

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

AUGUST 14, 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, August, 14, 2007.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

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

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

(1A) STAFF BRIEFINGS - DETENTION UPDATE

The Board received an update from County Manager Jones and Sheriff Jim Pendergraph on the need for detention facilities.

Commissioner Bishop entered the meeting during this time.

Highlights:

- Staff has been looking at detention options for about a year because of the overcrowding at Jail Central.
- Staff has inquired with the US Marshall Service in Washington and Immigration and Customs Enforcement (ICE) regarding the potential of these entities providing funding to help the County build a detention facility.
- The U.S. Marshall Service does have some funding.
- ICE funds are only available for renting space. They do not have upfront funds to contribute towards building a facility.
- ICE is interested in renting bed space if the County builds a new facility.
- Staff has been working on a concept that involves having a private contractor to build a facility and lease it to the County.

- Staff has a Letter of Intent from ICE that says whatever the County builds, they would rent at the per diem that's currently being charged to the U.S. Marshall Service on the same contract.
- Staff estimates show that the County could build a facility to house the inmates the County needs to house; it would also provide federal inmate housing relief.
- The rent that the County would take in from renting space would pay for the lease, the facility, and staff that would be needed. It may even generate revenue for the County.
- Staff is looking at a 1500 bed facility.
- A location for a facility has not yet been determined.
- The facility would house immigrants apprehended from the Mid-Atlantic and Southeast regions and not just in North Carolina.
- There are many details to be worked out.

Commissioner Clarke asked about the potential agreement with Immigration and Customs Enforcement. It was noted that ICE would like to have all 1500 beds.

Sheriff Pendergraph said if the County operates the facility then the County would have some decision-making authority with respect to who will be housed in the facility.

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 direct the County Manager to work with the Sheriff to do the due diligence necessary with respect to staff's concept of having a private contractor build a facility and lease it to the County with the potential of leasing bed space to Immigration and Customs Enforcement; and to report back to the Board.

Commissioner Ramirez left the meeting and was absent until noted in the minutes.

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

Note: Business Location and Expansion was removed from the agenda.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to go into Closed Session to discuss A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1), C) Land Acquisition and D) Consult with Attorney.

The Board went into Closed Session at 5:45 p.m. and came back into Open Session at 6:03 p.m.

Commissioner Ramirez was present when the Board came back into Open Session. He returned to 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 17, 23, 25, 32, 40, 41, 42, and 46.

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

-FORMAL SESSION-

Commissioners Bentley, Bishop, James, and Ramirez were absent when the Formal Session was called to order and until noted in the minutes.

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

Commissioners Bentley, Bishop, James, and Ramirez entered the meeting.

PROCLAMATIONS AND AWARDS

(1A) RECOGNITION OF DSS TRANSPORTATION STAFF

The Board acknowledged and recognized the efforts and achievements of Department of Social Services Transportation Staff.

Note: The Mecklenburg Transportation System (MTS), a program within the Department of Social Services (DSS), was recently honored by the NC Public Transportation Association (NCPTA) as the Safety Award Recipient for 2006. The following drivers competed in the Light Transit Vehicle competition: Ellore Massey, Larry Boyd and Anselmo Montanez. MTS employee, Regina Dolphus, also competed in the van competition. All did a great job representing Mecklenburg County. Larry Boyd placed third in the State Competition. Mecklenburg County's MTS staff provides an essential service that allows some of our most vulnerable citizens to maintain self sufficiency, age in place, and maintain social connections.

Richard Jacobsen, Director of Social Services and Masie Justice, Transportation Program Manager addressed the competition and introduced the staff that participated.

(1B) WOMEN'S EQUALITY 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 August 25, 2007 as Women's Equality Day in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Natheley McElrath, Pamela Hemphill, and Aileen Maddox, members of the Women's Commission.

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

(1C) "FIT COMMUNITY"

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt the "Fit Community" proclamation from the North Carolina Health & Wellness Trust Fund and Blue Cross Blue Shield of North Carolina.

The proclamation was read by Commissioner Clarke and received by Dr. Wynn Mabry, Health Director and Dianne Thomas, Health Program Coordinator.

A copy of the proclamation is on file with the Clerk to the Board

(1D) 2007 NACO ACHIEVEMENT AWARDS

The Board recognized the following Park and Recreation Department programs and staff for receiving 2007 NACo Achievement Awards:

- Beyond Barriers: Marilyn Rainey
- Harris Teeter/Purina Bark in the Park: Andra' Eaves
- Challenger Flag Football League: Kerri Good
- Little League Book Club: James Worsley
- Survivor: Copperhead Island Summer Adventure Day Camp: Jason Hurley
- Synthetic Turf Fields: Jeff Robinson
- Shining STAR (Socialization Through Awareness & Recreation: Vernice Gallon
- Invasive Exotic Plant Control Workshop: Marek Smith
- Dog Park Enhancements: Blaine Gregory

Dot Law, Deputy Director of Park and Recreation addressed the awards and introduced staff.

Descriptions of the programs are on file with the Clerk to the Board.

(1E) RECOGNITION OF DANNETTE R. SMITH, YOUTH AND FAMILY SERVICES DIRECTOR

Motion was made by Commissioner Woodard, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation recognizing Dannette Smith for her outstanding contributions to child welfare practice in Mecklenburg.

Richard Jacobsen, Director of Social Services also expressed his thanks to Director Smith.

Director Smith thanked the Board and Director Jacobsen for this recognition.

Note: After five years of service in Mecklenburg, Dannette Smith has accepted a position as Director of Fulton County Division of Child and Family Services in Atlanta, Georgia. During her tenure in Mecklenburg the Youth and Family Services Division of the Social Services Department made great strides in improving their system and practice since the first federal Child and Family Services Review (CFSR) was conducted in North Carolina. Mecklenburg shouldered primary responsibility for the entire State's scores on the CFSR, and Ms. Smith worked unceasingly with her staff to meet the high standards, implementing significant changes to practice and quarterly case reviews.

(58) REQUEST TO NAME COUNTY FACILITY (COMMISSIONER MITCHELL)

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to name the Department of Social Services section of the County's new Freedom Drive facility Chapin Hall to honor Edwin H. Chapin for 23 years of dedicated service to Mecklenburg County as the Director of the Department of Social Services and Assistant County Manager.

Note: Mr. Chapin was described as being a visionary that could foresee the social and political impact of social and political change on the public welfare system. He served as an advisor and leader on many local, state and federal organizations in the public welfare system.

Mr. Chapin's daughters were present to receive this recognition and honor on behalf of their father, who was unable to be present.

(2) PUBLIC APPEARANCE

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

Eric Davis, WTVI Director of Production, thanked the Board for its support of WTVI. Mr. Davis shared clips from a documentary on the US National Whitewater Center, entitled “Take It Outside.” Kristina Kuehnel with the US National Whitewater Center was also present and commented on the wide array of activities at the Center.

Richard Lincoln and Tommy Yarborough, representing Homeless Helping Homeless, asked the Board to assist Homeless Helping Homeless with getting an Inclement Weather Policy implemented working through the Emergency Management Director. The policy would address housing for the summer and winter months. A written proposal was given to the Board.

Raphael Basisa asked the Board to support efforts to get the World’s Fair in Charlotte in the Year 2020.

Blanche Penn, James Foxx, & Tim Drake addressed the Key Father’s Initiative, which is an initiative to encourage fathers to take their child to school on the first day of the 2007/2008 school year.

John Jennings, founder and CEO of Fathers Against Violence and Repeat Offenders Ministries, addressed recidivism and community crime prevention. He informed the Board of a facility that he has that works with getting those that have been incarcerated back on their feet. Mr. Jennings was joined at the podium by Ernest Mobley, James Maxwell, and Raphael Basisa. He asked the Board and the community for support of their efforts.

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

APPOINTMENTS

(3A) APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 7-0 with Commissioners Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Jon Morris to the Building Development Commission Board a three-year term expiring July 18, 2010 as the Charlotte Chamber of Commerce representative.

He is replacing John Komisin.

Commissioners Bentley and Bishop returned to the dais.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Citizen’s Capitol Budget Advisory Committee:

Round One

Aric Beals	Commissioners Bentley, Ramirez, Roberts and Helms
Bo Boylan	Commissioners Bentley, Bishop and James
Cynthia Bush	None
Martin Davis	None
James Diana	Commissioners James, Helms, & Woodard
Steven Firestone	None
Stephen Grey	None
Richard Kingsberry	Commissioners Roberts and Mitchell
Gary Rassel	None
Stephanie Tyson	Commissioners Woodard, Roberts and Ramirez

Round Two

Aric Beals	Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, and Roberts
Bo Boylan	Commissioners Bentley, James and Bishop
Cynthia Bush	None
Martin Davis	None
James Diana	Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard

Voting Ceased

Steven Firestone	None
Stephen Grey	None
Richard Kingsberry	None
Gary Rassel	None
Stephanie Tyson	None

Note: Mr. Shawn Kimble was nominated for appointment consideration to the Citizen's Capitol Budget Advisory Committee on July 10, 2007, however, he was appointed, after being nominated, to the Charlotte-Mecklenburg Community Relations Committee.

Chairman Roberts announced that Aric Beals and Diana James were appointed to the Citizens Capital Budget Advisory Committee for two-year terms expiring July 31, 2009.

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

(3B) NOMINATIONS/REAPPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Woodard, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Barbara Benningfield, Evelyn Hochstat, Joan Kirk and Nancy Litaker to the Adult Care Home Community Advisory Committee for three-year terms expiring August 30, 2010.

Motion was made by Commissioner Woodard, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard, voting yes, to waive the Board's two-step appointment process to allow the following applicants to be both nominated and appointed at tonight's meeting to the Adult Care Home Community Advisory Committee for a one-year term expiring August 30, 2008. They are: Delvenia Crowell, Donna Dunn, Joan Dunn, Lavalette Featherstone, Stephen Flaherty, Ethel Goodwill, Betty Gregory, Ester Harrison, Delia Holder, Jim Howard, Margaret Moreland, Dorene Murphy, Etheline Powell, Anita Steele, and Lodia Ward.

AIR QUALITY COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Todd Glasier, Kimberly Holley and Gordon Miller to the Air Quality Commission for three-year terms expiring August 31, 2010.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Judy Smith and Nikki Stamps to the Nursing Home Community Advisory Committee for three-year terms expiring August 30, 2010.

Commissioner James nominated all applicants for appointment consideration to the Nursing Home Community Advisory Committee. They were: Barbara Blakeney, Larry Blakeney, Dora Daniel, Betty Forehand, Jeffrey Giddens, Cheryl Grice, Jenita Hooks, Charles Jackson, Claire Lawrence, Peggy McKoy, Claudia Moses, Joanne Nagem, Michael Nagem, Dicie Neal, Sheila Singleton, Patricia Wilson and Joann Yandle.

Appointments will occur on September 5, 2007.

Commissioner Bishop returned to the dais.

PLANNING COMMISSION

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

Emma Allen	by Commissioner Helms
Stephanie Carter	by Commissioner Roberts
Steven Firestone	by Commissioner Bentley
Ben Griffith	by Commissioner Ramirez
Mike Kemmet	by Commissioner Ramirez
Rodney Moore	by Commissioner Bentley

An appointment will occur on September 5, 2007.

STORM WATER ADVISORY COMMITTEE

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to waive the Board's two-step appointment process and allow Mr. Eaton Reid to be nominated and appointed at tonight's meeting to the Storm Water Advisory Committee.

Note: Mr. Reid is the only eligible applicant to fill the Residential/Neighborhood category, per the Storm Water Advisory Committee By-laws.

WASTE MANAGEMENT ADVISORY BOARD

Commissioner James nominated Allison Warren for appointment consideration to the Waste Management Advisory Board.

The appointment will occur on September 5, 2007.

(3C) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Walter Bauer to the Waste Management Advisory Board as recommended by the Charlotte City Council.

(3D) PUBLIC ART COMMISSION

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 appoint Arthur Oudmayer to the Public Art Commission for a three-year term ending June 30, 2010 as recommended by the Arts & Science Council.

PUBLIC HEARINGS

(4A) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT APPLICATION

1) Motion was made by Commissioner Ramirez and seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open a public hearing to receive comments on the Department of Social Services grant application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2007-2008.

No one appeared to speak.

2) Motion was made by Commissioner James and seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on the Department of Social Services grant application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2007-2008; and adopt a resolution for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2007-2008.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

FY 2007-2008 RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding,
Enter Into Agreement with The North Carolina Department Of Transportation
And to Provide the Necessary Assurances.

A motion was made by James and seconded by Bentley for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Mecklenburg County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the County Manager of Mecklenburg County (Mecklenburg County Board of Commissioners) hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

Resolution recorded in full in Minute Book 44-A, Document # _____.

(4B) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Helms and seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to hold a hearing on the request by Hamel Law Firm,

P. A. for reimbursement of North Carolina excise tax in the amount of \$6,200.

No one appeared to speak.

Motion was made by Commissioner Helms and seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the hearing on the request by the Hamel Law Firm and approve the reimbursement in the amount of \$6,200.

ADVISORY COMMITTEE REPORTS

(5) PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN

Motion was made by Commissioner Woodard and seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, 1) to authorize the County Manager to negotiate and execute an Agreement for the administration of the Public Art Program for Mecklenburg County.

2) To receive and approve the Arts & Science Council Public Art Work Plan-FY2008 for Mecklenburg County.

The Work Plan was presented by Michael Adams, Chairman of the Public Art Commission.

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

Note: Commissioner James made the motion but was away from the dais at the time of the vote. He returned to the dais immediately after the vote was taken.

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

(6) MANAGER’S REPORT – STRATEGIC PLANNING CONFERENCE

Motion was made by Commissioner Helms and seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the planning calendar proposed for FY2007-2008 which would move the Board’s Annual Strategic Planning Conference to October as a one day event with a half-day Business Planning Conference follow-up to be held in January or February of 2008.

Budget and Management Director Hyong Yi presented this matter to the Board.

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

Commissioner Bishop returned to the dais.

(54) ADELPHIA CABLE SYSTEM

Motion was made by Commissioner Helms and seconded by Commissioner Woodard, to adopt a resolution entitled:

Resolution Of Mecklenburg County, North Carolina Board Of Commissioners Exercising Its Right Of First Refusal To Purchase The Cable System In Mecklenburg County.

Substitute motion was made by Commissioner Bishop, seconded by Commissioner James and failed 5-4 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, James, and Ramirez voting yes, to adopt a resolution entitled:

Mecklenburg County Board of Commissioners Resolution Approving The Transfer of The Franchise To Time Warner NY Cable, LLC And Declining To Exercise Its Right to Purchase The Adelphia Cable System.

The vote was then taken on the original motion and carried 5-4 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, James, and Ramirez voting no.

**RESOLUTION OF MECKLENBURG COUNTY, NORTH CAROLINA
BOARD OF COMMISSIONERS
EXERCISING ITS RIGHT OF FIRST REFUSAL TO PURCHASE THE CABLE SYSTEM IN
MECKLENBURG COUNTY**

The following Resolution is now offered and the title read:

WHEREAS, under the franchise issued to Adelphia Prestige Cablevision, LLC (“Grantee” or “Adelphia”) to provide cable service in Mecklenburg County, which was effective on April 4, 2000 (the “Franchise”), the Franchise is, as set forth therein, subject to the “Mecklenburg County Cable Communications Regulations” (the “Cable Ordinance”); and

WHEREAS, Adelphia has agreed to sell substantially all of its cable systems and franchises to Time Warner NY Cable, LLC (“TWN”) and to Comcast Corporation, including the Grantee’s Franchise and associated cable system in Mecklenburg County (“the CABLE SYSTEM”); and

WHEREAS, pursuant to Section 2.4.8. of Mecklenburg County’s Cable Ordinance Mecklenburg County has reserved Mecklenburg County’s right of first purchase in any sale, transfer, lease, assignment or disposal of the CABLE SYSTEM at a cost at least equal to a bona fide offer otherwise acceptable to the Grantee; and

WHEREAS, Mecklenburg County, in cooperation with the other affected jurisdictions, has retained financial and legal consultants to review Mecklenburg County’s options regarding the right of first purchase and they have provided various information to Mecklenburg County with respect to the proposed right of first purchase; and

WHEREAS, pursuant to a Settlement Agreement among a Consortium of North Carolina local governments of which Mecklenburg County is a member, Adelphia and TWNY dated as of July 28, 2006, the Consortium and TWNY requested the Federal Bankruptcy Court of the Southern District of New York to determine

the price for Mecklenburg County to exercise its right of first refusal for the CABLE SYSTEM on a per-subscriber basis; and

WHEREAS, the Bankruptcy Court for the Southern District of New York has determined that the price for Mecklenburg County to exercise its right of first refusal is \$3810 (three thousand eight hundred ten dollars) per subscriber; and

WHEREAS, the Mecklenburg County Board of Commissioners has considered all of the information presented, including public comments, expert analyses and staff recommendations, and has concluded that exercising the right of first purchase will serve the public interest.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Mecklenburg County Board of Commissioners approves the exercise of its right of first refusal described above at a price of \$3810 per subscriber.

SECTION 2. The County Manager, or his designee, is hereby authorized to take such steps and actions (including but not limited to executing legal and financial documents) as may be necessary to exercise Mecklenburg County's right of first refusal consistent with the July 28, 2006, Settlement Agreement and the price set by the Bankruptcy Court for the Southern District of New York.

SECTION 3. The Mecklenburg County Board of Commissioners and their respective agents and representatives hereby release all claims, whether known or unknown, against Adelpia, its affiliates, employees, predecessors, agents, officers, directors, and successors other than TWNY; provided, however, that the release shall not extend to any obligations set forth explicitly in the July 28, 2006, Settlement Agreement.

Resolution recorded in full in Minute Book 44-A, Document # ____.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-1 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner James voting no, to adopt a resolution entitled: Mecklenburg County Board Of Commissioners Resolution Authorizing Execution Of The Cable System Interlocal Agreement Among The Towns Of Cornelius, Davidson, And Mooresville, And Mecklenburg County And Other Related Agreements

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING EXECUTION OF THE
CABLE SYSTEM INTERLOCAL AGREEMENT
AMONG THE TOWNS OF CORNELIUS, DAVIDSON, AND MOORESVILLE,
AND MECKLENBURG COUNTY AND OTHER RELATED AGREEMENTS**

WHEREAS, the Mecklenburg County Board of Commissioners has passed a Resolution entitled

**RESOLUTION OF MECKLENBURG COUNTY, NORTH CAROLINA
BOARD OF COMMISSIONERS
EXERCISING ITS RIGHT OF FIRST REFUSAL TO PURCHASE THE CABLE SYSTEM IN
MECKLENBURG COUNTY**

approving and authorizing the exercise Mecklenburg County's right of first refusal to purchase the Adelpia cable system serving its community; and

WHEREAS, the Towns of Cornelius, Davidson, and Mooresville also have exercised their individual rights of first refusal to purchase the Adelpia cable system serving their communities; and

WHEREAS, the Towns and the County have the power pursuant to General Statute 153A-445(a)(1) and Article 20 of Chapter 160A of the North Carolina General Statutes to contract with others for the exercise of any governmental function which they have been granted the power to exercise and to enter into interlocal cooperation agreements to specify the details of these undertakings; and

WHEREAS, the Towns and the County have determined that these cable systems should be operated as one system for the benefit of their citizens and residents, and that the best structure for the joint ownership and operation of these cable systems would be a joint agency to be created pursuant to General Statute 160A-462 of Article 20 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, the Towns and the County have negotiated the terms of an interlocal agreement entitled “Cable Television System Interlocal Agreement for the Joint Operation of a Cable Television System” (“Interlocal Agreement”) to create and specify the terms of operation of such a joint agency (“Joint Agency”); and

WHEREAS, Mecklenburg County has negotiated the terms of a Transfer Agreement (the “Mecklenburg County Transfer Agreement”) with the Towns of Davidson and Mooresville pursuant to which Mecklenburg County would transfer its participation in the Joint Agency to the Towns of Davidson and Mooresville in exchange for certain promises and commitments; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreements “...shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager or the Chairman are hereby authorized and directed to execute the following agreements in substantially the forms attached to this resolution:

1. Interlocal Agreement.
2. Mecklenburg County Transfer Agreement.

RESOLVED FURTHER that the County Manager or the Chairman are hereby authorized and directed to execute such documents and perform such further acts as may be reasonably required or desirable to carry out or to perform the provisions of these Agreements.

RESOLVED FURTHER, that this resolution shall be spread upon the minutes.

Resolution recorded in full in Minute Book 44-A, Document # ____.

Note: Prior to the above votes, Nick Miller, Special Legal Counsel, addressed this matter with the Board.

(55) NOVEMBER 6, 2007 BOND REFERENDUM

RESOLUTION MAKING REQUIRED FINDINGS

Commissioner H. Parks Helms introduced the following resolution and moved that it be adopted, Commissioner Valerie C. Woodard seconded that motion, which carried 6-3 with Commissioners Bentley, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bishop, James, and Ramirez voting no, and the resolution was read by the above title.

RESOLVED that the Board of Commissioners of the County of Mecklenburg hereby makes the following factual findings:

1. Description of the project: Bonds in the maximum principal amount of \$581,640,000 are proposed to be issued for the following projects: school facilities, community college facilities and land purposes.

2. Facts regarding necessity of proposed projects: The proposed projects are necessary and expedient because present facilities are inadequate to meet the needs in the community.

3. Facts supporting the amount of bonds proposed: The amount of bonds proposed is adequate and not excessive for the proposed purposes based on present estimates.
4. Past debt management policies: The County has in the past always appropriated funds in accordance with North Carolina law during each fiscal year in an amount sufficient to retire all principal and interest on indebtedness.
5. Past budgetary and fiscal management policies: The County has always adopted its budget in a timely manner in accordance with North Carolina statutory requirements and has obtained an unqualified opinion from a certified public accountant in connection with each annual audit.
6. Retirement of Debt: Any increase in the County's property tax rate resulting from issuance of the proposed bonds is not excessive.

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner H. Parks Helms moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Norman A. Mitchell, Sr., and the resolution was read by the above title.

BOND ORDER AUTHORIZING THE ISSUANCE OF \$516,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The Board determines that it is necessary to provide school facilities, including the acquisition and construction of new school facilities, the improvements and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$516,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Norman

A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard

NAYS: Commissioners Karen Bentley and Bill James

Note: Prior to the above vote, the following persons appeared to speak in support of the motion by Commissioner Helms: Dr. James Woodward chair of the Mecklenburg Citizens for Public Education, Eulada Watt representing Leaders of a Grassroots effort, and Brian Francis with the Charlotte Chamber of Commerce.

Note: Also, prior to the above vote a substitute Motion was made by Commissioner Ramirez, seconded by Commissioner James and failed 5-4 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, James, and Ramirez voting yes, to move the adoption of a resolution to introduce the following bond order, and the resolution was read by the above title.

RESOLUTION TO INTRODUCE BOND ORDER

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$516,000,000 SCHOOL BONDS OF THE COUNTY
OF MECKLENBURG**

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The Board determines that it is necessary to provide the school facilities, acquisitions and improvements listed below, and to pay capital costs of such improvements.

Vance High
 New Bailey Road High School
 New Ridge Road Middle School
 Alexander Graham Middle Renovation
 New Dixie River Road Elementary
 New Mt. Holly-Huntersville Road Elem
 New Matthews-Mint Hill High
 Pre-K Addition (J.W. Grier Elem)
 Amay James Elementary Renovation
 New Beleade Drive Middle School
 Davidson Middle Renovations
 Pineville Elementary Renovations
 Ranson Middle Renovations
 New N. Tryon/Pavilion Elem School
 Fire Alarm upgrades (various schools)
 East Meck High Auditorium
 New York Road/Fez Club Elementary
 West Charlotte Electrical
 IAQ/Asbestos Removal (Various schools)
 Independence High Renovations
 South Mecklenburg High Renovation
 New Robinson Church Road Elementary
 McClintock Middle Renovation
 New Youngblood/Steele Creek Elementary
 Olympic High Roofing
 New Ervin Cook/Oliver Hagler Road Elem
 Olympic High Track and Field
 West Mecklenburg High Stadium
 New Johnston Oehler Road Elementary
 Hawthorne Middle Renovations
 Newell Elementary Renovations
 Bain Elementary Renovations
 Cornelius Elementary Renovations
 South Mecklenburg High Roofing
 Garinger High Renovations Inc. Science Labs
 Hawthorne Middle HVAC
 Garinger High Track and Field
 Olympic High Stadium
 Myers Park Phase 4 incl Gymnasium
 New Mountain Island Elem
 Land

Section 2. To raise the money required to pay capital costs of providing the facilities, acquisitions and improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$516,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

Commissioner Ramirez left the meeting after the above votes were taken and was absent for the remainder of the meeting.

* * *

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner H. Parks Helms moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Norman A. Mitchell, Sr., and the resolution was read by the above title.

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$30,000,000 COMMUNITY COLLEGE BONDS OF
 THE COUNTY OF MECKLENBURG**

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the

improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The Board determines that it is necessary to provide community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$30,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jennifer Roberts, and Valerie C. Woodard

NAYS: None

Note: Commissioner Ramirez was absent when this vote was taken.

* * *

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner H. Parks Helms moved adoption of a resolution to introduce the following bond order, that motion was seconded by Commissioner Valerie C. Woodard, and the resolution was read by the above title.

BOND ORDER AUTHORIZING THE ISSUANCE OF \$35,640,000 LAND BONDS OF THE COUNTY OF MECKLENBURG

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The Board determines that it is necessary to provide land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property, and to pay capital costs of such improvements.

Section 2. To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$35,640,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jennifer Roberts, and Valerie C. Woodard

NAYS: None

Note: Commissioner Ramirez was absent when this vote was taken.

* * *

RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDERS

Commissioner H. Parks Helms moved the adoption of the following resolution, the motion was seconded by Commissioner Valerie C. Woodard and the resolution was read by the above title.

WHEREAS, the bond orders entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$516,000,000 SCHOOL BONDS OF THE COUNTY OF MECKLENBURG", "BOND ORDER AUTHORIZING THE ISSUANCE OF \$30,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF MECKLENBURG" and "BOND ORDER AUTHORIZING THE ISSUANCE OF \$35,640,000 LAND BONDS OF THE COUNTY OF MECKLENBURG" have been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on August 14, 2007, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection

therewith as required by The Local Government Finance Act;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

The public hearing upon those bond orders shall be held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, North Carolina, at a meeting that begins at 6:00 P.M., September 5, 2007.

The Clerk to the Board of Commissioners is hereby directed to cause a copy of each bond order to be published with the notice of public hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

The Director of Finance is hereby directed to file with the Clerk to the Board of Commissioners prior to publication of the bond orders with the notices of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Jennifer Roberts, and Valerie C. Woodard

NAYS: None

Note: Commissioner Ramirez was absent when this vote was taken.

* * *

Resolution and Extracts recorded in full in Minute Book 44-A, Document # ____.

Motion was made by Commissioner Helms and seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to acknowledge publication of Notice of Intent to apply to the Local Government Commission for a November 6, 2007 Referendum, acknowledge filing of Application with the Local Government Commission, authorize the Clerk to publish the necessary notices, and authorize the Director of Finance to file with the Clerk the statutorily required debt statement.

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

CONSENT ITEMS

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 17, 23, 25, 32, 40, 41, 42, & 46 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held July 10, 2007 and Special Meetings held May 29 and May 30, 2007.

(8) CDBG SCATTERED SITE HOUSING PROGRAM OPTIONAL COVERAGE RELOCATION PLAN

Adopt a revised Optional Coverage Relocation Plan for the Community Development Block Grant Scattered Site Housing Program and authorize Chairperson Roberts to sign the revised plan.

Note: The new plan clarifies what relocation expenses the County will not cover in the Community Development program.

Relocation Plan recorded in full in Minute Book 44-A, Document # _____.

(9) 2007 MOBILE SOURCE EMISSIONS REDUCTION GRANT

Recognize, receive and appropriate \$230,000 in grant funds from the North Carolina Department of Environment and Natural Resources for a regional 2007 Mobile Source Emissions Reduction Grant; and authorize funds to be carried to subsequent years until completion of project.

(10) CLEAN AIR ACT SECTION 105 GRANT AWARD AMENDMENT

Decrease Clean Air Act Section 105 Grant revenue and expenditures by \$72,575.

(11) AMBIENT MONITORING REVENUE

Reduce Ambient Monitoring revenue and related expenditures by \$6,272 for FY07.

(12) 911 SURCHARGE SPECIAL REVENUE FUND

1) Recognize and appropriate \$700,000, which is the estimated County share of 911 surcharge revenue to be received in FY08.

2) Appropriate \$474,100 of 911 Surcharge fund balance for allowable expenditures.

(13) CARRY FORWARD OF GRANT FUNDING

1) Authorize the carry forward of \$5,000 of federal Non-road Construction Equipment Retrofit Grant to subsequent years until completion of project; and correct budget to reflect local match requirement.

Note: \$5,000 in additional grant funding was approved by the Board at the May 15, 2007 Board meeting. This action will make the grant funding available until the project is completed. An additional \$5,600 in local match is also required by the Grantor and will be provided from the Mecklenburg County Air Quality budget.

(14) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

Accept the "Offer Of Sale Of Land" from Paul Scarborough, owner of 3212 Benard Avenue for \$535,000; and authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action is necessary for the purchase of floodplain property under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above property from the floodplain.

(15) AMEND INTERLOCAL AGREEMENT WITH CITY OF RALEIGH FOR

BUILDING PERMIT SOFTWARE

Authorize the County Manager to negotiate and execute an amendment to the Interlocal Agreement with the City of Raleigh to share the development of building permit software for electronic plan submittal, website dashboards and building information modeling.

(16) AUCTIONS FOR DISPOSAL OF EQUIPMENT

- 1) Approve the lists (Exhibit A) and (Exhibit B) submitted by Procurement as surplus; and
- 2) Adopt a resolution authorizing sale of personal property by electronic auction on August 30, 2007 at 4:00 pm, the surplus property described on Exhibit A and public auction on September 22, 2007 at 10:00 am at 3301 Rotary Drive, Charlotte, North Carolina, the surplus property described on Exhibit B.

Resolution and Exhibits recorded in full in Minute Book 44-A, Document # _____.

(18) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

Adopt revisions to the Mecklenburg County Air Pollution Control Ordinance.

Note: A second reading will be required on September 5, 2007.

(19) RESOLUTION – DESIGNATION OF APPLICANT’S AGENT

Approve resolution to designate Dena R. Diorio, Director of Finance, as Mecklenburg County’s agent for Federal flood mitigation grants as required by the North Carolina Division of Emergency.

Resolution recorded in full in Minute Book 44-A, Document # _____.

(20) ORDER OF COLLECTION – AD VALOREM TAXES

Authorize the Tax Collector to collect 2007 ad valorem taxes.

ORDER OF COLLECTION

NORTH CAROLINA, MECKLENBURG COUNTY
TO THE TAX COLLECTOR OF MECKLENBURG COUNTY
GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg County and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Order recorded in full in Minute Book 44-A, Document # _____.

(21) YOUTHFUL OFFENDER FACILITY SECURITY SYSTEM

Award a contract to Black Creek Integrated Security Systems, Corp. in the amount of \$715,379 to provide the security system for the Youthful Offender Facility without bidding the purchase as authorized by GS 143-129(e)(6)(ii) and (iii).

Note: Black Creek Integrated Systems, Corp. furnished the security system for Jail North. Since the security system for the Youthful Offender Facility, to be built on the same site as Jail North, needs to be completely compatible, and integrated into the security system for Jail North, the only vendor that can supply and install a security system that meets those requirements is Black Creek Integrated Systems, Corp.

(22) SHERIFF’S SPECIAL REVENUE FUND

1. Recognize and appropriate for the Sheriff’s Special Revenue Fund, \$57,207 from Inmate Commissary.
2. Recognize and appropriate for Sheriff’s Special Revenue Fund, \$18,846 from Seized Assets.
3. Recognize and appropriate for Sheriff’s Special Revenue Fund, \$179,570 from Concealed Handgun Permit Fees.

(24) YOUTHFUL OFFENDER AND VOCATIONAL EDUCATION ADDITION TO MECKLENBURG COUNTY JAIL NORTH

Award a construction contract in the amount of \$10,079,800 to Edison Foard, Inc. for Mecklenburg County Jail North additions.

(26) FREEDOM PARK PLAYGROUND DONATION

Accept the donation of new gates for the playground at Princeton Avenue at Freedom Park from the Freedom Park Neighborhood Association.

(27) NC CLEAN FUEL ADVANCED TECHNOLOGY GRANT

Authorize the submission of a \$91,200 grant application, and if awarded, recognize, receive, and appropriate the amount awarded from the NC Clean Fuel Advanced Technology (CFAT) grant program.

(28) EAGLE SCULPTURE DONATION

Recognize and accept and receive a wooden eagle sculpture from the National Welders Supply Company.

Note: The sculpture is roughly 8 feet wide and 6 feet tall. The National Welders Supply Company would like to donate the wooden sculpture, value estimated in the thousands (no official appraisal), to the Mecklenburg County Park and Recreation Department. The Park and Recreation Department is currently in the process of planning a future joint Carolina Raptor Center/Latta Plantation Nature Center. The sculpture would be stored for the time being, and eventually displayed at any future facility.

(29) TAKE ME FISHING GRANT

Recognize, receive and appropriate \$1,000 from the National Recreation and Park Association “Take Me Fishing” grant program for the development and enhancement of boating and fishing opportunities at McDowell Nature Preserve.

(30) RAY’S SPLASH PLANET CAPITAL RESERVE REQUEST

Recognize and appropriate \$35,000 accrued from Ray’s Splash Planet fees for deck

improvements.

(31) ENGINEERING SERVICES FOR DESIGN, PERMITTING AND CONSTRUCTION SERVICES FOR THE DAVIE PARK STREAM RESTORATION PROJECT

Authorize the County Manager to negotiate a fee and execute a contract with HDR Engineering Services for engineering and design services, along with engineering plans and construction services for the Davie Park restoration and other activities as related to fulfilling 401/404 permit mitigation requirements for the US 521 Landfill (Foxhole).

(33) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of \$12,843 for General Services, \$42,805 for Park and Recreation, \$6,358 for Real Estate Services, \$75 for Land Use and Environmental Services, \$1,565 for Finance, \$1,717 for Tax and \$5,406 for the Sheriff's Office.

Note: All reimbursements are for stolen and damaged items.

(34) ROAD ABANDONMENT AND CLOSING - TOM SHORT ROAD – SET PUBLIC HEARING

Adopt a resolution of intent to close and set a public hearing at 6:30 p.m. on September 18, 2007 to hear citizen's comments on the abandonment and requested closing of two unused sections of Tom Short Road (SR#5700) totaling 0.10 mile located through the Stone Creek Ranch Subdivision near the intersection of I-485 and Providence Road.

Resolution recorded in full in Minute Book 44-A, Document # ____.

(35) GREENWAY DONATION – KINGS BRANCH

Accept donation of Tax Parcel 169-252-81 (+/- 2.041 acres) on Kings Branch from Beazer Homes Corp.

Note: This parcel will add to greenway assemblage along Kings Branch, and is located in the South Park District.

(36) AREA MENTAL HEALTH AUTHORITY FOURTH QUARTER FY 2007 REPORT

Recognize and receive the Fourth Quarter 2007 Area Mental Health Authority Report.

Note: Regulations stipulate that the Financial Management portion of the report be included in the minutes.

Financial Management

FY 2006-07, 4th Quarter

Revenue Source	Revenues		
	Budgeted Revenues	Actual Revenues	% Received
Medicaid	\$12,000,431.00	\$9,879,979.00	82.33%

Medicaid-CAP	1,617,750.00	1,957,714.00	121.01%
State and Federal	34,931,602.00	32,880,413.00	94.13%
Third Party/Other	229,957.00	120,998.00	52.62%
Grants	5,093,924.00	2,039,045.00	40.03%
County	40,100,894	25,162,645	62.75%
Total Revenues	\$93,974,558.00	\$72,040,794.00	76.66%

	Expenditures		
	Budgeted Expenditures	Actual Expenditures	% Spent
Service Continuum			
Children's Developmental Services	\$6,992,048.00	\$6,003,584.00	85.86%
Child & Adolescent Services	17,363,764.00	8,956,303.00	51.58%
Adult Mental Health	9,488,631.00	5,205,685.00	54.86%
Adult Substance Abuse	12,229,547.00	11,068,531.00	90.51%
Local Management Entity	11,903,346.00	10,318,429.00	86.69%
BHC Randolph	16,926,785.00	16,299,048.00	96.29%
Developmental Disabilities	19,070,437.00	14,189,214.00	74.40%
Total Expenditures	\$93,974,558.00	\$72,040,794.00	76.66%

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

(37) ROAD ABANDONMENT AND CLOSING - LAWATHER ROAD – SET PUBLIC HEARING

Adopt a resolution of intent to close and set a public hearing at 6:30 p.m. on September 18, 2007 to hear citizen’s comments on the abandonment and requested closing of a 0.25 mile section of Lawther Road (SR#2447) and its right-of-way off Huntersville-Concord Road.

Resolution recorded in full in Minute Book 44-A, Document # ____.

(38) ROAD ABANDONMENT AND CLOSING - BERRYHILL ROAD – SET PUBLIC HEARING

Adopt a resolution of intent to close and set a public hearing at 6:30 p.m. on September 18, 2007 to hear citizen’s comments on the abandonment and requested closing of a 0.05 mile section of Berryhill Road (SR#1198) located south of the intersection of I-485 and Wilkinson Boulevard.

Resolution recorded in full in Minute Book 44-A, Document # ____.

(39) LITTLE SUGAR CREEK GREENWAY (MIDTOWN SECTION), GRADING & STREAM RESTORATION – CONSTRUCTION CONTRACT

Award a construction contract to United Construction Inc. for a total amount of \$799,613.33, for Little Sugar Creek Greenway Restoration.

(43) DESTRUCTION OF DOCUMENTS – LUESA

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

- 350 commercial plans permitted June 2005

(44) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve Area Mental Health funding adjustments as follows:

- A. Approve, recognize and appropriate additional revenue in the Children’s Developmental Services (CDS) contract in the amount of \$8,900.
- B. Approve the establishment of one full time position in Facilities Management.
- C. Approve, recognize and appropriate additional revenue in the Child Development-Community Policing Services (CD-CP) contract in the amount of \$4,420.

(45) LAND EXCHANGE AT LITTLE SUGAR CREEK GREENWAY AND BEREWICK PARK SITE

Adopt a resolution authorizing the exchange up to +/- 8,575 square feet of County Tax Parcel 125-227-04 on Little Sugar Creek at Kenilworth Avenue for a +/- 10-acre tract owned by Pappas Properties, LLC including all of Tax Parcel 141-181-01 adjoining the Berewick district park site in southwestern Mecklenburg County.

Resolution recorded in full in Minute Book 44-A, Document # _____.

(47) GREENWAY DONATION – LONG CREEK

Accept the donation of +/- 23.04 acres (Tax Parcel 025-141-23) at Long Creek from Centex Homes.

Notes: This property is located along Long Creek in the McIntyre Subdivision located between Harris Blvd, Reames Road and the future I-485. This parcel is part of the land assemblage for the Long Creek Greenway in the NW Park District.

(48) MIDDLE SCHOOL MATTERS

- 1) Receive and review the following:
 - a) Memorandums of Agreement confirming in-kind contributions from Charlotte-Mecklenburg Schools (CMS) to Partners in Out-of-School Time (P.O.S.T.) service providers,
 - b) Letter of agreement stipulating a cash contribution of \$40,000 from CMS to P.O.S.T.
- 2) Authorize transfer of \$200,000 from Restricted Contingency for P.O.S.T.

Note: In FY07, the Board approved an amount of \$200,000 for P.O.S.T. to be placed in Restricted Contingency and released pending completion of agreements and/or contractual arrangements for MSM between CMS and P.O.S.T. service providers operating MSM programs at those schools.

(49) HAL MARSHALL SERVICES CENTER SALE

Receive update regarding upset bid process to sell +/- 11.7 acres including Tax Parcels 080-031-01 at 700 North Tryon Street and 080-041-01, 080-041-02, 080-032-04 and 080-032-05 on North College Street (Hal Marshall Services Center Sale).

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

(50) AMEND THE BOARD’S HUMAN RESOURCES POLICY

Amend the Board's HR policy on "Holiday Pay" to allow the County Manager to develop and implement holiday pay administration procedures consistent with applicable federal and state laws.

Note: Currently, County employees only receive eight hours of holiday pay regardless of their scheduled shift. However, many employees work more than an eight hour shift as part of their scheduled work week (ex. Sheriff's Office).

Policy recorded in full in Minute Book 44-A, Document # _____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(17) CARLTON WATKINS CENTER - ROOF REPLACEMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Roberts and Woodard voting yes, to award a construction contract in the amount of \$439,700 to Radco Construction, Inc. for roof replacement at the Carlton Watkins Center.

Commissioner Woodard removed this item from Consent to inquire about MWSBE participation, which was addressed by Matthew Stiene with Real Estate Services.

(32) WTVI - HVAC REPLACEMENT/RENOVATIONS

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Roberts and Woodard voting yes, to award a contract to Action Mechanical Inc. in the amount of \$697,000 to replace all major HVAC equipment at WTVI.

Commissioner Woodard removed this item from Consent to inquire about MWSBE participation which was addressed by Matthew Stiene with Real Estate Services.

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

(23) NORTHWEST HEALTH FACILITY ADDITIONS AND RENOVATIONS

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Mitchell, Roberts and Woodard voting yes, to award a construction contract in the amount of \$2,350,735 to Southern Constructors, Inc. for Northwest Health Facility additions and renovations.

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

(25) ARBOR GLEN OUTREACH CENTER DONATION FROM THE LEON LEVINE FOUNDATION

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Mitchell, Roberts and Woodard voting yes, to recognize, receive and appropriate funds in the amount of \$10,000 for Mecklenburg County Park and Recreation, Arbor Glen Outreach Center from The Leon Levine Foundation.

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

Note: The donation is to be utilized for youth programs, classes and community based special events and activities. This donation will greatly enhance recreation and developmental opportunities for youth in the Arbor Glen community.

(40) MCDOWELL CREEK GREENWAY – CORNELIUS NCDOT ENHANCEMENT GRANT PARTICIPATION

Motion was made by Commissioner Bentley, seconded by Commissioner Woodard and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Mitchell, Roberts and Woodard voting yes, to

- 1) Approve Mecklenburg County as a joint grant recipient, partnering with the Town of Cornelius, for an NCDOT Enhancement Grant to help fund the construction of the McDowell Creek Greenway - Cornelius.
- 2) Approve the use of Federal Disadvantaged Business Enterprise special provisions for bidding, instead of using the County M/W/SBE provisions, as required in order to obtain NCDOT grant funding.

Commissioner Bentley removed this item from Consent to inquire about the increased cost of the project, which was addressed by Jay Higginbotham with Real Estate Services.

(41) TORRENCE CREEK GREENWAY PHASE III – NCDOT ENHANCEMENT GRANT PARTICIPATION

Motion was made by Commissioner Bentley, seconded by Commissioner Woodard and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Mitchell, Roberts and Woodard voting yes, to

- 1) Approve Mecklenburg County as a joint grant recipient, partnering with the Town of Huntersville, for a NCDOT Enhancement Grant to help fund the construction of the Torrence Creek Greenway Phase III.
- 2) Approve the use of the Federal Disadvantaged Business Enterprise special provision for bidding, instead of using the County M/W/SBE provisions, as required to obtain NCDOT grant funding.

Commissioner Bentley removed this item from Consent to inquire about the increased cost of the project, which was addressed by Jay Higginbotham with Real Estate Services.

Commissioners Bentley and Clarke left the dais and were absent until noted in the minutes.

Commissioner Helms returned to the dais.

(42) STEWART CREEK GREENWAY-CONSTRUCTION CONTRACT

Motion was made by Commissioner Woodard, seconded by Commissioner Helms and carried 5-0 with Commissioners Bishop, Helms, Mitchell, Roberts and Woodard voting yes, to award a construction contract to T.K. Browne Construction Company, Inc. for a total amount of \$368,223.95, for Stewart Creek Greenway.

Commissioner Woodard removed this item from Consent to inquire about MWSBE participation, which was addressed by Robert May with Real Estate Services.

Note: Construction will add approximately one-half mile of greenway trail to the existing Stewart Creek Greenway system.

Commissioner Clarke returned to the dais.

(46) CLOSING THE GAP – HEALTH DISPARITIES GRANT – HEALTH DEPARTMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and carried 6-0 with Commissioners Bishop, Clarke, Helms, Mitchell, Roberts and Woodard voting yes, to recognize, receive and appropriate \$71,000 from the NC Department of Health and Human Services Office of Minority Health and Health Disparities.

Note: This funding is to establish a community health leadership academy in partnership with the Health and Human Performance Department at Johnson C. Smith University. The academy is an extension of the Community Health Trust Builders project that was funded for the past two years which trained community health ‘ambassadors’ and provided health screenings, referrals, and medical follow-up to high morbidity populations in underserved communities in Mecklenburg County.

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

Commissioner Woodard left the meeting and was absent for the remainder of the meeting.

(2C2) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 5-0 with Commissioners Bishop, Clarke, Helms, Mitchell, and Roberts voting yes, to approve purchase of a construction/stream restoration easement on a portion of Tax Parcel 125-213-24 at 1331 Greenwood Cliff for \$15,000 from Judith Keck.

Note: The subject property lies along Little Sugar Creek (in the midtown area) and will be incorporated into the stream restoration project.

(2C1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and carried 5-0 with Commissioners Bishop, Clarke, Helms, Mitchell, and Roberts voting yes, to Approve purchase of .868-acre Tax Parcel 181-021-84 from the City of Charlotte for \$287,000.

Note: County greenway and real estate staff recommend this purchase as a critical tract to acquire for the future greenway connection along Briar Creek between Providence Road and Randolph Road.

Commissioner Bentley returned to the dais.

STAFF REPORTS AND REQUESTS

(51) RYAN WHITE PART A HIV/AIDS GRANT UPDATE

The Board received a report from Dr. Wynn Mabry, Health Director on recent developments with the Ryan White Part A for the six-county region from.

Note: Under the Ryan White Treatment Modernization Act of 2006, Part A, Mecklenburg County along with five neighboring counties (Anson, Cabarrus, Gaston, Union, and York, SC) received funding as a Transitional Grant Area (TGA) with 1,000 to 1,999 AIDS cases reported and

confirmed by the CDC for the recent 5 calendar years. Ryan White Part A funding will assist this six county region in developing and enhancing access to a comprehensive continuum of high quality, community based care for low-income individuals and families with HIV disease.

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

**(52) NORTH CORRIDOR COMMUTER RAIL PROJECT FINANCING STRATEGY
– ITEM WAS REMOVED**

This matter will be rescheduled.

**(53) CAROLINAS MOBILE EMERGENCY DEPARTMENT (MED-1) – ITEM
REMOVED**

This matter will be rescheduled.

(56) UNRESTRICTED CONTINGENCY ALLOCATION

Motion was made by Commissioner Helms and seconded by Commissioner Bishop and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, and Roberts voting yes, to approve the allocation of \$25,000 from unrestricted contingency to support the efforts of the Charlotte Regional Film Commission.

Note: The Charlotte Regional Partnership requested as part of their FY 2008 budget request that the County provide \$25,000 to support the efforts of the Charlotte Regional Film Commission – this request was overlooked – the City of Charlotte approved a similar request in their budget. According to the Regional Partnership film and television industry productions spend millions of dollars in our community, while placing little to no burden on a community's resources.

(57) ACC FOOTBALL RESOLUTION

Motion was made by Commissioner Helms and seconded by Commissioner Mitchell and carried 5-1 with Commissioners Bentley, Clarke, Helms, Mitchell, and Roberts voting yes and Commissioner Bishop voting no, to approve a resolution in support of the City of Charlotte to host the ACC Football Championship Game in Mecklenburg County in any or all of 2008, 2009, and 2010.

Resolution recorded in full in Minute Book 44-A, Document # ____.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(59) CHARLOTTE-MECKLENBURG WOMEN'S SUMMIT 2008 FUNDING

Motion was made by Commissioner Bishop and seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, and Roberts voting yes, to authorize the release of \$30,000 from Unrestricted Contingency for the 2008 Women's Summit.

Note: The Charlotte-Mecklenburg Women's Summit is a research-based, strategic plan of action, formed to address issues in Charlotte-Mecklenburg pertaining to Women and Girls. The mission for the Women's Summit is: "By improving the lives of women and girls, we improve the whole community." Through a plan of action, the Women's Summit intends to: assess the

current status of women in the community in the areas of Employment & Earnings, Health & Well-Being, Political Participation, Education, Poverty, and Violence against women; educate and engage the community; target issues for improvement; motivate the community to take action; and track and measure improvements. The Women's Summit is requested \$30,000 to complete funding for the 2008 Summit.

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

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell, 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 10:45 P.M.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman