

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JUNE 19, 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, June 19, 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 Woodard 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 – NONE

**(2A) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND
B) CONSULT WITH ATTORNEY**

Prior to going into Closed Session, Attorney Bethune announced that the Consult with Attorney matter had to do with the lawsuits of Jerry Alan Reese vs. Mecklenburg County and Charlotte-Mecklenburg Schools and Jerry Alan Reese vs. Mecklenburg County and the City of Charlotte, and Carnes v. Pendergraph (06-CVSo23632).

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss the following matters: Business Location and Expansion and Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:05 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 9, 19, 20, and 25.

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

-FORMAL SESSION-

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

PROCLAMATIONS AND AWARDS

(1A) RAGGS DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a joint proclamation designating June 20, 2007 as “Raggs” Day in Charlotte and Mecklenburg County.

Note: Raggs Kids Club Band will hold its National Tour Kickoff event on Wednesday, June 20 at 10:30 a.m. at Freedom Park. The kickoff is being sponsored by WTVI and Raggs, LLC. Raggs, LLC is a Charlotte-based children’s entertainment, production and touring company. This summer Raggs, LLC will launch a new television series titled “Raggs” on PBS stations in 10 major markets. The show will begin airing on WTVI, UNC-TV and SCETV on June 1st. “Raggs” is already airing successfully in Australia.

The proclamation was read by Commissioner Bentley and received by Ms. Toni Steadman with Raggs, LLC.

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

(1B) RECOGNITION OF CMS STUDENTS

The Board recognized Charlotte-Mecklenburg School students from Jay M. Robinson Middle School for winning second place in the national Science Olympiad competition.

Note: Jay M. Robinson Middle School students won second place in the national Science Olympiad competition, defeating 59 public and private school teams. Nationwide, more than 14,000 students participate in this rigorous program, which gives middle school students the opportunity to learn college-level science. (The only school that beat Robinson was a team coached by Princeton professors).

Principal Tracy Harrell and student representatives were present to be acknowledged on behalf of Jay M. Robinson Middle School.

(1C) RECOGNITION OF CMS HIGH SCHOOLS

The Board recognized those Charlotte-Mecklenburg High Schools ranked by *Newsweek* magazine as being among America’s top 900 high schools, out of more than 27,000 high schools nationwide.

Note: Newsweek magazine ranked 13 CMS high schools among America’s top 900, out of more than 27,000 high schools nationwide. Two CMS high schools – Myers Park (29) and Harding University (58) were ranked in the top 100. According to Newsweek, the “America’s Best High Schools” list, published recently, recognizes schools that do the best job of preparing average

students for college. Other CMS schools honored included: Providence (114), North Meck (152), Butler (273), South Meck (283), Hopewell (322), East Meck (395), Garinger (439), Olympic (514), Vance (574), Northwest School of the Arts (752) and Independence (895).

Alisha Dobson, Principal at Harding University High School and Tom Spivey, Principal at Myers Park High School, along with students from each school were present for recognition on behalf of their respective schools.

(1D) BOJANGLES' 30TH ANNIVERSARY DAY – ITEM WAS REMOVED

This matter will be rescheduled.

(2) PUBLIC APPEARANCE

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

Martin Davis addressed the abortion rate in Mecklenburg County and facilities where they are performed.

Jeanie Welch addressed the upcoming 39th Annual Hickory Grove Parade and Celebration, July 4, 2007 from 10:30 a.m. - 2:00 p.m. An invitation was extended to the Board and to the community.

A copy of a handout regarding the event is on file with the Clerk to the Board.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Julie Elliott, Barbara Pace, and Ashley Smith to the Adult Care Home Community Advisory Committee for a three-year term expiring June 30, 2010.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Wanda Towler to the Building Development Commission for a three-year term expiring July 18, 2010.

Commissioner Helms nominated Harry Sherrill for appointment consideration to the Building Development Commission as the American Institute of Architects representative.

The appointment will occur on July 10, 2007.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The following persons were nominated for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee:

Stephen Grey	by Commissioner Mitchell
Shawn Kimble	by Commissioner Woodard
Keith Proctor	by Commissioner Clarke

An appointment will occur on July 10, 2007.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE – ITEM WAS REMOVED

This matter will be rescheduled.

JUVENILE CRIME PREVENTION COUNCIL

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 reappoint Akenna Blackmon, Laurie Garo, Jeff Hood, Russell Price, Paul Strickland, and Jerry Swindell to the Juvenile Crime Prevention Council for two-year terms expiring June 30, 2009.

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

Emily Marroquin	by Commissioner Clarke
Alan Teitleman	by Commissioner James
Clark Walton	by Commissioner Bentley
Douglas Wilson	by Commissioner Woodard

Appointments will occur on July 10, 2007.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Tara Boyd, Charles Burdick, Marta Fales, Edna Fielder-Sherer, Steven Keaton, Lisa Khayyat, Deborah Miller, David Morgan, Deana Morrow, Russell Tyler, Donald White, and Brenda Williams to the Nursing Home Community Advisory Committee for three-year terms expiring June 30, 2010.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT – CAPITAL IMPROVEMENT PROGRAM (CIP) RECOMMENDATION

The Board received the Citizens Capital Budget Advisory Committee (CCBAC) FY 2008
Capital
Funding Recommendations.

The recommendations were presented by Michael Murdock, Chairman of the CCBAC.

Highlights

- Two-year Capital Improvement Program (CIP) recommendation for Government Facilities - \$64,196,000
- Two-year CIP recommendation for Park and Recreation – \$40,771,584
- Two-year CIP recommendation for Storm Water - \$16,133,464
- Two-year CIP recommendation for Historic Landmarks – \$0.00
- Two-year CIP recommendation for Library Facilities - \$8,309,532

- Two-year CIP recommendation for Central Piedmont Community College - \$32,150,000
 - Two-year CIP recommendation for Land Acquisition – \$33,990,000
 - Two-year CIP recommendation for Charlotte-Mecklenburg Schools - \$486,394,560
- Total - \$681,945,140

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

Comments

Commissioner James asked Mr. Murdock to explain the reasoning behind their recommendation for CMS, which he did. *Mr. Murdock said the basis for their recommendation had to do with a CMS staff presentation in January and also the recommendation of the School Building Solutions Committee.*

Commissioner Mitchell asked about the recommendation for CMS and referenced a letter from Dr. Gorman that commented on the CCBAC’s failure to include all those projects that would address backlogged renovations and capacity issues.

Mr. Murdock said those projects not recommended at this time would not have even begun before the time another bond request would be made by CMS. Further, that you can only spend a certain amount of money within a two-year period. It was noted also that CMS currently has bonds for projects that haven’t been issued yet.

Chairman Roberts invited Superintendent Peter Gorman to the podium.

Dr. Gorman acknowledged that the bond amount is set by the County Commission, but that CMS feels it has the capacity to do \$250 million of work within a year, which would include construction and design work.

Commissioner Bishop asked what has historically been done with respect to CMS. *The response was that in recent years the amount has been roughly \$170 million a year. Mr. Murdock said the CCBAC felt their recommendation was reasonable.*

Dr. Gorman said it has been \$170 million or more historically, but that if you look at that with their escalated cost of work needed over 10 years and if that rate continues it will add to the backlog by \$2 billion based on their estimates over the next 10 years. Dr. Gorman said CMS will be that much further behind if this pace continues. He said one of the “challenges is will this ever be addressed.”

Commissioner Bishop asked was it correct to say that CMS anticipates spending over 10 years an escalated amount of \$3.7 billion on construction. *Dr. Gorman said no, that amount was their total need in the 10-year Plan. He said they can’t estimate with certainty until they know what the Board plans to provide, but that CMS has need of \$2.5 billion in today’s dollars.*

Commissioner Bishop asked about the construction of Pre-K Centers and the effectiveness of the Pre-K program, which was addressed by Mr. Murdock (construction only) and Dr. Gorman respectively.

Commissioner Bentley asked was the recommendation of the CCBAC unanimous. *The response was yes, with respect to the final recommendation in its entirety.*

Commissioner Bentley asked about base-line standards, which was addressed by Rhonda Lennon, Vice Chair of the CCBAC.

Commissioner Bentley asked about Library facilities and funding sources, which was addressed by Mr. Murdock.

Commissioner Clarke asked about CMS needs, which was addressed by Dr. Gorman. *Dr. Gorman said CMS was asking for approximately one-fifth of the need, in one-fifth of the time.*

Commissioner Clarke asked Dr. Gorman if the Board accepted the recommendation of the

CCBAC to “stick” with the School Building Solutions Committee number, what happens then in terms of what projects the School Board decides to fund. *The response was that CMS staff would go back to the School Board and they would discuss which projects they would want to fund out of that amount.*

Commissioner Ramirez said he believes the amount being recommended for a bond referendum is an amount the community is “not going to buy.” He said CMS can come back in two years and request another bond referendum and by then hopefully the community will be more supportive.

Commissioner Helms asked Mr. Murdock if the CCBAC was making a recommendation that the Board have a \$681,945,140 bond referendum on the ballot in November. *The response was no, that it’s just a recommendation and that as far as the funding mechanism, that would come from County staff.*

Commissioner Helms asked was the CCBAC aware of the information that indicates that in the next 10 years there will be more than 50,000 additional students in the school system and that more than 50 schools will be needed. *The response was yes.*

Commissioner Helms commented on debt affordability and noted that although the CCBAC did not make an explicit evaluation of this, per Mr. Murdock, they were not unaware of the needs over the next 10 years.

Mr. Murdock in response said that “while they did not make any recommendations specific to debt affordability, they were aware that the question exists.”

Commissioner Helms asked how would the CCBAC recommend or suggest that the County build \$2.4 million or maybe it’s \$3.7 billion, over the next 10 years, and what was the Committee’s rationale for recommending what it has, knowing that it’s leaving \$2 billion over the next 10 years that’s unaddressed. *The response was that with respect to the backlog that exists, the CCBAC is trying to make a recommendation that, although they have not set a debt affordability recommendation, at least considers the fact that there is not an infinite supply of funds available to address those backlogs. He said it would be great if the County could afford to get rid of the entire backlog in terms of capacity and in terms of renovations, but he doesn’t think*

the County can; not at the funding levels he has observed over the last three years he’s been on the CCBAC and prior to that as a resident of the community.

Chairman Roberts noted that there are a lot of people from all walks of life that are interested in drilling down and finding out what the needs are. She said “we’re all interested in a bond that passes; in building lots of schools; and we need to come together as a community and understand that we have welcomed people here and that there are 5,000 children every year showing up at the schools.” She said “whether the various boards in the community can agree or not these children are coming and they need a good education.”

Commissioner Ramirez asked about the CCBAC Government Facilities recommendation with respect to the Brooklyn Village Infrastructure. Commissioner Ramirez said he wasn’t sure if this was going to happen and did the committee take this into consideration. *The response was that the committee did not try to guess what was going to happen with respect to this project. Mr. Murdock said the Committee acted on this because it was a recommendation that came from staff.*

County Manager Jones in response to the comment made regarding Brooklyn Village noted that it was addressed in his recommendation. He said that it was included in staff’s recommendation for pay-as-you-go.

Commissioner Clarke asked Mr. Murdock to comment on the Board’s action to place \$26 or \$28 million in the pay-as-you-go fund. *The response was that the committee did not consider this. Mr. Murdock said personally he thinks it’s a good thing if you can spend money on capital projects without accruing interest.*

Chairman Roberts thanked Mr. Murdock and members of the CCBAC for their work.

Public Comment

Martin Davis spoke in opposition to a bond referendum in the fall regardless of the amount. Mr. Davis said he feels the public school system is in “a hole” and that public schools in general in the U. S. are “in deep trouble.” Mr. Davis said he doesn’t think giving the Schools more money is the answer. He complimented Dr. Gorman, but said he doesn’t think Dr. Gorman or anyone can turn “our public school system around trying to educate kids the way we do.” Mr. Davis referenced a charter school program, *Knowledge Is Power Program (KIPP)*, which he said would work in Mecklenburg County. Mr. Davis addressed some of the specifics of the program. Mr. Davis said one of the problems with getting a bond referendum passed is that people do not have any confidence that the money that’s being spent is educating children.

The Board received the County Manager’s Recommended FY2008 Capital Improvement Program.

County Manager Jones was assisted by Budget/Management Director Hyong Yi with the presentation of his FY2008 Capital Improvement Program.

Highlights

- Government Facilities Recommendation for FY08 – \$26,426,000
- Court Facilities Recommendation for FY08 - \$13,865,000
- Law Enforcement Facilities Recommendation for FY08 - \$6,686,000
- Park and Recreation Recommendation for FY08 – \$52,262,000
- Storm Water Recommendation for FY08 - \$80,667,000
- Historic Landmarks Recommendation for FY08 – \$0.00
- Library Facilities Recommendation for FY08 - \$4,259,000
- Central Piedmont Community College Recommendation for FY08 - \$46,500,000
- Charlotte-Mecklenburg Schools Recommendation for FY08 - \$616,709,000

Total - Recommendation for FY08 - \$847,374,000

- Recommendation is based on projects requiring funding in FY2008
- FY2009 or later projects will be considered in that year
- An education facilities bond referendum is recommended for Fall 2007
- Funding sources for proposed projects include:
 - Bond referendum
 - Pay-As-You-Go capital funds
 - Certificates of Participation (COPS)
 - 2/3 non-voted bonds, and
 - Storm water fees

Recommended General Obligation Bond Referendum in the fall of 2007 - \$677 million, \$616 million of which would go towards CMS projects, approximately \$35.5 million for land bonds, land primarily for park and recreation programs, and some land for the library system.

Board Options:

- Accept County Manager’s recommendation or add/delete projects
- Change funding source for projects

Consequences to every choice

- Deferred capital needs
- Impact on future debt service costs

Next Steps

- Adopt a Capital Budget

- Number of projects and funding sources
- Recognize need for Board discussion in a workshop setting
 - Set up Capital Budget Workshop in July
 - Board Meeting is July 10th
- August 2nd: Deadline for
 - Deciding to have referendum
 - Set an amount (can still be reduced, but not increased after this date)
- September 5th: Last day bond order can be adopted for referendum

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

Comments

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to hold a Special Budget/Public Policy meeting on July 9, 2007 for further discussion of the FY 2008 Capital Improvement Program, to be adopted at the Regular meeting on July 10, 2007.

Director Yi suggested the Board consider holding a Special Budget/Public Policy Meeting prior to the Regular meeting on July 10, 2007 at 3:00 p.m.

Commissioner Helms amended his motion and Commissioner Mitchell seconded, to hold a Special Budget/Public Policy Meeting on July 10, 2007 at 3:00 p.m. prior to the Board's Regular meeting.

The vote was then taken on the original motion as amended and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to hold a Special Budget/Public Policy Meeting on July 10, 2007 at 3:00 p.m. prior to the Board's Regular meeting.

Commissioner James expressed his interpretation of the County Manager's deferral of some projects, but not those of CMS.

Commissioner Woodard suggested consideration be given to approving a \$540 million bond referendum in the fall, which would consist of \$510 million for Charlotte-Mecklenburg Schools and \$30 million for land acquisition.

At the request of Commissioner Bishop, Dr. Tony Zeiss, President of Central Piedmont Community College (CPCC) addressed the Manager's recommendation with respect to CPCC. Dr. Zeiss said he was disappointed in the Manager's recommendation because even though CPCC was recommended for full funding by the CCBAC, by his calculation CPCC is at a 43% reduction and part of that is \$21 million for a parking garage, that's "desperately" needed. He said they asked the County Manager to put it on COPs, but he thinks staff said it would be paid back by parking fees. Dr. Zeiss said CPCC doesn't have parking fees for this purpose. He said all of the parking fees they have are being used to pay back for their new garage. Dr. Zeiss said he's also concerned about the deferral of the Literacy Center.

Dr. Zeiss said he looks forward to speaking with the County Manager regarding his recommendation in order to get a better understanding of it.

At the request of Commissioner Bishop, Charles Brown, Director of Public Library of Charlotte & Mecklenburg County addressed the Manager's recommendation with respect to the Library. Director Brown said he was comfortable with the County Manager's recommendation. He said the Library's two highest priorities were included.

Commissioner Ramirez commented on the need to have a Citizen's Capital Budget Advisory Committee. Commissioner Ramirez said perhaps consideration should be given to disbanding the committee and that the Board just rely on the County Manager's recommendation.

Chairman Roberts noted that the bond rating agencies look favorably upon having an advisory committee of this type.

Chairman Roberts said although the Board doesn't always accept the recommendation of the CCBAC in its entirety, it's still a worthwhile committee to have. She noted further that the CCBAC's recommendation does impact Board decisions.

This concluded the discussion.

Chairman Roberts thanked the County Manager and staff for their work.

No action was taken or required at this time with respect to the FY2008 CIP.

Note: The above is not inclusive of every question or comment made but is a summary.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 9, 19, 20, and 25 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 5, 2007, including Closed Session held June 5, 2007 Items 2a, 2b, 2e.

(8) VOLUNTEER FIRE DEPARTMENT RADIO REPLACEMENT FUNDS

Authorize the carry forward of funds in the amount of \$206,500 designated for partial replacement of VFD radio equipment from FY07 to FY08.

(10) CARRY FORWARD OF PROPERTY ASSESSMENT REVALUATION FUNDING

Authorize the carry forward of \$100,000 of revaluation funding not spent in FY07 to FY08 until expended.

Note: Funding for the 2009 Countywide Reappraisal is allocated over three fiscal years beginning in FY07. Unspent funding needs to be carried forward from fiscal year to fiscal year to ensure all reappraisal activities are completed, and to carry for funding for a contract with Patriot Properties to acquire a GIS tool required for the reappraisal. These funds provide for professional services required to conduct the reappraisal.

(11) DISPLACED HOMEMAKER GRANT APPLICATION

1) Approve submission of a grant application to the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women's Commission Division for the New Choices Strategies for Success Program in the amount of \$54,899 (\$13,128 from "Displaced Homemaker State Funds" and \$41,771 from "Divorce Filing Fees). 2) If awarded, recognize, receive and appropriate grant funds.

(12) PURCHASE OF LANDFILL COMPACTOR

Authorize the County Manager to exercise the purchase option on the Lease with Carolina Tractor for a purchase price of \$110,578.20.

Note: On June 14, 2004, the BOCC authorized the County Manager to negotiate and execute an agreement with Carolina Tractor Inc., for the lease (with the option to purchase) of a landfill compactor.

(13) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of \$4,675 for General Services, \$15,458 for Park and Recreation, \$3,855 for Real Estate Services and \$14,297 for Land Use and Environmental Services.

Note: All reimbursements are for stolen and damaged items.

(14) ADDITIONAL CHILD CARE SUBSIDY ALLOCATION - DSS

Recognize, receive and appropriate additional Federal (\$80,000) and State (\$29,500) revenues for the Child Care Subsidy program.

(15) SOUTH CHARLOTTE SOCCER ASSOCIATION CAPITAL IMPROVEMENTS

Approve recommendation of the Park and Recreation Commission and authorize the County Manager to negotiate and execute a contractual agreement with South Charlotte Soccer Association for constructing athletic fields at Flat Branch Park.

(16) ROAD ABANDONMENT – WITHERS COVE ROAD – SET PUBLIC HEARING

Adopt Resolution Declaring Intent to Abandon and Close a Portion of the First 0.06 Miles of Withers Cove Road and Its Right-Of-Way at the Intersection of Wildlife Road (Sr#1335) in Mecklenburg County; and setting a public hearing at 6:30 p.m. on July 10, 2007 to hear citizen's comments on the proposed abandonment and closure.

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

(17) ROAD ABANDONMENT – YOUNGBLOOD ROAD – SET PUBLIC HEARING

Adopt Resolution Declaring Intent to Abandon and Close a 0.162 Mile Section of Youngblood Road (Sr # 1102) and Its Right-Of-Way, 0.512 Miles West of the Intersection of Youngblood Road and McKee Road (Sr# 1100) and 0.512 miles east of the Intersection of Youngblood Road (Sr#1102) and Snug Harbor Drive (Sr#1357); and setting a public hearing at 6:30 p.m. on July 10, 2007 to hear citizen's comments on the proposed abandonment and closure.

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

(18) LAND EXCHANGE AT BEREWICK PARK SITE

Adopt a resolution of intent to exchange a +/- 1.21-acre portion of County Tax Parcel 141-171-23 for +/- 1.24-acre tract of Pappas Properties, LLC property including all of Tax Parcel 141-171-04 and a portion of Tax Parcel 141-171-17, both located on Dixie River Road at the undeveloped Berewick park site in southwestern Mecklenburg County.

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

(21) CONTRACT FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND

DISPOSAL SERVICES

Authorize the County Manager to negotiate and execute a five year contract, with two 1 year extensions at County discretion, with Ecoflo, Inc. for Household Hazardous Waste collection and disposal services.

(22) POLLING PLACE AUTOMATION PROJECT – BOARD OF ELECTIONS

Approve contract with Decision Support, Inc. in the amount of \$100,000 for the Polling Place Automation Project – Board of Elections.

(23) CARRY FORWARD CODE ENFORCEMENT FUNDS FOR JOINT PROJECT DEVELOPMENT WITH CITY OF RALEIGH

Authorize the carry forward to FY08 of \$250,000 in professional fees not spent in FY07 for joint project development with the City of Raleigh.

Note: In February 2006, the Board approved an interlocal agreement with the City of Raleigh to share the cost and partner in the development of software for acquiring certain building permits online and to lay the groundwork for future joint development efforts. Mecklenburg County and the City of Raleigh would like to further this partnership per the interlocal agreement and jointly develop additional software functionality.

Funding was allocated in FY07 for additional joint projects with the City of Raleigh to create an electronic plan review tool for homebuilder master plans, and to apply the tools from residential homeowner internet permits to all mechanical, electrical and plumbing permits not requiring plan review. Staff is currently working on revisions to the interlocal agreement but approval by both Mecklenburg County and the City of Raleigh cannot be completed by June 30, which is why the request for carry forward of funds was made.

(24) CARRY FORWARD UNSPENT STATE CHILD MENTAL HEALTH CTSP FUNDS – AREA MENTAL HEALTH AUTHORITY

Authorize carry forward of unspent State Child Mental Health CTSP funds estimated to be \$453,672 at June 30, 2007.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) STORM WATER SERVICES – CITY'S MINOR SYSTEM FEE

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and carried 6-3 with Commissioners Bentley, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Ramirez voting no, to adopt the Resolution Authorizing Increasing The Minor System Cost Component Of The Storm Water Service Charges To Be Levied Within The City Of Charlotte.

Note: The City of Charlotte has considered and requested an increase in the Storm Water fee for the minor system inside the City for FY08. This is part of the current long-range plan for Charlotte Storm Water Services that 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 funding plan includes a 7.0% fee increases for FY08 and will cause the City's fee to increase as follows:

- From \$3.50 to \$3.75 per month for single family residences with less than 2,000 square feet of impervious area (lower tier);
- From \$5.15 to \$5.51 per month for single family residences with 2,000 or more square feet of impervious area (upper tier); and
- From \$85.85 to \$91.85 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

Commissioner Bishop removed this item from Consent in order to vote in opposition.

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

Commissioners Bentley and Woodard left the dais and were away until noted in the minutes.

(19) STEELE CREEK GREENWAY EASEMENTS DONATION

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 6-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Ramirez, and Roberts voting yes, to accept the following donated greenway easements:

- (1) .20-acre portion of Tax Parcel 201-161-26 off Westinghouse Boulevard from B. J. Shepard;
- (2) 4.08-acre portion of Tax Parcel 201-161-01 off Westinghouse Boulevard and John Price Road from Withrow Family Trust;
- (3) 1.15-acre portion of Tax Parcel 201-161-13 off Westinghouse Boulevard from Withrow Asset Management, LLC.

Note: The above greenway easements are part of an assemblage of floodplain along Steele Creek in southwestern Mecklenburg County between Brown-Grier Road and the South Carolina line.

Note: Commissioner James seconded the motion, but left the dais prior to the vote and was away until noted in the minutes.

Commissioner Mitchell removed this item from Consent for more public awareness.

(20) BUSINESS INVESTMENT PROGRAM (BIP) REVISIONS

Commissioners Bentley and Woodard returned to the dais during the discussion of the motion below.

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bishop and Bentley voting no, to approve revisions to the Charlotte-Mecklenburg Business Investment Program as noted below:

Changes

- Current five-year Business Investment Grant:
 - Increase required capital investment from \$1.5 million to \$3 million.
 - Increase payout percentage from an average of 75% over five years to 90% over three years.
 - Under the advanced manufacturing provision, increase required capital investment from \$3 million to \$6 million and establish a minimum job creation amount of 10.
- Current Large Impact Business Investment Grant
 - Increase required capital investment from \$10 million to \$30 million.
 - Reduce the amount of new jobs required from 300 to 150.
 - Within the Business Investment Zone, increase payout percentage from an average of 77.5% over eight years to 90% over five years.
 - Outside of the Business Investment Zone, decrease payout percentage from an average of 77.5% over eight years to 50% over five years.

- Pursue agreements with regional partners to eliminate local property and sales tax incentives for intra-regional business relocations. Each agreement will come back to Council for approval.
- *Note: The following is the rationale for the recommended changes:*
 - *Capital investment requirements have not been adjusted since 1998. At the minimum level, grants are relatively small and appear inconsequential.*
 - *Increasing payout percentages provides more money to the recipient earlier when capital is most needed to offset relocation or expansion costs.*
 - *Reducing the length of grant terms results in lower total payouts from the City and County, in addition to reducing administrative costs.*
 - *For Large Impact Projects, reducing payout percentages outside the Business Investment Zone creates a more significant advantage for targeted areas.*
 - *A 2006 report by the Charlotte Regional Partnership entitled “Building Regional Collaboration” recommended curbing the use of tax incentives for intra-regional business relocations.*
- *On May 29, 2007 the Charlotte City Council approved the revisions to the Business Investment Grant Program.*

A copy of the Business Investment Grant Program guidelines is on file with the Clerk to the Board.

Commissioner Bishop removed this item from Consent in order to express his opposition.

(25) MINOR LEAGUE BASEBALL STADIUM - SET PUBLIC HEARING

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-1 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to schedule a public hearing for 6:30 p.m. on July 10, 2007 to receive comments on a proposed economic development grant for a minor league baseball stadium and authorize the Clerk to publish the required notice.

Commissioner Bishop removed this item from Consent in order to express his opposition, not to holding a public hearing, but to the offering of the grant itself. Commissioner Bishop said he doesn't feel this request fits into the normal category of Business Investment Grants. He also questioned the need for a public hearing in this instance. The response was that certain types of economic development grants do require a public hearing, (the Bryton Project was cited as an example) and because this matter involves things that do often require a public hearing, such as street improvements and utility relocations, it's staff's belief that it's best to have one, although it's not required..

STAFF REPORTS AND REQUESTS

Commissioner James returned to the dais.

(26) CHARLOTTE TROLLEY, INC.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bishop and James voting no, to approve disbursement of \$697,445 (one-half of the funds realized from the sale of the Trolley Barn Property) from the capital reserve fund for the construction of a permanent interpretive center for designated landmark Trolley Car #85 and Charlotte's streetcar history, which would be administered by Charlotte Trolley, Inc.

Secondly, to authorize the Manager to negotiate and execute an agreement with Charlotte Trolley Inc. outlining the procedures for the disbursement of such funds.

Note: Jaz Tunnell, Assistant to the County Manager and Lisa Gray, Executive Director of Charlotte Trolley, Inc. addressed this matter prior to the above vote.

(27) BUSINESS LOCATION AND EXPANSION

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and failed 5-4 with Commissioners Bentley, Bishop, James, Ramirez, and Roberts voting no and Commissioners Clarke, Helms, Mitchell, and Woodard voting yes, to approve the County's share of a Business Investment Grant to Microban Products Company for a total estimated amount of \$112,500 over 5 years. (Total County/Town grant for the five-year period estimated at \$188,625).

Note: Jaz Tunnell, Assistant to the County Manager and Jerry Broadway with the Lake Norman Regional Development Corporation addressed this matter prior to the above vote.

Also, prior to the vote:

Commissioner Bishop in noting his opposition to these types of grants, pointed out that Microban is considering relocating to another region, having been in Mecklenburg County 17 years.

Commissioner Bentley asked Mr. Broadway to explain the process his organization goes through in deciding to bring matters of this nature to the Board of County Commissioners, which he explained.

Commissioner Ramirez said although he supports economic development, he doesn't think the proposed grant to Microban fits, per his concept of economic development. He stated further that even if Microban relocates to a nearby county, their current employees will remain in Mecklenburg County and commute.

Chairman Roberts asked Mr. Broadway would the Town of Huntersville grant still stand if the County decides not to approve the grant proposal. The response was probably not, nor would the State's One NC Fund grant, which is contingent upon approval by both and Town and the County.

Chairman Roberts noted that one aspect of this that troubles her is the fact that Microban is considering relocating to another area of the region, thus causing entities within the region to compete with one another. Chairman Roberts said there's a group, the Regional Partnership that looks at the region from the perspective of when something happens in region it benefits the entire region. The group is working on ways of trying not to compete with each other.

(28) HAL MARSHALL SERVICES CENTER SALE

Motion was made by Commissioner Ramirez, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution of intent to sell +/- 11.7 acres including Tax Parcel 080-031-01 at 700 North Tryon Street and Tax Parcels 080-041-01, 080-041-02, 080-032-04 and 080-032-05 on North College Street to Ninth Street Investors, LLC for \$32,250,000.

Nancy Brunnemer with Real Estate Services addressed this matter prior to the above vote.

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

Note: Commissioner James left the meeting during Ms. Brunnemer's remarks and was absent for the remainder of the meeting.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(29) ECHO FOUNDATION - UNRESTRICTED CONTINGENCY

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley and Bishop voting no, to appropriate \$25,000 from unrestricted contingency for The Echo Foundation and their work on, *A Decade Inspired by Elie Wiesel*.

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 Bentley, and carried 8-0, with Commissioners Bentley, Bishop, 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 10:41 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman