

DECEMBER 2, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, December 2, 2008.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Vilma Leake and Daniel Murrey
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

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

(1B) REGISTER OF DEEDS BOND

County Manager Jones informed the Board that since its last meeting, at which time the Board was informed that Register of Deeds-Elect James David Granberry had not secured a bond, that he now has secured one.

It was noted that once the Board approves the bond for Register of Deeds-Elect Granberry, he will then be sworn into office.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to acknowledge receipt of and approve the bond for Register of Deeds James David Granberry.

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

(1A) STAFF BRIEFINGS - FLEET MANAGEMENT LAND EXCHANGE

Economic Development Director John Allen and Director of Real Estate Services Mark Hahn, addressed a proposed land exchange with the ARK Group for Tax Parcel 078-425-12, located at 900 W. 12th Street and Tax Parcel 069-155-42, located at 1000 Montana Drive.

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Note: The ARK Group is developing Uptown Village, a thirty-five acre mixed use project on Seaboard Street adjoining the County's fleet management facility on West 12th Street. The ARK Group would like to expand their complex by incorporating the County's five acre tract into the project. They have identified a thirteen acre site located at 1000 Montana Drive where fleet management could be relocated. This would be accomplished by swapping one site for the other, in an equal value transaction based on third party appraisals. The ARK Group would be responsible for the construction and relocation costs to replicate the current fleet management facility at the new site. Incorporating the County's property in the Uptown Village project will add to the uptown tax base and support growth of restaurant and entertainment venues to serve both residents and visitors.

It was noted that land values and other details would need to be identified before moving forward with this exchange.

Commissioner Clarke left the meeting and was away until noted in the minutes.

Commissioner James asked would ARK Group hold the County harmless for the environmental impact that may be discovered from the fleet facility. *The response was yes and that this is something that would be worked out in negotiations.*

Commissioner Cooksey asked about cost to the County. *The response was that the ARK Group will bear all of the cost.*

Commissioner Leake asked about the impact on neighboring communities, which was addressed.

Commissioner Dunlap asked would there be any additional cost to the County, with respect to travel distance for vehicles that need to visit the fleet maintenance facility. *The response was that the new facility would still be close to the existing facility, so there really wouldn't be any additional cost with respect to distance for vehicles.*

Commissioner Murrey asked about parking. *The response was that staff would assume that there would be ample parking since the ARK Group was able to obtain their building permit.*

Commissioner Cogdell asked had the site plan been submitted to the City of Charlotte. *The response was that staff was not sure.*

It was noted the City of Charlotte is supportive of this proposal.

Commissioner James suggested consideration be given to doing some public relations work with residents of the neighborhood that the new potential site backs up to, if the land exchange is approved.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to authorize staff to proceed with the process to negotiate a land exchange with the ARK Group for Tax Parcel 078-425-12, located at 900 W. 12th Street and Tax Parcel 069-155-42, located at 1000 Montana Drive and to report back to the Board.

(2A) CLOSED SESSION - CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Glenn Adams v. Mecklenburg County.

Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting

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yes, to go into Closed Session to Consult with Attorney, with respect to Glenn Adams v. Mecklenburg County.

The Board went into Closed Session at 5:47 p.m. and came back into Open Session at 5:55 p.m.

Commissioner Clarke was present when the Board came back into Open 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 9 and 10.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) BOARD OF COMMISSIONERS PLAQUE PRESENTATION

The Board recognized members of the 2006-2008 Board of County Commissioners for their service to Mecklenburg County Government and the community.

Plaques were presented to members of the 2006-2008 Board of County Commissioners: Karen Bentley, J. Daniel Bishop, Dumont Clarke, H. Parks Helms, Bill James, Norman A. Mitchell, Sr., Dan Ramirez, Jennifer Roberts, and the late Valerie C. Woodard (Commissioner Dunlap accepted Commissioner Woodard's plaque on behalf of her family.)

(1C) INDUCTIONS INTO THE ORDER OF THE HORNET

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct former County Commissioner Norman A. Mitchell, Sr. into the Order of the Hornet.

Former Commissioner Mitchell thanked the Board for this bestowing this honor upon him.

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct former County Commissioner J. Daniel Bishop into the Order of the Hornet.

Former Commissioner Bishop thanked the Board for this bestowing this honor upon him.

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

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Note: Former Commissioner H. Parks Helms was unable to make the meeting. He will be inducted at a later date.

Note: Former Commissioner Dan Ramirez was inducted into the Order of the Hornet in December 2004.

Note: The late Commissioner Valerie C. Woodard was inducted into the Order of the Hornet on October 7, 2008. Commissioner Woodard passed unexpectedly on October 3, 2008.

(1B) PRESENTATION OF GAVEL

County Manager Jones, on behalf of the 2006-2008 Board of County Commissioners presented a Gavel Plaque to Chairman Jennifer Roberts, the 2006-2008 Chairman of the Mecklenburg Board of County Commissioners.

Chairman Roberts expressed thanks.

(2) PUBLIC APPEARANCE

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

Larry Brackett addressed Charlotte-Mecklenburg Schools' budget and utilization of resources.

Jim Bensman, Town of Cornelius Commissioner, encouraged the new Board to work as a team.

(3) APPOINTMENTS – NONE

PUBLIC HEARINGS

(4A) CERTIFICATE OF PARTICIPATION (COPS) PUBLIC HEARING

Motion was made by Commissioner Bill James, seconded by Commissioner Karen Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to open the public hearing regarding financing School, Community College, County and Library Facilities, and a School Administrative Facility through Certificates of Participation.

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) and 153A-158-1 of the North Carolina General Statutes, as amended, for the purpose of considering (1) whether the Board of Commissioners for the County (the "Board") should approve an installment financing contract under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed \$137,625,000, for the purpose of accomplishing all or a portion of the Projects described in the Notice of Public Hearing and under which the County would secure the repayment by it of moneys advanced pursuant to such documents by granting a lien on a portion of the property relating to the Projects and (2) determining whether the County may acquire interests in school property relating to the Projects from the Charlotte-Mecklenburg Board of Education. Any property acquired by the County would be subjected to the lien described above and leased back to the grantor.

The Chairman announced that the notice of the public hearing was published in The Charlotte Observer on November 20, 2008.

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It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed installment financing contract and the County's acquisition of school property, pursuant to or who responded in writing to the notice of public hearing, are as follows: **No one appeared.**

After the Board had heard all persons who had requested to be heard, Commissioner Neil Cooksey moved that the public hearing be closed. The motion was seconded by Commissioner Vilma Leake and was unanimously adopted.

* * *

Commissioner Dumont Clarke introduced the following Resolution which was read by title, and moved it be adopted:

RESOLUTION AUTHORIZING AND APPROVING AN INSTALLMENT FINANCING

WHEREAS, financing pursuant to Section 160A-20 of the North Carolina General Statutes must be approved by the Local Government Commission of North Carolina and will only be approved if the findings of Section 159-151(b) of the North Carolina General Statutes are met;

WHEREAS, the Board of Commissioners of the County duly conducted a public hearing today regarding an installment financing contract to finance the Projects;

WHEREAS, there have been available at this meeting drafts of the forms of the following:

- (1) Installment Financing Agreement to be dated as of February 1, 2009 (the "Contract") between the County and Mecklenburg County Public Facilities Corporation (the "Corporation");
- (2) Deed of Trust to be dated as of February 1, 2009 (the "Deed of Trust") from the County to a trustee for the benefit of the Corporation;
- (3) Trust Agreement to be dated as of February 1, 2009 (the "Trust Agreement") between the Corporation and a trustee (the "Trustee");
- (4) Official Statement (the "Official Statement") relating to Certificates of Participation evidencing proportionate undivided interests in revenues to be received by the Corporation under the Contract (the "Certificates"); and
- (5) Contract of Purchase (the "Purchase Contract") between certain underwriters (the "Underwriters") and the Corporation, including the Letter of Representation attached thereto (the "Letter of Representation").

WHEREAS, the Board of Commissioners of the County wants to approve the Contract and the sale of the Certificates and to authorize other actions in connection therewith; and

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

1. The Board hereby finds and determines in connection with the proposed installment financing contract that (a) such proposed installment financing contract is necessary or expedient to the County, (b) such proposed installment financing contract, under current circumstances, is preferable to a bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed installment financing

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contract are adequate and not excessive for their proposed purpose, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) any increase in taxes necessary to meet the sums estimated to fall due under such proposed installment financing contract will not be excessive and (f) the County is not in default regarding any of its debt service obligations.

2. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed installment financing contract under Article 8 of Chapter 159 of the General Statutes of North Carolina.
3. The County Manager, the Director of Finance and any Deputy Director of Finance are hereby designated as representatives of the County to file an application for approval of such proposed installment financing contract with the Local Government Commission of North Carolina and are authorized to take such other action as may be advisable in connection with the negotiation of such proposed installment financing contract and the development of the related financing; and all actions heretofore taken by the employees of the County relating to such matters are hereby approved, ratified and confirmed.
4. Each of the Contract, the Deed of Trust, and the Letter of Representation, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Director of Finance, any Deputy Director of Finance, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.
5. Each of the Trust Agreement and the Purchase Contract, in the form submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions or omissions as appropriate.
6. The Official Statement, in the form submitted to this meeting, is hereby approved, in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof in connection with the public offering and sale of the Certificates is hereby authorized.
7. The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Without limiting the generality of the foregoing, the Director of Finance or any Deputy Director of Finance is authorized to approve all details of the financing, including without limitation, the amount advanced under the Contract (which shall not exceed \$122,550,000), the annual principal payments under the Contract, the interest rates for any fixed rate Certificates, the terms of the Contract, and the discount below the principal amount of the Certificates at which the Certificates are sold to the Underwriters or the fee paid to the Underwriters. Execution of the Contract by the Chairman of the Board, the County Manager, the Director of Finance or any Deputy Director of Finance, shall conclusively evidence approval of all such details of the financing.
8. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transaction contemplated by the documents referred to above.
9. This Resolution shall become effective immediately upon its adoption.

Commissioner George Dunlap seconded the motion.

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Substitute motion was made by Commissioner Harold Cogdell, Jr. to amend Section 7 by changing the limitation amount from \$122,550,000 to \$90,765,000; **thus, Section 7 will now read:** The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Without limiting the generality of the foregoing, the Director of Finance or any Deputy Director of Finance is authorized to approve all details of the financing, including without limitation, the amount advanced under the Contract (**which shall not exceed \$90,765,000**), the annual principal payments under the Contract, the interest rates for any fixed rate Certificates, the terms of the Contract, and the discount below the principal amount of the Certificates at which the Certificates are sold to the Underwriters or the fee paid to the Underwriters. Execution of the Contract by the Chairman of the Board, the County Manager, the Director of Finance or any Deputy Director of Finance, shall conclusively evidence approval of all such details of the financing.

Commissioner Karen Bentley seconded the substitute motion and the motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Harold Cogdell, Jr., Neil Cooksey, Bill James, and Daniel Murrey

NAYS: Commissioners Dumont Clarke, George Dunlap, Vilma Leake, and Jennifer Roberts

* * *

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

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

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Murrey voting no, to approve the size of the January 2009 bond sale not to exceed \$253 million.

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

(18) NOVEMBER 4, 2008 BOND REFERENDUM

Resolution certifying the results of the November 4, 2008 Bond Referendum for Park and Recreation Facilities.

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

4, 2008. The Certificate was considered by the Board.

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RESOLUTION CERTIFYING ELECTION RESULTS

Commissioner Bill James moved the adoption of the following resolution, the motion was seconded by Commissioner Vilma Leake, 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 4, 2008 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 627,498.

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 \$250,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing 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 a tax to be levied for the payment thereof, be approved?",

was 232,632. The total number of voters who voted "NO" in answer to such question was 144,524.

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:

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STATEMENT OF RESULT OF SPECIAL ELECTION

HELD FOR THE

COUNTY OF MECKLENBURG

NOVEMBER 4, 2008

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 4, 2008 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 627,498.

2. The number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$250,000,000 of bonds secured by a pledge of the faith and credit of the County of Mecklenburg to pay capital costs of providing 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 a tax to be levied for the payment thereof, be approved?", was 232,632. The total number of voters who voted "NO" in answer to that question was 144,524.

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,

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North Carolina

[End of Statement of Result of Special Election]

The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Harold Cogdell, Jr., Neil Cooksey,
George Dunlap, Bill James, Vilma Leake, Daniel Murrey, and Jennifer
Roberts

NAYS: None

Note: Commissioner Dumont Clarke was away from the dais at the time of the vote.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6) RECEIVE MANAGER'S REPORT

County Manager Jones noted the following for the Manager's Report:

The County's Financial Standing

Commissioner Clarke returned to the dais.

County Manager Jones asked Finance Director Dena Diorio to comment on the County's financial standing, in light of a statement that was made at the Swearing-In Ceremony when Commissioners made their remarks.

County Manager Jones said it was stated that the County has a \$105 million gap in its budget.

County Manager Jones said he doesn't want there to be any misunderstanding with respect to the County's financial standing, which is why he asked Finance Director Dena Diorio to address this issue.

Finance Director Diorio clarified that the County does not have a revenue shortfall, or, a gap in its budget.

Critical Need Response Team Task Force

County Manager Jones informed the Board that he has been asked to serve as Co-chair of the Critical Need Response Team Task Force. He addressed how the task force came into being, its purpose, and members.

UNC-Charlotte Football

County Manager Jones informed the Board that there have been discussions with respect to UNC-Charlotte initially using Memorial Stadium for its football games, if they are granted the ability to start a team. It was noted that if this occurs, it may require some renovations to Memorial Stadium. Staff will report back to the Board on this matter.

Commissioner James noted that he was not opposed to UNC-Charlotte using Memorial Stadium,

but he would be opposed to any County funding towards that effort.

Commissioner Dunlap suggested that if renovations are made to Memorial Stadium that consideration is given to using turf instead of grass.

Strategic Planning Conference

County Manager Jones informed the Board that the dates of the Board's annual Strategic Planning Conference would be January 29-30, 2009. The location, which will be somewhere local, has not yet been determined. He asked the Board to mark these dates on their calendar and to be amenable to staying overnight.

Pre-Agenda Review Meetings

County Manager Jones suggested conducting pre-agenda review meetings on the day of a Regular board meeting, for those Commissioners who may have questions regarding matters on the agenda that they would like an answer to or a better understanding of, prior to the meeting. County Manager Jones said he would be willing to hold these meetings, if the Board feels it would be beneficial. Further, that after holding a few meetings, it may not be necessary to continue them long term. It was the consensus of the Board that these meetings be held beginning with the December 16, 2008 Regular meeting.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the following item(s), with the exception of Items 9 and 10, to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 18, 2008 and Closed Session minutes of November 18, 2008.

(8) PURCHASE OF RADIO EQUIPMENT – FIRE MARSHAL'S OFFICE

Award contract to Motorola for \$475,456 for purchase of portable radios for replacement of current portable radios assigned to the Fire Marshal's Office.

(11) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the "Offer of Sale of Land" from Felipe A. Roman Jr. 2231 Purser Drive for \$59,000.
2. Accept the "Offer of Sale of Land" from Michel Andre & Sharon Thonissen of 2224 Purser Drive for \$54,000.
3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action will purchase and remove the above properties from the floodplain.

(12) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION, QUICK BUY

1. Accept the "Offer of Sale of Land" from Melba Adams owner of 5124 Dolphin Lane for \$82,676.64.
2. Accept the "Offer of Sale of Land" from Quentin T. Scott, Executor for the Estate of Alma L. Scott, deceased owner of 5421 Dolphin Lane for \$78,075.77.
3. Accept the "Offer of Sale of Land" from Oliver and Kathleen Sharman owners of 2917 Dunlavin Way for \$131,206.35.
4. Accept the "Offer of Sale of Land" from George V. and Carolyn B. Laughrun owners of 2953 Dunlavin Way for \$126,012.60.
5. Accept the "Offer of Sale of Land" from Brooke C. Smith owner of 3000 Harbinger Court for \$161,046.28.
6. Accept the "Offer of Sale of Land" from Linda R. Stinson owner of 5123 Kildare Drive for \$65,446.34.
7. Accept the "Offer of Sale of Land" from Samuel and Catherine Adams owners of 1726 Shannonhouse Drive for \$89,778.56.
8. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action will purchase and remove the above properties from the floodplain.

(13) FEDERAL CRISIS INTERVENTION PROGRAM (CIP) - DSS

Amend the Fiscal Year 2009 Adopted Budget by recognizing, receiving and appropriating \$98,918 for the Crisis Intervention Program (CIP).

Note: The U.S. Department of Energy allocated additional federal funding for the Crisis Intervention Program (CIP). Funding is distributed to Crisis Assistance Ministries for the administration of CIP. Mecklenburg County citizens are able to obtain energy assistance to meet their utility needs.

(14) GREENWAY DONATION – TORRENCE CREEK TRIBUTARY

Accept the donation of Tax Parcel 017-158-08 (+/- 3.38 acres) on Torrence Creek Tributary from Colonial Realty Limited Partnership.

Note: The subject parcel is located off Tribute Place Drive and is being donated as a required condition of subdivision approval for the Colonial Grand at Huntersville mixed-use development. This property will be incorporated into a stream restoration project and also become part of the land assemblage for the Torrence Creek Greenway in the North Park District.

(15) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING-DEVELOPMENT ORDINANCE – SECOND READING

1. Amend the LUESA Fee Ordinance, revising plan review fees to allow collection of OnSchedule permit fees at application for review, and retention of plan review costs on projects which are abandoned for 120 days or longer.
2. Revise the Building-Development Ordinance, adding the definition of “Abandoned Projects”, and adding a section on “Destruction of Plans”, clarifying the timeframe for destroying plans which are not picked up by the applicant.

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

(16) WTVI DIGITAL TRANSMISSION

1. Approve the purchase of Digital TV Transmission Equipment and Installation without competitive bidding, as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3); and
2. Approve a contract with GTSI for providing a turnkey Digital TV Transmission System in an amount not to exceed \$2,430,000.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(9) 2009 MOBILE SOURCE EMISSION REDUCTION GRANT APPLICATION

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to:

1. Approve submission of 2009 Mobile Source Emission Reduction Grant application by Mecklenburg County Air Quality to North Carolina Division of Air Quality for \$300,000 in grant funds.
2. Upon award of grant, recognize, receive and appropriate award.
3. Authorize the carry-forward of unspent funds until expended.

Note: Funds to be used to reduce air pollution from non-road construction equipment in the 8-county ozone non-attainment region through the County’s GRADE project.

Commissioner Cogdell removed this item from Consent for more public awareness purposes.

(10) 2009 CONGESTION MITIGATION AND AIR QUALITY FUNDING GRANT APPLICATION

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts

voting yes, to:

1. Approve submission of 2009 Congestion Mitigation and Air Quality grant application to North Carolina Department of Transportation for \$300,000.
2. Upon award of grant, recognize, receive and appropriate award.
3. Authorize the carry-forward of unspent funds until the completion of the program.

Note: Funds to be used to reduce air pollution from non-road construction equipment in the 8-county ozone non-attainment region through the County's GRADE project.

Commissioner Cogdell removed this item from Consent for more public awareness purposes.

STAFF REPORTS AND REQUESTS

(17) 2009 BOARD OF COUNTY COMMISSIONERS' MEETING SCHEDULE

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to approve 2009 Board of County Commissioners' Meeting Schedule as amended.

Note: The amendment, which was offered by Commissioner Murrey, was to change the Tuesday, November 3, 2009 Regular meeting to Wednesday, November 4, 2009 because of the Election on Tuesday.

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

Commissioner Dunlap returned to the dais.

(19) UNIFORM SCHEDULES OF VALUES, STANDARDS AND RULES FOR THE 2009 REAPPRAISAL

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to 1) Delay a revaluation until 2010 or 2011; 2) Schedule subsequent revaluations for the year 2013 and every two years thereafter; 3) Direct staff to provide resources for property owners that would indicate the general magnitude of their property value gain or loss since the last re-evaluation and the potential impact on their tax payments; 4) Direct staff to provide resources for property owners that would inform them of any available programs that may mitigate their tax burden or any programs that may facilitate payment of that tax burden; and 5) Direct staff to present to the Board a comparison of the financial and staffing impact of performing the revaluation in 2010 versus 2011.

Prior to the above vote, the following persons addressed this issue:

Mayor Jeff Tarte of Cornelius spoke in support of delaying revaluation.

Michael Heywood Ross spoke in opposition of a delay. He asked the Board to move forward with the 2009 Reappraisal. Mr. Ross said the current values are five years old and that there are a lot of inequities.

Also prior to the vote:

Commissioner James noted, for the record, that he would support the motion, but he supports doing a reappraisal every four years rather than every two. Commissioner James said when you reevaluate every two years, it takes money out of the pockets of homeowners. Commissioner James went on to say that public service companies have to pay their taxes at the revalue rate until the next revaluation or until the ratio drops below 90%. Commissioner James said the public service companies pay that amount even if they “claim” their assets had depreciated in value. He said although this is hard on the public service companies, it benefits the homeowner.

Per Commissioner James, the law is designed for the public service companies to pay more.

Tax Assessor Garrett Alexander addressed questions from the Board. It was noted that there are a lot of pros and cons with respect to doing revaluation every two or every four years, in addition to the public service company process. Further, that it’s all driven by the market.

Tax Assessor Alexander confirmed that if the sales ratio falls below 90%, the public service companies are entitled to a reduction in the system value by the equivalent amount of the ratio as it falls below 100.

Commissioner Cogdell asked staff to address in their report back to the Board, whether there are any appropriate tools that would require state action that the County could seek to obtain with respect to revaluation, such as possible changes in the Homestead Exemption Act.

Commissioner Murrey said “it’s been intimated that there’s an issue of fairness to the homeowners, that somehow the Board is helping big businesses as opposed to homeowners,” which he said was not true. “What we’re trying to do is be fair, as fair as possible to the homeowners, trying to make them pay exactly what their home is worth, and the tax value associated with exactly what their home is worth; and to have them assessed as often as possible, so that the County can get that number as close to right as we can.” He said “it’s about fairness to homeowners and preparedness of homeowners is what the Board is trying to accomplish.”

Commissioner James asked that the following exchange between he and Tax Assessor Alexander be included in the minutes:

Commissioner James: I want to ask you a question directly because I want to get a direct response related to the conversation we had via e-mail. Assuming that revaluation occurs the same as it has occurred the last two, that is we’re starting over. Has it normally in the past taken approximately four years to get to 90%? Is that a fair and accurate statement?

Tax Assessor Garrett: It’s close. Generally and historically, we’ve been above 90% except in the peak market periods.

Commissioner James: If we revalue when we’re above 90%, does that have the effect of transferring more of the tax burden to homeowners and off of public service corporations? The answer we discussed on the phone today was yes.

Tax Assessor Garrett: As I tried to explain in the e-mail today, since public service property is valued annually, and real property is valued based on the reappraisal schedule, there can be times when the real property is going up in value and the owners of real property are paying at the market rate at the last reappraisal and the public service companies are still paying at 100% of full value on an annual basis.

Commissioner James: Correct. That’s the only point that I was trying to drive across here, is that it’s better to have public service corporations pay 100% of the value for four straight years, then it is for them to pay 100% for two straight years, then have that ratio reset and have residential people pay more.

County Manager Jones noted that if the Board defers taking action for a year, that implementation for 2010 would have to almost begin immediately. County Manager Jones said the current process was started from the standpoint of “creating fairness.”

County Manager Jones posed the question to the Board of, if the Board is using the uncertainty of the economy today to defer. What will the Board do at this same time next year when its presented a statement of values and already incurred the expense and the economy has not changed. He asked would the Board be prepared at that point to move forward.

County Manager Jones suggested the Board consider removing from the motion the directive to have staff come back with an analysis on doing a reappraisal in 2010 and to defer taking action until the Board is statutorily required to conduct a revaluation, which would be 2011.

Substitute motion was made by Commissioner James, seconded by Commissioner Cogdell, to remove from the motion the directive to have staff come back with an analysis on doing a reappraisal in 2010 and to defer taking action until the Board is statutorily required to conduct a revaluation, which would be 2011.

Commissioner Murrey said not knowing how long the recession will last is not the primary reason for his request to delay, but rather it is the “magnitude” of the value changes that people will experience, which is what he’s trying to reduce.

After further discuss, the substitute motion was withdrawn, and the Board voted on the original motion as noted above.

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

(21) AREA MENTAL HEALTH MEDICAID UTILIZATION MANAGEMENT PROPOSAL

The Board received information regarding Area Mental Health and a Medicaid Utilization Management Proposal.

Commissioner Cogdell left the meeting during this time and was absent for the remainder of the meeting.

Area Mental Health Director Grayce Crockett presented this matter to the Board.

Note: In April 2006, the Department of Health and Human Services made the decision to have ValueOptions, a private for profit managed care company, provide utilization management (UM) for Medicaid funded services. This decision created a dual authorization system whereby a provider must get an authorization from ValueOptions for Medicaid funded services and an authorization from the LME for state funded services. This dual system creates inefficiencies in the system and does not allow for seamless person centered planning for consumers. Subsequently, over the past several years there have been significant efforts to return and have Medicaid UM performed by the LMEs across the state.

The Division of Medical Assistance (DMA) on November 14th issued a RFP seeking LMEs interested in providing Medicaid UM pursuant to General Assembly Session Law 2008-10 (HB2436, Section 10.15 (x)). This offers an opportunity for Medicaid UM to be returned to the public sector. The proposals are due on December 15, 2008 with an implementation date of July 1, 2009. Selections will be made by DMA by January 15, 2009.

It was the consensus of the Board that staff moves forward with submitting a response to the Division of Medical Assistance and to report back to the Board at the appropriate time.

DECEMBER 2, 2008

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – No 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 Clarke, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:40 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman