

SEPTEMBER 16, 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, September 16, 2008.

**ATTENDANCE**

**Present:** Vice-Chairman H. Parks Helms 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:** Chairman Jennifer Roberts

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**-INFORMAL SESSION-**

*The meeting was called to order by Vice-Chairman Helms, after which the matters below were addressed.*

**(1A) STAFF BRIEFINGS - NONE**

**(2A, 2B) CLOSED SESSION – A) CONSULT WITH ATTORNEY B) LAND ACQUISITION**

Prior to going into Closed Session, the Board acknowledged the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Hal Marshall Property
- Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Land Acquisition.

*The Board went into Closed Session at 5:19 p.m. and came back into Open Session at 5:55 p.m.*

**(3) REMOVAL OF ITEMS FROM CONSENT**

The Board did not identify any items they wanted removed from consent and voted upon separately.

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

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**-FORMAL SESSION-**

*Invocation was given by Vice- Chairman Helms, 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) SUBSTANCE ABUSE AWARENESS MONTH**

Motion was made by Commissioner Bentley, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to adopt a joint proclamation designating October 2008 as Substance Abuse Awareness Month.

*The proclamation was read by Commissioner Bentley and received by Helen Harrill with Substance Abuse Prevention Services.*

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

**(1B) BIG SWEEP DAY**

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to adopt a joint proclamation designating October 4, 2008 as Big Sweep Day in Charlotte and Mecklenburg County.

*The proclamation was read by Commissioner Clarke and received by Rusty Rozzelle, Water Quality Program Manager.*

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

**(1C) YOUTH RECOGNITION – 2008 US TRACK AND FIELD NATIONAL JUNIOR OLYMPICS**

The Board recognized Mecklenburg County youth who participated in the 2008 US Track and Field National Junior Olympics.

Jim Garges, Director of Park and Recreation and Anthony James with Park and Recreation introduced the participants.

*Note: Youth from twenty-two (22) counties participated in and qualified in Sectional, State and Regional (GA, NC, SC, VA, MD) track meets to advance to the USATF National Junior Olympics in Omaha, Nebraska from July 22-27, 2008. A total of six thousand (6,000) children participated in the event. Collectively, the team won nine (9) medals led by Khayla Dawson's (Greenway Park Elementary School) shot put toss of 28'8.25" that resulted in first place finish and a gold medal in the 9-10 year old bantam girls division.*

**(1D) SUSAN G. KOMEN CHARLOTTE RACE FOR THE CURE® DAY**

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

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Ramirez, and Woodard voting yes, to adopt a joint proclamation designating October 4, 2008 as Susan G.Komen Charlotte Race For The Cure® Day.

*The proclamation was read by Commissioner Woodard and received by Stacy Busby, Komen Charlotte Board President.*

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

**(2) PUBLIC APPEARANCE**

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

Delores Perry-Pearson addressed getting prayer back into schools. She suggested there be a referendum on this matter.

Vice-Chairman Helms thanked Ms. Pearson for appearing.

**(3A) NOMINATIONS/APPOINTMENTS**

**LAKE WYLIE MARINE COMMISSION**

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to appoint Terry Everhart and Howard Virkler to the Lake Wylie Marine Commission for a three-year term expiring September 30, 2011.

*They are replacing Charles Ibach and filling a vacant rotating slot.*

**MOUNTAIN ISLAND LAKE MARINE COMMISSION**

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to reappoint Alice Battle to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2011.

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to reappoint Barbara Blakeney, Larry Blakeney, Dora Daniel, Betty Forehand, Cheryl Grice, Peggy McKoy, Claudia Moses, Joanne Nagem, Michael Nagem, Dicie Neal, Sheila Singleton and Patricia Wilson to the Nursing Home Community Advisory Committee for a three-year term expiring September 30, 2011.

Motion was made by Commissioner Clarke seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to nominate/appoint Gina Patrick to the Nursing Home Community Advisory Committee for a one-year term expiring September 30, 2009.

**(3B) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS**

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

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Woodard voting yes, to appoint Dr. Thomas Zweng, Senior Vice President and Chief Medical Officer to replace Lynn Boggs as the Presbyterian/Novant Healthcare representative to the EMS Joint Agency Board of Commissioners for an unexpired term expiring in 2010.

**(4) PUBLIC HEARINGS – NONE**

**(5) ADVISORY COMMITTEE REPORTS – NONE**

### **MANAGER'S REPORT**

#### **(6A) ACQUISITION OF FLOOD-DAMAGED STRUCTURES FROM THE AUGUST 27 AND SEPTEMBER 10, 2008 STORMS**

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

1. Approve the concept of the County acquiring floodplain structures that sustained damage in the August 27 and September 10, 2008 Storms;
2. Adopt the Resolution for an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 27 and September 10, 2008 Storms;
3. Appropriate \$2,900,000 from Storm Water Fund Balance for the acquisition of floodprone structures; and
4. Authorize staff to negotiate purchase contracts using Storm Water Funds, not to exceed a total of \$4,000,000, and return to the Board for approval.

*Note: On August 27, 2008, Charlotte-Mecklenburg experienced significant rainfall that resulted in the flooding of approximately 300 single family homes/commercial structures; and 300 multi-family units/dwellings located in the floodplain. Approximately 100 structures flooded within the finished living space. 90% of the damaged structures were along Briar Creek. The September 10, 2008 flood resulted in about 10 additional buildings being flooded, primarily in Little Sugar Creek. It is estimated that one to two dozen residential structures may be "substantially damaged," meaning that the cost to repair the structure is greater than 50% of the value of the structure. According to the Floodplain Ordinance, the property owner must bring the entire structure up to code when this occurs. That means significant investment must be made to elevate or floodproof the structure.*

*In July of 2003, the Board authorized staff to implement a \$1.3M "Quick Buy" program after a flood which impacted homes along Little Sugar Creek. The concept was to voluntarily acquire floodprone homes with local funding while they were still in their damaged condition. In 2003, Storm Water successfully acquired 9 homes as part of this program and removed them from the floodplain.*

*This proposed "Quick Buy" concept primarily uses Storm Water's available fund balance (total estimated to be \$2.9 million) as pay-as-you-go capital funding. An additional \$1.1M is currently available in the FY08 Storm Water Operating Budget. In addition, limited funding is available in various Park & Recreation Bonds to acquire additional floodprone structures in areas identified in the Greenway or Park Master Plans.*

*Staff has proposed this shift in funding the acquisition of floodprone structures to Storm Water*

*revenues due to limited federal funds being immediately available and the desire to continue the*

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*acquisition program started in 2000 that has removed over 300 families/businesses from the floodplain. This Resolution establishes eligibility criteria and set the prioritization and process for implementing the "Quick Buy" program.*

Dave Canaan, Director of Water & Land Resources addressed this issue with the Board.

The following persons spoke to this issue and asked the Board to support the buy-out program recommended by staff: Gail Starnes, Jimmy Thompson, David Bouchelle, Carol Thompson, Melba Adams.

***Resolution recorded in full in Minute Book 44-A, Document #207.***

**(6B) CENTRAL PIEDMONT COMMUNITY COLLEGE PARKING DECK SITE**

The Board received as information the proposed task schedule for constructing a Central Piedmont Community College (CPCC) parking deck at Charlottetowne Avenue and 7<sup>th</sup> Street to meet an August 2009 opening date.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to authorize staff to submit a request for a Certificate of Appropriateness to the Historic Landmarks Commission to utilize a portion of the tax parcel (#08017101) where Memorial Stadium is located for the CPCC parking deck site.

**(2A) CLOSED SESSION – CONSULT WITH ATTORNEY**

Motion was made by Commissioner Bishop, seconded by Commissioner Clarke and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, to authorize the County Manager to negotiate and execute one or more short term extensions of the BB&D Investment Group contract for the purchase of the Hal Marshall Services Center properties to extend the due diligence date, up to October 10, 2008. Secondly, should the County Manager and County Attorney be able to satisfactorily negotiate some needed technical changes to the proposed Third Amendment to Purchase and Sale Agreement delivered to the County Attorney on September 16, 2008, to execute such an amendment.

**CONSENT ITEMS**

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

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held September 3, 2008 and Closed Session held September 3, 2008.

**(8) NURSE FAMILY PARTNERSHIP GRANT**

Recognize, receive and appropriate \$500,000 from the Kate B. Reynolds Charitable Trust and The Duke Endowment to support the Nurse Family Partnership program in Mecklenburg County.

*Note: The Nurse Family Partnership (NFP), a nationally recognized, evidence-based nurse home visitation program helps to transform the lives of first-time, low-income parents and their*

children.

**(9) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to JH Food Management, owner of Joe’s Cafe.”

*Resolution recorded in full in Minute Book 44-A, Document #208.*

**(10) GREENWAY DONATIONS**

Accept donation of Tax Parcels 105-021-58 (+/- 1.34 acres) and 105-371-92 (+/- 0.988 acres) from University East, LLC.

*Note: These parcels will add to greenway assemblage along Back Creek, and is located in the Northeast Park District.*

**(11) TAX REFUNDS**

Approve refunds in the amount of \$10,102.43 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.*

**(12) GRANT RECEIVED – SHERIFF’S OFFICE**

Recognize, receive and appropriate funds from the North Carolina Department of Crime Control and Public Safety in the amount of \$50,000.

*Note: Grant funds will be used to ensure adequate preparedness for a response to an all hazard event to include terrorism within the State of North Carolina. The grant funds have been allocated for the NC/SC Terrorism Conference to be held in Charlotte, NC, September 29 and 30, 2008. The conference provides funding for training of members of the Homeland Security community in prevention and response to a terrorism event.*

**(13) NORTH AMERICAN POLICE WORK DOG ASSOCIATION (NAPWDA) TRAINING CONFERENCE PROCEEDS —SHERIFF’S OFFICE**

Recognize, receive and appropriate funds from the North American Police Work Dog Association (NAPWDA) Training Conference in the amount of \$7,260.

*Note: The Mecklenburg County Sheriff’s Office hosted the NAPWDA training conference in Charlotte, NC. NAPWDA provides for the proceeds from the conference to remain with the host agency to purchase Canine equipment and supplies for their agency.*

**(14) FUTURE GREENWAY DONATION AGREEMENT**

Authorize the County Manager to execute an agreement for the conveyance of a 3.46-acre land donation from Tax Parcels 025-291-15, 025-291-16 and 025-291-17 on Dixon Branch off Northlake Center Parkway from Gandy Communities, Inc. and/or Gail Gale, Paul Gale III and

Susan Gale.

*Note: The property will be used for greenway space.*

*Agreement recorded in full in Minute Book 44-A, Document #209.*

**(15) SOUTHWEST CENTRAL PARK DISTRICT I LAND EXCHANGE**

Adopt a resolution of intent to exchange a +/- .4534-acre portion of County Tax Parcel 115-046-11 for a +/- .4534-acre portion of Tax Parcel 115-046-12 owned by William H. Stewart, both located off Holabird Lane and Nesbit Drive in Central Park District I.

*Note: The above 1.08-acre tract (Tax Parcel 115-046-11) from which the County exchange parcel will be taken was acquired in 2007 as part of a larger assemblage to expand the southwest community park site in CPDI. The proposed land exchange will reconfigure both this portion of the now 85-acre park site and the Stewart property to better accommodate the development plans of each party. For the County, the exchange area will be utilized as an entrance drive to the southeasterly edge of the park site where multiple North Carolina Athletic Association (NCAA) standard baseball fields will be constructed. Also in this part of the park will be a playground, parking and a connector drive to the existing Southview Recreation Center. Mr. Stewart's new property configuration will work with his development plan for residential units here. Based on land values from the County's purchase last year, each of the exchange parcels is valued at +/- \$19,500; thus no funds will be exchanged in this transaction. (This request was discussed in closed session on September 3, 2008 and adopted in open session; however the public notice was not published by the newspaper as requested by the Clerk in time for the adoption of the resolution authorizing the exchange to be considered on September 16, 2008. The attached resolution states that the exchange will now occur on October 7, 2008.)*

*Resolution recorded in full in Minute Book 44-A, Document #210.*

**(16) ACQUISITION FOR LONG CREEK GREENWAY**

Approve the purchase of +/- 18.61 acres included in Tax Parcels 033-221-06 and 033-051-25 off Simpson Road from Lucille McClure for \$130,270.

*Note: The above vacant property will become part of Long Creek Greenway, which is designated to be part of the Carolina Thread Trail.*

**(17) EASTWAY PARK NAMING**

Approve naming the new park being developed near Eastway Drive and The Plaza "Eastway Park."

**(18) STATE BOARD OF ELECTIONS GRANT FUNDS FOR EARLY VOTING**

Recognize, receive and appropriate \$60,084 in grant funds from the State Board of Elections to operate additional Early Voting sites for the 2008 Primary election.

**(19) LITTLE SUGAR CREEK LAND ACQUISITION**

Approve accepting bid assignment at \$15,750 for Tax Parcel 081-099-18 on E. 15th Street in the Belmont neighborhood.

*Note: The lot is located in the Belmont neighborhood where most of the Little Sugar Creek floodplain land has been acquired by the County for greenway and water quality enhancement purposes.*

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**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**STAFF REPORTS AND REQUESTS**

**(20) WTVI/PUBLIC SQUARE AGREEMENT**

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-2 with Commissioners Clarke, Helms, Mitchell, Ramirez, and Woodard voting yes and Commissioners Bentley and Bishop voting no, to approve Agreement for the Establishment and Operation of Public Square.

*Note: Approval of the multi-year Agreement will establish County support for the creation and operation of a new television channel and website dedicated to enhancing civic awareness and civic engagement, managed by WTVI staff under the direction of the Charlotte-Mecklenburg Public Broadcasting Authority.*

General Manager John McGillicuddy presented this matter to the Board. Ed Driggs, chairman of the Public Broadcasting Authority and Elsie Garner, executive director spoke in support.

*Agreement recorded in full in Minute Book 44-A, Document #211.*

*Commissioner James returned to the dais.*

**(21) CITIZENS REVALUATION ADVISORY COMMITTEE (CRAC) REPORT**

The Board received the Citizens Revaluation Advisory Committee Executive Summary Report and Comments on the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal.

Tax Assessor Garrett Alexander presented the matter to the Board.

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(22) EMERGENCY POLITICAL OVERSIGHT POLICY (COMMISSIONER JAMES)**

Commissioner James addressed having an Emergency Political Oversight Policy.

It was the consensus of the Board to instruct the County Manager to report back on development of an Emergency Political Oversight Policy to allow for Board functions during times of disaster and what would be needed in terms of legislation and protocols, as it relates to the current emergency management guidelines.

**(23) CMS FREE AND REDUCED LUNCH PROGRAM FRAUD (COMMISSIONER JAMES)**

Commissioner James addressed the current Fraud issues with CMS' Free and Reduced Lunch Program which is now (according to CMS) over 60% and determine an appropriate solution in coordination with CMS.



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*Commissioners Bentley and Bishop left the meeting and were absent for the remainder of the meeting.*

It was the consensus of the Board to direct the County Manager to discuss this matter with School Superintendent Dr. Peter Gorman to find out exactly what is going on and to report back to the Board.

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

**ADJOURNMENT**

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez, and carried 6-0, with Commissioners Clarke, Helms, James, Mitchell, Ramirez, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:40 p.m.

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Janice S. Paige, Clerk

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H. Parks Helms, Vice-Chairman