

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JANUARY 17, 2007

5:00 P.M.

**NORTH CAROLINA
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, January 17, 2007.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke H. Parks Helms, Bill James, Dan Ramirez and Valerie C. Woodard
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Norman A. Mitchell, Sr.

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

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced that the land acquisition matter to be discussed in Closed Session concerned Cavalier Apartments and the Consult with Attorney matter concerned the Adelphia Bankruptcy Proceedings.

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 6-0 carried with Commissioners Bentley, Clarke, Helms, James, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney, B) Land Acquisition, and C) Personnel Matter.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:40 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

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

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

(1) PROCLAMATIONS AND AWARDS – NONE

Note: Chairman Roberts and Commissioner Bishop acknowledged the presence of Boy Scouts Troop 11 that meets at Providence United Methodist Church. They were invited down to formally greet the Board.

(2) PUBLIC APPEARANCE

The following persons appeared to speak during public appearance:

Rev. Willie B. Simpson addressed the annual “We Care” Festival to be held May 12, 2007 at Progress Park, 12 noon – 5:00 p.m. This is an outreach program to help the homeless. Rev. Simpson extended an invitation to the Board and asked for their individual support of the event financially. He noted that they were a non-profit organization.

Martin Davis addressed taxes and the recently appointed City/County Alternative Revenues Committee. Mr. Davis spoke in opposition to any new taxes.

Valerie McGill addressed the operation of the Passport Office located at the Post Office. Ms. McGill said the Passport Office currently located at the Post Office does not provide good customer service. Ms. McGill suggested the Passport Office be located in the federal courthouse, then perhaps service would be better.

(3A) APPOINTMENTS

FIRE COMMISSION

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to appoint Andy C. Higgins, Jr. and Timothy L. Hipp to the Fire Commission as recommended by the Fireman’s Association for three-year terms expiring December 31, 2009.

They are replacing James Alexander and James Moore.

(3B) RE-APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Woodard and

unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to reappoint Daniel Hawkins (Plumbing, Heating & Cooling representative), Charles Horne (Master Electrical Contractors Association of N. C. representative), and Danny Phillips (Charlotte Heating & Air Conditioning Contractors Association) representative to the Building Development Commission for three-year terms expiring January 21, 2010.

TRANSIT SERVICES ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to reappoint James Dixon to the Transit Services Advisory Committee for a three-year term expiring February 3, 2010.

PUBLIC HEARINGS

(4A) MECKLENBURG COUNTY POST-CONSTRUCTION ORDINANCE

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to open the public hearing with respect to the Mecklenburg County Post-Construction Ordinance.

Note: On December 19, 2006, the Board received a presentation from staff regarding the adoption of a post-construction ordinance for the control of storm water pollutants in the approximately two (2) square mile area near the Town of Pineville that remains under County zoning jurisdiction.

Mary Thomsen, representing the Real Estate and Building Industry Coalition (REBIC), addressed the proposed Post-Construction Ordinance. Ms. Thomsen said REBIC participated on the Stakeholders' committee and voted for the plan, however REBIC has the following concerns:

- That many of the details of the plan will only be set out in the design guidelines and the administrative guidelines that are referenced repeatedly in the ordinance
- To REBIC's knowledge those guidelines have not been completed or at least they have not been shared with the stakeholders
- REBIC recommends that a permanent advisory committee, such as the Storm Water Advisory Committee, be involved in the development, administration, and any changes in those guidelines.

- The proposed plan includes both mandatory requirements and aspirational requirements and that the plan does not outline what has to be done at this time and what does not. REBIC feels the Board needs to know this in order to make an informed decision.
- The plan as presented is "extremely" expensive and exceeds federal guidelines in some aspects.
- REBIC feels this Post-Construction ordinance could well be the most expensive regulatory program impacting land use in Mecklenburg County in "memory."
- REBIC asked that the Board "carefully" consider the costs implications of the plan.

Commissioner James asked if the towns had approved the ordinance.

Rusty Rozzelle, Water Quality Program Manager said the towns are required to adopt an ordinance by June 30, 2007. Thus far, the Town of Pineville has adopted the stakeholders' recommendation in its entirety. Staff is in the process of presenting the proposal to the other towns.

Mr. Rozzelle explained how the process works.

Commissioner James asked Mr. Rozzelle to comment on REBIC's concern that the details are in the design guidelines and administrative guidelines and REBIC's suggestion regarding the involvement of the Storm Water Advisory Committee.

Mr. Rozzelle said staff has no problem with that and plans to make all that information available to the public and to REBIC and plans to receive comments from both prior to the ordinance being adopted.

Commissioner James asked if the Board needed to approve the adoption of the ordinance provided that it be amended that the Storm Water Advisory Committee be involved as recommended by REBIC.

Attorney Bethune clarified that the adoption of the resolution currently before the Board does not adopt the Post-Construction Ordinance but rather it indicates the Board's intent to adopt a Post-Construction Ordinance. Consideration of adoption of the actual ordinance will come at a later date.

It was noted further that a request to have staff provide the draft design manual to the Storm Water Advisory Committee for review does not have to be a part of the resolution before the Board. It was noted further that according to Mr. Rozzelle staff has no problem with doing this and plans to do so.

Commissioner James said since there's an adoption process forthcoming, he would rely on staff and REBIC to work together to "figure out what they need to do" to implement the final aspects of the ordinance to make sure everyone is comfortable with the process going forward.

Commissioner Bentley said she would like to know what it would cost if the County just did what was required. She asked was a cost analysis available.

Mr. Rozzelle said a rough cost analysis was done as part of the process. He said the cost analysis general said the costs would be between \$16 and \$36,000 per acre on a "typical" development in the county.

Mr. Rozzelle said there are a lot of factors that go into determining costs and that the costs analysis performed did not take all of that into consideration. He said the City plans to do a more in depth analysis. The County and the Towns did a "case study" analysis that involved taking actual developments in the towns and the county and analyzing what the costs would be. Mr. Rozzelle said the analysis performed by the County is on the County's website.

Commissioner Bentley asked was it possible to get down to the level of detail that the City is embarking upon.

Mr. Rozzelle said yes it could be done but it would require a considerable expenditure of funds and would have to be done by an outside source but staff decided for 2 square miles that the case study method would be better.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to close the public hearing with respect to the Mecklenburg County Post-Construction Ordinance and adopt the Resolution Supporting The Post-Construction Storm Water Ordinance Dated December 20, 2006.

**MECKLENBURG COUNTY, NORTH CAROLINA
RESOLUTION
SUPPORTING THE POST-CONSTRUCTION STORM WATER ORDINANCE
DATED DECEMBER 20, 2006**

WHEREAS, Mecklenburg County, the Town of Cornelius, the Town of Davidson, the Town of Huntersville, the Town of Matthews, the Town of Mint Hill, and the Town of Pineville have been issued a Phase II National Pollutant Discharge Elimination System (NPDES) Storm Water Permit (Permit Number NCS000295) by the North Carolina Department of Environment and Natural Resources (NCDENR) that requires implementation of six (6) minimum measures for permit compliance; and

WHEREAS, one of the requirements of the permit is the development, adoption and enforcement of an ordinance that establishes post-construction site runoff controls by June 30, 2007; and

WHEREAS, a draft post-construction storm water ordinance dated December 20, 2006 (attached) has been developed for Mecklenburg County by a local stakeholders group and modified by staff from Mecklenburg County for implementation within the County's zoning jurisdiction; and

WHEREAS, the draft post-construction storm water ordinance dated December 20, 2006 has been presented to the Mecklenburg County Board of County Commissioners for review; now, therefore, be it

RESOLVED that Mecklenburg County adopts this Resolution to acknowledge its intent to adopt the post-construction storm water ordinance dated December 20, 2006 as written and to implement said ordinance following its approval by NCDENR.

Resolution recorded in full in Minute Book 43-A, Document #_____.

(5) ADVISORY COMMITTEE REPORTS – LIBRARY BOARD EXPANSION

Motion was made Commissioner Helms, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to support the Library Board's request for special legislation to increase its membership from seven to eleven members, with two new members to be appointed by the Board of County Commissioners within twelve months of the effective date of the legislation and two additional members to be appointed by the Board of County Commissioners within twenty-four months of the effective date of the legislation. Secondly, that this matter be included in the County's 2007 Legislative Package.

Note: Expansion of the Library Board will provide a sufficient number of members to enable the use of an expanded committee structure.

Charles Brown, Director of the Public Library of Charlotte and Mecklenburg County and Patty Norman, Chair of the Library Board of Trustees addressed the above request prior to the above vote.

(6) MANAGER'S REPORT - NONE

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held January 3, 2007, Budget/Public Policy meeting held December 12, 2006 and Closed Session minutes of January 3, 2007 and December 12, 2006.

(8) TAX REFUNDS

Approve refunds in the amount of \$14,537 to be made by the Finance Department as requested by the Tax Assessor.

(9) FERGUSON SUPPLY AND BOX MFG. CO. INDUSTRIAL REVENUE BONDS

Adopt Resolution entitled: Resolution Of Approval Of A Manufacturing Project In Mecklenburg County, North Carolina, To Be Financed For Ferguson Supply And Box Mfg. Co. And Fergie-Burgess L.L.C. By Not Exceeding \$10,000,000 Aggregate Principal Amount Of Bonds Of The Mecklenburg County Industrial Facilities And Pollution Control Financing Authority,

RESOLUTION OF APPROVAL OF A MANUFACTURING PROJECT IN MECKLENBURG COUNTY, NORTH CAROLINA, TO BE FINANCED FOR FERGUSON SUPPLY AND BOX MFG. CO. AND FERGIE-BURGESS L.L.C. BY NOT EXCEEDING \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF BONDS OF THE MECKLENBURG COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY.

BE IT RESOLVED by the Board of Commissioners for the County of Mecklenburg:

Section 1. The proposed manufacturing project in Mecklenburg County, North Carolina, for Ferguson Supply and Box Mfg. Co. and Fergie-Burgess L.L.C. (collectively the "Company", to be financed for the Company by not exceeding \$10,000,000 aggregate principal amount of bonds of The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority is hereby approved in principle.

Section 2. The Board of Commissioners hereby requests that the North Carolina Federal Tax Reform Allocation Committee allocate to the above-described Project and industrial revenue bonds up to \$10,000,000 of the State of North Carolina Unified Volume Limitation of tax exempt private activity bonds imposed by the Tax Reform Act of 1986, which allocation it is acknowledged will revert in whole or in part to the statewide allocation if bonds for this Project are not issued prior to the termination date of the allocation, and the Chairman or the Vice Chairman of the Board of Commissioners of the Authority is hereby authorized and directed to make application to the Secretary of the North Carolina Department of Commerce for said allocation; the Chairman or Vice Chairman of the Board of Commissioners for Mecklenburg County is hereby authorized and directed to certify under penalties of perjury that this request is not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

Section 3. Pursuant to and in satisfaction of the requirements of Section 159C-4(d) of the General Statutes of North Carolina and Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board hereby approves the issuance by the Authority of the bonds described herein.

Section 4. The Clerk to the Board of Commissioners for the County of Mecklenburg, North Carolina, is directed to file a certified copy of this resolution with the Department of Commerce.

Section 5. This resolution shall take effect immediately upon its passage.

EXHIBIT A

SUMMARY OF JANUARY 9, 2007 PUBLIC HEARING

On January 9, 2007, The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority held a public hearing on an industrial project for Ferguson Supply and Box Mfg. Co. and Fergie-Burgess L.L.C.

No member of the public appeared at the public hearing to discuss the proposed project.

Resolution recorded in full in Minute Book 43-A, Document # ____.

(10) NAMING OF RICHARD BARRY MEMORIAL PARK

Approve naming the property referred to as “Canipe property” that is leased to the Town of Huntersville from Mecklenburg County, to Richard Barry Memorial Park.

Note: The project site is located near the intersection of Bud Henderson Road and Beatties Ford Road. The park is being developed and managed by the Huntersville Parks and Recreation Department. Mr. Richard Barry is a Huntersville historical figure. The first congregates of Huntersville’s historic Hopewell Presbyterian Church, founded in 1762, met in the home of Richard Barry. Mr. Barry is buried in Hopewell Presbyterian Cemetery. He fought in the Battle of Cowan’s Ford and was one of the original justices of the N.C. Superior Court. He was also one of the original signers of the Mecklenburg Declaration of Independence. He organized the separation of Mecklenburg County from Anson County and brought the County seat to Charlotte.

(11) LATTA PLANTATION EQUESTRIAN CENTER CAPITAL RESERVE REQUEST

Recognize and appropriate \$7,500 from Latta Plantation Equestrian Center fees in the capital reserve fund to construct a storage barn at the equestrian center.

(12) NEIGHBORHOOD POOLS - CAPITAL RESERVE FUND

Adopt an ordinance to establish a capital reserve fund for neighborhood pools, effective July 1, 2007.

Ordinance recorded in full in Minute Book 43-A, Document # ____.

(13) OAKLAWN RECREATION CENTER LEASE AGREEMENT

Approve a resolution authorizing a ten-year lease agreement between Mecklenburg County and The Bethlehem Center, in partnership, for the operation and maintenance of a Day Care Center at Oaklawn Recreation Center for a community day care program.

Resolution recorded in full in Minute Book 43-A, Document # ____.

(14) FISCAL YEAR 2008 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.

<u>Applicants</u>	<u>Program Title</u>
1. Chemical Dependency Center	Positive Options Program (POP)

- | | |
|--|--|
| 2. Family Outreach & Counseling Ctr., Inc. | Responsible Fatherhood Access/
Visitation Program |
| 3. Brothers Helping Brothers Inc. | Brothers Helping Brothers Inc. |
| 4. Youth Development Initiatives | Steele Creek Youth LIFT After-school
Program |

(15) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

Approve funding adjustments as follows:

- A. Approve, recognize, receive and appropriate State funds in the amount of \$35,000 to be used for GERO Team Expansion Funding.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds are to supplement previously allocated Geriatric Specialty Team funding.

- B. Approve, recognize, receive and appropriate State funds in the amount of \$4,735 Mental Health Trust Fund request.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for residential support (client specific).

- C. Approve, recognize, receive and appropriate State funds in the amount of \$196,060 Public Psychiatry Funding.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for the support of psychiatrists and psychologists at the local level and to be used for all ages and disabilities.

- D. Approve, recognize, receive and appropriate State funds in the amount of \$10,011 DD Diversion Funding.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for purpose of supporting Developmental Disability crisis beds to limit the number of hospitalizations in state institutions.

- E. Approve, recognize, receive and appropriate U.S. Probation/Pretrial Services funds in the amount of \$36,355 to be used for Matrix Model treatment for federal inmates housed at Jail Central. Approve establishing one full-time and one part-time position to provide these services.

Note: Area Mental Health has provided substance abuse treatment for inmates of Jail Central since its opening in 1994. This Board Action is necessary due to a fee for service contract awarded by the office of U.S. Probation/Pretrial Services to purchase treatment services to federal inmates housed at Jail Central.

- F. Approve, recognize, receive and appropriate State funds in the amount of \$175,125 Mental Health Hospital Downsizing Funding.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for the purpose of developing and providing services needed to decrease admissions to State Psychiatric Hospitals. These funds will be used to develop transitional housing and support services for individuals transitioning from hospitals, homeless shelters and other residential treatment facilities.

- G. Approve, recognize, receive and appropriate State funds in the amount of \$100,000 Mobile Crisis Funds.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for the support and development of Mobile Crisis Services.

(16) NC DIVISION OF EMERGENCY MANAGEMENT FLOOD MITIGATION GRANT APPROVALS FOR CAVALIER APARTMENTS

1. Recognize, receive and appropriate \$5,441,556 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.
2. Appropriate \$2,351,190 from Storm Water Fund Balance for matching funds for the acquisition project.
3. Authorize the County Manager to execute contracts with the NC Department of Crime Control and Public Safety, Division of Emergency Management for Pre-Disaster Mitigation Grants.
4. Authorize the carry forward of unspent grant funds to subsequent years until completion of project.

Note: This action is necessary to initiate a total of \$7,792,746 in mitigation funding for the acquisition and demolition of the Cavalier Apartment complex which consists of 192 units in 13 flood prone buildings along Briar Creek. The PDM grants approved by the above action are PDM-PJ-04-NC-2006-002 and PDM-PJ-04-NC-2006-003.

This property is recommended for acquisition in the Flood Hazard Mitigation Summary Document, adopted by the BOCC at the June 1, 2004 meeting. The Summary Document is used by staff as a primary guide for the submission of hazard mitigation grants to the State and Federal agencies, consistent with the Storm Water Capital Program.

The County will contribute a 30 percent match to the grant funding, and may need to contribute additional local funds if expenditures are above the total grant budget and cover non-grant reimbursable expenses. Mecklenburg County will present an offer to participate in the property acquisition program based on current fair market value, in accordance with North Carolina Division of Emergency Management guidelines. The BOCC approved the submission of these grant requests at the January 18, 2006 meeting.

(17) NC DIVISION OF EMERGENCY MANAGEMENT HAZARD MITIGATION GRANT APPLICATION

Authorize the County Manager to submit a grant application in an amount up to \$600,000 to the North Carolina Division of Emergency Management for the acquisition of floodprone properties.

Note: This action is necessary to submit a Hazard Mitigation Grant Program (HMGP) grant application for funds to acquire floodprone structures within 100-year floodplain. This application is part of Charlotte-Mecklenburg Storm Water Services – Flood Mitigation Capital Program which aims at reducing the potential for loss of life and property due to flooding. Staff has selected the properties listed below for voluntary acquisition based on Storm Water’s Flood Hazard Mitigation Plans and HMGP grant criteria. If approved by FEMA, funds from this grant will be used to acquire and remove the homes from the floodplain.

1048 Andrill Terrace – Irwin Creek

1052 Andrill Terrace – Irwin Creek

1058 Andrill Terrace – Irwin Creek

100 Placid Place – Briar Creek

(18) TAX AUDIT CONTRACT FEES

Appropriate \$300,000 from General Fund fund balance for tax assessment audit fees.

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

Authorize the Chairman to sign the “Certification of Local Government Approval for Non-Profit Organizations,” which authorizes the following agencies to apply directly to the North Carolina Department of Health and Human Services Office of Economic Opportunity for FY 2007 Emergency Shelter Grants Program Funding (July 1, 2007 - June 30, 2008): Crisis Assistance Ministry, Charlotte Emergency Housing (Plaza Place), United Family Services Shelter for Battered Women, the Salvation Army Women’s and Children’s Emergency Shelter, the Uptown Men’s Shelter, and Youth Network.

Certification recorded in full in Minute Book 43-A, Document # _____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS

(19) PROPOSED PROCESS FOR SALE OF MECKLENBURG COUNTY PROPERTY AT NORTH TRYON STREET (HAL MARSHALL SERVICES COMPLEX)

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to approve a process for the sale of approximately 11.7 acres of County property (Tax Parcels 080-031-01, 080-041-01, 080-041-02, 080-032-04 and 080-032-05).

Note: Consistent with the 2010 Center City Vision Plan and the master plan for Freedom Mall, County staff proposes to sell the Hal Marshall property based on the following process:

- 1. Obtain an appraisal for the current fair market value of the property. The preparation of the appraisal would occur simultaneously with the steps indicated below.*
- 2. A notice will be published in local newspapers (Charlotte Observer and Charlotte Post) indicating the County’s interest in selling the Hal Marshall property. The notice will include a requirement that the County has the right to remain on the property without payment of rent for up to 2 ½ years following the sale. This period would allow a reasonable time for the design & renovation of space in Freedom Mall for the relocation of the remaining services at the Hal Marshall site. The notice will indicate that the new property owner will be responsible for future property taxes after closing, and those taxes will be prorated on a calendar year basis.*
- 3. Other conditions would be included in the notice such as time period to complete due diligence, minimum time period from accepted offer to closing, percentage of earnest money required with offer, Owner contact information, date/time of opening of offers, etc.*
- 4. The notice will indicate that the County will follow the public sale procedure in GS 160A-269 (commonly known as the “upset bid” process). The high bidder would be required to provide a check in the amount of 5% of its bid before the Board of Commissioners would*

consider adopting a resolution proposing to accept the bid. Once the bid is accepted, the Clerk would publish a notice indicating that anyone could upset the bid within 10 days of the notice by raising the bid by not less than 10% of the first \$1,000 (i.e. \$100) plus 5% of the remainder. The upset bid would have to be accompanied by a check for 5% of the amount of the increased bid. This process would continue until there were no upset bids after which time the Board of Commissioners would decide whether to accept the highest bid.

The County does have authority as a result of special legislation to dispose of the Hal Marshall Property by an alternate method other than the Public Sale procedure. An RFP procedure was utilized approximately six years ago. The RFP indicated to prospective developers a specific vision and intent for development of the site. This process resulted in the prospective developers requesting significant contributions from the County (i.e. assistance with infrastructure, parking deck construction, etc.). Due to the current interest by prospective buyers in a cash purchase of the property and the need to finance the relocation of services to Freedom Mall, an alternate method is not being recommended for this sale.

Nancy Brunnemer with Real Estate Services presented this matter to the Board.

(20) 2006 PERFORMANCE REPORT

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to receive as information and with thanks, the FY 2006 Performance Report.

Note: The purpose of the report is to inform the Board and public about progress over the past year in achieving the Board's goals for the community, as identified on the Board's Community & Corporate Scorecard. The information also serves as background for the Board's Strategic Planning Conference on February 1 and 2.

The report was presented by General Manager John McGillicuddy and Planning and Evaluation Director Leslie Johnson.

Prior to the above vote, Commissioner James asked with respect to the benchmark for Property Taxes to Household Income, how much of a tax cut would it take to not have a red light.

Director Johnson said that's something that she would have to research this and report back to the Board. She noted that with respect to the tax reduction that the County had last year and the Property Tax to Household income, the result was 2.1% and this year it's 2.02 which is a decline but negligible. It was noted also that the benchmark is based on neighboring jurisdictions.

Commissioner James also commented on Workforce representation. He said that African Americans are over represented. Commissioner James said it appears that the only way to not have a red light in this area would be to lower the African American percentage of the workforce but that this would not be acceptable to many.

County Manager Jones said he had noted to staff when he read this that in his opinion it's not a red light and what this shows is a greater diversity than what the community has as a whole on a demographic base.

County Manager Jones said he also challenged staff on the Property Tax to Household Income results noting that he thinks it's a regional comparison because if it was a comparison to comparable N. C. counties, Wake County would be the only one to compare with.

County Manager Jones said at the Board's Strategic Planning Conference (Feb. 1st and 2nd) the Board and staff would engage in a more detailed discussion of the Performance Report.

Commissioner Helms asked for clarification about the percentage of property tax revenue noted in the report, which was explained.

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

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

Note: Commissioner Woodard commented on the Alternative Revenues Committee meeting and suggested that the Board as a whole have a more detailed discussion of this matter. Commissioner Woodard serves on this committee. Commissioner Woodard said she would place the matter on the Board's next agenda under the Commissioners' section.

ADJOURNMENT

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:21 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman