

**MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

**MAY 15, 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, May 15, 2007.

**ATTENDANCE**

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

**Absent:** Commissioner Bill James

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**-INFORMAL SESSION-**

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

**(1A) STAFF BRIEFINGS - NONE**

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

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

Tax Parcel # 007-191-04 located at 16912 Davidson-Concord Road.

*Commissioners Helms and Woodard left the meeting and were away until noted in the minutes.*

Attorney Bethune announced that included also under Land Acquisition was a discussion of Cavalier Apartments. Attorney Bethune said Consult with Attorney included lawsuits, Jerry Reese vs. Mecklenburg County and Charlotte-Mecklenburg Schools and Jerry Reese vs. Mecklenburg County and the City of Charlotte. It was also noted that there was no Personnel Matter to be discussed.

Motion was made by Commissioner Ramirez seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult with Attorney.

*Commissioners Helms and Woodard returned to the meeting immediately voting following the above vote.*

*The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:20 p.m.*

Motion was made by Commissioner Ramirez seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to acknowledge the omission from the motion to go into Closed Session the announcement that Consult with Attorney also dealt with the lawsuit of Lynn Becker and Brenda Jackson vs. Mecklenburg County.

**(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.*

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**-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) CHARLOTTE-MECKLENBURG STORM WATER SERVICES VOLUNTEER RECOGNITION**

The Board recognized Volunteers of the Adopt-A-Stream and Storm Drain Marking Programs.

They were introduced by Rusty Rozzelle, Water Quality Program Manager.

*Note: The Board acknowledged the contribution of Charlotte-Mecklenburg volunteers toward maintaining the quality and usability of our valuable surface water resources. Volunteers that participate in the Adopt-A-Stream Program are assigned a section of stream that they walk a minimum of twice a year removing trash and debris. The volunteers also document pollution problems that are turned over to County staff for elimination. Since 2000, volunteers have completed over 400 stream cleanups and removed over 55 tons of trash from the County's waterways. Volunteers participating in the Storm Drain Marking Program place markers on storm drains that read "Do Not Dump, Drains To Creek" in both English and Spanish. This serves as a valuable educational tool for preventing illegal dumping of waste oil, paint and other pollutants down these drains, which negatively impacts water quality. Since the Storm Drain markers were initiated in 2003 volunteers have marked 5,760 storm drains in Charlotte-Mecklenburg.*

**(1B) DSS ELIGIBILITY WORKERS WEEK**

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating May 21- 25, 2007 as DSS Eligibility Workers Week in Mecklenburg County.

*The proclamation was read by Commissioner Helms and received by Richard Jacobsen, Director of Social Services.*

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

**(1C) OLDER AMERICANS MONTH**

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating May 2007 as Older Americans Month in Mecklenburg County.

*The proclamation was read by Commissioner Bishop and received by Richard Jacobsen, Director of Social Services and Debora Sparks, Executive Director of Charlotte-Mecklenburg Council on Aging.*

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

**(1D) NATIONAL ORGANIZATION OF BLACK COUNTY OFFICIALS WELCOMED**

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation welcoming the National Organization of Black County Officials to Mecklenburg County.

*Note: The National Organization of Black County Officials, Inc. (NOBCO) will hold its 23<sup>rd</sup> Annual Economic Development Conference in Mecklenburg County May 17-20, 2007.*

*The proclamation was read by Commissioner Mitchell and received by Elizabeth Humphrey, Initiative Liaison, Prince George's County Council and Linda L. Haithcox, Executive Director of NOBCO.*

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

**(1E) JUST PULL 'EM UP DAY**

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a joint proclamation designating May 19, 2007 as Pull'em Up Day and May 20, 2007 as Students Together Against Recklessness Day in Charlotte and Mecklenburg County.

*The proclamation was read by Commissioner Woodard and received by Blanche Penn and Dwayne Collins.*

*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:

Beverly Dorn-Steele with WTVI and Seymour Goodstuff (Station Mascot) addressed WTVI's Ready To Learn Literacy Service program.

Martin Davis addressed abortion in Mecklenburg County.

Marc Gustafson addressed "Guys Read" a literacy program for teenage boys being championed by the Public Library of Charlotte & Mecklenburg County and Friends of the Library.

*Chairman Roberts thanked all speakers for appearing.*

**(3A) NOMINATIONS/APPOINTMENTS**

## **ALCOHOLIC BEVERAGE CONTROL BOARD**

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Mary Richardson and Elton Shoemaker to the Alcoholic Beverage Control Board for three-year terms expiring June 30, 2010.

## **BOARD OF MOTOR VEHICLE REVIEW**

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Tommie Blakeney, Charles Roberts, Jr., and Andrew Sliwinski to the Board of Motor Vehicle Review for one-year terms expiring July 18, 2008.

Motion was made by Commissioner Clarke, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to waive the Board's two-step appointment process and allow the two applicants, Charles Boozer and James Bowers to be nominated and appointed at tonight's meeting to the Board of Motor Vehicle Review for one-year terms expiring July 18, 2008.

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint Charles Roberts, Jr. as Chairman of the Board of Motor Vehicle Review for the duration of his term.

*Prior to the above vote, the Board asked Tax Assessor, Garrett Alexander to comment on the appointment of a new chairman of the Board of Motor Vehicle Review. Director Alexander recommended Charles Roberts, Jr., who has the longest tenure on the committee.*

## **CENTRAL PIEDMONT COMMUNITY COLLEGE (CPCC) BOARD OF TRUSTEES**

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to waive the Board's term limitation policy and reappoint Roni-Marzetta Jones to the Central Piedmont Community College Board of Trustees for a four-year term expiring June 30, 2011.

*Prior to the above vote, Commissioner Bishop expressed concern for the request to waive the Board's term limitation policy. He said he recalls this occurring in the past for CPCC and that the reasons for the extensions have not been that extraordinary. He suggested, nevertheless, that perhaps consideration needs to be given as to whether term limitations should be applicable to boards of trustees.*

## **CITIZEN'S TRANSIT ADVISORY GROUP**

Motion was made by Commissioner Helms seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Robert Bischoff and Robert Zuckerman to the Citizen's Transit Advisory Group for two-year terms expiring June 30, 2009.

## **CMUD ADVISORY COMMITTEE**

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Keva Walton to the Charlotte-Mecklenburg Utility Department Advisory Committee for a three-year term expiring June 30, 2010, representing the neighborhood category.

## **JURY COMMISSION**

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Gail Gibson to the Jury Commission for a two-year term expiring June 30, 2009.

## **PARK AND RECREATION COMMISSION**

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint John Barry, Owen Furuseth, Scott McClure, and Bradley Pearce to the Park and Recreation Commission for three-year terms expiring June 30, 2010.

The following persons were nominated for appointment consideration to the Park and Recreation Commission as a Central Park District 1 representative:

Brian Fincher	by Commissioner Woodard
Beverly Lawston	by Commissioner Woodard

*An appointment will occur on June 5, 2007.*

## **PERSONNEL COMMISSION**

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Linda Lancaster and William Wilder to the Personnel Commission for three-year terms expiring June 30, 2010.

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to waive the Board's two-step appointment process and allow the three applicants, Andrea Corbett, Jack Holbein, and Christine Schmid to be nominated and appointed at tonight's meeting to the Personnel Commission to fill unexpired terms expiring June 30, 2008 (Corbett and Holbein) and a three-year term expiring June 30, 2010 (Schmid).

## **PLANNING COMMISSION**

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Julie Chiu to the Planning Commission for a three-year term expiring June 30, 2010. Secondly, to allow the name of Lucia Zapata Griffith to be added to the list of applicants and that she be nominated for appointment consideration as requested by Commissioner Ramirez.

The following persons were nominated for appointment consideration to the Planning Commission:

Lucia Zapata Griffith	by Commissioner Ramirez
Emma Allen	by Commissioner Mitchell
Stephanie Carter	by Commissioner Woodard
Steven Firestone	by Commissioner Clarke
John Flynn	by Commissioner Woodard
Ben Griffith	by Commissioner Woodard
Anthony Jinwright	by Commissioner Woodard
Mike Kemmet	by Commissioner Woodard
Rodney Moore	by Commissioner Woodard
Brian Trippodo	by Commissioner Woodard

*An appointment will occur on June 5, 2007.*

**PUBLIC BROADCASTING AUTHORITY**

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Edward Lewis to the Public Broadcasting Authority for a three-year term expiring June 30, 2010.

The following persons were nominated for appointment consideration to the Public Broadcasting Authority:

Ronnie Bryant	by Commissioner Helms
Hilda Gurdian	by Commissioner Helms
Kimberly Henderson	by Commissioner Helms
Lal Vishin	by Commissioner Helms

*Appointments will occur on June 5, 2007.*

**REGION F AGING ADVISORY COMMITTEE**

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Clarissy Knox to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2009.

The following persons were nominated for appointment consideration to the Region F Aging Advisory Committee:

Judy Clemons	by Commissioner Woodard
Albert Lyles	by Commissioner Woodard

*An appointment will occur on June 5, 2007.*

**STORM WATER ADVISORY COMMITTEE – ITEM REMOVED**

**WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Spice Vice to the Waste Management Advisory Board for a three-year term expiring June 1, 2010.

## **WOMEN'S COMMISSION**

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Barbara Bondra and Julie Owens to the Women's Commission for three-year terms expiring June 30, 2010.

### **(3B) APPOINTMENT – ZONING BOARD OF ADJUSTMENT CITY OF CHARLOTTE SLOT – ITEM REMOVED**

### **(3C) BUSINESS EXPANSION FUNDING CORPORATION BOARD APPOINTMENTS**

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to defer action on appointing four (4) of the County's nine (9) Business Expansion Funding Corporation Board (BEFCOR) membership appointees until September 2007.

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to extend the terms of current members Maggi Braun, C. Morgan Edwards, Ellie McIntire, and James Peterson, whose terms were scheduled to expire April 30, 2007, until September 30, 2007.

*Note: BEFCOR is a non-profit Certified Development Company (CDC) authorized by the U.S. Small Business Administration (SBA) to make loans under the SBA 504 Loan program. CDC's market the program and processes, approves, closes and services the loans. BEFCOR works with private-sector lenders to help owner-occupied businesses obtain up to 90% financing for fixed assets such as buildings and long-term machinery and equipment. The CDC was chartered in 1982 by the City of Charlotte to promote opportunities for development and job creation through economic development lending. The BOCC appoints 9 of the organization's 27 members, with City Council appointing 12 members and the Mayor appointing 6 members. In 2006 BEFCOR assisted 38 businesses, providing \$18.7 million in financing, representing approximately 40% of \$48.4 million in new business investments.*

*The BEFCOR Board is requesting the BOCC to defer action on making any further new appointments until September 30, 2007, thereby, allowing the Board's existing leadership and members to complete its planning and committee restructuring process for its new fiscal year, beginning October 1st. As part of the restructuring it is anticipated that BEFCOR's by-laws will undergo revisions that may require approval by the City Council and BOCC prior to this time.*

## **PUBLIC HEARINGS**

### **(4A) STREET LIGHTING ASSESSMENTS**

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez,

Roberts, and Woodard voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions. Secondly, to open a public hearing on Street Lighting Preliminary Assessment Resolutions for Mecklenburg County's participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

No one appeared to speak.

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing and adopt Final Assessment Resolutions for Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

*Resolutions recorded in full in Minute Book 43-A, Documents # \_\_\_\_\_ - \_\_\_\_\_.*

**(4B) STORM WATER FEE INCREASE – MINOR SYSTEM**

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open the public hearing to hear comments related to a proposed increase in the Storm Water fee for the minor system inside the City of Charlotte.

Dave Canaan with Storm Water Services and Tim Richards with the City of Charlotte addressed the proposed fee increase.

No one from the public appeared to speak.

*Note: The current long-range plan for Charlotte Storm Water Services includes annual increases in the City's minor system storm water fee, coupled with bond funding, in order to finance ongoing response to new and backlogged citizen requests for service. The City of Charlotte Storm Water Services is requesting a 7.0% fee increase for FY08, which combined with proceeds from the sale of bonds, will fund planned Capital Improvement Projects and work addressing request for services.*

Commissioner Bishop asked that the Board be provided a history of the fee increases associated with the minor system when this matter comes back before the Board.

Commissioner Helms requested information on the amount of the fee that is collected on a single-family home and on the other impervious surfaces, the ones that are charged by the acre.

Commissioner Helms said it seems to him that the large asphalt parking places pay substantially more than they would have otherwise.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on a proposed increase in the Storm Water fee for the minor system inside the City of Charlotte.

**(4C) STORM WATER FEE INCREASE – MAJOR SYSTEM**

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and



unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open the public hearing to hear comments related to a proposed increase in the Storm Water fee for the major system component of the Storm Water fee.

Dave Canaan with Storm Water Services addressed the proposed fee increase.

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

No one from the public appeared to speak.

*Note: The Mecklenburg County Land Use and Environmental Services, Storm Water division, proposes an expansion of the current pay-as-you-go Capital Improvement Program (CIP). The project will increase the current \$5,500,000 CIP to \$8,200,000 to addresses major creeks, water quality, stream stability and flood risks within Mecklenburg County. Due to lack of sufficient local storm water funding in FY07, the County was unable to pursue approximately \$2,000,000 in State and federal grants that would be used to restore degraded streams, enhance aquatic habitat and implement flood mitigation measures consistent with County adopted Flood Mitigation Plans. This project is based on the historical funding arrangement of 65% federal/state and 35% local funding. Funding this expansion will result in a 21-cent (16.5%) increase in the Storm Water major system fee – from \$1.06 to \$1.27. The last increase in the major system fee was a 16-cent increase in FY2005.*

Commissioner Mitchell asked was there a video available to the public depicting the County's storm water projects. *The response was yes and that persons can go on-line and pull up the City/County Storm Water website, [www.stormwater.charmeck.org](http://www.stormwater.charmeck.org) for information.*

Commissioner Bishop asked that the Board be provided a history of the fee increases associated with the major system when this matter comes back before the Board.

Motion was made by Commissioner Mitchell, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, and Roberts voting yes, to close the public hearing on the proposed increase in the Storm Water fee for the major system component of the Storm Water fee.

*Commissioner Woodard returned to the dais.*

#### **(4D) POST CONSTRUCTION STORM WATER ORDINANCE – ITEM REMOVED**

#### **(2A2) CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Bentley, seconded by Commissioner Bishop and carried 6-2 with Commissioners Bentley, Bishop, Helms, Ramirez, Roberts, and Woodard voting yes and Commissioners Clarke and Mitchell voting no, to approve the purchase price for tax parcel 007-191-04 (9.93 acres) at 16912 Davidson-Concord Road from Allain and Mary Catherine Andry for \$1,218,000 conditioned upon adoption of a capital project ordinance by the Board of County Commissioners for funding for purchase of the property on or before February 1, 2008 either (1) after approval of a bond package in November 2007 or (2) after approval of other means of financing approved by the Board of Education and Board of County Commissioners.

#### **(5) ADVISORY COMMITTEE REPORTS – NONE**

*Commissioners Bishop and Mitchell left the dais and were away until noted in the minutes.*

#### **CONSENT ITEMS**

**Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and**

carried 6-0, with Commissioners Bentley, Clarke, Helms, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s):

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held May 1, 2007, including Closed Session held May 1, 2007 (Items 2a1, 2a2 & 2d1).

**(8) TAX REFUNDS**

Approve refunds in the amount of \$4,870.59 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) NON-ROAD CONSTRUCTION EQUIPMENT RETROFIT GRANT**

Recognize, receive and appropriate \$5,000 in additional Federal revenue for FY07 to align the budget with the actual allocation received from EPA for the Equipment Retrofit Grant which was approved by the BOCC on 10/17/2006 in the amount of \$20,000.

**(10) MCDOWELL CREEK BMP – RAIN GARDENS**

1) Authorize the County Manager to execute a construction contract with L-J, Inc. in the amount of \$758,346.20 for the construction of rain gardens.

2) Authorize County Staff to accept and record associated easements related to the project.

*Note: This project will include the construction of 13 rain gardens for the purpose of water quality improvement in the McDowell Creek Watershed draining to Mountain Island Lake (drinking water supply). This project is funded by Clean Water Management Trust Fund (CWMTF), North Carolina Department of Natural Resources (NCDENR), and Mecklenburg County.*

**(11) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS**

Amend the LUESA Fee Ordinance to reflect new or modified fees for Floodplain Development, Charlotte-Mecklenburg Certified Site Inspector (CMCSI) certification and Land Development.

*Note: A second reading will be required since all Commissioners were not present. This matter will be placed on the June 5, 2007 agenda for a second vote.*

**(12) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT**

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

*Note: A second reading will be required since all Commissioners were not present. This matter will be placed on the June 5, 2007 agenda for a second vote.*

**(13) HISTORIC LANDMARKS COMMISSION INTERLOCAL COOPERATION AGREEMENT**

Adopt a resolution approving and authorizing the County Manager to sign an Interlocal

Cooperation Agreement for the Charlotte Mecklenburg Historic Landmarks Commission between Mecklenburg County, City of Charlotte and Town of Pineville.

***Resolution Approving Interlocal Agreement  
For Historic Landmarks Commission  
With City Of Charlotte And Town Of Pineville***

*WHEREAS, N. C. General Statute 160A-460, et seq., authorizes units of local government to jointly exercise any function which they have been granted the power to exercise alone, or to contract with the other for the exercise of any governmental function which they have been granted the power to exercise alone, and to enter into contracts and agreements to specify the details of these joint undertakings; and*

*WHEREAS, the City of Charlotte and Mecklenburg County agreed to create the Charlotte-Mecklenburg Historic Landmarks Commission (“HLC”), a joint preservation commission, which would handle the process of designating historic properties in the City or the unincorporated areas of the County; and*

*WHEREAS, The HLC has provided consulting services to other municipalities in the County to assist those municipalities with designating landmarks in their communities; and*

*WHEREAS, the HLC wishes to formalize those relationships and become a joint planning agency for historic preservation issues through new Interlocal Agreements; and*

*WHEREAS, the addition of new municipalities through the Interlocal Agreements will not result in changes to the method of funding of the HLC, or the selection of its members by the City and the County; and*

*WHEREAS, the HLC will not gain additional members as other municipalities join; and*

*WHEREAS, in order to formalize these relationships, the City, the County and Pineville will need to enter into a new Historic Landmarks Commission Interlocal Cooperation Agreement which allows for the addition of additional municipalities, but only after the City Council and County Commission approve the addition of new municipalities to the joint preservation commission; now, therefore, be it*

*RESOLVED by the Mecklenburg County Board of Commissioners that the Chairman of the Board of Commissioners is hereby authorized and directed to execute the Interlocal Agreement for the Historic Landmarks Commission, and that this Resolution shall be made a part of the minutes of the Board of Commissioners.*

***Resolution recorded in full in Minute Book 43-A, Document # \_\_\_\_\_.***

**(14) SALE OF DE-CERTIFIED VOTING EQUIPMENT – ITEM REMOVED**

**(15) ROADWAY REALIGNMENT AT MALLARD CREEK COMMUNITY PARK**

Approve conveyance to the City of Charlotte of fee simple right-of- way (3,961 sq. ft.), permanent sidewalk easements (100 sq. ft.) and temporary construction easements (13,020 sq. ft.)

from Tax Parcels 029-342-33, 029-342-40 and 029-145-43 at Johnston-Oehler Road and Mallard Creek Road for roadway and intersection improvements.

**(16) NATIONAL ENDOWMENT FOR THE ARTS – LEARNING IN THE ARTS FOR CHILDREN AND YOUTH (COMMUNITY BASED) - GRANT**

- 1) Approve submission of application for the National Endowment for the Arts – Learning in the Arts for Children and Youth (Community Based) grant – 2007.
- 2) Recognize, receive and appropriate funds if grant is awarded by the National Endowment for the Arts.
- 3) Authorize the carry forward to FY2009 of any unspent funds at June 30, 2008.

*Note: Mecklenburg County Park and Recreation Department is requesting approval to apply for and receive, if awarded, a National Endowment for the Arts Grant for a maximum of \$50,000. The Therapeutic Recreation Division will utilize the grant to provide a community based arts program for teens designed to provide a positive outlet for creative expression. The program will focus on mural design and develop a means of re-directing negative graffiti displays. This art program will aid in the development of these artistic skills into positive community assets. If the grant is awarded, funds up to \$50,000 will be received in fiscal year 2008. The grant requires a 50% match which would come from Park and Recreation Department's operating budget.*

**(17) US DEPARTMENT OF EDUCATION – RECREATION PROGRAMS FOR INDIVIDUALS WITH DISABILITIES – GRANT**

- 1) Approve submission of application for the US Department of Education – Recreation Programs for Individuals with Disabilities – Grant.
- 2) Recognize, receive and appropriate funds if grant is accepted by the US Department of Education.

*Note: Mecklenburg County Park and Recreation is requesting approval to apply for and receive, if awarded, a US Department of Education Grant for up to \$140,000 for the three-year funding cycle. The Therapeutic Recreation Division will utilize the grant to focus on the expansion of community-based recreation and leisure programs for persons who have disabilities. The County, if awarded this grant, will be required to match the grant at the following rates: FY2008 - 0%, FY2009 - 25%, FY2010 - 50%. The County's match would come from the Park and Recreation Department's operating budget. If the grant is awarded \$46,667, one third of \$140,000, will be received in fiscal year 2008.*

**(18) PARK AND RECREATION BUDGET AMENDMENT**

Amend the Park and Recreation Department budget to recognize and appropriate \$12,250 revenue and expenses for a senior trip to Charleston and authorize carry forward to FY2008 any funds unspent at June 30, 2007.

**(19) INSURANCE REIMBURSEMENTS**

Approve, recognize and appropriate insurance reimbursements in the amount of \$9,296 for General Services Department.

*Note: All reimbursements are for stolen or damaged items.*

**(20) ATHLETIC UNIFORMS – PARK AND RECREATION**

Approve unit price contract for providing athletic uniforms based on available funding to Park and Recreation for a term of two years and authorize the County Manager to renew contract up to three (3) additional one-year terms with In the Game Athletics. The contract should not exceed \$250,000.

**(21) FUNDING ADJUSTMENT – AREA MENTAL HEALTH AUTHORITY**

- 1) Approve, recognize, receive and appropriate one-time State Developmental Disability

Community Capacity funds in the amount of \$2,725.

*Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for the purpose of providing service/equipment needs for consumer.*

2) Approve, recognize, receive and appropriate State funds in the amount of \$360,650 for Crisis Services Start-up Funding and authorize carry over of the unspent portion at June 30, 2007.

*Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for the purpose of developing crisis services contained in the Crisis Services Plan.*

3) Reduction of \$780,228 in state funds for one-time de-allocations for Child and Adult Developmental Therapy funding.

*Note: This Board Action is necessary due to a de-allocation received from the North Carolina Division of MH/DD/SA Services. This is a result of a review of the utilization of Developmental Therapy funding to realign funds due to the loss of Community Based Services to individuals that were not able to move onto the CAP-MR/DD waiver.*

4) Approve, recognize, receive and appropriate Medicaid funds in the amount of \$130,000 to be used for computer purchases in the Children's Developmental Services Program.

*Note: This Board Action is necessary to facilitate the purchase of desktop computers and laptops for staff in the Children's Developmental Services Program in accordance with County IST requirements and standards.*

**(22) SCHOOL JOINT USE AGREEMENTS – PARK AND RECREATION**

Approve joint use agreements with Charlotte-Mecklenburg Schools for Hucks Road Elementary School, Elon Park Elementary School and the Amended and Restated Master Agreement for Development of Playgrounds.

*Agreements recorded in full in Minute Book 43-A, Document #'s \_\_\_\_\_ & \_\_\_\_\_.*

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

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

<u>Program Name</u> <u>Allocation</u>	<u>Sponsoring Agency</u>	<u>Proposed FY08</u>
Intensive FACET	DSS-Youth and Family Services	\$272,857
Court Psychologist	Elon Homes for Children	144,887
Theft Diversion Program	Life Connections, Inc.	39,550
Multi Systemic Therapy (MST)	Alexander Youth Network	80,000
Restitution	Present Day Cares	169,770
MST/Emergency Placement	Youth Homes, Inc.	452,806
JCPC Support	County Manager's Office	5,500
<u>Reserved</u>		<u>257,839</u>
Total		\$1,423,209

**(24) CMS LEARNING COMMUNITY OFFICES LEASES**

Approve Resolution for Board of Education Leases for Learning Community Offices.

*Resolution recorded in full in Minute Book 43-A, Document # \_\_\_\_\_.*

**(25) ACQUISITION FOR LINCOLN HEIGHTS PARK SITE**

Approve the purchase of Tax Parcels 075-043-31 and 075-043-32 on Jennings Street, owned by heirs of Mary Fowler Smith, for \$3,500 each (\$7,000 total).

*Note: The property is essential for the assemblage of the Lincoln Heights neighborhood park site.*

**(26) PARK & RECREATION DEPARTMENT REVENUE & PRICING POLICY FOR FY 2007-2008**

Approve new fees and changes to existing fees to the Park & Recreation Department Revenue & Pricing Policy for FY 2007-2008.

*Policy recorded in full in Minute Book 43-A, Document # \_\_\_\_\_.*

**(27) GREENWAY DONATION**

Accept donation of +/- 2.959 acres (floodplain portion of Tax Parcel 223-031-12 and all of Tax Parcel 223-031-91) off Lancaster Highway on Clems Branch from Dexter Yager Property/Yager Family Partnership, LLC.

*Note: The above greenway donation was identified and arranged through the subdivision approval process for Providence Gardens located off Lancaster Highway in the southern portion of the County.*

**(28) POST-CONSTRUCTION STORM WATER ORDINANCE – SET PUBLIC HEARING**

Set public hearing to receive comments on the Mecklenburg County Post-Construction Ordinance for June 5, 2007 at 6:30 p.m.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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*Commissioners Bishop and Mitchell returned to the dais.*

**MANAGER'S REPORT**

**(6A) PRESENTATION OF COUNTY MANAGER'S RECOMMENDED FY2007-08 BUDGET**

County Manager Jones presented his recommended budget for FY2007-08. He was followed by Budget/Management Director Hyong Yi who presented key details of the County Manager's recommended budget for FY2007-08 with respect to revenues and expenses.

Highlights:

- The proposed budget for FY2007-08 is \$1.46 billion, which would require an increase in

- the County's property tax rate by 3.25 cents
- This budget is the first-year funding of a three-year business plan designed to make progress toward the Board's 2015 goals and is consistent with the Board's strategic emphasis for the first year of the plan.
- The challenge for the Board continues to be how to balance growth and the competing service demands and citizen expectations for government services while maintaining a competitive and affordable property tax rate.
- The Board of Education has requested \$346.5 million in operational funding from the County, an increase of \$30.4 million from the current fiscal year.
- The County Manager's proposed budget recommends a \$25.2 million increase for Charlotte-Mecklenburg Schools.
- The appropriation of an additional \$10 million is being recommended to fund the County's annual required contribution of Other Post Employment Benefits.
- The recommendation is to expand the range of merit increases available to County employees from 0-5% to 0-7%.
- Costs for medical insurance is increasing only 7% next year, which is one of the smallest increases experienced in recent years.
- The increase in total compensation for FY2007-08 is \$12.9 million.
- It is recommended that the first \$9 million of the expected \$15 million in education lottery proceeds will be used to pay for CMS debt service for the construction and/or renovation of schools.
- It is recommended that pay-go be funded at 75% of the value of the half-cent sales tax. This would increase paygo funding from the current year by \$20.3 million.
- Funding paygo at this amount will save County taxpayers significant interest costs over the next twenty years.
- If the Board wants to avoid a tax increase, a reduction of approximately \$30 million would be required.
- The public hearing on the proposed budget is scheduled for May 24, 2007 at 6:00 p.m.
- The budget workshops are scheduled for May 29 -31.
- The FY08 budget is scheduled for adoption on June 5, 2007.
- Citizens can access the proposed budget by going to [www.mecklenburgcountync.gov](http://www.mecklenburgcountync.gov)

Director Yi thanked all those involved in the preparation of the proposed FY08 budget.

Chairman Roberts also expressed thanks to staff for its work.

#### Comments

Commissioner Helms commented on the growth in the value of the tax base, which he said was significant.

Commissioner Helms asked would the Board be able to go on-line and access the proposed budget and make adjustments as they've done in the past. *The response was yes.*

Commissioner Helms invited the public to go on-line to access the proposed budget "My County Budget" and develop a proposed budget of their own, deciding what they would remove and/or add to the proposed budget.

Commissioner Clarke commented on Charlotte-Mecklenburg Schools' (CMS) budget request. He noted that CMS requested \$346.4 million and the County Manager is recommending \$341.4 million, which is a \$25.2 million increase.

Commissioner Clarke asked was the County Manager's proposed amount consistent with the CMS funding guidelines that the Board has used as a tool. *The response was yes.*

Commissioner Clarke asked about the per pupil amount and what was the proposed percentage of increase from 07 to 08. *The response was 3.8%.*

Commissioners Clarke and Ramirez asked for clarification about the lottery proceeds and an alternative option, which was addressed.

Commissioner Bishop asked about growth revenues. *The response was that the amount for FY08 is \$70 million.*

Commissioner Bishop asked how that compares to last year's amount. *Staff said it would report back on that.*

Commissioner Bishop asked was it correct to say that if the Board "sharpened its pencils" and just spent another \$70 million in FY08, then the Board could avoid having a tax increase. *The response was yes.*

Commissioner Woodard asked had the Ryan White grant funds been considered with respect to services concerning HIV/AIDS. *The response was that agencies seeking funding from the County for the provision of HIV/AIDS services have been informed that the County has applied for Ryan White grant funds and if received those applicable agencies would have to go through the Health Department. Also, that staff would provide the Board with a list of those agencies that applied for HIV/AIDS funding and that would qualify to receive Ryan White grant funding.*

***Commissioner Bishop left the meeting and was absent for the remainder of the meeting.***

Chairman Roberts noted for the public's awareness that the proposed budget presented by the County Manager was the operating budget and not the capital budget, which would be forthcoming.

Staff noted in response to Commissioner Bishop's question about FY07 growth revenue that the amount was \$63.3 million.

Commissioner Clarke noted that included in the FY08 growth revenue amount of \$70 million was the \$5.6 million increase in what's being taken out of fund balance, so the FY07 and FY08 growth revenue is really about the same. *The response that yes, included in the \$70 million was the increase in fund balance spending.*

Commissioner Clarke said this means the County's growth revenue for FY08 is about \$6.7 million more than FY07. *The response was that that would be about right.*

***A copy of the proposed budget is on file with the Clerk to the Board.***

This concluded the presentation of the County Manager's recommended budget.

No action was taken or required at this time.

## **STAFF REPORTS AND REQUESTS - NONE**

## **COMMISSION COMMENTS – NONE**

## **ADJOURNMENT**

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, and carried 7-0, with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:04 p.m.