

JULY 1, 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, July 1, 2008.

ATTENDANCE

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

Absent: Commissioner J. Daniel Bishop

-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) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1) B) LAND ACQUISITION AND C) CONSULT WITH ATTORNEY

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

- Tax Parcel 081-099-18 on E. 15th Street
- Old City Fire Station #4 at 420 West 5th Street
- Lawsuit of Mark Alan Cavender v. Laschelle Jurnee Massey and Mecklenburg County

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: **A)**To Prevent Disclosure of Information that is Confidential Pursuant to G.S.105-259. (G.S. 143-318.11(a) (1), **B)** Land Acquisition and **C)** Consult with Attorney.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 5:57 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 item(s) they wanted removed from consent and voted upon separately. The item identified was Item 24.

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

-FORMAL SESSION-

Invocation was given by Commissioner Ramirez 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) 2008 NACO ACHIEVEMENT AWARDS

The Board recognized the following Mecklenburg County departments and employees for receiving 2008 NACo Achievement Awards for various programs.

Note: The National Association of Counties' Achievement Award Program is a non-competitive program that recognizes counties for improving the management of and services provided by county government. Since the program's inception in 1970, the Achievement Award Program has honored hundreds of county government initiatives that have improved service delivery, achieved greater cost efficiency, provided finer customer service and helped to develop a better-trained work force. In addition, the award winning programs have provided the National Association of Counties and its membership with an extensive database of successful county programs. Awards are made in more than 20 categories, ranging from Arts and Historic Preservation to Volunteerism.

The award winners were introduced by Roger Kortekaas with Public Service and Information.

Winning Programs

DSS - Integrated Social Services Information – Child Welfare – Pam Rikard

A web application used by Child Welfare Social Workers, supervisors, program managers and support staff developed jointly by Mecklenburg and Buncombe Counties.

LUESA - Pass Rate Incentive Program – Edward Prince

This program is improving building inspector efficiency by reducing staff hours through a program called "Do it right the first time."

LUESA - Meck-SI (Special Inspections) – Edward Prince

These are supplemental building inspections required for large projects. To keep up with the demand for these inspections, Mecklenburg County Code Enforcement would have had to hire an additional 15 inspectors at a cost of \$750,000. Meck-SI was developed for \$250,000. The state-of-the-art, green, environmentally friendly paperless system created by Code Enforcement won the prestigious Blue Diamond Award for Best IT Business Value in 2006.

County Manager's Office - Employee Climate Survey – Leslie Johnson

Of the County's 25 Balanced Scorecard Goals, six focus on employee satisfaction including retention and recruitment, increasing knowledge, skills and abilities and improving employee

access to information. The County Manager's Office of Strategic Organizational Improvement conducts an annual employee survey that asks a variety of questions about employee satisfaction with their working conditions, interaction with supervisors, pay and benefits and much more.

Health Department - Fit City for Fit Families: Child Development Center Healthy Start Program – Kristen Shaben

Studies show that eating habits and physical activity behavior developed in childhood will carry through to adulthood. Many families and the child development centers that care for children can't afford to develop educational programs or provide proper food. The Mecklenburg County Health Department applied for and received a \$15,000 grant to study and improve this situation at six local development centers. The project resulted in policy, environmental and educational changes that will make a significant improvement in the lives of all the children touched by the centers.

Health Department - Fit City Healthy Snack and Fruit Basket Program – Julie Jackman

This is a pilot project led by the Health Department's Fit City Worksite Wellness Program. The goal is to provide employees access to healthy snacks during the day instead of the usual vending machine fare. Program coordinators initially spent \$60 for fruit and other healthy snacks. The program quickly became self-supporting and the variety of snacks has grown to more than 20 items, and interest in the program has grown beyond the Health Department, with some parts of the program adopted by the Department of Social Services.

(1B) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to induct retiring Deputy County Attorney Sandra T. Bisanar into the Order of the Hornet.

Note: The Order of the Hornet was established in 1972. It is bestowed by the Board of County Commissioners on persons who have displayed valor or high order of service uniquely and specifically to the citizens of Mecklenburg County. This is the highest honor the Board bestows for service to the community.

Attorney Bisanar thanked the Board for this recognition.

(2) PUBLIC APPEARANCE

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

Myra Arbuckle addressed property tax assessment and the upcoming revaluation. Ms. Arbuckle said she lives in one of those areas where new homes are being built around older homes, thus raising the tax value of the older homes, which results in higher taxes. Ms. Arbuckle said she is being taxed out of her home which is paid for. She lives in the Freedom Park area. She asked the Board to consider some type of exception to control this type of situation.

Martin Davis addressed an armed Citizens Patrol group that was formed in the Central Avenue area. Mr. Davis criticized a recent article in the Charlotte Observer that discouraged the formation of such groups. Mr. Davis spoke in support of these types of groups.

Gwen Forney, a founder and Executive Director of Bright Hope, whose mission is to implement projects to stimulate and improve school attendance, addressed efforts to make school attendance a high priority in Charlotte-Mecklenburg. She asked the Board to assist in getting this message out.

(3A) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Round One

Gee Barker	None
Henry Black Jr.	Commissioners Bentley, Helms, Mitchell, & Woodard
Shannon Burns	None
Patrick Burris	None
John Davis	None
Robin Edgar	None
Earl Foxworth Jr.	None
Juli Ghazi	Commissioners Clarke, James, Ramirez, & Roberts
Stephen Grey Jr.	None
Catherine Kennedy	None
Barry Kirby II	None
Jeannie Lee	None
Clara Mayfield	None
Hope McKinney	None
Shannon McKnight	None
Holly Neil	None
Doretta Owens	None
Sara Roselli	None
Tami Snipe	None
Michelle Sterling	None
Ruth Stevenson	None
Carolyn Swiger	None
Rhonda Taylor	None
Mary Ward	None
Gerald Williams	None

Round Two

Gee Barker	None
Henry Black Jr.	Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, & Woodard

Voting Ceased

Shannon Burns
Patrick Burris
John Davis
Robin Edgar
Earl Foxworth Jr.
Juli Ghazi
Stephen Grey Jr.
Catherine Kennedy
Barry Kirby II
Jeannie Lee
Clara Mayfield
Hope McKinney
Shannon McKnight
Holly Neil
Doretta Owens
Sara Roselli
Tami Snipe

Michelle Sterling
Ruth Stevenson
Carolyn Swiger
Rhonda Taylor
Mary Ward
Gerald Williams

Chairman Roberts announced the appointment of Henry Black, Jr. to the Charlotte-Mecklenburg Community Relations Committee for a three-year term expiring July 2, 2011.

He is replacing Samuel Belnavis.

(3B) NOMINATIONS/APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Will Caulder (General Contractor representative), Buford Lovett (General Public representative), and David Shultz (Professional Engineers of NC representative) to the Building Development Commission for a three-year term expiring July 31, 2011.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board's term limit policy and reappoint Elliot Mann (Home Builders Association representative) to the Building Development Commission for a three-year term expiring July 31, 2011.

Motion was made by Commissioner Bentley, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Jonathan Wood (American Society of Landscape Architects representative) to the Building Development Commission for a three-year term expiring July 31, 2011.

He is replacing Brian Sigmon.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Richard Mattson and Gray Newman to the Historic Landmarks Commission for a three-year term expiring July 31, 2011.

The following person was nominated for appointment consideration to the Historic Landmarks Commission:

Louis Asbury by Commissioner Clarke

Note: The other applicants, although they were not nominated were: Kevin Bachleda, Leslie Davis, Howie Hartnett, Chuck Ketchie, Patrick Land, Keith Smith, and Gerald Williams.

Motion was made by Commissioner Woodard, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Louis Asbury to the Historic Landmarks Commission for a three-year term expiring July 31, 2011.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to reappoint Angela Haigler to the Waste Management Advisory Board for a three-year term expiring August 31, 2011.

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Steven Pepper to the Waste Management Advisory Board to fill an unexpired term expiring June 30, 2010.

He is replacing Angela Weicherding.

(3C) CITIZENS' REVALUATION ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Ramirez, to appoint members to the 2009 Citizens' Revaluation Advisory Committee as recommended.

Note: The Mecklenburg Board of County Commissioners has established a Citizens Revaluation Advisory Committee that is appointed each year prior to the Countywide Reappraisal.

It is the responsibility of the Committee to:

- a. Meet with staff and Property Assessment and Land Records Management to review overall operations*
- b. Review the revaluation process*
- c. Review appraisal methods*
- d. Study statistical reports as to the progress of the 2009 Revaluation*
- e. Report their conclusions to the Board of County Commissioners and make recommendations.*

Commissioner Woodard addressed the need for diversity on the committee.

Tax Assessor Garrett Alexander addressed this issue.

Substitute motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint the following persons as members to the 2009 Citizens' Revaluation Advisory Committee as recommended: Thomas Derham, Barbara Hochstetter, Veronica Barnes, John Byers, David Fuller (pending), Tony Simpson – Ad Hoc Member NC Department of Revenue/Property Tax Division. Secondly, to expand the committee by two and that the Tax Assessor report back to the Board with additional names for consideration.

(24) DONATION OF MAHATMA GANDHI STATUE

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to accept the donation of a statue of Mahatma Gandhi from the Charlotte Asian Heritage Association (or related organization) once the County Manager has executed an agreement on its installation and maintenance with the Charlotte Asian Heritage Association (or related organization).

Secondly, to authorize the County Manager to negotiate and execute an agreement for the installation and maintenance of a Mahatma Gandhi statue with the Charlotte Asian Heritage Association (or related organization) and to grant a temporary construction easement at the site of the historic Mecklenburg County Courthouse (700 E. Trade St.) for installation of the statue and associated paving & landscaping.

Note: Prior to the vote, a representative from the Asian Heritage Association thanked the Board for taking this action.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6B) JUSTICE AND PUBLIC SAFETY TASK FORCE

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the recommended members for the Justice and Public Safety Task Force as follows:

Legal

Mary Howerton
Mark Sumwalt

Law Enforcement

Chris Swecker

Education

Cheryl Ellis

Medical

Dr. John Vaughan

Business/IT

Richard Martin

Alternative Solutions

Zeke Burns

Faith Community

Tonya Rawls

Other

Erica Ellis-Stewart
William Munson, IV
Rivana Stadlander
Maudia Melendez

Note: On May 20, 2008 the Board approved appointing 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 Board indicated that the Task Force 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. The Board also voted to appoint as co-chairs of the Task Force Shirley Fulton (former judge) and Harry Nurkin (former CEO of Carolinas Healthcare Systems).

County Manager Jones presented this matter to the Board.

Prior to the above vote, Julie Eiselt, on behalf of Neighbors for a Safer Charlotte, thanked the Board for forming the task force and expressed the support of Neighbors for a Safer Charlotte.

(6A) CAPITAL IMPROVEMENTS PROGRAM AND BOND REFERENDUM

Budget/Management Director Hyong Yi and Finance Director Dena Diorio addressed the FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program.

A copy of the presentation 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, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve a FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program as recommended by the County Manager, which includes the following:

- Government Facilities in the amount of \$90,950,000
- Court Facilities in the amount of \$16,989,000
- Law Enforcement Facilities in the amount of \$360,229,000
- Solid Waste in the amount of \$25,000,000
- Park and Recreation in the amount of \$250,000,000
- Library Facilities in the amount of \$8,849,000
- WTVI in the amount of \$2,536,000
- Totals: \$754,553,000

Note: Numbers rounded to the nearest \$1,000

Comments

Commissioner Clarke asked would the \$704,553,000 all be spent in one fiscal year. *The response was no. It would be over multiple years.*

Commissioner Clarke asked about the incarceration rate and requested information with respect to why the County's rate is higher than the national average.

Commissioner Clarke said he would like to see a more comprehensive cost analysis with respect to jail location cost that would address cost benefit, debt service, as well as, operational cost, taking into consideration also safety issues with respect to transporting inmates.

Commissioner Clarke asked would the interest rate be significantly higher if COPs were used to fund the building of a new jail. *The response was no.*

Commissioner James said the Board needs to consider placing an annual debt service limit on Charlotte-Mecklenburg Schools.

Commissioner Bentley asked staff to continue to work with the northern towns to make sure their needs are addressed as it relates to the funds currently earmarked for a regional recreation center.

Commissioner Ramirez asked would the interest rate on the COPs be fixed or variable. *The response was that it will probably be a combination of both.*

Commissioner Clarke offered an amendment to Commissioner Helms' motion, which was accepted by the makers of the original motion, to direct the County Manager and the Park and Recreation Department, working with the Park and Recreation Commission, to come back to the Board in September with a bond recommendation breakout for \$250 million to be spent out over

the course of seven years.

Commissioner Mitchell said he would like information on the County's annual debt service payment schedule, including the amount of those payments.

The following persons spoke in support of a Park and Recreation bond referendum in the amount of \$250 million: Scott McClure, Carol Buie- Jackson, Chris Perry, and Carla O'Connor.

The following person spoke in opposition of a park bond: Brian Cullinan.

The following person spoke in support of a jail bond, Mary Boyd with the Park Quail Neighborhood Coalition.

The vote was then taken on the motion by Commissioner Helms, seconded by Commissioner Mitchell, as amended, and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve a FY 2009 Capital Budget and FY 2009-2018 Capital Improvements Program as recommended by the County Manager, which includes the following:

- Government Facilities in the amount of \$90,950,000
- Court Facilities in the amount of \$16,989,000
- Law Enforcement Facilities in the amount of \$360,229,000
- Solid Waste in the amount of \$25,000,000
- Park and Recreation in the amount of \$250,000,000
- Library Facilities in the amount of \$8,849,000
- WTVI in the amount of \$2,536,000
- Totals: \$754,553,000

Note: Numbers rounded to the nearest \$1,000

Secondly, to direct the County Manager and the Park and Recreation Department, working with the Park and Recreation Commission, to come back to the Board in September with a bond recommendation breakout for \$250 million to be spent out over the course of seven years.

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

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, to direct staff to prepare and bring back to the Board, the appropriate documentation necessary for the issuance of \$360,229,000 in Certificates of Participation for Law Enforcement Facilities.

Commissioner Ramirez returned to the dais.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to direct staff to prepare and bring back to the Board, the appropriate documentation necessary for submission to the public in November 2008 a Park and Recreation bond in the amount of \$250,000,000.

(2C1) CLOSED SESSION – HAL MARSHALL CENTER PROPERTY

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize the County Attorney and County Manager to negotiate, and the County Manager is authorized to execute an extension of up to six (6) months of the Purchase and Sale Agreement by and among Mecklenburg County (as Seller), BB&D Investments Group, LLC (as Buyer) and Benchmark Realty of the Carolinas, LLC and Legacy Real

Estate Advisors, LLC (as Brokers) for the sale of the Hal Marshall Center property.

(2B1) CLOSED SESSION - OLD CITY FIRE STATION #4 PURCHASE

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the Historic Landmarks Commission purchase of Old City Fire Station #4 located at 420 West 5th St. for historic preservation and adaptive redevelopment and recognize and appropriate up to \$2,100,000 for the purchase.

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 17, 2008 and Special Budget Meeting held May 27, 2008.

(8) REVISION TO THE BUILDING-DEVELOPMENT ORDINANCE

Amend the Building-Development Ordinance to add language describing the provision for homeowner Mechanical, Electrical or Plumbing (MEP) examinations.

Note: A second reading will be required since all nine Commissioners were not present. The second reading will occur on August 5, 2008.

(9) TAX REFUNDS

Approve refunds in the amount of \$4,159.50 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) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

Adopt resolutions setting a public hearing on August 5, 2008 on Street Lighting Preliminary Assessment Rolls for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing and Wilson Glen Subdivisions.

Resolutions recorded in full in Minute Book 44-A, Document #149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162.

(11) AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Amend the Mecklenburg County Groundwater Regulations.

NOTE: In 2006, the General Assembly enacted legislation directing the Environmental Management Commission (EMC) to adopt rules governing the permitting and inspection by local health departments of private drinking water wells. In addition, the legislation directed the Commission for Public Health to adopt rules governing the sampling and testing of water from private drinking water wells. The EMC and the Commission for Public Health finalized the rules, and they are expected to go into effect July 1, 2008.

Once the state regulations go into effect in July, they will be applicable statewide. In 2005 Mecklenburg County adopted the "Mecklenburg County Groundwater Well Regulations." In response to the enacted legislation, the local rules were amended to reflect the changes made by the EMC and the Commission for Public Health.

Regulations recorded in full in Minute Book 44-A, Document #163.

(12) PARK AND RECREATION BUDGET AMENDMENT

Amend the Park and Recreation Department budget to recognize and appropriate \$7,524 for the purchase of football equipment.

(13) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1. Accept the "Offer Of Sale Of Land" from L. Scott Williams and Susan K. Williams, owners of 3115 Cullman Avenue for \$220,000.
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action is necessary for the purchase of floodplain property under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above property from the floodplain.

(14) TEMPORARY FOOD ESTABLISHMENTS – HEALTH DEPARTMENT

Amend the FY 09 Food and Facilities Sanitation Program budget to recognize and appropriate \$17,500 revenue from the temporary food establishment fee.

(15) PURCHASE OF RADIO EQUIPMENT – FIRE MARSHALL'S OFFICE

Award contract to Motorola for \$101,300 for purchase of radios for mandatory re-banding of 800 megahertz radio spectrum.

(16) FOUR MILE CREEK STREAM RESTORATION PROJECT – FUNDING REDUCTION CLEAN WATER MANAGEMENT TRUST FUND GRANT

1. Approve reduction of Clean Water Management Trust Fund grant budget by \$558,445 since grant has closed.
2. Approve transfer of unused local match of \$446,270 to the Storm Water Special Revenue Fund.

Note: In March 2006, Mecklenburg County executed a contract with the NC Clean Water Management Trust Fund for a stream restoration project on Four Mile Creek. Adjacent property owners initially supported the project, but later 5 of 13 property owners declined to sign conservation easements as required by Clean Water. As a result, the project was cancelled

and the grant closed. Additionally, property owners will continue to lose property due to erosion and aquatic life will be impacted by sediment.

(17) ENGINEERING SERVICES FOR THE FOXHOLE LANDFILL

Authorize the County Manager to negotiate a fee and execute a contract with HDR Engineering Inc. of the Carolinas for Engineering Services for the Foxhole Landfill, and in the event negotiations with this firm are unsuccessful approve negotiations with Brown and Caldwell.

(18) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of \$8,683 for General Services, \$30,072 for Park and Recreation, \$1,569 for Social Services, \$1,122 for Real Estate Services, \$2,582 for Health and \$812 for Land Use and Environmental Services to provide necessary budgetary recognition of insurance funds to cover cost of replacement.

Note: All reimbursements are for stolen and damaged items.

(19) RESERVE FUND AND CAPITAL PROJECT ORDINANCES

Amend the Pay-As-You-Go capital project ordinances and adopt the Technology Reserve Special Revenue Fund and Vehicle Replacement Reserve Special Revenue Fund ordinances.

Ordinances recorded in full in Minute Book 44-A, Documents #164, 165, & 166.

(20) 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.
- 340 commercial plans permitted May 2006
- 400 commercial plans permitted June 2006

(21) EASEMENT DONATIONS – MALLARD CREEK

1) Accept the donation of a +/- 5.25-acre easement on a portion of Tax Parcels 047-351-02, 047-351-03 and 047-351-06 from the Board of Trustees of the Endowment Fund of UNCC.

2) Accept the donation of a +/- 3.25-acre easement on a portion of Tax Parcel 047-412-11 from Tessera North America.

Note: These easements will encompass approximately 0.3 mile of this private trail and enable the County to improve and manage the trail in accordance with greenway standards. The easements will also accommodate future stream restoration initiatives.

(22) GREENWAY DONATION ON BRIAR CREEK

Accept donation of .21-acre tract (Tax Parcel 181-021-99) on Briar Creek at Providence Road from Austin and Frances Duncan.

Note: It will be utilized for stream restoration and greenway purposes.

(23) BAXTER STREET RIGHT OF WAY AT LITTLE SUGAR CREEK

Authorize the County Manager to execute documents to exchange .56-acre of land between Kings Drive and Kenilworth Avenue to the City of Charlotte for .41-acre of land also between Kings Drive and Kenilworth Avenue and .31 acre at the corner of Kenilworth Avenue and Charlottetown Avenue (formerly S. Independence Boulevard).

Note: The above .56-acre parcel proposed to be exchanged to the City of Charlotte was acquired as part of land acquisition for Little Sugar Creek Greenway and is located approximately where the Bank of America Branch stood. This property will become a new right of way for Baxter Street (to be called Pearl Street) connecting Kings Drive and Kenilworth Avenue. The .41-acre segment between Kings Drive and Kenilworth Avenue is part of the current (abandoned) right of way for Baxter Street. In cases of public street right of way abandonment, one half of the land goes to the adjoining/contiguous property owner(s) along each side of the old right of way. In this case, .27-acre and .14-acre will be conveyed to the County while .16-acre will be conveyed to the Pappas Metropolitan development. The other tract to be transferred from the City to the County was created by the newly configured intersection of Kenilworth Avenue and Charlottetown Avenue. The addition of this parcel means the County will own all the land between Little Sugar Creek and the road right of way at this east corner of the intersection. (County recently accepted donation of a small tract here from Duke Energy.) The relocation of Baxter Street (now Pearl Street) right of way in this area works well with the greenway plans and development now in progress. The new bridge here will accommodate the greenway trail passing underneath it.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS

(25) BUSINESS INVESTMENT GRANT: CCL LABEL

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 7-1 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes and Commissioner James voting no, to approve the County's share of a Business Investment Grant to CCL Labels for a total estimated amount of \$386,564 over three years. (Total City/County grant is estimated at \$597,936).

Note: CCL Label is a manufacturer and distributor of pressure-sensitive labels, aluminum containers, plastic tubes and other packaging solutions in the personal care, healthcare and specialty food and beverage sectors.

CCL Label currently employs 135 workers in a leased facility located at 4000 Westinghouse Boulevard. The company has indicated its intent to relocate and expand when its lease expires in April 2009.

Company leaders are contemplating purchasing and expanding an existing building located at 12810 Virkler Drive (in southwest Charlotte). Company leaders are also considering sites in South Carolina, and have received incentive proposals from both Lancaster and York counties.

A taxable investment ranging from a minimum of \$9.7 million up to a maximum of twenty million dollars over the next three years.

Creation of 10 new jobs and the retention of 135 existing jobs with an average wage of \$58,000 (which is higher than the average for the Charlotte-Gastonia-Rock Hill M.S.A.).

Prior to the above vote, Assistant to the County Manager Jaz Tunnel addressed this matter with the Board.

(26) DIXIE RIVER ELEMENTARY SCHOOL JOINT USE FUNDING AGREEMENT

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to authorize the County Manager to negotiate and execute a Land Swap and Lease/Operating Agreement with Charlotte Mecklenburg Schools providing for joint use and joint funding of the gymnasium for the new Dixie River Elementary School.

Prior to the above vote, Lee Jones with Park and Recreation addressed this matter with the Board.

Agreement recorded in full in Minute Book 44-A, Document #167.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(27) ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING COUNTY PARKS (COMMISSIONER JAMES)

Motion was made by Commissioner James, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to defer consideration of an Ordinance Prohibiting Sex Offenders from Entering County Parks until the August 5, 2008 meeting, in order to provide more review time of the information provided with respect to this item.

Prior to the above vote, Commissioner Clarke said thought needs to be given to the enforcement of this proposed ordinance. Further, that he would like to see the plan for enforcement. Commissioner Clarke said he would also like this matter tracked, if approved, to see how many offenders are violating this ordinance.

(28) SELECTION OF NCACC VOTING DELEGATE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to appoint Chairman Roberts as the Board's voting delegate for the 2008 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held August 21-24, 2008 in Craven County, N.C.

(29) SELECTION OF NACO VOTING DELEGATE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to confirm the Chairman's selection of the president of the North Carolina Association of County Commissioners (or his designated delegate) to serve as the County's voting delegate at the 2008 Annual NACo Conference July 11 – 15, 2008 in Kansas City, MO, since no Commissioners will be attending this year.

COMMISSION COMMENTS – General comments were made at this time by various

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Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell, and unanimously carried, 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 9:22 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman