

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

MARCH 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 Wednesday, March 5, 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
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

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

Commissioners Bishop and Clarke were absent when the meeting was called to order and until noted in the minutes.

(1A) STAFF BRIEFINGS - US NATIONAL WHITEWATER CENTER: YEAR-END REPORT

The Board received information regarding the year-end performance of the US National Whitewater Center.

General Manager Bobbie Shields, Whitewater's Executive Director Jeff Wise, and Whitewater Management (Turnaround) Consultant John McGee, presented the information.

General Manager Shields addressed the County's obligations under the Whitewater contract and explained the year-end financial statements.

Commissioner Clarke entered the meeting.

Representatives from Whitewater provided a summary of their 2008 Business Plan Strategies and Tactics.

Comments

Commissioner James asked for clarification regarding future principal payments being included in the annual service fee and the \$2 million that was added back in. *General Manager Shields said the contract states if the principal payment is included in a given year, but is not actually*

paid during that year, then the subsequent year it can't be counted again. He said the \$2 million can only be used once.

It was stated further that staff believes the County will have to pay \$1 million annually for next seven years.

It was the consensus of the Board that they understood the justification of the \$1 million annual service fee.

Commissioner James said he was told that there was no mention of Mecklenburg County when you visit the Whitewater Center's website. Commissioner James said it was his understanding that there should be some reference of the County and/or the County seal.

Jim Garges, director of Park and Recreation said there is reference to the County and that the Whitewater Center was in compliance with that portion of the agreement.

Chairman Roberts asked was it correct to assume that when discussions take place regarding naming rights for the facility that County Park and Recreation would be included in those discussions. *The response from Director Garges was yes.*

Commissioner Woodard asked for clarification on the \$5 parking fee. *The response was that this has not been implemented, and if implemented, it would probably be on a per vehicle basis. No determination has been made regarding the amount for buses.*

Commissioner Woodard asked about fees for various activities at the Center, which was explained.

Commissioner Helms asked whether the \$1 million annual service fee from the County was taken into consideration when developing the 2008 Business Plan. *The response was yes, but it has not been done for 2009 and beyond as of yet. It was stated also, that it's reasonable to expect that it would be taken into consideration for remaining years as well, because the \$1 million annual service fee will be needed. Noted further, was the fact that the debt would have to be restructured.*

Commissioner Bentley commented on the Increase Average Revenue Per Guest proposal, specifically, the increase in prices. Commissioner Bentley said she would think an increase in prices, especially for whitewater rafting, would deter patrons from participating in this activity.

Commissioner Bentley said her concern was that if Whitewater is missing the projection for rafting now, that an increase in prices would only further exacerbate the problem. *The response was that this possibility does exist, but the expectation is that "net – net" those revenues will increase. Also, that the focus is not only on increasing prices but increasing the number of activities on site as well, and enhancing the activities for guests.*

Commissioner Bishop entered the meeting.

Commissioner Bentley asked had a guest survey been done. *The response was yes.*

It was noted that an increase in the rafting fee would only occur on the weekends, which is when that activity is at capacity. The hope is not to drive patrons away but to get them to come out during the week when the cost is less and the enjoyment of the experience is even greater because there are less people. Also, this would help the Center operationally and help manage capacity better.

Commissioner Ramirez asked Mr. McGee if he was hired by the banks or Whitewater. *The response was both, because the banks "insisted" that Whitewater hire a qualified restructuring management consultant.*

Commissioner Ramirez asked Mr. McGee if he thought the banks would continue to work with Whitewater and restructure the loan, so that they can continue to operate. *The response was yes.*

Commissioner James said he's concerned about where things will stand financially at the end of the seven year period. He posed the question of whether the banks would entertain, with Whitewater taking the loss, some of which he said they had already taken, the County buying it out for a fraction of the price in exchange for an elimination of the guarantee. Commissioner James said the County would be guaranteeing current dollars, \$5.5 million and cash is \$7 million. He said the County would give the banks \$7 million and the Whitewater Center becomes the property of Mecklenburg County. Commissioner James said this would, however, place an on-going liability on the County to run the facility.

County Manager Jones questioned Mr. McGee with respect to his dual reporting role with the banking group and the Whitewater Board, specifically how would he resolve conflict, assuming he had a recommendation that wasn't acceptable to the Whitewater Board, but critical to the turnaround of the Center. *The response was there is the potential for this to occur, but it hasn't to date. Also, if this were to occur he could be fired, but the Whitewater Board would have to immediately hire another qualified and approved restructuring consultant. It was noted further that it would be an immediate event of default for the Whitewater Board to fire Mr. McGee without having someone essentially the same as Mr. McGee in place.*

Commissioner Helms said he thinks what Commissioner James is saying is that the County and the other towns involved in the Whitewater Center would take the present value of their commitment, \$7.5 million in the County's case or \$8 million; and give Whitewater that amount up front, now, which would extinguish the County's liability. Whitewater would use that amount to reduce their debt to some amount that the operational revenue could service.

Commissioner Helms said unlike Commissioner James, he's not interested in the facility being conveyed over to the County. Commissioner Helms said he's interested in fulfilling the County's commitment, which is \$7 million over seven years.

Commissioner Helms said Commissioner James does raise a legitimate question regarding what happens at the end of the seven years and the facility is still not fiscally stable. Thus, what if the County were to say at this point that it's going to fulfill its commitment, reduce Whitewater's debt level to get it to a number that the operational revenue can serve. Commissioner Helms asked was this possible.

Mr. McGee in his response said he was not speaking for the lenders and that he would remind everyone that there are seven (7) senior lenders and 35 subordinate lenders (community development lenders but for all intended purposes they are subordinators), plus there are other entities involved. Mr. McGee said conceptually from a financial theory perspective, it would make sense to take some sort of a discount to extinguish the County's liability or all of the governmental liability and apply it to the debt to reduce the interests expense, but getting this done would not be easy.

Mr. McGee said if the Board were to instruct Park and Recreation staff to give some thought to putting this together, they would work with them on it, but this isn't something that unilaterally either of them could get done.

Commissioner James said it would be interesting to see what the response would be if Mr. McGee were to go back and speak with the main senior lender regarding this concept.

Mr. McGee noted that there are three senior lenders and they are all co-equal.

Chairman Roberts said she thinks it may be something worth looking into.

Mr. McGee said the typical response to any request to compromise and restructure debt based on accelerated cash flow from other sources is an indication that it's actually feasible. Mr. McGee said he would suspect that if he were to go back to the bank group and ask them to approve something, they would want to know that before they tried to get it approved; that it was something that could actually be brought to the table.

General Manager Shields said this was something that could be further studied with Whitewater and the other government entities.

Commissioner Clarke noted that although there are other entities involved, 75% of the service payments are on “this side of the river,” so it may not be as difficult as it’s anticipated.

Commissioner Clarke asked if there was any quantitative data yet. *The response was that the budget will be sent out next week.*

No action was taken or required at this time.

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

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

(2A, B, C) CLOSED SESSION – A) LAND ACQUISITION B) CONSULT WITH ATTORNEY C) BUSINESS LOCATION AND EXPANSION

Prior to going into Closed Session, Attorney Bethune noted that the Land Acquisition matter concerned Cavalier Apartments and the Consult with the Attorney concerned the following cases: Joseph Elicati v. Mecklenburg County EMS Agency, Rebecca Baker v. Mecklenburg County EMS Agency, and Rosemary Tucker v. Mecklenburg County.

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 go into Closed Session to discuss A) Land Acquisition B) Consult with Attorney and C) Business Location and Expansion.

The Board went into Closed Session at 6:00 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.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 25 and 27.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) SOCIAL WORK APPRECIATION MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating the month of

March 2008 as “Social Work Appreciation Month” in Mecklenburg County.

The Proclamation was read by Commissioner Mitchell and received by General Manager Janice Jackson, Interim Director of Social Services and several Social Workers on behalf of all Mecklenburg County Social Workers.

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

(1B) PARTNERS FOR PARKS, INC. SCHOLARSHIP CHECK PRESENTATION

THIS ITEM WAS REMOVED FROM THE AGENDA AND WILL BE RESCHEDULED.

(1C) THE ARC OF MECKLENBURG COUNTY DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating March 12, 2008 as The Arc of Mecklenburg County Day.

Note: The Arc of Mecklenburg County is a not-for-profit organization that creates opportunities for people with cognitive impairments and their families to experience more meaningful and satisfying lives. The Arc of Mecklenburg County is a well established network that connects families and people with developmental disabilities to community resources, creates awareness of developmental disabilities, lobbies legislators to ensure all of the needs of people with developmental disabilities are met, helps people with developmental disabilities access services and supports they need, encourages personal empowerment and self-advocacy, and educates the community about receiving, embracing, and engaging people with developmental disabilities in all facets of the community.

The Proclamation was read by Commissioner Bentley and received by Donnie Simmons, past President of The Arc Board of Directors.

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

(2) PUBLIC APPEARANCE

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

Rollon Washington addressed the need for services for the Homeless. He noted that at one time he was homeless. Mr. Washington now helps others through his work with Homeless Helping Homeless. Mr. Washington thanked the Board for its pending consideration of the Ten-Year Plan to end homelessness in Mecklenburg County.

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

(3) APPOINTMENTS – NONE

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6A) FY 2008 HOMELESSNESS UPDATE

The Board received an update on the status of homelessness in Mecklenburg County and the County's current efforts and services to support the homeless.

Note: Ten-Year Plan Implementation Goals

- Goal #1: Get Homeless Families and Individuals into Safe, Appropriate Permanent Housing As Soon As Possible
- Goal #2: Link Chronic Homeless to Housing, Treatment, and Services through Intensive Outreach and Engagement
- Goal #3: Prevention: Promote Housing Stability of People Most At-Risk of Becoming Homeless

Recommended Action Items

- In partnership with the City of Charlotte, establish a high-level 10 year plan advisory board
- Adopt the More Than Shelter Ten-Year Plan to End and Prevent Homelessness (exclusive of the 10 year implementation portion of the plan)
- In partnership with the City of Charlotte, explore collaborative opportunities to address homelessness
- Approve continued oversight and administration of the 10 Year Plan by A Way Home
- Consider budget recommendations for Departments and Outside Agencies impacting homelessness within the context of the 10 Year Plan

The report was given by Stacy Lowry, Support Services Director.

Chairman Roberts thanked Ms. Lowry for all of the work that has been done.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, to adopt the More Than Shelter Ten-Year Plan to End and Prevent Homelessness.

Comments:

Commissioner James commented on the fact that there are no dollars referenced in the Plan with respect to implementation cost. He said the Plan could be approved in concept, since there are no dollars associated with it. Commissioner James said it should be understood that although the Plan may be approved without any dollars associated with it that when the cost is known everything in the Plan may not get funded.

County Manager Jones said in essence the Board is approving the Plan in concept because the recommended action is to adopt the Plan exclusive of the 10 year implementation portion of the plan.

County Manager Jones said what the Board would likely receive going forward in implementing the Plan would be funding requests in increments that would include more detailed information regarding a particular component.

Commissioner Bishop expressed concern for using the Housing First Model. He questioned whether providing permanent housing was really the best solution to the problem.

Commissioner Bishop said in order for him to be in support of a plan that says as a policy matter that 1) the County should adopt a Housing First Model or 2) that local governments establish dedicated revenue sources to support that objective, that he has to be convinced that it not only results in a net cost but it solves the problems and it helps to reduce the suffering that people who are homeless, chronically homeless in particular, live with. Commissioner Bishop said to his knowledge that evidence doesn't exist with respect to this Plan.

Commissioner Bentley challenged the Faith community to do more.

Commissioner James referenced the possible funding sources mentioned in the Plan, specifically, the establishment of a Real Estate/Land Transfer Tax. He asked that it be noted in the record that he is opposed to a Real Estate/Land Transfer Tax, as well as, an increase in the sales tax or any new tax or fee for this particular function.

Commissioner Ramirez noted for the record that any funding stream for implementation would have to be approved by the Board at future meetings.

Commissioner Helms restated his motion, which was then seconded by Commissioner Mitchell and reads as follows:

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Bishop voting no, to adopt the More Than Shelter Ten-Year Plan to End and Prevent Homelessness (exclusive of the 10 year implementation portion of the plan.)

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

CONSENT ITEMS

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 approve the following item(s) with the exception of Items 25 and 27 to be voted on separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 19, 2008; Budget/Public Policy Meeting held December 11, 2007; Closed Session minutes of February 19, 2008 and February 5, 2008.

(8) TAX REFUNDS

Approve refunds in the amount of \$42,719.75 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) SHERIFF'S SPECIAL REVENUE FUND

Recognize and appropriate \$120,000 for the Sheriff's Special Revenue Fund for Inmate Commissary.

(10) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of \$16,687 for General Services, \$2,463 for Park and Recreation, \$318 for Social Services, \$4,005 for Real Estate Services, \$4,563 for Sheriff's Office, and \$229 for Area Mental Health.

Note: All reimbursements are for stolen and damaged items.

(11) 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:

- 310 commercial plans permitted Jan 2006
- 357 commercial plans permitted Feb 2006

(12) FACILITIES MANAGEMENT SERVICES FOR COUNTY COURTS COMPLEX – AGREEMENT

1) Authorize the County Manager to amend the existing agreement to increase payments to the

Keith Corporation for Facility Management services for Fiscal Year 2008 by \$27,104.96 as it relates to the County Courts Complex.

Note: As the Courts Complex Master Plan begins to take shape, renovations are occurring in several of the buildings in the courts complex. This has required the temporary relocation of staff to previously unoccupied areas. Now that staff is occupying these areas, it is necessary to have The Keith Corporation provide services in these areas as outlined in their agreement with the County dated July 1, 2006.

2) Authorize the County Manager to amend the existing agreement in Fiscal Year 2009, to

increase payments in an amount up to \$100,000, for additional services as required, as it relates to the County Courts Complex.

Note: In FY 2009, additional renovations will be taking place requiring staff to vacate areas and occupy previously unoccupied areas; therefore, amendments to The Keith Corporation's contract may be required. Providing the County Manager with the authority to amend the contract will allow the County to authorize The Keith Corporation to provide facility management services as necessary during the renovations.

3) Authorize the County Manager to amend the existing agreement to vary the charges to the County as areas are added and removed from management, as it relates to the County Courts Complex.

Note: In FY 08 and FY 09, it is anticipated services provided by The Keith Corporation will change during construction renovations. This may at times decrease the amount paid by the County to The Keith Corporation.

(13) ARTS AND SCIENCE COUNCIL CULTURAL PROJECT GRANT

Approve submission of application for an Arts and Science Council Cultural Project Grant; and recognize, receive and appropriate funds if grant is accepted by the Arts and Science Council.

Note: Mecklenburg County Park and Recreation Department requested approval to apply for and receive, if awarded, an Arts and Science Council Cultural Project Grant for up to \$70,000. The grant will be utilized to offer classes, summer programs and after school programs that focus on arts, science and history. The grant if awarded will be utilized to offer scholarships and reduced rates for these various programs to youth and teens at numerous recreation centers.

(14) NORTH CAROLINA AMATEUR SPORTS GRANT

Approve submission of application (North Carolina Amateur Sports Grant) for a youth swim feeder program; and recognize, receive and appropriate funds if grant is awarded by the North

Carolina Amateur Sports.

Note: Mecklenburg County Park and Recreation Department requested approval to apply for and receive, if awarded, an Amateur Sports Grant for up to \$5,000. The grant will be utilized to offer a swim instruction and competition to youth at Tuckaseegee Recreation Center. The grant can serve and give up to eleven (11) youth the opportunity to participate in the program. The youth involved are those that have never had the opportunity for this type of swim program due to financial or transportation issues. The grant funds will be used to offset the majority of the registration cost and various fees for the participants; thereby, offering a scholarship or discounted registration cost to the youth. The program focuses on basic and advance swim instruction and various swim techniques. The program also offers swim competition to showcase instruction and skills interpreted during swim practice. If the grant is awarded, funds up to \$5,000 will be received next fiscal year 09.

(15) WETLANDS-STREAM RESTORATION MEMORANDUM OF UNDERSTANDING

Authorize the County Manager to execute an agreement to terminate a Memorandum of Understanding between the County, City of Charlotte and State for wetland and stream restoration projects.

Note: On May 1, 2001, the Board authorized the County Manager to execute a Memorandum of Understanding (MOU) between the County, the City of Charlotte and NC Wetlands Restoration Program (NCWRP). The MOU described how NCWRP would fund, design and construct wetland and stream restoration projects within the County's or City's jurisdiction. All parties agree that the MOU has become dated and no longer best serves each party's interest. All parties still desire to work together and have developed a new agreement that will be used on a project-by-project basis.

(16) TORRENCE CREEK GREENWAY – TOWN OF HUNTERSVILLE

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

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
TORRENCE CREEK GREENWAY
ENHANCEMENT GRANT RESOLUTION

Motion was made by Commissioner Dan Ramirez and seconded by Commissioner Bill James for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, the County has requested additional enhancement funding for extending the existing Torrence Creek Greenway Trail from main channel north along Torrence Creek Tributary # 2 under Gilead Road to Town owned park property north of Rosewood Meadow Lane; and,

WHEREAS, the Department of Transportation has programmed funding in the 2004-2010 Transportation Improvement Program, as revised, for said construction under Project E-4954, 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 \$400,000.00; and,

WHEREAS, the County shall provide at least twenty percent (20%) matching funds and all costs that exceed the federal award of \$400,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project E-4954, 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 Torrence Creek Greenway between Mecklenburg County and the Town of Huntersville.

3) Recognize and appropriate in the capital reserve fund up to \$600,000 from NCDOT and \$200,000 from the Town of Huntersville as reimbursement for the County's cost of constructing Torrence Creek Greenway.

(17) LITTLE SUGAR CREEK GREENWAY ACQUISITION IN PINEVILLE

Approve the purchase of +/- 1.13-acre Tax Parcel 221-093-96 located within the floodplain of the creek west of US 521 from Yandle Rental and Investment Company Incorporated for \$8,000; total including closing costs to be +/- \$9,500.

Note: The above linear tract, which is entirely within the flood plain of Little Sugar Creek, is part of the assemblage of parcels needed to complete the greenway trail route to the South Carolina line.

(18) TANDEM DRIVE AXLE TRUCK & MECHANICS TRUCK

Authorize the County Manager to negotiate and execute one time contracts for the purchase of one (1) Tandem Drive Axle Truck and one (1) Mechanics Truck for a total amount of \$233,270.81 to the following lowest responsible bidders:

Mack Truck Sales	\$128,530.81
Parks Chevrolet, Charlotte, NC	\$104,740.00

(19) NORTHWEST HEALTH FACILITY RENOVATIONS – OFFICE FURNITURE

Award a contract in the amount of \$154,117.75 to Knoll, Inc. for Northwest Health Facility Renovations – Office Furniture.

(20) NORTHWEST HEALTH FACILITY RENOVATIONS – LOBBY FURNITURE

Award a contract in the amount of \$96,798.95 to ERG International for Northwest Health Facility Renovations – Lobby Furniture.

(21) RELEASE CONSERVATION EASEMENT ON FISHER FARM PROPERTY

Approve releasing the conservation easement on that portion of the Fisher Farm property encumbered by the SWIM Buffer to facilitate a State-funded stream restoration project.

(22) REVISIONS TO THE BUILDING-DEVELOPMENT ORDINANCE

Amend the Building Development Ordinance incorporating key provisions regarding industrial machinery.

Note: On August 31, 2007, the NC General Assembly passed Senate Bill 490, a law which amended GS 143-138(b), clarifying that industrial machinery is not subject to regulation under the Building Code. This effectively limits enforcement jurisdiction on industrial machinery. On November 19, 2007, Mecklenburg County Code Enforcement issued a Department Directive on Industrial Machinery; specifically outlining the Department's enforcement procedure to assure staff work within the limits of the new law resulting from SB 490(8.31.07). This action incorporates key definitions and enforcement steps into the Building-Development Ordinance.

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

(23) STORM WATER FUND BALANCE APPROPRIATION

Appropriate \$1,149,422 in Storm Water Fixed Fee Funds from Storm Water Fund Balance until such time as all funds are expended.

Note: The Interlocal Agreement between the City of Charlotte and the County for the operation of Mecklenburg County's Storm Water System indicates that the Fixed and Administrative Cost Component of the Storm Water fee shall be used to pay administrative expenses, including but not limited to the cost of producing bills and collecting fees, and operating customer service functions. The City of Charlotte has reimbursed Storm Water Services \$1,149,422 for the year-end reconciliation for fiscal years 2005 through 2007. In these years, the fixed fee revenues collected exceeded the operating costs. These funds have been received but have not been appropriated. Thus, the above action appropriates these funds to ensure that they are available for use as specified in the Interlocal Agreement.

(24) FIRST AMENDMENT TO PRAIRIE PACKAGING/PRAIRIE BROOKWOOD BIP AGREEMENT

Authorize the County Manager to execute the first amendment to Business Investment Program Agreement among and between Mecklenburg County, the Town of Huntersville, Prairie Brookwood, LLC, and Prairie Packaging Incorporated.

Note: Mecklenburg County, the Town of Huntersville, Prairie Brookwood and Prairie Packaging entered into a Business Investment Program Agreement, dated September 8, 2005, whereby business investment grants would be paid to Prairie Brookwood and Prairie Packaging as affiliate entities. This Amendment clarifies the allocation of the grant amounts between Prairie Brookwood and Prairie Packaging since they are no longer affiliated entities.

(26) LAND EXCHANGE WITH WESTMORELAND LAKE, LLC

Adopt a resolution authorizing the County Manager to negotiate, execute and implement the exchange of +/- 572 square feet of Tax Parcel 005-071-18 (Westmoreland Athletic Complex) for +/- 7,286 square feet (all of Tax Parcel 005-071-97).

Note: The proposed land exchange will enhance connectivity between the Westmoreland Athletic Complex property and Robbins Park while also improving the configuration of four lots in The Preserve at Robbins Park residential development. This land exchange will realign one common boundary line.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(25) AMENDMENT TO THE BOARD'S HR POLICIES

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to authorize the County Manager to amend the Board's Human Resource policies when action is needed to conform to new or revised Federal or State laws.

Note: On Monday, January 28, 2008, the President signed into law (P.L # - not yet available) the first expansion of the Family and Medical Leave Act (FMLA). The National Defense Authorization Act (H.R. 4986) provides additional FMLA leave for military families. Specifically, Section 585 of the bill adds two new FMLA-qualifying events, expanding FMLA to include employees caring for an injured service member as well as family members who have a family member called to active duty.

Under the new law, FMLA-eligible employees will now be entitled to the following:

Caregiver Leave for an Injured Service member - This benefit provides 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. (Effective January 28, 2008)

Family Leave Due to a Call to Active Duty - This benefit provides 12 weeks of FMLA leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. (Implementation pending U.S. Department of Labor action)

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

Commissioner Clarke returned to the dais.

(27) CHILDHOOD OBESITY PREVENTION PROGRAMS – AEROBO COP

The Board discussed the proposed release of \$50,000 from the restricted contingency fund into the Health Department budget to begin the pilot of childhood obesity prevention programs; and the carry forward of unspent funds at June 30, 2008 to continue programs.

Note: The Health Department will utilize these restricted contingency funds to pilot childhood obesity prevention programs. The initial pilot program will be contracted with the H.O.U.S.E. of NC, Inc. to provide the Aerobo Cop Kids Fitness Program at two After School Enrichment Program (ASEP) sites for 12 weeks at a cost of \$8,200. The Health Department will continue to use these funds to provide programs for childhood obesity prevention through June 30, 2009.

Commissioner Bishop removed this item from consent to express his opposition to the release of these funds in a contract to H.O.U.S.E. of NC, Inc.

Dr. Wynn Mabry, Health Director addressed this issue.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and failed 4-4 with Commissioners Clarke, Helms, Mitchell, and Roberts voting yes and Commissioners Bentley, Bishop, James, and Ramirez voting no, to approve the release of \$50,000 from the restricted contingency fund into the Health Department budget to begin the pilot of childhood obesity prevention programs; and approve carry forward of unspent funds at June 30, 2008 to continue programs.

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

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

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez, and carried 8-0, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:25 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman