

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

APRIL 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 Tuesday, April 17, 2007.

ATTENDANCE

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

Absent: Commissioner Valerie C. Woodard

-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 - MECKLENBURG COUNTY'S 2008-2010 STRATEGIC BUSINESS PLAN

Note: Presentation of the 2008-2010 Strategic Business Plan was deferred because of time constraints. It will be rescheduled for the Budget/Public Policy Workshop on April 24, 2007.

(2A) CLOSED SESSION – A) PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), B) LAND ACQUISITION, C) PERSONNEL MATTER and D) CONSULT WITH ATTORNEY

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

Tax parcel #129-021-02 and a portion of 15 separate parcels of land, PID 129-022-04 thru 15, 129-037-01, -02 and -04.

Tax Parcels 017-051-15; 029-101-01 & p/o -02; 137-311-02, -10, -55; 007-121-02, -06 & -07.

County Attorney Bethune noted that one of the Consult with Attorney matters concerned the Adelphia Bankruptcy Proceedings.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1), B) Land Acquisition, C) Personnel Matter and D) Consult with Attorney

The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 6:25 p.m.

Commissioner Bishop was present when the Board came back into Open Session. He entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board 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 Helms, which was followed by the Pledge of Allegiance to the Flag, and then introductions; after which, the matters below were addressed.

PROCLAMATIONS AND AWARDS

(1A) FOUR POSITIVE FOUR-LETTER WORDS – STUDENT RECOGNITIONS

The Board recognized students from among those at Albemarle Road Middle School who have exemplified the principles of the proclamation adopted by the Board in August 2006 supporting the use of four positive four-letter words, **Able, Best, Care,** and Done to inspire and encourage children to strive for excellence and achieve their best. The proclamation was sponsored by Former County Commissioner Wilhelmenia Rembert.

The students, Senarit Ridane, Selene Medina, Natalie Hernandez, and Rebecca Rodriguez were introduced by Kerry Miller, Director of Education, the Charlotte Club of the National Association of Negro Business & Professional Women’s Club and Tom Lamb, Principal of Albemarle Road Middle School.

(1B) AIR AWARENESS WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a proclamation designating April 30 – May 4, 2007 “Air Awareness Week.”

The proclamation was read by Commissioner Bentley and received by Megan Green with Land Use & Environmental Services.

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

(1C) FAIR HOUSING MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a joint proclamation designating April 2007 as Fair

Housing Month.

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

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

(1D) 2007 HARRIS TEETER/PURINA BARK IN THE PARK

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to receive a donation of \$50,000 for the 2007 Harris Teeter/Purina Bark in the Park event sponsorship.

Note: The County has entered into an agreement with Harris Teeter and Purina to sponsor the 2007 Harris Teeter/Purina Bark in the Park event on April 28 from 10 a.m. to 4 p.m. at William R. Davie Park. Net proceeds from this event and the \$50,000 donated by Harris Teeter and Purina will be used to build additional off leash dog parks in Mecklenburg County. This event is a festival for dogs and their owners.

Greg Jackson with Park and Recreation and a representative on behalf of Harris Teeter & Purina addressed this matter.

(1E) COUNTY GOVERNMENT WEEK

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a proclamation designating April 22-28, 2007
National
County Government Week.

Note: National County Government Week is an annual celebration of county government. First held in 1990, the goal of county government week is to raise public awareness and understanding about the roles and responsibilities of the nation's counties. The County's Public Service & Information Department is celebrating this year with the release of a new publication called "Inside Mecklenburg," which highlights in a colorful and interesting way the many programs and services offered by Mecklenburg County.

The proclamation was read by Commissioner Helms and received by Roger Kortekaas with Public Service and Information.

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:

Kellie Visker with the Council on Aging addressed the Program for Senior Advocates and introduced Hattie Harris who spoke on behalf of recent graduates of the Dowd-YMCA Program for Senior Advocates.

Ms. Harris addressed the need for senior discounts on utility bills in Mecklenburg County. It was noted that municipalities in other states offer various programs for reducing or supplementing the costs of utilities for senior citizens. It was said that these discounts can be "lifesaving" for older adults living on limited means.

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

Ms. Harris asked the Board to look into implementing a program to assist seniors in paying their utility bills.

Note: A petition was presented to the Board signed by persons supporting the proposal to create a Senior Utility Bill Discount Program for older adults living in Mecklenburg County.

A copy of a handout and the petition that was shared with the Board on this matter is on file with the Clerk to the Board.

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

Gregory Vaughn, Regional Director for Ameriplan USA in the N.C. area addressed the need for affordable health care. Mr. Vaughn said his company markets a package of health benefits that includes dental, medical, vision, chiropractic, and prescription benefits. Mr. Vaughan addressed how his program works. Mr. Vaughn shared this information for more public awareness.

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

Commissioner James returned to the dais.

Commissioner Ramirez, per a phone call he received from Mr. Vaughn, referred Mr. Vaughn to the Latin American Chamber of Commerce.

Commissioner Helms returned to the dais.

Martin Davis addressed the Board's April 3, 2007 meeting and criticized the current leadership of the Board.

The following parents of children with a mental illness addressed cuts by the State that will impact their children and other children with mental illnesses. They expressed concern about the experience of those persons that would be working with them to care for their children, (Supported Living Services) as a result of changes on the state level. They said, per changes by the State, someone could be working with them that only have a high school diploma or GED, rather than degreed professionals, which is what they are accustomed to. They said the cuts made by the State lessen the quality of care given to their children. They also expressed the need for the entire community to take serious the problem of mental illness, especially in children.

The speakers were Ms. Drayton, Catherine Moore, Dewie Ennels, and Jackie Carmack.

Zaide Davis, a "Masters Level" licensed Clinical Social Worker and Christian Counselor with 18 years of experience addressed community support or in-home services to children with mental illnesses. Mr. Davis is with Melange Health Solutions. Mr. Davis said these services bring psychologist, social workers, and counselors to families and children dealing with depression, panic disorders, and sexual abuse; families with obstacles economically and logistically, who might not otherwise have access to these services. Mr. Davis said when children with these types of problems receive the appropriate assistance they can be successful. Mr. Davis said Secretary Odom has "dropped the ball" and "now the ball is in our hands and what are we going to do with it."

Gardner Hawkins, Managing Director of Melange Health Solutions also addressed this issue. Mr. Hawkins said Melange Health Solutions has been in business for seven years, serving over 700 families. Mr. Hawkins said as a business owner he has to "close shop." He said, per changes made by the State, he would have to layoff his professional staff and bring in persons with a high school diploma to provide in home counseling. Mr. Hawkins said with his program he doesn't ask families to come to them, but rather they go to the families. He said they work in the community.

Mr. Hawkins said they've asked the State to come up with a tier reimbursement rate that's designed for a professional, socio professional and a para professional. He said currently that rate is bundled all into one and whether he hires someone with a high school diploma, GED, or a degree, the reimbursement rate is the same.

Mr. Hawkins said there are children in the community who are “falling through the cracks.” He said if these children don’t get professional help they will “land in the criminal justice system.” Mr. Hawkins noted the importance of taking mental illness seriously.

Chairman Roberts noted to those speaking on the issue of mental health that the County was currently evaluating its mental health services.

County Manager Jones explained that what the speakers were commenting on is the State’s action to reduce the reimbursement rate for healthcare providers, which for Melange Health Solutions this impacts their ability to retain the caliber of persons they feel they need to provide their services.

County Manager Jones said that he asked General Manager Janice Jackson to work with Area Mental Health Director Grayce Crockett on putting some information together on this issue for the Board, to be shared in an upcoming Board Bulletin.

County Manager Jones said he believes he recalls reading recently that the rate structure is being reviewed on the state level.

Chairman Roberts said staff would pursue this issue and if it’s appropriate. Also, that if the County feels the rate structure is not appropriate for continuing the services that are needed here in the community, then the Board will look into what action it may be able to take.

Chairman Roberts said the Board looks forward to hearing more on this issue.

Chairman Roberts thanked all Public Appearance speakers for appearing.

APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to reappoint Barbara Edwards to the Adult Care Home Community Advisory Committee for a three-year term expiring January 4, 2010.

AIR QUALITY COMMISSION

Commissioner Helms nominated all applicants for appointment consideration to the Air Quality Commission. They are: Mark Brown, Keith Long, and Robert Statnick.

Appointments will occur on May 1, 2007.

BUSINESS EXPANSION AND FUNDING CORPORATION

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to reappoint Mic Alexander, Scott Brown, Edna Chirico, Joe Mynatt, and Todd Taylor to the Business Expansion and Funding Corporation for three-year terms expiring April 30, 2010.

Commissioner Helms nominated Mark Yacovetta for appointment consideration to the Business Expansion and Funding Corporation.

The appointment will occur on May 1, 2007.

DOMESTIC VIOLENCE ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to reappoint Morgan Cromwell to the Domestic Violence Advisory Board for a three-year term expiring April 30, 2010.

Commissioner James nominated all applicants for appointment consideration to the Domestic Violence Advisory Board. They are: Brenda Adams, Tyyawdi Baker, Melissa Behrens, Marage Blakeney, Shakeya Davis, Christy Hunt, Pat Kelly, Iva Lawson, Yvonne McJetters, Javonda Peay, and Nazanin Rostam-Abadi.

Appointments will occur on May 1, 2007.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to reappoint Michael Middleton to the Groundwater Advisory Committee for a three-year term expiring May 30, 2010.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to reappoint Shawanga Burrell and Linda Linfors to the Nursing Home Community Advisory Committee for three-year terms expiring March 30, 2010 and Alan Elam, Sr. for a three-year term expiring April 30, 2010.

PUBLIC HEARINGS

(4A) PROJECT BRYTON

Commissioner Bishop asked to be excused from participating in the discussion of and voting on Project Bryton, to avoid a conflict of interest.

Motion was made by Commissioner Helms seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to excuse Commissioner Bishop from participating in the discussion of and voting on Project Bryton to avoid a conflict of interest.

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

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to open a public hearing to receive comments on the proposed Bryton Project.

Note: On December 19, 2006, the Board received an update regarding Project Bryton and authorized the County Manager to develop the necessary agreements with the Town of Huntersville and the Project Bryton development team. The Project Bryton Development Team is a joint venture with the Town of Huntersville and two local firms, American Asset Corporation and Rhein-Medall Communities.

Project Bryton is a mixed-use project that is proposed for the southeastern corner of the Town of Huntersville. The project will be situated on a 400-acre site east of Old Statesville Road (N.C.

115) and Hambright Road intersection. The development program for this project contemplates residential construction of varying densities, as well as retail, restaurant, and other commercial development including a business park with space designated for general office and medical facilities.

The development team is seeking financial assistance from Mecklenburg County and the Town of Huntersville in order to complete the following:

1. Relocate a rail line;
2. Construct offsite road improvements;
3. Extend a thoroughfare road for the proposed project.

Total public debt financing for the Project is estimated to be \$29,460,000 and will be financed using Certificates of Participation issued pursuant to G.S. 160A-20.

The following persons addressed this matter:

General Manager Bobbie Shields introduced Mr. Paul Herndon with *American Asset Corporation* to address the project.

Mr. Herndon covered the following in his presentation:

- Project Location
- Property Assemblage
- Project History
- Original Zoning
- Approved Zoning
- Rail Relocation of Norfolk Southern Railroad's Freight Line
- Offsite & Thoroughfare Road Improvements
- Tax Value Analysis
- Other Financial Benefits of the Bryton Project

Mr. Herndon noted that the project is not dependent upon a light rail stop. Mr. Herndon said if the light rail comes, they would plan for it and it's a benefit but it's not a part of their analysis or any of their underwriting.

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

Commissioner Clarke asked for clarification on whether it was said that their debt service ratio coverage went from 1.7 to 2.7. *The response was yes.*

Commissioner Helms asked that the Board be provided a copy of the presentation.

Bruce Andersen, Chairman of the Huntersville Planning Board, said he was not opposed to the actual project, but that he was concerned about the way the financing was presented to the public and the lack of information that's been available in connection with this project.

A copy of Mr. Andersen's remarks is on file with the Clerk to the Board.

Craig Norfolk a resident of Cornelius and Vice-Chairman of the Lake Norman Region Economic Development Corporation spoke in support of the project.

Commissioner James asked staff to report back on what would happen if the County followed the stricter rule of Amendment One as referenced by Mr. Andersen.

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

General Manager Shields noted for the record that information concerning the project has been on line for at least two weeks. The website is <http://Mecklenburgcountync.gov/publicnotice.htm>.

It was noted also that a notice of the continuation of the public hearing is scheduled to be published on Friday, April 20, 2007.

Attorney Bethune noted that what's not on-line but will be between now and May 1st is the Developer's Agreement.

Motion was made by Commissioner James, seconded by Commissioner Helms and carried 6-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Roberts, voting yes, to continue the public hearing on the proposed Bryton Project until May 1, 2007; and authorize the Clerk to publish notice of continuation of the public hearing during the May 1, 2007 Board of County Commissioners meeting.

ADVISORY COMMITTEE REPORTS

(5) PUBLIC ART PROGRAM – INTERIM REPORT ON FY2007 ANNUAL WORK PLAN

The Board received as information, an interim report on the Annual Work Plan of the Public Art Program.

Commissioner Bishop returned to the dais.

The report was presented by Michael Evans, Chairman of the Public Arts Commission, who addressed the status of current projects.

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

(21) METROPOLITAN PROJECT (FORMERLY MIDTOWN SQUARE)

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, and Roberts voting yes, to approve the Economic Development Grant Agreement for the Redevelopment of Mid-Town Square Amendment One with City of Charlotte, Pappas Properties.

Economic Development Grant Agreement for the Redevelopment of Mid-Town Square Amendment One

Section 6.5 Greenway and Offsite Roadway Improvements Amendment

The provisions of this section, being added through an amendment to the Development Agreement, shall, to the extent that there is a conflict, supersede the provisions of Sections 6.1, 6.2, 6.3, and 6.4.

The City, County, and developer are collaborating to replace the Independence Boulevard and Baxter Street bridges, and to uncover and renovate Little Sugar Creek, in order to improve the floodplain, restore the natural and beneficial elements of the stream, create a signature section of the greenway, improve traffic and pedestrian connectivity in the area, and facilitate the Metropolitan development.

The City shall, subject to the contributions from the County and Developer set forth below, be responsible for construction of the New Baxter Bridge as shown in Exhibit D. All parties agree that the replacement street and bridge will include the following features: four traffic lanes and 6 foot sidewalks connecting Kings Drive to Kenilworth Avenue; height sufficient for a greenway underpass; aesthetic features similar, but not identical, to the Independence Boulevard Bridge; and, no widening or raising of Kenilworth Avenue.

Recognizing that the removal of the existing Baxter Street Bridge and certain design and aesthetic features of the new Baxter Street and raised and widened Independence Boulevard bridges are beneficial to the functionality and quality of the Little Sugar Creek Greenway, the County shall be responsible for the following: (a) the removal, and the cost thereof, of the existing Baxter Street Bridge, which cost has been determined through a formal bid process to be \$40,000 plus the actual cost of moving overhead power lines (currently estimated to be \$12,000 to \$15,000); (b) \$1,150,000 minus the Baxter Street Bridge demolition cost (including the actual cost of moving the overhead power lines) to the cost of the New Baxter Bridge ("County Contribution Toward New Baxter Street Bridge"); and (c) \$850,000 to the cost of the raised Independence Boulevard bridge. The City shall be responsible for moving the water and sewer lines that run under the Baxter Street Bridge and paying the cost for such removal.

The County shall pay the City the \$850,000 Independence Boulevard Bridge contribution within 30 days after

approval of this amendment. The County shall pay the City the County Contribution Toward New Baxter Street Bridge based on monthly invoices from the City that reflect the pro rata share (determined by the County's New Baxter Bridge contribution as a percentage of the City's total contract cost of constructing the New Baxter Bridge) for costs actually incurred by the City. The maximum amount committed by the County for removal of the existing Baxter Street Bridge (including the actual cost of moving the overhead power lines), plus the County Contribution Toward New Baxter Street Bridge, plus the \$850,000 to the cost of the raised Independence Boulevard Bridge, is Two Million Dollars (\$2,000,000).

Within 30 days after approval of this amendment, Developer shall pay the City its \$150,000 contribution to the Baxter Street realignment as set forth in Section 6.2.

Schedule

All parties agree to the schedule for this work as shown in Exhibit E, and agree to make the best reasonable efforts to meet this schedule. All parties agree to provide regular schedule updates to the other parties.

The City shall keep the Developer and County regularly informed of bridge design and construction progress. Both the Developer and County will have the right to review and comment on the design of the street improvements prior to the City requesting construction bids for the bridge.

To the extent that the City requires land for permanent right of way and/or construction easements for the Baxter Street Bridge replacement and/or the relocation of Baxter Street east of Kings Drive from the Developer and/or County, the Developer and County will provide that land to the City at no cost to the City. Once the County removes the existing Baxter Street Bridge, the City will process a street abandonment petition for the unneeded existing Baxter Street right-of-way with, upon approval, ownership vesting in adjacent property owners. Once the City completes the new Kenilworth Avenue and S. Independence Boulevard intersection, the City will process a street abandonment petition for the property between the new street right of way and the County's greenway property to the County, which 0.31 acre parcel is subject to an existing easement for transmission of electrical power. The above transfers are for the properties shown on Exhibit F as to be transferred to either the City or the County. (Transfers from City to County: 0.72 acres; and Transfer from County to City: 0.56 acres.) All such property transfers shall be without consideration, with each party bearing its own costs for deed preparation and recordation as necessary to accomplish the property transfers.

Section 6.6 Utility Undergrounding

The Developer agrees to arrange for the undergrounding of utilities along Kings Drive and to pay Duke Power \$750,000 toward the cost of such undergrounding.

Jim Garges, Director of Park and Recreation presented this matter to the Board.

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

(6) MANAGER'S REPORT

(6a) COPS FOR CMS

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and carried 6-1, with Commissioners Bentley, Bishop, Clarke, Helms, James, and Roberts voting yes and Commissioner Mitchell voting no, to amend the *School Facilities - 2006* capital project ordinance.

Note: This action will provide \$31.6 million additional budgetary authority for construction of the Hucks Road and Providence Road West/Lancaster Highway Elementary School projects. The \$123,165,000 authorized in August included funding for design of these projects. Funding for these projects will be provided from the sale of Certificates of Participation (COPs).

Commissioner Mitchell requested information on how much it will cost the County to issue COPs for these schools vs. what it would have been if these schools had been placed on a general obligation bond.

County Manager Jones said that there is some higher cost to issuing COPs and that staff would provide a specific answer to Commissioner Mitchell's question.

(6b) Medicaid Relief – Senate Bill 1484

Dena Diorio, Director of Finance addressed NC Senate Bill 1484, which concerns Medicaid Relief.

The following was noted:

- Senate Bill 1484 calls for counties to give up the Article 40 (half-cent, per capita) sales tax and half of the Article 39 (1-cent, point of distribution) to the state in exchange for the state taking over the county Medicaid burden.
- If passed, this would generate approximately \$1 billion of new revenue for the state to assume an estimated \$517 million of Medicaid costs.
- Under the proposed legislation, the state allows the quarter-cent sales tax that is set to expire on June 30 to actually expire, and counties must hold cities harmless for lost revenues based on how much revenue the cities received 2006-07 from the lost sales taxes.
- In addition, counties would be given authority to enact by resolution, a replacement sales tax of up to 1 cent in quarter-cent increments. This new sales tax would be distributed by point of distribution.
- Counties would not have to share this revenue from the new sales tax with cities.
- The estimated net benefit for Mecklenburg County is \$74,454,457 rather than \$155,925,000 which is the estimated 1 cent sales tax generated in Mecklenburg County. The amount is reduced by 434,779,961, which is the County's reimbursement to municipalities for sales tax lost based on FY07 sales tax. The amount is further reduced by an estimated \$81,690,582, which is estimated FY08 sales tax revenue the County would give up to the State, thus the net additional sales tax for the County would be \$39,454,457. The State would give an estimated \$35,000,000 to the County for Medicaid. Thus, you have the estimated net benefit to the County of \$74,454,457 as stated previously.
- The legislation does not require that the new 1 cent be dedicated to school construction.
- Noted also was House Bill 1824 which would basically freeze Medicaid at 06 levels with the County not having to give up any of its sales tax revenue.

Commissioner James asked what happens to the taxes that the State is taking away from counties.

Director Diorio said Mecklenburg County is giving up \$81.7 million dollars of sales tax revenue, so that the State can relieve the County of \$35 million in Medicaid expenses. So, theoretically the County's sales tax revenue would be used to offset Medicaid expenses in other parts of the state.

County Manager Jones echoed that the State is taking the sales tax revenue and using it to fund Medicaid costs for the State. County Manager Jones said it's his understanding that by doing this it will result in about a billion dollar benefit to the State.

Commissioner James said he doesn't think the Senate Bill is that great of a benefit to citizens because here in Mecklenburg County it may result in taxpayers being "stuck" with an even bigger sales tax burden.

Commissioner Helms, said he has not made his mind up with respect to this, but that "what the General Assembly was doing was giving counties the right to raise taxes at the local level, to help them pay for Medicaid." Commissioner Helms said this is something the Board needs to think about.

Commissioner Mitchell said one thing to keep in mind also is how this will impact the low wealth counties, which is a part of this.

Motion was made by Commissioner Bishop, seconded by Commissioner James, to direct the County Manager, if ask to comment on Senate Bill 1484, to say that the Mecklenburg Board of County Commissioners is opposed to Senate Bill 1484.

Commissioner Helms said it may not be good for the County to say at this point that it's opposed to the bill.

Substitute motion was made by Commissioner Clarke, which Commissioner Bishop said he would accept as a friendly amendment to his motion, and the seconder concurred, was to direct the County Manager to say that the Board has discussed the matter and that there did not appear to be a lot of support for it.

The vote was then taken on the motion as amended and reads thusly,

Motion was made by Commissioner Bishop, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, and Roberts voting yes, to direct the County to say, if asked to comment on Senate Bill 1484, that the Board has discussed the matter and that there did not appear to be a lot of support for it.

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

(2B2) LAND ACQUISITION – CHARLOTTE-MECKLENBURG SCHOOLS

Motion was made by Commissioner Bishop, seconded by Commissioner James and carried 6-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, and Roberts voting yes, to approve the purchase prices for the following school sites:

North Mecklenburg High School – 10.6 acres at \$47,251 per acre – Tax Parcel 017-051-15
Salome Church Road - 13.8 acres at \$125,000 per acre – Tax Parcel 029-101-01 & p/o -02
Mint Hill High School site – 68 acres at \$75,000 per acre – Tax Parcel 137-311-02, -10, -55
Bailey Road High School site – 4.66 acres and house for \$360,000 – Tax Parcel 007-121-02, -06 & -07.

(2B1) LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Bentley, and 6-0 carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, and Roberts voting yes, to adopt a resolution of intent to exchange a +/- 1.2522 acre portion of Tax Parcel 129-021-02 (Veterans Park) for +/- 3.3137 acres along Briar Creek Tributary between McClintock Road and the realigned Iris Drive (PID 129-022-04 thru 15, 129-037-01, -02 and -04). Secondly, to request to Charlotte City Council to release deed restrictions on the above +/-1.2522 acre portion of Tax Parcel 129-021-02, which was conveyed to the County as part of the parks consolidation.

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

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 6-0, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, and Roberts voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 3, 2007, Special Budget/Public Policy Meeting held March 27, 2007, and Closed Session meeting held March 20, 2007 and April 3, 2007.

(8) TAX REFUNDS

Approve refunds in the amount of \$18,781 to be made by the Finance Department as requested

by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

(9) LAW ENFORCEMENT VEHICLE PURCHASES

Approve the establishment of a unit price contract with Young Ford of Charlotte, N. C., for supplying turnkey law enforcement vehicles and award contract to Capital Ford of Wilmington, N. C. for supplying the standard law enforcement vehicles.

(10) CONVEYING OF PROPERTY – SHERIFF’S OFFICE

Approve the conveying of property from the Mecklenburg County Sheriff’s Office to other North Carolina Sheriff’s Offices.

Note: This action will allow the Mecklenburg County Sheriff’s Office to transfer property that is no longer needed from the old courthouse due to the opening of the new courthouse. This property consists of five x-ray machines and six metal detectors. These machines will be disbursed to the following agencies; Watauga County Sheriff’s Office, Transylvania County Sheriff’s Office and Surry County Sheriff’s Office.

(11) FOUR MILE CREEK GREENWAY – CONSTRUCTION CONTRACT

Award a construction contract to T. K. Browne Construction Company, Inc. for a total amount of \$1,663,255.

Note: The project site is located between Johnston and Rea Roads, beginning from the confluence of Four Mile and McAlpine Creeks and following the Four Mile Creek upstream to Rea Road. Construction will add approximately one and a half miles of greenway trail to the existing McAlpine Greenway system, a bridge over Four Mile Creek at Johnston road and a small parking lot and restroom shelter on Johnston road.

(12) BRADFORD PARK TURF & IRRIGATION – CONSTRUCTION CONTRACT

Award a construction contract to Ingle & Son Landscape & Irrigation, Inc. for a total amount of \$303,765.67 for work at Bradford Park.

(13) MYERS PARK TRINITY LITTLE LEAGUE AND CHARLOTTE JUNIOR SOCCER AGREEMENTS

Authorize the County Manager to negotiate and execute lease agreements with Myers Park Trinity Little League and Charlotte Junior Soccer to operate and maintain athletic fields at Randolph, Grier Heights, Independence, Freedom, Latta and Pearl Street Parks.

(14) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of \$5,609 for General Services and \$4,266 for Park and Recreation.

Note: All reimbursements are for stolen and damaged items.

(15) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

1) Adopt a resolution titled, "Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to Thomas and Linda Hamilton, owners of Down to the Bone Restaurant."

2) Direct Clerk to the Board to advertise the Notice of Intent.

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

(16) LAND EXCHANGE WITH WESTMORELAND COMMUNITIES, LLC

1) Adopt a resolution authorizing the County Manager to negotiate, execute and implement the exchange of +/- 45.1 acres of Tax Parcel 005-071-12 (Robbins Park site) for a +/- 55.8-acre portion of Tax Parcel 005-071-11, both located off Catawba Avenue in Cornelius; and

2) Authorize the County Manager to modify the County's current lease with the Town of Cornelius to include the correct properties to be developed and managed as a park as a result of the above land exchange and to include management by the Town of that portion of the County's property designated as nature preserve.

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

(17) AREA MENTAL HEALTH GRANT APPLICATIONS

1) Approve submission of the following separate, multi-year applications for Shelter Plus Care (SPC) programs:

- a) Grant for \$415,740 for fiscal years beginning March 2007 thru March 2008;
- b) Grant for \$298,620 for fiscal years beginning September, 2007 thru August 2008; and

2) Recognize, receive and appropriate the amount of the awards when received.

(18) LITTLE SUGAR CREEK GREENWAY DEVELOPMENT

Award a contract to Lee Construction Company of the Carolinas Inc. in the amount of \$567,000 for the development of Little Sugar Creek Greenway.

(19) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

These records are comprised of:

- 392 commercial plans permitted March 2005
- 2,715 Contractor Activity Notices - 10/6/05 - 2/7/07
- 798 City USDC Reports - 7/90 - 7/06
- 1,096 County USDC Reports - 1/89 - 7/06
- 1,525 Credit Refunds - 2/95 - 1/07
- 3,191 Dead Bonds - 2003 - 2006

(20) BELLSOUTH AT&T IP RENEWAL AGREEMENT

Approve extension of contract with BellSouth AT&T for data communication (IP Services).

Note: The County entered into a joint contract with BellSouth for data communication (IP Services) in the spring of 2004. The contract was for 36 months and will end in March/April 2007. In examining the current data environment (primarily for Park & Recreation and the Department of Social Services), the County team found that the most significant change has been the need for new improved services at DSS and maintaining the competitive rates that Park & Recreation has enjoyed under the current agreement. The new contract will be non-exclusive with a term of 36 months for pricing and includes terms and commitments that allow the County flexibility in moving in and out of technologies as appropriate. The renewal also allows for more growth and better options for almost the same price currently being applied by Park and Recreation and the Department of Social Services.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

STAFF REPORTS AND REQUESTS

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(22) TEN YEAR PLAN TO END HOMELESSNESS (COMMISSIONER MITCHELL)

Commissioner Helms returned to the dais.

The Board received a presentation on the Ten-Year Plan to End Homelessness Report.

The report was presented by Chris Wolfe, Executive Director of A Way Home.

The report addressed a Ten-Year Plan Implementation Strategy that consists of three goals:

- Goal 1: Get Homeless Families & Individuals Into Safe, Appropriate Housing As Soon As Possible
- Goal 2: Link Chronic Homeless to Housing, Treatment and Services Through Intensive Outreach and Engagement
- Goal 3: Prevention: Promote Housing Stability of People Most At-Risk of Becoming Homeless

The report also addressed What's Essential For Successful Implementation, which consisted of:

- Establishing a dedicated funding source
- Creating a Leadership/Accountability Structure
- Focusing on Measurable Results; and
- Building Political and Community Will

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

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms, to support and endorse the Ten-Year Plan to End Homelessness and that the Board and staff work very closely with all of the stakeholders to achieve the goals of the Plan.

Commissioner Helms said that "Building Political and Community Will" as outlined in the Plan, must happen first if this Plan is going to succeed. He said somehow this message has to be conveyed. He said "you must create the political will and the community will to intervene in the trends that are obvious becoming a greater burden on the community." He said before there's any real commitment out of the political arena, the community has to understand that this is an

issue that has consequences far beyond what's sometimes "trivialized."

Commissioner Helms said homelessness can't be solved in ten years, but that if you don't have a plan and if there's no commitment towards moving in that direction, the problem will only get worse.

Commissioner Bishop said he could not endorse the Plan and that he doesn't want to discourage those that have worked on this Plan and continue to work with respect to this issue, but he thinks one problem is that "just because there's a Plan doesn't mean it's the right Plan."

Commissioner Bishop said he has "deep misgivings" about an idea that "we can improve people's lives and avoid homelessness, treat the symptoms of homelessness by providing more massively for people to be housed long term or cared for by the government long term."

Commissioner Bishop said he believes government should do everything that it can to "temporary" relieve poverty including people being homeless but he thinks it's a "bad" step for government to become the final responsible party for providing housing for folks.

Commissioner Bishop said he would like to see the same sort of "new and radical" ideas to address reform of non-cash welfare benefits, including housing and Medicaid as has been so "remarkably" successful in the field of cash benefits.

Commissioner Bishop said he would like to see the County ask for waivers from federal government agencies, so that the County can attempt non-cash welfare benefits reform. He said he would like to see initiatives to promote home ownership and more independence and self-sufficiency.

Commissioner Clarke said he supports the Plan but he was not aware that the Board would be asked tonight to endorse the Plan. He said he would have liked having an opportunity to study it more.

Commissioner Clarke said he could endorse it in concept but that he can't say at this point that they he endorses everything that's in the Plan.

Commissioner Clarke said this was a "challenging" issue and that it will become even more challenging as the County and the region become more urban.

Commissioner Bentley said she too, would like more time to further study the Plan before being able to go on record as endorsing the Plan.

Commissioner Bentley said it was her understanding that what Mr. Wolfe was asking was for the Board to endorse the work of County staff as it relates to this Plan.

Mr. Wolfe in response to Commissioner Bentley's statement said that she was correct and that he also wanted the Board to endorse the work that has been done in developing the Plan and to endorse going into the planning process and creating the planning process.

Substitute motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, and Roberts, voting yes, to receive as information the Ten-Year Plan to End Homelessness and to ask staff and Mr. Chris Wolfe, and others to take the next steps that have been outlined in the report.

It was noted that the above motion was not "an endorsement" of the Plan.

Chairman Roberts said she feels that it's only through collaboration with public and private sectors working together that we can approach a solution to this problem.

COMMISSION COMMENTS – None.

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke, and carried 6-0, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:00 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman