

MAY 7, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, May 7, 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-

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.

(1) STAFF BRIEFINGS – NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following land acquisition matters to be discussed in Closed Session:

Tax Parcel # 099-311-16 on Hickory Grove Road
Tax Parcels 12710C97, 12710C98 and 12710C99 (Cavalier Apartments)

Attorney Bethune said there was no Consult with Attorney matter to be discussed in Closed Session.

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez 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) Business Location and Expansion and B) Land Acquisition.

The Board went into Closed Session at 5:22 p.m. and came back into Open Session at 5:40 p.m.

Commissioner Woodard was present when the Board came back into Open Session. She entered

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the meeting during Closed Session as noted in the minutes.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The item identified was Item 25.

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

-FORMAL SESSION-

Invocation was given by Commissioner James 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) GERALD G. FOX EMPLOYEE OF THE YEAR AWARD

The Board recognized the 2008 winner of the Gerald G. Fox Employee of the Year Award, Yvonne Ward, Unit Supervisor, Area Mental Health.

Ms. Ward expressed thanks for receiving the award.

The award was presented by Kenny Culbert, President of the Employers Association who was introduced by Human Resources Director Chris Peek.

Grayce Crockett, Director of Area Mental Health and Raquel Cox-Tennal, Ms. Ward's Supervisor joined Mr. Culbert at the podium and made remarks regarding Ms. Ward, whom they said was an exemplary employee.

Note: This is the 47th consecutive year for the County Employee Of The Year Award. For the second year, this award is sponsored by the Employer's Association. The recipient, who is selected by a panel from the American Society of Personnel Administrators, receives \$600 from the sponsor and a plaque.

(1B) QUEEN CITY BIKE MONTH

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

The proclamation was read by Commissioner Clarke and received by Martin Zimmerman with the Charlotte Area Bicycle Alliance.

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

(1C) OLDER AMERICANS MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell,

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Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating May 2008 as Older Americans Month in Mecklenburg County.

The proclamation was read by Commissioner Mitchell and received by Debora Sparks, Executive Director Council on Aging and Ted Rast, Chairman of the Council on Aging.

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

(1D) MENTAL HEALTH MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating May as Mental Health Month and May 8, 2008 as National Children's Mental Health Awareness Day.

The proclamation was read by Commissioner Bentley and received by Grayce Crockett, Director of Area Mental Health, Beverly Dorn-Steele with WTVI, and Alice Fields with the Mental Health Association.

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

(1E) WORLD ASTHMA DAY & ASTHMA AWARENESS MONTH

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a proclamation designating May 6, 2008 as World Asthma Day and May 2008 as Asthma Awareness Month in Mecklenburg County.

The proclamation was read by Commissioner Bishop and received by Dr. Wynn Mabry, Health Director, Shawn Wilson, Public Health Nurse, and Giovanni Jesus, a student from Sedgfield Elementary.

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:

Obakunle Akinlana – Extended an invitation to the Igunnuko African Heritage Festival to be held August 1-3, 2008 in uptown Charlotte. It's being sponsored by the Ife Cultural Arts Center, Inc. Mr. Akinlana also requested financial support in the amount of \$20,000 to help with festival expenses, such as artist fees, marketing, security, equipment rental, and supplies.

A copy of a handout regarding the festival is on file with the Clerk to the Board.

Martin Davis expressed objection to the Actors Theatre of Charlotte's hiring of a play write, Eric Coble, to write a satire making fun of those that objected to the production of Angels in America here in Mecklenburg in 1997. Mr. Davis said he was bringing his concern to the Board since the County supports the Arts and Science Council, who funds the Actors Theatre of Charlotte. Mr. Davis said he doesn't want his tax dollars used in this manner. He asked Chairman Roberts to call him regarding this. Mr. Davis said if he doesn't receive a call, then he will attend future meetings, between now and November and will read graphic excerpts from the play, Angels in America.

Antonio Vasquez expressed sentiments of disappointment that he has felt after learning of recent

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comments made by Commissioner James, describing and making a comparison of Latino immigrant community members as prostitutes and drug dealers. Mr. Vasquez said he's disappointed because he recognizes "the vital presence and diverse contributions made daily by immigrant working families, documented and undocumented, who are part of the fabric of our community." Mr. Vasquez said pejoratives that categorize an entire community should not be tolerated against anyone at anytime. Mr. Vasquez said he wants to live "in a Charlotte that recognizes the humanity of all sectors of our society, immigrant and non-immigrant alike."

APPOINTMENTS

(3A) BICYCLE COMMITTEE

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint Elizabeth Barnhardt to the Bicycle Committee to fill an unexpired term expiring March 6, 2009. Secondly, to make a request of Charlotte City Council to increase the County's number of appointments to the Bicycle Committee by one, and if approved, the Board appoints Jane Cacchione to this additional slot.

Elizabeth Barnhardt is replacing Robert Cannon.

(3B) BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Mr. Jim Barnett Chairman of the Board of Equalization and Review for the duration of his term.

He is replacing Kenneth Friedman.

(3) PUBLIC HEARINGS – NONE

(4) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6A) PRESENTATION FROM THE CHARLOTTE-MECKLENBURG POLICE DEPARTMENT

The Board received a presentation from the Charlotte-Mecklenburg Police Department regarding crime in the community.

Prior to the presentation, the following persons addressed crime in the community. They asked the Board to take immediate action to address this growing problem, even if it means deferring development projects and redirecting budget dollars. They asked the Board to work in collaboration with the City of Charlotte.

The following motions were made to allow additional speaking time for those desiring to speak to this issue.

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell,

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Ramirez, Roberts, and Woodard voting yes, to waive the Board's policy and allow 20 minutes for

addressing this issue for the group that signed up to speak, Neighbors For A Safer Charlotte.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to extend the speaking time for this issue by six minutes.

The speakers were as follows:

Neighbors For A Safer Charlotte representatives: Henry Gunn, Tariq Bokhari, Fan Soong, Ken Beuley, Britt McMaster, Tony Montognese, Brendon Pierce, Clyde Nelson, Christy Wright, David Romero, and Julie Eiselt

Neighbors For A Safer Charlotte asked that they be represented on the task force that's going to be put together to address the criminal justice system.

Neighbors For A Safer Charlotte asked the Board to take the following actions without delay:

- Make Safety and Security of its residents the #1 priority and adjust its budget and planning to reflect that
- Apprise its citizens of the corrective and measurable actions it intends to take to meaningfully reduce crime
- Regularly report to us the progress being made

They also asked to be involved in the process as it relates to the jail study that's being done. They have concerns with respect to issuing citations as recommended in the Jail Study Report.

A copy of handouts from Neighbors For A Safer Charlotte is on file with the Clerk to the Board.

Martin Davis addressed the right to bear arms. He encouraged citizens to protect themselves against crime and to not rely on government.

Chris Bakis, addressed the need for more district attorneys and support staff, and higher salaries for district attorneys. He encouraged the Board to ask the Legislature for more funding.

Mary Boyd representing the Park Quail Neighborhood Coalition addressed the rise in property crime. Ms. Boyd said the Coalition supports the formation of a task force as suggested by Chairman Roberts that would be composed of city, county, and state officials. They recommend it be formed promptly to "examine and fix the broken criminal justice system" in Mecklenburg County. Also, they ask that the membership be expanded to include selected members of the public, "as observers at a minimum and as active participants at best."

Ms. Boyd said the Coalition was willing to work with county officials to identify "expendable" programs and services, whose funding could be redirected to support enhanced anti-crime measures.

Comments

Chairman Roberts said the entire Board, like the citizens of the County are "outraged" about what's occurring in the community with respect to crime and that the County does plan to take action.

Chairman Roberts said the County would include Neighbors For A Safer Charlotte, as well as, other neighborhood groups as partners in solving this problem.

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Commissioner James challenged members of the Board to place an item on the agenda to give \$5 million to the District Attorneys Office for additional staff.

Commissioner Bishop suggested designating a single City/County “crime ombudsman or czar,” who would report back in 90 days at a joint session of Charlotte City Council and the County Commission on immediate steps that can be done to address this issue and would have an immediate impact.

Commissioner Bishop said the City and the County should appropriate \$5 million as suggested by Commissioner James; an immediate \$10 million that would be available. Commissioner Bishop said this would be in addition to supplemental funding provided by the City to the police department. Also, that the County should make preparation in its operating budget to carry debt service on a new jail, which he said there needs to be a bond referendum on this fall.

Commissioner Bishop said he agreed with the speakers that addressing the current state of public safety in the community is a matter of urgency and one that needs immediate action. He encouraged the public to hold the Board accountable.

Commissioner Ramirez said this issue involves the police department, the district attorneys office, and the need for jail space. Commissioner Ramirez suggested a bond referendum in the fall to construct another jail.

Commissioner Ramirez said gangs is a problem that’s escalating and needs to be addressed as well.

Commissioner Ramirez expressed support of Commissioner James and Commissioner Bishop’s comments.

Commissioner Bentley said she supports Commissioner Bishop’s suggestion regarding a “crime czar.” Commissioner Bentley said the County Manager will be asked to do what he can immediately. Further, that this issue would definitely be a topic of discussion at the Board’s next Strategic Planning Conference.

Commissioner Mitchell said Commissioner Bishop’s suggestion has some merit but needs further discussion by the Board.

Commissioner Mitchell said in light of other needs and the expected budget shortfalls that it may take a tax increase in order to address this issue.

Commissioner Roberts noted there has been discussion regarding forming a study commission or task force to study this issue comprehensively, and to come up with short and long term solutions. It was noted that the goal of the study commission was going to be to have short term solutions in 30 days.

Chairman Roberts assured the public that the Board would be bringing this effort together and would get answers within 30 days.

Commissioner Helms said in order to make a “dent” into this problem, it would take more than \$5 million. He said \$50 million is what it would take to make a “dent.” He said \$50 million would allow the County to get a “few” district attorneys, a judge, a court room clerk and the facilities to run those cases and get persons through the system and on to Raleigh.

Commissioner Helms said he would be willing to raise taxes by five cents in order to address this issue.

Commissioner James said he recommends giving the District Attorneys Office \$5 million because it would reduce the staffing gap that exist for the District Attorneys office.

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Commissioner James said \$50 million would include a jail.

Commissioner James said the Board can move forward with giving the District Attorneys Office \$5 million and with building a new jail now rather than later.

Deputy Police Chief Jerry Senate presented the Theft Reduction and Prevention report.

The report addressed the following:

- Property crime in Charlotte-Mecklenburg
 - Larceny from Auto
 - Burglary
- CMPD Actions
 - Enforcement Strategies
 - Prevention Strategies
- New/expanded initiatives

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

Comments

Chairman Roberts noted for clarification purposes that the Kimme report (the Detention Facilities Master Plan) has not been approved. Commissioner Roberts said the use of citations mentioned in the report was one among many other options.

Chairman Roberts said all of the suggestions in the Kimme report will go through the professionals in the police department, the Sheriff's Office, and the court system. Chairman Roberts said the Board would hear from these parties before adopting the plan.

Commissioner Clarke noted to County Manager Jones that the Board may have to look at additional funding in the County's budget to address this issue. He said he's aware the Board is going to be faced with a very difficult budget year and that it may take a tax increase in order to address the issues in the criminal justice system.

Commissioner Helms said the Board needs to look at its own budget and determine with the help of the County Manager and staff how the Board can reallocate funds, but that it be reallocated based on what the police department's report and other similar reports have said.

County Manager Jones asked about electronic monitoring, which was addressed.

County Manager Jones noted with respect to his FY08-09 Recommended Budget that he will be recommending a bond referendum in the fall to construct a jail. County Manager Jones said in light of this, he has already instructed staff to begin the preliminary planning for that jail, in order to save time, if the matter is approved.

County Manager Jones said this will be a "tough" budget year. Further, that the Board has committed to some priorities, funding priorities. He noted as an example when the Board approved COPS through the School Building Solutions Committee process and the fact that six of those new schools are coming on-line and the County has to pay the debt service on those schools.

County Manager Jones said he plans to highlight in his upcoming budget presentation the financial commitments the Board has made.

Commissioner James noted at the conclusion of the discussion that it would be good to receive input from the Police Department on the County's pilot jail diversion program.

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Deputy Police Chief Senate said jail diversion works in some instances and in others it does not. He said they would like to be a part of that process, as suggested by Commissioner James.

Chairman Roberts thanked Deputy Police Chief Senate for the report.

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

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

(2B1) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and carried 8-0, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the purchase of a 1.54-acre portion of Tax Parcel 099-311-16 on Hickory Grove Road from Charlotte Realty Ltd. Partnership for the Hickory Grove Library site at the contract price of \$635,000.

(2B2) CLOSED SESSION LAND ACQUISITION

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and carried 8-0, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize the County Manager to amend the "Agreement of Purchase and Sale of Real Estate" from Cavalier Associates Limited Partnership, owner of Cavalier Apartments (Tax parcels 12710C97, 12710C98 and 12710C99) to add 1 unit and increase the purchase price by \$42,617.

Commissioner Helms returned to the dais.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of item(s) 25 to be voted upon separately.

(7) APPROVAL OF MINUTES

- 1) Approve minutes of Regular Meeting held April 15, 2008; Budget/Public Policy Meeting held April 8, 2008 and Special Budget/Public Meeting held April 22, 2008.
- 2) Approve amending the minutes of March 18, 2008 to correct a section number stated in the last paragraph of the Resolution Authorizing The Waiver Of Certain Conditions Precedent To Executing The Lease Agreement Between Mecklenburg County And Knights Baseball, LLC that was included in the minutes to read Section 3.2 rather than Section 3.

(8) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING DEVELOPMENT ORDINANCE

- 1) Amend the LUESA Fee Ordinance, revising the plan review fee structure for large project and third or later reviews.
- 2) Revise the Building-Development Ordinance, adding the definition of "Mega Projects."

Amendments to Ordinances recorded in full in Minute Book 44-A, Documents # 122 & 123.

(9) TAX REFUNDS

Approve refunds in the amount of \$19,941.01 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) AMEND IST FY08 BUDGET

Recognize and appropriate \$50,000 in additional revenue to the IST Department budget for mainframe and print services.

Note: Revenue from the City of Charlotte for mainframe and print services is projected to exceed budgeted revenue by \$50,000 for FY08. These additional funds are needed to pay higher than planned charges to the State's Data Center (ITS) for mainframe processing services.

(11) FLEET MAINTENANCE CONSOLIDATION

1) Adopt a resolution approving an Interlocal Agreement with The City of Charlotte for Fleet Maintenance Services, and

2) Approve the Fleet Consolidation Interlocal Agreement.

Resolution and Agreement recorded in full in Minute Book 44-A, Documents #124 & 125.

(12) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of \$4,859 for General Services, \$81,740 for Park and Recreation, \$154 for Social Services, \$700 for Real Estate Services, \$11,017 for Sheriff, \$9,724 for Land Use and Environmental Services and \$458 for Information Services and Technology.

Note: All reimbursements are for stolen and damaged items.

(13) PERSONAL PROPERTY EXCHANGE WITH DORAL II LIMITED PARTNERSHIP

Adopt a resolution approving exchange of personal property (fixtures and equipment) in the apartment complex to be acquired from Cavalier Associates Limited Partnership with Doral II Limited Partnership for its claims against the City and County for flood damages.

Resolution recorded in full in Minute Book 44-A, Document #126.

(14) PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES

Authorize the County Manager to negotiate and execute contracts with Baker Engineering, Wildlands Engineering, McKim & Creed, and Kimley-Horn and Associates to provide professional engineering services.

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Note: This action is necessary to provide engineering services for a variety of projects including stream assessment, stream restoration, BMP's (wetlands, rain gardens, etc.), and greenways as follows:

<i>Project</i>	<i>Firm</i>	<i>Max. Contract Value</i>
<i>Briar Creek Restoration</i>	<i>Wildlands</i>	<i>\$400,000</i>
<i>Cavalier Restoration & Greenway</i>	<i>Wildlands</i>	<i>\$300,000</i>
<i>Little Sugar Creek Restoration</i>	<i>Wildlands</i>	<i>\$100,000</i>
<i>McDowell Creek Assessment</i>	<i>Baker</i>	<i>\$145,000</i>
<i>McDowell Creek Restoration</i>	<i>McKim & Creed</i>	<i>\$250,000</i>
<i>Torrence Creek Restoration</i>	<i>Kimley Horn</i>	<i>\$360,000</i>

These projects will be funded by County Storm Water Capital Improvement Funds, with the exception of greenways, which will be funded by Park and Recreation.

(15) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve funding adjustments for Area Mental Health as follows:

A) Approve, recognize, receive and appropriate Federal funds in the amount of \$26,050 for Deaf and Hard of Hearing funding.

Note: This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used to provide additional support for the three clinical positions that provide mental health and substance abuse services for consumers in the Mecklenburg region.

B) Approve, recognize, receive and appropriate Medicaid funds in the amount of \$238,000 for Targeted Case Management services to consumers with Developmental Disabilities.

Note: This Board Action is necessary due to an increase in Medicaid eligible consumers receiving this service.

(16) 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:

- 325 commercial plans permitted April 2006
- 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.

(17) LEASE FOR ATM MACHINE – 4TH STREET PARKING DECK

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Bank of America, N.A.,” an ATM Machine for 4th Street Parking Deck.

Resolution recorded in full in Minute Book 44-A, Document #127.

(18) AREA MENTAL HEALTH AUTHORITY THIRD QUARTER FY 2008 REPORT

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

Financial Management

Revenues

	Budgeted Revenues	Actual Revenues	% Received
Revenue Source			
Medicaid & CAP	\$ 12,231,908	\$ 8,955,357	73.21%
State and Federal	36,111,965	20,540,080	56.88%
Third Party/Other	181,293	84,470	46.59%
Grants	4,518,732	2,025,631	44.83%
County	43,422,330	23,818,666	54.85%
Total Revenues	96,466,228	55,424,204	57.45%

Expenditures

	Budgeted Expenditures	Actual Expenditures	% Spent
Service Continuum			
Children's Developmental Services	7,105,879	4,625,286	65.09%
Child & Adolescent Services	14,949,254	6,409,020	42.87%
Adult Mental Health	11,449,444	4,520,037	39.48%
Adult Substance Abuse	14,480,601	9,358,208	64.63%
Local Management Entity	11,777,182	6,784,115	57.60%
BHC Randolph	18,946,633	14,037,885	74.09%
Developmental Disabilities	17,757,235	9,689,654	54.57%
Total Expenditures	96,466,228	55,424,204	57.45%

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

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

(19) EXPENDITURE OF CAPITAL RESERVE FUNDS – DOG PARKS

Recognize \$20,000 from Dog Park fees accrued in the Capital Reserve account and appropriate for maintenance and repair work at each existing Dog Park location.

(20) EXPENDITURE OF CAPITAL RESERVE FUNDS – SUNSET HILLS GOLF COURSE

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Authorize a capital reserve expenditure of \$46,165 from Park and Recreation Capital Reserve funds to construct a restroom on the golf course at Sunset Hills.

(21) CLEAN WATER MANAGEMENT TRUST FUND GRANT AGREEMENT/PURCHASE OF CEDAR GROVE PLANTATION

(1) Authorize the County Manager to execute a Clean Water Management Trust Fund (CWMTF) Grant Agreement providing cost-share funding for the acquisition of a portion of the Cedar Grove Plantation, Tax Parcel 009-061-01.

(2) Approve acquiring +/- 31 acres (part of the Cedar Grove Plantation, Tax Parcel 009-061-01)

along McDowell Creek from The Trust for Public Land at the appraised price of \$35,000 per acre prior to executing the Grant Agreement with the Clean Water Management Trust Fund.

(3) Recognize approximately \$559,000 from CWMTF as reimbursement for the acquisition of the Cedar Grove Plantation in the County Facilities Special Revenue Fund and appropriate that amount for future land acquisitions.

(4) Recognize \$300,000 from the Charlotte-Mecklenburg Utility Department as a contribution to the acquisition of the Cedar Grove Plantation in the County Facilities Special Revenue Fund and appropriate that amount for future land acquisitions.

(22) GREENWAY ACQUISITION – SOUTH PRONG OF ROCKY RIVER

(1) Approve purchase of Tax Parcel 007-053-20 (+/- 1.2 acres) at Vernon Drive in Cornelius for \$20,000 from Ben Davidson Griffith, Sr.

(2) Approve purchase of Tax Parcel 007-053-21 (+/- 1.22 acres) at Vernon Drive in Cornelius for \$15,000 from Mary Lee Griffith Smith.

(3) Approve leasing Tax Parcels 007-053-20 and 007-053-21 to the Town of Davidson for future greenway development until May 10, 2046.

Note; The subject properties are part of a land assemblage for the South Prong of Rocky River Greenway in Davidson. This creek is identified as a greenway corridor in the 1999 Mecklenburg County Greenway Master Plan as well as in the Davidson Greenway Master Plan. Upon approval of these acquisitions, the Master Greenway Lease Agreement with the Town of Davidson (entered into in May 2006) will be amended to include the subject properties; however, the term of the lease will remain the same and expire on May 10, 2046.

(23) TRANSFER LAND TO CENTRAL PIEDMONT COMMUNITY COLLEGE

Authorize the County Manager to Execute a Deed to Convey Tax Parcel 080-131-07 at 7th Street and Kings Drive to CPCC.

Note: Approval to purchase the above 3,400 square foot tract from Adams Outdoor Advertising (AOA) was granted by the Board on February 19, 2008. The property will become part of the site for the new culinary arts building. Site preparation for that project is now underway. An easement for greenway trail and/or widened sidewalks (around the culinary arts site and over a small portion of the subject parcel), was approved as part of a 2007 land exchange with CPCC. Conveyance of this tract to CPCC is consistent with that recent land exchange in defining the campus properties and the greenway/open space properties associated with Little Sugar Creek in this corridor.

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(24) COUNTY TRACTS IN BILTMORE PARK SUBDIVISION

Authorize the County Manager to sign a modification to the original subdivision declaration of restrictions to (1) permit modern exterior building materials including siding, hardy plank and stucco and (2) align with the lot frontage requirements of the Town of Huntersville's zoning ordinance (75-foot yard width at the curb).

Note: Lakeside Estates, Inc. (aka Biltmore Park Subdivision) is a single-family subdivision located along the eastern side of Neck Road between Beatties Ford Road and Rural Hill. Platted in 1964, the subdivision's original declaration of restrictions limited exterior building materials to brick, stone or wood, and each residential unit required two building lots.

Public sanitary sewer was not in place at that time, and a septic field was required for each residence (thus the two lot requirement). Today there are probably fewer than twenty-five homes constructed in this 250+ lot subdivision. Developers interested in utilizing the available lots would like to change the original restrictions to make the area more appealing to current buyers and to utilize the lots more uniformly.

The County owns 29 tax parcels here which are (1) contiguous to the Paw Paw Site (a natural heritage area owned by the City of Charlotte and managed by the Park and Recreation Department), (2) include McDowell Creek floodplain or (3) form a small area not in the floodplain that could be used as a neighborhood park. All of these tracts were donated in 1995 by Americana Park, Inc. and are to remain as open space. By agreeing to the above modifications to the restrictions, the County would support the build-out of the subdivision.

(26) STORM WATER FEE – SET PUBLIC HEARING

Set a public hearing on May 20, 2008 concerning the proposed increase in the Storm Water fee for the minor system inside the City.

(27) CONSERVATION EASEMENT OPTION AGREEMENT

Authorize the County Manager to execute a Conservation Easement Option Agreement with the State of North Carolina for the restoration of a portion of the upper tributary to Clarke Creek on Tax Parcel 027-161-03.

Note: The North Carolina Ecosystem Enhancement Program (EEP) is proposing a State-funded stream restoration project on a portion of the upper tributary to Clarke Creek located on County-owned Tax Parcel 027-161-03. The State is requesting that the County execute an option agreement for the conveyance of a conservation easement to the State on the restoration area. The exact boundaries of the conservation easement area will be determined during the design phase of the project. It is anticipated that the conservation easement will encumber approximately 12 acres. This parcel is managed by the Park and Recreation Department, and is proposed to be designated as a nature preserve in the 2008 Comprehensive Park and Recreation Master Plan. This request is supported by the Storm Water Services Department and the Park and Recreation Department.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(25) LAKEWOOD GREENWAY DONATION AT STEWART CREEK

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Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 8-0, with Commissioners Bentley, Bishop, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to accept the 1.45-acre donation of Tax Parcels 065-132-06, 065-131-03 and 065-

131-04 located at Stewart Creek off Gallagher Avenue from Harry and Sandy Johnson.

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

Note: The above property is part of a proposed Stewart Creek greenway section in the Lakewood neighborhood. This greenway segment has the potential to become part of the Carolina Thread Trail and to provide a connection between the urban core of Charlotte and the U.S. National Whitewater Park on the Catawba River. The updated master plan for greenways includes this proposed corridor.

Commissioner Clarke returned to the dais.

STAFF REPORTS AND REQUESTS

(28) HOUSING AUTHORITY MIXED INCOME DEVELOPMENTS

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

1) Receive report of the Payment in Lieu of Taxes Policy Study Committee.

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

2) Approve grant for 10 mixed income developments in the amount of \$1,783,473 from fund balance.

3) Authorize the County Manager to negotiate and execute grant award agreements for 13 mixed income projects for the term of the development agreements.

4) Direct County Manager to communicate to the Charlotte Housing Authority a revised application process for future grant requests.

Note: Under North Carolina General Statutes, local Housing Authorities are tax-exempt organizations. However, the U.S. Department of Housing and Urban Development requires local housing authorities to enter into payment-in-lieu-of-taxes (PILOT) agreements with the local governments.

The PILOT agreements between the Charlotte Housing Authority (CHA), the City and the County allow the CHA to pay the lower of 10 percent of the shelter rent (total rents minus utilities) for housing development properties that it owns or the billed property taxes. The mixed income developments in question are not owned by CHA, but by LLCs that include the CHA as a partner with the project developer and therefore are not exempt from property tax nor eligible for PILOT agreements. The land for these projects is owned by CHA. The buildings are owned by LLCs that include the CHA as a partner with the project developer and therefore are not exempt from property tax which has resulted in a billing oversight for the taxes on these properties. The taxes and interest due on these properties for tax years 2002 through 2007 total \$1,783,473. Since 2002 CHA has made PILOT payments for these properties totaling \$648,445.

After direction from the Board and the City Council a committee comprised of city and county staff and representatives of CHA, Charlotte-Mecklenburg Housing Partnership, and the developers met to identify all the affected projects. The committee also explored available alternatives to allow the projects to continue to provide affordable housing for County residents and maintain the financial viability of the developments. The requested actions address maintaining the program for developments already underway.

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Prior to the above vote, Finance Director Dena Diorio addressed this issue.

Also prior to the above vote, Commissioner James said he wanted to know if there were plans to build more units. *The response was to staff's knowledge there are no projects in the pipeline at this time.*

Commissioner James said he wants to know if there's a budget item that might show up next year and whether there's any anticipated future liability, even though the County can always say no.

Commissioner Bentley asked for clarification regarding supporting a bill that's in Committee, Senate Bill 1309. *The response was this was something included in the Policy Report but is not included in staff's recommendation at this time, nor is it a part of the County's legislative agenda.*

Commissioner Bentley asked should this be a part of the County's legislative agenda. *It was explained that what the legislation would do would be to change the way low and middle income properties are valued, that it would be on an income basis versus a property tax basis. Thus, the need for a PILOT would basically go away because their tax liability would be significantly reduced. Further, this would open this up not only to Housing Authority developments, but any low and middle income housing development.*

Director Diorio said if the Board wants to take a position on this, she would have to defer to Assistant to the County Manager Deborah Goldberg to research the matter further and report back to the Board regarding any further implications that the Board needs to be aware of.

Attorney Bethune noted that the bill has already passed one House and also that the NC Association of County Commissioners was opposed to the bill. Attorney Bethune said it will require more research.

It was the consensus of the Board to wait to hear back from staff regarding this matter before deciding to any action, if any.

(29) STATE OF THE ENVIRONMENT REPORT

The Board received as information the 2008 Mecklenburg County State of the Environment Report. This biennial report celebrates its 20th anniversary by providing a reflection of accomplishments and remaining challenges for the future.

Note: The State of the Environment Report is produced for the Board to: describe current environmental status, highlight the major environmental issues facing the County, recommend direction concerning those issues, and to give objective measures to evaluate progress toward a clean and healthy environment. The first State of the Environment Report was produced in 1987. This year the State of the Environment Report development team took the opportunity to reflect over the past 20-years to measure our successes and failures. The success of the County's environmental programs in maintaining environmental health may be attributed to the fact that nearly all 1987 recommendations were successfully implemented.

Cary Saul, Director of Land Use and Environmental Services Agency (LUESA) gave the report.

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

Commissioner Helms referenced comments made in the American Rivers report regarding the Catawba River. Commissioner Helms said there needs to be a joint meeting between the Board and boards from surrounding counties that are contiguous to the Catawba River to discuss the American Rivers report. He asked that staff update him on where things stand with respect to getting a joint meeting scheduled.

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Commissioner Clarke asked for clarification with respect to the number of vehicles registered

versus the number of vehicle miles traveled per day. It was explained that the vehicle miles traveled includes all vehicles that travel in and out of the County but aren't necessarily registered in Mecklenburg County.

Chairman Roberts thanked Director Saul for the report.

(30) CHILD FATALITY PREVENTION AND PROTECTION TEAM 2007 ANNUAL REPORT

The Board received the Community Child Fatality Team Annual report for 2006 as mandated by North Carolina State statute 7B-1406.

Note: The Community Child Fatality Team presents this report each year to allow the Board to learn about causes of death for Mecklenburg County children and to provide suggestions on ways to prevent them in the future.

Dr. Wynn Mabry, Health Director, Libby Safrit, Chairman of the Mecklenburg County Child Fatality Prevention and Protection Team, and Sara Zimmerman, Epidemiologist with the Health Department gave the report.

The report addressed the following:

- Causes of Death categorized as due to injury or non-injury with a focus on injury-related deaths
- Infant and Child Mortality Rates – Ages Birth through 17 Years
- Percent of Infant Deaths (<1 yr) by Cause of Death
- Percent of Childhood Deaths Ages 1 to 17 by Cause of Death
- Deaths Due to Unintentional Injuries Among Children Ages 0-17
- Death Rates from Sudden Infant Death Syndrome (SIDS)
- Number of SIDS, Unsafe Sleep, and Undetermined Deaths
- Goals, Results, Plans

Chairman Roberts thanked the presenters for the report. No action was taken or required.

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

(31) 10 YEAR COMPREHENSIVE PARK AND RECREATION MASTER PLAN

Jim Garges, Director of Park and Recreation presented the Mecklenburg County 10 year Comprehensive Park and Recreation Master Plan. He was joined at the podium by Scott McClure, Chairman of the Park and Recreation Commission. Mr. McClure encouraged the Board to approve the Plan.

Director Garges noted that the Master Plan provides a road map to guide decision-making for future development and management of parks, trails, recreation and open space opportunities for the next ten years. Further, that the new Master Plan is much more thorough than the last Plan that was completed in 1989. The new Plan focuses on Conservation and Stewardship, Parks and Greenways, Recreation Facilities and Programs, and accommodates recreation plans and visions developed by the Towns.

Commissioner James asked was the Board approving the Plan in concept or would approval mean automatic approval of everything in the Plan, which he could not support. He also asked about the Citizen's Capital Budget Advisory Committee's involvement in the process.

It was clarified that the Board was being asked to approve the Plan in concept only. It's not

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approval of a capital plan. It's approval of a concept and a vision for where the County might be able to go. Further, that the Citizen's Capital Budget Advisory Committee (CCBAC) is a part of the capital project process. The CCBAC and the County Manager would make a recommendation to the Board with respect to specific projects, as it has been done in past.

A Summary of the Plan is on file with the Clerk to the Board.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the Mecklenburg County Comprehensive Park and Recreation Master Plan as presented, and that the Board supports it with the understanding that as it continues to evolve and comes back to the Board periodically for funding, it's at that time the Board would determine if it's something the County can afford to do.

Prior to the above vote, Jim Grover with the Tarheel Trailblazers spoke in support of the Plan.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(32) BLACK ENTERPRISE ENTREPRENEURSHIP CONFERENCE – UNRESTRICTED CONTINGENCY (CHAIRMAN ROBERTS)

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 8-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to appropriate \$10,000 from unrestricted contingency for the Black Enterprise Entrepreneurship Conference to be held here in Mecklenburg County May 14 – 17, 2008.

Commissioner Bishop left the dais and was absent for the remainder of the meeting.

(33) CENTER CITY PARTNER'S 2020 CENTER CITY VISIONING PROCESS – UNRESTRICTED CONTINGENCY (COMMISSIONER HELMS)

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley and James voting no, to appropriate \$125,000 from unrestricted contingency for Center City Partner's 2020 Center City Visioning process.

(34) E-VERIFY/COUNTY EMPLOYMENT (COMMISSIONER BISHOP)

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to defer consideration of Commissioner Bishop's Agenda Item (34) E-Verify/County Employment until the May 20, 2008 meeting, since Commissioner Bishop was not present at this time.

Note: Commissioner Bishop's item request was to receive advice and recommendation of County Manager and/or Mecklenburg County Human Resources Department and to direct the County Manager to adopt E-Verify for screening newly hired County employees for work eligibility.

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.

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ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell, and carried 8-0, with Commissioners Bentley, 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 10:51 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman