

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NOVEMBER 7, 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 Wednesday, November 7, 2007.

ATTENDANCE

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

Absent: Commissioner Norman A. Mitchell, Sr.

-INFORMAL SESSION-

Commissioners Bishop, Clarke, and Woodard were 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.

(1) STAFF BRIEFINGS - NONE

(2A, B) CLOSED SESSION – A) LAND ACQUISITION B) CONSULT WITH ATTORNEY

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and carried 5-0 with Commissioners Bentley, Helms, James, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult with Attorney.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:33 p.m.

Commissioners Bishop, Clarke, and Woodard were present when the Board came back into Open Session. They entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 17 and 19.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) HOMELESS AWARENESS MONTH

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating November 2007 as Homeless Awareness Month.

The Proclamation was read by Commissioner Ramirez and received by Peter Safir, Karen Montaperto (Dir. Of Charlotte Emergency Housing), & Roxianna Johnson (Area Mental Health Housing Resource Development Coordinator) on behalf of the Homeless Services Network. They were joined at the podium by Barry Web, who was formerly homeless and Rob Weizle with Homeless Helping Homeless. Both gentleman expressed thanks for services they've received and the continuing need for services to the homeless.

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

(1B) GIS DAY

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating Wednesday, November 14, 2007 Geographic Information System (GIS) Day in Mecklenburg County.

Note: In Mecklenburg County, government employees are working more efficiently because of Geographic Information System (GIS) technology. GIS technology supports eGov strategies by supporting mobile workers and customers, expanding self-service capabilities, and improving usability and integration of data. Internal and external customers of Mecklenburg County agencies as well as 311 are able to complete business transactions quicker and retrieve answers to their questions more efficiently. GIS combines geography and technology to significantly improve decision making that involves the location, distribution, or impact of people, places, and events in Mecklenburg County. Proximity of customers to a store location, the routing of emergency vehicles to an incident, and the change over-time in a habitat all share the common component of geography.

The Proclamation was read by Commissioner James and received by Paul Martin with LUESA, Brian Gott with PS&I, and Chris Payne with Central Piedmont Community College.

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

(1C) NATIONAL ADOPTION AWARENESS MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation declaring November 2007 as "National Adoption Awareness Month."

The Proclamation was read by Commissioner Woodard and received by Judge Lisa Bell and Richard Jacobsen, Director of Social Services.

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

(1D) AMERICAN INDIAN HERITAGE MONTH

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating November 2007 as “American Indian Heritage Month.”

The Proclamation was read by Commissioner Helms and received by Tina Hunt and Donald Strickland.

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

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

(2) PUBLIC APPEARANCE

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

Richard Alexander addressed public safety. Mr. Alexander said dealing with the issue of crime needs to be a priority when it comes to government spending. He said the police are doing their job, but that the system breaks down in the courthouse. Mr. Alexander said if the State won't give the court system what they need, then the County needs to do it. Mr. Alexander said a task force is needed to track repeat offenders, as well as, a task force to deal with gangs in the community. He asked the Board to reconsider some of its priorities and address public safety issues.

Commissioner Clarke returned to the dais.

(3A) APPOINTMENTS

AIR QUALITY COMMISSION

The vote was taken on the following nominees for appointment to the Air Quality Commission:

| | |
|------------------------|--|
| Stephanie Carter-Tyson | None |
| Tonisha Dawson | Commissioners Bentley, Bishop, James, Ramirez, Roberts and Woodard |

Voting Ceased

William Nash
Katie Oates
Jason White

Chairman Roberts announced the appointment of Tonisha Dawson to the Air Quality Commission as a general public representative to fill an unexpired term expiring August 31, 2009.

Note: She is replacing Fletcher Roberts.

SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE

The vote was taken on the following nominees for appointments to the Shelter for Battered Women Advisory Committee:

Round One

| | |
|----------------------|--|
| Brenda Adams | Commissioners Bentley, Clarke, Helms, and Ramirez |
| Laurie Brandon | Commissioners Clarke, Helms and Roberts |
| Janet Garner-Mullins | Commissioner Woodard |
| LaShonda Hart | Commissioners Clark and Roberts |
| Melissa Major | Commissioner Helms |
| Tiona Mendes | Commissioner Ramirez |
| Shalawn Moore | Commissioners Bentley, Clarke, Helms, James, Roberts and Woodard |
| Isabella Pauling | None |
| Helen Strong | Commissioners Bentley and Woodard |

Note: Renee Barfield was removed from the list of nominees because she was appointed to the Personnel Commission at the October 16, 2007 meeting.

Chairman Roberts announced the appointment of Shalawn Moore to the Shelter for Battered Women Advisory Committee for a three-year term expiring November 30, 2010.

Round Two

| | |
|----------------------|--|
| Brenda Adams | Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez and Woodard |
| Laurie Brandon | Commissioners Clarke and Roberts |
| Janet Garner-Mullins | Commissioner Woodard |
| LaShonda Hart | Commissioner Roberts |
| Melissa Major | Commissioners Bishop, Helms, James and Woodard |
| Tiona Mendes | None |
| Isabella Pauling | None |
| Helen Strong | Commissioner Bentley |

Chairman Roberts announced the appointment of Brenda Adams to the Shelter for Battered Women Advisory Committee for a three-year term expiring November 30, 2010.

Round Three

| | |
|----------------------|---|
| Laurie Brandon | None |
| Janet Garner-Mullins | None |
| LaShonda Hart | None |
| Melissa Major | Commissioners Bishop, Clarke, Helms, James, and Ramirez |

Voting Ceased

Tiona Mendes
Shalawn Moore
Isabella Pauling
Helen Strong

Chairman Roberts announced the appointment of Melissa Major to the Shelter for Battered Women Advisory Committee to fill an unexpired term expiring October 31, 2008.

They are replacing Barbara Hearn, Weller Johnson, and Tom Ray.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

(6A) JAIL OVERCROWDING

The Board received a report on short-term planning/solutions for jail overcrowding from County Manager Jones.

County Manager Jones reminded the Board that 1) staff is working with Kimme and Associates, Inc. to develop a comprehensive Jail Master Plan, which should be completed by the end of the calendar year. 2) In response to the need for a short-term solution to the overcrowding, the Board approved \$5.9 million in pay-as-you-go funding for the renovation of the temporary jail space at Jail North Annex, staff believes, however, renovating this space is not in the best interest of the County because of the time and cost involved.

Staff believes it would be more feasible to demolish the temporary Jail Annex and replace it with a 'stressed membrane' structure. This would be a temporary facility with a life expectancy of 20 years. It would house 320 inmates and would provide the County with enough relief to analyze the Kimme report for long term solutions, as well as, provide the Board with enough time to make the best decision possible on what will most likely involve consideration of a "large and expensive" jail expansion. He stated further that the site is being prepared to accommodate an identical 320 bed housing unit if, in the future, it was decided that there was a need. Further, to add an additional 320 beds would cost an additional \$6.8 million.

County Manager Jones also addressed the need for additional positions. County Manager Jones said he was not asking for funding of these new positions for the remainder of this fiscal year because lapsed salary dollars, county-wide, will be used, however, if approved, included in the Manager's budget for next year will be a funding proposal for this. It's anticipated that the annual cost will be \$5.2 million, which includes staffing and operation cost.

Doug Buchanan with Real Estate Services presented information regarding how the County proposes to move forward as it relates to the type of temporary structure that's being proposed. He was assisted by Paul Bonsall of Ware Bonsall Architects, the architect for this project.

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

Deputy Sheriff Chief Chip Bailey was present and addressed questions.

Comments

Commissioner James asked about the ratio of detention officers to inmates, which was addressed.

Chief Deputy Bailey said it would be 1-40 versus the current 1-56.

Commissioner Bishop asked about the security of the facility being proposed, which was addressed by Mr. Bonsall. *It was stated that the security on this facility is very similar to the security that was on the original Jail North Annex, that it's essentially the same concept.*

Chief Deputy Bailey said he's comfortable with the level of security.

Chairman Roberts clarified that the 'stressed membrane' facility is different from the Immigration & Customs Enforcement (ICE) facility that is being considered and would have the federal government involved. Chairman Roberts said the facility in question was not related to the ICE facility concept.

Commissioner Clarke asked whether the need for this temporary facility is the result of normal growth or is it a reflection of other facilities having ended their useful life. *Chief Deputy Bailey said the Jail North Annex had ended its useful life. He stated further that the rate of growth for the inmate population is pretty much correlated to the growth of population in the County over the years, especially since 2000.*

Commissioner Woodard expressed concern about the use of the sole source exception. *Mr. Buchanan said per his research Sprung, Inc. was the only company he could locate that has this material. He said Sprung will be providing the material and overseeing the construction. He said*

the construction/installation of the housing unit will be bid out.

Commissioner Woodard asked if staff contacted the Minority, Women, Small Business Enterprise (MWSBE) Coordinator regarding the possibility of other vendors. *The response was no, only an internet research was done. Also, with respect to the Security System, Black Creek is being recommended because they're already being used by the Sheriff's Office.*

Commissioner Woodard said she wants to make sure that an exhaustive search for vendors is always done.

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

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts and Woodard voting yes, to

- 1) Adopt renovations at Jail North Annex Capital Projects Ordinance;
- 2) Approve allowing the County to contract with Sprung, Inc. to design and construct the stressed membrane housing unit for Jail North Annex without competitive bidding as authorized by the sole source exception of G.S. 143-129(e) (6);
- 3) Approve allowing the County to contract with Black Creek to design and install the Security System for Jail North Annex without competitive bidding as authorized by the sole source exception of G.S. 143-129(e) (6); and
- 4) Authorize 74 additional positions for the Sheriff's Office.

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

(6B) GOODWILL INDUSTRIES

County Manager Jones informed the Board that a public hearing would be held at the November 20 meeting on the proposed financing of an industrial revenue bond project for Goodwill Industries of the Southern Piedmont, Inc.

Manager Jones said he approved this based on a conversation with County Attorney Bethune on last Thursday. He said an ad was published in the newspaper regarding the hearing on November 20.

Attorney Bethune explained that this was being done through the Board's Industrial Facilities and Pollution Control Board and that it will allow Goodwill Industries to obtain tax exempt financing for about three of its retail stores. Attorney Bethune said the Board would receive additional information. He said that this was conduit financing and that Goodwill Industries will be totally responsible for repaying the debt.

Commissioner Bishop asked why this was a rush on the part of Goodwill Industries. *The response was that they would like to have this matter settled by the end of the year.*

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Clark and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 17 and 29 to be voted on separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held October 16, 2007 and Closed Session meetings held

October 16, 2007, October 2, 2007 (2b), and June 5, 2007 (2c).

(8) SHERIFF'S SPECIAL REVENUE FUND

Recognize and appropriate \$86,000 for the Sheriff's Special Revenue Fund from Inmate Commissary.

(9) PURCHASE OF A CRISIS NEGOTIATION UNIT

Approve the purchase of a Crisis Negotiation Unit from Matthews Specialty Vehicles of Greensboro, NC for the single bid amount of \$159,836.

(10) TAX REFUNDS

Approve refunds in the amount of \$35,646 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits, and other amendments.

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

(11) APPOINTMENT OF REVIEW OFFICERS

Amend "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2," to add the names of Brent Wilkinson and Nick Polimeni.

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

(12) PROTECTION, DEVELOPMENT, AND IMPROVEMENT OF FOREST LAND AGREEMENT

Adopt "Agreement for the Protection, Development, and Improvement of Forest Land in Mecklenburg County."

Note: This is the reoccurrence of a one (1) year agreement with a 40 percent County and 60 percent State funding split establishing a County Office of the North Carolina Forestry Service with duties and responsibilities as specified in the agreement.

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

(13) CONGESTION MITIGATION FOR AIR QUALITY (CMAQ) RESOLUTION

Adopt resolution approving the Pilot Transportation Demand Management Program Agreement (Project C-4959) between Mecklenburg County and the N. C. Department of Transportation; and authorize the County Manager and the Clerk to the Board to execute the agreement.

WHEREAS, the County has requested enhancement funding for a Pilot Transportation Demand Management Program in Charlotte, Mecklenburg County, North Carolina; and,

WHEREAS, the Department of Transportation has programmed funding in the 2006-2012 Transportation Improvement Program, as revised, for said program under Project C-4959, Mecklenburg County; and,

WHEREAS, the County proposes to enter into an Agreement with the North Carolina Department of Transportation for said program as described in said Agreement; and,

WHEREAS, under the proposed Agreement and subject to the Agreement provisions, the Department shall reimburse the County to the extent of eighty percent (80%) of the approved eligible costs up to the maximum federal amount of \$500,000; and,

WHEREAS, the County shall provide twenty percent (20%) matching funds, and the County shall be responsible for all costs that exceed the federal amount of \$500,000.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project C-4959 in Mecklenburg County is hereby formally approved by the Board of Commissioners of the County of Mecklenburg and that the County Manger and Clerk of this County are hereby empowered to sign and execute this Agreement between the County and the Department of Transportation.

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

(14) AREA MENTAL HEALTH AUTHORITY FIRST QUARTER FY 2008 REPORT

Recognize and receive the First Quarter 2008 Area Mental Health Authority Report.

Financial Management

Revenues

| | Budgeted Revenues | Actual Revenues | % Received |
|-----------------------|-------------------|-------------------|---------------|
| Revenue Source | | | |
| Medicaid & CAP | 12,231,908 | 2,120,619 | 17.34% |
| State and Federal | 34,116,068 | 1,953,412 | 5.73% |
| Third Party/Other | 181,293 | 24,001 | 13.24% |
| Grants | 5,625,304 | 461,196 | 8.20% |
| County | 42,922,330 | 11,544,043 | 26.90% |
| Total Revenues | 95,076,903 | 16,103,271 | 16.94% |

Expenditures

| | Budgeted Expenditures | Actual Expenditures | % Spent |
|-----------------------------------|-----------------------|---------------------|---------------|
| Service Continuum | | | |
| Children's Developmental Services | 7,148,373 | 1,585,439 | 22.18% |
| Child & Adolescent Services | 16,589,348 | 1,444,654 | 8.71% |
| Adult Mental Health | 9,763,489 | 1,238,702 | 12.69% |
| Adult Substance Abuse | 12,226,998 | 2,522,676 | 20.63% |
| Local Management Entity | 11,869,338 | 2,311,655 | 19.48% |
| BHC Randolph | 18,925,133 | 4,681,032 | 24.73% |
| Developmental Disabilities | 18,554,224 | 2,319,113 | 12.50% |
| Total Expenditures | 95,076,903 | 16,103,271 | 16.94% |

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

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

(15) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT

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

Note: A second reading is required for the adoption of this Ordinance because not all nine Commissioners were present.

(16) SERVICE AGREEMENT WITH DUKE ENERGY – FREEDOM MALL

Authorize the County Manager to execute a Service Agreement with Duke Energy to provide Electrical Power to Freedom Mall for a minimum monthly rate of \$376.26 for one year.

(18) PROFESSIONAL SERVICES AGREEMENT FOR GENERAL STORM WATER ENGINEERING SERVICES

Authorize the County Manager to negotiate and execute a contract with Armstrong Glen to provide professional engineering services for general storm water engineering services.

(19) CHARLES T. MYERS, RENAISSANCE AND REVOLUTION PUBLIC GOLF COURSES – SERVICES OPERATION AGREEMENT

Authorize the County Manager to negotiate and execute an agreement with Ratcliffe Golf Services (RGS) for the full service operations, maintenance and management of the Charles T. Myers Renaissance and Revolution Public Golf Courses from April 1, 2008-March 31, 2018 with two optional five year renewals.

Authorize the County Manager to negotiate and execute an agreement with HMS Golf if negotiations are unsuccessful with Ratcliffe Golf Services.

(20) GREENWAY DONATION – LONG CREEK

Accept donation of a portion of Tax Parcel 025-113-20 (+/- 1.4614 acres) on Long Creek from Perimeter Woods Development, LLC.

Note: This parcel will add to greenway assemblage along Long Creek and is located in the Northwest Park District.

(21) GREENWAY EASEMENT DONATION – LITTLE SUGAR CREEK

Accept donation of a greenway easement (100 feet) on a portion of Tax Parcel 081-086-10 from the City of Charlotte.

Note: This parcel will add to greenway assemblage along Little Sugar Creek and is located in the Central II Park District.

(22) SCHOOL HEALTH PROGRAM LEASE

Authorize the County Manager to execute a lease with EC Griffith Company for office space on Westpark Drive.

Note: Mecklenburg County's Health Department contracts with Carolinas Healthcare System to provide school nurses for Charlotte-Mecklenburg Schools. Because of growth in the county's school population, the health department would like to expand the program to meet the national nurse-to-student ratio recommendation of 1:750. Currently, Mecklenburg County's nurse-to-student ratio is 1:1,500. This site will provide meeting and administrative support offices for the program's nurses and support/management staff.

(23) REGISTER OF DEEDS SPECIAL REVENUE FUND

Amend the *Register of Deeds Automation Enhancement and Preservation Special Revenue Fund* ordinance.

Recognize \$200,000 of fee revenue in the Register of Deeds Automation Enhancement and Preservation Special Revenue Fund and appropriate that amount for automation and preservation enhancements.

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

(24) CAPITAL PROJECT ORDINANCES

- 1) Adopt the *Library Facilities – 2007* capital project ordinance.
- 2) Adopt the *Central Piedmont Community College - 2007* capital project ordinance.
- 3) Adopt the *Bryton Improvements* capital project ordinance.
- 4) Appropriate \$500,000 from General Fund balance and authorize transfer to capital fund for court facilities.
- 5) Amend the *Court Facilities Approved in November 2, 1999 Referendum* capital project ordinance.
- 6) Amend the *Law Enforcement Facilities Approved in November 8, 2005 Referendum* capital project ordinance.

Note: Adoption of the Library ordinance will provide funding for renovations at the Beatties Ford Road Library as approved in the 2008 capital improvement program. The CPCC ordinance is to provide funding for a parking deck also approved in the 2008 CIP. The Bryton project ordinance will provide funding for this project as approved by the Board previously. At the October 2, 2007 meeting the Board received an update on the Court project. This appropriation and ordinance provide continuation funding for the changes. The amendment of the law enforcement facilities ordinance provides budgetary authority for continuation of those projects.

Ordinances recorded in full in Minute Book 44-A, Documents #____, ____, ____, ____, & ____.

(25) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional revenue of \$134,978 to reflect actual state, federal and local allocations to the Health Department.

(26) STATE SECONDARY ROAD PROGRAM - FY 2007-2008

- A) Receive report from the North Carolina Department of Transportation on the State Secondary Road program for Mecklenburg County for FY 2007-2008.
- B) Approve the State Secondary Road Program for FY 2007-2008 for Mecklenburg County.

Note: This program is presented to the Board of County Commissioners annually for approval. It provides for paving unpaved roads in Mecklenburg County for the 2007-2008 Fiscal Year. There was no program for the FY 2006 - 2007 due to lack of available funding by NCDOT

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

(27) PROGRAM EXPANSION AND ADDITIONAL POSITION REQUEST LUESA-CODE ENFORCEMENT

- 1) Approve LUESA –Code Enforcement department policy change expanding residential drawing submittal program to include all residential new construction.
- 2) Approve four additional positions –
 - Three residential plans examiners
 - One lead residential Plans examiner
- 3) Recognize and appropriate \$128,736 in additional permit revenue.

(28) HWY 521 SPORTSPLEX – GENERAL CONSTRUCTION CONTRACT

Award a construction contract to Streamline LLC for a total amount of \$1,123,800 for Highway 521 Sportsplex.

(30) COLONEL FRANCIS BEATTY PARK PHASE 3 RENOVATIONS – GENERAL CONSTRUCTION CONTRACT

Award a construction contract to M. V. Momentum Construction, LLC for a total amount of \$359,845 for Colonel Francis Beatty Park Phase 3 Renovations.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(17) SOLE SOURCE EXEMPTION PURCHASES FOR THE FREEDOM MALL RENOVATIONS

Motion was made by Commissioner Woodard, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Ramirez, Roberts and Woodard voting yes, to authorize Mecklenburg County to specify the equipment as listed for all phases of the renovation of Freedom Mall.

Justifiable Items for Sole Sourcing for Freedom Center

Shell Sole Source Items:

- Viracon Glass;
- Solarscreen Radiant Low-E

Metal Panel;

- *Wall:* Metl-Span CF Striated Wall Panel
- *Roof:* Metl-Span CFR Insulated Roof Panel

Concrete Masonry Unit;

- Adams Products Co

Masonry;

- Taylor Clay;

Interior Sole Source Items:

- *Workstations* – Knoll (US Comm)
- *Seating* – Haworth (US Comm)
- *Waiting Area Seating* – Chromcraft
- *Modular Casework* – Modular Millwork
- *Tile Carpeting* – Interface
- *Flush Wood Doors* - Graham
- *Door Hardware* :
 - *Hinges* – McKinney

- *Lockset* – Yale 5400 LN Series
- *Exit Devices* - Yale
- *Electric Strike* – HES
- *Stops and Holders* – Rixson
- *Closers* – Yale
- *Floor Stops* - Rockwood
- *Security* – Keyscan Access Control System
- *Access floor* - Haworth (US Comm)
- *Stain on concrete* - Scofield
- *Acoustical Panel Ceilings* - Armstrong
- *Resilient Base and Accessories* – Roppe
- *Epoxy Flooring* – Dura-flex, Inc.
- *Resinous Flooring* – Duraflex & Roppe
- *Toilet Compartments* – Global Partition
- *Toilet, Bath and Laundry Accessories* – American Specialties
- *Fire Extinguisher Cabinets* – Potter Roemer
- *Fire Extinguishers* - Potter Roemer
- *Residential Appliances* – Sheer-Weave
- *Roller Window Shades* --Sheer-Weave
- *Entrance Floor Mats and Frames* – C/S Group: Pediment & Gridline
- *Entrance Floor Grilles* - C/S Group: Pediment & Gridline
- *Sound Masking* - DynaSound
- *Fire Detection and Alarm* – Notifier
- *Interior Signage* – Mohawk Series 200
- *Exterior Ecoresin Panel* - 3form; Varia
- *Skylights* – Kalwall 50% VLT

Mechanical Sole Source Items:

- Trane Rooftop HVAC units
- Trane Indoor under floor HVAC units
- Trane Chillers
- Calmac Thermal Storage tanks
- Trane HVAC Controls
- *Raised Floor boxes and vents* - Price
- *Pumps* – Taco through Heat Transfer Sales
- *All airside terminal equipment, diffusers, vents, under floor boxes, etc.* -PRICE

Plumbing:

- *Waterless Urinals*
 - Sloan
 - Kohler
- *Flush Valves*
 - Sloan
- *Toilet Fixtures*
 - Kohler
- *Lavatory*
 - Kohler
- Lavatory Faucets
 - Delta
 - “Fiat” with T & S Faucet
 - Stainless Steel Double Compartment Sink “Just” with Delta Faucet, Dole Flow Restrictor and In-Sink-erator Disposer
- Electric Water Cooler
 - Oasis
- Shower Valve Assembly
 - Symmons
- Hose Bibb
 - Woodford
- Electric Water Heaters
 - Tank type: A.O. Smith
 - Tankless type: Eemax
- Expansion Tank
 - Watts
- Drains
 - Josam
- Recirculation Pumps
 - Grundfos with Bell & Gossett Aquastat and Time Clock
- Sump Pump
 - Zoeller with Oil Smart Control

Site:

- Irrigation system – Rain Bird

Electrical Sole Source Items:

- *Electrical Gear* - Siemens
- *Lighting Fixtures* – Cooper

- *Automatic Lighting Controls* – Leviton
- *Exterior Light Fixtures* - Cooper
- *Fire Alarm System* - Notifier

Commissioner Woodard removed this item from Consent to inquire about “Sole Source” Exemption and to express concern for the lack of Minority/Women/ Small Business Enterprise (MWSBE) participation.

Doug Buchanan with Real Estate Services addressed this matter. It was stated that allowing sole source exemption for the purchases will insure that all equipment/materials are the same throughout all phases of the Freedom Mall renovation.

(29) HWY 521 SPORTSPLEX - ARTIFICIAL ATHLETIC TURF AND FIELD IMPROVEMENTS - CONSTRUCTION CONTRACT

The Board considered the award of a construction contract for the Hwy 521 Sportsplex, Artificial Turf and Field Improvements.

Commissioner Woodard said she wants to make sure that an exhaustive search for vendors is done.

Jay H. Higginbotham with Real Estate Services addressed this matter. Mr. Higginbotham said he did speak with the MWSBE Coordinator and that he doesn't think they've exhausted all options as it relates to getting MWSBE participation. He said staff is working on increasing those numbers. He said one of the problems with this particular contract is that it's such a specialized type of construction and that the vast majority of the work is being done by the prime contractor. Thus, the opportunity for subcontractors is limited. Mr. Higginbotham said staff was in the process of trying to identify some smaller components of the project, such as fencing, that can use participation from MWSBE contractors. He noted also that the prime contractor and one of their side work subcontractors are in the process of becoming MWSBE certified. It was noted also that the prime contractor is working on trying have MWSBE subcontractor participation.

Motion was made by Commissioner Woodard and died for lack of a second, to defer consideration of awarding a construction contract to Medallion Athletic Products Inc. for a total amount of \$2,480,850 for Highway 521 Sportsplex, until the availability of other possible vendors can be obtained from the MWSBE Coordinator's office.

Motion was made by Commissioner James and died for lack of a second, to award a construction contract to Medallion Athletic Products Inc. for a total amount of \$2,480,850 for Highway 521 Sportsplex.

Motion was made by Commissioner Helms, seconded by Commissioner Woodard, to defer until the November 20, 2007 meeting consideration of awarding a construction contract to Medallion Athletic Products Inc. for a total amount of \$2,480,850 for Highway 521 Sportsplex, to allow for more due diligence with respect to the availability of other possible contractors as a result of Mr. Higginbotham checking with the MWBE Coordinator's office.

Attorney Bethune clarified that it's not the contractor that's in question but the subcontractor. Attorney Bethune said the County knows who the low contractor is but that the question is can that contractor identify some MWSBE businesses who would give the contractor the lowest price at the quality needed to do the 10% the contractor will subcontract. Attorney Bethune said the matter in question has nothing to do with the contractor because Medallion will get the contract, unless they refuse to look at potential MWSBE's as subcontractors.

Commissioner James said based on the clarification that was given, the Board should move should forward with approving the contract.

Commissioner Ramirez said he supports moving forward and that the contractor can be encouraged to seek MWSBE subcontractor participation.

Substitute motion was made by Commissioner James, seconded by Commissioner Bishop and carried 4-3 with Commissioners Bishop, Helms, James, and Ramirez voting yes and Commissioners Clarke, Roberts, and Woodard voting no, to award a construction contract to Medallion Athletic Products Inc. for a total amount of \$2,480,850 for Highway 521 Sportsplex.

STAFF REPORTS AND REQUESTS

(31) PUBLIC AREAS & FACILITIES NAMING & RENAMING POLICY

The Board received a presentation from James Garges, Director of Parks and Recreation on the following:

- **Public Areas & Facilities Naming and Renaming Policy**
It was noted that there has been a difference in the practice of how the policy has been carried out versus what's actually written in the policy. Further, that in the future, the policy will be carried out as written. The process was explained.
- **Eastway Specialty Park Renaming**
It was noted that there was someone who wanted to name or rename the Eastway Specialty Park after the two fallen police officers Sean Clark and Jeff Shelton who lost their lives earlier this year. This became known in the community, prior to it being explained to the individual that there's a process that has to be followed. It was noted that there's also a process for expressing one's objection to a proposed name. It was noted further that the young lady that expressed an interest in naming or renaming the Eastway Specialty park is working with the Police Dept. to decide on the best way to recognize the fallen officers. Also, residents of the Eastway area are working on coming up with a different name, rather than calling it Eastway Specialty Park and are working with students at Briarwood to come up with some suggestions. Director Garges said he feels Mrs. Maxine Eaves, who appeared before the Board regarding the naming of Eastway Specialty Park is pleased now with how things are proceeding.
- **Naming Latta Soccer Fields to "Ross J. Smyth Youth Soccer Fields."**
The Board was given information to review with respect to naming the soccer fields at Latta Park after Ross J. Smyth.

No action was taken or required at this time.

Comments

Commissioner Bishop suggested in the future, Parks and Recreation inform the Board in advance that a Public Areas &/or Facilities Naming or Renaming request is forthcoming and that it be done through a Request for Board Action for the purpose of receiving it as information only. Also, that action be taken at a subsequent meeting, rather than asking the Board to receive and approve the request at the same time. *Director Garges concurred.*

Commissioner Clarke said he supports naming parks after individuals, but he feels it's important also to maintain geographical names as well, because it will help people identify where a park is located.

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

(32) SALE OF LAND AT S. GRAHAM STREET TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

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

carried 6-0 with Commissioners Bishop, Clarke, Helms, James, Ramirez, and Roberts voting yes, to adopt a resolution to sell +/- 21,033 square feet of land from Tax Parcels 073-161-01, 073-161-03, 073-161-06 and 073-162-01 to NCDOT for the new Greyhound Bus Station for \$1,650,000.

Note: NCDOT requests to purchase a portion of the 1.595-acre assemblage on S. Graham Street acquired by the County in 2001. The site is bounded by West 4th and South Graham Streets and bisected by the West 3rd – 4th Street Connector. The purpose of the 2001 acquisition was to accommodate the potential arena and park combination under discussion at that time. The small assemblage was not intended to be part of the park site, but to allow the arena to be shifted in the direction of this property. Currently used for surface parking, this vacant land is zoned UMUD. The County's 2001 purchase price for the entire site was \$3,924,438 (\$56.48 per square foot). As part of the multi-modal complex proposed by NCDOT and the Charlotte Department of Transportation (CDOT), a 21,033-square foot portion of the subject property (Lot 2 on Recombination Site Map) is needed to locate the new Greyhound Bus Station. The appraisal obtained by NCDOT valued the requested area at \$1,212,725 (\$58.00 per square foot). The County's appraisal by Bruce Tomlin indicated a market value of \$1,650,000 (\$78.45 per square foot), which is the agreed upon sales price.

Nancy Brunner with Real Estate Services addressed this issue.

Commissioner James noted that this property was near the original Third Ward Park site that's now the proposed site for Knights baseball. Commissioner James said in light of the information staff has on the value of the property in question, he would like staff to calculate the value of the original Third Ward Park site by multiplying the square footage the County is giving the Knights the lease for, multiplied by \$78.45 per square foot.

Commissioner James said he would also like to know if you take the \$19 million associated with Third Ward (Item 33) and divide it by the square footage of the site, would it end up being \$78.45 per square foot or some other amount.

Commissioner Helms asked was this a MIA appraisal and the response was yes. Commissioner Helms asked, with respect to land acquisition in Third Ward and Second Ward, would there be a MIA appraisal as well. *Attorney Bethune said yes, according to conversations with General Manager Shields.*

(Note: General Manager Shields was not present.)

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

(33) URBAN PARK LAND – CAPITOL PROJECT ORDINANCES

The Board received a report regarding land acquisition in Third Ward and Second Ward from County Manager Jones.

Note: Through partnerships with the Charlotte-Mecklenburg Board of Education, the City of Charlotte, and Spectrum Properties, Mecklenburg County Government seeks to acquire properties needed to construct new urban parks in Second and Third Wards. The purpose of this report was to update the Board of County Commissioners (BOCC) on the status of the urban parks design and to recommend a funding schedule.

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

County Manager Jones said originally, in addition to the Board being asked to receive a report regarding land acquisition in Third Ward and Second Ward, that included in this agenda item was a request to adopt Capital Project Ordinances in connection with urban parks in Second and Third Wards. One was a Park Land Acquisition Ordinance to provide funding (\$19 million) for acquiring urban park land in Third Ward as needed to implement the Center City 2010 Plan consistent with CIVITAS' recommendation. The second was a School

Administrative Office Facilities Ordinance (\$9.5 million 08 COPs & \$12 million 09 COPS) to provide funding for replacement space for Charlotte-Mecklenburg Schools administrative staff located in the Education Center and in the Walton Plaza building. In exchange for the new replacement space, Mecklenburg County will take ownership of the old Education Center site and become sole owner of Walton Plaza. The new Second Ward Urban Park would be located on a portion of the old Education Center site. It was noted that \$13,750 million was previously approved by the Board for the Old Education Center.

County Manager Jones said these matters were removed from the action request as a result of feedback received from Commissioner James, which after his own review, he concurred that it was premature for staff to request action on these capital project ordinances at this time. County Manager Jones acknowledged that there had only been some preliminary discussion of these matters but no detailed discussion.

County Manager Jones addressed the additional \$7.5 million associated with the Walton Plaza Building, which is the estimated CMS ownership interest.

Commissioner Woodard returned to the dais.

County Manager Jones recommended discussion of land acquisition *in Third Ward and Second Ward, including* Capital Project Ordinances associated with these matters, be placed on the Board's November 13, 2007 Budget/Public Policy agenda for detailed discussion. Subsequently, the Board would then be asked to take action on these matters at the November 20, 2007 meeting.

There was no objection by the Board to have this matter placed on the November 13, 2007 Budget/Public Policy agenda as recommended by the County Manager.

County Manager Jones encouraged Board members to provide him with any questions they may have regarding this issue, so they can be addressed at the November 13, 2007 meeting.

Comments

Commissioner James said most of his questions were communicated in the e-mails he sent to staff about the park land.

Commissioner James commented that the "purpose of borrowing the money was to eliminate a legal issue related to the lawsuit, but we (the County) won the lawsuit." Commissioner James said in light of this, why is it still necessary to borrow \$19 million in COPS.

Attorney Bethune said Mr. Reese, who filed the lawsuit, has indicated that he plans to file an appeal and that moving forward using COPS is a contingency plan in case Mr. Reese does file an appeal. Attorney Bethune said an appeal would further "tie up" the sale to Cornerstone of the three parcels in Second Ward because they won't take title while the lawsuit is pending.

Attorney Bethune said Cornerstone has, nevertheless, expressed a willingness to sell their land in Third Ward to the County, even though the County can't sell Cornerstone its land in Second Ward.

Attorney Bethune said if Mr. Reese doesn't appeal, then this would change the "complexion" of things, but the County needs to have a contingency plan in case he does. He said this will allow staff to carry forward what the Board has said it wants to do and that is to have a park in Third Ward with connectivity to South Tryon Street.

Commissioner James said he recalled from Closed Session discussions of this matter that essentially this was suppose to be a seller/finance deal; whereby in order to "facilitate the swap and protect the County," they would agree to let the County have the property and take back some type of note. As such, Commissioner James said he doesn't understand how the County got from "seller/financing" where the County would not be issuing bonds, to discussing \$19 million in COPS.

Attorney Bethune said staff would address this at the November 13 meeting.

Commissioner James said “you can see the dilemma about borrowing 20 year or 10 year bond money, issuing debt for 10 or 20 years and having a payment over 10 to 20 years and then having a swap to come along where they have to pay the County back.” Commissioner James said there’s a risk that they won’t pay you what you think you’re going to get and the other is that once you get it, you’ll have issues regarding taxation because you can’t just refund and pay off the bonds.

Commissioner James said “it’s not a good process to borrow 10 – 20 year COP money, only to turn around and pay it off.” Commissioner James said “if you’re going to borrow money, you should go to Bank of America or Wachovia and get a term loan for 18 months.”

Commissioner James said the other issue he’s concerned about is the issue of the school site.

Commissioner James said normally when the Board gets a request to have COPs for schools, there’s some detail information. Commissioner James said he understands this particular instance is different from the norm because it doesn’t involve building a school.

Commissioner James asked where would the “cash” go in this instance. *The response was that the County would hold the money and use it to acquire replacement school administrative offices. It was noted as an example that some of the money could be used to renovate the 5th floor of the Government Center, which is where some school administrative staff will be housed. Also, some of it could be used for construction out at Stafford Drive, which is where the Schools already have a facility that could be used to house staff.*

Attorney Bethune said the Schools would not get cash or a check because the money will be used by the County to pay contractors or acquire land to be used for CMS administrative facilities.

Commissioner James said he’s interested in knowing, at the appropriate time, the square footage of the CMS administrative facilities and the reasonableness of the money that’s going to be spent.

County Manager Jones said the Board will be given information regarding the terms of the agreement between CMS and the County with respect to ownership of the Walton Plaza building.

Note: The above is not inclusive of every comment but is a summary of key points.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(34) 2008 BOARD OF COUNTY COMMISSIONERS’ MEETING SCHEDULE

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Ramirez, Roberts and Woodard voting yes, to approve 2008 Board of County Commissioners’ Meeting Schedule.

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

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner James, and carried 7-0, with Commissioners Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned

at 9:20 P.M.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman