

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

MARCH 20, 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 Tuesday, March 20, 2007.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

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

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

**(1A) STAFF BRIEFINGS - MIDTOWN SQUARE - METROPOLITAN PROJECT –
LITTLE SUGAR CREEK GREENWAY**

Jim Garges, Director of Park and Recreation reported on the Metropolitan Project (formerly Mid-Town) and greenway coordination issues for informational purposes only.

Background: In 2003, the Midtown Square Mall property and the Cinema Theater property were rezoned to pave the way for a new mixed-use development known as the Metropolitan.

At the time of the rezoning, the City’s contribution was for \$6.9M of road, intersection and bridge improvements in the immediate area of the project, funding the local match for a future federally funded replacement of the Baxter Street bridge, and a 10-year economic development grant at 90% of property taxes paid on \$117M of tax base created by the project. The County pledged to purchase greenway land, provide greenway improvements, and also participate in the same 10-year economic development grant.

Over the past four years, the project has become increasingly better as far as both project-specific attributes, and final infrastructure design and build out are concerned. The entry of Colonial Properties as a new equity partner with Pappas Properties has allowed the scope and impact of the project to grow, and recent estimates show as much as \$230M of total new development planned.

As a result of four years worth of design enhancements, further refinement of plans, and a higher level of private sector investment, the project is now proceeding swiftly.

Note: One area that needs immediate attention is the Baxter Street bridge replacement item. For several reasons, it is imperative that the City and County consider a design and funding arrangement for the bridge for the following reasons:

- 1) The Baxter Street bridge still needs to be replaced. It is at an insufficient height from both a head clearance above the greenway and flooding in the area standpoint. However, the unfortunate circumstance is that it has not yet been deemed deficient from a bridge rating perspective so that it could become eligible for federal bridge replacement funding. It has been rated marginally sufficient every two years in 2002, 2004, and 2006 in our biannual bridge rating process. This means we cannot count on 80% federal funding of the \$5M for the bridge replacement.
- 2) The removal of the Baxter Street bridge at its existing location needs to happen as soon as the Independence Boulevard bridge work is finished, and that bridge is reopened. That is expected to happen by July, 2007. However, funding for proceeding with the removal contract, and preparing for awarding the contract on the newly constructed Baxter Street bridge further to the south is needed within the next 30 days. The Charlotte Department of Transportation (CDOT) would like the reopening of the Independence Boulevard bridge and the closing of the Baxter Street bridge to occur simultaneously, so as not to unduly confuse/ disrupt the public. CDOT would also desire that the new Baxter Street bridge be open to traffic within two years of the current bridge's closure.
- 3) The new higher span bridge will be a functionally better improvement for the greenway to pass underneath it, a safety improvement to lift the bridge out of its current flood prone elevation, and an aesthetically more attractive improvement in this signature piece of the Little Sugar Creek Greenway. It needs to match the appearance of the almost completed bridge improvement on Independence Boulevard over the greenway. Additionally, moving the bridge now will allow the greenway improvements to be made in a more cost effective one phase approach, rather than a more expensive two phase approach.

The following funding scenario suggested by City and County staff to replace the Baxter Street bridge relies upon a unique public/private partnership:

<u>Entity</u>	<u>Amount</u>	<u>Funding Source</u>
<i>City of Charlotte</i> (To fund what was originally anticipated to be the local match if federal bridge funds were available)	\$2M	Bridge funding already in the 2007-2012 CIP
<i>Mecklenburg County</i> (To fund bridge improvements that benefit the greenway)	\$2M	Greenway funding (able to be leveraged because of Little Sugar Creek Greenway earmarks in the approved TIP)
<i>Pappas Properties</i> (To participate fairly in solving the bridge funding need)	\$1M	Private funds
Total	\$5M	

The timing of removing the Baxter Street bridge issue is critical right now. The ability to move forward as soon as possible on this phase of the project will avoid remobilization costs on both the private and public sector contracts. Additionally, Phase III of the project (the residential tower component) can only proceed once the Baxter Street bridge is removed, getting the investment on the ground sooner and letting property taxes flow sooner.

Park and Recreation has requested funding through the 2-year CIP process to provide funding to complete the Little Sugar Creek greenway from Alexander Park to Morehead Street, including improvements to the Baxter Street Bridge.

It was noted that the Little Sugar Creek Greenway construction needs to be in parallel, on the same track with what's going on in particularly in the Metropolitan section of the greenway.

Noted also, was that the Little Sugar Creek Greenway was not your typical greenway. It should be looked at as an "urban park."

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

Comments

Commissioner James asked why is the County now being asked to contribute \$2 million towards the bridge replacement. *The response was that the City of Charlotte was relying on federal funds but has since found out that the bridge does not qualify for the type of federal funds they were seeking.*

Commissioner James requested a list of the City's contributions versus the County's with respect to this project.

Commissioner Helms said he doesn't think it matters whose money it is, because it's all taxpayer dollars with respect to City and County contributions. He said the important thing is that the project moves forward and is done right.

Commissioner Ramirez asked did the City not know or should they have known that these federal funds would not be available. *The response was that the City did not know.*

General Manager Shields said it's to the County's benefit to remove the bridge now rather than waiting until the City finds the money.

Commissioner Bishop entered the meeting.

Commissioner Clarke asked about the connectivity between the greenway and Independence Park. *The response was that this was not a part of the current plan but that there was still an opportunity for this to occur.*

Commissioner Clarke said he feels long range planning should take this connectivity into consideration.

Commissioner Mitchell noted that connectivity to Independence Park will mean additional costs.

No action was taken or required on this matter.

(2A)(2B) CLOSED SESSION - A) CONSULT WITH ATTORNEY B) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced that it was not necessary for the Board to go into Closed Session to discuss Personnel Matter.

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

The Board went into Closed Session at 5:50 p.m. and came back into Open Session at 6:07 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

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

separately.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) WOMEN'S HISTORY MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a joint proclamation designating March 2007 as Women's History Month in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Katie Simmons of the Women's Commission.

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

(1B) ELIE WIESEL DAY

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating March 27, 2007 as Elie Wiesel Day in Mecklenburg County.

Note: Professor Elie Wiesel is a renowned author and humanitarian and will be in Charlotte on March 27th at the request of the Echo Foundation.

The proclamation was read by Commissioner Helms and received by Sarah Mabus of the Echo Foundation.

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

(2) PUBLIC APPEARANCE

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

Rev. Willie B. Simpson addressed the Annual "Wee/Kare" Festival to be held May 12, 2007 at Progress Park from 12:00 p.m. – 5:00 p.m. He asked the Board for their support by volunteering and/or making a financial contribution. The purpose of the event is to feed and clothe those in need and to provide a social, spiritual, musical and fun filled experience for the residents of the Belmont community and surrounding areas.

Glenda Blaisdell-Buck, Library Media Specialist, Ranson Middle School reported on the National Board of Certified Teachers Leadership Policy Summit held January 20, 2007. Ms. Blaisdell-Buck said they were available to assist the Board in any way possible with respect to school matters.

Susan Hewett addressed the importance of retaining Spirit Square.

Martin Davis commented on Chairman Roberts' recent State of the County address.

James R. Johnson addressed property located at 345 North College Street and presented a schematic design concept for the redevelopment of the property.

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

(3A) APPOINTMENTS

NOMINATIONS/RE-APPOINTMENTS

BOARD OF EQUALIZATION & REVIEW

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Allen Russell, Damon Bidencope, Aretha Blake, William Hawkins, Jack Morgan, Alan Turner, and Kenneth Friedman to the Board of Equalization and Review for one-year terms expiring April 7, 2008.

Motion was made by Commissioner Clarke, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Kenneth Friedman as chairman of the Board of Equalization and Review for the duration of his term.

Commissioner Helms nominated all applicants for appointment consideration to the Board of Equalization and Review: JoAnne Allen, James Barnett, and Victoria Matias.

Appointments will occur on April 3, 2007.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to 1) nominate Barry Hanson for appointment to the Building Development Commission, 2) waive the Board's appointment procedure to allow Mr. Hanson to be nominated and appointed at the same meeting, since he is the only qualified applicant, 3) appoint Barry Hanson to the Building Development Commission as the Charlotte Plumbing, Heating & Cooling Contractors Association representative to fill an unexpired term expiring January 21, 2010.

Mr. Hanson is replacing Daniel Hawkins.

BUSINESS EXPANSION AND FUNDING CORPORATION

Commissioner Woodard nominated all applicants for appointment consideration to the Business Expansion Funding Corporation: Scott Brown, Joe Mynatt, and Mark Yacovetta.

Appointments will occur on April 3, 2007.

CITIZEN'S CAPITAL BUDGET ADVISORY COMMITTEE

The following persons were nominated for appointment consideration to the Citizens Capital Budget Advisory Committee:

Bo Boylan by Commissioner Helms
James Diana by Commissioner Clarke
Norm Gundel by Commissioner Clarke
Wilton Savage by Commissioner Mitchell

Appointments will occur on April 3, 2007.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Helms, seconded by Commissioner James and failed 6-3 with Commissioners Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioners Bentley, Bishop, and Woodard voting no, to waive the Board's attendance policy and allow the following persons to continue to serve out their terms: Trina Fullard, Laurie Garo, Jeff Hood, Paul Strickland, Jacotron Potts, and Russell Price.

Note: Concern was expressed regarding their failure to meet the attendance requirement. It was noted also that there were applicants interested in an opportunity to serve.

The following persons were nominated for appointment consideration to the Juvenile Crime Prevention Council:

Alan Teitleman by Commissioner James
Douglas Wilson by Commissioner Woodard

Note: It was asked whether persons received notice of their attendance problem prior to reaching this point. It was asked what the attendance percentages were.

Assistant to the County Manager Joel Riddle, who staffs the Juvenile Crime Prevention Council addressed these questions.

Commissioner Helms then nominated those that failed to meet the attendance requirement for reappointment consideration on April 3, 2007, Trina Fullard, Laurie Garo, Jeff Hood, Paul Strickland, Jacotron Potts, and Russell Price.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Shawn Brady to the Waste Management Advisory Board for a three-year term expiring March 14, 2010.

Commissioner James nominated all applicants for appointment consideration to the Waste Management Advisory Board: Angela Haigler and Douglas Wilson.

Appointments will occur on April 3, 2007.

PUBLIC HEARINGS

(4A) 2004 CDBG SCATTERED SITE HOUSING PROGRAM CLOSEOUT

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open a public hearing to receive comments on the closeout of the 2004 Community Development Block Grant Scattered Site Housing program.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on the closeout of the 2004 Community Development Block Grant Scattered Site Housing program and authorize the Chairman to sign closeout documents.

(4B) 2007 CDBG SCATTERED SITE HOUSING PROGRAM APPLICATION SUBMITTAL

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open a public hearing to receive comments on the submittal of the 2007 Community Development Block Grant Scattered Site Housing program application.

Note: The first public hearing was held on February 20, 2007.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on the submittal of the 2007 Community Development Block Grant Scattered Site Housing program application; authorize submittal of the Scattered Site Housing Program application; and authorize the Chairman to sign all application forms.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT – ITEM 28

(28) LAND SWAP UPDATE

County Manager Jones introduced General Manager Bobbie Shields who gave an update on the Urban Parks and Center City Land Swap.

The report addressed the following:

- The November 2, 2006 Memorandum from County Manager Jones to City Manager Pam Syfert
- Center City Land Swap – Timeline
- Draft Interlocal Agreement between the County and the City of Charlotte with respect to Brooklyn Village/Knights Baseball Stadium
- Draft Interlocal Agreement between the County and the Charlotte-Mecklenburg Board of Education with respect to Brooklyn Village
- Approved Memorandum of Understanding between the County, Spectrum Investment Services, and Cornerstone Real Estate Advisers, Inc. with respect to Brooklyn Village
- Draft Development Agreement between the County and Knights Baseball, LLC with respect to a minor league baseball stadium
- Approved Memorandum of Understanding between the County and Knights Baseball, LLC with respect to a minor league baseball stadium

General Manager Shields said:

- The final Interlocal agreements will be very different from the drafts being presented.
- This information is being provided to let the Board know that progress is being made and to explain the approach that staff takes towards negotiating these types of deals; and to learn from the Board if staff should modify its approach to this particular land swap transaction.
- Staff has three basic components that it uses as it proceeds with its partners with respect

to the land swap. These three basic components consist of three questions that staff asks itself:

- 1) Are the motives right? (General Manager Shields said he's comfortable with saying that everyone has proceeded with the right motives.)
- 2) Are the conditions reasonable? (General Manager Shields said staff looks to make sure that the conditions are reasonable because often very unreasonable things are put on the table.)
- 3) What's the cost impact to the County? (General Manager Shields said staff looks at whether this a responsible use of public funds and is it something that staff would feel comfortable bringing back to the Board with a recommendation.)

General Manager Shields elaborated on each of the components.

- The recent issue concerning Spirit Square has put into question the availability of the \$7.8 million that staff had earmarked for infrastructure for baseball. General Manager Shields said this doesn't mean that this is a "deal breaker," but it does make it more difficult to identify in an orderly, reasonable, and responsible way, where funds might be to replace those funds, if they have to be replaced.
- The County's commitment and involvement with the Knights in the Memorandum of Understanding is three-fold.
 - 1) The County has said it would seek to make available \$7.8 million from the sale of Spirit Square.
 - 2) The County would make the Third Ward site for baseball suitable for construction of a baseball stadium.
 - 3) The County would lease the site to the Knights for \$1 per year.
- There are some issues of costs to work out and staff has a question mark about where the County might get the funds and how it might proceed.
- It's very important to the Knights that they play baseball in the Spring of 2009.
- Staff has concern with respect to how realistic it is to expect to play baseball in the Spring of 2009 and has informed the General Manager for the Knights about this.
- Spring of 2009 may not be a realistic expectation for the following reasons:
 - The County is responsible for the infrastructure and it's staff's understanding of the law that the County would have to go through a public bid process and even if the work is done by the City.
 - It's highly unlikely that the County can go through the public bid process and have the road relocated, have Third Street closed before the Spring of 2008, which will make it difficult for the Knights to then come in and build a stadium and have it ready for play in the Spring of 2009.
 - Staff has talked with the Knights about revising the schedule but the Knights are very reluctant to do so.
 - There is a way if the County can find the legal means to do it, to make this possible and that would be to find a way to make the Knights completely responsible for closing Third Street, relocating the streets around the stadium using their contractor and their construction team. This may not be legally possible but staff is looking into this.

General Manager Shields said in order for staff to proceed, answers to these questions are needed:

- 1) Will the Knights amend its schedule?
- 2) Is there a way that the Knights can be completely responsible for closing Third Street, relocating the streets around the stadium using their contractor and their construction team?
- 3) Where might funds be available to fund the infrastructure if the sale of Spirit Square does not yield what was expected?

General Manager Shields said the total amount of new dollars needed for the County at this point with respect to the land swap is \$38.7 million.

Staff's recommendations are

1. Consider requesting the City of Charlotte to allow the County to move ahead with the land swap and baseball on separate timelines.
2. Ask the Knights if they could support a 2010 baseball schedule.
3. Modify the Spirit Square lease by giving the tenants a six month notice.
4. Proceed with a RFP process for the sale of Spirit Square and ask the purchaser to understand that there's a six month termination notice requirement for the tenants of Spirit Square. (It was noted that the appraisal that was done on the Spirit Square site was based on the highest and best use of the site as a vacant site and as it's currently improved. The conclusion was that the highest and best use for the improved property is to retain the old First Baptist Church building and integrate it into a mixed-use project.) (Noted also was that it was the County's intention that once it had ownership of the Spirit Square site, that the intent was to work with a developer to be creative in the re-use of that building and to honor that history associated with the McGlohon Theatre.)
5. Consider operational and capital requests during FY 2008 budget discussions.

Comments

Commissioner Bishop asked about a past motion made by Commissioner Ramirez when the Land Swap was last discussed about a proviso to get the Knights to somehow post a bond or some provision to protect the County against the possibility of loss as a result of adverse litigation that has been threatened.

Commissioner Bishop asked was he recalling correctly and was this alive somehow in the status of the draft agreements.

General Manager Shields said he did recall what Commissioner Bishop was referencing and that this was one of the things being discussed. He said he doesn't believe Commissioner Ramirez's comment was in the form of a motion but rather it was a request.

Commissioner Bishop asked with respect to the \$38.7 million that's needed, what was new.

General Manager Shields said the new piece was the \$8 million to provide Charlotte-Mecklenburg Schools Replacement Space in the Government Center.

Commissioner Bishop asked why was the \$13.7 million not sufficient for CMS to get substitute office space.

General Manager Shields said one reason was because CMS is in a very old building and the cost now is much more for replacement space. He said staff doesn't believe that \$13.7 million will provide for CMS the space they need. He believes CMS currently has 87,000 square feet and that in the new office space, the \$13.7 million will provide about 60,000 square feet of space. He said the County can't satisfy both the value and the utility.

General Manager Shields said although it would cost \$8 million, that it's really of some benefit to the County because it would relocate the County and City Human Resources departments and provide them with additional space, which they need with the amount of traffic that comes through and the types of activities they're involved in.

General Manager Shields said the County would lease the space to CMS for probably a \$1 per year.

Commissioner Bishop asked for clarification about infrastructure and site work on the property.

General Manager Shields said there were a number of components, for example, demolition, site preparation, environmental testing and remediation, constructing new street segments, landscaping, utility location, etc. He said the understanding is that the County would spend up to \$7.8 million and the Knights would be responsible for an additional \$1 million.

Commissioner Bishop asked what percentage of the \$7.8 million is expected to be spent on the site versus around the site.

General Manager Shields said he could share an estimate with the Board but that all of the items he just referenced total to be \$7.8 million.

Commissioner Bishop requested information on how much on-site work is included in the \$7.8 million.

General Manager Shields said he would provide that to the Board.

Commissioner Bishop concluded by saying he has some concerns, if it's true, that unless baseball goes forward the City of Charlotte will "balk" at the land swap. He also has concerns about the \$8 million for CMS replacement space.

Commissioner Bentley commented on CMS replacement space and noted that in the draft Interlocal agreement with CMS, section 2.02 that it says "In accordance with the Exchange Agreement, Spectrum Investment Services and Cornerstone Real Estate Advisors, will construct, at the expense of the County up to 60,000 square feet of condominium office space in Brooklyn Village for ownership by the Board of Education." She asked for a cost estimate of what that 60,000 square feet might be.

General Manager Shields said he thinks that price was \$200 per square foot for that space.

Commissioner Bentley asked was this represented on the chart provided by staff.

General Manager Shields said it's included in the \$13.7 CMS Replacement Space – Other Locations.

Commissioner Bentley asked was the proposed financing for this tax increment financing. *The response was yes.*

Commissioner Bentley asked for clarification on the use of TIF's.

Attorney Bethune and General Manager Shields clarified that in this instance this was not a "true" TIF but rather a "synthetic" TIF.

Commissioner Helms asked staff to comment on the new tax revenue that would be generated by the entire land swap proposal.

General Manager Shields said it's estimated that the development around the Third Ward project would generate \$11.5 million of new County taxes. He noted also that one developer actually decided to make a \$1 million contribution towards the Third Ward Park. It was stated further that with respect to the first phase of Second Ward, it's estimated that the development around Second Ward Park would generate \$2 million of new County tax revenue. Also, that baseball is expected to generate \$700,000 of new taxes. General Manager Shields said this shows that the economic driver is not baseball, but rather the building of the urban parks that the County has been trying to build for a long time.

Commissioner Helms noted that this means there would be a total of \$14.2 million in additional property tax revenue that would flow from the development of these projects.

Commissioner Helms said he feels the Board made a mistake when it said it was going to sale Spirit Square because that sent the wrong message. He said what the Board is proposing to sale is a portion of the vacant land that is adjacent to the Spirit Square complex with the condition that a developer under the RFP that the County would develop, would develop on the site something that would integrate Spirit Square, the McGlohon Theatre, in a way that enhances its value and its cultural ability.

General Manager Shields said the intent was to put in the hands of a developer everything but the historic church portion where the McGlohon Theatre is housed.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell to direct the County Manager and his staff to 1) negotiate with the City of Charlotte on separating the land swap and the baseball timeline, which would include asking the City of Charlotte to remove the baseball agreements as conditions precedent to executing the City/County Interlocal Cooperation Agreement; 2) To negotiate with the Charlotte Knights to determine if they can accept a schedule that would permit playing in the Spring of 2010 or later in order to allow time to explore other baseball infrastructure financing strategies; 3) To modify the Spirit Square lease and operational agreement to provide a six month termination notice period from the time that the County has a developer; 4) To use the Request for Proposal (RFP) process for the development of that property now occupied by Spirit Square in partnership with the arts community; 5) To direct the County Manager to include in his recommended budget or in the discussions of the FY07-08 budget the capital requests that are needed to implement this transaction.

General Manager Shields clarified with respect to extending the Spirit Square lease that this was assuming staff can get agreements back to the Board to do the land swap and that the County would be the sole owner of Spirit Square. He said otherwise it takes one partner, be it the City or the County to terminate the lease, but to extend the existing lease in its current configuration of joint ownership would take Charlotte City Council as well.

Commissioner Helms accepted General Manager Shields' comments as a friendly amendment to his motion and the seconder, Commissioner Mitchell concurred.

Thus the motion read:

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell to direct the County Manager and his staff to 1) negotiate with the City of Charlotte on separating the land swap and the baseball timeline, which would include asking the City of Charlotte to remove the baseball agreements as conditions precedent to executing the City/County Interlocal Cooperation Agreement; 2) To negotiate with the Charlotte Knights to determine if they can accept a schedule that would permit playing in the Spring of 2010 or later in order to allow time to explore other baseball infrastructure financing strategies; 3) To modify the Spirit Square lease and operational agreement to provide a six month termination notice period from the time that the County has a developer, assuming staff can get agreements back to the Board to do the land swap and that the County would be the sole owner of Spirit Square; 4) To use the Request for Proposal (RFP) process for the development of that property now occupied by Spirit Square in partnership with the arts community; 5) To direct the County Manager to include in his recommended budget or in the discussions of the FY07-08 budget the capital requests that are needed to implement this transaction.

Commissioner James ask for clarification on the dates listed on page 7 of the Status Report as it relates to extending the lease and whether this timeframe includes the notice that was given 8 months ago.

General Manager Shields said those were listed as a recommended way to proceed. He said the thought would be that they would always have at least six months to "clean up, get their house in order to relocate."

County Manager Jones informed Commissioner James that he may have falsely contributed to his understanding because a couple of weeks ago he indicated that staff had given written notices to the agencies. He said that was a false assumption on his part and notes this for the record.

Attorney Bethune said perhaps what happen is that they were just notified that the County did not intend to renew the lease.

Commissioner James asked for clarification with respect to six months notice.

Commissioner Helms said his intention is that at such time as the County determines that it's going to give the tenants notice, whenever that period comes, at whatever point in these negotiations, they have at least six months from that notice. He said if notice is given in May of this year, then they would have until December 31, 2007, but if they don't get notice until October of this year then they would have until June 30, 2008.

Commissioner James requested clarification on whether the only thing the County was agreeing to preserve was essentially the old First Baptist Church facility, which is the McGlohon Theatre and the Education Building behind it which is now called the Duke Power Theatre.

General Manager Shields informed Commissioner James that his statement regarding what would be preserved may not necessarily be correct. He said what staff would do is sit down with the arts community and draft a RFP, understand what the needs are and that there could be other components included as well.

Commissioner James asked with respect to the appraisal, how much was the value of the County's portion of the property.

General Manager Shields said he could give the total value and the 67.5 percent owned by the City. He said the total appraised value was \$10,542,000, which includes the historic church portion. It's estimated that the historic church portion is worth \$1.2 million.

General Manager Shields in summary, emphasized that the final agreements will be different from the draft agreements that have been shared with the Board. He said staff is possibly fundamentally changing the approach it's taking towards baseball infrastructure and that it would be recognized in the revised or final Interlocal agreement with the City of Charlotte.

Commissioner James raised a question concerning *indemnification* with respect to the Development Agreement between the County and the Knights. He asked about the phraseology of subsection 5.13 of the agreement, "including but not limited to, torts, (strict or otherwise), losses, damages, etc."

Attorney Bethune said this provision does not go as far as it needs to go. He said he had discussions with the drafter and that the Board will see some considerably different explanatory language in the next draft.

Commissioner James asked will it protect the County from what Commissioner Ramirez was concerned about and that was discussed at a prior meeting.

Attorney Bethune said it will give the County greater protection but he doesn't know where this will end up exactly at this time.

Attorney Bethune said it would be useful for him to know if the Board supports the concept raised by Commissioner Ramirez and Commissioner Bishop concerning the extent to which the County needs to seek indemnification from the Knights relative to the cost of any lawsuits that may arise.

Attorney Bethune said he knows this has been discussed but that he and General Manager Shields were not certain as to whether that was the will of the Board or the will of the minority.

Chairman Roberts asked Commissioner Helms would he be willing to accept some wording with respect to this issue of indemnification as a friendly amendment to his motion. *The response was no.*

Commissioner Helms said the Knights were putting \$35 million of their money into this project. He said he doesn't even know if the County is going to be sued. He said if the County is sued, he's confident that whoever the plaintiff may be, that if this results in some sort of restraining order, that plaintiff is going to have to put up a big indemnification bond to indemnify the County.

Commissioner Helms said he thinks the motion before the Board is ample protection. He said all the motion is saying is for staff to go back and renegotiate some more and bring it back to the Board.

In regards to this, Commissioner James said he would like to suggest that this (indemnification) was in the last motion of the Board at a previous meeting and that if the minutes aren't reflective of that, to go back and review the video tape. He said he specifically remembers negotiating it with Commissioners Ramirez and Bishop and that that was part of the deal and why they supported that motion.

Attorney Bethune said he and General Manager Shields plan to go back and review that action.

Commissioner James said if it turns out that's what the Board did do, then the Board's on record as doing it, and in which case, there's "no wiggle room."

County Manager Jones said he would hope that the County moves forward in this process, "trusting the process." He said one of the recommendations is to work with the arts community in the development of the RFP. He said in the development of the RFP that he believes reasonable conditions must be included in the RFP. He said if not, the development community will let the County know whether they feel it is a reasonable thing to respond to the RFP.

County Manager Jones said he believes the people that would be involved in the RFP process will do their due diligence and develop a RFP that would have some reasonable conditions in it and that would go forward with trying to achieve the right motives for this community.

Commissioner James asked was it still staff's goal to attempt to generate at least \$7.8 million out of the sale. He said if it's not, then "you go into it with the idea that the developer is going to low ball you in order to give away whatever it is they want to get."

County Manager Jones said his original recommendation was that based on the sale of Spirit Square the County would hope to realize \$7.8 million. County Manager Jones said he's going to trust the process going forward. He said if the County is not able to achieve \$7.8 million then it's his responsibility as the Manager to come back to the Board with a recommendation as to how to fund the difference.

Commissioner Ramirez noted that he was a supporter of the arts.

Commissioner Ramirez said initially when the Board discussed the land swap, he supported the motion mainly because in his mind, the taxpayers of this County were not pay anything for baseball. He said it was his understanding that the infrastructure would be paid with the proceeds of the sale of a portion of Spirit Square.

Commissioner Ramirez said he is disturbed to hear that if the \$7.8 million is not generated from the sale of portions of Spirit Square that funds will be taken from some other source, to him meaning taxpayer revenue.

Commissioner Ramirez said he thinks this process would be more transparent, easier, and effective, if the City of Charlotte took ownership of Spirit Square and dealt with the infrastructure of the baseball stadium, since the City has this type of experience.

Commissioner Ramirez said if other sources are used to fund the infrastructure for baseball, then he will probably withdraw his support for it.

Commissioner Clarke asked the following

1. To staff's knowledge was Charlotte City Council ever asked if they were interested in renewing the lease with Spirit Square? If so, what was their response? *The response was that that question had not been asked of City staff.* Commissioner Clarke asked staff to ask this question of the City.
2. If the County became 100% owner of this property, what sort of capital cost would the

County be taking on an average basis annually? *The response was that staff would report back on this question.*

3. Does staff think that a RFP for the vacant lot and possibly the non Baptist church portions of the property could include some dedicated parking spaces for patrons of the main library? *The response was that this may be possible. Commissioner Clarke said thought should be given to this in preparing the RFP.*
4. Would the six months notice be sufficient time and notice for the McGlohon Theatre space to be rented? *The response was that staff believes it would be but will follow up to be sure.*

Commissioner Clarke said it's hard for him to understand why the Knights would want to or would agree to indemnify the County against its legal expenses if the County is sued. He said staff could pursue this with them but it seems unreasonable to him as to why they would do this.

Substitute motion was made by Commissioner Bishop, seconded by Commissioner Bentley and failed 5-4 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, James, and Ramirez voting yes, to approve the motion made by Commissioner Helms and seconded by Commissioner Mitchell, but with the proviso that under no circumstances will property taxes or other general tax revenue sources be used to finance the baseball stadium Uptown, including the infrastructure cost.

Chairman Roberts commented on the benefits of the land swap proposal.

Commissioner Helms called the question. The Board then proceeded to vote on the original motion as amended.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Ramirez voting no, to direct the County Manager and his staff to 1) negotiate with the City of Charlotte on separating the land swap and the baseball timeline, which would include asking the City of Charlotte to remove the baseball agreements as conditions precedent to executing the City/County Interlocal Cooperation Agreement; 2) To negotiate with the Charlotte Knights to determine if they can accept a schedule that would permit playing in the Spring of 2010 or later in order to allow time to explore other baseball infrastructure financing strategies; 3) To modify the Spirit Square lease and operational agreement to provide a six month termination notice period from the time that the County has a developer, assuming staff can get agreements back to the Board to do the land swap and that the County would be the sole owner of Spirit Square; 4) To use the Request for Proposal (RFP) process for the development of that property now occupied by Spirit Square in partnership with the arts community; 5) To direct the County Manager to include in his recommended budget or in the discussions of the FY07-08 budget the capital requests that are needed to implement this transaction.

This concluded the discussion.

Note: The above is not inclusive of every comment.

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held March 7, 2007; Budget/Public Policy meeting held February 13, 2007; Special Meeting held February 2, 2007; and Closed Session minutes of February 13, 2007.

(8) ADDITIONAL CHILD CARE SUBSIDY ALLOCATION - DSS

Recognize, receive and appropriate additional Federal and State revenues totaling \$217,961 for the Child Care Subsidy program.

Note: Mecklenburg County contracts child care eligibility services with the Child Care Resources, Inc. (CCRI). The additional allocation will reduce the current shortfall in child care funding.

(9) AUCTION FOR DISPOSAL OF EQUIPMENT

1) Approve the list of personal property (Exhibit A) as surplus, and

2) Adopt a resolution authorizing sale of personal property by public auction on the 21st day of April, 2007 at 10:00 am at 3301 Rotary Drive, Charlotte, North Carolina.

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

(10) CLEAN WATER MANAGEMENT TRUST FUND GRANT APPLICATION

Approve the submittal of Little Sugar Creek Environmental Restoration Initiative – 3rd to Baxter Street (Midtown) stream restoration grant application to the North Carolina Clean Water Management Trust Fund. Upon award of the grant, recognize, receive and appropriate the funds awarded.

Note: This grant application is in the amount of \$615,000 with a local match of \$662,000 for a total of \$1,277,000, for the Little Sugar Creek Environmental Restoration Initiative from 3rd Street to Baxter Street. This project is in cooperation with Mecklenburg County Parks and Recreation for a combined Stream Restoration and Greenway Trail Project.

(11) FLOOD MITIGATION ASSISTANCE GRANT APPLICATION

Authorize the County Manager to submit a grant application in the amount up to \$169,003 to the North Carolina Division of Emergency Management for the acquisition of a flood prone property.

Note: Mecklenburg County proposes to apply for funds to acquire one flood prone structure within the 100-year floodplain. The structure located at 5516 Ruth Drive is a primary residence and has been classified as a repetitive loss property with five flood claims totaling approximately \$46,600. 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. If approved by FEMA, funds from this grant will be used to acquire and remove the home from the floodplain. The total project cost to acquire the property and demolish the structure is estimated to be \$169,003.

(12) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1. Accept the “Offer Of Sale Of Land” for the following property:

Kings-Morehead Street Venture, owners of 1317 and 1321 Reese Road for \$350,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action will purchase and remove the above apartment complex from the floodplain. The apartment complex has been classified as a repetitive loss property with the most recent flooding event occurring in August of 2006. This action is necessary for the purchase of

floodplain property under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. Prior to closing, the County intends to relocate tenants in accordance with the Uniform Relocation Act (URA). These structures are residential apartment buildings containing six individual units. The entire apartment complex is located immediately opposite the Little Sugar Creek Greenway at Westfield Road.

(13) ENHANCEMENT OF WATER QUALITY MONITORING NETWORK

- 1) Recognize, receive and appropriate \$121,751 in additional funding from the City of Charlotte for enhanced Water Quality services.
- 2) Recognize, receive and appropriate \$16,498 in additional funding from Whitewater, LLC for assessing water quality impacts.
- 3) Recognize, receive and appropriate \$26,375 in additional funding from Childress Klein Properties for assessing water quality impacts.
- 4) Approve the purchase of monitoring equipment in the amount of \$147,248 from AMJ Equipment.

(14) ARTS AND SCIENCE COUNCIL CULTURAL PROJECT GRANT – PARK AND RECREATION

Approve submission of application for an Arts and Science Council Cultural Project Grant. Recognize, receive and appropriate funds if grant is awarded by the Arts and Science Council.

Note: Mecklenburg County Park and Recreation Department is requesting approval to apply for and receive if awarded an Arts and Science Council Cultural Project Grant for \$10,000. The grant will be utilized to offer up to fifteen (15), two (2) week Mix it Up DJ camps to teens at various Recreation Centers throughout the county. The program focuses on music production, various disc jockey methods and music history.

(15) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of \$4,254 for General Services, \$56,197 for Park and Recreation, \$338 for Land Use and Environmental Services and \$26 for Social Services for stolen and damaged items.

(16) BANKING POLICY AND EXTENSION OF BANKING SERVICES CONTRACT WITH WACHOVIA BANK, N.A.

1. Approve revision to Banking Policy to conform to current banking environment.
2. Approve the extension of the banking services contract with Wachovia Bank for three years.

Note: The current contract expires June 30, 2007.

(17) FUNDING ADJUSTMENT – AREA MENTAL HEALTH AUTHORITY

Approve funding adjustments as follows:

- 1) Approve, recognize, receive and appropriate State funds in the amount of \$39,000 for Adult Mental Health HUD 811 Housing Funding.
- 2) Approve, recognize, receive and appropriate cash donations in the amount of \$580 to the Fighting Back Program.

Note: The Fighting Back Department received \$200 from Par Buster Golf Course and \$380

from Metrolina Aids Project. These funds will be used for Youth Prevention Programs.

(18) AMBIENT MONITORING REVENUE

Recognize, receive, and appropriate \$4,545 in additional Ambient Monitoring revenue for FY07.

(19) DUKE ENERGY GRANT – LUESA

Recognize, receive, and appropriate \$5,000 in grant revenue.

Note: Duke Energy is providing funding for Mecklenburg County Air Quality staff to organize and hold one or more events promoting electric lawnmowers.

(20) AREA MENTAL HEALTH AUTHORITY LOCAL BUSINESS PLAN

Recognize, receive, and approve the Area Mental Health Authority Local Business Plan.

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

(21) EASEMENT DONATION – LITTLE SUGAR CREEK

Accept the donation of a +/- 0.19-acre easement on a portion of Tax Parcel 125-213-06 from Harding Place, LLC.

Note: The subject property lies along Little Sugar Creek (just north of East Morehead Street) and will be incorporated into the stream restoration and greenway projects. The donated easement consists of approximately 7,545 square feet of stream bank which will facilitate the stream restoration project. An additional 875 square feet on top of creek bank will accommodate a pedestrian bridge that will provide connectivity between the Little Sugar Creek Greenway and Harding Place.

(22) STRUCTURED DAY PROGRAM – SHERIFF'S OFFICE

Authorize application and recognize, receive and appropriate funds in the amount of \$451,196 for the Criminal Justice Partnership Program, Structured Day Program Grant for FY 08.

(23) RADIO SERVICES FEE INCREASE – IST

Approve radio services fee increase.

Note: The City of Charlotte has indicated that there will be a monthly service fee increase for all radios in FY2008. Standard radio service will increase by \$4.40 per month for a total of \$23.90. Private call service will increase by \$4.60 per month for a total of \$27.70. This is the first service fee increase in four years. Of this increase \$3.59 is attributable to the debt service for the building of a new East Site radio tower (cost is \$2.2 million), levied through monthly fees over five years.

(24) SALE WITHOUT MONETARY CONSIDERATION OF SURPLUS BASKETBALL GOALS

Authorize the donation of four (4) surplus basketball goals to New Life Fellowship Church.

(25) FLOODPLAIN DONATION – MCDOWELL CREEK

Accept the donation of +/- 9.5 acres (part of Tax Parcels 005-371-21 and 005-371-22) along McDowell Creek from North Pointe Realty Corp.

Note: The donated land is located on the east side of McDowell Creek, immediately north of Sam Furr Road, and provides approximately 2,200 linear feet of creek frontage. This land will contribute to water quality protection and be incorporated into the McDowell Creek stream restoration project coordinated by Mecklenburg County Storm Water Services.

(26) TAX REFUNDS

Approve refunds in the amount of \$24,206 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

STAFF REPORTS AND REQUESTS

Commissioner Bishop asked to be excused from participating in the discussion and vote of Item 27 – Project Bryton to avoid a conflict of interest.

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard Voting yes, to excuse Commissioner Bishop from participating in the discussion and vote of Item 27 – Project Bryton to avoid a conflict of interest.

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

(27) PROJECT BRYTON PRESENTATION AND SET PUBLIC HEARING

The Board received a presentation about the proposed Development Agreement and Interlocal Agreement for Project Bryton.

Commissioner James returned to the dais.

General Manager Shields presented this matter to the Board.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to schedule a public hearing for 6:30 P. M. on April 17, 2007 to receive comments on the proposed debt financing with respect to Project Bryton and authorize the Clerk to publish the required notice.

Prior to the above vote, Commissioner Bentley asked the following:

- 1) If the transit tax goes away, how would that impact the future economic development of Project Bryton? *General Manager Shields said he thinks it would be minimal.*

- 2) Has the Town of Huntersville Board voted on the Interlocal agreement? *The response was that it's anticipated that they will vote next month.*
- 3) What happens if the Town of Huntersville does not approve the Interlocal agreement? *The response was that the County probably wouldn't proceed without the support of the Town of Huntersville. It was noted that it was the Town of Huntersville that approached the County with respect to Project Bryton.*
- 4) With respect to projected total new students, is it correct that when Project Bryton is completely built out that the student population would be about 11%? *General Manager Shields said those were numbers he generated based on data from the developer. He said the big difference is that before the rezoning single family residential would have generated more students, but this is a combination of single family residential, condominiums, and apartments. (Condominiums and apartments generate fewer pupils than residential.)*

Commissioner Ramirez asked would the railroad be helping financially with this project. *The response was no.*

COUNTY COMMISSIONERS REPORTS AND REQUESTS

Commissioner Bishop returned to the dais.

(29) SEPARATE PROPERTY TAX RATE LINE ITEMS FOR CMS & CPCC AND COUNTY OPERATIONS FOR BUDGETARY PURPOSES AND ON THE PROPERTY TAX BILL

Commissioner James addressed his proposal with respect to separate property tax rate line items for Charlotte-Mecklenburg Schools and Central Piedmont Community College and County operations for budgetary purposes and on the Property tax bill.

His requested action was to instruct the County Manager to obtain approval from the State Department of Revenue to specifically allocate a dedicated tax rate to Charlotte-Mecklenburg Schools & CPCC for purposes of all operating and capital expense items and modify the budget adoption process accordingly.

Background: Currently, Mecklenburg County produces a tax bill which lists the County's overall tax rate but does not specifically list the components dedicated to major expenditures specifically. State law (NCGS 153A-149) allows Mecklenburg County to:

- Hold a referendum to establish a specific rate for a specific purpose.
- Establish a specific rate for a specific purpose by requesting approval of the Department of Revenue,
- Attaching a separate non-binding sheet to the tax bill outlining how the money is being spent (what we 'sort of' do).

Most counties and municipalities across America list major functions and the applicable tax rate. Based on current information from County Management, CMS & CPCC receives approximately 48% of the County's operating budget (including both operating expenditures and debt service on capital). If we were to specifically list the tax rate on the tax bill to be mailed this October it would mean insuring that the upcoming budget is adopted to conform to this new requirement and that a separate 'enterprise fund' be created for both the operating and capital portion of CMS & CPCC under one budgetary category. Currently, while certain County documents refer to the 48% combined operating and debt service rate; the rate is not a part of the property tax rate calculation and would have to be established under our budget ordinance to include both operating and capital. Doing so would provide clarity to the public as to how much of the County budget is spent from local funds for K-12 education.

Based on current tax rates, the CMS dedicated tax rate would be approximately 36.20 cents, the CPCC portion 3.36 cents and the general County tax rate would be 42.34 cents (per \$100 of

assessed valuation). This is an estimate subject to refinement.

Comments

Commissioner James said he has always felt that the way the County did its property tax disclosure on tax bills was inadequate because it just list one line item, specifically “County Taxes” and what that amount is.

Commissioner James feels that amount should be split up to show a tax rate amount for CMS, CPCC, and general County taxes.

Commissioner James said this doesn’t give CMS taxing authority, but at the same time, it gives them “responsibility” through the decisions that the Board makes and that they make that impact themselves.

Commissioner Helms said this may be a good idea and that it may be some value in this. He said the Board of Education may find it to be a useful tool. He said it doesn’t give CMS taxing authority but it allows them to tell the County what it wants the tax rate to be to generate the revenue it needs for its operating and capital budget.

Commissioner Helms said he doesn’t think approval is needed from the Dept. of Revenue. He thinks the Board should instruct the County Manager to work with staff and with CMS to develop a process to do this.

Commissioner Clarke said if the goal is to provide information to the taxpayer with respect to what portion of the County tax rate was being levied to generate the portion of the County’s budgeted expenditures to support CMS and CPCC, why wouldn’t he recommend breaking it out further, for jails, the libraries, child protective services, etc.

Commissioner James said he was not opposed to breaking it out further. He said he selected the schools because that’s a large portion of the County’s budget. He said he would leave that up to the County Manager to decide what else should be listed.

Commissioner Ramirez said his take on this is slightly different from Commissioner James and that it has to do with the percentage of taxes. He supports a percentage of revenue being dedicated to the schools. He said when you have a percentage of revenue you don’t have to deal with the tax rate. He said when you use a percentage of revenues, CMS and CPCC will be assured that this additional money will be coming to them.

Commissioner Mitchell said he supports Boards of Education having taxing authority. He said support for this is growing across the state.

Attorney Bethune encouraged the Board to send this proposal to the County Manager for evaluation. He said there were certain nuances with this.

Attorney Bethune said currently the County does not have the authority to set three separate tax rates. He said the County does with the permission of the Dept. of Revenue have the ability to show on the tax bill how many cents of the tax rate are going to fund schools, etc. He said this can be done also without the permission of the Dept. of Revenue by adding an insert in the tax bill with this type of information.

Commissioner James said the only thing about using an insert vs. placing the information on the actual tax bill is that people tend not to notice or read inserts, but they do read their bill.

Commissioner James said he would leave it up to the County Manager as to what’s the best way.

Commissioner Bentley said she understands the intent of Commissioner James’ proposal which is basically to help the public understand how much of their tax money is going on a percentage basis to public schools. Commissioner Bentley said she does have a concern that ultimately this may lead to very “robust” discussion and possibly implementation of taxing authority for the Board of Education, which she does not support.

Commissioner Bentley said Commissioner Ramirez's idea of a percentage of revenue is more appealing to her.

Commissioner Bishop noted that there are already a number of breakouts on the tax bill. He said he would amplify Commissioner Bentley's comments.

Commissioner Bishop said there are already a lot of governments, all taxing, and there's no way to get it under control. He said he supports Commissioner Helms' long time idea that there needs to be fewer governments and not more.

Commissioner Clarke said he sees Commissioner James' proposal as being a process for providing information to the public and he's always been a supporter of providing information to the public.

Commissioner James said Commissioner Ramirez's idea is a policy issue, but the proposal he's putting forth is not a policy issue.

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and carried 7-2 with Commissioners Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley and Bishop voting no, to instruct the County Manager to evaluate the proposal presented by Commissioner James and report back on its feasibility with the goal being to provide information to the public with their tax bill.

Commissioner Clarke said if this information can be included in this year's tax bills that's fine, if the Board decides to do it, if not, on the tax bills going out in September of 2008.

(30) CHARLOTTE-MECKLENBURG WOMEN'S SUMMIT 2008 – FUNDING REQUEST

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard Voting yes and Commissioner Bishop voting no, to authorize the release of \$10,000 from Unrestricted Contingency to help fund the 2008 Charlotte-Mecklenburg Women's Summit.

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

ADJOURNMENT

Motion was made by Commissioner Ramirez, seconded by Commissioner James, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:40 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman