

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

FEBRUARY 26, 2008

3:00 P.M.

**NORTH CAROLINA
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, February 26, 2008.

ATTENDANCE

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

Absent: Commissioner Bill James

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

The meeting was called to order by Chairman Roberts.

The following topics were discussed: Park and Recreation Greenway Planning and Federal Legislative Agenda.

(2) FEDERAL LEGISLATIVE AGENDA

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, to approve Mecklenburg County's Federal Legislative Agenda for Federal Fiscal Year 2009 as presented by staff.

Substitute motion was made by Commissioner Ramirez, seconded by Commissioner Bentley, to vote on Mecklenburg County's Federal Legislative Agenda for Federal Fiscal Year 2009 in two parts, first the appropriation request, then the non-appropriation requests.

Commissioner Bentley said she was not supportive of the appropriation request because government needs to get away from earmarks as recently addressed by the President.

Commissioner Ramirez also commented on earmarks.

Commissioner Bishop entered the meeting.

Commissioner Bentley asked could the \$200,000 being requested in the appropriation request be provided locally or does it have to be federal funds.

Chairman Roberts responded and said often the County receives grants that are matched locally in partnerships with the state and/or federal government. Chairman Roberts said the County tries to seek funds where ever it can for essential projects, such as water quality restoration, etc.

Assistant to the County Manager Deborah Goldberg addressed the subject of earmarks received by the County in the past, many of which received bi-partisan support.

Assistant Goldberg said staff was informed that President Bush's recent remarks regarding 'earmarks' is more about those earmarks that are not strategic in nature. Also, staff feels the appropriation item being recommended is one that would meet the goals of what is being articulated by the federal government.

The vote was then taken on the substitute motion and failed 6-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting no and Commissioners Bentley and Bishop voting yes, to vote on Mecklenburg County's Federal Legislative Agenda for Federal Fiscal Year 2009 in two parts, first the appropriation request, then the non-appropriation requests.

The vote was then taken on the original by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bishop and Ramirez voting no, to approve Mecklenburg County's Federal Legislative Agenda for Federal Fiscal Year 2009 as presented by staff and noted below.

The County's Federal Legislative Agenda for Federal Fiscal Year 2009 includes:

1) An appropriation request for the Surface Water Improvement and Management (SWIM) initiative.

Request: \$200,000 in the fiscal year 2009 Interior Appropriations bill, Environmental Protection Agency. **Background:** Mecklenburg County is seeking federal funding to address biologically impaired streams through the Surface Water Improvement and Management (SWIM) initiative. Fiscal Year 2009 funds will be combined with state and local resources to restore, retrofit and/or preserve land that has already been acquired and is in public ownership. These projects may include, but are not limited to, the construction of wetlands, restoration of streams, establishment of vegetative buffers, etc.

2) Non-Appropriation requests to support proposed legislation related to kinship caregiver support, child support enforcement and veterans outreach and claims:

Support passage of the Kinship Caregiver Support Act (S. 661/H.R. 2188)

The Kinship Caregiver Support Act, sponsored by Representative Danny Davis and Senator Hillary Clinton, provides a package of supports to relatives who are willing to become legal guardians of children in foster care.

Support H.R. 1386 and S. 803, which would restore funds for child support enforcement cut by the Deficit Reduction Act of 2005

S.803, sponsored by Senator Rockefeller, and H.R. 1386 sponsored by Representative Jim McDermott, amend the Deficit Reduction Act of 2005 to repeal a provision that prohibited federal matching funds to a state for expenditures from federal amounts paid to the state for child support and establishment of paternity to carry out an agreement for services of the Federal Parent Locator Service.

Support passage of the Veterans Outreach Improvement Act of 2007 (H.R. 67)

H.R. 67, sponsored by Rep. Mike McIntire (NC-7) provides for assistance to state and county veterans agencies to administer outreach programs in respective jurisdictions. The Secretary of Veterans Affairs could enter into contracts for grants directly to states or counties. The total authorization for 3 years is \$25 million. Priority in awarding grants would be given to state and county veterans' agencies that serve the largest populations of veterans. Representatives Coble (NC-6) and Etheridge (NC-2) are among the bill's cosponsors.

Support passage of the Department of Veterans Affairs Claims Backlog Reduction Act of 2007 (H.R. 1435)

H.R. 1435, sponsored by Rep. Joe Baca, directs the Secretary of Veterans Affairs to conduct a three-year pilot program to reduce the backlog of claims for benefits pending with the Department of Veterans Affairs (VA). It requires the Secretary to (1) conduct the pilot program with County Veterans Service Officers in California, Florida, Ohio, South Carolina, and Texas (The program can be expanded to other states upon the request of a County Veterans Services Officer located in such state.) and (2) refer certain claims requiring further development to county officers. The bill requires such officers to (1) act as claimant advocates in developing such claims; and (2) have access to client information contained in the VA's Benefits Delivery Network.

The bill gives counties the ability to develop claims to be rated by the VA which will reduce, if not eliminate, the backlog that exists. With counties developing claims, VA is freed to spend most of its time rating claims. Representative McIntyre (NC-7) is one of the bill's cosponsors.

A copy of the County's Federal Legislative Agenda for Federal Fiscal Year 2009 is on file with the Clerk to the Board.

(1) PARK AND RECREATION GREENWAY PLANNING

Director of Park and Recreation Jim Garges addressed Park and Recreation Greenway Planning.

The presentation covered the following:

- Greenways on Polaris
- Next Steps
 - Remove greenway layer from Polaris (Only existing/developed greenways will be depicted)
 - Articulate new planning approach in the update
 - Identify practical, buildable trail corridors to develop in Greenway update
 - Incorporate Towns' plans into Greenway Master Plan Update
 - Better engage public in the planning process
- New Greenway Philosophy
- Mecklenburg County Greenways
- Identifying Greenway Corridors
- Land Acquisition (Process and Tools)
- Eminent Domain

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

Highlights

- Director Garges met with Pam Hester and some of her neighbors regarding the County's Greenway Plan. Ms. Hester recently attended a County Commission meeting regarding the County's Greenway Plan.
- There are a number of things in the Plan that aren't practical.
- The current Plan was approved in 1999.
- Staff will work with the Town of Huntersville to come up with a solution.
- The Plan is being updated.
- Staff has removed all of the lines on Polaris except for where greenways already exist per the 1999 Plan.
- Thus, there are no greenways going through Ms. Hester's property or her neighbors.
- Eminent Domain was addressed. It was noted that eminent domain would be the last option.
- Park and Recreation is changing their philosophy with respect to planning.

Comments

Chairman Roberts said she was pleased to know that the lines were removed from Polaris.

Commissioner Ramirez asked about the solution for Ms. Hester. *The response was that the greenway will not go through Ms. Hester's backyard. Also, the lines have been removed from Polaris, so if Ms. Hester or her neighbors visit the Polaris website, it'll show that the lines through their property no longer exist.*

Director Garges said there are other areas of the County with the same problem raised by Ms Hester, which is another reason all of the lines are being removed.

Commissioner Ramirez asked if greenways had to be directly along the creek. *The response was that many do not follow the tributary line.*

Commissioner Clarke urged staff to be "extremely respectful" when it comes to property rights of homeowners.

Attorney Bethune addressed the use of eminent domain for greenway by the County. It was noted that it has been used for commercial property, the Little Sugar Creek Greenway project was cited as an example.

Commissioner Woodard thanked Park and Recreation for working this issue out with Ms. Hester and her neighbors.

Commissioner Bishop said a policy decision needs to be made regarding the use of eminent domain for greenway purposes.

Commissioner Bishop said he would be supportive of the County going on record and saying it will not use eminent domain for greenway purposes.

Director Garges said the use of eminent domain for greenway purposes would need to be reviewed on a case-by-case basis. He said it would be a tool used as a last result.

Commissioner Clarke said he feels eminent domain should be kept as a tool, because there are instances where it would be an appropriate tool to use.

Commissioner Ramirez commented on the new philosophy of Park and Recreation with respect to meeting with impacted homeowners. Commissioner Ramirez said this should be more than a philosophy. It should be the rule.

Director Garges said meeting with impacted homeowners is current policy. He said what's new is the stakeholders group that will form as an additional step to enhance what is already in place.

Commissioner Mitchell said he would also like to keep eminent domain as a tool.

Chairman Roberts said she also supports keeping eminent domain as a tool.

This concluded the discussion. No action was taken or required with respect to this topic.

The above is not inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard, and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:30 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman