

MAY 20, 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 Tuesday, May 20, 2008.

ATTENDANCE

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

Absent: Commissioner H. Parks Helms

-INFORMAL SESSION-

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

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

(1A) STAFF BRIEFINGS - NONE

(2A, B) CLOSED SESSION - A) LAND ACQUISITION AND B) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services said the land acquisition matter to be discussed in Closed Session was Tax Parcel 007-191-01 on Davidson-Concord Road. Attorney Bethune said the Consult with Attorney matter concerned lawsuits filed by Jerry Alan Reese (Jerry Alan Reese vs. Mecklenburg County and the Charlotte-Mecklenburg Board of Education; Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC and R.B.C. Corporation; Jerry Alan Reese vs. Mecklenburg County and City of Charlotte; and Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC.)

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Land Acquisition and B) Consult with Attorney.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 5:53 p.m.

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

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 21 and 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) CHARLOTTE-MECKLENBURG STORM WATER SERVICES VOLUNTEER RECOGNITION

The Board recognized Volunteers of the Adopt-A-Stream and Storm Drain Marking Programs.

The volunteers were introduced by Rusty Rozzelle, Water Quality Program Manager, who addressed the Adopt-A-Stream and Storm Drain Marking programs.

Note: Since 2000, Adopt-A-Stream volunteers have completed 575 stream cleanups and removed over 75 tons of trash from the County's waterways. Storm Drain Marking volunteers placed markers on storm drains that read "Do Not Dump, Drains To Creek" in both English and Spanish.

The following individuals and groups were recognized: Albemarle Road Middle School, Alpha Kappa Psi, Brown and Caldwell, CDM, Charlotte Area Green Party, Charlotte School of Law Environmental Legal Society, Country Club Heights Neighborhood Association, Cub Scout Pact 11, James Click, McKim and Creed, Montclair Neighborhood Association, Mecklenburg County Soil and Water Conservation District, Piedmont Natural Gas, SABIC Innovative Plastics, and the Stroud Family.

(1B) EMS WEEK PROCLAMATION - RECOGNITION OF 2008 STARS OF LIFE AND 2008 BURNETTE NOBLES AWARD RECIPIENT

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to proclaim the week of May 18-24, 2008 as EMS Week in Mecklenburg County to recognize the efforts of EMS professionals in our community.

The Board recognized David Brown and Rhona Neilson as 2008 Stars of Life Award Recipients and Donnell Wilson as a 2008 Burnette/Nobles Award Recipient.

The proclamation was read by Commissioner Woodard and received by Joe Penner, Director of Medic and Regina Davis of Medic.

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:

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 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.

Christy Wright, on behalf of Neighbors for a Safer Charlotte, addressed the need to come up with real solutions to solve the crime problem in Mecklenburg County. She asked that Neighbors for a Safer Charlotte be represented on the proposed Task Force that will be looking at the criminal justice system in Mecklenburg County. Ms. Wright also asked the Board to consider looking at discretionary elements of the budget, operating and capital, to see where things can be reprioritized before raising taxes to address problems with the local criminal justice system, including delaying some capital projects.

Tariq Bokhari also addressed the need to come up with real solutions to solve the crime problem in Mecklenburg County. He said it's a matter of prioritization and being innovative. He too suggested the Board take a close look at the proposed budget for FY08-09 to see where adjustments can be made, rather than having a tax increase.

German DeCastro addressed crime in the community. Mr. DeCastro said the police department was engaged in a sort of profiling where people are being detained for minor offenses, that no citizen of the County would be jailed for. Mr. DeCastro questioned the amount of time it takes a police officer to detain and incarcerate someone that has no license versus their response to someone whose home is being broken into. He questioned how much the County is spending detaining people for minor crimes and for things that "are really not of any substance about combating crime." In closing he asked Commissioner James to retract comments made at a previous meeting with respect to the Hispanic community "all being prostitutes and drug dealers." He said those remarks reflected negatively on Mecklenburg County. He said they would like those comments retracted so people won't say and confirm that Mecklenburg County is "racist" community.

Commissioner Clarke noted the NC General Assembly was currently meeting in Short Session and that he recently learned that the Governor and the chairs of the Justice And Public Safety Subcommittee On Appropriations have asked the judicial department to return from their budget about \$13.4 million. Commissioner Clarke said this represents a significant amount of the judicial branch's budget. Commissioner Clarke said if this happens, the purpose is to reallocate monies that were in the court system and collected from fees. Commissioner Clarke said those funds would be reallocated to executive branch agencies, such as the Dept. of Corrections and Juvenile Justice Delinquency and Prevention, which he said were important in the prevention of crime. However, if this happens, a number of the improvements that the State had planned to fund in Mecklenburg County's criminal justice system, such as assistant district attorneys and clerk of court positions would be eliminated. Commissioner Clarke encouraged the public to contact their state representatives and encourage that these funds not be taken out of the judicial branch.

(3) APPOINTMENTS

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ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Erin Warchol to the Adult Care Home Advisory Committee for a one-year term expiring May 30, 2009.

She is replacing Ester Harrison.

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

Colvin Edwards	by Commissioner Woodard
Mary Howerton	by Commissioner Bishop
Angeles Ortega-Moore	by Commissioner Mitchell

An appointment will be made on June 4, 2008.

BOARD OF EQUALIZATION AND REVIEW

The following persons were nominated for appointment consideration to the Board of Equalization and Review:

Unithia McGruder	by Commissioner Woodard
John Newitt	by Commissioner Bishop
Christopher Olds	by Commissioner Bishop
Pamela Williams	by Commissioner Mitchell

An appointment will be made on June 4, 2008.

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Woodard, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Eric Little to the Board of Motor Vehicle Review to fill an unexpired term expiring July 18, 2008.

He is replacing Charles Boozer.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint David Lewis to the Central Piedmont Community College Board of Trustees for a four-year term expiring June 30, 2012.

CMUD ADVISORY COMMITTEE

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

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Roberts and Woodard voting yes, to appoint Kevin Bachleda to the CMUD Advisory Committee for a three-year term expiring June 30, 2011.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Thomas Witner to the Groundwater Advisory Committee for a three-year term expiring May 3, 2011.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Pearl Brewington to the Nursing Home Community Advisory Committee for a one-year term expiring May 30, 2009.

She is replacing Claire Lawrence.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Joseph Pata to the Park and Recreation Commission as the Southern Town representative for a three-year term expiring June 30, 2011.

The following persons were nominated for appointment consideration to the Park and Recreation Commission:

East Park District (EPD) by Commissioner James

Robert Brisley
Hubert Helms
Kim Weissinger

South Park District (SPD) by Commissioner Bishop

Ed Barnhart
Greg Folmar
Mark Loflin
Tim Morgan

Appointments will be made on June 4, 2008.

PLANNING COMMISSION

Motion was made by Commissioner Woodard, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Nina Lipton to the Planning Commission for a three-year term expiring June 30, 2011.

The following persons were nominated for appointment consideration to the Planning Commission:

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Deborah Edwards	by Commissioner Roberts
Steven Firestone	by Commissioner Bishop
Christopher Olds	by Commissioner Bishop
Kevin Silva	by Commissioner Ramirez
Qian Wang	by Commissioner Mitchell

An appointment will be made on June 4, 2008.

PUBLIC BROADCASTING AUTHORITY

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Hattie Leeper and Lawrence Seitlin to the Public Broadcasting Authority for a three-year term expiring June 30, 2011.

The following persons were nominated for appointment consideration to the Public Broadcasting Authority by Chairman Roberts: Mike Boggs and Lal Vishin.

Appointments will be made on June 4, 2008.

(4) PUBLIC HEARING - CITY STORM WATER FEE

Motion was made by Commissioner Bishop, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to open the public hearing to hear public comment related to a proposed increase in the Storm Water fee for the minor system inside the City of Charlotte.

Dave Canaan, Director of Storm Water Services, addressed the City's request.

No one from the public appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing on a proposed increase in the Storm Water fee for the minor system inside the City of Charlotte.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6A) PRESENTATION OF COUNTY MANAGER'S RECOMMENDED FY2008-09 BUDGET

The Board received the County Manager's presentation of his Recommended FY2008-09 Budget. County Manager Jones was assisted by Budget/Management Director Hyong Yi.

Highlights

- The County Manager's Recommended FY2008-09 Budget totals \$1.49 Billion; \$1.03 Billion in County Funds
- The County Manager recommends that the Board maintain the current tax rate of 83.87 cent, thus a no tax increase budget.
- The law enforcement service district tax rate would be 17.88, which is a 26 cent increase.

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A copy of the County Manager's presentation and his recommended budget is on file with the Clerk to the Board.

Comments

Commissioner James asked was it possible to request and receive by the Board's May 27th Budget/Public Policy Workshop, another response from Charlotte-Mecklenburg Schools (CMS) Superintendent Dr. Peter Gorman and Central Piedmont Community College (CPCC) President Dr. Tony Zeiss regarding the impact of the County Manager's recommended budget on each of their respective institutions, since full funding was not being recommended.

Commissioner James referenced a letter previously sent to Dr. Gorman and Dr. Zeiss by the County Manager asking them to respond to some "What If" scenarios as it relates to a budget allocation from the County for FY08-09.

County Manager Jones said a response was received from CPCC, specifically addressing the "What If" scenarios. With respect to CMS, their response was not specific, therefore County Manager Jones said one of the assumptions he would make, in light of the fact that one of the "What If" scenarios submitted to the Superintendent was an allocation of \$10 million, that he would assume the Superintendent would do an analysis of his budget against that \$10 million increase and provide that to his board. County Manager Jones said the Superintendent may be prepared next week at the May 27th meeting to share what he feels the impact of \$10 million increase might be on CMS vs. the \$28 million requested by CMS.

Commissioner Ramirez asked for clarification about Pay-go and the projects associated with Pay-go, which was addressed.

Commissioner Mitchell asked about budgeting for rising gasoline cost. *The response was this was taken into consideration and gasoline cost was budgeted at a higher amount per gallon at the wholesale price, with the understanding that it may not be enough if the cost continues to increase. Further, staff will continue to monitor this, with the understanding that adjustments may have to be made.*

Commissioners Bentley and Woodard requested more detail with respect to Carolinas Healthcare System funding.

Commissioner Clarke requested more detail with respect to general debt service and pay-go, specifically, how much of it is for criminal justice related facilities. *It was noted staff projected the total debt service on jails and courts for next year to be \$25 million; current year for jails and courts is \$24.3 million.*

Commissioner Clarke asked about the decrease in the sales tax-new half cent. *It was noted that it was because of Medicaid changes.*

Commissioner Clarke asked would the sales tax-new half cent be going away. *The response was yes.*

Commissioner Bishop asked about the Charlotte-Mecklenburg High School Challenge. *It was noted that this program has not received funding in two years.*

Commissioner Clarke asked were the Service Increases presented the only increases, the major increases, or selective increases. *It was explained that five of the items listed were service enhancement items not funded in last year's budget. The other two items are items previously funded but additional funding is needed.*

Chairman Roberts asked about jail and court positions, which was addressed.

Chairman Roberts asked staff to report back on, in addition to what was presented, the \$1 million for Court System Reorganization and the \$1.5 million for the positions in the court system,

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whether there are other dollars budgeted for matters that are a state responsibility as it relates to the criminal justice system.

Chairman Roberts asked about CMS funding in relation to the funding formula. *The response was that the funding formula amount was approximately \$26.4 million. It was noted that this was before the Governor's recommendation for a 7% salary increase, which would probably get the amount closer to the \$28.4 million requested by CMS.*

Chairman Roberts asked staff to report back on whether any County positions were eliminated in the Manager's Recommended Budget.

Commissioner Ramirez asked about lottery funds, which was addressed by Finance Director Dena Diorio. *It was noted that for FY08, \$16 million was anticipated based on the State's projection but staff is projecting a little less than that amount; but it's not enough to hurt the County either this year or next for budgetary purposes.*

Director Yi asked the Board to send him any additional questions they may have regarding the proposed budget.

The Board received the Citizen's Capital Budget Advisory Committee FY2009 Capital Funding Recommendations.

Michael Murdock, chairman of the Citizen's Capital Budget Advisory Committee (CCBAC) presented the report.

A copy of the Citizen's Capital Budget Advisory Committee report is on file with the Clerk to the Board.

Comments

Commissioner James asked was Park and Recreation aware of the concerns expressed by the Citizen's Capital Budget Advisory Committee. *The response was yes, some of their concerns were shared when Park and Recreation made its presentation to the CCBAC on the Master Plan.*

Commissioner James asked about Park and Recreation's response to the CCBAC comments. *Mr. Murdock said he could not comment on their response because he was not present when the CCBAC Subcommittee met with Park and Recreation when they were developing these recommendations.*

Park and Recreation Director Jim Garges was present and noted that he was not aware of all the concerns expressed by the CCBAC.

Commissioner James said he would like a response from Park and Recreation and the County Manager at some point with respect to the CCBAC concerns.

County Manager Jones said the Board would have an opportunity to discuss in more detail the recommendations of the CCBAC.

Mr. Murdock said he would e-mail the Board the details of the Committee's concerns and copy Director Garges.

Commissioner James requested a more specific Park and Recreation capital projects list that would include the associated dollars and the location of the projects by districts.

Mr. Murdock noted that the CCBAC had essentially written its report before the Board approved the Park and Recreation Master Plan in concept. He stated further that although the Master Plan contains a fairly specific capital needs assessment and capital improvement plan; that the Master

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Plan has been reviewed and approved by the Park and Recreation Commission but to his knowledge the capital needs assessment has not. Thus, the CCBAC is essentially making recommendations on something that the citizen's commission responsible for reviewing that, still needs to "weigh" in on. Thus, the CCBAC had to go with what they had at the time.

Commissioner James said at some point, County staff and the Park and Recreation Commission are going to have to finalize in some form a priority list that they feel is fair and reasonable because that becomes the basis from which the Board selects from.

Commissioner James said he wants the list of proposed projects to be fully vetted before putting an amount on a ballot.

Commissioner Bishop asked Mr. Murdock to comment on WTVI recommendation, which he did, noting that the Board has no choice but to fund this matter because the federal government has mandated all television stations end analog broadcast service on February 17, 2009, otherwise WTVI would go out of business.

Commissioner Ramirez asked about the Eastland Mall Redevelopment project noted in the report. *The response was that this should not have been listed. It's a City of Charlotte matter that's still in the discussion stages, nothing has been finalized.*

Budget/Management Director Hyong Yi presented the County Manager's FY2009 Recommended Capital Budget and FY2009-2018 Capital Improvement Plan.

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

Comments

Commissioner James asked for revised information on page 211 and 212 of the budget book that reflects the planned debt issuance at the County Manager's level and how you spread the sales out over each year.

Commissioner James said it's important to see the change in debt service information for Charlotte-Mecklenburg Schools versus other County services for tracking purposes.

Commissioner Bentley asked about jail construction and what would be the impact on the completion timeline if the County only funds design and planning at this point. *The response was a two-year delay.*

Commissioner Clarke asked if the \$360 million for Law Enforcement Facilities included land cost. *The response was yes.*

Commissioner James asked where a new jail would be located.

County Manager Jones said the optimal location would be in the downtown area within close proximity to the existing jail. County Manager Jones said there will probably be some issues that staff will need to work through with the Planning Commission because the logical place would be on the site where the County has a parking deck that's next to the new parking deck across McDowell Street across from the existing jail. If this site is not possible then the County will have to look for alternative sites outside of downtown. County Manager Jones said he doesn't know if the Spector Drive site is a workable option or not. He said a location outside of downtown would pose challenges because of increased operation cost primarily because of the transportation issue of

transporting inmates to and from the courts and/or with the use of enhanced technology such as video conferencing. He noted also that if it can't be built on existing County property, there will then be land acquisition cost. County Manager Jones said there are a host of issues that would have to be dealt with.

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Chairman Roberts requested a list of the two-year funded Pay-go projects.

Chairman Roberts noted for the public's awareness that a public hearing on the County Manager's Recommended FY2008-2009 Budget would be held on May 29, 2008 at 6:00 p.m.

(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the \$376,683 purchase price for +/- 3.071-acre portion of Tax Parcel 007-191-01 on Davidson-Concord Road from E. F. Jacobus, Jr. for Charlotte-Mecklenburg Schools.

CONSENT ITEMS

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of items(s) 21 and 25 to be voted upon separately :

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held May 7, 2008; Closed Session held May 7, 2008; and Special Meeting held May 5, 2008.

(8) TAX REFUNDS

Approve refunds in the amount of \$12,503.45 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) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

Note: A Second Reading will be required before final approved, since all nine Commissioners were not present. The Second Reading will occur at the June 4, 2008 meeting.

(10) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

Amend the LUESA Fee Ordinance to reflect new fee for Land Development.

Note: A Second Reading will be required before final approved, since all nine Commissioners were not present. The Second Reading will occur at the June 4, 2008 meeting.

(11) DISPLACED HOMEMAKER GRANT APPLICATION

1) Approve submission of a grant application to the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women's Commission Division for the New Choices Strategies for Success Program in the amount of \$54,899 (\$13,128 from "Displaced Homemaker State Funds" and \$41,771 from "Divorce Filing Fees."); and if awarded, recognize, receive and appropriate grant funds.

(12) 2008 - 2009 EPA REGION 4 - SOUTH EAST DIESEL COLLABORATIVE (SEDC) PROGRAM

1) Approve submission of application by Mecklenburg County Air Quality to USEPA for \$750,000 in grant funds; and upon award of grant, recognize, receive and appropriate award.

Note: Mecklenburg County Air Quality is applying to the EPA Region 4 Southeast Diesel Collaborative FY 2008-2009 Program for funds to be used to reduce air pollution from non-road construction equipment in the 8-county ozone non-attainment region.

(13) 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:

- 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.
- Dead Bond - 11/04-5/05 = 233
- Daily Work - 2/04-1/08 = 16,084
- Home Recovery Report - 5/06-6/07 = 1,362
- Journeyman Renewals – 9/03-9/07 = 5,942
- Credits & Refunds 01/05-4/08 = 5,699
- Contractor Notifications 6/07-4/08 = 4,290

(14) GREENWAY EASEMENT DONATION – MCILWAINE HOLDINGS, LLC

Accept donation of a greenway easement (+/- 33.47 acres) on a portion of Tax Parcels 015-081-02 and 015-081-03 from McIlwaine Holdings, LLC.

Note: This parcel will add to greenway assemblage along McDowell Creek and is located in the Northwest Park District.

(15) AMENDED FEE SCHEDULE – GROUNDWATER/WASTEWATER SERVICES

Amend the Mecklenburg County Health Department Fee Schedule to include the amended fees for the Groundwater Program to be compliant with state regulations.

CURRENT	PROPOSED	EXPLANATION
\$ 200.00	\$ 250.00	50% of the Septic Systems installed in FY08 will require post monitoring under the State Rules. With the cost of land and the demand for larger homes, more complex systems that require monitoring is the norm.
\$ 400.00	\$ 450.00	
\$ 150.00	\$ 200.00	
\$ 150.00	\$ 200.00	
\$ 400.00	\$ 550.00	7/1/2008 State rules will require that private wells be sampled for Arsenic, Barium, Cadmium, Chromium, Copper, Fluoride, Lead, Iron, Magnesium, Manganese, Mercury, Nitrate, Nitrite, Selenium, Silver, Sodium, Zinc, pH, and Total Coliform. If Total Coliform is present, further test for fecal coliform bacteria or E. coli are required.
\$ 400.00	\$ 550.00	
	\$ 100.00	The normal fee covers 2 visits. This fee will cover visits 3 and 4 if the well is not free of chlorine, electricity is not connected, or other similar issues.

(16) DISPLACED HOMEMAKER-NEW CHOICES – FUNDS RECEIVED

Recognize, receive and appropriate donation from Simpson – Gillespie United Methodist Church in the amount of \$191 to assist with the Displaced Homemaker New Choices program which offers training and support for displaced homemakers in their return to self-sufficiency.

(17) MECKLENBURG COUNTY COMMUNITY SUPPORT SERVICES – FUNDS RECEIVED

Recognize, receive and appropriate \$381 from Shelter Alliance to the Mecklenburg County Community Support Services, Unit 4400.

(18) COMMUNITY SUPPORT SERVICES-WOMEN’S COMMISSION – GRANT AWARD

Recognize, receive and appropriate additional “Divorce Filing Fees” funding in the amount of \$20,000 from the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women’s Commission Division for the New Choices Strategies for Success.

(19) TANF DOMESTIC VIOLENCE REVENUE - DSS

Decrease recognized revenue in the April 15, 2008 Board Action by \$5,000 for the TANF Domestic Violence Program.

Note: In a previous Board Action, the Department of Social Services requested the Board recognize an additional allocation from the NC Division of Social Services for domestic violence services to TANF recipients. The State recently reduced the allocation by \$5,000. The initial allocation was \$101,123 for this program, which was approved during the Fiscal Year 2008 budget process. The additional allocation is \$12,000 rather than \$17,000 reported in the April 15, 2008 board action. Total funding for the TANF DV program is now \$113,123. The funds

are used to assist TANF recipients involved in domestic violence issues to become more self-sufficient and provide a means to avoid domestic violence situations.

(20) 2008 HARRIS TEETER/PURINA BARK IN THE PARK

Accept donation of \$50,000 for the 2008 Harris Teeter/Purina Bark in the Park event sponsorship and appropriate funds to the Dog Park Capital Reserve.

Note: For the fourth consecutive year, Harris Teeter and Purina have sponsored Bark in the Park. This event is a festival for dogs and their owners. The 2008 event was on April 26 at William R. Davie Park. The \$50,000 donation by Harris Teeter and Purina will be used to build additional off leash dog parks in Mecklenburg County.

(22) RURAL HILL – OFFICIAL NAMING

Approve the official name of the county park property operated and leased to the Catawba Valley Scottish Society as “Rural Hill.”

Note: The Catawba Valley Scottish Society (CVSS) requested the name of the site leased to them and operated by them to be officially named “Rural Hill.” Over the years, numerous variations have been used by both the County and CVSS, including “Rural Hill Farm,” “Rural Hill,” or other varieties such as “Rural Hill Plantation,” etc. Historical documents show the site was simply “Rural Hill.”

(23) FOUR MILE CREEK GREENWAY – DEVELOPMENT & COOPERATION AGREEMENT WITH THE TOWN OF MATTHEWS

1) Approve a Development and Cooperation Agreement for Four Mile Creek Greenway between Mecklenburg County and the Town of Matthews.

2) Recognize and appropriate up to \$290,000 in the Capital Reserve Fund from the Town of Matthews as reimbursement for the County’s cost of constructing Four Mile Creek Greenway.

(24) NAMING OF CENTER FOR BIODIVERSITY STUDIES AT REEDY CREEK NATURE CENTER

Rename the Center for BioDiversity Studies to the “Dr. James F. Matthews Center for BioDiversity Studies.”

Note: Dr. Jim Matthews, retired UNC Charlotte professor, was instrumental in the conservation and creation of natural areas throughout the county. He served over six years on the Stewardship Advisory Council, volunteered his time and expertise on countless Mecklenburg County Park and Recreation Department projects over the years, and it was he and his students who began the UNCC herbarium collection in 1964. This collection comprises the bulk of the Center, and contains over 40,000 preserved plant specimens.

(26) SOUTHWEST PARK MASTER PLAN ADOPTION

Approve the Southwest Park master plan concept developed by Jordan Jones and Goulding and authorize staff to proceed with construction drawings.

(27) DSS SENIOR CITIZENS NUTRITION PROGRAM MEAL CONTRACTS

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Approve a unit price contract to Valley Services, Inc. for providing hot bulk congregate meals and individual shelf staple meals to the Social Services Senior Citizens Nutrition Program for a term of three years with the option to renew up to two (2) additional one-year terms.

Note: The annual expenditures are estimated to be \$719,550.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(21) PARK AND RECREATION BUDGET AMENDMENT

Motion was made by Commissioner Woodard, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to amend the Park and Recreation Department budget to recognize and appropriate \$15,000 revenue and expenses for a senior trip to Cape Cod, Massachusetts.

Commissioner Woodard removed this item from Consent because of a question she had, which staff addressed prior to coming into Formal Session. Commissioner Woodard did not indicate what the question was, only that her question had been answered.

(25) PARK & RECREATION DEPARTMENT REVENUE & PRICING POLICY FOR FY 2008-2009

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve new fees and changes to existing fees to the Park & Recreation Department Revenue & Pricing Policy for FY 2008-2009.

Commissioner Woodard removed this item from Consent to express concern for the price increases that will be occurring in some areas of the County. Commissioner Woodard said she was concerned that these prices may not be affordable to some in the community. Commissioner Woodard said she would hate to see participation decline because of affordability and as a result, more youth will be left with nothing constructive to do.

Jim Garges, Director of Park and Recreation addressed this issue. Director Garges said the issue becomes whether all Park and Recreation facilities are accessible to everyone regardless of income level. Director Garges said the answer is yes. He noted that there are several avenues set up so that children and seniors in particular can have the availability to use these facilities. He said Park and Recreation has fee waivers and Partners for Parks also raises funds to address any particular issues that might come up with a family or an individual. Director Garges said Park and Recreation's goal is to make sure no one is turned away. He said Park and Recreation monitors fees all the time.

Policy recorded in full in Minute Book 44-A, Document # 128.

STAFF REPORTS AND REQUESTS

(28) REZONING PETITION #2008-01(C)

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution approving as modified rezoning request Petition #2008-01, a change in zoning from R-3, single family residential, to R-8MF (CD), conditional multi-family residential, as recommended by the Zoning Committee of the Planning Commission.

Approval of this petition is based upon the following modifications:

- A turnaround has been added to the main entry drive.
- The privacy fence has been relocated to the inner half of the buffer.
- The internal sidewalks have been increased to five feet in width.
- Internal trees are now spaced one in front of each dwelling unit.
- Crosswalks will now be textured or different colors from the street.
- Large maturing trees will now be placed 40 feet on-center along Lancaster Highway.
- The proposed tree save area has been increased to 17.5%.
- Minimum rear yards have been increased to 50 feet.
- The right-of-way dedication note has been clarified.

A copy of the Zoning Committee's recommendation is on file with the Clerk to the Board.

Tom Drake with the Planning Commission addressed this petition prior to the above vote.

Resolution recorded in full in Minute Book 44-A, Document # 129.

(29) CAMPAIGN TO REDUCE SEXUAL EXPLOITATION OF CHILDREN

The Board received feedback from staff in response to an inquiry made by Commissioner James concerning a campaign to reduce sexual exploitation of children. Commissioner James brought to staff's attention that the National Association of Counties (NACo) has sponsored a campaign to reduce sexual exploitation of children, that Commissioner Mitchell made him aware of.

Paul Risk, Director of Youth and Family Services addressed this issue.

Commissioner Mitchell commented on NACo's response to this issue. He suggested staff look at information that was shared with the Board from the National Center for Exploited and Missing Children a year or so ago.

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve a directive to Department of Social Services and Public Services and Information staff to research the potential impact and costs associated with conducting a public information campaign to reduce sexual exploitation of children and the value of forming a taskforce to address the issue and to report back to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) E-VERIFY/COUNTY EMPLOYMENT

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Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to direct the County Manager to adopt E-Verify for screening newly hired County employees for work eligibility.

Prior to the above vote, Commissioners Bishop and James addressed this issue.

The Board received advice and recommendation of County Manager and Mecklenburg County Human Resource Director concerning the use of E-Verify with respect of employment with the County.

It was noted that the County has used the Social Security Number Verification System (SSNVS) for the past several years and has never received a Social Security Administration violation letter. Further that there is no indication that the County needs to change its practice from using the SSNVS to the use of E-Verify, but if the Board has a different preference the County will use E-Verify.

Note:

- *The use of either SSNVS or E-Verify provides an employer with a good faith defense against the imposition of sanctions for hiring an unauthorized person, unless the government can prove the employer had actual knowledge that the employee was unauthorized.*
- *SSNVS provides a match between a social security number and the Social Security Administration database.*
- *E-Verify matches the social security number to both the Social Security Administration database and the Department of Homeland Security immigration database.*
- *It was noted that both databases contain errors.*
- *E-Verify has recently added a Photo Screening Tool that allows an employer to check the photo on the new hire's Employment Authorization Card or Permanent Resident Card against the almost 15 million images stored in the Dept. of Homeland Security immigration data base collected since 2004.*
- *Both systems are free and voluntary.*
- *Neither system detects fraud or stolen identity, although it is believed that the Photo Screening Tool will help.*
- *Neither system provides information with respect to outstanding criminal charges.*

Prior to the above vote also, Ruben Campillo addressed this issue. Mr. Campillo said he was concerned for how this might impact immigrants because there are a lot of inaccuracies in the data base that's used. Mr. Campillo said there are records confirming that foreign born workers, including those that have become naturalized citizens are thirty times more likely than native born citizens to be incorrectly identified as not authorized for employment. He said E-Verify has also been used as a tool to discriminate against workers. He asked the Board to take these matters into consideration.

Commissioner James expressed his support of E-Verify, which he said the state requires this be done for state employees. Also, that Charlotte-Mecklenburg Schools uses E-Verify.

Also, prior to the above vote, Commissioner Ramirez took a moment of personal privilege to express his disappointment in recent statements made by Commissioner James regarding immigrants, when the Board discussed at a prior meeting the issue of additional contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants.

Commissioner Ramirez in his remarks said Commissioner James "managed to insult the entire immigrant community at the end of the meeting when he was exchanging views with Commissioner Mitchell." "When Commissioner Mitchell told Commissioner James that the fact is that most of the illegal immigrants pay taxes, Commissioner James' response was prostitutes

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pay taxes, drug dealers pay taxes, Al Capone paid taxes.”

Commissioner Ramirez said he personally feels very offended, when by association an entire community is labeled as a bunch of prostitutes and drug dealers.

Commissioner Ramirez said he apologizes to his constituents because he promised he would never use this forum for personal issues but this issue affects him “deeply” and by default an entire community.

Commissioner James in response said “there is no ill will on my part towards any member or group in Mecklenburg County.” “However, during the discussion about legal immigration, it is a constant refrain that those that advocate for illegal immigration, for allowing it, for allowing illegal immigrants to stay, constantly use the refrain, but we pay taxes.”

Commissioner James said “he contended then and he contends now that you do not excuse one illegal act or even two or three because someone has paid taxes.” Commissioner James said his comments weren’t directed at legal immigrants. He said they were directed at illegal immigrants.

Commissioner Ramirez said he was not defending the issue of illegal immigration and he has never done that; and he’s in agreement that “we have to close the borders; we have to do something about illegal immigration.” He said his contention in this forum right now is the “impugning” of an entire section of the immigration of immigrants and by definition, you’re telling them they’re just a bunch of prostitutes and drug dealers. He said it has nothing to do with whether or not they pay taxes. Commissioner Ramirez said what he’s saying is that Commissioner James by his comments offended the entire community, as well as, he and his family by using that language. He said the statements were denigrating.

(31) CRIMINAL JUSTICE RAPID REVIEW TASK FORCE

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke to commission a 9-12 member, non-partisan Rapid Review Task Force (RRTF) to identify and recommend to the Board by September, 2008 immediate and substantive modifications to the operations of City, County and State criminal justice agencies in Mecklenburg County to restore their functional effectiveness within the coming budget year. The RRTF should recommend allocation of resources to make the most effective impact on crime and justice, and will take into account new criminal justice budget provisions made by Charlotte City Council, as well as legislative needs at the state level.

Secondly, to appoint as co-chairs of the RRTF Shirley Fulton (former judge) and Harry Nurkin (former CEO of Carolinas Healthcare Systems).

Prior to the above vote, Commissioner Woodard asked about the appointment process.

After discussion, it was the consensus of the Board that the County Manager report back as soon as possible with a recommendation on an appointment process.

Also, prior to the above vote, Chris Bakis spoke in support of the formation of the task force. He noted that his preference, however, would be for a criminal justice “czar” as suggested by Commissioner Bishop at a previous meeting.

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley, and

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unanimously carried, with Commissioners Bentley, Bishop, Clarke, 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 11:15 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman