

OCTOBER 7, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 7, 2008.

ATTENDANCE

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

Absent: Commissioner Valerie C. Woodard
(*Note: Commissioner Woodard passed away on October 3, 2008.*)

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS – WACHOVIA BANKING UPDATE

The Board received an update from Bob Morgan, President of the Charlotte Chamber of Commerce regarding the impact of the sale of Wachovia on the community. The Board also heard from Finance Director Dena Diorio.

The following was noted by Mr. Morgan, but prior to beginning, he expressed condolences to the Board and to the Woodard family on the passing of Commissioner Valerie C. Woodard.

- The Wachovia outcome is unknown, however, the Chamber was informed that the possibility of Wachovia remaining independent is “slim.”
- Wachovia is the second largest employer in Mecklenburg County and has been a “leader” in making good things happen here in Charlotte/Mecklenburg County.
- The loss of Wachovia will be a loss to the community.
- The Chamber wants to have a good working relationship with whoever ends up owning Wachovia; and has communicated with officials of Wells Fargo and CitiGroup in order to begin creating opportunities to make the case as to why jobs and investments should remain here in Charlotte/Mecklenburg County.
- Bank of America continues to thrive.
- Charlotte is still the second largest banking center in the United States.
- Charlotte/Mecklenburg County has never been a one industry town, which is a plus when situations like this occur.

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- The Chamber tracks the economy of Charlotte/Mecklenburg County on a quarterly basis in terms of new/announced jobs, square footage, investments for private sector non-residential investments.
- Third Quarter tracking figures for 2008 were given compared to 2007, with respect to new and/or expanding firms (08-929 / 07-898), new jobs (08-9,592 / 07-11,233), square footage (08-21.1 million / 07-19.9 million), investments (08-1.74 billion / 07-1.8 billion).
- The Chamber is working with the community's other economic development partners.
- The Chamber continues to encourage the support of the bonds on the ballot in November.
- The Chamber is also encouraging the completion of 485 by the state.

Comments

Commissioner Clarke said the community needs to continue to think about being an attractive place for additional investments by all sorts of employers.

Mr. Morgan said economic diversification is important and that the community should keep its "chin up" and move forward.

Commissioner Ramirez asked if it was known how many jobs will be lost at Wachovia.

Mr. Morgan said he does not know. He said it'll probably be weeks before the impact, in terms of jobs, is known.

Commissioner Mitchell asked about the status of the new Wachovia Cultural Facility that's under construction.

Mr. Morgan said it's his understanding, that's an obligation that's pretty "locked down" and will be assumed by whoever owns that asset and liability.

Commissioner James asked was it true Wells Fargo is the better deal for Wachovia.

Mr. Morgan said he couldn't answer that question.

Chairman Roberts noted that in light of the Wachovia situation, there will be persons looking for employment probably around the January/February timeframe. She asked Mr. Morgan to assist in thinking about jobs that work well with people with financial skills; and that the Chamber try and get out in front of this. She said the County would be willing to work with the Chamber on a conference or some type of collaboration in this area.

Chairman Roberts thanked Mr. Morgan for appearing.

Finance Director Dena Diorio addressed the County's relationship with Wachovia. The following areas were covered:

- Remarketing (bonds)
- SWAPS
- Liquidity
- Investments
- Banking
- Merchant Services
- Printing and Mailing Contract

A handout was provided regarding these areas.

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

The Board also received a graph depicting the Average Monthly Interest Rates (FY08 & FY09).

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

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Comments

Commissioner Bishop asked for clarification with respect to Liquidity, which was addressed.

Commissioner Clarke asked for clarification with respect to Remarketing, which was addressed.

Chairman Roberts asked how much was budgeted for COPs and bonds with respect to interest rates. *The response was 6% for COPs for variable rate interest and bonds 5.75%.*

Chairman Roberts asked was the County under what it estimated needing for interest. *The response was yes.*

Commissioner Bishop asked if the market for the County's bonds just as disruptive as other markets. *The response was yes. It was noted that remarketing is not occurring right now.*

Commissioner Bishop asked what happens if the Liquidity provider fails. *The response was that Mecklenburg County would be the backstop and would have to buy back the bonds.*

Commissioner James asked for clarification with respect to the SWAPS, which was addressed.

Commissioner James asked had there been any discussions about a policy that would provide a range or limit the amount of variable rate debt. *The response was right now the County is at 30%. Also, the Rating Agencies feel that because of the strong reserves the County has and its large fund balance that the County can take on that exposure of having that variable rate debt and not be at risk. It was noted that being in the variable rate market has saved the County about \$65 million in interest expense.*

Commissioner James said if things continue as they are now with respect to the economy that it may be necessary for the County to reprioritize some projects.

It was noted that discussions have already begun with departments regarding the status of capital projects, including the possible deferral of projects.

Commissioner James said he would like to see a written analysis that explains why the County's variable rate debt should be where it is compared to, as an example, the Institute of Government's model.

Commissioner Clarke asked what was the County's rule of thumb, with respect to the amount of working capital over a period of time, that the County would have this time of year to cover our obligations. *The response was that staff will get an answer to this question.*

This concluded the discussion.

Finance Director Diorio said she would keep the Board updated.

Note: The above is not inclusive of every comment.

(2A, 2B, 2C, 2D) 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, C) CONSULT WITH ATTORNEY AND D) PERSONNEL MATTER

Prior to going into Closed Session, the Board acknowledged the following purposes for going into Closes 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, C) Consult with Attorney and D) Personnel Matter:

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- Tax parcel # 145-173-10
- Tax Parcel 065-143-06 and Tax Parcel 065-143-05
- Tax Parcel#207-081-13
- Tax Parcels 099-261-05, 099-261-04, 099-253-15 and 099-253 on North Sharon Amity Road and Hickory Grove Road, consisting of approximately 44 acres
- Tax Parcels 163-061-01, 163-061-02, 163-061-03, 163-061-05 and 163-06S-01 adjacent to McClintock Middle School, 5.57 acres
- Land in Third Ward of owned by 300 South Church, LLC and RBC Corporation
- Tax Parcel 023-022-33

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, 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, C) Consult with Attorney and D) Personnel Matter.

The Board went into Closed Session at 5:45 p.m. and came back into Open Session at 6:45 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

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

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

-FORMAL SESSION-

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

Chairman Roberts acknowledged the unexpected passing of Commissioner Valerie C. Woodard on Friday, October 3, 2008. She expressed condolences to the Woodard family, who were present.

A video was shown depicting clips of Commissioner Woodard at Board meetings throughout her tenure on the Board.

MANAGER'S REPORT

(6) INDUCTION INTO THE ORDER OF THE HORNET – COMMISSIONER VALERIE C. WOODARD

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

The order was accepted by Commissioner Woodard's family.

The following persons asked to speak in memory of Commissioner Woodard, each expressed their admiration for Commissioner Woodard and spoke of her work in and for the community.

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- Dwayne Collins, Chairperson of and on behalf of the Black Political Caucus (Mr. Collins presented a Proclamation proclaiming October 7, 2008 as “The Honorable Valerie C. Woodard Day” in Charlotte and Mecklenburg County. The proclamation was given to the family. A copy was placed at Commissioner Woodard’s seat at the dais. It is now on file with the Clerk to the Board.)
- Wilhelmenia I. Rembert (Former County Commissioner)
- Ms. Johnnie Collins
- Carole Jorgensen on behalf of the National Alliance of Mental Illness, Charlotte Affiliate
- Rebecca Gomer on behalf of the Young Democrats of Mecklenburg County
- Pastor Brenda Stevenson on behalf of the Hoskins Community Westside Organization

Commissioner Woodard’s husband, William Woodard, thanked the Board for their expressions of sympathy. He said Commissioner Woodard loved him, her family, the Mecklenburg Board of Commissioners, and “all of the residents of Mecklenburg County.” He thanked the Board and all of the community for their expressions of kindness.

Chairman Roberts announced that a wake would be held for Commissioner Woodard on Wednesday, October 8, 2008 at Alexander Funeral Home from 6:00 p.m. – 8:00 p.m. Her funeral service would be Thursday, October 9, 2008 at Saint Paul Missionary Baptist Church with visitation from 11:00 a.m. – 11:55 a.m., the service at Noon.

Board Members and staff around the dais expressed their condolences to the family.

The Woodard family left at this time.

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) CENTER FOR COMMUNITY TRANSITIONS, INC.

Motion was made by Commissioner Bentley, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a proclamation recognizing the work of the Center for Community Transitions, Inc.

The proclamation was read by Commissioner Bentley and received by Myra Clark, Executive Director of the Center for Community Transitions, Inc.

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

(1B) NATIONAL 4-H WEEK

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a proclamation recognizing October 5-11, 2008 as National 4-H Week.

The proclamation was read by Commissioner Bishop and received by Robert Furr, Extension Agent and two students.

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:

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Javonda Peay addressed the Family Court System, but prior to beginning she expressed her condolences to the Woodard family. She informed the Board that her case has been on the docket since 2001. Her husband has custody of her son. Ms. Peay said the Guardian Ad Litem is a useful program, but it has not assisted her in the way that it should have. She said a ruling has yet to be made regarding her getting her son back. She noted that she's raising two other children. Ms. Peay suggested that an audit be done of the court cases that have been on the docket for quite sometime and/or an audit of the Guardian Ad Litem Program.

Maudia Melendez, executive director of Jesus Ministry, an organization that works with the Latin American community and builds bridges with other communities, Patrice Ognodo with Neighborhood Good Samaritan Center and Mel Parker addressed an upcoming event entitled African-Latino Night, October 17, 18, & 19, 2008, but prior to beginning expressed condolences to the Woodard family.

The following persons addressed the Family Court System and the Guardian Ad Litem Program. They asked the Board to examine the operations of both. It was said that the Guardian Ad Litem Program was "improperly used and abused." Also, they're aware that many of the corrections needed must occur at the state level but that the Board can assist also since it's responsible for the Department of Social Services. They said the NC Court Watch Commission can assist by watching what occurs in the courts. They addressed the length of time it's taking for cases to be disposed of and the need for Judges that care about the welfare of the children and will decide based on the facts. The speakers were:

Gregory Ritch
Natalie Bingham
Isaac Davis, Jr.
Angela Glendry
Donna Jenkins-Dawson (Ms. Dawson expressed condolences to the Woodard family.)

Chairman Roberts noted that the courts are under the auspices of the state. She thanked the speakers, nonetheless, for bringing these matters to the Board's attention and that their concerns would be brought to the attention of the Mecklenburg County Legislative Delegation.

APPOINTMENTS

(3A) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to appoint Mr. Ollie Frazier to the Waste Management Advisory Board as recommended by the Town of Matthews for a three-year term expiring October 31, 2011.

PUBLIC HEARINGS

(4A) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT APPLICATION

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of

Social Services application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2008-2009.

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

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Commissioner Helms returned to the dais.

Chairman Roberts informed the public about Voluntary Title VI Public Involvement. She read the following statement: Title VI of the Civil Right's Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency's federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1830 or email at slipscomb@ncdot.gov.

It was also noted that forms were available at the entrance of the Meeting Chamber.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2008-2009; and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2008-2009.

CERTIFIED STATEMENT

FY09

County of Mecklenburg

RURAL OPERATING ASSISTANCE PROGRAM

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering all federal and/or state programs related to public transportation, and grants NCDOT authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY09 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as NCDOT may require;

WHEREAS, it is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises, Minority Owned Business Enterprises and Women Owned Business Enterprises shall have the opportunity to participate in the performance of contracts financed in whole or part by Federal and State funds in order to create a level playing field, and the county shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract.

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2008 through June 30, 2009;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

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This is to certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Mecklenburg North Carolina, and that the following statements are true and accurate:

Elderly and Disabled Transportation Assistance Program

1. The funds received from G.S. 136-44.27 will be used to provide transportation services for the elderly and disabled allowing individuals to reside for a longer period in their homes, thereby enhancing their quality of life.
2. The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.

Employment Transportation Assistance Program

1. The purpose of these transportation funds is to assist transitional Work First participants after eligibility for cash assistance has concluded, participants in local Workforce Development Programs, and/or the general public with employment-related transportation needs
2. The funds are limited to use by the local Department of Social Services, Work Force Development Program or the community transportation system.
3. The funds may be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program after an assessment of employment transportation needs in the service area indicates that employment transportation needs are substantially being met. This assessment will occur prior to any transfer of funds and following submission of a statement to that effect from the County Manager to the Public Transportation Division.

Rural General Public Program

1. The funds are limited to use by the community transportation system
2. The funds will not be used to provide human service agency trips.

Certified Statement recorded in full in Minute Book 44-A, Document # 212.

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts voting yes, to recognize, receive and appropriate grant funds when awarded.

(4B) SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE REVISION

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts and voting yes, to open a public hearing to hear comments on the Revisions to the Mecklenburg County Soil Erosion and Sedimentation Control Ordinance.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, and Roberts voting yes, to close the public hearing and adopt the revised Mecklenburg County Soil Erosion and Sedimentation Control Ordinance to be effective immediately.

Note: Summary of proposed Changes to the

Soil Erosion and Sedimentation Control Ordinances
September 2008

Section 3

Definitions

- Definition for 'Competent Person' added
- Definition for 'Person Responsible for the Violation' modified to include contactor with control over the Tract

Section 4

Scope and Exclusions

- Changes consistent with State Model Ordinance

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- Section 8 Mandatory Standards for Land-Disturbing Activity
- Additional control measures required for Lakes and Watercourses as well as Wetlands
 - Stabilization and Ground Cover required within 21 calendar days consistent with State Model Ordinance
 - Text referring to standards for ‘more than one acre’ corrected to ‘one acre or more’
 - State or Federal requirements for monitoring must be met if more restrictive than stated standards
 - Person performing monitoring shall have certification
 - Corrective action to begin within 24 hours after rain event or inspection
 - Minor text modifications for increased clarity
- Section 9 Design and Performance Standards
- Borrow and waste change consistent with State Model Ordinance
- Section 10 Erosion and Sedimentation Control Plans
- Owner consent required consistent with State Model Ordinance
 - Erosion control plans must comply with local water quality regulations
- Section 12 Inspections and Investigations
- Paragraph about Temporary Certificate of Occupancy deleted. Temporary Certificate of Occupancy is not allowed by North Carolina Building Code when local codes have not been met
 - A repeated violation by the same person on different tracts would be subject to immediate penalty.
- Section 13 Penalties
- Text on violations not resulting in off-site sedimentation modified to refer to standards in Section 8 instead of re-listing the standards
 - Sentence limiting past record of consideration for a repeat violator to only two years deleted in accordance with a decision made by the Storm Water Advisory Committee in 2006.

Ordinance recorded in full in Minute Book 44-A, Document #213.

Commissioner Mitchell returned to the dais.

(5) ADVISORY COMMITTEE REPORTS – NONE

(2B) CLOSED SESSION LAND ACQUISITION LITTLE SUGAR CREEK GREENWAY ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the purchase of +/- 27 acres included in Tax Parcel#207-081-13 located at 10401 Cadillac Street in Pineville from HBW LLC for \$2,823,800.

Note: The above property has recently been operated as a golf driving range (Crown Golf Center) by the seller’s family. The tract is within Pineville’s extraterritorial jurisdiction and is zoned B4 (highway business district). This property will become part of Little Sugar Creek Greenway. It will provide a parking lot/ access point for the future trail as well as a potential site for other recreation facilities. The property may also serve as an operations/maintenance center for the greenway crews.

(2B) CLOSED SESSION LAND ACQUISITION CHARLOTTE-MECKLENBURG SCHOOLS ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve as requested by the Charlotte-Mecklenburg Board of

Education, the purchase prices of: 1) The Alexander site at North Sharon Amity Road and Hickory Grove Road including Tax Parcels 099-261-05, 099-261-04, 099-253-15 and 099-253-14 with +/- 44 acres for \$39,000 per acre (+/- \$1,716,000), and

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2) Site expansion land for the McClintock Middle School on Rama Road including Tax Parcels 163-061-01, 163-061-02, 163-061-03, 163-061-05 and 163-06S-01 with +/- 5.57 acres for \$109,000 per gross acre (+/- \$592,250).

CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the following item(s) with the exception of items(s) 10 to be voted upon separately :

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held September 16, 2008, Budget Public Policy Meeting held September 9, 2008, and Closed Session held September 16, 2008 and September 3, 2008.

(8) 2008 MOBILE SOURCE EMISSIONS GRANT

1) Recognize, receive and appropriate \$102,925 in grant funds from the NC Department of Environment and Natural Resources for 2008 Mobile Source Emissions Grant project titled, "Grants to Replace Aging Diesel Engines."

2) Authorize funds to be carried to subsequent years until completion of project.

(9) DUKE ENERGY FOUNDATION GRANT

Recognize, receive and appropriate \$2,500 in grant revenue from the Duke Energy Foundation.

Note: Duke Energy is providing funding for Mecklenburg County Air Quality staff to organize and hold one or more events promoting electric lawnmowers. A gasoline powered lawnmower emits about 50 pounds of pollution each summer while an electric lawnmower has no direct emissions and can be recharged when electricity demand is low. The funding will be used to provide discounts to citizens in our region that purchase electric lawnmowers at the event. Providing this incentive will motivate individuals to buy electric lawnmowers and recycle old gasoline mowers reducing pollution and increasing awareness about the impact of lawn and garden equipment on local air quality.

(11) TAX COLLECTOR'S SETTLEMENT FOR FISCAL YEAR 2008

Receive, accept and enter into the records of the Board of County Commissioners the Tax Collector's Settlement for fiscal year 2008.



MECKLENBURG COUNTY

Office of the Tax Collector

OCTOBER 7, 2008

To: Board of County Commissioners
Harry L. Jones, Sr., County Manager
Dena Diorio, Finance Director

From: Neal L. Dixon, Tax Collector

Date: August 25, 2008

Subject: Tax Collector's Settlement for Fiscal Year 2008

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector's report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2007-2008 (Tax year 2007). The settlement also includes the collection of prior year's taxes during fiscal year 2007-2008 as reflected on the report.

Current Year Collections

Total FY 2008 Tax charged to the Tax Collector for Collection: \$810,835,564.91.

<u>Tax Collected</u>	<u>Tax Charged</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct.</u>
Real & Personal	\$746,812,191.69	\$735,781,411.81	\$11,030,779.88	98.53%
<u>Reg. Motor Vehicle</u>	<u>\$ 64,023,373.22</u>	<u>\$ 55,236,110.12</u>	<u>\$8,787,263.10</u>	<u>86.28%</u>
Total	\$810,835,564.91	\$791,017,521.93	\$19,818,042.98	97.56%

The totals above reflect the uncollected taxes for all tax bills. Of this total, the Tax Collector was barred from collecting 804 real estate and personal property tax bills totaling \$445,444.17 by the U.S. Bankruptcy Court.

The total tax collected to the Tax Collector is adjusted to credit the Tax Collector with releases and adjustments as permitted by N.C.G.S. 105-373(b) (1 -6).

Reference is hereby made to reports in the Office of the Tax Collector that list the persons owning real property and personal property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person. These reports are available for inspection and review upon request. The Tax Collector has made diligent efforts to collect the taxes due from the persons listed out of their personal property and by other means available to him for collection.

Tax Collector's Settlement for Fiscal Year 2007

Prior Year Collections

During FY 2008, the Tax Collector pursued collection of delinquent prior year taxes.

Real Estate and Personal Property Tax:

<u>Tax Year Collected</u>	<u>Tax Charged</u>	<u>Uncollected Bal.</u>	<u>Collected in FY 2007</u>	<u>Pct.</u>
1997	\$319,434,607.87	\$ 472,924.71	\$ 24,075.61	99.90%
1998	\$362,906,656.03	\$ 581,729.50	\$ 39,910.49	99.90%
1999	\$404,007,294.18	\$ 746,659.42	\$ 44,221.46	99.90%
2000	\$429,174,017.05	\$1,136,346.54	\$ 60,471.73	99.80%
2001	\$528,418,501.58	\$1,503,189.81	\$ 129,880.03	99.80%
2002	\$542,257,360.16	\$3,142,362.28	\$ 193,682.98	99.50%
2003	\$583,093,272.02	\$1,941,796.76	\$ 338,895.36	99.70%
2004	\$602,449,712.78	\$2,242,785.65	\$ 571,245.17	99.70%
2005	\$688,852,978.05	\$3,013,327.51	\$1,357,400.52	99.60%
2006	\$695,988,651.76	\$4,344,211.83	\$5,417,584.22	99.40%

Registered Motor Vehicle Tax:

2004	\$49,339,231.59	\$2,002,346.27	\$ 30,252.18	96.00%
2005	\$60,631,994.95	\$2,749,439.25	\$ 495,423.82	95.50%
2006	\$61,068,073.62	\$2,387,617.64	\$6,189,250.38	96.10%

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Tax Collector Comments

The collection percentage for real estate and personal property taxes was lower than that of the previous year by 0.06%. The registered motor vehicle tax rate exceeded that of the previous year by 0.75%. During FY 2008, prior year collections for FY 2007 increased the collection percentage by 0.81% (\$5,417,584.22) for real estate and personal property taxes and by 10.57% (\$6,189,250.38) for registered motor vehicle taxes.

As the statistics indicate in this report, the collection percentage for real estate and personal property taxes exceeds 99.00% within one year. The collection percentage for registered motor vehicle taxes exceeds 96.00% within one year. This is a major accomplishment given the economic conditions that affected many of our taxpayers this fiscal year.

Please contact me at Neal.Dixon@MecklenburgCountyNC.gov or 704-336-3322 if you have any questions or comments regarding this settlement report.

North Carolina General Statute 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body.

Neal Dixon	8/25/08
Tax Collector	Date

Sworn to and subscribed before me this 25th day of August, 2008

Diane M. Reese
Notary Public

Settlement Report recorded in full in Minute Book 44-A, Document # 214.

(12) TAX REFUNDS

Approve refunds in the amount of \$7,642.60 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.

(13) LATTA PLANTATION NATURE PRESERVE EXPANSION

Approve purchase of Tax Parcel 023-022-33 (+/- 3.347 acres) at Latta Plantation Nature Preserve for \$28,500 from Crescent Resources, LLC.

(14) TOBY CREEK GREENWAY ACQUISITION

Approve purchase of +/- 1.25 acres of Tax Parcel 049-252-17 at 726 Carolyn Lane for \$9,500 per acre from Reginal and Jo Ann Pinkerton.

Note: The subject property is part of a land assemblage for the future extension of the Toby Creek Greenway between University City Boulevard and Rocky River Road.

(15) DESTRUCTION OF DOCUMENTS – LUESA

OCTOBER 7, 2008

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.*
- *371 commercial plans permitted July 2006*
- *365 commercial plans permitted August 2006*
- *401 commercial plans permitted September 2006*
- *Micro Film – Jan 1996-Dec 1997 = 33*
- *Micro Film – Jan 1998-Dec 1998 = 44*
- *Daily Deposits - 1/1/05-12/31/07 = 10,445*
- *Credits & Refunds 12/1/06-8/23/07 = 363*

(16) LITTLE SUGAR CREEK GREENWAY – MIDTOWN SECTION – CONSTRUCTION CONTRACT

Authorize the County Manager to award a construction contract to TK Browne Construction, Inc. for a total amount of \$634,919, upon receipt of Construction Authorization from NCDOT Division of Bicycle and Pedestrian Transportation.

Note: This contract is for the construction of the Little Sugar Creek Greenway - MidTown Section.

(17) REVOLUTION PARK PUBLIC GOLF COURSE AND THE FIRST TEE OF CHARLOTTE (TFTC)

Adopt a resolution declaring the County's intent to enter into a lease agreement with TFTC to centralize and operate a junior golf program at the Revolution Park Golf Course.

Resolution recorded in full in Minute Book 44-A, Document #215.

(18) ATHLETIC FIELD LIGHTING

Approve the purchase of athletic field lighting systems without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e).

(19) LOW INCOME ENERGY ASSISTANCE PROGRAM (LIEAP) AND CRISIS INTERVENTION PROGRAM (CIP) ADMINISTRATION - DSS

Amend the Fiscal Year 09 Adopted Budget by recognizing, receiving and appropriating \$24,138 for Low Income Energy Assistance Program and the Crisis Intervention Program (LIEAP/CIP).

(20) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) DOMESTIC VIOLENCE REVENUE - DSS

Amend the Fiscal Year 09 Budget by recognizing, receiving and appropriating from the North Carolina Division of Social Services an additional \$11,384 in Federal revenue for the TANF Domestic Violence program.

(21) WORK FIRST DEMONSTRATION GRANT - DSS

OCTOBER 7, 2008

Decrease the revenue and expenditures in the Fiscal Year 09 Adopted Budget by \$20,000 for the Work First (WF) Demonstration Grant.

(22) AREA MENTAL HEALTH GRANT APPLICATIONS

A) Approve submission of the following single-year renewal grant applications for HUD Mental Health ACCESS program:

- a) Grant for \$316,764 for fiscal years 2009 and 2010
- b) Grant for \$44,363 for fiscal years 2009 and 2010.

B) Approve submission of Shelter Plus Care single-year renewal grant applications as follows:

- a) Renewal A for \$990,528 for fiscal years 2009 and 2010
- b) Renewal B for \$281,976 for fiscal years 2009 and 2010.

C) Approve submission of a new HUD multi-year application for Shelter plus Care grant, New Samaritan Bonus, of \$255,186.

D) Approve, recognize, receive and appropriate the amount of the awards when received.

(23) FUNDING ADJUSTMENT – AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate State funds in the amount of \$60,000 for individuals with Traumatic Brain Injuries. This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used for community services provision and support for individuals with traumatic brain injuries.

B) Approve, recognize, receive and appropriate State funds in the amount of \$10,011 for Developmental Disabilities Diversion Funds. This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used for the purpose of supporting a community of Developmental Disabilities (DD) diversion site, to limit the number of hospitalizations in state institutions.

C) Approve, recognize, receive and appropriate State funds in the amount of \$155,166 for Mobile Crisis Management Team Funding. This Board Action is necessary due to funding allocated by the NC Division of MH/DD/SA Services. These funds will be used for Mobile Crisis Management Team Funds.

D) Approve, recognize, receive and appropriate cash donations in the amount of \$500 to the SAMSHA Grant program. This Board Action is necessary due to cash donations received from provider agencies for the SAMSHA program. These donations will assist needy families with purchasing school supplies for their children enrolled in the MeckCares Program.

(24) ABANDONMENT AND CLOSING – A 0.12 MILE SECTION OF HIGHWORTH LANE – SET PUBLIC HEARING

Adopt a resolution of intent to close a 0.12 mile section of roadway and right-of-way of Highworth Lane and set a public hearing at 6:30 p.m. on November 5, 2008 to hear residents comments.

Resolution recorded in full in Minute Book 44-A, Document # 216.

(25) ABANDONMENT AND CLOSING – A 0.4 MILE SECTION OF FRANK VANCE ROAD (SR 2045) - SET PUBLIC HEARING

OCTOBER 7, 2008

Adopt a resolution of intent to close a 0.4 mile section of roadway and right-of-way of Frank Vance Road and set a public hearing at 6:30 p.m. on November 5, 2008 to hear resident's comments.

Resolution recorded in full in Minute Book 44-A, Document # 217.

(26) CITIZEN'S CAPITAL BUDGET ADVISORY COMMITTEE

Approve an amendment to the procedures of the CCBAC to expand the membership from 9 to 11 in order to make Board of Education (BOE) liaisons full members.

(27) HOUSING AUTHORITY PROGRAM

Approve agreement with Charlotte Housing Authority (CHA) for housing program. Recognize and appropriate payment in lieu of taxes (PILOT) in the amount of \$66,538 for allocation to the program.

Agreement recorded in full in Minute Book 44-A, Document # 218.

(28) UNITED STATES DEPARTMENT OF JUSTICE 2008 JUSTICE ASSISTANCE GRANT—SHERIFF'S OFFICE

Recognize, receive and appropriate funds from the U. S. Department of Justice, Justice Assistance Grant in the amount of \$89,979 and recognize, receive and appropriate interest income to be earned on the grant proceeds during the term of this grant in accordance with grant requirements.

(29) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of \$3,376 for Park and Recreation, \$3,836 for Real Estate Services, \$198 for Sheriff and \$2,001 for Land Use and Environmental Services.

Note: All reimbursements are for stolen and damaged items.

(30) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

Adopt the resolution entitled, "Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to JH Food Management, Owner of Joe's Cafe."

Resolution recorded in full in Minute Book 44-A, Document # 219.

(31) CMC-RANDOLPH, BEHAVIORAL HEALTH CENTER – FURNITURE FIXTURES AND EQUIPMENT

Award a Purchase Contract to Meadows Office Furniture in the amount of \$168,882 for of furniture fixtures and equipment for the Emergency Department addition, including both public and staff areas at the CMC-Randolph, Behavioral Health Center.

(32) WINGET PARK EXPANSION

OCTOBER 7, 2008

Approve the purchase +/- 41 acres included in Tax Parcels 199-151-07 and 199-151-08 from James Pierce Blackwelde/Jackson Land LP and William A. Winget, located on Winget Road in the Southwest Park District for \$2,203,000 with a deed restriction limiting the land-use of the property to park and public open space for a term of forty (40) years.

Note: This is a part of the Winget Park Expansion.

(33) SOUTHWEST CENTRAL PARK DISTRICT I LAND EXCHANGE

Adopt a resolution authorizing the exchange of 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.

Resolution recorded in full in Minute Book 44-A, Document # 220.

(34) CPCC PARKING DECK

(1) Approve the transfer of Tax Parcel 080-172-01 to the County from Central Piedmont Community College to be part of the site of the proposed CPCC parking deck; and

(2) Authorize the County Manager to request City Council to remove all restrictions on that portion of the American Legion Memorial Stadium property to be used for the parking deck imposed by the parks consolidation deed to the County.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) NEW COURTHOUSE COURTROOMS

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to authorize the County to purchase millwork from Ebenisterie Beaubois LTEE as a sole source purchase to finish two shelled Courtrooms at the New Courthouse as authorized by G.S. 143-129 (e)(6)(iii).

Note: Commissioner Bishop removed this item from Consent to bring attention to the fact that court reporters are also needed. He noted a recent experience where a case was not heard because there was no court reporter. Commissioner Bishop said this is probably because of the difference in pay for court reporters. He said federal court pay for court reporters is \$250 per day. On the state level it's 120 per day. Commissioner Bishop said something needs to be done about this.

STAFF REPORTS AND REQUESTS

NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(35) CMS REVISIONS TO OPERATING BUDGET "FRAMEWORK" AND POLICY CHANGE RELATED TO A HOLDBACK DUE TO ATTENDANCE (COMMISSIONER JAMES)

OCTOBER 7, 2008

Commissioner James addressed the Charlotte-Mecklenburg Schools Free and Reduce Lunch program.

He noted an e-mail from Regina Bartholomew, General Counsel, to the Board of Education regarding a response from the U.S. Department of Agriculture (USDA).

Commissioner James asked that the e-mail be included in the minutes, which he read a portion of.

Commissioner James said he felt the USDA's response to Ms. Bartholomew was offensive.

Commissioner James then addressed revising the County's CMS operating budget framework to account for 62% fewer Free and Reduce Lunch (FRL) students, since the US Department of Agriculture will not allow a follow-up to the 62% error rate on the sample of FRL applications.

Motion was made by Commissioner James, seconded by Commissioner Bishop to:

- (1) Revise the CMS operating budget framework to account for 62% fewer Free and Reduce Lunch (FRL) students (since the US Department of Agriculture will not allow a follow-up to the 62% error rate on the sample of FRL applications), and
- (2) Develop a policy requiring a hold back of a portion of CMS' operating budget allocation during the budget process to account for the significant attendance errors between CMS' budget in May and the actual 20 day numbers in September.

Commissioner Mitchell suggested a joint letter be written (CMS and the County) to Mecklenburg County's Congressional Delegation regarding the response received by CMS from the USDA.

Commissioner James accepted Commissioner Mitchell's suggestion regarding a letter being written and Commissioner Bishop, who second the original motion concurred, to amend the original motion to direct the County Manager to prepare a letter to go to the County's Congressional Delegation regarding this matter of the U.S Department of Agriculture's response to CMS.

Chairman Roberts said she was okay with writing a letter but not with the other portions of the motion. She feels this is something that should be dealt with at a later time, in light of a new Board coming on board soon.

After further discussion, Commissioner James and Commissioner Bishop agreed to amend their original motion to only ask that a letter be written. Thus, the motion was as follows:

Motion was made by Commissioner James, seconded by Commissioner Bishop and carried 7-1 with Commissioners Bentley, Bishop, Clarke, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Helms voting no, to instruct the County Manager to draft a letter to be sent to the Mecklenburg County Congressional Delegation regarding the issue of Free and Reduced Lunch in CMS and the U. S. Department of Agriculture's response to CMS; in particular the response noted in the e-mail, which is to be attached to the letter. The letter is to be signed by Board Chairman Roberts and Board of Education Chairman Joe White.

E-mail referenced:

From: William F. James, Jr. [wjames@carolina.rr.com]
Sent: Wednesday, October 01, 2008 5:52 PM
To: Paige, Janice
Subject: FW: Response from U.S.D.A.
[Attachment for RFBA](#)

From: Regina Bartholomew <regina.bartholomew@cms.k12.nc.us>
Date: Fri, 26 Sep 2008 14:11:20 -0400

OCTOBER 7, 2008

To: Board Member White<coachjoew@cms.k12.nc.us>; Board Member Griffin<mollygriffin@carolina.rr.com>; Board Member Tate<tom4tate@bellsouth.net>; Board Member Dunlap<gdunlap@bellsouth.net>; Board Member McGarry<kayemcgarry@cms.k12.nc.us>; Board Member Merchant<trent.merchant@cms.k12.nc.us>; Board Member Gjertsen<ken.gjertsen@cms.k12.nc.us>; Board Member Gauvreau<gauvreau@bellsouth.net>
CC: 'Peter Gorman'<peter.gorman@cms.k12.nc.us>; 'Guy Chamberlain'<g.chamberlain@cms.k12.nc.us>; 'Andre Mayes'<andre.mayes@cms.k12.nc.us>; 'Nancy Daughtridge'<nancy.daughtridge@cms.k12.nc.us>

Subject: Response from U.S.D.A.

Dear Board Members:

This correspondence notifies you that I finally heard back from the USDA regarding my previous inquiry. Before I delve into what was told to me, by way of background information, first, let me list the questions that were posed to the USDA:

- (1) May a local educational agency (LEA), in order to improve the integrity of its program, verify more (e.g., 100%) than the sample size specified in the 2004 Reauthorization of the National School Lunch Act (NSLA)?
 - (a) If not, what statutory language prohibits an LEA from conducting its own internal verification when it has concerns about the integrity of its program?
 - (b) If not, what are the penalties if an LEA verifies more than the statutorily mandated sample size for its own internal use?
- (2) May an LEA verify "for cause" individual applications?
- (3) May an LEA verify "for cause" more than the sample size specified in the NSLA if the sample size data indicates a high percentage of errors? If the answer is "no," why would this data not constitute cause?

These questions were posed to the General Counsel, Marc Kesselman for the USDA and were never responded to in writing, or in any other manner. I then made several follow-up telephone calls and finally received a return call today, with some, but not many, definitive answers to our questions. Today, I spoke with Ronald Hill who is an attorney in D.C. office of the USDA who heads up the Food and Nutrition Division (Legal Division). His phone number is 202-720-6181. He indicated during our telephone conversation that we can only audit a sample size of the lesser of 1,000 or 3% of the error-prone applications. Her further stated that "for cause" as defined in the statute is limited to a case-by-case basis, but does not entitle the LEA to conduct an audit of a group of households, because that could exceed the sample size limitation.

After he gave this explanation, I pressed him to provide answers to the remaining questions, but he indicated that the statute was clear and that if we had further questions, we could contact the regional office (Atlanta) for more information. When I told him we had done that and was given competing answers, he indicated that he would speak with them about not giving competing answers, but again directed us back to Atlanta. When I asked him whether he could provide to us a written legal opinion regarding his answers, he indicated that he would not. He further stated that his department only had seven (7) lawyers and that there were well over 1,000 school districts and that he could not ask those seven (7) attorneys to write legal opinions every time a school district had a question. I then told him that I was sure our question was not unique and it would probably prove to be helpful to others if we could get those questions concretely answered. He then directed me back to the regional office. I then asked him what purpose did his office serve, if not to provide legal guidance to districts on its own guidelines and policies, similar to what the U.S. Department of Education and other governmental agencies provide. He told me that each government agency was run differently and that I was being crass by asking him that question, and then he became rude. I apologized and told him that it was not my intent to be crass, but that answers to these questions were critical and that a legal opinion would prove helpful. I then asked if he could simply forward an email to me confirming what he verbally relayed. He told me he would, but I have yet to receive the email and the conversation took place several hours ago. Frankly, I am losing hope that such an email will be sent.

Thus, as it stands right now, we still do not have clear guidance from the USDA about the penalty that CMS would face if we expanded the audit, but from a North Carolina state perspective, we have already been told, per Guy Chamberlain's area, that funding will cease if we exceed the sample size limitation. Further, Mr. Hill also indicated that we cannot exceed the sample size.

Please let me know if you have any further questions or concerns regarding this matter. Thanks.

Regina Harris Bartholomew, Esq.*
General Counsel
Charlotte-Mecklenburg Schools
Legal Department
701 East Martin Luther King, Jr. Blvd.
Charlotte, NC 28202
(980) 343-6228 (telephone)
(980) 343-5739 (facsimile)

In compliance with federal law, Charlotte-Mecklenburg Schools administers all education programs, employment activities, and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability.

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named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, please immediately notify me by return e-mail and permanently delete the original e-mail, any copy of the e-mail and any printout thereof.

*Admitted to the practice of law in the State of Louisiana. Not admitted to the practice of law in the State of North Carolina.

(36) SUPPORT FATHERHOOD TOWN HALL MEETING (COMMISSIONER MITCHELL)

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to appropriate \$7,500 from unrestricted contingency for the Support Fatherhood Town Hall Meeting on November 16, 2008.

Note: Ledger Morrisette with Community Relations and Colin Pinkney, chair of the Planning Committee for the Fathers Town Hall Meeting, addressed this event.

The town hall meeting will be a celebration of fathering throughout Mecklenburg County. It will spotlight the positive ways in which men are impacting the lives of children throughout the community. The hope is to inspire uninvolved men to play a more active role in the lives of their children and other children. This will not only positively impact the lives of children, but the community as a whole.

(37) RESOLUTION – NACO BID FOR 2013 AND 2015 (CHAIRMAN ROBERTS)

Motion was made by Commissioner Mitchell, seconded by Commissioner James and carried 7-1 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes and Commissioner Bishop voting no, to adopt a resolution supporting the Charlotte Regional Visitors Authority's bid to the National Association of Counties (NACo) to host a NACo Annual Conference in Mecklenburg County in either 2013 or 2015.

Note: On September 3, 2008 the Board adopted a resolution requesting that Mecklenburg County be the site of the NACo Annual Conference in support of the Charlotte Regional Visitors Authority's bid effort. Since that time, however, the CRVA is requesting that the County bid for the 2013 conference and the 2015 conference to increase our chances. The 2014 conference is not being pursued because Charlotte-Mecklenburg County will be the host site for the 2014 ICMA conference. Therefore a revised resolution is needed to include the 2015 date as well. The resolution will be included in the bid proposal submitted to NACo in December.

Resolution recorded in full in Minute Book 44-A, Document #220.

(38) BASEBALL STADIUM PROJECT

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to defer consideration of Item 38 – Baseball Stadium Project, placed on the agenda by Commissioner Ramirez until the October 21, 2008 meeting.

Note: The requested action for Item 38 Review and decide the County's course of action with the construction of the Baseball Stadium and its associated business transactions.

(2C, 2D) CLOSED SESSION – C) CONSULT WITH ATTORNEY – D) PERSONNEL MATTER

OCTOBER 7, 2008

Motion was made by Commissioner Bishop, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney and Personnel Matter.

The Board went into Closed Session at 9:15 p.m. and came back into Open Session at 9:35 p.m.

(2C) CLOSED SESSION - CONSULT WITH ATTORNEY

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the Fifth Amendment to Purchase and Sale Agreement between Mecklenburg County and BB&D Investment Group, LLC. with respect to the Hal Marshall Center with such technical revisions as the County Manager shall negotiate.

(2D) CLOSED SESSION – PERSONNEL MATTER – COUNTY MANAGER’S COMPENSATION

Motion was made by Commissioner Helms, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to approve the recommendation of the Board’s Compensation Committee with respect to the County Manager’s Compensation effective Fiscal Year 2008-2009 as follows: Approve an overall 4.4% compensation increase for County Manager Harry L. Jones, as follows: a 4% increase to his base salary and a performance bonus in the amount of \$38,400 with continuation and/or adjustments in the areas of benefits, expense account, deferred compensation, and longevity pay in accordance with his employment agreement.

It was noted that the benefits portion of the County Manager’s Compensation would be addressed at the October 21, 2008 meeting.

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Bishop, seconded by Commissioner James, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:42 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman