

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JANUARY 15, 2008

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, January 15, 2008.

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
Deputy Clerk to the Board Tonette F. Spears

Absent: None

-INFORMAL SESSION-

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

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

(1A) STAFF BRIEFINGS - NONE

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

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult with Attorney.

Prior to going into Closed Session, Attorney Bethune stated the Land Acquisition matters were tax parcels #173-325-11, 173-325-14, 217-101-05, 217-301-01, 217-013-34 and -35, 217-101-04, and 217-101-07, -06 and -10; and the Consult with Attorney concerns two lawsuits Asha Awad Elkarim vs Templeton Druied Roberson, Jr. and County of Mecklenburg, and Jerry Allen Reese vs. Mecklenburg County; Mecklenburg County Public Facilities Corporation; 300 South Church Street, LLC; and R.B.C. Corporation; and item 2a2 was removed.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:15 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

There were no items removed from consent to be voted upon separately.

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

-FORMAL SESSION-

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

Commissioner Ramirez was not present when Formal Session was called to order.

CITIZEN PARTICIPATION

(1) MARTIN LUTHER KING, JR DAY

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts and Woodard voting yes, to adopt a proclamation designating January 21, 2007, Dr. Martin Luther King, Jr. Day.

The proclamation was read by Commissioner Woodard and received by Cherise Belnavis Johnson, Co-chair of the MLK Planning Committee.

(2) PUBLIC APPEARANCE

The following individuals appeared to speak during the Public Appearance portion of the meeting regarding the process used to elect Nikita Mackey as Sheriff of Mecklenburg County and requested the Board move forward with confirming his appointment.

Kenneth D. White, President, Charlotte-Mecklenburg NAACP; Niksa K. Grier representing Working Families Win; Katie H. Simmons, Gariann Yuchym, 2nd Vice-President of Young Democrats of Mecklenburg County and Blanche Penn.

Commissioner Ramirez entered the meeting at this time.

(3) APPOINTMENTS

FIRE COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappointment Harley Cook to the Fire Commission for a three-year term expiring January 31, 2011.

Motion was made by Commissioner Bishop, 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 appointment policy to allow William Griffin, Larry Irvin and Don Monteith to be nominated and appointed at tonight's meeting. William Griffin and Larry Irvin were both appointed for three-year terms expiring January 31, 2011. Don Monteith was appointed to fill an unexpired term expiring December 31, 2009.

They are replacing Chris Hardin, Timothy Hipp and Dan Ranson.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, 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 appointment policy to allow Ralph Roberts to be nominated and appointed at tonight's meeting to the Groundwater Advisory Committee as a well-owner representative to fill an unexpired term expiring July 18, 2009.

He is replacing Ms. Anne Radke.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

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 Ralph Boral to the Information Services & Technology Committee for a three-year term expiring February 7, 2011.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

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 Melinda Vinson to the Nursing Home Community Advisory Committee for a three-year term expiring October 31, 2010.

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint John Adams to the Personnel Commission for a three-year term expiring February 5, 2011.

Motion was made by Commissioner Woodard, 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 appointment policy to allow Priscillia Bynum to be nominated and appointed at tonight's meeting to the Personnel Commission to fill an unexpired term expiring July 12, 2008.

She is replacing Pat Martinez.

TRANSIT SERVICES ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board's appointment policy to allow Edward Jernigan to be nominated and appointed at tonight's meeting to the Transit Services Advisory Committee to fill an unexpired term expiring February 3, 2010.

He is replacing James Dixon.

(4) PUBLIC HEARINGS – NC DEPARTMENT OF TRANSPORTATION COMMUNITY TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to open a public hearing on the Mecklenburg County Department of

Social Services submittal of an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2008-2009.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing and adopt a resolution approving the Mecklenburg County Department of Social Services submittal of an application for the North Carolina Department of Transportation's Community Transportation Grant for Fiscal Year 2008-2009.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2008 - FY 2009 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 Commissioner James and seconded by Commissioner J. Daniel Bishop 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, (*Legal Name of Applicant*) 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 (*Authorized Official's Title*)* County Manager of (*Name of Applicant's Governing Body*) Mecklenburg County is 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 # _____.

(5) ADVISORY COMMITTEE REPORTS – NONE

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

MANAGER'S REPORT

(6) MANAGER'S REPORT – NONE

(2A3) CLOSED SESSION – HIGH SCHOOL SITE ACQUISITION IN PALISADES AREA

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to 1) approve an Agreement for Acquisition of Land between the Charlotte Mecklenburg Board of Education (“CMBE”), Green Fields Investments LLC (“Green Fields”), Rhein Medall Interests, LLC (“RM”) and Mecklenburg County (the “County”); and 2) approve a purchase price of \$45,000 per acre for up to 90 acres of land (85.22 from Steele Creek 1997 and RM and 4.020 from Krull).

Note: The above noted Agreement for Acquisition of Land addresses several parcels under contract to RM (Tax Parcels 217-101-05, 217-301-01, 217-013-34 and -35 = 134.45 acres) and to CMS (217-101-04 = 28.9 acres). (Also addressed in the agreement are Tax Parcels 217-101-07, -06 and -10, which are under contract to RM but will be donated to CMS per the agreement and are described in the companion Board action request Substitute Property for Elementary School/Park Site in Palisades Area.)

(2A1) GREENWAY ACQUISITION – LITTLE SUGAR CREEK

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve purchase of a portion of Tax Parcels 173-325-11 and 173-325-14 (+/- 18.429 acres) at Sharon Road West for \$9,000 per acre from Quail Hollow Homeowners Association #4, Inc.

Note: The subject property is part of a land assemblage for the Little Sugar Creek Greenway and will provide connectivity between Huntingtown Farms Park and Sharon Road West.

Commissioner Woodard returned to the dais.

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 2, 2008 and Closed Session held January 2, 2008, Items 2a2 & 2b and December 4, 2007 Item 2c1.

(8) TAX REFUNDS

Approve refunds in the amount of \$95,689.26 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

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

(9) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

Amend the LUESA Fee Ordinance to reflect new pricing for digital GIS data.

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

(10) FISCAL YEAR 2009 GOVERNOR’S CRIME COMMISSION GRANT PRE-APPLICATIONS

Approve the submittal of grant pre-applications to the N.C. Department of Crime Control and Public Safety, Governor’s Crime Commission as listed below:

<u>Applicants</u>	<u>Program Title</u>
1. Alexander Youth Network	Multidimensional Treatment Foster Care (MTFC)
2. Assistance League of Charlotte	Mecklenburg County Teen Court
3. Brothers Helping Brothers, Inc.	Brothers Helping Brothers, Inc.

(11) PINE VALLEY MASTER PLAN ADOPTION AND PARK & RECREATION TRUST FUND (PARTF) GRANT APPLICATION

- 1) Approve the Pine Valley Master Plan Design concept.
- 2) Authorize staff to apply for a PARTF grant.

Note: Mecklenburg County Park & Recreation Department has allocated \$40,000 in capital reserve funds to plan and install playground equipment at the Pine Valley Neighborhood Park. The Department would like to seek matching funds via The Park & Recreation Trust Fund to complete the project. The Park and Recreation Commission endorsed the current master plan on January 8, 2008.

(12) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional Health Department revenue of \$697,648 to reflect actual state, federal and local allocations.

(13) JAIL CENTRAL - ARREST PROCESSING RENOVATION CONSTRUCTION CONTRACT

Award a construction contract in the amount of \$851,100 to Streamline, LLC for Jail Central Arrest processing renovations.

Note: This project includes building renovations to enhance and support the growth and development of the arrest processing area. The building renovation will affect approximately 6,000 square feet, and the work will include relocation of the control room and the addition of an arrestee queuing vestibule. The completed work will facilitate safer and better control of arrestees. The contract includes the following Add Alternates: Add Alternate 1: Expanding the nursing facilities and reconfiguring the female holding area. Add Alternate 2: Expanding the Positive I.D. area to provide increased efficiency to this phase of the arrest process.

(14) STATE BOARD OF ELECTIONS GRANT FUNDS FOR POLLING PLACE AUTOMATION

Recognize, receive and appropriate \$440,000 in grant funds from the State Board of Elections to purchase equipment for polling place automation in support of ongoing studies.

(15) LITTLE SUGAR CREEK GREENWAY – BAXTER TO MOREHEAD (KINGS DRIVE SECTION) – STORM DRAIN REPAIR

- 1) Authorize the County Manager to approve and execute a Memorandum of Understanding

(MOU) between Mecklenburg County and the City of Charlotte regarding City storm drain improvements on the Little Sugar Creek Greenway (LSG).

2) Amend the Capital Project Ordinance to appropriate revenue to be received from the City of Charlotte in the amount of \$500,000 for storm water improvements at Little Sugar Creek Greenway.

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

(16) SUBSTITUTE PROPERTY FOR ELEMENTARY SCHOOL/PARK SITE IN PALISADES AREA

Accept donation of approximately 30 acres as a substitute location for +/- 27 acres proposed for dedication by Green Fields, Investments, LLC to the Charlotte-Mecklenburg Board of Education and Mecklenburg County for an elementary school and park site per rezoning petition #2001-16(c).

Note: At the time the above dedication was accepted by the Board (3/07/2007), Green Fields Investments, LLC (Crescent Resources) had indicated a preference for CMS and County park staff to consider an alternative site instead of the original site indicated in the rezoning for the Palisades development. Said new location was actually preferred by both CMS and park staff. The new location is to be donated to CMS/County in exchange for CMS/County giving up rights to the original site near the Palisades town center. The new location includes Tax Parcels 217-101-07, -06 and -10. A condition of the original land dedication was that the school and park projects must be funded by 4/1/2007. The 3/07/2007 Board action confirmed intent to fund the school and park in accordance with the rezoning petition condition. The school project was funded in the November 2007 bond package and construction is anticipated to begin on July 1, 2009. The subject substitute location is proposed as part of a larger assemblage by CMS and described in an agreement in a companion item on tonight's agenda.

(17) CRISIS INTERVENTION PROGRAM – DSS

Amend the Department of Social Services' FY08 budget to recognize, receive and appropriate \$369,911 from the U.S. Department of Energy for the Crisis Intervention Program.

Note: The Department of Social Services contracts this program through Crisis Assistance Ministries. These funds will enable Crisis Assistance Ministries to assist families in need of energy assistance.

(18) GRANT TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS

Approve submission of a \$750,000 grant application for funding an Enforcement of Protection Order program from the U.S. Department of Justice, and if awarded, recognize, receive and appropriate the grant amount awarded.

(19) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY08 FUNDING

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

<u>Program Name</u> <u>Allocation</u>	<u>Sponsoring Agency</u>	<u>Proposed FY08</u>
Intensive FACET	DSS-Youth and Family Services	\$272,857

Court Psychologist	Elon Homes for Children	144,887
Theft Diversion Program	Life Connections, Inc.	39,550
Multi Systemic Therapy (MST)	Alexander Youth Network	80,000
Restitution	Project Challenge	202,010
MST/Emergency Placement	Youth Homes, Inc.	452,806
Raising Academic Performance (RAP)	East Stonewall A.M.E. Zion Church	86,135
Helping Youth Prepare for Excellence (HYPE)	Temple of Refuge Int'l Fellowship	
139,464		
<u>JCPC Support</u>	<u>County Manager's Office</u>	<u>5,500</u>
Total		\$1,423,209

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS

(20) PURCHASE OF PROPERTY FROM 300 SOUTH CHURCH STREET, LLC AND R.B.C. CORPORATION

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, and Commissioners Bishop and James voting no, to adopt a resolution authorizing the purchase of the following seven (7) tracts of real property (the Assemblage) from 300 South Church Street, LLC and R.B.C. Corporation for \$18,947,498:

1. 316 S. Church Street (Tax ID 07302204)
2. 316 S. Poplar Street (Tax ID 07302601)
3. 212 & 216 W. MLK, Jr. Boulevard (Tax ID 07302206)
4. 224 W. MLK, Jr. Boulevard (Tax ID 07302205)
5. 301 S. Mint Street (Tax ID 07302301)
6. 316 S. Poplar Street (Tax ID 07302602)
7. 322 S. Church Street (Tax ID 07302208)

Prior to the vote, Commissioner James noted the following two reasons for his opposition to agenda items number 20, 21 and 22.

- 1) *His belief is it is not the proper role of government to fund sports entertainment. The original structure of this deal was there would be no property taxes involved; however, he believes it is clear there is significant property tax money involved.*
- 2) *His concerns with the commitment made to the public for use of park bonds for the Third Ward Park. He stated he would not go into any details, again.*

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY FROM
300 SOUTH CHURCH STREET, LLC
AND R.B.C. CORPORATION**

WHEREAS, on December 18, 2007, the Mecklenburg County Board of Commissioners adopted a Resolution declaring its intent to sell three (3) parcels of land to be subdivided from Tax Parcels 125-071-20 and 125-071-25 to Brooklyn Village LLC for construction of a mixed-use development to be called Brooklyn Village; and

WHEREAS, a Notice of Intent to sell property to Brooklyn Village, LLC was published in the Charlotte Observer on December 21, 2007 that generally described the property involved, the nature of the interest to be conveyed, and all of the material terms of the proposed transaction; and

WHEREAS, a copy of the full Agreement of Sale for County Property was made available through the Office of the Clerk to the Board and online; and

WHEREAS, Exhibit C, one of the attachments to the Agreement of Sale for County Property, is the Agreement of Sale for Assemblage for properties to be acquired by the County from 300 South Church Street, LLC and by assignment properties from R.B.C. Corporation; and

WHEREAS, the properties to be acquired from 300 South Church Street, LLC and R.B.C. Corporation, the “Assemblage Properties”, collectively, constitute the preferred site for the recently named Romare Bearden Park in Third Ward; and

WHEREAS, acquisition of the Assemblage Properties is one of the conditions precedent to Brooklyn Village LLC’s obligation to purchase the Brooklyn Village parcels from Mecklenburg County;

WHEREAS, the Board of Commissioners has determined that it is in the public interest for it to authorize execution of the Agreement of Sale for Assemblage so that the County can acquire the preferred site for the Third Ward Park, recently named the Romare Bearden Park, and to develop the Assemblage Properties for use by the public as a public park; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby authorizes the purchase of the Assemblage Properties and authorizes and directs the County Manager to execute the Agreement of Sale for Assemblage between Mecklenburg County and 300 South Church Street, LLC and to take assignment of the Agreement of Sale between R.B.C. Corporation and Spectrum Investment Services, Inc. by executing the Joinder provision, so that the County can acquire the properties owned by 300 South Church Street, LLC and R.B.C. Corporation for development as a public park, and to execute all other documents required for the County to acquire said Assemblage Properties.

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

(21) SALE OF PROPERTY TO BROOKLYN VILLAGE, LLC

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, and Commissioners Bishop and James voting no, to adopt a resolution authorizing the sale of (3) parcels of land (+/- 7.655 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 to Brooklyn Village, LLC for \$18,947,498.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING THE SALE OF PROPERTY TO
BROOKLYN VILLAGE, LLC**

WHEREAS, on December 18, 2007, the Mecklenburg County Board of Commissioners adopted a Resolution declaring its intent to sell three (3) parcels of land to be subdivided from Tax Parcels 125-071-20 and 125-071-25 to Brooklyn Village LLC for construction of a mixed-use development to be called Brooklyn Village; and

WHEREAS, a Notice of Intent to sell property to Brooklyn Village, LLC was published in the Charlotte Observer on December 21, 2007 that generally described the property involved, the nature of the interest to be conveyed, and all of the material terms of the proposed transaction; and

WHEREAS, a copy of the full Agreement of Sale for County Property was made available to members of the public through the Office of the Clerk to the Board and online through the County’s web site; and

WHEREAS, the Board of Commissioners has determined that all statutory conditions required for it to approve execution of the Agreement of Sale for County Property to Brooklyn Village, LLC have been completed, reaffirms its determination that the sale to Brooklyn Village, LLC under the terms and conditions of the Agreement of Sale for County Property would advance and further the Second Ward Master Plan, a land use plan, and has determined that it is in the public interest for it to approve the Agreement of Sale for County Property; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby reaffirms its determination that the sale to Brooklyn Village, LLC under the terms and conditions of the Agreement of Sale for County Property would advance and further the Second Ward Master Plan, approves execution of the Agreement of Sale, and authorizes and directs the County Manager to execute the Agreement of Sale for County Property to Brooklyn Village LLC and to execute the deed and any other documents necessary to

effectuate the sale.

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

(22) BASEBALL STADIUM LEASE AGREEMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, and Commissioners Bishop and James voting no, to adopt a resolution authorizing the Chairman to execute a long-term lease agreement between Mecklenburg County and Knights Baseball, LLC for the operation and maintenance of a baseball stadium on County land located in Third Ward.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING THE LEASE OF PROPERTY TO
KNIGHTS BASEBALL, LLC**

WHEREAS, on December 18, 2007, the Mecklenburg County Board of Commissioners adopted a Resolution declaring its intent to enter into a long-term lease agreement with Knights Baseball, LLC for the operation and maintenance of a baseball stadium on County property located at 300 South Mint Street and 416 West 3rd Street, Charlotte, North Carolina; and

WHEREAS, a Notice of Intent to lease property to Knights Baseball, LLC was published in the Charlotte Observer on December 21, 2007; and

WHEREAS, the Notice generally described the property involved, the nature of the interest to be conveyed, and all of the material terms of the proposed transaction; and

WHEREAS, a copy of the full Lease Agreement was made available through the Office of Clerk to the Board and online; and

WHEREAS, the Board of Commissioners has determined that all statutory conditions required for it to approve execution of the Lease Agreement between the County of Mecklenburg, North Carolina and Knights Baseball, LLC have been completed, reaffirms its determination that the lease to Knights Baseball, LLC would advance and further the Center City 2010 Vision Plan, as amended on September 24, 2007, with which amendment the Board of Commissioners agrees, and has determined that it is in the public interest for it to approve the Lease between the County of Mecklenburg, North Carolina and Knights Baseball, LLC; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby reaffirms its determination that the lease to Knights Baseball, LLC would advance and further the Center City 2010 Vision Plan, a land use plan, as amended by the Charlotte City Council on September 24, 2007, approves execution of the Lease, authorizes and directs the Chairman to execute the Lease, and authorizes and directs the Chairman to execute any other documents necessary to effectuate the transaction.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

None

COMMISSIONERS' 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 noteworthy.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:25 P.M.

Tonette F. Spears, Deputy Clerk

Jennifer Roberts, Chairman