

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

JULY 10, 2007

5:00 P.M.

**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 10, 2007.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

Note: The Informal Session began at 5:38 because of a prior Special Meeting.

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

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

**(1A) STAFF BRIEFING - RECONFIGURATION OF GREENWAY/OPEN SPACE
EASEMENT AT UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE
CAMPUS**

Nancy Brunnemer with Real Estate Services addressed reconfiguration of a greenway/open space easement at the University of North Carolina at Charlotte (UNCC) campus.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to authorize the County Manager to negotiate (1) revised easement configurations and (2) rights of entry for trail construction for two portions of the 21-acre greenway easement at the University of North Carolina at Charlotte (UNCC) campus to accommodate changes in the University's master site plan, construction of sections of trail and retention of connectivity for the greenway trail network on and adjoining the campus.

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

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matter to be discussed in Closed Session:

Tax parcel #125-227-04 on Little Sugar Creek at Kenilworth Avenue and Tax Parcel 141-181-01 adjoining the Berewick district park site in southwestern Mecklenburg County.

Also, prior to going into Closed Session, Attorney Bethune announced that the Board would be discussing the following lawsuits: Thomas Wilson v. Mecklenburg County and Direce Wilson v. Mecklenburg County, and Angela Tindall v. Mecklenburg County.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss a) Land Acquisition and b) Consult with Attorney.

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 5:50 p.m.

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

Commissioner Ramirez was also present when the Board came back into Open Session. He left during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 17 and 20.

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

-FORMAL SESSION-

Invocation was given by Commissioner Ramirez's minister, which was followed by the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.

PROCLAMATIONS AND AWARDS

(1A) BOJANGLES' 30TH ANNIVERSARY DAY

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation proclaiming August 7, 2007 as Bojangles' Famous Chicken n' Biscuits 30th Anniversary Day in Mecklenburg County.

Note: Bojangles' Restaurants Inc. was founded in 1977 with headquarters in Charlotte. It currently operates more than 380 stores in 11 states, Honduras and Mexico. Bojangles' has 725 employees in Mecklenburg County with an annual payroll of \$9 million.

The proclamation was read by Commissioner Clarke and received by Richard Poindexter, Senior Vice-President of Marketing.

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:

Martin Davis addressed abortion rates in Mecklenburg County.

APPOINTMENTS

(3A) APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint Harry Sherrill to the Building Development Commission as the American Institute of Architects representative for a three-year term expiring July 18, 2010.

He is replacing Tom Turner.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

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

Stephen Grey	None
Shawn Kimble	Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard
Keith Proctor	None

Chairman Roberts announced that Shawn Kimble was appointed to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring July 2, 2008.

He is replacing Raphael Basisa.

JUVENILE CRIME PREVENTION COUNCIL

The vote was taken on the following nominees for appointment to the Juvenile Crime Prevention Council:

Emily Marroquin	Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard
Alan Teitleman	Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard
Clark Walton	Commissioners Bentley, Bishop, James, and Ramirez
Douglas Wilson	Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard

Chairman Roberts announced that Emily Marroquin, Alan Teitleman, and Douglas Wilson were appointed to the Juvenile Crime Prevention Council for two-year terms expiring June 30, 2009.

Note: They are replacing Richard Halperin, Richard Kingsberry, and Jacotron Potts.

(3B) NOMINATIONS/REAPPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Commissioner Bishop nominated Jon Morris for appointment consideration to the Building Development Commission as the Chamber of Commerce representative.

The appointment will occur on August 14, 2007.

CITIZEN'S CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Christopher Gegg and Wilton Savage to the Citizen's Capital Budget Advisory Committee for two-year terms expiring July 31, 2009.

Commissioner James nominated all applicants for appointment consideration to the Citizen's Capital Budget Advisory Committee: Aric Beals, Bo Boylan, Cynthia Bush, Martin Davis, James Diana, Steven Firestone, Stephen Grey, Shawn Kimble, Richard Kingsberry, Gary Rassel, and Stephanie Tyson.

Note: An appointment will occur on August 14, 2007.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Harold Norman to the Historic Landmarks Commission for a three-year term expiring July 31, 2010.

(3C) TOWN OF MINT HILL PLANNING BOARD

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Thomas N. Gatz to the Mint Hill Planning Board as an Extraterritorial Jurisdiction (ETJ) representative, as recommended by the Town of Mint Hill Board of Commissioners, for a term expiring June 30, 2008.

(3D) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Gregory Scharlemann to the Waste Management Advisory Board, as recommended by Charlotte City Council, for a term expiring May 18, 2010.

PUBLIC HEARINGS

(4A) ROAD ABANDONMENT – WITHERS COVE ROAD

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open the public hearing to hear comments on whether to abandon and close the first 0.06 mile section of Withers Cove Road and its right-of-way at the intersection of Wildlife Road (SR# 1335).

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on whether to abandon and close the first 0.06 mile section of Withers Cove Road and its right-of-way at the intersection of Wildlife Road (SR# 1335); and adopt Order for Closing of the first 0.06 mile

section of Withers Cove Road and its right-of-way at the intersection of Wildlife Road (SR# 1335).

Order recorded in full in Minute Book 44-A, Document # _____.

(4B) ROAD ABANDONMENT – YOUNGBLOOD ROAD

Motion was made by Commissioner Clarke, seconded by Commissioner Woodard and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open the public hearing to hear comments on whether to abandon and close a 0.162 mile section of Youngblood Road (SR# 1102) located 0.512 miles west of the intersection of Youngblood Road (SR# 1102) and McKee Road (SR# 1100) and 0.512 miles east of the intersection of Youngblood Road (SR#1102) and Snug Harbor Drive (SR# 1357).

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on whether to abandon and close a 0.162 mile section of Youngblood Road (SR# 1102) located 0.512 miles west of the intersection of Youngblood Road (SR# 1102) and McKee Road (SR# 1100) and 0.512 miles east of the intersection of Youngblood Road (SR#1102) and Snug Harbor Drive (SR# 1357); and adopt the Order for Closing of a 0.162 mile section of Youngblood Road (SR# 1102) located 0.512 miles west of the intersection of Youngblood Road (SR# 1102) and McKee Road (SR# 1100) and 0.512 miles east of the intersection of Youngblood Road (SR#1102) and Snug Harbor Drive (SR# 1357).

Order recorded in full in Minute Book 44-A, Document # _____.

(4C) MINOR LEAGUE BASEBALL STADIUM

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open a public hearing to receive comments on a proposed economic development grant for a minor league baseball stadium.

General Manager Bobbie Shields addressed the proposal.

The following persons appeared to speak to this matter:

Martin Davis spoke in opposition to an economic development grant for a minor league baseball stadium.

Jerry Reese spoke in opposition and said his opposition “has nothing to do with economic development, nothing to do with baseball in downtown Charlotte; what it has everything to do with is short sightedness and bad public policy.” Mr. Reese said the Board is being asked to supplement a business that has no control over its future, which he said is “hazardous ground.” Mr. Reese presented an alternative, via a slide presentation, that he said may be better and derive more economic development. It was a Third Street esplanade consisting of a 30 foot wide linear park that would run from Tryon Street down to Mint Street down to the park. Mr. Reese said the park would be expandable from 8 acres into a 12-13 acre park by tearing down the Mint Street parking deck and placing it underground. Mr. Reese concluded his remarks by asking the Board to “carefully” consider the long term ramifications of what it’s being asked to do with respect to the proposed economic development grant.

Jeff Beaver, Executive Director of the Charlotte Sports Commission spoke in support of an economic development grant for minor league baseball. Mr. Beaver referenced an e-mail he sent

to the Board indicating the Charlotte Sports Commission's support for the "on-going" efforts to see the Land Swap proposal finalized and its support of an economic development grant to the Knights as part of the overall plan.

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on a proposed economic development grant for a minor league baseball stadium.

Note: Consideration of an economic development grant for a minor league baseball stadium was considered later in the meeting, as noted in the minutes.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER'S REPORT

(6A) CAPITAL IMPROVEMENTS PROGRAM AND BOND REFERENDUM

County Manager Jones presented his recommendation for a capital improvement program and bond referendum.

Highlights:

- The original capital improvement program recommendation presented on June 19, 2007 has been revised to reflect an additional \$5 million for Central Piedmont Community College for a total recommendation of \$852,373,168.
- The recommendation includes funding for Government Facilities, Court Facilities, Law Enforcement Facilities, Park and Recreation, Storm Water, Library Facilities, Central Piedmont Community College, and Charlotte-Mecklenburg Schools.
- Funding Sources proposed include:
 - Pay-as-you-go, primarily for Government Facilities
 - Certificates of Participation primarily for Library Facilities and Central Piedmont Community College Parking Deck
 - Bond Referendum for Charlotte-Mecklenburg Schools and Central Piedmont Community College and for Land Acquisition.
 - 2/3 non-voted bonds
 - \$80 million for Storm Water projects
- The highest cost proposed in the recommendation is for Charlotte-Mecklenburg Schools in the amount of \$616,708,000.

It was noted that prior to this meeting, the Board met in a Special Policy Session and considered the County Manager's request and tentatively approved the amounts recommended by the County Manager for a total of \$235,664,571 for all projects with the exception of Charlotte-Mecklenburg Schools, which would be decided upon during this meeting.

Motion was made by Commissioner Helms seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt as a part of the County's FY2008 Capital Budget the following

\$2,610,000 for Library Facilities, \$21,000,000 for Central Piedmont Community College Facilities to be funded from Certificates of Participation (COPS), \$30,000,000 for Central Piedmont Community College, and \$35,640,000 for Land Acquisition to be included in a bond referendum, \$12 million for Park and Recreation to be funded from 2/3 non-voted bonds, \$53,748,000 for 12 projects to be funded from Pay-as-you-go, \$80,667,000 for Storm Water Projects to be funded through fees; for a total of \$235,665,000.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and failed 5-4 with Commissioners Bentley, Bishop, James, Ramirez, and Woodard voting no and

Commissioners Clarke, Helms, Mitchell, and Roberts voting yes, to adopt as a part of the County's FY2008 Capital Budget for Charlotte-Mecklenburg Public School System an amount of \$616,700,000.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt as a part of the County's FY2008 Capital Budget for Charlotte-Mecklenburg Public School System a total amount of \$486,000,000 in construction, plus \$30,000,000 for land, for a total of \$516,000,000 in the bonds for November. "Being the sense of this Board that the CMS Board will respect the priorities that will be presented by the Board of Commissioners."

The following persons appeared to speak regarding the School Bond request prior to the above motions:

John Minter spoke in support of the full bond amount for CMS as requested by CMS.

A copy of Mr. Minter's remarks is on file with the Clerk to the Board.

Mike Raines spoke in support of the full bond amount for CMS as requested by CMS.

A copy of Mr. Raines' remarks is on file with the Clerk to the Board.

Linda Kakadelis did not speak in opposition or in favor of the proposed CMS bond request. Ms. Kakadelis said the educational needs of the County are great and that no one disputes the needs. Ms. Kakadelis said the debate comes with how the needs can be resolved. Ms. Kakadelis asked the Board to keep moving forward but that the amount be no more than \$550 million, and to go back to the original list of CMS priorities with the intention to help safety issues. She said overcrowding needs to be addressed but with different methods, i.e. modular schools, reuse, and not continuing to build with the same parameters. She asked the Board to spend money on student achievement and not buildings.

Commission Comments prior to the above motions

Commissioner Helms said a CMS capital budget of \$616.7 million, he believes, is the most educationally and fiscally responsible decision that the Board could make.

Chairman Roberts said a CMS capital budget of \$616.7 million was a thoughtfully produced recommendation based on real needs, based on the 5,000 students who will show up in a little over a month, entering school, many of them, for the first time.

Commissioner Clarke spoke in support of the \$616.7 million. Commissioner Clarke said he would really like to have an amount that all Board members could approve and that wouldn't have active opposition in the fall. Commissioner Clarke said he feels "for this community to have two bond referendums defeated in a row would be disastrous and probably would cost the County its AAA credit rating."

Commissioner Mitchell spoke in support of the \$616.7 and concurred with remarks made by Commissioners Helms, Roberts, and Clarke.

Commissioner Ramirez said a bond referendum in the amount of \$617 - \$620 million may be needed, but he believes this is a number that would fail. Commissioner Ramirez concurred with Commissioner Clarke that everyone wants the CMS bond referendum to pass because it would be a disaster for the community if another school bond failed. Commissioner Ramirez said to make it palatable to the community the Board has to have a viable number that people will "buy into" without any problems and something that everyone can embrace.

Commissioner Woodard spoke in support of Commissioner Ramirez's motion. In her remarks, Commissioner Woodard addressed some of the problems encountered with the last CMS bond referendum. Commissioner Woodard concurred also that another failed CMS bond referendum would be disastrous. Commissioner Woodard noted that she at one point suggested a

CMS bond in the amount of \$540 million but per discussions with fellow colleagues the number of \$516 million was agreed upon. Commissioner Woodard said no one can really predict the outcome of this bond but “if we can establish creditability, confidence, and trust within this community and present a reasonable number that is bi-partisan, we all have a good reason to get out and work toward the passage of this bond.”

Commissioner Bishop spoke in support of Commissioner Ramirez’s motion. He also addressed the impact and importance of compromising. Commissioner Bishop said he does have concerns with respect to CMS’ project list, but that he would support Commissioner Ramirez’s motion.

Commissioner Bentley spoke in support of Commissioner Ramirez’s motion, which she feels would have broad community support. Commissioner Bentley said she intends to work towards the passage of the bond, however, like Commissioner Bishop, she does have some concerns about the CMS priority list. Commissioner Bentley said five of the top ten schools on the current priority list that she has are in District 1. Commissioner Bentley said she hopes the Board of Education will “take seriously” the growth needs. She acknowledged also that there are renovation needs as well.

Chairman Roberts expressed her support of Commissioner Ramirez’s motion. Chairman Roberts said there was some risk because the matter will need to go back to the Board of Education for them to review their project list, since it’s a lesser amount. Chairman Roberts said “the spirit of this” is to follow the priorities that the Board has seen and that is going with the Board’s recommendation to the Board of Education. Chairman Roberts noted, however, that the Board does not have absolute control over how that list of priorities may alter before it comes back to the Board from the Board of Education. Chairman Roberts said she hopes everyone will recognize there is a risk, “but that it will be very damaging to go back on what we are doing tonight in our unanimity and say now I can’t support it.”

The Board recessed at 8:20 p.m. and reconvened at 8:35 p.m.

**(6B) SMOKY, MECKLENBURG AND GUILFORD (SMG) CONSORTIUM
‘BEHAVIORAL HEALTH REFORM PILOT’ – AREA MENTAL HEALTH**

The Board received information on a proposed 160(a) interlocal agreement between the Smoky Center and Guilford Center Local Management Entities (LME’s) and the Mecklenburg Area Mental Health, Development Disabilities and Substance Abuse (MH/DD/SA) Authority LME for the formal establishment of a consortium through the creation of an Administrative Services Organization (ASO) to serve as the operational administrator for the SMG Consortium.

Gracye Crockett, Director of Area Mental Health presented the information.

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

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to authorize Board Chairman Jennifer Roberts to sign The Smoky Mecklenburg Guilford Consortium “Behavioral Health Reform Pilot” Letter of Commitment between the North Carolina Department of Health and Human Services and The Smoky Mountain Center, Mecklenburg Area Mental Health Authority and Guilford Center (The SMG Consortium) Mental Health Developmental Disabilities and Substance Abuse Services Local Management Entities.

CONSENT ITEMS

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

Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 17 and 20 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 19, 2007, including Closed Session held June 19, 2007 and Closed Session held May 5, 2007 Items 2b1 and 2b2.

(8) SHERIFF'S SPECIAL REVENUE FUND

Recognize and appropriate \$118,334 for the Sheriff's Special Revenue Fund for Inmate Commissary.

(9) TAX REFUNDS

Approve refunds in the amount of \$7,709.32 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) HUMAN RESOURCES POLICY

Amend the Board's Human Resources policy on "Commitment to Quality Education and Volunteer Activities" to add environmental protection volunteer activities to the list of community activities for which County employees are eligible to receive a match of vacation hours for hours of volunteer work.

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

(11) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the "Offer Of Sale Of Land" from Robert Morgan, owner of 3123 Cullman Avenue for \$327,250.

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.

(12) NC DEPARTMENT OF TRANSPORTATION RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION – SET PUBLIC HEARING

Hold a public hearing at the August 14, 2007 Board of County Commissioners meeting to receive comments on the Mecklenburg County Department of Social Services' grant application for the NC Department of Transportation's Rural Operating Assistance Program for Fiscal Year 2007-2008; and direct the Clerk to publish notice of intent to hold a public hearing.

(13) SOCCER FIELD IMPROVEMENTS – CAPITAL RESERVE REQUEST

Recognize and appropriate \$126,000 from funds accrued in Mecklenburg County's Soccer Field Capital Reserve Account to be used for the installation of irrigation and sprigs for two (2) soccer fields at Robert L. Smith Park.

(14) BLUE CROSS BLUE SHIELD SPONSORSHIP AGREEMENT – YOUTH ATHLETICS

- 1) Authorize the County Manager to negotiate and execute a sponsorship agreement with Blue Cross Blue Shield of North Carolina as a corporate sponsor of youth athletics.
- 2) Amend the FY 08 Park and Recreation department operational budget to recognize and appropriate the \$50,000 sponsorship.

(15) REGISTER OF DEEDS RENOVATION – PHASE II – ARCHITECT SELECTION

Authorize the County Manager to negotiate a fee and execute a contract with Studio 1 Architects for Architectural/Engineering Services for the Register of Deeds Renovation, Phase II; and in the event that negotiations with this firm are unsuccessful, authorize the County Manager to negotiate a fee and execute a contract with Narmour Wright Creech.

(16) GLOCK PISTOL TRADE-IN – SHERIFF’S OFFICE

Approve the trade-in of 20 old Glock Pistols towards the purchase of new Glock Pistols for the Sheriff’s Office.

(18) LAW ENFORCEMENT VEHICLE PURCHASES

Approve the establishment of a unit price contract with Benson Ford of Easley, S. C., the second low bidder, for supplying turnkey law enforcement vehicles.

(19) 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:

- 395 commercial plans permitted May 2005; Charlotte Coliseum plans (100 Paul Buck Blvd) – building was demolished on June 3, 2007
- Five (5) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.

(21) HAZARD MITIGATION PROGRAM – GRANT RECEIVED

1. Recognize, receive, and appropriate \$149,496 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.
2. Authorize the County Manager to execute contracts with the NC Department of Crime Control and Public Safety, Division of Emergency Management for Hazard Mitigation Grant Program.
3. Authorize the carry forward of unspent grant funds to subsequent years until completion of project.

(22) LAND EXCHANGE AT BEREWICK PARK SITE

Adopt a resolution authorizing the exchange of a 1.21-acre portion of County Tax Parcel 141-171-23 for a +/- 1.24-acre tract owned by Pappas Properties, LLC including all of Tax Parcel 141-171-04 and a portion of Tax Parcel 141-171-17, both located on Dixie River Road at the undeveloped Berewick park site in southwestern Mecklenburg County.

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

(23) ABANDONMENT OF A SECTION OF COMMUNITY HOUSE ROAD

Authorize the County Manager to sign a petition requesting the abandonment of a 1,012 square foot section of the right of way of Community House Road adjoining County Tax Parcel 229-041-11.

Note: The County property affected by the above request was acquired for expansion of the Ballantyne district park site. The abandonment of the above roadway will result in a small section 1,012 square feet of that roadway becoming property of the County, i.e. added to Tax Parcel 229-041-11. Other property owners in the immediate area will also sign this petition to the City of Charlotte to abandon this roadway; each owner will receive some portion of the abandoned area. Community House Road was formerly maintained by the North Carolina Department of Transportation (NCDOT) and will henceforth be maintained by the Charlotte Department of Transportation (CDOT). This roadway abandonment does not deprive any land owner of reasonable means of ingress and egress to their property.

(24) MECKLENBURG COUNTY COMPREHENSIVE PARK AND RECREATION MASTER PLAN – PLANNING CONSULTANT SELECTION

Authorize the County Manager to negotiate a fee and execute a contract with Pros Consulting for Comprehensive Master Planning Services for the Mecklenburg County Comprehensive Park and Recreation Master Plan, and in the event negotiations with this firm are unsuccessful, approve negotiations with the second ranked firm Glatting, Jackson, Kercher, Anglin, Inc.

(25) MCDOWELL CREEK BMP – RAIN GARDENS

Authorize the County Manager to execute a Construction Contract with Harvest Environmental Services, Inc. in the amount of \$447,695.

Note: This project will include the construction of four vegetated wetland berms for the purpose of improving water quality in McDowell Creek, which drains to Mountain Island Lake (a primary drinking water source). Improving McDowell Creek is a major component of Storm Water's capital improvement program. This project is funded by the Clean Water Management Trust Fund, North Carolina Department of Natural Resources, and storm water fees.

(26) CAPITAL PROJECT ORDINANCES – AMEND

1) Amend the *School Facilities – Approved in November 5, 2002 Referendum Capital Project Ordinance*.

2) Amend the *Pay-As-You-Go – 2008 Capital Project Ordinance*.

Note: This will provide budgetary authority for the continuation of various school construction and renovation projects. Bonds are scheduled to be issued in January 2008. The amendment to the Pay-As-You-Go ordinance will provide budgetary authority for Renovations at Jail North Annex.

Ordinances recorded in full in Minute Book 44-A, Documents # _____ and _____.

(27) LAND SWAP/INTERGOVERNMENTAL LEASES

- a) Authorize the County Manager to negotiate and execute a lease with the City of Charlotte for space on the Fifth Floor of the Charlotte-Mecklenburg Government Center (600 E. 4th St.).
- b) Authorize the County Manager to negotiate and execute a lease with the City of Charlotte for space on the Second Floor of the former Criminal Courts Building (700 E. 4th St.).
- c) Authorize the County Manager to negotiate and execute a lease with the Charlotte-Mecklenburg Board of Education for space on the Fifth Floor of the Charlotte-Mecklenburg Government Center.
- d) Authorize the County Manager to negotiate and execute a lease with the Charlotte-Mecklenburg Board of Education for continued occupancy of the current Board of Education Office Building Site.

Note: The Brooklyn Village Interlocal Cooperation Agreement between Mecklenburg County (the “County”) and the Charlotte-Mecklenburg Board of Education (the “BOE”) includes the provision of space for the BOE on the 5th floor of the Charlotte-Mecklenburg Government Center (CMGC). Under the proposed plan the County would vacate their portion of the 5th Floor by relocating County Human Resources, lease the remaining space on the 5th floor from the City of Charlotte (the “City”) and then lease the entire floor to the BOE. This would require the City and County Human Resources Departments to relocate from the 5th floor of the CMGC to the former Criminal Courts Building following its renovation within the next two years. The BOE will need to continue to occupy the current BOE Office Building site, while replacement space is being provided at the 5th Floor of the CMGC and elsewhere as determined by the BOE. The County Manager will negotiate the leases consistent with the following business terms.

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

(28) CMS LEARNING COMMUNITY OFFICES LEASE

Approve Resolution for a Board of Education Lease for the Learning Community South Office.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(17) SYNTHETIC TURF SYSTEMS

Mark Nicholls, CEO of one of the unsuccessful vendors (Sportexe), asked the Board to defer making a decision on the award of contracts for providing and installing synthetic turf systems until another review of his company’s proposal could be looked at by a party of the Board’s choosing. Mr. Nicholls said his company’s bid was significantly low compared to the other bidders.

Mr. Nicholls provided each Board member with a copy of his company’s proposal.

A copy of Mr. Nicholls’ proposal is on file with the Clerk to the Board.

Karen Ruppe with Procurement addressed this matter. Jeff Robinson with Park and Recreation was also present. Ms. Ruppe noted the following:

- A formal competitive solicitation was done.

- The Request for Proposal (RFP) was very comprehensive and it outlined all of the information that was needed in order for a selection decision to be made.
- Sportexe's proposal was non-responsive because it did not provide all of the information required.
- Due diligence was done in this case and that to receive additional information at this time would not be fair to the other companies.
- This was solicited through the Request for Proposal process, which low bid is not the deciding factor.

Commissioner Clarke asked Ms. Ruppe if she believed Sportexe was given proper and adequate notice of what was required to participate in the selection process. *The response was yes.*

Commissioner Clarke said it would be hard for him to see how the Board could upset the process that staff has engaged in if Mr. Nicholls was afforded due process as everyone else.

Commissioner James said the issue was not whether staff did a good job or that Sportexe should win, but that the broader question is that the Board is awarding contracts and is relying upon staff's work and now a company is coming forth presenting the Board with information.

Motion was made by Commissioner Bishop, seconded by Commissioner Woodard, to defer approval of contracts for providing and installing synthetic turf systems until the Board's August 14, 2007 meeting.

John Pritchett with General Sports Venue, a bid recipient, addressed this matter. Mr. Pritchett said the process was followed and that his company has been in the same predicament as Sportexe, in that they've lost bids.

Mr. Pritchette said it was a very thorough process. He suggested that if the Board is going to take the opportunity to review a competitor's RFP, after the fact, he would like to bring the Board his company's RFP. Mr. Pritchett said it was a unanimous decision that his company, as well as, another be chosen.

Commissioner Helms said if the Board decides it's going to reconsider this as a Board of County Commissioners, the Board is going to set a terrible precedent.

The vote was then taken on the motion by Commissioner Bishop, seconded by Commissioner Woodard and failed 5-4 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, James, and Ramirez voting yes, to defer approval of contracts for providing and installing synthetic turf systems until the Board's August 14, 2007 meeting.

Motion was made by Commissioner Helms, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the award of contracts for providing and installing synthetic turf systems based on available funding, for a term of five (5) years with the option to renew up to two (2) additional one-year terms to the following companies:

General Sports Venue	Raleigh, NC (Certified MBE Company)
FieldTurf, Inc.	Montreal, Quebec

Commissioner James removed this item from Consent to allow Mr. Nicholls to speak to the matter.

(20) POSITION REQUEST – LUESA – CODE ENFORCEMENT

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

- 1) Approve a Commercial Plan Review Facilitator position to coordinate and support the plan

review team dedicated to Charlotte-Mecklenburg School system construction projects.

2) Authorize the County Manager to amend the agreement with the Charlotte-Mecklenburg Board of Education for the dedicated plan review team.

3) Recognize, receive and appropriate \$58,000 in revenue from Charlotte-Mecklenburg Schools.

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

(2A) CLOSED SESSION - LAND ACQUISITION

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a resolution of intent to exchange up to +/- 8,575 square feet of County Tax Parcel 125-227-04 on Little Sugar Creek at Kenilworth Avenue for a +/- 10-acre tract owned by Pappas Properties, LLC including all of Tax Parcel 141-181-01 adjoining the Berewick district park site in southwestern Mecklenburg County.

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

STAFF REPORTS AND REQUESTS

(29) PARK AND RECREATION CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Bishop, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bentley, James, and Ramirez voting no, to amend the *Park and Recreation Bonds Approved in November 2, 2004 Referendum Capital Project* ordinance.

Note: This amendment to the ordinance will provide funding to replace the funds expended on the Third Ward Park site that is under consideration to be leased for a minor league baseball stadium. Parking revenue from the Third Ward site along with the balance, if necessary, as a transfer from the general fund will provide the \$370,000 appropriated.

General Manager Bobbie Shields addressed this matter prior to the above vote.

Also, prior to the above vote, Commissioner James expressed his view of the history of this matter. He asked that his comments be summarized and placed in the minutes.

Commissioner James said in the fall of 2004 the Board decided it would not pursue baseball on the Third Ward site. Commissioner James referenced the “restrictive” ballot language on the fall 2004 bond referendum that said none of the 2004 park bonds, which Commissioner James said was to be used to build a Third Ward Park, would be used to fund baseball. Commissioner James said in 2005 the County started spending money on the Third Ward Park site, “some \$370,000” on grading, putting down grass and a variety of things, that would normally be done for a park. Commissioner James said somewhere around 2006 there was an epiphany among some who decided they were going to pursue a baseball agreement with Center City Partners. Commissioner James said then the County ended up in this “conundrum” with Mr. Reese and Mr. Diehl, who have expressed concerned about the fact that the money had been spent, meant that the County had already committed under the ballot language that they would not build baseball in Third Ward. He said now the County is threatened with lawsuits.

Commissioner James said what he feels is occurring now that the County has spent roughly \$370,000 in park bond money from 2004 on the Third Ward Park, on park purposes, now “we’re coming back and we’re saying, you know on part of this site we had a parking lot and we’ve collected some money and now we’re going to take the money that we’ve already recognized and we’re going to move it basically to bring the 2004 park bonds back up to where they were as though no money had been spent at all.”

Commissioner James said he was voting against this item because the Board has already made a commitment to spend the money and voted to spend the money to grade the area and put down grass seed, etc. using park bonds.

Commissioner James said he's also afraid that by approving this item, the Board will give those that are threatening to sue the County more ammunition.

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

(4C) MINOR LEAGUE BASEBALL STADIUM

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and James voting no, to approve an economic development grant for a minor league baseball stadium on the terms and conditions that were outlined by staff.

Note: Attorney Bethune acknowledged a typo in the agreement, which he said General Manager Shields would address in his presentation of Item 30.

(30) MINOR LEAGUE BASEBALL STADIUM - DEVELOPMENT AND ECONOMIC GRANT AGREEMENT

Motion was made by Commissioner Helms seconded by Commissioner Clarke and carried 7-2 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bishop and James voting no, to adopt a Resolution authorizing the County Manager to execute the Development and Economic Grant Agreement between Mecklenburg County and Knights Baseball, LLC related to a minor league baseball project.

General Manager Bobbie Shields addressed this matter prior to the above vote.

Highlights:

- On January 31, 2007, Mecklenburg County and Baseball, LLC executed a non-binding Memorandum of Understanding for the development of a minor league baseball stadium. Since that time, County staff and the Knights have had extensive discussions to prepare a Development and Economic Grant Agreement, which upon execution will supersede and replace in its entirety the MOU.
- This agreement is not the lease, the lease will be forthcoming in either August or September for consideration.
- This agreement will provide for the economic grant and allow the Knights access to the site to do some preliminary subsurface work and any remediation that might be necessary.
- It will permit the Knights at their own expense to start doing design work and road work in preparation of closing Third Street.
- The agreement does not give the Knights the right to close Third Street without permission from the City of Charlotte or to remove the Virginia Paper building or to start construction of the stadium.
- This agreement does not create an obligation to enter into a lease.
- There are a number of conditions precedent to entering the lease, one of which is that the County would have to have another site for the park, which is being pursued.

- The Knights will have all responsibility for the stadium design, construction, and operation and any cost overruns associated with the infrastructure improvements.
- The Center City Partners, Charlotte Regional Visitors Authority, and Park and Recreation will be allowed to have certain events on the site at the stadium.
- It was noted that the indemnity piece will be dealt with within the lease itself.
- The typo to be corrected is on page 26 of the agreement, section (i.). The amount should be \$367,000 and not \$376,000.

Attorney Bethune noted for clarity purposes that this agreement does not obligate the County to enter into a lease. Attorney Bethune said if the Knights move forward, they are moving forward at their own risk relative to their own time and energy.

Attorney Bethune said the reason the County can't commit to a lease at this time is because the County has not gone through the process that's necessary to enter into a lease of this nature. He stated also that the Knights are aware that it may be several months before the County would be in a position to legally consider this.

General Manager Shields said there's a very tight time schedule, which is why the Knights want access to the site to start the early investigatory work at the site.

Commissioner Clarke asked about the remediation amount, which was addressed by General Manager Shields.

Commissioner James asked about an alternative park site, which General Manager Shields addressed.

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

Commissioner James left the meeting and was absent for the remainder of the meeting.

(31) BUSINESS INVESTMENT GRANT: METSO POWER

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 7-1 with Commissioners Bentley, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioner Bishop voting, to approve a Business Investment Grant to Metso Power for a total estimated amount of \$177,620 over three (3) years.

Note: Metso Power is part of Metso Corporation of Finland, a multinational group with 5 billion Euros in sales (approximately US \$6.9 billion) and key divisions serving the pulp and paper industry, rock and minerals processing, and power generation, among others. As part of the Metso Group's Paper Division, Metso Power operates its U.S. headquarters in an office complex in south Charlotte, where the company currently employs executives and engineers.

Metso Power's management is contemplating the development of a new center for specialty manufacturing of boiler tubes used in three main sectors: pulp and paper, electricity generation (clean coal technology) and ethanol plants. Although Metso Power is currently based in Mecklenburg County, the proposed manufacturing project is a completely new and separate operation. The headquarters office in Charlotte will remain at its current location; however, Mecklenburg County is in direct competition with Gaston and Lincoln Counties in North Carolina and Lancaster, York, and Chester Counties in South Carolina for the location of the boiler tube plant.

Metso is considering locating the proposed plant at the former Fleissner Facility on Moores Chapel Road, which is situated in an unincorporated area in the western part of the county. Metso intends to commit to a long-term lease of that 65,000 sf. building and plans to approach the building's owner about expanding it by another 65,000 sf. The expansion of the site would

be a special, high-ceiling wing with high tax value.

The total investment in net new taxable property is as follows:

<i>Used machinery (current value)</i>	<i>\$ 2,700,000</i>
<i>New machinery + equipment</i>	<i>2,200,000</i>
<i>Capitalized software</i>	<i>250,000</i>
<i>Building expansion + site improvement</i>	<i><u>3,500,000</u></i>
<i>TOTAL</i>	<i>\$ 8,650,000</i>

The project Creates 90 to 100 jobs at salaries estimated at \$59,000 which is well above the county average.

The estimated value of the building expansion and related site improvements is believed to be \$3.5 million.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(32) UNRESTRICTED CONTINGENCY ALLOCATION – MI CASA SU CASA

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appropriate \$30,000 from unrestricted contingency to Mi Casa Su Casa for its Youth in Action Program.

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 Ramirez, seconded by Commissioner Woodard, and carried 8-0, with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:28 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman