commissioners has the power to exercise directly those powers granted by law to county housing authorities created under Chapter 157 of the North Carolina General Statutes (the “Act”);

WHEREAS, pursuant to the Act, the County has the power to issue its bonds to finance the cost of providing multifamily housing for low and moderate income persons;

WHEREAS, Centrum-University Square Limited Partnership, a North Carolina limited partnership (the “Borrower”), has requested that the County assist in financing the cost of the construction and equipping of a 90-unit, low and moderate income multifamily residential rental project for persons aged 55 and older to be known as University Square Senior Apartments (the “Development”), to be located at the corner of Hedgelawn Drive and University City Boulevard (NC 49) in the northeastern portion of Charlotte, North Carolina;

WHEREAS, the County proposes to provide the financing for the Development by the issuance of its Multifamily Housing Revenue Bonds (University Square Senior Apartments Project) Series 2004 (the “Bonds”) in a principal amount not to exceed $4,700,000;

WHEREAS, the County proposes to loan the proceeds of the Bonds to the Borrower pursuant to a loan agreement for the purpose of, among other things, constructing and equipping the Development;

WHEREAS, the North Carolina Local Government Commission has requested the County to make certain findings with respect to the Bonds consistent with Section 159-153 of the North Carolina General Statutes;

WHEREAS, the Bonds will be sold to an institutional “accredited investor” within the meaning set forth by the U.S. Securities and Exchange Commission; and

WHEREAS, the Borrower has requested that the County approve its selection of the following financing team members for the issuance and sale of the Bonds:

- Bond Counsel: Robinson, Bradshaw & Hinson, P.A.
- Issuer’s Counsel: Marvin A. Bethune, County Attorney
- Borrower’s Counsel: Shapiro, Lifschitz and Schram, P.C.
- Purchaser: Harris Trust & Savings Bank
- Purchaser’s Counsel: Kutak Rock LLP
- Construction Credit Facility Provider: AIG Retirement Services, Inc.
- Construction Credit Facility Provider’s Counsel: Ballard Spahr Andrews & Ingersoll, LLP
NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA DOES HEREBY RESOLVE, AS FOLLOWS:

1. The above financing team for the issuance of the Bonds by the County is hereby authorized and approved.

2. The County hereby finds that the financing is necessary and expedient to further the County’s purpose of promoting low and moderate income housing in Charlotte, North Carolina and in the County, and that the construction and equipping of the Development proposed by the Borrower are necessary and sufficient to accomplish the County’s purposes with respect to the property involved.

3. The County hereby finds that the Borrower has demonstrated that the amount of debt to be incurred in connection with the Development and the financing thereof and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of constructing and equipping the Development.

4. The County hereby finds that the Borrower has demonstrated that it is financially responsible and capable of fulfilling its obligations to make loan repayments and other payments under the Loan Agreement between the County and the Borrower (the “Loan Agreement”).

5. The County hereby finds that the use of the proceeds of the Bonds for a loan to finance the costs of the Development and for the other purposes stated above will accomplish the public purposes set forth in the Act and hereby approves such use of proceeds.

6. This Resolution shall take effect immediately upon its passage.

Commissioner Samuelson moved the passage of the foregoing resolution and Commissioner Ramirez seconded the motion and the resolution was passed by the following vote:

Ayes: Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson and Woodward

Nays: None

Not voting: N/A

* * * * * * *

Commissioner Samuelson introduced the following resolution:

Resolution Authorizing Issuance And Sale Of Multifamily Housing Revenue Bonds (University Square Senior Apartments) Series 2004

WHEREAS, the Borrower has requested that the County assist in financing the cost of constructing and equipping a 90-unit, multifamily residential rental project for persons aged 55 and older to be known as University Square Senior Apartments, to be located at the corner of Hedgelawn Drive and University City Boulevard (NC 49) in the northeastern portion of Charlotte, North Carolina (the “Development”), and the County has agreed to do so;

WHEREAS, the County proposes to issue its Multifamily Housing Revenue Bonds (University Square Senior Apartments) Series 2004 (the “Bonds”) in an aggregate amount not to exceed $4,700,000;

WHEREAS, the proceeds of the Bonds will be loaned to the Borrower pursuant to a loan agreement;
WHEREAS, there have been presented to this meeting the forms of the following instruments, which the County proposes to execute to carry out the transactions described above, copies of which instruments shall be filed with the records of the County:

(a) Trust Indenture dated as of November 1, 2004 (the “Indenture”) between the County and J.P. Morgan Trust Company, National Association, as trustee (the “Trustee”), authorizing the issuance of the Bonds and providing for the terms and details thereof and the security therefor;

(b) Loan Agreement dated as of November 1, 2004 (the “Loan Agreement”) between the County and the Borrower, providing for the terms and conditions pursuant to which the loan of the proceeds of the Bonds will be made by the County to the Borrower;

(c) Regulatory Agreement and Declaration of Restrictive Covenants dated as of November 1, 2004 (the “Regulatory Agreement”) among the Borrower, the County and the Trustee, pursuant to which the Borrower agrees to comply with the requirements of the Internal Revenue Code, as amended, relating to low and moderate income housing;

(d) Future Advances Senior Deed of Trust, Assignment of Leases and Rents, Fixture Filing and Security Agreement dated as of November 1, 2004 from the Borrower to the deed of trust trustee named therein for the benefit of the County;

(e) Senior Assignment of Leases and Rents dated as of November 1, 2004 from the Borrower to the County;

(f) Bond Purchase Agreement to be dated the date of the sale of the Bonds (the “Bond Purchase Agreement”) among the Borrower, the County and Harris Trust & Savings Bank (the “Purchaser”), providing for the issuance and sale by the County and the purchase by the Purchaser of the Bonds.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA:

1. The County hereby determines to provide financing to the Borrower for the construction and equipping of the Development through the issuance of the Bonds pursuant the Act, the deposit of the proceeds thereof with the Trustee and the advance of such proceeds to the Borrower in accordance with the Loan Agreement.

2. The County hereby authorizes the issuance and sale of the Bonds pursuant to the Indenture and in accordance with the terms set forth in the Bond Purchase Agreement and the Indenture. The Bonds will bear interest at a fixed rate and will mature and be redeemed in the years and amounts all as set forth in the Indenture; provided, however, that the aggregate principal amount of the Bonds shall not exceed $4,700,000.

3. Each of the Chairman, Vice Chairman, County Manager and Finance Director of the County (together, the “Authorized Officers”) is hereby authorized and directed to execute and deliver the Indenture, the Loan Agreement, the Regulatory Agreement and the Bond Purchase Agreement to the other parties thereto.

4. Each of the Authorized Officers is hereby authorized and directed to execute and deliver the Bonds in the manner and subject to the conditions provided in the Indenture to the Trustee for authentication and to cause the Bonds so executed and authenticated to be delivered to or for the account of the Purchaser upon payment of the purchase price therefor as provided in the Bond Purchase Agreement.

5. The Indenture, the Loan Agreement, the Regulatory Agreement, the Bond Purchase Agreement, and the Bonds (in the form of Exhibit C to the Indenture) shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes as may be necessary to reflect the final terms of the Bonds, and as otherwise approved by the officers of the County executing them after
consultation with counsel to the County, their execution to constitute conclusive evidence of
their approval of any such completions, omissions, insertions and changes.

6. Any authorization made hereby to the officers of the County to execute a
document shall include the authorization of such officers to execute the document, authorization
to the Secretary or any Assistant Secretary to affix the seal of the County to such document and
attest such seal and where appropriate, to deliver it to the other parties thereto, all in the manner
provided in the Indenture.

7. Such officers are hereby authorized and directed to execute and deliver any and
all other documents, agreements, instruments, and certificates in the name and on behalf of the
County as may be necessary or desirable to the issuance of the Bonds, including but not limited
to a nonarbitrage certificate, tax forms and other certificates. All other acts of the officers of the
County that are in conformity with the purposes and intent of this resolution and in furtherance
of the undertaking of the Development and the issuance and sale of the Bonds are hereby
ratified, confirmed and approved.

8. The County hereby waives for the subject transaction the following item from its
Policy Guidelines for Conduit Financing: “The financing be backed by a credit from a bank or
other financial institution with at least an A rating.” The County is waiving that guideline
because (a) the initial purchaser of the Bonds has the right to cause the Bonds to be purchased
from that initial purchaser by an entity that is currently rated AAA and (b) the Bonds will be
subject to one of the transfer restrictions that are summarized as follows: (i) if the Bonds are not
either rated at least AA or guaranteed by an organization rated at least AA, then the Bonds may
only be owned by and transferred to large, sophisticated investors (as defined in certain federal
securities laws) or (ii) at all times the Bonds may only be owned by and transferred to such large,
sophisticated investors.

9. This resolution shall take effect immediately

* * * * * * *
Commissioner Samuelson moved the passage of the foregoing resolution and Commissioner
Ramirez seconded the motion and the resolution was passed by the following vote:

Ayes: Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson and
Woodward

Nays: Commissioners None

Not voting: N/A

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

(4B1) CERTIFICATES OF PARTICIPATION (COPS) AND GENERAL OBLIGATION
BOND SALES

The Chairman announced that this was the hour, day and place fixed for a public hearing
held pursuant to Sections 160A-20(g), 153A-158-1 and 153A-158.2 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 $115,000,000, for the purpose of accomplishing all or a
portion of the Projects hereinafter described and under which the County would secure the
repayment by it of moneys advanced pursuant to such documents by granting a lien on all or a
portion of the property subject to the Projects, (2) determining whether the County may acquire any
interest in school property that is subject to the Projects from the Charlotte-Mecklenburg Board of
Education and (3) determining whether the County may acquire any interest in community college
property that is subject to the Projects from The Board of Trustees of Central Piedmont Community
College. 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 October 8, 2004.

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, the County’s acquisition of school property and/or the County’s acquisition of community college property, pursuant to or who responded in writing to the notice of public hearing are as follows:

James Bensman, Commissioner for the Town of Cornelius addressed overcrowding in the northern part of the County and spoke in support of Charlotte-Mecklenburg Schools’ emergency COPS request.

Ann Marie McAfee addressed overcrowding at Blythe Elementary School and spoke in support of Charlotte-Mecklenburg Schools’ emergency COPS request. Ms. McAfee also distributed a resolution of support from Highland Creek FUME.

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

Rhonda Lennon with FUME spoke in support of Charlotte-Mecklenburg Schools’ emergency COPS request.

Rebecca High with the Center for Civil Rights in Chapel Hill said they were concerned about what’s taking place in Charlotte. Ms. High said what they see is that there’s a tendency for the suburban schools to become “more crowded,” “more white,” and more “upper income,” while the city schools seem to be “emptying out” and becoming more “high poverty” schools. She said that research shows that “high poverty” schools are harder for teachers and harder for students and should be avoided when possible. She asked that the Board ask the School Board, “in strong terms” to consider the long term impact that it would have to “increasingly build in the suburbs and let the schools become more and more segregated.” She stated that she was opposed to segregation by race and income and she sees this “move,” if its done with no strings attached, as adding to that problem.

Rev. Tania Rawls, Pastor of Unity Fellowship Church Charlotte spoke in opposition to CMS’ request for emergency COPS to fund new construction projects. She said that her request was out of concern for suburban students that have been placed in trailers because of overcrowding and out of concern for urban youth, “who for more than five years” have been waiting for the “full release” of voter approved funding for school projects. She said that as a county we are facing a major crisis. “If we make poor decisions now about how bonds are sold for school projects, we risk future law suits similar to the one that lead to Choice. We also risk the creation of schools virtually locked into a system of haves and have nots, which does not benefit the students or the County. It’s impossible for anyone on this panel to honestly say to the voters of this County that the release of $73.9 million of emergency funds to a select few communities would not have a negative effect on future projects that have been put on hold for years in other communities.” She stated that new construction is needed, however emergency status should not be placed “on something that has at least one clear short term solution.” She said that currently there were enough empty seats within the system to absorb the suburban “bubble” created by the Choice Plan and new development. She asked the Board to reject CMS’ request until a comprehensive plan can be devised that is in the best interest of all students in the County and not “just a select few.” She asked the Board to demand that the Board of Education finish its job by “flushing out” the issue of overcrowding more thoroughly and “if need be come back with a plan that assures a higher probability of county-wide success.”

Richard McElrath spoke in opposition to CMS’ request for emergency COPS to fund new construction projects. He noted comments of those affiliated with the education system regarding the CMS system, particularly Bob Simmons a former member of the CMS Board of Education. He noted the following statements made by Mr. Simmons: 1) the need for a school siting plan that recognizes that public schools belong to the public and should be located where they can be most effectively and efficiently prepare “our children for a life in a world that they will definitely inherit.” 2) A need
for a teacher assignment plan that puts “our most qualified” teachers with those students that need them the most. 3) There’s a need for schools in the suburbs but because there are urgent needs in all sections of the school system, the most urgent need is bringing together “a School Board, a County Commission, a City Council, a public that is more interested in our community rather than anyone’s district; our children rather than my children, our diversified future rather than our segregated past.”

Julius Chambers, Attorney referenced the problem the community went through years ago in trying to implement desegregation of the public schools. Mr. Chambers said that he did not have “brief” for developing schools in the northern or southern parts of the County. He said his concern was for the way in which those schools are developed, whether it will lead the community into the same problem it had in 1960 and before, where “we segregated the schools” based on race and economic status. He said that he would hope that however the Board of County Commissioners decides to respond to CMS’ request for funding that the Board ask if it is contributing to “another series of a long history of division in this community with resegregation of the schools.” He said that there were steps that could be taken to at least try to ensure that isn’t the result. He noted that some of those suggestions had already been made by previous speakers. He asked that the Board, knowing that this is a concern, ask the Board of Education to present a plan showing how the schools that are designed and developed carry out the objectives of ensuring that all children in the system will be able to participate in each of the schools and that we not have the resegregation that we had before.

Donna Jenkins-Dawson asked the Board to consider and look at “being more of a leader and also developing leadership skills in getting the community to work as one towards education for all our children instead of the policing and the punishing policies that have gotten us to this state.” She addressed the underutilization of some schools, the need for qualified teachers in all schools, parent participation and allowing County employees to go into the schools and participate and not lose pay, and stopping animosity between the diversities. She asked the Board to be a leader in helping to incite and develop good character, good education, a good community, and be a leader for the state.

This concluded the speakers.

After the Board had heard all persons who had requested to be heard, Commissioner Ramirez moved that the public hearing be closed. The motion was seconded by Commissioner Samuelson and was unanimously adopted.

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

Chairman Cox noted that at this time he would address Item 32 CMS Funding Framework.

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

Chairman Cox addressed the proposed CMS Funding Framework, explained its purpose and noted the following:

- The Funding Framework is a set of principles whose purpose is to rationalize the relationship between the Board of County Commissioners and the Board of Education.
- Its purpose is to establish some principles that perhaps the two bodies can agree upon, however the Board of Education does not have to agree to them.
- There are four principles:
  1. The Funding Formula – a guideline for continuation funding.
  2. If CMS saves a dollar, the County will not take it.
  3. CMS may request Enhanced Funding.
  4. CMS will report actual spending on enhanced funding and categories that state statutes require the County to fund.
- The County Manager has developed an excel spreadsheet, at the request of the Board that would be an effective guideline to evaluate CMS’ request for capital and operating funds.

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

Wanda Reeves with County Finance and Hyong Yi, Budget and Management Director also
addressed this issue.

Comments

Commissioner Puckett said he supported the Funding Framework.

Commissioner Samuelson noted the following:

- She supports the Funding Framework but has concerns with the operating side.
- The Board has a statutory obligation by the state to adequately fund the capital needs of the schools, however, that is not the case when it comes to operational funding.
- The state has the primary responsibility for funding the Schools’ operating budget.
- One of the concerns she has with what was presented is that it does not acknowledge the fact that operating funding by the County is a “discretionary expense” not a “statutory required” expense.
- She suggested that language be added to the end of the sentence under Principle #1 - Funding Framework that says, “funding comes out of one pocket,” acknowledging that in recognition of Mecklenburg County’s statutory obligation to provide many other County services that total funding for CMS will not exceed a stated percentage of total County revenue.
- Commissioner Samuelson said that this would allow the Board to use this formula to help the Board ask questions and determine what is a reasonable amount to give; “while at the same time acknowledging that the Board can’t continue what its been doing, which is every year giving a large percentage of the County’s revenue to CMS.
- Although last year CMS said the County kept their funding flat that was not true because the County gave CMS around $13 million more.
- If this continues with the capital numbers that come before the Board, eventually the Board will not have the money to do the other things it’s required to do.
- Commissioner Samuelson said the Board has to recognize that there are limits within the County’s revenue to what the County can do.
- She said stated as a percentage or as number of pennies on the tax rate, it would automatically grow every year because every year the County’s revenue goes up even if taxes aren’t raised.
- If there were a tax increase CMS would receive their share of the tax increase.

Motion was made by Commissioner Samuelson, seconded by Commissioner James, to approve the Funding Framework as presented and including the County Manager’s Excel Spreadsheet as a guide, but amend Principle #1: The Funding Formula by adding to the sentence that says Funding comes out of one pocket, the following wording: “with the acknowledgement that total funding for CMS will not exceed a stated percentage of total County revenue,” with the understanding that if, as a group, the Board needs to redefine whether to use percentage or pennies on the tax rate that can be done at a later date.

Commissioner Woodard asked for clarification regarding Principle #2, “If CMS saves a dollar, the County will not take it,” and how that would be handled during the budget process, which was given.

Commissioner Ramirez spoke in support of the Funding Framework and particularly of Principle #2, “If CMS saves a dollar, the County will not take it.”

Commissioner Mitchell spoke in support of the Funding Framework and said that it was a good tool to have, but he is opposed to the formula. Commissioner Mitchell said the formula, as presented reduces operational cost for CMS. He said that if he could be guaranteed that there would not be a reduction in CMS’ operation funding then he could support the Framework and the COPS.

Commissioner Puckett noted that the Board would not be the body to decide if CMS’ capital and/or operational funding goes up or down, but rather that would be the decision of the Board of Education.

A substitute motion was made by Commissioner Puckett but died for lack of a second, to approve the Funding Framework as presented with the County Manager’s Excel Spreadsheet as a guideline with the following adjustments: 1) Line 39 – Total Funds line, that there be a note added that total
funds should approximate the three-year historical average of percentage of total County revenue, which keeps it in historical perspective, 2) That Line 7 – The Base Appropriation From Prior Year – be broken down to state mandated appropriation and supplemental appropriation.

Commissioner Samuelson noted that if the Board were to define “total County revenue” at this time then she would be in agreement with Commissioner Puckett’s three-year historical average suggestion. She noted that she had originally planned to address the prior three years percentage.

After further discussion, Commissioner Samuelson agreed to amend her motion to read as follows and Commissioner James, the seconder agreed: That total funding for CMS will not exceed a stated percentage of total County revenue, County revenue defined as including the half cents sales tax, defined as the average of the prior three years percentage of County revenue.

Thus the motion as amended is as follows:

Motion was made by Commissioner Samuelson, seconded by Commissioner James, to approve the Funding Framework as presented and including the County Manager’s Excel Spreadsheet as a guide, but amend Principle #1: The Funding Formula by adding to the sentence that says Funding comes out of one pocket, the following wording: “with the acknowledgement that total funding for CMS will not exceed a stated percentage of total County revenue,” (County revenue defined as including the half cents sales tax, defined as the average of the prior three years percentage of County revenue). Also, with the understanding that if, as a group, the Board needs to redefine whether to use percentage or pennies on the tax rate that can be done at a later date.

Commissioner Clarke asked for clarification regarding the excel spreadsheet, which was given. He asked whether under the Funding Framework with an estimated projected debt sales of $97.9 million, the Board would be telling CMS “you’re issuing too much debt and therefore you’re going to have to take $23 million out of your operating budget, which you would otherwise get under this formula.” Director Yi said that was correct.

Commissioner Clarke continued and said, that really was not the situation because if you look at the projected debt sales that’s listed on the Funding Framework, it’s actually $26 million less than what the Framework says the CMS capital investment amount should be for that year; “so the debt service subtract would be even greater if you were indeed funding CMS capital investment in accordance with the formula.” He said Commissioner Mitchell was correct about it reducing CMS operation funding. He said this illustrates the “huge gap or gulp” that exist between the Board of Commissioners and the Board of Education.

County Manager Jones asked Director Yi to explain how he was applying the available capital investment number.

Director Yi said what was presented was just a model, “it’s not reality.” He said that staff was assuming that CMS would spend up to the limit of what they can take out in terms of their capital investment. He said if they’re already projected to spend $97 million in capital and the difference between the $123.6 of their allowance for capital, that they would take out the $23 million in the additional capital. He said that this has a debt service number tied to it and since staff does not know what that is, staff used a straight-line projection of 8% or that the bonds would be repaid over 20 years.

Chairman Cox noted that the Funding Framework was really only operative in the next fiscal year. He said that because of the way it was built by staff there’s some lag effects in it, which he has pointed out to the County Manager.

Chairman Cox said Commissioner Clarke has identified the lag effect that he (Chairman Cox) believes has an unfair affect upon the operating appropriation. Chairman Cox said the formula could either be fixed or thrown out. He encouraged the Board to accept the principles and to take another look at the formula to make it fairer to CMS.

County Manager Jones encouraged the Board to accept the principles of the Funding Framework, which would be a valuable tool for him as County Manager and provide him a degree of greater
objectivity in evaluating budget requests. County Manager Jones said not only does the model need to be fairer to CMS, but to the citizens of Mecklenburg County as well, such that the citizens will know that its County Manager and its Board of County Commissioners are doing due diligence in an objective environment to try to determine a funding level that meets CMS’ needs. He said it would also give the County the ability to evaluate even enhanced funding opportunities.

Commissioner Clarke said that he could vote for the principles but not the excel spreadsheet because of his concerns.

Chairman Cox said the problem with the formula comes into play when staff takes the calculations to the “out years,” which results in a “lag” effect that took away the effectiveness of the formula in the “out years.” He said for next year it works “pretty good.” He said he thinks there’s a flaw in the spreadsheet in the “out years” but not in the near term.

Commissioner Samuelson said that she would be willing to amend her motion as it relates to the excel spreadsheet, to approve it in concept through Column B.

Commissioner James said the solution would be to approve the principles and the spreadsheet and send the spreadsheet back to staff for correction. Commissioner James said it was not a principle problem but a formula mechanical problem. He said the problem has to do with the way in which things are being calculated and the use of the 8% factor.

Commissioner Woodard said that she was not comfortable with approving this, knowing that the spreadsheet, which is to be used as a guide will be changed. Her preference would be to wait until the corrections were made.

After further discussion, Commissioner Samuelson agreed to amend her motion to read as follows and Commissioner James, the seconder agreed: to request that staff go back and correct and amend the spreadsheet in two weeks.

Thus the motion as amended and voted upon was as follows:

Motion was made by Commissioner Samuelson, seconded by Commissioner James, and carried 5-3 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting yes and Commissioners Clarke, Mitchell, and Woodard voting no, to 1) approve the Funding Framework overall set of principles, with the attached Model (the County Manager’s Excel Spreadsheet) that will be accepted as a concept and amended by the County Manager in two weeks; 2) to amend Principle #1: The Funding Formula by adding to the sentence that says Funding comes out of one pocket, or at some other appropriate place under the Funding Framework, the following wording: “that in recognition of Mecklenburg County’s statutory obligation to provide many other County services, total funding for CMS will not exceed a stated percentage of total County revenue defined as the average of the prior three years percentage of total County revenue (total County revenue includes the half cents sales tax); and with the understanding that if, as a group, the Board needs to redefine whether to use percentage or pennies on the tax rate that can be done at a later date.

(4B2) CERTIFICATES OF PARTICIPATION (COPS) AND GENERAL OBLIGATION BOND SALES

Motion was made by Commissioner Puckett, seconded by Commissioner Samuelson and carried 7-1 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes and Commissioner Woodard voting no, to approve the Charlotte-Mecklenburg Board of Education’s request for $73.9 million of additional COPS as requested by CMS.

Prior to the above vote Commissioner Woodard said she realizes there are schools needed in the suburbs, however she could not support the COPS because it’s a matter of resources. She said that after talking with persons and listening to those that spoke during the public hearing that it’s possible this matter may cause community division and that she was not comfortable with that and therefore
could not support it. She said that with the “skillful people” in this County, there could have been another way of working this matter out to try and come to a median of the “races if nothing else” with this particular issue. Commissioner Woodard said that this whole matter was about resources.

(4B3) CERTIFICATES OF PARTICIPATION (COPS) AND GENERAL OBLIGATION BOND SALES

Motion was made by Commissioner Samuelson, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to establish the size of the January 2005 bond and COPs sales up to $245.4 million, as indicated on the proposed issues spreadsheet.

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

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Samuelson and unanimously carried, with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the following item(s) with the exception of Items 12, 16, and 28 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Special Meeting and Regular Meeting held October 5, 2004 and Closed Session Minutes of October 5, 2004.

(8) TAX REFUNDS

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $34,447.58 resulting from clerical errors, audits, and other amendments.

(9) APPOINTMENT OF REVIEW OFFICERS

Amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” to designate John Hoard as a Review Officer and to delete the names of Kimberly Sandoval and Warren Burgess.

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

(10) SHERIFF’S INCREASE IN CIVIL FEES

Recognize, receive and appropriate $660,000 in increased civil fee revenue for the Sheriff to hire two deputy sheriffs (with equipment) for six months in FY 05 and use the remainder to purchase replacement vehicles as provided for by House Bill 918.

(11) DESTRUCTION OF RECORDS – HEALTH DEPARTMENT

**HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION**

Accept the “Offer of Sale of Land” for the following property: Katherine Davis at 308 Rocklyn Place for $200,000.00.

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 42-A, Document #____.*

Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

**DESTRUCTION OF DOCUMENTS – LUESA**

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

- 5 boxes of permitting and inspections records dated August and September of 2004 that have been imaged on optical disk and verified in lieu of originals.
- 514 commercial project plans permitted in August and September of 2002.

**TITLE V EMPLOYMENT PROGRAM**

Amend the Department of Social Services' FY05 budget to recognize additional Federal revenue, $105,947 from the US Department of Labor and appropriate expenses in the same amount.

**MODIFICATION OF ENVIRONMENTAL POLICY COORDINATING COUNCIL CHARTER**

Modify the charter of the Environmental Policy Coordinating Council to:

Indicate the Chair of the Transit Services Advisory Committee (TSAC) will be an invited member of the EPCC in place of the Citizens Transit Advisory Group (CTAG) and include the Chairman of the Building Development Commission as one of the appointed Mecklenburg County members of the EPCC rather than an invited member.

**GREENWAY LAND DONATIONS**

Accept the donation of: Tax Parcel 027-291-66 (2.86 acres) on Clarks Creek off Saxonbury Way from Centex International, Inc. and Tax Parcel 059-132-52 (4.47 acres) on Paw Creek off Stone Bluff Court from HTL Development, Inc. as an addition to the Greenway System.

**LAND DONATION**

Accept the donation of vacant lot/Tax Parcel 157-034-17 (+/- .242 acres) on Wheatley Avenue from Green-Good, Inc.

*Note: This property forms the rear border of the Billingsley Road complex (Department of Social Services and Area Mental Health). The property may be used by the County at some future point to complement the main tract of land at the Billingsley Road complex or exchanged with some other entity for another tract needed by the County. The owners stated they hoped the land*
would benefit the schools and children in this area in some way. If the County does not use it, this could be accomplished by exchanging the tract for another lot that will serve this purpose.

(20) CORNELIUS LAND ACQUISITION

Approve purchase of 3.14-acre tract (all of Tax Parcel 005-061-10) at 17332 West Catawba Avenue from Ertle and Ruth King for $150,000, and approve amendment of the Open Space/Park Land Acquisition Challenge Program Interlocal Agreement with Cornelius to reduce the amount available to Cornelius by the total cost of the acquisition of this property.

(21) LINCOLN HEIGHTS LAND ACQUISITION

Approve the purchase of vacant Tax Parcels 075-043-33 and 075-043-39 at 2021 and 2029 Jennings Street from Molly Ann Wilson Parker for $13,000 as part of the Lincoln Heights neighborhood park land acquisition.

(22) FREEDOM MALL – MEDIA EVOLVED LEASED

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Media Evolved LLC.”

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

(23) HOUSING AUTHORITY STEPPING STONE PROGRAM

Recognize and receive payment in lieu of taxes (PILOT) of $42,474 from Housing Authority of the City of Charlotte for allocation to the Authority for the Stepping Stone housing program.

(24) ELECTRONIC COURTROOM EQUIPMENT

Approve Donation of Electronic Courtroom Equipment to State of North Carolina.

(25) WORK FIRST BIENNIAL COUNTY PLAN


A copy of the Plan is recorded in full in Minute Book 42-A, Document #_____.

(26) AUDIT REVIEW COMMITTEE

Appoint John McGillicuddy as one of the management representatives to the Audit Review Committee.

(27) HAVA GRANT FROM NC STATE BOARD OF ELECTIONS

Recognize, receive and appropriate $40,942 from Help America Vote Act Grant (HAVA) received from the NC State Board of Elections.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Clarke left the dais and was away until noted in the Minutes.
(12) PROJECT SAFE NEIGHBORHOOD GRANT

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize, receive and appropriate continuation funding of $156,017 from the US Department of Justice for the Project SAFE Neighborhoods project from October 1, 2004 through September 30, 2006; and approve the carry forward to the next fiscal years of any unspent grant funds at June 30, 2005 and June 30, 2006.

Commissioner Ramirez removed this item from Consent for more public awareness and to request that this information be translated and made available in Spanish for the Hispanic Community.

Commissioner Clarke returned to the dais.

(16) GRANT APPLICATION – WOMEN’S COMMISSION

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve submission of a grant application for funding in the amount of $10,000.00 from the Mary Byron Foundation to the Mecklenburg County Women’s Commission for the Operation Youth Awareness (OYA) collaborative project. Also, if awarded, to recognize, receive and appropriate the grant amount awarded.

Commissioner Woodward removed this item from consent for more public awareness.

(28) ONE-STOP GRANT FUNDS FROM NC STATE BOARD OF ELECTIONS

Commissioner James removed Item 28 - One-Stop Grant Funds From NC State Board Of Elections from Consent in order to address it specifically. The Board was asked to recognize, receive and appropriate $55,992, grant funds, from the NC State Board of Elections. The grant funds were to be used to open two additional One-Stop voting sites from October 18, 2004 thru October 30, 2004 for the November 2004 election.

Commissioner James said that it was his understanding that in addition to the funds being used for two additional One-Stop voting sites that it would also be used for Sunday voting.

Commissioner James said he was opposed to voting on the Sabbath. He said he realizes it’s sort of trite given the fact that alcohol is served on the Sabbath that people go to races, cockfights, and assorted other things on the Sabbath.

Motion was made by Commissioner James, seconded by Commissioner Samuelson and carried 5-3 with Commissioners Cox, James, Puckett, Ramirez, and Samuelson voting yes and Commissioners Clarke, Mitchell, and Woodard voting no, to defer consideration of Item 28 - One-Stop Grant Funds From NC State Board Of Elections for two weeks until the Board can have a discussion with the Board of Elections and instruct them to delete voting on the Sabbath.

Prior to the above vote the following comments were made:

Commissioner Woodard said that this program was already in motion and in two weeks they would have already voted. She said Sunday, October 24th was when this was going on.

Commissioner Woodard said she did not see a problem with voting on Sunday. “It doesn’t matter what party you’re in because it’s open to any parties that want to go. It’s not just a democratic effort. It’s an effort to get people voting. “period.”

Commissioner Samuelson asked Commissioner James for clarification purposes was it his intent that the Board hold these funds until the next meeting, November 3rd and that if Sunday voting
did not take place this money would be appropriated. But if Sunday voting did take place during the month of October this money would not be appropriated.

Commissioner James’ response was, yes.

Commissioner Samuelson said that although Commissioner James made some interesting comments about voting on a Sabbath and “one would expect” that would be her primary objection to this, “though it’s one,” it’s not her primary objection.

Commissioner Samuelson said her primary objection was “the whole process that this came about.” “We have a process for setting election law in this State that says basically a lot of these things are supposed to be unanimous; and the reason is because your Board of Elections are made up of both republicans and democrats and the idea is that if both the republicans and the democrats agree on then it’s probably inherently a fair policy. This was brought before our Board of Elections and low and behold it wasn’t unanimous. It was a split party line vote on this issue of whether or not to open these college campuses as early voting sites and whether or not to do Sunday voting. It should have stopped there. The rules are that, it’s my understanding, is that if the Board of Elections votes and it’s not unanimous then it does not get sent to the State. So, it wasn’t supposed to be sent to the State. Well, the State decided they would take it up on their own, usurping the process that was in place. That State Board, which is also disproportionately of one party because that’s the way it’s constructed with the Governor having a choice, decided along party lines again that they would implement these new policies.”

Commissioner Samuelson said she felt the process was violated and therefore within her obligation as a County Commissioner she was going to choose to hold this money back to correct “what little bit” of the process she could.

Commissioner Samuelson said the Board of Elections was aware of her concerns and that if they choose to conduct Sunday voting she would vote against appropriating this money to pay for something that the State should not have advocated for them to do; and that if they don’t conduct Sunday voting then she would be happy to appropriate this money and they would have a little more then they needed to do something else with.

Commissioner Clarke asked: “What’s so unfair about adding an additional day of voting for democrats, republicans, or independents, or anybody? What’s unfair about just adding another day of allowing the citizens of the U. S. to exercise their rights?”

Commissioner Mitchell said he didn’t see anything wrong with adding Sunday voting and that the process used was legal.

Chairman Cox said he supported Commissioner James’ motion and that his reason was as follows: “It happened to be in the year 2000. There was a box of 4700 ballots over there and had it not been for Ike Heard and Tom Ashcraft, had the democrat on that Board been anybody other than Ike Heard, those 4700 ballots would have been counted and the director at that time Michael Dickerson would not tell them what was in the box; and I’m telling you, the more I’m in the politics business, the more I abhor the partisan structure with which we conduct elections from gerrymandering, to redistricting, to managing the electoral process.”

Chairman Cox said in his concluding remarks that the main reason was in order to “just kind of say one time that our electoral process is terrible, primarily because of it’s partisan underpinnings.”

Chairman Cox said Commissioner Samuelson had a point. “If they’re going to have the elections that are going to be perceived as being fair to both sides, which is what I’m for, then they ought to make it unanimous.”

Commissioner Puckett said he was going to support this for all the reasons that were given. He further stated “the law states it has to come from us.” “It has to come through us and I think for a reason. I think that we are one of those checks and balances that have to happen. The biggest problem I have with this is that we had a rather extensive process when we went through our
budget and one of the things we talked about meeting with Michael Dickerson, Board of Elections is their budget and their schedule and what they were going to do and we appropriated the funds to do that. Had this discussion happened a year ago or State budget time or whatever, then I would be, it’s a little different but it’s the nature of it kind of coming at the last moment with opposition, not being unanimous, that I think that you do have to stop the funding. I’m going to support it for that reason because we went through a process that asked the Board of Elections. This wasn’t something that they had in mind. They never brought it up. They never discussed it with us. Had they, we may have funded it, I don’t know. We may have funded it out of our own budget but our process is such that we’ve already decided what we’re going do in funding them.”

Commissioner Woodard said, “What we have here is, for the most part, “sour grapes.” It’s about when you look at folks that have been registered, unprecedented numbers of folks that have been registered. They’re not necessarily favorable to one particular party, like the republicans. Some people are voting now who have never voted before and I don’t know if that’s what everybody is upset about but the bottom line to me, it’s about “sour grapes” and insecurity of folks on this Board whose party may not have registered as many folk as another party and that’s the way it is.”

Commissioner Clarke said he felt “the reasons stated by some of the proponents of this motion for voting against this motion are probably related to their belief that the process was not as intended, but I have to say, I think the lone member of the Board of Elections that voted against having this voting on Sunday probably had the same goal in mind and that is to suppress the voting by certain elements of this community. Why else would they think that voting on Sunday was unfair? I think this is frankly, mixed motives. I’m sure and everybody gets caught up in their own partisanship and partisanship is a two-way street. The republican party the last time I checked was just as partisan as the democratic party.”

Chairman Cox’s response was, “you’re right about that and it’s terrible on both sides.”

Commissioner Samuelson reiterated that her reasoning had to do with the “process.” She said she felt Commissioner Puckett made a good point, that if the Board of Elections had ask during budget to fund these things, “these added things,” the Board might have. “But the process was polluted and for anyone to imply that somehow or another by cutting off Sunday voting that people don’t have an opportunity to vote and that we’re trying to suspiciously subvert people’s access to the polls is, I’m sorry, a bunch of “you know what.” This is ridiculous.”

Commissioner Samuelson then addressed various changes that had occurred to make voting more accessible, such as an easier absentee ballot process, the addition of early voting, and the expansion of early voting sites.

Commissioner Samuelson said, “for someone to imply that cutting off Sunday voting is meaning that we are denying people an access to vote or it’s because one party or another party registered different voters, “hog wash” and my only reason for objecting to this is because the process was subverted. There’s a principle that their process was set-up, the process was to protect our democracy. The process was violated and that is the only reason, “the only reason,” that I brought this up and vote for it.”

Commissioner Mitchell said he took exception to Commissioner Samuelson’s saying that something was subverted as far as what happen with the Board of Elections here in Mecklenburg County and with the State because everything that occurred was legal.

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

STAFF REPORTS AND REQUESTS

(29) CUTTING POLLUTION WHEN IT COUNTS: EPISODIC OZONE CONTROLS

Don Willard, Director of Air Quality addressed the proposed revisions to the Mecklenburg
The following persons spoke in support of proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO), regarding episodic ozone control measures: Margaret Davis, Barbara Wade, Ron Bryant, and Nancy Bryant, president of the Carolinas Clean Air Coalition and a member of the Air Quality Commission.

Mrs. Bryant noted to the Board that if a no vote occurs on this matter, then the Board is not basing its decision on science and fact and public health. She said that they were disappointed in the Charlotte Chamber of Commerce’s campaign of this information.

Mrs. Bryant also expressed remarks provided to her by Fletcher Roberts who was unable to be present. She noted the following points on his behalf and counter to the “disinformation” of the Charlotte Chamber: 1) The starting emissions point was the tally of commute emissions only, so it doesn’t matter what kind of company it is. Further that a manufacturer will not have a harder time than other people. 2) He was the Ozone coordinator of the RBC Centura this past summer and the pilot program was neither costly, nor administratively cumbersome. 3) The benefits would be worth the time and cost even for employers with thousands of employees; the cost for non-attainment are extraordinarily greater. 4) The program is not designated to provide significant ozone reduction but it’s needed to provide more reduction than is estimated incase the variables change for the worst. 5) To suggest that a company could not get a loan because they are in violation of this program is “ridiculous,” contrary to what the Chamber of Commerce has said.

Commissioner Woodard asked Mrs. Bryant to comment on the impact of this on small businesses.

Mrs. Bryant said this measure would apply to 4500 businesses with 20 employees or more; those with fewer than 20 employees would not be effected.

The following person spoke in opposition: Bob Kellen with the Charlotte Chamber of Commerce. Mr. Kellen said that it was “ridiculous” to think that a “30 year” old problem can be solved with a potential 28-day program. He said that this proposal was a “bad” law.

Commissioner Clarke said that it would be good to hear what alternatives the opponents would offer, as oppose to just expressing their opposition.

Commissioner Clarke said what needs to be remembered is that the problem is mobile source emissions, which is a problem that has to be attacked in a very broad based way. He said that he was willing to consider some type of alternative that says “lets try it on a volunteer basis,” but that it has to have triggers built into it to say that if the County is not on track to achieve compliance either by next summer or the summer thereafter, than something mandatory would have to come into effect.

Commissioner Clarke said that it was not in the community’s best interest, business or otherwise to “to sit here with our fingers crossed and do nothing.”

Commissioner Samuelson also encouraged the business community to come up with some alternatives.

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to defer consideration of revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO), regarding episodic ozone control measures until the November 9, 2004 Budget/Public Policy Workshop, at which time the Board could hear from other members of the Air Quality Commission and from the opponents.

Commissioner James left the dais and was absent for the remainder of the meeting.
(30) SUPPORT OF AMENDMENT ONE

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Clarke, Cox, Mitchell, Ramirez, Samuelson, and Woodard voting yes, to adopt Resolution In Support Of Amendment One: Self-Financing Bonds-A Local Economic Development Tool To Create Quality Jobs, Revitalize Communities And Attract New Economic Opportunities In North Carolina.

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

(31) HIGH SCHOOL CHALLENGE

It was the consensus of the Board that consideration of the High School Challenge Proposal and the appropriation of $5,834,506 to CMS for the High School Challenge be deferred until the November 3, 2004 meeting.

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Samuelson, and carried 6-0, with Commissioners Clarke, Cox, Mitchell, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:27 P.M.

Janice S. Paige, Clerk  
Tom Cox, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center on Tuesday, October 19, 2004 at 3:00 p.m.

ATTENDANCE

Present: Chairman Tom Cox, Commissioners Dumont Clarke, Bill James Norman A. Mitchell, Sr., Jim Puckett Dan Ramirez, Ruth Samuelson and Valerie Woodard County Manager Harry L. Jones, Sr. County Attorney Marvin A. Bethune Clerk to the Board Janice S. Paige

Absent: Commissioner H. Parks Helms

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 Cox.

The purpose of the meeting was to go into Closed Session to discuss Personnel Matter and in Open Session to discuss a proposed Charlotte-Mecklenburg Schools (CMS) Funding Framework and the Sizing of General Obligation Bond (GO) and Certificate of Participation (COP) Sales; and to take action as may be deemed appropriate.

(1) CLOSED SESSION PERSONNEL MATTER

Motion was made by Commissioner Ramirez, seconded by Commissioner Samuelson and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to go into Closed Session to discuss Personnel Matter (County Manager’s Compensation).

The Board went into Closed Session at 3:10 p.m. and came back into Open Session at 4:25 p.m.

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

The Board then had dinner, after which the following motion was made:

Motion was made by Commissioner Clarke, seconded by Commissioner Samuelson and unanimously carried with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to accept the recommendation of the Board’s Compensation Committee for payment of a bonus to the County Manager in the amount of $12,000 in respect of the County Manager’s performance during fiscal year ended June 30, 2004 and a one time contribution of $20,000 for his purchase of prior service retirement benefits. Further, to accept the Compensation Committee’s recommendation regarding the County Manager’s compensation during fiscal year ending June 30, 2004, which is to increase the County Manager’s base salary to $180,000 and to continue the County Manager’s expense allowance at the current amount, his deferred compensation at the current amount and longevity pay at the current amount, plus the one year, whatever it adds to
it; and to provide for a performance bonus, the intent of which is to reward notable significant achievement in four performance categories, the County Manager would be eligible for a bonus in an amount up to 30% of his annual salary ($180,000) with the amount to be determined based upon weighted performance in four categories, the first of which is percentage of balanced scorecard objectives achieved that would be 50%, Board approved Strategic Management Plan would be 30%; demonstrated leadership, 10%; and professional development would be 10%.

Chairman Cox noted that the increase in salary was effective July 1, 2004.

Chairman Cox also noted the members of the Board’s Compensation Committee in addition to himself, Commissioners Clarke, Puckett, and Samuelson.

County Manager Jones thanked the Board for their vote of confidence.

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

Note: Because of time constraints, it was the consensus of the Board that this matter be addressed at the Regular meeting, where it was also scheduled as a matter of business.

(3) SIZING OF GENERAL OBLIGATION BOND (GO) AND CERTIFICATE OF PARTICIPATION (COP) SALES

Note: Because of time constraints, it was the consensus of the Board that this matter be addressed at the Regular meeting, where it was also scheduled as a matter of business.

Motion was made by Commissioner Samuelson, seconded by Commissioner Woodard, and unanimously carried, with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:12 p.m.

Janice S. Paige, Clerk

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

NOVEMBER 3, 2004 5:00 P.M.

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, November 3, 2004.

ATTENDANCE

Present: chairman Tom Cox, Commissioners
          Dumont Clarke, H. Parks Helms, Bill James
          Norman A. Mitchell, Sr., Jim Puckett
          Dan Ramirez, Ruth Samuelson
          and Valerie Woodard
          County Manager Harry L. Jones, Sr.
          County Attorney Marvin A. Bethune
          Clerk to the Board Janice S. Paige

Absent: None

___________________________

-INFORMAL SESSION-

Commissioners Helms and Woodard were absent when the meeting was called to order and until noted in the Minutes.

(1) STAFF BRIEFINGS - NONE

(2A) CLOSED SESSION - LAND ACQUISITION

Prior to going into Closed Session, Chairman Cox announced the following land acquisition matters to be discussed in Closed Session:

- Tax Parcels 075-042-36 and 075-042-35 at 1811 and 1809 Cummings Avenue
- Tax Parcel #075-042-22 at 2012 Haines Street
- Tax Parcel 077-075-10 at 937 Holland Avenue
Motion was made by Commissioner James, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Clarke, Cox, James, Mitchell, Puckett, Ramirez, and Samuelson voting yes, to go into Closed Session to discuss Land Acquisition.

*The Board went into Closed Session 5:20 p.m. and came back into Open Session at 5:25 p.m.*

*Commissioners Helms and Woodard entered the meeting at this time.*

(3) **REMOVAL OF ITEMS FROM CONSENT - NONE**

*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 James, which was followed by the Pledge of Allegiance to the Flag.

**2A1** **CLOSED SESSION**

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the purchase of Tax Parcels 075-042-36 and 075-042-35 at 1811 and 1809 Cummings Avenue from Ervin D. Reid and others for $89,500.

*Note: This acquisition is part of the Lincoln Heights land acquisition.*

**2A3** **CLOSED SESSION**

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve condemnation settlement of $9,000 for Camilla Gail Russell Alexander for vacant Tax Parcel 077-075-10 at 937 Holland Avenue.

*Note: This acquisition is part of the Druid Hills land acquisition.*

**2** **PUBLIC APPEARANCE**

The following persons appeared to speak during the Public Appearance portion of the meeting: Donna Heatherly with Community Alternatives addressed the needs for persons with Developmental Disabilities/MH and services provided by her agency. Ms. Heatherly also thanked the Board with its continued support of persons with Developmental Disabilities/MH.
She was joined at the podium by Donna Black, a recipient of their services, who also expressed thanks to the Board and noted some of her accomplishments.

(3) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint the following persons to the Adult Care Home Community Advisory Committee for one-year terms expiring November 3, 2005: Nancy Blough, Anthony Cirillo, Deborah Dirkse, Frances Hudson, Carol O’Dell, and Martha Roberts.

CITIZEN’S TRANSIT ADVISORY GROUP

Chairman Cox suggested that the Board defer making an appointment to the Citizen’s Transit Advisory Group in light of recent action taken by the Metropolitan Transit Commission, which is the group that the Citizen’s Transit Advisory Group reports, to receive recommendations regarding the reorganization and mission of the Citizen’s Transit Advisory Group from the Manager’s of the Towns, the County, and City of Charlotte.

Motion was made by Commissioner Helms, seconded by Commissioner Samuelson unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to defer taking any action on the Citizen’s Transit Advisory Group until after the recommendations from the respective Towns, County, and City Managers have been received and action is taken by the Metropolitan Transit Commission.

HOUSING AND DEVELOPMENT COMMITTEE

The vote was taken on the following nominees for appointment to the Housing and Development Committee:

Earlene Stacks Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Voting Ceased

Ronald Staley

Chairman Cox announced that Earlene Stacks was appointed to the Housing and Development Committee for a three-year term expiring November 7, 2007

She replaces David Harrison.
NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint the following persons to the Nursing Home Community Advisory Committee for one-year terms expiring November 16, 2005: Carol Gaither, Priscilla Johnson, and Charles Morris.

SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Shelter for Battered Women Advisory Committee:

- Audrey Hitt: None
- Weller Johnson: None
- Carolyn McCandlish: None
- Tammy Neal: Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard

Chairman Cox announced that Tammy Neal was appointed to the Shelter for Battered Women Advisory Committee for a three-year term expiring November 7, 2007.

She replaces Carol Ann Reinard.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Samuelson, seconded by Commissioner Mitchell and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to appoint James McCoy to the Waste Management Advisory Board to fill an unexpired term expiring June 3, 2006.

He replaces Ronald Santini.

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Special Meeting and Regular Meeting held October 19, 2004 and Closed Session Minutes of Special Meeting held October 19, 2004.
(8) **TAX REFUNDS**

Approve refunds to be made by the Finance Department as requested by the Tax Assessor in the amount of $40,642.17 resulting from clerical errors, audits and other amendments.

(9) **FY 09 SYSTEM OF CARE PROJECT - DSS**

Recognize, receive and appropriate State revenues in the amount of $80,000 to participate in the Federal project entitled, “Improving Child Welfare Outcomes through Systems of Care.”

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

Schedule a public hearing for the November 16, 2004 Board of County Commissioners meeting to receive comments on the Mecklenburg County Department of Social Services’ application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2006; and authorize Clerk to the Board to publish notice of intent to hold a public hearing.

(11) **CAREGIVERS SUPPORT PROGRAM - DSS**

Amend the Department of Social Services' FY05 budget to recognize $31,184 of additional revenue from the NC Department of Health and Human Services Division on Aging and Adult Services, and appropriate the same amount for services to older adults.

(12) **AREA MENTAL HEALTH AUTHORITY FIRST QUARTER FY 2005 REPORT**

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

Note: The following is to be noted in the minutes:

### III. Financial Management:

<table>
<thead>
<tr>
<th>Revenues</th>
<th>Budgeted Revenue</th>
<th>Actual Revenue</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid</td>
<td>$21,124,249</td>
<td>2,585,526</td>
<td>12%</td>
</tr>
<tr>
<td>Medicaid – CAP</td>
<td>2,280,024</td>
<td>270,348</td>
<td>12%</td>
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<tr>
<td>State and Federal</td>
<td>26,932,040</td>
<td>4,629,886</td>
<td>17%</td>
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<tr>
<td>State – CTSP</td>
<td>1,919,607</td>
<td>-</td>
<td>0%</td>
</tr>
<tr>
<td>State - MR/MI</td>
<td>2,367,823</td>
<td>-</td>
<td>0%</td>
</tr>
</tbody>
</table>
## Expenditures

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenditures</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Developmental Services</td>
<td>6,282,445</td>
<td>996,221</td>
<td>16%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>20,598,304</td>
<td>2,181,073</td>
<td>11%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,253,835</td>
<td>1,815,107</td>
<td>25%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,276,734</td>
<td>2,154,777</td>
<td>18%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>14,777,117</td>
<td>1,812,207</td>
<td>12%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>14,343,866</td>
<td>2,532,042</td>
<td>18%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,342,391</td>
<td>3,127,416</td>
<td>17%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>93,874,692</strong></td>
<td><strong>14,618,843</strong></td>
<td><strong>16%</strong></td>
</tr>
</tbody>
</table>

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

(13) NATIONAL WEATHER SERVICE (NWS) – GRANT APPLICATION SUBMISSION

Authorize the County Manager to submit a grant request in an amount up to $175,000 to the National Weather Service for the enhancement of the existing Flood Information and Notification System (FINS); Recognize, receive and appropriate the grant amount when awarded; and authorize the carry forward to the next fiscal year of any grant funds unspent at June 30, 2005.

(14) MALLARD CREEK RECREATION CENTER – USE OF CAPITAL RESERVE FUNDS

Recognize $29,000 in fees received and appropriate for improvement to the Mallard Creek Recreation Center Fitness Center and Multi-Purpose Room.

(15) CAPITAL PROJECT ORDINANCES

Adopt the following capital project ordinances for projects funded by Certificates of Participation (COPs): Public Buildings – 2005, and School Facilities – 2005; and amend the following bond capital project ordinances: Court Facilities Approved in November 2, 1999 Referendum, Central Piedmont Community College Approved in November 2, 1999 Referendum, School Facilities Approved in November 7, 2000 Referendum, School Facilities Approved in November 5, 2002 Referendum, and School Facilities - 2004.
(16) BUILDING-DEVELOPMENT ORDINANCE AND LUESA FEE ORDINANCE

Approve amendment to Building-Development Ordinance to re-align local government policy on Certificates of Compliance, Certificates of Occupancy and Temporary Certificates of Occupancy with State Law; and approve amendment to LUESA Fee Ordinance to revise fees for temporary utilities, limited conditional utilities and temporary certificates of occupancy.

(17) STREET LIGHTING PRELIMINARY ASSESSMENT RESOLUTION – SET PUBLIC HEARING

Set a public hearing on December 7, 2004 on assessment for Street Lighting fixture installation Preliminary Assessment Rolls for the Mountain Isle Harbor, Wilson Glen and Stewarts Crossing Subdivisions for 50 Deluxe Acorn Fixtures.

(18) CMS BUDGET APPROPRIATION AMENDMENT

Approve an amendment to the Fiscal Year 2005 appropriation to Charlotte-Mecklenburg Schools (CMS) to reflect the budget adopted by the CMS Board of Education.

(19) LAND EXCHANGE AND JOINT USE AGREEMENT AT WINGET PARK

Approve (1) the exchange of 20 acres of Winget Park property for a 20-acre tract acquired by CMS adjoining Winget Park and (2) an agreement for joint use of facilities associated with proposed elementary school to be built on former park property.

THIS CONCLUDED ITEMS APPROVED BY CONSENT.

STAFF REPORTS AND REQUESTS

(20) CENTRALINA REGIONAL COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to receive the presentation from Al Sharp, Executive Director of the Centralina

Commissioner Ramirez addressed and spoke in support of the Resolution.

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

Commissioner James left the dais during the presentation of the report and was away from the dais until noted in the Minutes.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(21) ONE-STOP GRANT FROM NC STATE BOARD OF ELECTIONS

Motion was made by Commissioner Mitchell, seconded by Commissioner Samuelson and carried 8-0 with Commissioners Clarke, Cox, Helms, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to recognize, receive and appropriate $55,992 grant money from the NC State Board of Elections.

Commissioner James returned to the dais.

(22) HIGH SCHOOL CHALLENGE PROPOSAL

The Board addressed the High School Challenge Proposal.

The following persons addressed the High School Challenge Proposal:

Margaret Carnes, Executive Director of Charlotte Advocates for Education spoke in support of the High School Challenge and noted the following:

- The support strategies in the proposal were sound, proven, and researched-based.
- The management and accountability practices were solid.
- The three-year outcome goals may need to be tempered with “a dose of gentle reality.”
- Increasing student achievement at the levels set forth in the three-year goals was unrealistic based on the following:
  - Not available were all of the solutions needed with assuring that every student is taught everyday by an outstanding teacher.
  - There is no solid evidence that every student is going to have the kind of family support that’s going to be required, “support beyond the maintenance support.”
  - Also, because of the “detrimental” and sometimes “irreversible” impact that accompanies years of failure.
Ms. Carnes said that she would provide the Board with additional information addressing impacts of years of failure.

- Funds should be released to CMS without delay and without “strings attached.”
- The plan is solid even though there is still some work to be done in the area of family involvement and in some other areas but work is underway to address these matters.

Ernie Dehnert representing the Charlotte Chamber of Commerce’s Executive Committee spoke in support of the High School Challenge and encouraged the Board to provide the $6 million in funding and to commit to funding the project for the full three years “in order to give it the best opportunity for success.”

Mr. Dehnert noted the following recommended amendments, however:
- That the Board of Education establish an interim goal of 70% at or above grade level for the schools at the conclusion of the third year
- Provide additional dollars to establish one (1) “Knowledge is Power Program Academy” (KIPP) in a middle school feeder as a pilot project
- That the amount of teacher pay for performance bonus be amended from $5,000 to $7,500.

Mr. Dehnert noted also that the Chamber would be encouraging its members to provide internships to students involved in the High School Challenge. The Chamber will also work with its member to provide incentives as rewards for academic achievement, positive behavior and good attendance on the part of the students.

Commission Comments

Chairman Cox addressed this matter and particularly the issue of “accountability.” He noted the following:
- Being accountable does not mean more money or less money.
- It means being able to explain how money is used, deployed, and for what purposes it pursues.
- It means knowing whether those purposes are achieved.
- People want accountability.
- The High School Challenge is a measurement of accountability.
- A way of evaluating the purposes to which the people’s money is applied.
- The Board of Education owns the responsibility to teach the children of this community the skills they need for work in life.
- He said for 6 out of 10 children “they do a pretty good job.” He said for the balance the results are not as good.
- He said the Board of Education has said it needs more resources to teach this 40%; that with adequate resources on grade performance of these children will match the 60%.
- He said that the Board of Education has said that for $6 million annually for three years and they will make changes in three high schools that will result in uniformed student achievement in all demographic groups.
The Board offered money and a challenge to the Board of Education to link money and results. The Board asked for a business plan that would double end of grade scores in the lowest performing high schools over three years. Further, that the plan specify achievement goals and interim milestones.

He said the Board of Education responded positively and said $6 million is enough money to carry out these goals.

He said this is the first time, specifically, that operating money and classroom results have been tied together.

He said the Board of County Commissioners would provide the money and the Board of Education would deliver the results.

He asked the Board to support the High School Challenge.

Commissioner Puckett said that he does appreciates the nature of the Challenge, however, the dilemma he has is that he doesn’t see where it’s impacting the students that the proposal indicates. He said in his opinion, what’s being measured are the schools and not the students.

Commissioner Puckett asked for clarification regarding the monitoring plan. He asked whether the things listed in the monitoring plan would have an annual goal and measurement?

Dr. James Pughsley, Superintendent of Charlotte-Mecklenburg Schools addressed this matter and noted the following:

- With regards to the monitoring system and how CMS plans to report out, it should kept in mind that the Challenge has to do with student achievement for the individual school. Student achievement is the ultimate objective and is what will be focused on.
- The data would be desegregated as a means of making decisions appropriate to reaching that particular goal.
- CMS does not have a problem sharing that data.

Commissioner Puckett asked for confirmation that $6 million was enough for CMS to achieve this goal or would CMS come back later and request more.

Dr. Pughsley said that CMS has not asked for any additional monies with regard to the High School Challenge. Dr. Pughsley said that it was not his intent to come and ask for more.

Commissioner Puckett asked was the statement made by Chairman Cox that the Board of Education has said that $6 million is more than enough money to get the job done, a fair and honest statement?

Dr. Pughsley’s response was that $6 million was sufficient.

Commissioner James asked about the Truancy Program.

Dr. Pughsley said that ultimately CMS would like to see Model A in place but on an interim basis it will probably start out with Model B.
Dr. Pughslley said also there really was not a target as it relates to truancy, but rather CMS is attempting to improve the attendance of all students, especially those that have a history of bad attendance. He said that in order to properly monitor this, there would have to be targets. He said that CMS is already in the process of developing a plan.

Commissioner James noted to Dr. Pughslley that he felt Model A should be pursued because of the workload already on Charlotte-Mecklenburg police.

Commissioner Clarke asked that the Board be kept up-to-date on the progress of High School Challenge.

Dr. Pughslley said that was the intention of CMS.

Commissioner Woodard asked Dr. Pughslley if he would be willing to consider Truancy Mediation?

Dr. Pughslley said that he was not clear on what Truancy Mediation means.

Commissioner Woodard said that she would get with him regarding this at a later date.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the High School Challenge Proposal and appropriate $5,834,506 to CMS for the High School Challenge.

Dr. Pughslley thanked the Board for its support of the High School Challenge.

Prior to leaving the podium, Dr. Pughslley noted that there was a significant misunderstanding in the Community with regards to accountability in the Charlotte-Mecklenburg School System. He said that at the pleasure of the Board, he would welcome an opportunity to present CMS’ Aligned Management System, which includes the use of a Balanced Scorecard.

Chairman Cox noted to Dr. Pughslley that he was sure such a presentation would be welcomed by the future Board.

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

Hyong Yi, Budget and Management Director presented staff’s recommendation regarding the Charlotte-Mecklenburg Schools Funding Framework.

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

Chairman Cox noted that the Funding Framework was a management tool more than a budget device.

Commissioner Samuelson referenced the 2nd bullet on page 8 of the handout, Principle 3: Enhanced Funding: “Request would resemble a grant application.” She would like to see a description and diagnosis of the issue added.

It was the consensus of the Board that a 3rd bullet be added for “description and diagnosis” as suggested by Commissioner Samuelson.

Commissioner Puckett referenced page 9, Principle 4: Reporting to County: “CMS agrees to report amounts it actually spends on....” He would like to see a 3rd bullet added to address the “supplemental” funding.

It was the consensus of the Board that a 3rd bullet be added for “supplemental” funding as suggested by Commissioner Puckett

Commissioner Samuelson referenced Principle 5: Percentage of County Funds and noted that her preference would be for a “fixed” percentage, although she is okay with an average.

Commissioner Helms noted that the Funding Framework was just a “framework” and that it does not bind the County to making any specific appropriation.

Director Yi confirmed Commissioner Helms’ statement.

Dr. James Pughsley, Superintendent of Schools was asked to comment on the Funding Framework.

Dr. Pughsley noted prior to making his remarks that he had not seen the information that was presented by Director Yi that perhaps his Chief Financial Officer had. He said that conceptually he could agree with the Framework, however he has not had an opportunity to study the details of the Framework. He said that if “guidelines mean guidelines” then he is more inclined to agree, but that if “guidelines become fixed” then he has a “tremendous” problem with it.

He expressed concern for the “Enhanced Funding” piece and noted that caution has to be exercised. He said that he assumes “Enhanced Funding” has to do with programs and services that might be new as it relates to a particular initiative. He said, “that’s fine but also with caution “enhanced funding” could relate, on the basis of what has been presented, to a changing population of students.” He said what was presented regarding growth had to do purely with numbers but not what those numbers look like demographically.

Dr. Pughsley said that not only is the school system growing but that the faces of students per that growth are changing. He said CMS now has more students that bring a greater expense to
education then in years past. He said the information presented to the Board does not reflect this point.

Commissioner Mitchell noted that he was still concerned about “capping” and building schools and not giving CMS the proper funds to operate those schools.

Dr. Pughsley asked was it correct to assume that the “enhanced funding” applies to both capital and operating?

Chairman Cox said what the “Enhanced Funding Principle says is that CMS has to make its case. He said that it wasn’t intended to apply to both sides, however he doesn’t feel the future Board would be resistant to a case for “enhanced funding” capital or operating.

Motion was made by Commissioner Puckett, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Puckett, Ramirez, Samuelson, and Woodard voting yes, to approve the Charlotte-Mecklenburg Schools Funding Framework Key Principles to be used by the Commissioners in evaluating CMS operating and capital budget request, as modified per the Board’s directives from the October 19, 2004 meeting and as amended tonight, per the suggestions of Commissioner Samuelson (Principle 3: Enhanced Funding: “Request would resemble a grant application” add a 3rd bullet for “description and diagnosis.”) and Commissioner Puckett’s request (Principle 4: Reporting to County: “CMS agrees to report amounts it actually spends on ...” add a 3rd bullet to address the “supplemental” funding.).

ADJOURNMENT

Motion was made by Commissioner Samuelson seconded by Commissioner Ramirez, and unanimously carried with Commissioners Clarke, Cox, Helms, James, Mitchell, Ramirez, Puckett, Samuelson, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:15 P.M.

______________________________ ____________________________
Janice S. Paige, Clerk Tom Cox, Chairman