

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

FEBRUARY 5, 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, February 5, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
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: Commissioner Karen Bentley (*Note: Commissioner Bentley listened in on the meeting via phone on the Closed Session portion of the agenda and on Item 31 only as noted in the minutes.*)

-INFORMAL SESSION-

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

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

(1A) STAFF BRIEFINGS – NONE

(2A) CLOSED SESSION – A) 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 D) CONSULT WITH ATTORNEY

Prior to going into Closes Session Attorney Bethune noted that some of the matters to be discussed in Closed Session concerned the lawsuit of Nikita Mackey v. Mecklenburg Board of County Commissioners; Cavalier Apartments; and Tax Parcels 211-201-73, 211-201-81; and Tax Parcel 133-095-10 at 6310 Reddman Road.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: 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.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:10 p.m. Commissioner Woodard was present when the Board came back into Open Session. She entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any items they wanted removed from consent and voted upon separately.

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

-FORMAL SESSION-

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

(31) AD HOC COMMITTEE ON THE APPOINTMENT OF SHERIFF

The Board received a report from the Ad Hoc Committee on the Appointment of Sheriff, which was given by Commissioner Helms.

Note: The Committee consisted of two members, Commissioners Helms and Mitchell.

Prior to the report being given the following occurred:

Chairman Roberts requested the letter received from the Mecklenburg County Democratic Party from David Erdman, Chairman dated February 3, 2008 be included in the minutes, as well as, the Council of Review North Carolina Democratic Party ruling from James H. Slaughter, Chairman, dated February 2, 2008.

Note: Letters are located at the end of the minutes.

The following persons addressed the sheriff election process and asked that the community come to a healing on the issue of the selection of a new sheriff:

Rev. James C. 'Jay' Leach, minister of the Unitarian Universalist Church of Charlotte and a member of the Clergy Advisory Board of Mecklenburg Ministries
Rev. Russ Dean

The following persons spoke in opposition to the Committee's recommendation and asked that the Board consider deferring a decision on the selection of a sheriff until after another election could be held by the local Democratic Party:

Anthony Abraham
Dwayne Collins on behalf of the Black Political Caucus
Theodore Armstrong, IV on behalf of the Mecklenburg County Young Democratic Party
Yvonne Miller

The following persons spoke in support of the Committee's recommendation:

Jim Bensman (Note: Mr. Bensman said the real problem "is that the Democratic Party in Mecklenburg County is broken and needs to be fixed." He said both Mr. Bailey and Mr. Mackey were victims of "a bad election process.")

Hal Jordan
Jay E. Rao
Neil Cooksey

Scott Allocco
Commander Felicia McAdoo of the Sheriff's Department

This concluded the speakers to this item.

Commissioner Helms then gave the report and recommendation of the Ad Hoc Committee on the Appointment of Sheriff.

Commissioner Helms said what the Board is “compelled to do and must do and will do, is to do what is right; to do what is right as a matter of law; and to do what is right in terms of what is right for this community.”

The report consisted of an overview of the role of the Ad Hoc Committee and an overview of the Council of Review North Carolina Democratic Party process that took place here in Mecklenburg County on February 2, 2008.

Commissioner Helms said it was determined by the N.C. Democratic Party Council of Review that “all votes taken during the December 6, 2007 Executive Committee meeting of the Mecklenburg County Democratic Party are invalid.” Further, that the Mecklenburg County Democratic Party was ordered to reorganize its precincts within 30 days.

Commissioner Helms said it has been made very clear that the reorganization of those precincts does not compel the Board of County Commissioners to wait for any additional time in making a decision with respect to the appointment of a sheriff for Mecklenburg County.

Commissioner Helms said the Ad Hoc Committee was advised by legal counsel and were advised that when the Board makes a decision, to make sure it is “a decision that will withstand any challenge that may be made.” Commissioner Helms said that’s why the Ad Hoc Committee believes that any delay will raise issues and questions that this community, the Board, and the Sheriff’s Office “does not need to deal with.”

Commissioner Helms said it’s important to note that the men and women at the Mecklenburg County Sheriff’s Department have “spent too much time in this uncertain circumstance of what the future might hold.”

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to appoint Daniel E. Bailey, Jr., also known as “Chipp” Bailey, Sheriff of Mecklenburg County to fill the unexpired term of former Sheriff James Pendergraph.

Commissioner Woodard expressed her opposition to the motion. Commissioner Woodard said Mr. Bailey was a “fine man,” and that she has known him for many years. She said her concern was “how the Board handled this situation, causing the emotional uproar in this community.” Commissioner Woodard said she was opposed to the motion because the Executive Committee of the Mecklenburg County Democratic Party asked the Board to defer making a decision regarding the appointment of a sheriff until after the reorganization of the precincts and another election. In her concluding remarks, Commissioner Woodard expressed congratulations to Mr. Bailey.

Commissioners Bishop, James, Clarke, Ramirez, Mitchell, and Roberts expressed their support of the motion.

Note: Commissioner James requested the letter received from the Town of Matthews in support of the selection of Daniel “Chipp” Bailey as Sheriff of Mecklenburg be included in the minutes.

Note: The letter is located at the end of the minutes.

Commissioner Bentley voiced her support of the motion as well via phone. *Note: This was the only matter during Formal Session that Commissioner Bentley listened in on.*

County Manager Jones expressed thanks to the County staff that assisted with coordinating the Council of Review North Carolina Democratic Party hearing that was held February 2, 2008, as well as, the City Manager's Office and staff, Police Chief Darrel Stephens and his staff, Charlotte-Mecklenburg Government Center Building Services staff; and special thanks to Associate General Manager Michelle Lancaster and Deputy County Attorney Sandra Bisanar who were present from the beginning to the end of the hearing, in also thanks to County Attorney Marvin Bethune for his assistance.

County Manager Jones noted that Mr. Bailey has secured a fidelity bond and that it will be provided to the Board for receipt at the February 19, 2008 meeting.

County Manager Jones said he looks forward to working with Mr. Bailey and the fine staff of the Sheriff's Office.

Chairman Roberts noted that if the motion passes, Mr. Bailey would be sworn in later this evening by a judge.

The vote was then taken on the motion as noted below:

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-1 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Woodard voting no, to appoint Daniel E. Bailey, Jr., also known as "Chipp" Bailey, Sheriff of Mecklenburg County to fill the unexpired term of former Sheriff James Pendergraph.

The Board recessed at 7:35 p.m. and reconvened at 7:58 p.m.

PROCLAMATIONS AND AWARDS

(1A) HUMAN RELATIONS MONTH

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating February 2008 as Human Relations Month in Charlotte/Mecklenburg County.

The proclamation was read by Chairman Roberts and received by Chapin Ferguson, chairman of the Charlotte-Mecklenburg Community Relations Committee.

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

(2) PUBLIC APPEARANCE

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

Rev. Willie Simpson asked that the community move forward with the healing process, as a result of the recent sheriff issue. He noted that a community prayer service would be held on February 16, 2008, 4:30 p.m. at First Mount Zion Baptist Church, 1515 Remount Road.

Pam Hester, a resident of Huntersville, addressed the County's Greenway Master Plan. Ms. Hester said a better job needs to be done when developing various plans. Ms. Hester said after her home was purchased the Parks and Recreation Dept. developed a Greenway Master Plan, which currently has a greenway path plan to follow a tributary that bi-sects her backyard. Ms. Hester said there's no greenway easement on their deed. Ms. Hester said the current Greenway Plan focuses on the overall connectivity rather than "the impact of decisions." She said planners "blindly followed the creeks, swim buffers, and floodplains without stopping to overlay the neighborhood map to consider whether or not these paths would go through an existing homeowner's yard," which in some cases is less than 30 feet from their back door.

Ms. Hester said she understands that the County's Plan is to be considered conceptual and that the eventual plan could move 100 feet in either direction. This would mean in her situation that it would either go through her basement or her neighbor's shed. Ms. Hester said other areas of the county would also be impacted by the Greenway Master Plan.

Commissioner Bishop said he would have Parks and Recreation to look into Ms. Hester's concern.

Commissioner James said staff should make sure homeowner's impacted by various plans are notified of community meetings regarding a specific plan.

(3) APPOINTMENTS - NONE

(4) PUBLIC HEARINGS MECKLENBURG COUNTY CONSOLIDATED HUMAN SERVICES BOARD

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to open a public hearing on the Board of County Commissioners exercising its powers under G.S. 153A-77 to assume control of the activities of a consolidated human services board.

No one appeared to speak.

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing on the Board of County Commissioners exercising its powers under G.S. 153A-77 to assume control of the activities of a consolidated human services board; and approve the exercising of the Board of County Commissioners' powers under G.S. 153A-77 to assume control of the activities of a consolidated human services board by adopting a resolution entitled, *Resolution Of The Mecklenburg County Board Of Commissioners Exercising Its Powers To Assume Control Of The Activities Of A Consolidated Human Services Board*.

Note: This decision was prompted by recent changes in state personnel rules that were deemed by the Board to be less favorable for county employees than the current County Human Resources policies and procedures. The consolidated human services agency will not be subject to the State Personnel Act and will allow Mecklenburg County to continue to develop and maintain policies that are in the best interests of its employees.

**RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS
EXERCISING ITS POWERS TO ASSUME CONTROL OF THE ACTIVITIES
OF A CONSOLIDATED HUMAN SERVICES BOARD**

WHEREAS, since 1985 Mecklenburg County has operated a personnel system that has been designated by the State Personnel Commission pursuant to G.S. 126-11 as being substantially equivalent to the State system of personnel administration as the same applies to certain employees of the Department of Social Services, the Health Department, and the Area Mental Health Authority; and

WHEREAS, the State Personnel Commission has made recent changes to the rules with respect to substantial equivalency that would necessitate changes to the County's personnel policies and procedures that the County believes would be less favorable for county employees than the current policies and procedures; and

WHEREAS, pursuant to G.S. 153A-77(d), local employees who serve as staff of a consolidated county human services agency are subject to county personnel policies and ordinances only and are not subject to the provisions of the State Personnel Act; and

WHEREAS, accordingly the Mecklenburg County Board of Commissioners has considered creating a consolidated county human services agency governed by a consolidated human services board, pursuant to G.S. 153A-77(b), and assuming the power, responsibilities and duties of the consolidated human services board in accordance with G.S. 153A-76 and 153A-77(a); and

WHEREAS, before the Board of Commissioners may exercise the power and the authority contained in G.S. 153A-77 to assume the power, responsibilities and duties of the consolidated human services board, it must hold a public hearing pursuant to 30 days' notice given in a newspaper of general circulation, which public hearing has been held at this meeting upon notice duly given. Now, therefore

BE IT RESOLVED by the Mecklenburg County Board of Commissioners that pursuant to G.S. 153A-76 and G.S. 153A-77:

1. It creates a consolidated county human services agency having the authority to carry out the functions of the local health department, the county department of social services, and the area mental health, developmental disabilities, and substance abuse services authority; and
2. It creates a consolidated human services board having the powers conferred by subsection (c) of G.S. 153A-77, and further assumes all power, responsibilities and duties of said consolidated human services board pursuant to G.S. 153A-76 and G.S. 153-77(a) upon notice duly given of a public hearing conducted this day; and
3. It consolidates the provision of human services in Mecklenburg County under the direct control of the County Manager who shall exercise all power, responsibilities and duties of a human services director as the same is described in G.S. 153A-77(b).

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

(5) ADVISORY COMMITTEE REPORTS - DOMESTIC VIOLENCE ADVISORY BOARD ANNUAL REPORT

The Board received as information the Domestic Violence Advisory Board Annual Report.

The report was presented by Kimberly Livingston and Tyyawdi Baker.

The report addressed the following:

- Domestic Violence Occurrences and Services in Mecklenburg County
- Accomplishments by Mecklenburg County Agencies that work with Victims of Domestic Violence
- 2007 Domestic Violence Survey
- Need for Services
- Recommendations, which were as follows:
 - 1) Convene working group to address immediate shelter needs of victims of domestic violence,
 - 2) Provide funding for new battered women's shelter and transitional housing,
 - 3) Set aside funding for DV public awareness campaign on public transportation ,
 - 4) Create city/county position of domestic violence coordinator,
 - 5) Increasing board membership.

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

(29) SCULPTURE DONATION

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to recognize and accept The Spirit of Mecklenburg sculpture of Captain James Jack for placement on Little Sugar Creek Greenway.

Prior to the above vote George Dewey and Charles Jones addressed this matter on behalf of the May 20th Society. They were introduced by Park and Recreation Director James Garges.

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

MANAGER'S REPORT

(6) MANCHESTER BIDWELL ORGANIZATION & FREEDOM MALL RENOVATION

National Center For Arts & Technology A Manchester Bidwell Organization

County Manager Jones addressed the National Center For Arts & Technology A Manchester Bidwell Organization located in Pittsburgh, Pennsylvania founded and run by Bill Strickland. Manchester Bidwell is a jobs training center and community arts program with the purpose of “working with corporations, community leaders, and schools, to give disadvantaged kids and adults the opportunities and tools they need to envision and build a better and brighter future.” The Bidwell Training Center provides training to adults in transition in fields as varied as culinary arts, horticultural technology and health-related fields. The Manchester Craftsmen’s Guild provides arts programming in ceramics, photography, digital and design arts; and strive to keep youth in school through graduation and encourage them to continue their education. In addition they engage in several social enterprise activities including a greenhouse operation, a jazz presentation series and a jazz recording label.

It was noted that Bidwell Training Center serves an average of 200 students annually; had an 85% placement rate in 06 and a 75% retention rate. The Manchester Craftsmen’s Guild served 2,900 students in academic year 05-06; 96% of seniors enrolled in Manchester Craftsmen’s Guild after-school programs graduated from high school; 89% of seniors enrolled in the programs matriculated to higher education.

County Manager Jones said he visited the Center in Pittsburg and was very impressed with the successful work being done there; so much so, he wants to do everything he can to duplicate the National Center For Arts & Technology A Manchester Bidwell Organization here in Charlotte/Mecklenburg County.

He encouraged Board members to visit the Center and noted several community leaders that have visited already.

He said the Chamber’s Advantage Carolina was awarded a \$30,000 Knight Foundation grant to help fund a feasibility study to determine if and how Charlotte/Mecklenburg County could become a site to replicate the success of the Manchester Bidwell Center. It was noted that the feasibility study, which would take about twelve months, would determine if there’s a willingness and capacity within the private sector and among area foundations to invest in this strategy for education and workforce development. The study will also help identify specific job training needs among area businesses.

County Manager Jones said he wanted to make it clear that there is no desire to compete with existing job training efforts. Thus, the study would help identify potential partners to accomplish mutual goals. He said the feasibility study cost about \$150,000 and involves assembling a steering committee of approximately five to eight business and community leaders willing to oversee the study. The steering committee would use the findings to determine whether or not to move forward with implementing an Arts & Technology Center here.

County Manager Jones said to assist the Chamber in conducting the feasibility study, he has pledged his personal support and has offered the assistance of County staff to handle logistics and communications in assembling and supporting the work of the steering committee.

County Manager Jones said Superintendent Gorman has committed to visiting the Center.

Each Commissioner was given a copy of Mr. Bill Strickland’s autobiography entitled, Make the Impossible Possible and a handout on the National Center For Arts & Technology A Manchester Bidwell Organization.

A copy of the handout regarding the National Center For Arts & Technology A Manchester Bidwell Organization is on file with the Clerk to the Board.

Commissioner Ramirez said it sounds very interesting and perhaps some Commissioners should visit the Center in Pittsburg.

Commissioner Bishop said also that it sounds like an interesting concept and that he's in favor of new and creative ways of educating children. He noted as an example, the success of the Cities In Schools Program.

Commissioner James expressed interest and suggested the use of Phillip O. Berry Academy of Technology if this were to occur.

Commissioner Mitchell expressed interest in learning more about this concept. He asked about the funding of the Center in Pittsburgh. County Manager Jones said he would have to get that information.

Chairman Roberts expressed interest and asked whether the Center drew students regionally.

County Manager Jones said the program draws generally from the broader community. Also, that the eligibility requirement is primarily those students that the school system has determined to be at-risk of dropping out of school.

County Manager Jones said he would keep the Board posted.

Freedom Mall Renovation

The Board received as information an update on the renovation of Freedom Mall.

The update was given by Mark Hahn, Director of Real Estate Services.

Note: Real Estate Services has completed a significant phase of the renovation of Freedom Mall to accommodate the first relocation of County employees from the Department of Social Services and Information Services and Technology. Director Mark Hahn shared a video tour as part of his presentation about the progress of the Freedom Mall project. It was noted that the Department of Social Services will actually begin their move on February 22 and will open for service to the public on February 25. Noted also, that the Kuralt Centre on Billingsley Road will remain the headquarters and will be only place where the public can go to apply for public assistance programs. It was noted that Phase 2 renovations will house Real Estate Services and the remaining half of Information Services and Technology; Phase 3, relocation of the Hal Marshall Services Center to be completed tentatively in 2010. A grand opening is being planned for April 3.

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

(2C2) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to approve the purchase of 6.095 acres of floodplain included in Tax Parcels 211-201-73 and a portion of 211-201-81 from Charlotte South, LLC for \$75,000 as part of the McAlpine Creek land acquisition.

(2C3) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to approve (1) the purchase of 9.75-acre Tax Parcel 133-095-10 at 6310 Reddman Road from McMahan Properties for \$515,000, and (2) funds to demolish a single-family structure on the property at +/- \$20,000.

Note: The above property is contiguous to a 29.5-acre tract acquired in 2002 for a future park site on Reddman Road off Albemarle Road near Eastland Mall. The addition of the subject tract will expand this undeveloped site to just under 40 acres, which is the lower end of the size range for district park sites in the current (1989) parks master plan.

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 7-0, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 15, 2008 and Closed Session held December 18, 2007, and Special Meetings held September 25, 2007 and October 18, 2007.

(8) 2007 SCATTERED SITE HOUSING GRANT

Adopt a Resolution authorizing the Chairman to execute and submit the “Program Initiation Manual” for the Mecklenburg County Scattered Site Housing Grant # 07-C-1664.

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

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

(9) TAX REFUNDS

Approve refunds in the amount of \$20,626.62 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.

(10) CERTIFICATION OF LOCAL APPROVAL FOR NON-PROFIT ORGANIZATIONS

Authorize the Chairman to sign the “Certification of Local Government Approval for Non-Profit Organizations,” which authorizes the following agencies to apply directly to the North Carolina Department of Health and Human Services Office of Economic Opportunity for FY 2008 Emergency Shelter Grants Program Funding: The Relatives and The Emergency Winter Shelter.

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

(11) CRISIS ASSISTANCE, CAROLINE MYERS FACILITY PHASE II RENOVATIONS

Award a construction contract in the amount of \$1,517,000 to MV Momentum Construction, LLC for Crisis Assistance, Caroline Myers Facility Phase II Renovations.

(12) CONTRACT FOR NEW AND REMANUFACTURED LASER AND INK CARTRIDGES

Award a unit price contract to Sun Belt Office Suppliers, Inc. for providing new and remanufactured laser and ink cartridges for facsimile machines and desktop printers to all

County

departments, in the estimated annual amount of \$200,000 for a term of two years and authorize the County Manager to renew the contract up to three (3) additional one-year terms.

(13) INDEPENDENT AUDITOR – CONTRACT EXTENSION

Approve extending the appointment of Cherry, Bekaert and Holland as external auditor for the year-ended June 30, 2008.

(14) GRANT APPLICATION - WOMEN’S IMPACT FUND OF THE FOUNDATION FOR THE CAROLINAS

Approve the submission of a Grant Application to the Women’s Impact Fund of the Foundation of the Carolinas.

Note: Mecklenburg County Solid Waste-Waste Reduction Programs has been awarded the opportunity to further expand recycling in our community by participating in the 2007-2008 grant cycle for The Women's Impact Fund, a special program of the Foundation For the Carolinas.

(15) AREA MENTAL HEALTH AUTHORITY SECOND QUARTER FY 2008 REPORT

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

Note:

Financial Management

Revenues

	Budgeted Revenues	Actual Revenues	% Received
Revenue Source			
Medicaid & CAP	12,231,908	4,675,882	38.23%
State and Federal	34,226,079	13,048,706	38.13%
Third Party/Other	181,293	43,763	24.14%
Grants	4,391,357	844,301	19.23%
County	43,422,330	1,739,778	4.01%
Total Revenues	94,452,967	20,352,430	21.55%

Expenditures

	Budgeted Expenditures	Actual Expenditures	% Spent
Service Continuum			
Children's Developmental Services	7,148,373	1,490,996	20.86%
Child & Adolescent Services	16,476,726	2,286,265	13.88%
Adult Mental Health	9,029,542	1,742,107	19.29%
Adult Substance Abuse	13,125,732	3,688,306	28.10%
Local Management Entity	11,282,526	2,084,524	18.48%
BHC Randolph	18,925,133	4,735,351	25.02%
Developmental Disabilities	18,464,935	4,324,881	23.42%
Total Expenditures	94,452,967	20,352,430	21.55%

Note: It's required that this portion of the report be included in the minutes.

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

(16) SCHOOL HEALTH PROGRAM LEASE

Authorize the County Manager to execute a lease with E.C. Griffith Company for office space on Westpark Drive for the Health Department's school health program.

(17) ANNEXATION OF COUNTY PROPERTY BY THE CITY OF CHARLOTTE

Authorize the County Manager to execute a petition for voluntary annexation of the following County owned properties into the City of Charlotte:

- (1) Tax Parcel 108-031-15 (+/- 309.37 acres)
- (2) Tax Parcel 108-211-01 (+/- 26.47 acres)
- (3) Tax Parcel 108-211-02 (+/- 78.71 acres)

(18) DESTRUCTION OF DOCUMENTS – LUESA

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

- 580 commercial plans permitted Oct 2005
- 542 commercial plans permitted Nov 2005
- 542 commercial plans permitted Dec 2005
- Nine (9) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet
- Junk Vehicle Case Files, 2001 and older

(19) NC CLEAN FUEL ADVANCED TECHNOLOGY GRANT APPLICATION

1) Authorize the submission of a NC Clean Fuel Advanced Technology (CFAT) Grant Application and if awarded, recognize, receive, and appropriate \$60,000 from the NC Clean Fuel Advanced Technology (CFAT) grant program, and approve carry forward of the unspent grant funds to FY '09.

Note: If successfully funded, the grant will reimburse 75% of the purchase price (total amount \$80,025, of which \$60,000 would be reimbursed to the county) for 5 GEM vehicles (Global Electric Motorcars) which produce zero emissions. The vehicles will be used for maintenance, operations, and security within McDowell, Latta and Reedy Creek nature preserves. In addition to significant emission reductions, the vehicles will also save the county, on average, 6,000 gallons of gasoline every year. The 25% county match (\$20,025) would come from the department FY08 general operating budget.

(20) MOBILE SOURCE EMISSIONS REDUCTION GRANT APPLICATION

Approve submission of a 2008 Mobile Source Emissions Reduction Grant to the NC Carolina Department of Environment and Natural Resources Division of Air Quality by the Mecklenburg County Park and Recreation Department, and recognize, receive and appropriate the grant amount awarded, when received.

Note: The grant, if awarded, would provide funding for the cost difference in acquiring two (2) hybrid vehicles over their conventional counterparts in FY08. The two (2) vehicles are scheduled for replacement or purchase in FY08. Grant funding would enable the department to purchase hybrid models, which have greater gas mileage and produce less emissions. These would be the first hybrid vehicles of the Park & Recreation Department.

(21) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

Approve the following adjustments to Area Mental Health funding:

- 1) Approve, recognize, receive and appropriate State funds for LME Systems Management in the amount of \$559,954.
- 2) Approve, recognize, receive and appropriate State service expansion funds in the amount of \$1,850,282.
- 3) Reduce State funding in the amount of \$1,911,671 due to a decrease in service dollars.
- 4) Approve, recognize, receive and appropriate State funds in the amount of \$175,125 for Mental Health Community Capacity.
- 5) Approve, recognize, receive and appropriate State funds in the amount of \$929,654 for Mental Health Trust Fund.
- 6) Reduce State funding in the amount of \$42,494 due to a reduction in funding from Smart Start.
- 7) Approve, recognize, receive and appropriate State funds in the amount of \$120,216 for Crisis Services.

(22) LITTLE SUGAR CREEK GREENWAY

- 1) Adopt a resolution approving a reimbursement agreement with NCDOT (TIP Project EB4715) for construction of Little Sugar Creek Greenway:

WHEREAS, the United States Congress Transportation Reauthorization Bill, Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users, (SAFETEA-LU) requires that federal funds be available for certain specified transportation and pedestrian activities; and,

WHEREAS, the County has requested federal funding assistance for the construction of the Little Sugar Creek Greenway Project in Charlotte in the amount of \$5,328,000; and,

WHEREAS, subject to the availability of federal funds, the Federal Highway Administration has selected Mecklenburg County as a recipient to receive SAFETEA-LU funding in an amount not to exceed \$4,433,000 for Phases B and C of the Little Sugar Creek Greenway in Charlotte. Said project consists of the construction of a trail system from 7th Street to Baxter Street that will be approximately 4,000 linear feet, 10-foot wide, asphalt multi-use path in the City of Charlotte, Mecklenburg County; and,

WHEREAS, Mecklenburg County agrees to prepare the environmental and/or planning document, including any environmental permits, design and prepare project plans, specifications, quantities and details, make all necessary utility adjustments, acquire any additional right of way and/or easements, and construct and administer the project; and provide at least twenty percent (20%) matching funds for Phases B and C of Project EB-4715 and all costs that exceed the total maximum federal and state award amount of \$5,328,000; and,

WHEREAS, the County shall assume all maintenance and liability responsibilities for the completed improvements upon completion of the project; and,

WHEREAS, the Department has programmed funds for this project under TIP Project EB-4715; and,

WHEREAS, the County proposes to enter into an Agreement, and subject to the Agreement provisions, with the North Carolina Department of Transportation to administer the disbursement of said funds on behalf of FHWA to the County for the Little Sugar Creek Greenway Project in Charlotte in accordance with the project scope for the work. The Department shall reimburse the County to the extent of eighty percent (80%) of the approved eligible costs up to a maximum amount of the federal award of \$4,433,000 for Phases B and C as provided by SAFETEA-LU funding, \$400,000 as provided by Bicycle Transportation Improvement Enhancement Funds for Phase A, and \$495,000 as provided by federal discretionary funds for Phase D for a total maximum federal and state award amount of \$5,328,000 programmed under Project Agreement EB-4715; and,

NOW, THEREFORE, BE IT RESOLVED that Project EB-4715 for Mecklenburg County is hereby formally approved by the County Commissioners and that the Chairman and Clerk of this County are hereby empowered to sign and execute the required Agreement between Mecklenburg County and the North Carolina Department of Transportation.

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

- 2) Recognize and receive \$5,328,000 from federal funding as reimbursement for the County's cost of constructing Little Sugar Creek Greenway; and
- 3) Approve the use of Federal DBE special provision for bidding, instead of using the County M/W/SBE provisions, as required in order to obtain federal and NCDOT funding; and
- 4) Amend Parks and Recreation Facilities Approved from Two-Thirds Bonds 2008 Capital Project Ordinance.

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

(23) MCDOWELL CREEK GREENWAY – CORNELIUS NCDOT SUPPLEMENTAL ENHANCEMENT GRANT AND DEVELOPMENT & COOPERATION AGREEMENT WITH THE TOWN OF CORNELIUS

- 1) Adopt a resolution approving a supplemental enhancement agreement for McDowell Creek Greenway between NCDOT, Mecklenburg County and the Town of Cornelius.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
MCDOWELL CREEK GREENWAY
ENHANCEMENT GRANT RESOLUTION

WHEREAS, the County has requested additional enhancement funding for construction of the McDowell Creek Greenway; and,

WHEREAS, the Department of Transportation has programmed funding in the 2004-2010 Transportation Improvement Program, as revised, for said construction under Project E-4953, Mecklenburg County; and

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

WHEREAS, under the proposed Supplemental 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 covered under this Agreement up to the maximum federal award of \$172,000.00; and,

WHEREAS, the County shall provide at least twenty percent (20%) matching funds and all costs that exceed the federal award of \$172,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project E-4953, in Mecklenburg County, is hereby formally approved by the Board of County Commissioners of the County of Mecklenburg, and that the Chairman and Clerk to the Board are hereby empowered to sign and execute the required Agreement with the Department of Transportation.

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

- 2) Approve a Development and Cooperation Agreement for McDowell Creek Greenway between Mecklenburg County and the Town of Cornelius.
- 3) Recognize and appropriate in the Capital Reserve Fund up to \$172,000 from NCDOT and up to \$28,000 from the Town of Cornelius for construction of McDowell Creek Greenway.

(24) HOME & COMMUNITY CARE GRANT ADVISORY COMMITTEE

Appoint the following persons to an Advisory Committee for the Home and Community Care Block Grant for Older Adults.

Ms. Maryann Gilmore
Senior Resources

Ms. Jacqueline Glenn
Meck. County Health Department

Mrs. Sue Hancharik
Department of Social Services

Dr. Cynthia Riffie Hancock
Dept. of Sociology, UNCC Charlotte

Mr. John Highfill
Department of Social Services

Ms. Ruth Huey

Mr. Nate Huggins
Blessed Assurance Adult Day Care

Dr. William McCoy

Mr. Millard McCluney
The Realty Corner

Mr. Aaron McKeithan, Jr.

Ms. Evelyn Newman

Ms. Trena Palmer
Executive Director
Char-Meck Senior Centers, Inc.

Debra Sparks
Executive Director of Council of Aging

Ms. Anja Workman

Ms. Gayla Woody *
Centralina Area Agency on Aging
*Ex Officio

Note: The lead agencies for administration of the Home and Community Care Block Grant are preparing to develop the County Aging Funding Plan for Fiscal Year 2008-09. Grant requirements include the appointment of an Advisory Committee to assist in gathering input and obtaining consensus regarding content of the plan. This appointment will assist the lead agencies (Services for Adults Division of the Department of Social Services and the Charlotte-Mecklenburg Council on Aging) in the development of the County Aging Funding Plan for Fiscal Year 2008-09.

(25) LOWER MCALPINE CREEK GREENWAY EASEMENTS

Approve receiving the following easements for public greenway use and trail construction by grantor:

- 1) Public Greenway Easement on a portion of Tax Parcel 223-231-46 granted by Streets of Torrington, LLC;
- 2) Public Greenway Easement on a portion of Tax Parcel 223-231-47 granted by NRI Communities/Charlotte, LLC;
- 3) Public Greenway Easement on a portion of Tax Parcel 223-231-45 granted by Pike Nursery Holding, LLC; and
- 4) Approve granting a temporary construction easement for a greenway trail segment and bridge on County Tax Parcels 223-231-04 and 221-303-33 to NRI Communities/Charlotte, LLC.

(26) EXCHANGE OF LEASEHOLD INTERESTS

Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Declaring Intent to Exchange Leasehold Interests with Fiber Mills, LLC."

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

(27) MOUNTAIN ISLAND LAKE MARINE COMMISSION

Receive as information the Mountain Island Lake Marine Commission Annual Report.

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

(32) RESET REGISTER OF DEEDS FILING FEE

Adopt Resolution To Establish Salary for the Office of Register of Deeds.

**A RESOLUTION TO ESTABLISH SALARY
FOR THE OFFICE OF REGISTER OF DEEDS**

WHEREAS, N.C.G.S. 153A-92(b)(2) provides that boards of county commissioners may reduce the salaries of elected officials only by a resolution adopted at least fourteen (14) days before the last day for filing notice of candidacy for the office; and

WHEREAS, once adopted the resolution may not be altered until the person elected to the office in the general election takes office; and

WHEREAS, the filing fee for the office shall be determined by reference to the reduced salary; and

WHEREAS, the Office of Register of Deeds in Mecklenburg County has been placed within the Mecklenburg County Compensation Plan; and

WHEREAS, the Mecklenburg County Compensation Plan establishes the entry level annual salary for the Register of Deeds at \$77,060.52. Now, therefore, be it

RESOLVED by the Mecklenburg County Board of Commissioners that

1. The annual salary for the Office of the Register of Deeds is hereby established at \$77,060.52.
2. The filing fee for the Office of the Register of Deeds shall be determined by the above referenced salary.
3. The annual salary for this office as established herein shall become effective upon adoption of this resolution.
4. Should the incumbent of this office be re-elected and take office in December, 2008, she shall retain her compensation as provided in the Mecklenburg County Compensation Plan.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Ramirez returned to the dais.

STAFF REPORTS AND REQUESTS

(28) LEGISLATIVE AUTHORITY NEEDED TO REFUND LAW ENFORCEMENT SERVICE DISTRICT (LESD) TAXES

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to request state legislation to allow the County to refund Law Enforcement Service District (LESD) taxes to taxpayers who have been annexed by a municipality.

Note: January 1, 2007 the Town of Stallings in Union County annexed a portion of homes in the Shannamara neighborhood in Mecklenburg County. Prior to annexation the residents paid law enforcement service district taxes for the fiscal year ending June 30, 2007 as residents of unincorporated Mecklenburg County. At the time of annexation, law enforcement service provision by the Charlotte-Mecklenburg Police Department (CMPD) ceased, and the Town of

Stallings began to provide service. Therefore, these residents paid taxes for 12 months of police service from CMPD, but received service for only six months. They were also billed for police services by the Town of Stallings for January 1 through June 30, 2007, effectively double paying for service.

At the Board's October 2, 2007 meeting, Commissioner James brought this item to the Board requesting that the City of Charlotte issue a grant to these affected taxpayers for the 6 months for which they did not receive service through the LESD. After discussion, the Board voted to ask Charlotte City Council to consider issuing a refund to the affected homeowners. On November 12, Charlotte City Council acted on this matter authorizing the City Manager to enter into a contract with Mecklenburg County for the reimbursement of \$22,426.71 of County payments for CMPD policing in unincorporated areas, contingent on receipt of an official request from Mecklenburg County regarding this matter and on agreement by the County to use the reimbursed funds to compensate affected homeowners of the Shannamara Subdivision for double payment of taxes for law enforcement services. Chairman Roberts sent a written request to Mayor McCrory, dated November 30, 2007.

The next step is to enter into a written contract between the City of Charlotte and Mecklenburg County. However, it is the opinion of the City and County attorneys that neither the County nor the City has the legal authority to refund LESD taxes. After completion of a contract and payment from the City to the County, the County cannot refund these affected taxpayers without securing additional legal authority to do so.

Therefore it is recommended that the BOCC request necessary authority through its 2008 State Legislative Agenda and urge the Mecklenburg County delegation to act on the matter as soon as possible after the beginning of session. The short session of the General Assembly begins May 13, 2008.

Attorney Bethune addressed the above matter.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) POLICY AMENDMENT – PROCEDURES REGARDING AGENDAS

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried, with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve amendments to the Board's policy entitled Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners.

Note: Summary of Changes to the Agenda Procedures Policy for Regular Business Meetings

Section 1 - Submission deadlines. The submission deadline for agenda items was changed from 14 days to 11 business days with an exception for Commissioners from 14 days to 7 days. The 7 days for Commissioners is the Tuesday prior to the distribution of agendas on Thursday. Commission items received after the deadline will still require approval by the Commission Chairman in order to be added.

Staff items received after the deadline will be rolled over to the next meeting unless the County Manager or his designee determines that the matter is time sensitive and therefore needs to be added.

Section 2 - Agenda delivery. An exception was included to allow distribution of agendas on Friday when deemed necessary.

Section 3 - Addition of items at a meeting. No change

Section 4 - Public speaking time. This was deleted because there's a separate policy on Public Speaking.

Section 5 - Outside agencies providing a reasonable amount of written material. This was deleted since outside agencies submit their request through General Managers, therefore, this is controlled.

Section 6 – Advisory Board nominations. An exception was added to allow persons to be nominated and appointed at the same meeting if the number of vacancies equals the number of nominees.

Section 7 - Public Policy meeting agendas. There's a separate policy on Public Policy Meetings, which needs to be revised, separate and a part from the Agenda Procedures Policy for Regular Business Meetings, to reflect the current format of those meetings. The Public Policy Meeting policy was adopted in 1999.

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

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.

LETTERS REQUESTED TO BE PLACED IN THE MINUTES AS NOTED IN THE DISCUSSION OF ITEM 31 – AD HOC COMMITTEE ON THE APPOINTMENT OF SHERIFF.



Mecklenburg County
**DEMOCRATIC
PARTY**

OFFICERS

David Erdman
Chair

Pat Patton
1st Vice Chair

Sam Love
2nd Vice Chair

Ralph Belk
3rd Vice Chair

Julla Kennedy-White
Secretary

Mike Sullivan
Treasurer

February 3, 2008

Jennifer Watson Roberts, Chair
The Mecklenburg Board of County Commissioners

Dear Madam Chair and Commissioners:

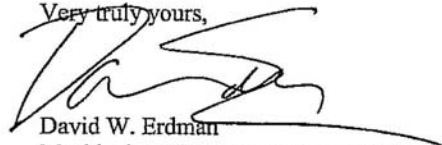
On behalf of the Mecklenburg Democratic Party, I respectfully request that I be permitted to address the Commission at the meeting on February 5, 2008, before the Commission takes action on the matter of filling the vacancy in the sheriff's office.

As you may know from news reports, the Council of Review invalidated the Party's election held on December 6, 2007. More sweepingly, the Council invalidated all Democratic precinct organizations in the County and ordered the Party to reorganize all precincts and hold a new election for sheriff within 30 days, using the newly – and 100% properly – organized precincts.

Therefore, the Mecklenburg County Democratic Party joins the Council of Review in its request that the Commission allow the reorganization and a new election to occur, before the sheriff's position is filled.

By making this request, the Party does not challenge the Commission's legal authority to appoint whomever you choose, since the statutory 30 days have elapsed. It is our belief, however that the best way for the division within the community to heal fully is for the Commission to wait until the newly constituted county executive committee has made its recommendation. Proceeding in this manner will clearly validate the Commission's choice to the whole community. Please allow me to speak before the Commission before the decision is made. Thank you.

Very truly yours,



David W. Erdman
Mecklenburg Democratic Party Chair
erdman@charlotte-nc-law.com

of Counsel
Richard C. Forman
Paul E. Marth



Forman · Rossabi · Black
ATTORNEYS AT LAW

Amiel J. Rossabi
T. Keith Black
James H. Slaughter
Steven E. Black
William F. Patterson, Jr.
Emily Jeffords Meister*

Barbara L. Stewart
Theodora A. Vapolis
Angela Bullard-Gram
Ashley S. Collier
S. Brian Walker

*also licensed in SC

February 4, 2008

Via U. S. Mail and Facsimile (704) 336-5887

Jennifer Roberts, Chairman
Mecklenburg County Board of County Commissioners
Charlotte-Mecklenburg Government Center
600 East 4th Street, 11th Floor
Charlotte, NC 28202

Dear Ms. Roberts:

Thank you on behalf of the N.C. Democratic Party Council of Review for allowing us to use your chambers for our Saturday hearing. All government personnel with whom I interacted on Saturday were outstanding. I wish to especially compliment and thank Building Officer Frances Jackson and Sergeant Mike Sloop with the Charlotte-Mecklenburg Police Department. Their professionalism with the logistics of the meeting helped immensely. Similarly, we were so very impressed with County Manager Harry Jones. He checked on our needs throughout the entire day, including temperature, food, water, and meeting rooms. When a person attending the hearing began to feel ill, he had a medic onsite (who thankfully was not needed) within minutes. Everyone I worked with on Saturday was a credit to your county government.

For your records, attached is a copy of the Council's Order. The portion of the Order pertaining to the December 6, 2007, Executive Committee Meeting is as follows:

All votes taken during the December 6, 2007, Executive Committee meeting of the Mecklenburg County Democratic Party are invalid. The Council directs the Mecklenburg County Democratic Party with the assistance of the State Democratic Party to hold an Executive Committee meeting within 30 days in compliance with the Plan of Organization to recommend a successor to Sheriff Pendergraph. The Council recommends that the Mecklenburg County Commissioners allow this democratic process to proceed and that their appointment be made following the Executive Committee meeting at which the election occurs.

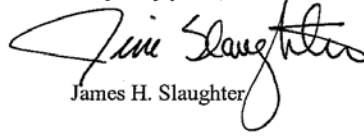
Forman Rossabi Black, P. A.
Post Office Box 41027 • Greensboro, North Carolina 27404-1027
3623 North Elm Street, Suite 200 • Greensboro, North Carolina 27455
336 378 1899 • Fax 336 378 1850 • www.frb-law.com

Ms. Roberts
Feb. 4, 2008
Page 2

Thanks again to you and all the Commissioners.

With kind regards, I am

Very truly yours,



James H. Slaughter

JHS/cbs

cc: N.C. Democratic Party Chair Jerry Meek (via e-mail)
Mecklenburg County Commissioners (via e-mail)
Petitioners and Respondents (via e-mail)

to the Board of Commissioners within 30 days of Sheriff Pendergraph's resignation.

3. On December 6, 2007, the Executive Committee of the Mecklenburg County Democratic Party voted to recommend Nikita Vidal ("Nick") Mackey to the Board of Commissioners.

4. The Council of Review is governed by the North Carolina Democratic Party Plan of Organization.

5. Section 0.01 of the North Carolina Democratic Party Plan of Organization provides in part as follows: "Meetings are defined as a meeting of all committees and bodies created herein in which a quorum is present."

6. Section 0.04 of the North Carolina Democratic Party Plan of Organization provides in part as follows:

The time and place of all meetings of the North Carolina Democratic Party at all levels shall be publicized fully and in such a manner as to assure timely notice to all interested persons.

7. Section 1.02 of the North Carolina Democratic Party Plan of Organization provides as follows:

Precinct Committee. In each precinct, there shall be a precinct committee consisting of at least five active Democrats who reside in the precinct when elected by the active Democrats of the precinct present at the annual precinct meeting held in odd-numbered years.

8. Section 1.04 of the North Carolina Democratic Party Plan of Organization provides as follows:

Location. The annual precinct meetings shall be held at the polling place of each precinct or other facility deemed appropriate by the precinct chair. If a meeting facility other than the precinct polling place is used, it must be approved in advance by the county chair and publicly announced seven (7) calendar days in advance of the meeting. The precinct chair shall also post notice of the meeting

location at the regular polling place.

Unorganized Precinct. A precinct that did not meet on the originally scheduled meeting date or on the second meeting date shall be considered not organized and shall not be entitled to send delegates to the county convention or be represented on the county executive committee until the county chair has appointed an acting precinct chair and has called a special meeting for the purpose of organizing the precinct and the precinct is organized in accordance with this section. The acting precinct chair shall preside over the special meeting called by the county chair for the purpose of organizing the precinct.

9. Section 1.05 of the North Carolina Democratic Party Plan of Organization provides in part as follows:

QUORUM REQUIRED TO ORGANIZE PRECINCT AND TO ELECT PRECINCT OFFICERS AND MEMBERS OF THE PRECINCT COMMITTEE

A quorum for a precinct meeting held for the purpose of organizing the precinct or electing precinct officers and members of the precinct committee at the annual precinct meeting shall consist of five (5) active Democrats residing in such precinct.

10. The cited provisions of the Plan of Organization are fundamental, mandatory, and must be followed.

11. Between Sheriff Pendergraph's October 1, 2007 announcement of resignation and the December 6, 2007 vote to recommend his successor, an additional 67 precincts were organized in Mecklenburg County.

12. By clear and convincing evidence, at no time during the October 2007 through November 20, 2007 precinct organizing effort did the Mecklenburg County Democratic Party Chair appoint any person by name to be an acting precinct chair under Section 1.04 of the Plan of Organization to organize an unorganized precinct.

13. By clear and convincing evidence, at no time during the October 2007 through November 20, 2007 precinct organizing effort did the Mecklenburg County Democratic Party

Chair call, by time and place, a special meeting under Section 1.04 of the Plan of Organization for the purpose of organizing a specific unorganized precinct.

14. By clear and convincing evidence, at no time during the October 2007 through November 20, 2007 precinct organizing effort did the Mecklenburg County Democratic Party publicize the date, time or location of any precinct organizational meetings under Section 1.04 of the Plan of Organization. Also, the Mecklenburg Democratic Party has insufficient documentation showing that precincts organized under Section 1.04 of the Plan of Organization between October 2007 and November 10, 2007 publicized or posted notices of the date, time and location of any precinct organizational meetings.

15. The Council finds that Petitioners' grievance is meritorious by a vote of 10-2.

16. The Council determines that the incidents or events complained of had a material impact adverse to the interests of the Petitioners by a vote of 10-2.

17. Now, therefore, the Council orders the following:

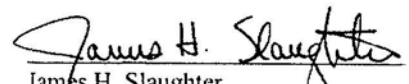
- a. All votes taken during the December 6, 2007, Executive Committee meeting of the Mecklenburg County Democratic Party are invalid. The Council directs the Mecklenburg County Democratic Party with the assistance of the State Democratic Party to hold an Executive Committee meeting within 30 days in compliance with the Plan of Organization to recommend a successor to Sheriff Pendergraph. The Council recommends that the Mecklenburg County Commissioners allow this democratic process to proceed and that their appointment be made following the Executive Committee meeting at which the election occurs.

(Vote of 10-2)

- b. The State Democratic Party shall immediately revise its Precinct Reporting Form so that necessary information pertaining to precinct organization is clear, such as the date of the meeting, the place of the meeting, the date of the notice of the meeting, and actual attendance.

(Vote of 12-0)

This the 2nd day of February, 2008.


James H. Slaughter
Chairman, Council of Review



Office of the Mayor
Town of Matthews

232 Matthews Station Street
Matthews, NC 28105

R. Lee Myers
Mayor

February 4, 2008

Dear Mecklenburg Board of County Commissioners:

As Mayor of the Town of Matthews, I support the selection of Chipp Bailey as Sheriff at your Tuesday, February 5, 2008 meeting. The Sheriff must be someone who is qualified and has the confidence and trust of the citizens and other public safety officials, including all law enforcement in Mecklenburg County. Chipp Bailey is the only person who meets all requirements to hold the office of Sheriff.

As a practicing attorney I have almost daily contact with the Mecklenburg County Sheriff's Department. They must return focus to their assigned duties under the proven leadership of Chipp Bailey.

There is no reason to delay this process further – I stand with an overwhelming majority of citizens and other elected officials in urging this immediate action.

Sincerely,

R. Lee Myers

cc: Harry Jones
Mecklenburg County Mayors/Managers
Matthews Town Council

704-845-1953 • mayormyers@matthewsnc.com

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez, and unanimously carried, with Commissioners 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 9:45 p.m.

Public Inspection Status

(A) **Must Remain Confidential** _____

or

(B) **Confidential Pending Release** _____

Release for Public Inspection

MAB _____ **3-5-08**
Release Authorized by: _____ **Date**
County Attorney/Board of
Commissioners

**MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

FEBRUARY 5, 2008

5:00 P.M.

The Board of Commissioners of Mecklenburg County, North Carolina, met in Closed Session in the Charlotte-Mecklenburg Government Center during its Regular Meeting held Tuesday, February 5, 2008. These Closed Session minutes are part of the minutes of that meeting and should be read in that context.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
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: Commissioner Karen Bentley

Also Present: General Managers John McGillicuddy and Bobbie Shields, Associate General
Manager Michelle Lancaster, Finance Director Dena Diorio, Deputy County
Attorney Sandra Bisanar, Nancy Brunnemer with Real Estate Services, Attorney
James Cooney and Attorney Mike Barnhill

(2C2) LAND ACQUISITION – MCALPINE CREEK

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of 6.095 acres of floodplain included in Tax Parcels 211-201-73 and a portion of 211-201-81 from Charlotte South, LLC for \$75,000.

Commissioner Woodard left Closed Session until noted in the minutes.

The addition of the above property will bring the total County-owned open space along McAlpine Creek on the northerly side of Pineville Matthews Road (NC Hwy 51) to 59 acres.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the purchase of 6.095 acres of floodplain included in Tax Parcels 211-201-73 and a portion of 211-201-81 from Charlotte South, LLC for \$75,000.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman

Public Inspection Status

(A) **Must Remain Confidential** _____

or

(B) **Confidential Pending Release** _____

Release for Public Inspection

MAB _____ **3-5-08**

Release Authorized by: _____ **Date**

**County Attorney/Board of
Commissioners**

**MINUTES OF CLOSED SESSION OF
MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

FEBRUARY 5, 2008

5:00 P.M.

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ATTENDANCE

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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: Commissioner Karen Bentley

Also Present: General Managers John McGillicuddy and Bobbie Shields, Associate General
Manager Michelle Lancaster, Finance Director Dena Diorio, Deputy County
Attorney Sandra Bisanar, Nancy Brunnemer with Real Estate Services, Attorney
James Cooney and Attorney Mike Barnhill

Commissioner Woodard was not present for this Closed Session matter.

(2C3) LAND ACQUISITION – PARK SITE EXPANSION AT REDDMAN ROAD

Nancy Brunnemer with Real Estate Services addressed the proposed purchase of 9.75-acre Tax Parcel 133-095-10 at 6310 Reddman Road from McMahon Properties for \$515,000; and approving funds to demolish a single-family structure on the property at +/- \$20,000.

The above property is contiguous to a 29.5-acre tract acquired in 2002 for a future park site on Reddman Road off Albemarle Road near Eastland Mall. The addition of the subject tract will expand this undeveloped site to just under 40 acres.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the purchase of 9.75-acre Tax Parcel 133-095-10 at 6310 Reddman Road from McMahon Properties for \$515,000; and approve funds to demolish a single-family structure on the property at +/- \$20,000.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman