

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

DECEMBER 4, 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, December 4, 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-

Commissioners Bishop and Woodard were absent when the meeting was called to order and until noted in the minutes.

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

(1A) STAFF BRIEFINGS – NONE

(2A, B, C) CLOSED SESSION – A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), B) LAND ACQUISITION, AND C) CONSULT WITH ATTORNEY

Note: 2A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1) was removed from the agenda.

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session for the following purposes: B) Land Acquisition and C) Consult with Attorney.

The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:40 p.m.

Commissioners Bishop and Woodard were present when the Board came back into Open Session. They arrived at the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12, 13, & 14.

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

-FORMAL SESSION-

Chairman Roberts called this portion of the meeting to order.

Commissioner Helms was absent when this portion of the meeting was called to order and until noted in the minutes.

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

CITIZEN PARTICIPATION

Commissioner Helms entered the meeting.

PROCLAMATIONS AND AWARDS

(1A) ELECTION OF CHAIRMAN

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

Chairman of the Board of County Commissioners for a one-year term expiring December 6, 2008.

(1B) ELECTION OF VICE-CHAIRMAN

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to nominate and elect Commissioner H. Parks Helms Vice-Chairman of the Board of County Commissioners for a one-year term expiring December 6, 2008.

(1C) THE PREVENTION MAGAZINE PODIATRIC MEDICAL ASSOCIATION GREENWAY, TRAILS AND SAFETY AWARD

The Board recognized Larry Huelsman, Park and Recreation Commissioner for the South Park District, to acknowledge the County's receipt of the Prevention Magazine and Podiatric Medical Association Greenway, Trails and Safety Award. Mr. Huelsman presented the award to Park and Recreation Director Jim Garges.

(1D) BILL OF RIGHTS DAY

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 a proclamation declaring December 15, 2007 Bill of Rights Day in Mecklenburg County.

The Proclamation was read by Commissioner Helms and received by John Lane.

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:

Scott McClure, Chairman of the Park and Recreation Commission, expressed thanks to all those involved in the success of the bond campaign, the volunteers, Charlotte-Mecklenburg Schools, CPCC, the Charlotte Chamber, and the Towns. He also thanked the Board for its leadership and support.

Rev. Willie Simpson said he wanted to make the Board aware that a lot of lawn care service providers are blowing debris down storm drains and that this should not be occurring. He also said the media's reporting of gang activity, specifically, when it comes to graffiti spurs gangs to compete to see who can put up the most graffiti.

Commissioners Woodard, Bishop, and James left the dais and were away until noted in the minutes.

Rev. Simpson asked the Board to continue to support non-profit organizations and senior initiatives, and to keep Marshall Park. He also asked what will happen to the statute of Martin Luther King, Jr. that's in Marshall Park. Finally, Rev. Simpson said attention needs to be given to the Martin Luther King, Jr. (MLK) Park on Rozzelle Ferry Road.

Chairman Roberts thanked Rev. Simpson for bringing attention to the storm water drain issue. Chairman Roberts said debris should not be placed in storm drains because this pollutes the surface waters. She informed Rev. Simpson that the MLK Park is included in the Park Master Plan and is scheduled to be worked on in the near future.

Martin Davis informed the Board that his remarks would be graphic and not suitable for children and that he noticed that at least one child was in the audience.

Chairman Roberts noted to Mr. Davis that there may also be children watching at home.

Mr. Davis said he would encourage parents not to let their children listen.

Mr. Davis referenced something he read in the Charlotte Observer concerning "Angels Flap" being turned into a comedy.

Commissioner Woodard returned to the dais.

Mr. Davis said the Actors Theater of Charlotte, which is funded by the Arts and Science Council, which is funded by the County, has commissioned national known playwright, Eric Coble to write a comedy about the "Angels in America flap" that occurred here in 1997. Mr. Davis gave background information on "Angels in America." Mr. Davis said Mecklenburg County tax dollars have "gone to fund Angels in America, fund the production in 1997, and are going to fund this future play." Mr. Davis said he is opposed to this occurring. Mr. Davis said this is "government funded art." Mr. Davis then proceeded to read excerpts from a scene in "Angels in America," which were graphic.

Chairman Roberts informed Mr. Davis that he was out of order.

Mr. Davis continued to speak. He referenced another time when he addressed this issue during public appearance and said former Chairman Helms had a police officer to "attack" him and that the microphone was turned off. He said at that time he had legal recourse with his attorney. Mr.

Davis said he was going to “get his attorney” and they are going to pursue “all legal avenues” they have. Mr. Davis said “the community is going to know about this.” He said there are approximately 20 meetings between now and the election, which is about an hour’s worth of time and he is going to fill it with parts one and two of “Angels in America” copies of which he got at the public library.

Commissioner Clarke asked that it be noted in the record that Mr. Davis’ three minutes had expired but that the Chairman allowed him to talk pass that.

Note: Mr. Davis’ speaking time was 3minutes and 56 seconds.

(3) APPOINTMENTS

Commissioner Bishop returned to the dais.

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard to nominate Lydia Mayfield for appointment consideration to the Adult Care Home Community Advisory Committee.

It was noted by Commissioner Mitchell that Fred Gibson, an applicant, informed him that his preference was to serve on the Nursing Home Community Advisory Board, even though he applied for Adult Care as well.

Substitute motion was made by Commissioner Bishop, seconded by Commissioner Helms and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board’s appointment policy to allow Lydia Mayfield to be nominated and appointed at tonight’s meeting to the Adult Care Home Community Advisory Committee for a one year term expiring December 31, 2008.

She is replacing Janet Ernst.

CITIZEN’S CAPITOL BUDGET ADVISORY COMMITTEE

The following persons were nominated for appointment consideration to the Citizen’s Capitol Budget Advisory Committee:

Cynthia Bush by Commissioner Clarke
Stephen Firestone by Commissioner Bishop
Richard Kingsberry by Commissioner Mitchell
Stephanie Tyson by Commissioner Woodard.

An appointment will be made on December 18, 2007.

LIBRARY BOARD OF TRUSTEES

The following persons were nominated for appointment consideration to the Library Board of Trustees:

William Merchant by Commissioner Bishop
Joan Martin by Commissioner Ramirez
Robert Sink by Commissioner Ramirez.

Appointments will be made on December 18, 2007.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board's appointment policy to allow the following persons to be nominated and appointed at tonight's meeting to the Nursing Home Community Advisory Committee for a one-year term expiring December 31, 2008: Fred Gibson, Jenita Hooks, Charles Jackson, and Joann Yandle.

They are replacing Tara Boyd, Marta Fales, Russell Tyler, and Donald White.

Commissioner James returned to the dais.

PARK AND RECREATION COMMISSION

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

Michael Noble by Commissioner Bentley
Joseph Pata by Commissioner Clarke
Samuel Spencer by Commissioner Mitchell.

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 waive the Board's appointment policy to allow Joseph Pata to be nominated and appointed at tonight's meeting to the Park and Recreation Commission as the Southern Town Representative to fill an unexpired term expiring June 30, 2008.

He is replacing William Brawley.

An appointment for the Northern Town vacancy will be made on December 18, 2007.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to waive the Board's appointment policy to allow Daniel Schenstorm to be nominated and appointed at tonight's meeting to the Waste Management Advisory Board to fill an unexpired term expiring June 31, 2010.

He is replacing Spice Vice.

(4) PUBLIC HEARINGS - NONE

(5) ADVISORY COMMITTEE REPORTS

AIR QUALITY PROJECTS UPDATE

The Board received information regarding GRADE (Grants to Replace Aging Diesel Equipment) and Clean Air Works! 2007.

Don Willard, Director of the Air Quality Division of Land Use & Environmental Services gave the report. He was assisted by Dave Franchina, Chairman of the Regional Air Quality Board and business community representative.

Note: GRADE (Grants to Replace Aging Diesel Equipment) - The BOCC approved \$500,000 County dollars in the FY 08 budget to fund carefully selected projects that achieve NOx reductions from non-road construction equipment. An additional \$230,000 was received from the state to supplement this initiative. Modeled after successful grant programs in Texas and California, a competitive application procedure will be used to prioritize projects based on the following criteria: (1) cost effectiveness (\$/ton), (2) total NOx reductions and (3) variety in the technologies and strategies employed.

The County has received 30 applications from 11 companies totaling just under \$1.7 mm. Annual NOx reductions from these applications are calculated to be over 13 tons per year. Staff is currently evaluating these projects to determine which best meet the award criteria.

The Clean Air Works! Pilot Project was launched in March 2006 as an effort to learn what organizational approach and implementation elements and methods will produce quantifiable reductions in ozone-forming pollutants (nitrogen oxide) above those obtained through current efforts. Air pollution reductions were obtained from mobile, non-road mobile and operational sources through promotion of alternate modes of transportation (e.g. carpooling, vanpooling, telecommuting, riding transit, walking and biking) and/or changes in business operations (e.g. cleaner fleets, delaying or postponing high-emission activities such as construction work, lawn maintenance).

Comments

Commissioner Helms asked where does the County stand with respect to ozone reduction by 2010. *The response was that the County is not on course as a result of this past summer's weather conditions and drought problem. Also, the volume of vehicle miles traveled and the number of cars tend to overwhelm the fact that each car individually is getting cleaner. Further, staff and state staff do not think the County will meet the ozone standard by 2010 as required, but there is a type of exemption in the federal regulations that essentially says that in 2009, which is the last year before the grading period, that if all the monitors (eight in this region) are below the standard, EPA will not take any action and will give the County another year to see if it's better and if the same thing happens again the County would have one more year. It was noted also that the state feels its modeling is correct and it will continue to get better, but the extension of time will be needed.*

Commissioner Clarke said it appears that Clean Air Works! is not getting the results hoped for. Commissioner Clarke said the County should be putting its money where it can get the most for the amount of funds being spent.

Commissioner Clarke asked if there were any suggestions with respect to private vehicles, particularly older vehicles. *The response was that staff could look into this.*

Commissioner Clarke asked were there any representatives on the Regional Air Quality Board from outside of the County and is the County really getting regional participation. *The response was there has been a lot of leadership on the part of the County, but that there are regional partners and some of the most aggressive partners and efforts have been outside of Mecklenburg County, particularly in York County and Gaston County. It was said others participate but just not as "robust" as York and Gaston.*

Chairman Roberts said going forward, one of the concerns is about having companies to continue

to take on these initiatives and change habits and patterns. Also, there's a concern to increase participation and for the private sector to "step up." Chairman Roberts said she knows the private sector has been very generous in looking at employee time towards this.

Chairman Roberts asked Mr. Franchina what he sees the future being with respect to private sector initiatives. *The response was that what's being seen now is a "core" group of companies (15-20) who are very "committed" to the program. Staff will be meeting with these companies to discuss future initiatives.*

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

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

MANAGER'S REPORT

(6A) COUNTY MANAGER'S 2007-2008 STRATEGIC MANAGEMENT PLAN

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve the County Manager's 2007-2008 Strategic Management Plan, which is as follows:

- Establish an ad hoc committee to evaluate the current method of funding care for the medically indigent and to recommend changes if needed.
- Attend one professional development seminar.
- Continue work with Criminal Justice Advisory Group and Kimme and Associates on the Jail Master Plan in order to provide the Board of Commissioners with funding strategies and recommendations for FY 2009.
- Work with the City of Charlotte to renegotiate law enforcement services and funding for the unincorporated area of the County.
- Examine the interlocal agreement that created MEDIC to determine whether changes in services delivery and funding should be made.
- Recruit/hire a Department of Social Services Director by the end of February, 2008.

(6B) STATUS OF HIV/AIDS IN MECKLENBURG COUNTY

The Board received information on the status of Ryan White Part A Funding, the HIV/AIDS Council, and the Regional HIV/AIDS Consortium 2007 Comprehensive Needs Assessment.

Dr. Wynn Mabry, Health Director gave the report.

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

Comments

Commissioner Ramirez asked what was the reason for the increase in HIV/AIDS cases in Mecklenburg County. *The response was that it's a combination of many factors, such as the age factor when you look at the age group that's coming down with the disease. It was noted that this is the same age group that we're having trouble with trying to steer them away from drugs and high alcohol use, and high risk behavior. Dr. Mabry said it's not a matter of people not knowing but the thinking that "it won't happen to me."*

Commissioner James said "we don't punish bad behavior and we don't try to prevent bad behavior." Commissioner James said "we treat the disease."

Commissioner Mitchell said he thinks progress is being made. He said this is an on-going problem that the County will continue to address. He thanked the Health Department for its work and other agencies in the community that provide services in this area.

Commissioner Bentley asked Dr. Mabry to address prevention, which he did.

Commissioner Clarke asked would the numbers be even higher in Mecklenburg County had the

County done nothing in the last ten years to manage the lives of those with this disease and to contain it. *The response was yes.*

Commissioner James asked that information be provided on the statistics for Mecklenburg County and also a demographic report that shows where the cases are within the County. *The response was that staff would provide this information to the Board. Also, staff knows where the high concentrations are and the demographic report will show that there are cases all over the County into every socioeconomic area.*

This concluded the discussion, no action was taken or required. The above is not inclusive of every comment but is a summary.

CONSENT ITEMS

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 12, 13, and 14 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 7, 2007, Closed Session held November 7, 2007, Budget/Public Policy Meeting held November 13, 2007, Cancelled Regular Meeting scheduled to be held November 20, 2007, Special Budget/Public Policy Meeting held April 24, 2007 and May 22, 2007, Special Meeting held May 23, 2007, Recessed meeting held September 25, 2007.

(8) PURCHASE OF HEAVY EQUIPMENT – STORM WATER SERVICES

Approve the purchase of a 2006 Model Year JD 160DLC Excavator, using the County owned, 1999 Model Year JD 160LC Excavator as a trade-in on the purchase.

(9) TAX REFUNDS

Approve refunds in the amount of \$12,749.25 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) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE

Adopt revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) by reference.

Note: The adoption of these revisions to the MCAPCO is in response to State certification requirements and USEPA grant requirements.

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

(11) RYAN WHITE TREATMENT MODERNIZATION ACT OF 2006, PART A

Approve the creation of a Fiscal Analyst position to assist in the Ryan White grant administration utilizing current grant funding.

(15) AWARD CONTRACT TO IMAGING SOLUTIONS AND SERVICES, INC.

Authorize the County Manager to negotiate a one-time contract to Imaging Solutions and Services, Inc. (ISSI) not to exceed \$1,230,000 to provide an Enterprise Electronic Document Imaging Management System implemented over three (3) fiscal years.

Note: An enterprise document management system will:

- *Reduce the need for floor space to store paper*
- *Allow documents to be located anywhere in the County in seconds using search engines*
- *Workers and the public will have instant access to the documents they need anywhere they are*
- *Business processes will be enhanced by automatically routing digital documents to the knowledge workers who need to see them at the precise time they need to see them.*

(16) MCDOWELL PARK CAPITAL RESERVE FUND ORDINANCE – AMEND

Amend McDowell Park Capital Reserve Fund Ordinance to include 100% of the revenue from the McDowell campground into the established McDowell Park capital reserve effective July 1, 2008.

Note: Approval of this ordinance will further supplement an existing capital reserve fund which will provide funds for facility improvements to McDowell Nature Preserve and campground.

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

(17) BICYCLE & PEDESTRIAN EASEMENT AT COLONEL BEATTY PARK

Authorize the County Manager to grant a permanent and temporary construction easement to Centex Homes for a paved pedestrian/bicycle path linking to the Colonel Beatty Park entrance road from a new subdivision adjoining the park.

(18) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve funding adjustments as follows:

- A. Approve, recognize, receive and appropriate State funds in the amount of \$204,820 and approve the establishment of one full-time position in Utilization Management Department.

Note: This Board Action is necessary due to funding awarded by the NC Division of MH/DD/SA Services for a pilot program to reduce bed-day utilization at State Psychiatric facilities. A portion of these funds will be used to create a state facility liaison position. The remainder will be used for contract treatment services.

- B. Approve, recognize, receive and appropriate State funds in the amount of \$100,000 for the Center for Prevention Resources (CPR) Funding.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for the purpose of support for the Center for Prevention Resources for the Western region through Chemical Dependency Center.

C. Approve, recognize, receive and appropriate State funds in the amount of \$10,011 for Developmental Disabilities Diversion Funding.

Note: This Board Action is necessary due to an allocation received from the North Carolina Division of MH/DD/SA Services. These funds will be used for the purpose of supporting a community DD diversion site, to limit the number of hospitalizations in state institutions.

(19) 2007 CDBG SCATTERED SITE HOUSING PROGRAM

Approve, recognize and appropriate grant funds in the amount of \$400,000 from the North Carolina Department of Commerce for housing assistance to low income homeowners in Mecklenburg County.

(20) PURCHASE OF EQUIPMENT FOR THE MEDICAL EXAMINERS OFFICE

Award a contract to Mortech Manufacturing Company Inc in the amount of \$431,579.91 for the purchase of equipment for the Medical Examiners Office.

**(21) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT
– SECOND READING**

Approve on Second Reading an amendment to the Mecklenburg County Solid Waste Fee Ordinance by assessing a tipping fee of \$5.00 per ton for clean concrete delivered to the Foxhole Landfill.

Note: The reinstated fee would become effective on December 5, 2007.

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

(22) STRUCTURED DAY PROGRAM - SHERIFF'S OFFICE

Recognize, receive and appropriate funds in the amount of \$14,521 for the Criminal Justice Partnership Program, Structured Day Program Grant for FY08.

(23) BOCC 2008 ADVISORY BOARD APPOINTMENT SCHEDULE

Receive as information the BOCC 2008 Advisory Board Appointment Schedule.

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

**(24) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE
ORDINANCE AND THE BUILDING-DEVELOPMENT ORDINANCE**

Amend the LUESA Fee Ordinance, providing a permit fee credit structure for the new Sustainable Design Fee Modification Program ("Green Permit Rebate") scheduled for introduction by the Department January 1, 2008.

Note: A second reading will be required

(25) TAX REFUNDS

Approve refunds in the amount of \$15,980.10 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.

(26) ELEVATOR MODERNIZATIONS AT THE CIVIL COURTS BUILDING, HISTORIC COURTHOUSE, CARLTON WATKINS CENTER, AND WALLACE KURALT CENTER

Award a contract to MV Momentum Construction, LLC in the amount of \$920,788 for Elevator Modernizations at the Civil Courts Buildings, Historic Courthouse, Carlton Watkins Center, and Wallace Kuralt Center.

(27) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of \$15,854 for General Services, \$8,872 for Park and Recreation, \$1,476 for Social Services, \$10,331 for Real Estate Services and \$9,700 for Land Use and Environmental Services.

Note: All reimbursements are for stolen and damaged items.

(28) NAMING OF ATHLETIC FIELDS AT TOM SYKES RECREATION CENTER

Approve naming the athletic fields at Tom Sykes Recreation Center the Ross J. Smyth Youth Soccer Fields.

Note: Mr. Smyth was a founding director of the Charlotte Junior Soccer Foundation, Inc., Charlotte's first youth soccer organization. Mr. Smyth was a captain of the Davidson College soccer team and after graduating from Duke Law School, came to Charlotte to practice law at Kennedy, Covington, Lobdell and Hickman.

(29) CABLE FRANCHISE FEES FOR WTVI

Recognize and appropriate cable franchise fee revenue in the amount of \$150,000 for payment to WTVI for Public/Education/Government (PEG) channel programming.

Note: North Carolina's Video Services Competition Act adopted by the N.C. General Assembly specifies the use of cable franchise fees in support of PEG channels and public television stations. As part of its compliance with this Act, Mecklenburg County intends to continue using WTVI as its vendor to provide studio time, equipment and staff resources for the production of programming that can be televised on public access, educational access or government access (PEG) channels provided to local government by cable franchise holders. Therefore, Mecklenburg County will continue to provide to WTVI the same level of support it had enabled WTVI to receive (\$30,000 quarterly), provided Mecklenburg County continues to receive sufficient cable franchise fee funds from the State of North Carolina for these purposes. Mecklenburg County will provide these funds quarterly following the receipt of funds from the State. In return for receiving these funds, WTVI is required to provide up to four 30-minute TV programs a month that could be televised via PEG channels. Since WTVI is not a PEG channel, it is not required to televise this programming. The amount indicated includes cable franchise fees for the current fiscal year as well as fees received from the state during the previous fiscal year.

(30) CAPITAL PROJECT ORDINANCES

1) Adopt the *School Facilities – Approved in November 6, 2007 Referendum* capital project ordinance.

2) Amend the *Park and Recreation Bonds Approved in November 2, 2004 Referendum* capital

project ordinance.

3) Adopt the *Park and Recreation Facilities Approved from Two-Thirds Bonds – 2007* capital project ordinance.

4) Adopt the *Land Bonds Approved in November 6, 2007 Referendum* capital project ordinance.

Note: This will provide budgetary authority for the continuation of various park and recreation facilities; initiation of school construction and renovation projects and land acquisition as approved in the November 6, 2007 referendum; and Little Sugar Creek Greenway development with two-thirds bonds. Bonds are scheduled to be issued in January 2008.

Ordinances recorded in full in Minute Book 44-A, Documents #____, #____, #____, & #____.

(31) DRIVEWAY EASEMENT AT ELON PARK SITE

Authorize the County Manager to grant a permanent driveway and temporary construction easement at Boys Town Road to Charlotte Sports Center (CSC).

(32) CALL CENTER MANAGEMENT SOLUTION SYSTEM

Authorize the County Manager to negotiate a one-time contract with T-Metrics for RFP 2008-105 in the amount of \$330,470 for a replacement Call Center Management Solution System

(33) BANKRUPTCY SETTLEMENT FOR WINN-DIXIE STORES FOR TAX YEARS 2004 AND 2005

- 1) Approve Settlement of Winn-Dixie Tax Claims.
- 2) Authorize the County to sign Agreement to Settle Tax Claims.

Note: Facts Pertaining to Winn-Dixie Settlement

- *For the tax year 2004, the Mecklenburg County and City of Charlotte billed Winn-Dixie Stores, Inc. (“Winn-Dixie”) for business personal taxes in the amount of \$145,725.92. For the tax Year 2005, taxes were billed in the amount of \$137,268.81. The County’s share of the taxes is approximately \$93,701.77 and \$92,421.03, for years 2004 and 2005 respectively (plus any additional interest that may accrue awaiting settlement).*
- *Winn-Dixie paid the 2004 taxes in full, but did not pay the 2005 taxes.*
- *Winn Dixie filed bankruptcy by voluntary petition with the Bankruptcy Court in 2005.*
- *The County and City filed a claim for the unpaid taxes with the Bankruptcy Court. Winn Dixie subsequently filed a motion for a 55% reduction in the County and City claims, which would result in a payment of \$155,647.10 for both tax years. A refund would then be necessary for the 2004 taxes in the amounts of \$42,165.80. The net payment to the County for Tax Year 2005 would be only \$41,589.46 for 2005 (plus any additional interest that may accrue awaiting settlement).*
- *The County Attorney has negotiated a settlement for both County and City taxes such that Winn Dixie will pay \$125,000.00, or 91% of the total claim for taxes in 2005, and no refund will be issued for 2004. The County will receive \$83,250 from the settlement; the City will receive \$41,750.*
- *The settlement provides \$41,700.54 in taxes for Tax Year 2005 than would be expected if the Bankruptcy Court approves the petition by Winn-Dixie to reduce the tax liability, and avoids a refund for Tax Year 2004 in the amount of \$42,165.80.*
- *Both the County Attorney’s Office and the City Attorney’s Office recommend the County Commission and the City Council approve the negotiated settlement, thereby allowing the County and City to receive funds within the current fiscal year, instead of the possibility the Bankruptcy Court may approve Winn-Dixie’s request to reduce their tax liability requiring a refund for Tax Year 2004 and less revenue for Tax Year 2005.*
- *Both the Commission and Council must approve the settlement of the claim for either to receive its share of the \$125,000.*
- *N.C.G.S. 105-373 permits the Commission to approve settlement of delinquent taxes, as long as the form of settlement is satisfactory to the Board.*

- *Once approved by both governing bodies, the Settlement Agreement will be signed by the Tax Collector. The Agreement will be submitted to the Bankruptcy Court for approval, and Winn-Dixie will pay the agreed upon sum for Tax Year 2005.*

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Woodard left the dais until noted in the minutes.

(12) GREENWAY DONATION – CLARKE CREEK TRIBUTARY

Motion was made by Commissioner Mitchell, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to accept donation of a portion of Tax Parcel 027-601-03 (+/- 6.20 acres) on Clarke Creek Tributary from Amber Leigh, LLC.

Note: This parcel will add to greenway assemblage along Clarke Creek Tributary and is located in the Northeast Park District.

Chairman Roberts removed this item from Consent for more public awareness.

(13) GREENWAY DONATION – SIX MILE CREEK

Motion was made by Commissioner Mitchell, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and voting yes, to accept donation of a portion of Tax Parcel 229-431-02 (+/- 20.813 acres) on Six Mile Creek from Cunnane Land, LLC.

Note: This parcel will add to greenway assemblage along Six Mile Creek and is located in the South Park District.

Chairman Roberts removed this item from Consent for more public awareness.

(14) GREENWAY DONATION – TOBY CREEK

Motion was made by Commissioner Mitchell, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and voting yes, to accept the donation of Tax Parcels 049-222-45 and 049-222-88 (+/- 5.992 acres) on Toby Creek from Mag Land Development, LLC.

Note: This property will be incorporated into the land assemblage for the Toby Creek Greenway in the Northeast Park District.

Chairman Roberts removed this item from Consent for more public awareness.

(2B) LAND ACQUISITION – CLOSED SESSION

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and carried 7-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to adopt a resolution to (1) authorize the County Manager to exercise the County's statutory right of first refusal to acquire .7-acre Tax Parcel 151-113-73 on Hillside Avenue from the Board of Education, and (2) offer the Board of Education \$50,000 or a 1.12-acre tract, Tax Parcel 161-043-01, adjoining Oakhurst Elementary School for the Hillside Avenue tract.

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

STAFF REPORTS AND REQUESTS

Commissioner Woodard returned to the dais.

(34) WEST PARK MASTER PLAN ADOPTION

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve the West Park master plan design concept developed by LandDesign, Inc. and authorize staff to proceed with construction drawings.

The plan was presented by Lee Jones with Park and Recreation and Dan Dodd with LandDesign, Inc.

(35) SECOND WARD PARK MASTER PLAN ADOPTION

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Clarke, Mitchell, Roberts and Woodard voting yes, to approve the Second Ward master plan design concept developed by LandDesign, Inc. and authorize staff to proceed with construction drawings.

Note: Commissioners Helms, James and Ramirez left the dais during the presentation and were away until noted in the minutes.

The plan was presented by Lee Jones with Park and Recreation and Dan Dodd with LandDesign, Inc.

(40) PARK NAMING FOR NEW WEST PARK IN THIRD WARD

Commissioners Helms, James and Ramirez returned to the dais.

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve the recommendation from the Park and Recreation Commission to name the new West Park in Third Ward the “Romare Bearden Park” in honor of the internationally renowned artist and educator born in Charlotte’s Third Ward Neighborhood.

Note: Commissioner Woodard introduced this matter and commented on the life and work of Romare Bearden prior to the above vote. Commissioner Woodard said she felt the County and the community needed to recognize Mr. Bearden and name something after him. She said in her research she discovered that attempts were made but nothing of this magnitude.

It was noted by Commissioner James that former Commissioner Ruth Samuelson suggested when she served on the Board that this park be named in honor of Romare Bearden and that Commissioner Woodard has carried that forward.

(36) URBAN PARK LAND - CAPITAL PROJECT ORDINANCES

General Manager Bobbie Shields addressed Urban Park Land Capital Project Ordinances.

Park Land Acquisition Ordinance

Note: Adoption of the Park Land Acquisition ordinance will provide funding for acquiring a new site for the Third Ward Park. The acquisition is necessary to allow construction of the park to begin while certain other aspects of the original land swap proposal are being resolved. It is important to emphasize that Brooklyn Village, LLC (developer of the proposed Brooklyn Village)

will pay Mecklenburg County the same amount for county-owned land they plan to purchase in Second Ward. The transactions are the functional equivalent of a land swap although there will be an indeterminate time delay between the transactions.

Third Ward Urban Park

On April 15, 2003, the BOCC received a presentation from the County's Real Estate Services Director and a representative from the Third Ward Park urban planning consultant, CIVITAS, with respect to three urban design options for the proposed Third Ward Park. Specifically, the BOCC received information about the impact each of the three site options could have on future economic development in Third Ward. CIVITAS recommended a Third Ward park site on land owned by MassMutual, which site has a direct connection to South Tryon Street. County staff worked with MassMutual's local representative, Spectrum Properties, in an attempt to obtain the site through a land exchange. Ultimately, MassMutual decided it was not interested in the land exchange.

After Michael Smith became president of Charlotte Center City Partners, his organization generated renewed interest in optimizing the location of the Third Ward Park; a concept that is consistent with CIVITAS' earlier recommendation. On December 20, 2005, the BOCC authorized the County Manager to participate with Charlotte Center City Partners and other appropriate parties in a process to: 1. Optimize the location of the Third Ward Park with frontage on Tryon Street; 2. Bring minor league baseball back to Charlotte; and 3. Jumpstart the 2002 Second Ward Neighborhood Plan (which contemplates a new park in Second Ward as well.) As a result of this process, Mecklenburg County now has an opportunity to move forward with an optimized Third Ward Park location by acquiring the site from MassMutual, who is now willing to sell it to the County.

Funds to acquire the Third Ward park site are recommended to come from Park Land Acquisition COPS.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell to adopt the *Park Land Acquisition - 2007 Capital Project Ordinance* in the amount of \$19,000,000 to be used for purposes as set forth in the agenda material.

Comments

Commissioner James said even though the public was told the County would only own the property for 1 year to 1 ½, the Board has now been told (per a Closed Session discussion) that it's possible the County may own the property up to five years. He asked General Manager Shields to comment on this. *The response was that as the Board is aware there was a lawsuit and now there has been an appeal to the lawsuit and as a result of that staff expects that it could take anywhere from "no time to maybe five years or even more" to settle that matter.*

General Manager Shields said it's staff's understanding that Cornerstone Spectrum would be reluctant to acquire the land in Brooklyn Village as long as there is a threat of a lawsuit.

Commissioner James said he doesn't recall the public being told that it would take more than 1 year to 1 ½.

General Manager Shields said he believes staff has always told the Board through its legal staff, the County Attorney, that legal staff could not predict how long it might take because it's not known what type action, the nature of action, if any that might occur. General Manager Shields said he does not recall staff putting a definite timeframe on how long it might be.

Commissioner James asked why does staff want to issue long term debt instead of short term. *The response was that this was addressed at the November 13, 2007 Budget/Public Policy meeting and that the minutes of that meeting, page 2, bullets 7 and 8 is where it is addressed. General Manager Shields said rather than going over all of that again, he would encourage a review of those minutes.*

Commissioner James said he read the minutes and was aware of the answer and that he really

wasn't asking for himself. Commissioner James went on to say that when the Board was in Closed Session earlier tonight, the question came up as to why would the County borrow long term money for a short term problem. Commissioner James said the answer as he recalled was because "we want to use the money when we get it from the people that want to buy the Brooklyn site from us, when they repay us; instead of paying the debt what we want to do is develop the park in Brooklyn."

General Manager Shields said Commissioner James was "partially" correct. General Manager Shields said the correct answer is reflected in the minutes of November 13, 2007 on page 2.

General Manager Shields said the answer he shared tonight was that if the County wants to build a second phase of the Second Ward Park, then there would have to be a source of funds to acquire that land for the second phase and a good source of funds for that would be the proceeds that the County would get from sale of the Brooklyn Village land. General Manager Shields noted, however, that this would be a Board decision to do so. General Manager Shields said it would be a good way to use those funds and take away the concern about the short term use, be it 1 year, 1½, or 5 years, however long it might be.

Commissioner James said from the public's perspective originally it was a 1 year – 1½ and it was short term, but now it's possibly up to 5 years. Secondly, the County is willing to borrow long term money, even though the County is only going to theoretically, hopefully, only have it outstanding for a year to 1½ years because the County wants to spend the bond money that it's getting now, that "we may get repaid" on another project. Commissioner James said this is what he sort of expected "all along" although he didn't have the detailed minutes.

Commissioner James said his third point is that in Closed Session earlier tonight he asked the question, what are the different financing options and how much would it cost the County, for example, to go to Bank of America or Wachovia and get an interest only loan for a 1 ½ years.

Chairman Roberts said that answer is also in the minutes of November 13, 2007.

Commissioner James said he was aware of that but what's not in the minutes is the cost analysis. Commissioner James said as such, there still hasn't been any indication that issuing COPs is the "financially prudent" option. Commissioner James said it is clearly the most expedient option and it's the one that provides the County with, "theoretically" \$19 million to, "it's like a \$19 million windfall, if and when the Cornerstone people ever "pony up" the money to buy the Brooklyn property.

Commissioner James said it was his understanding, per the minutes of November 13, 2007 that staff could provide the Board, with enough time, with the financial cost information on what it would cost to get the best loan at the lowest rate from Bank of America or Wachovia, interest only, limited payments.

Commissioner James said comparing that to the COPs, which is going to have a "significant" underwriting cost. Commissioner James said underwriting cost is in many respects, not all, is a percentage of the amount of debt issued. Commissioner James went on to say that not all of the components are but many of them are. He said, for example, if the County issued \$2 million in debt, the components of the underwriting would be twice as much as if you had issued one. He said if the County issued an extra \$19 million it's going to have a significant additional underwriting cost for bonds because they are going to be outstanding for 20 years.

Commissioner James referenced the Declaration of Official Intent to Reimburse Expenditures stated in the capital project ordinance. He said that was in the ordinance because if the bonds have to be repaid early, the County has to make up for the tax consequences to the people that might have bought the bonds.

Attorney Bethune clarified that the Declaration of Official Intent to Reimburse Expenditures has nothing to do with any situation where bonds would have to be paid. Attorney Bethune said it has

to do with expenses the County has incurred immediately prior to the issuance of these bonds.

Attorney Bethune said if the County was to repay the COPs there would not be any tax consequences because they're variable rate and they can be called at any time. He said Commissioner James' statement regarding the Declaration was incorrect.

Commissioner James asked what are the proceeds from installment financing and does it just mean COPs or any installment financing. *The response was that it means any kind of installment financing.*

Commissioner James said does that mean the Board could approve this but with a proviso that that before the County actually issue installment financing that the Board receive a report from the director of finance outlining the cost of doing the different kinds of options, so the Board can select the installment financing that is in the best interest of the taxpayers of Mecklenburg County. Commissioner James said currently it doesn't say in the capital project ordinance.

Commissioner James said this would be his substitute motion that the Board approve the Park Land Acquisition – 2007 Capital Project Ordinance but with a proviso that before the County actually issue installment financing that the Board receive a report from the director of finance outlining the cost of doing the different kinds of options, so the Board can select the installment financing that is in the best interest of the taxpayers of Mecklenburg County.

Note: The substitute motion died for lack of a second.

Attorney Bethune clarified that the adoption of the *Park Land Acquisition - 2007 Capital Project Ordinance* does not authorize any installment financing, that it simply creates a "legal pot" into which money could be put if the installment financing is issued and it authorizes the expenditure of money out of that fund.

Attorney Bethune said the Board would have to take a separate action to authorize any installment financing.

Chairman Roberts asked Finance Director Dena Diorio to explain what it is the Board is doing in this instance.

Finance Director Diorio response:

- She reiterated Attorney Bethune's remarks that the County is doing variable rate COPs, which is not necessarily long term financing.
- Because they're variable rate, the County can retire them at any time with no prepayment penalty.
- If in fact the County received the \$19 million in five years and the Board decided it wanted to repay that debt that can be taken out at any time.
- Those maturities could also be structured to make them look like an interest only loan for a five year period.
- Thus it can be structured the same way as if the County were to go to a bank and do an installment financing.
- Staff also knows that the variable rate on COPs is going to be less than if the County had gone to a bank.
- Calls were made while the Board was in its earlier session and BB&T quoted staff 3.75% to do a five year installment financing agreement and staff knows that the variable rate COPs will trade at less, at about 3.67%.
- In addition to that if the County was to only hold the land for a period of less than five

years, if the County were to go and retire that debt through a traditional installment financing agreement, the County would probably be subject to a prepayment penalty.

- Doing this by variable rate COPs, the County can structure it like an interest only loan and can retain its flexibility to retire that debt at when in fact the County gets the money and the Board makes the decision that it wants to do that.

Commissioner James asked does the 3.67% include the underwriting cost. *The response was no it does not but that staff has estimated the underwriting cost to be about \$39,000 on \$19 million.*

Commissioner James said Director Diorio's comments resolve his financial concern and that although he doesn't agree with spending the \$19 million, he does not think it is unreasonable for the public to know the Board has done its due diligence and knows what rate the County is going to get and whether that rate is excessive.

Commissioner Helms said issuing COPs and voted debt is the most fiscally sound kind of financing that local governments can do. Commissioner Helms said the County is buying a piece of real estate that has a value of \$19 million and is paying \$19 million for it and is getting a loan essentially through the issuance of Certificates of Participation (COPs). This means they will have a lien on some piece of that property to secure that debt and it is a financing instrument that is used regularly.

Commissioner Ramirez said he wants to see in the contract with the Knights a very simple clause that he thinks is equitable to the Knights and the County, and that is, as it has been heard before the County has to spend money to borrow money. He said the County has to spend the money for the COPs and the money for the interest for the COPs at the rate of 3.67% which he said is very reasonable.

Commissioner Ramirez said his request is that the County should "protect" the taxpayers and ask in the contract that the Knights over write this cost of the COPs and the interest while this purchase or loan is "out there." Or, at the end of five years, three years, or one year, whatever the time, the County can sell that land at the market value. Commissioner Ramirez said the market value should be slightly higher at that time.

Commissioner Ramirez said he hopes that in the negotiations staff has some type of protection for the County.

Chairman Roberts noted for clarity purposes that what Commissioner Ramirez was referring to is the County's lease agreement with the Knights, which is not what this specific agenda item is about, although it's a part of the "greater picture" of this transaction.

Chairman Roberts said this agenda item concerns the purchase of the now Romare Bearden Park property and that the lease agreement for the Knights relates to the old Third Ward Park site, which is now the baseball stadium site.

Chairman Roberts said she also wants to point out that the \$19 million is really just taking the swap that was originally talked about with giving the County a Third Ward Park and developing Brooklyn Village, maintaining a County park in Second Ward as well as part of that and that this is really just separating the two halves of that swap.

Chairman Roberts said if in the end everything goes according to plan realizing that there are always things that come up and involve flexibility, the \$19 million that's being expended in the next six months or so, will be repaid with a land purchase of Second Ward in the future when lawsuits and other encumbrances are settled. Therefore, in the end the taxpayers should be reimbursed the same amount, that everyone should be made whole and equal. Also, in the end the

County will have two "wonderful" uptown parks.

Commissioner Ramirez said he wanted to clarify his earlier comment with respect to the Knights, he said he meant to say Cornerstone. He said what he was trying to say was that when

they purchase the property from the County, there is some consideration to the interest and the cost of money.

General Manager Shields said if staff is in a position to bring back to the Board on December 18, 2007, Brooklyn Village Land Sale and a baseball stadium site lease, staff will want to get into detail about the protections afforded in the baseball stadium site lease. General Manager Shields said there are a number of protections there and that it will take some time to walk through those to explain exactly what those protections are.

Commissioner Bentley said she wanted to provide some clarification to the public about the “ultimate” sale of the Second Ward site to Cornerstone. She noted that this Board cannot encumber a future Board to make the County “whole” with the proceeds of that sale. *Staff’s response was that this was correct.*

Commissioner Bentley said she just wanted to make this point clear for the public.

Commissioner James ask for clarification with respect to Commissioner Ramirez’s comment about Cornerstone.

Commissioner Ramirez said what he was speaking of was the agreement that the County Manager would be negotiating and that his suggestion be included in that.

Commissioner James asked does that mean that Cornerstone would pay the County more for the Brooklyn property to cover the cost of the interest and other associated incurring cost, like the issuance cost.

Commissioner Ramirez said that was correct.

The vote was then taken on the motion as noted:

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 James voting no, to adopt the *Park Land Acquisition - 2007 Capital Project Ordinance* in the amount of \$19,000,000 to be used for purposes as set forth in the agenda material.

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

School Administrative Office Facilities Ordinance

Note: Adoption of the School Administrative Office Facilities Ordinance will provide funding for Charlotte-Mecklenburg Schools (CMS) to relocate staff from the existing ED Center and Walton Plaza building in order to accommodate the redevelopment in Second Ward consistent with the approved Second Ward Vision Plan.

Second Ward Urban Park and New Education Center Facilities

The Second Ward Urban Park planned as part of the Brooklyn Village mixed-use project is enabled, in part, by relocating CMS staff currently located in the old ED Center building. Consistent with the Brooklyn Village Interlocal Cooperation Agreement - first approved by the Mecklenburg County Board of Commissioners on May 1, 2007, and amended on September 18, 2007, the relocations would help enable the first phase of Second Ward redevelopment and allow CMS to obtain more suitable replacement office space. In the Interlocal Agreement, Mecklenburg County committed \$13,750,000 to facilitate CMS’ move from the old ED Center. Once CMS relocates its staff to other locations, Mecklenburg County intends to work in partnership with the City of Charlotte and Brooklyn Village, LLC to proceed with redevelopment plans in Second Ward with the Second Ward Urban Park as a major attraction.

In addition, CMS has administrative staff located in the nearby Walton Plaza building. CMS is interested in simultaneously relocating staff from the old ED Center and the Walton Plaza Building. Accordingly, a new Education Center, which will accommodate administrative staff

from both locations, is proposed at a site located outside of center city Charlotte. Relocation of CMS staff from Walton Plaza is recommended at this time for the following reasons:

1. *The Walton Plaza Building is owned jointly by Mecklenburg County and CMS. CMS has the right to use a portion of the parking spaces located on the Walton Plaza site. CMS staff at Walton Plaza work in close proximity to their staff located in the old ED Center. It makes good fiscal and operational sense to relocate staff from both facilities at the same time. It is noted that CMS' maximum ownership interest in Walton Plaza is estimated to be \$7,750,000.*
2. *Mecklenburg County plans to relocate County staff from the Walton Plaza Building in the near future. Additionally, the adopted Second Ward Vision Plan recommends redevelopment of the Walton Plaza site. Several developers have approached the County with unsolicited proposals to acquire and redevelop the Walton Plaza site. Single ownership of the Walton Plaza Site would facilitate a more timely process for selling the property.*

Funds to provide the new Education Center Facilities are recommended to come from School Administrative Office Facilities COPS.

Recommended Funding Schedule

The following table summarizes the sources and uses of funds needed to secure the land for the two new urban parks:

USES	Funding Request	SOURCES	
		2008 COPS	2009 COPS
Third Ward Urban Park Land	\$19,000,000	\$19,000,000	-
School Administrative Offices Old Ed Center - \$13,750,000 CMS -Walton Plaza - \$7,750,000 (max.)	\$21,500,000	\$ 9,500,000	\$12,000,000
SOURCES TOTAL		\$28,500,000	\$12,000,000

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt the School Administrative Office Facilities - 2007 Capital Project Ordinance in the amount of \$21,500,000 to be used for purposes as set forth in the agenda material.

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

(37) SIZING OF GENERAL OBLIGATION BOND SALE AND CERTIFICATES OF PARTICIPATION (COPS) SALE

Finance Director Dena Diorio addressed the sizing of General Obligation Bond Sale and Certificates of Participation (COPs) Sale. Guy Chamberlain with Charlotte-Mecklenburg Schools was present and addressed questions.

Note: The bond sale amount of \$160.5 million includes \$120 million for CMS (\$80 million from the 2007 referendum); \$5 million for Land (from the 2007 referendum); \$9.5 million for Law Enforcement Facilities, \$26 million for Park and Recreation Facilities.

The COPs issuance of \$161,310,000 includes \$75.5 million for CMS; \$1.7 million for the Courthouse, \$2.61 million for Library Facilities (Beatties Ford Road Renovation); \$5 million for CPCC Facilities (parking deck); \$12 million for Jail North Annex; \$36 million for Bryton Infrastructure Improvements; \$19 million for the Third Ward Park land acquisition; and, \$9.5 million for the School Administrative Facility.

These amounts were determined with updated cash flows provided by County departments and agencies. This issuance is estimated to provide sufficient cash to fund projects until the January 2009 bond and COPs sale. This also takes into account the cash balances from previous sales.

The bonds are for continuation projects from various bond referendums as well as amounts requested from the recent referendum. The COPs include both continuation projects and new projects funded in the fiscal year 2007-08 CIP (CPCC Parking Deck and the Beatties Ford Road Library renovation).

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

Motion was made by Commissioner Helms, seconded by Commissioner James to approve the size of the January 2008 bond sale in the amount of \$160.5 million and COPs sale in the amount \$161,310,000 for a total amount of \$321,810,000.

Comments

Commissioner Clarke said the voters overwhelmingly approved the borrowing of \$516 million for Schools. Commissioner Clarke said he thinks the voters understood and he trust that they are smart enough to know that when you borrow money you have to pay it back and you have to pay interest.

Commissioner Clarke said he was going to support the motion with the full knowledge that there will be a tax impact. Commissioner Clarke said democrats and republicans, as well as, the citizenry know this. He said they approved a General Obligation Bond for Schools in the amount of \$516 million by a 2/3rds majority.

Commissioner Clarke asked Director Diorio to keep the Board informed of any concerns that the rating agencies may have about this level of borrowing.

Commissioner Bentley said with the overwhelming support of the bonds that it's clear this community supports renovation and construction in Mecklenburg County and that she has to support that as well.

Commissioner Bentley said she was frustrated with the bond campaign in that she doesn't believe there was adequate coverage of the tax impact. Commissioner Bentley said she would like to see the next time that the voters ask those questions and that there also be public discussion about the impact.

Chairman Roberts noted that the bond campaign was not handled by the County, thus the County had no control over the marketing of the campaign.

Chairman Roberts said she wanted to acknowledge that when the County looked at the bond amount and came up with the \$516 million that every spreadsheet given to the Board had a tax impact column.

Chairman Roberts asked Guy Chamberlain with Charlotte-Mecklenburg Schools (CMS) to comment on the scenarios.

Mr. Chamberlain's response was as follows:

- "Clearly there's a difference between the \$220 million that CMS originally requested and the \$195 million that's being recommended to the Board by County staff.
- CMS staff and County staff have discussed this and CMS does have a substantial amount issued debt that has not been spent this year. Mr. Chamberlain said he was confident CMS will spend most of it and that there may be a little carry over.
- CMS staff in their calculation have accounted for a 10% inflation rate. He

said he's not sure they will see that, but he also has assurances from the County Finance Director that as the end approaches for 2008 that if additional funds are needed to carry CMS through the end of the year, those funds would be made available.

- The agreement, per staff discussions, is that CMS feels it can keep on pace with its schedule, ultimately get most of the projects underway and completed, so that CMS can come back to the voters in 2009. As such, Mr. Chamberlain said he doesn't think this is going to impact their schedule.

Commissioner James said the issue most republicans have had has been the lack of a capital plan for CMS, a plan that says "we anticipate on borrowing this much each year for the next x years." Commissioner James said this has been requested many times but nothing has been received.

Commissioner James said he doesn't have a problem with the \$220 million but he wants a consensus, an understanding from CMS and the County that says "we're going to issue this much debt over this period of time." Commissioner James said there may be extraordinary circumstances but his question for Mr. Chamberlain is whether or not he has a problem with going back to Dr. Gorman and the School Board and asking them to "sign off" on \$195 million for fiscal year 08 and \$220 million tentatively for fiscal year 09-2013.

Mr. Chamberlain's response was as follows:

- The \$195 million was discussed with Dr. Gorman and he expressed "a little bit" of concern that it's not the \$220 million that was requested, but he thinks the agreement between the staffs, that CMS would be able to maintain schedule and the fact that inflation will probably not be 10% over the next year, he's confident that CMS can do what it said it would do at that lower number.
- As far as the \$220 or \$200 million going forward, that's something he can take back to the Superintendent for discussion. Mr. Chamberlain said he was not aware of this and has not had an opportunity to analyze the impact of that on their schedule.
- If they stretch the schedule out a year or two that will have an impact on the number of classrooms they deliver every year, an impact on the amount of money spent on mobile classrooms and it will incur greater inflation over the life of the bond. Therefore, he said CMS could be looking at a net loss of revenue to mobiles and the devaluation of the dollar relative to construction in the amount of \$30 million. Mr. Chamberlain said he would have to go back and look at all of that and he would be happy to do that.

Commissioner Clarke said the report given to the Board with respect to this matter is an illustration of the tax impact of selling debt at different levels. He said it's not a plan and that it's not really what Commissioner James wants, which is a "cap."

Commissioner Helms said it needs to be clear that the information provided to the Board does not automatically translate into a property tax increase.

Commissioner James said he wants to know how CMS feels about this.

The vote was then taken on the motion as noted.

Motion was made by Commissioner Helms, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve the size of the January 2008 bond sale in the amount of \$160.5 million and COPs sale in the amount \$161,310,000 for a total amount of \$321,810,000.

Note: The above is not inclusive of every comment.

(38) NOVEMBER 6, 2007 BOND REFERENDUM - CERTIFICATION OF RESULTS

The Clerk to the Board of Commissioners placed before the Board of Commissioners a Certificate of Canvass of the Mecklenburg County Board of Elections certifying to the Board of Commissioners the results of the special election held for the County of Mecklenburg on November 6, 2007. The Certificate was considered by the Board.

RESOLUTION CERTIFYING ELECTION RESULTS

Commissioner H. Parks Helms moved the adoption of the following resolution, the motion was seconded by Commissioner Valerie C. Woodard, and the resolution was read by the above title.

WHEREAS, the Board of Commissioners has considered the Certificate of Canvass of the Mecklenburg County Board of Elections canvassing the referendum held for the County of Mecklenburg on November 6, 2007 and certifying the results thereof to the Board of Commissioners and has canvassed the results of that special election;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg that it be and hereby is certified and declared that the number of voters registered and qualified to vote at that special election was 542,290.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question,

“SHALL the order authorizing \$516,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”,

was 86,365. The total number of voters who voted “NO” in answer to such question was 40,976.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question,

“SHALL the order authorizing \$30,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and

installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”, was 87,928. The total number of voters who voted “NO” in answer to such question was 37,299.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted “YES” in answer to the question,

“SHALL the order authorizing \$35,640,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property; and a tax to be levied for the payment thereof, be approved?”, was 79,064. The total number of voters who voted “NO” in answer to such question was 44,822.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of the election shall be prepared and published in accordance with law:

STATEMENT OF RESULT OF SPECIAL ELECTION

HELD FOR THE

COUNTY OF MECKLENBURG

NOVEMBER 6, 2007

WHEREAS, by direction of the Board of Commissioners of the County of Mecklenburg, in the State of North Carolina, a special election was duly called and held for the County on November 6, 2007 for the purposes of submitting to the qualified voters of the County the questions hereinafter set forth, and that Board has received from the Mecklenburg County Board of Elections a certification of the results of the election, and has determined the results of the election to be as hereinafter stated;

NOW, THEREFORE, the Board of Commissioners of the County of Mecklenburg hereby makes the following statement of the result of the election pursuant to The Local Government Bond Act:

1. The total number of voters registered and qualified to vote at the election was 542,290.

2. The number of voters who voted “YES” in answer to the question,

“SHALL the order authorizing \$516,000,000 of bonds secured by a pledge of the faith and

credit of the County of Mecklenburg to pay capital costs of providing school facilities, including the acquisition and construction of new school facilities, the improvement and expansion of existing school facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”,

was 86,365. The total number of voters who voted “NO” in answer to that question was 40,976. The question in the form submitted was **approved** by the vote of a majority of those who voted thereon at the election.

3. The number of voters who voted “YES” in answer to the question, “SHALL the order authorizing \$30,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing community college facilities, including the acquisition and construction of new community college facilities, the improvement and expansion of existing community college facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor; and a tax to be levied for the payment thereof, be approved?”,

was 87,928. The total number of voters who voted “NO” in answer to that question was 37,299. The question in the form submitted was **approved** by the vote of a majority of those who voted thereon at the election.

4. The number of voters who voted “YES” in answer to the question, “SHALL the order authorizing \$35,640,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing land for present or future county corporate, open space, watershed protection, community college, and public school purposes, and the acquisition and improvements thereon and interests in such real property; and a tax to be levied for the payment thereof, be approved?”,

was 79,064. The total number of voters who voted “NO” in answer to that question was 44,822. The question in the form submitted was **approved** by the vote of a majority of those who voted thereon at the election.

Any action or proceeding challenging the regularity of validity of this bond referendum must be begun within 30 days after _____, the date of publication hereof.

Board of Commissioners of
the County of Mecklenburg,

[End of Statement of Result of Special Election]

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dan Bishop, Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard.

NAYS: None

Note: Commissioner Dan Bishop was absent at the time of the above vote.

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

(39) NON-VOTED GENERAL OBLIGATION BONDS

RESOLUTION MAKING REQUIRED FINDINGS

Commissioner Dumont Clarke introduced the following resolution and moved that it be adopted, Commissioner Dan Ramirez seconded that motion, and the resolution was read by the above title and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes.

RESOLVED that the Board of Commissioners of the County of Mecklenburg hereby makes the following factual findings:

1. Description of the project: Bonds in the maximum principal amount of \$12,000,000 are proposed to be issued for the following projects: park and recreation projects.
2. Facts regarding necessity of proposed projects: The proposed projects are necessary and expedient because present facilities are inadequate to meet the needs in the community.
3. Facts supporting the amount of bonds proposed: The amount of bonds proposed is adequate and not excessive for the proposed purposes based on present estimates.
4. Past debt management policies: The County has in the past always appropriated funds in accordance with North Carolina law during each fiscal year in an amount sufficient to retire all principal and interest on indebtedness.
5. Past budgetary and fiscal management policies: The County has always adopted its budget in a timely manner in accordance with North Carolina statutory requirements and has

obtained an unqualified opinion from a certified public accountant in connection with each annual audit.

6. Retirement of Debt: Any increase in the County's property tax rate resulting from issuance of the proposed bonds is not excessive.

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Dumont Clarke moved adoption of a resolution to introduce the bond order, that motion was seconded by Commissioner Norman A. Mitchell, Sr., and the resolution was read by the above title.

* * *

BOND ORDER AUTHORIZING THE ISSUANCE OF \$12,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG

WHEREAS, the Board of Commissioners of the County of Mecklenburg deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Commission has notified the Board that the application has been filed and accepted for submission to the Commission;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

The Board determines that it is necessary to provide park and recreation facilities, including the acquisition and construction of new park and recreation facilities, the improvement and expansion of existing park and recreation facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, and to pay capital costs of such improvements.

To raise the money required to pay capital costs of providing the improvements described above, in addition to any funds which may be made available for that purpose from any other sources, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be \$12,000,000.

Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

No debt shall be contracted during any fiscal year by the issuance of bonds pursuant to this bond order if the amount of such debt together with all other debt then contracted during such fiscal year exceeds two-thirds of the amount by which the outstanding indebtedness of the County has been reduced during the next preceding fiscal year, unless the incurring of such debt is submitted to a vote of the people of the County and is approved by a majority of those who vote thereon at a referendum.

This bond order shall take effect thirty days after its publication following adoption, unless it is petitioned to a vote of the people within thirty days after the date of its publication as introduced as provided in G.S. 159-60, in which event, it shall take effect when approved by the voters of the County at a referendum.

The motion to introduce the above bond order was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dan Bishop, Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard.

NAYS: None

Note: Commissioner Dan Bishop was absent at the time of the above vote.

* * *

RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDER

Commissioner Dumont Clarke moved the adoption of the following resolution, the motion was seconded by Commissioner Valerie C. Woodard and the resolution was read by the above title.

WHEREAS, the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$12,000,000 PARK AND RECREATION BONDS OF THE COUNTY OF MECKLENBURG" has been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on December 4, 2007, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

The public hearing upon that bond order shall be held in at the Charlotte-Mecklenburg

Government Center, 600 East Fourth Street, Charlotte, North Carolina, North Carolina, at a meeting that begins at 6:00 P.M, December 18, 2007.

The Clerk to the Board of Commissioners is hereby directed to cause a copy of the bond order to be published with the notice of public hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to the public hearing.

The Director of Finance is hereby directed to file with the Clerk to the Board of Commissioners prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dan Bishop, Dumont Clarke, H. Parks Helms, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and Valerie C. Woodard.

NAYS: None

Note: Commissioner Dan Bishop was absent at the time of the above vote.

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

(41) AMENDMENTS TO COUNTY-CITY INTERLOCAL AGREEMENT FOR BROOKLYN VILLAGE/ THIRD WARD PARK/KNIGHTS BASEBALL STADIUM PROJECT

General Manager Bobbie Shields addressed amendments to County-City Interlocal Agreement For Brooklyn Village/ Third Ward Park/Knights Baseball Stadium Project.

Note: On May 1, 2007, the Board of Mecklenburg County Commissioners authorized its Chairman to execute the County-City Interlocal Agreement for Brooklyn Village/ Third Ward Park/Knights Baseball Stadium Project between Mecklenburg County and the City of Charlotte in substantially the form presented to the Board of Commissioners with technical corrections and minor modifications as she may deem necessary consistent with the spirit and intent of the transactions. While the City, the County, the Board of Education, Spectrum/Cornerstone, and the Charlotte Knights continue to work through the various agreements to bring this project to fruition, legal action by Jerry Reese has the potential of delaying clear title to the Brooklyn Village land, thereby requiring amendments to the Interlocal Agreement adopted by the City and County. In addition, a Brooklyn Village Affordable Housing and Declaration of Restrictive Covenants Agreement is now completed and is referenced in this first amendment to the Interlocal Agreement.

The key provisions of the Brooklyn Village Affordable Housing and Declaration of Restrictive Covenants Agreement of interest to Mecklenburg County are:

- 1. The purpose of the Agreement is to insure that Brooklyn Village, LLC builds and operates the affordable housing units as agreed.*
- 2. An affordable housing deed restriction will be placed on a portion of the Marshall Park parcel when it is conveyed from the City to the County.*
- 3. A similar deed restriction will be placed on a portion of the land assembly to be conveyed from the County to Brooklyn Village, LLC.*

4. *The restrictions will remain in effect for a period of 40 years unless Mecklenburg County does not convey the land assembly to Brooklyn Village, LLC or conveys Marshall Park back to the City of Charlotte.*

The following summarizes the recommended changes to the Interlocal Agreement.

- *Establish the date of March 1, 2008 by which time the County and Spectrum will have executed the exchange agreement for the land in Second Ward for Brooklyn Village and the land in Third Ward for the new Third Ward Park.*
- *Extend the date by which the exchange of property between the County and Spectrum by up to 5 years (December 1, 2012).*
- *Reference the Brooklyn Village Affordable Housing Agreement to be executed by the City, the County, the Charlotte Housing Authority and Brooklyn Village LLC (Mass Mutual) and Declaration of Restrictive Covenants to insure the future development of the affordable housing units.*

It was noted that Charlotte City Council approved the First Amendment to the Interlocal Agreement during its November 26, 2007 meeting.

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to authorize the County Manager to execute the Brooklyn Village Affordable Housing Agreement and Declaration of Restrictive Covenants.

Prior to the above vote, Commissioner Woodard asked about the affordable housing residents and whether it was true they would have to pay to park at their residence.

General Manager Shields said he believes that with the exception of the subsidized rent, they would be treated the same as any other resident and if that includes paying for parking then that would be a part of it. Further, the only other thing, which is listed in the document provided to the Board, is that there will be a subsidy in the amount of \$83,334 per affordable housing unit and there will be 30 affordable housing units.

Commissioner Woodard said she would like some additional information regarding this because she's not comfortable with the parking issue.

General Manager Shields said he would get additional information on this.

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt Resolution authorizing the Chairman to amend the County-City Interlocal Agreement for Brooklyn Village/ Third Ward Park/Knights Baseball Stadium Project.

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS**

**RESOLUTION
AUTHORIZING THE FIRST AMENDMENT TO
BROOKLYN VILLAGE/KNIGHTS BASEBALL STADIUM INTERLOCAL
COOPERATION AGREEMENT**

WHEREAS, Mecklenburg County ("County") and The City of Charlotte ("City") entered into the Brooklyn Village/Knights Baseball Stadium Interlocal Cooperation Agreement with respect to the transfer of the Marshall Park Site, Spirit Square, and certain street rights-of-way from the City to the County in exchange for the County's pro-rata ownership interest in the Wachovia Cultural Facilities; and

WHEREAS, actual and threatened lawsuits will likely delay sale of the Marshall Park Site and other Second Ward property to the Cornerstone Entity for implementation of the first phase of the approved Second Ward Vision Plan; and

WHEREAS, the City and County wish to reference the negotiated Brooklyn Village Affordable Housing Agreement and Declaration of Restrictive Covenants in this Interlocal Cooperation Agreement, which provides for the construction of public housing in Brooklyn Village, and

WHEREAS, the County has determined that it would be appropriate to amend the Brooklyn Village/Knights Baseball Stadium Interlocal Cooperation Agreement to incorporate the changes; now, therefore be it

RESOLVED by the Mecklenburg Board of County Commissioners that the First Amendment to the Brooklyn Village/Knights Baseball Stadium Interlocal Cooperation Agreement in the form provided to the Board is approved, the Chairman of the Board of County Commissioners is hereby authorized to execute such Amendment with any minor changes as might later be determined to be necessary, and this Resolution shall be spread upon its minutes.

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

(42) BUSINESS INVESTMENT GRANT: NEWELL RUBBERMAID

Motion was made by Commissioner Helms, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to approve a Business Investment Grant to Newell-Rubbermaid for a total estimated amount of \$221,156 over five (5) years.

Note: Newell Rubbermaid (Rubbermaid) is a Fortune 500 firm headquartered in Atlanta, GA. The company currently operates three (3) business units with approximately 378 employees in the North Pointe Business Park in Huntersville.

The company intends to add approximately 320 new jobs. These jobs will be professional and management positions that will pay an average annual salary of \$88,700 (not including benefits), which is almost, double the Mecklenburg County average annual salary of \$47,900 (not including benefits).

In addition, the company will build a \$5 million, 50,000 square foot facility on the Huntersville campus at the North Pointe Executive Park.

Jazz Tunnel, Assistant to the County Manager presented this matter to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS – NONE

COMMISSION COMMENTS – Commissioner Woodard acknowledged receipt of a framed picture on behalf of the Board from the sponsors of the recent Black Expo held in Charlotte/Mecklenburg County. It was given to Chairman Roberts for placement in her office.

ADJOURNMENT

Motion was made by Commissioner Ramirez, seconded by Commissioner Bentley, and carried 8-0 with Commissioners Bentley, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:20 p.m.

