

## CATCHING A REST AT FINE ARTS FESTIVAL



NICK RAY MCCANN - nmccann@charlotteobserver.com

Participants and visitors of the 25th annual National Youth Fine Arts Festival rest in the halls of the Charlotte Convention Center after a long day of performances and contests. Some 7,500 teens are in Charlotte this week competing in a variety of categories showcasing their talents, including photography, voice and film. The festival was organized by the Assemblies of God Fellowship.

### YOUTH FINE ARTS

Watch a video of the kids attending the National Youth Fine Arts Festival and some of their work and performances. [www.charlotteobserver.com/faith](http://www.charlotteobserver.com/faith)

## Court: Governor wrong to divert funds

**Easley balanced budget with money set aside for pension fund, before later repaying it.**

BY GARY D. ROBERTSON  
Associated Press

RALEIGH — Gov. Mike Easley was wrong to intercept \$225 million headed to N.C. state employee pension funds to help cover the 2001 budget shortfall because the state and federal constitutions protect them, an appeals court ruled Tuesday.

While all of the money ultimately was repaid to the retirement system funds and pension benefits didn't suffer, the 14 former and current state workers who first sued in 2002

want to ensure future governors can't divert pension benefits during a fiscal crisis.

Republican Gov. Jim Martin also withheld pension money to patch a 1991 shortfall. "It's a great ruling for the teachers and the state employees," said Hardy Lewis, an attorney representing the plaintiffs. "It essentially says the government can't use the pension fund as a rainy day fund."

Easley has said he took the money appropriated by the Legislature for the N.C. Teachers' and State Employees' Retirement System and two other public employee funds because the state constitution required a balanced budget.

The governor scoured state opinion for the three-member panel, Judge Linda McGee said

office for pots of money to cover a budget that was off by \$850 million. Some of the money was repaid by the end of the 2001, but \$130 million wasn't immediately returned.

Early last year, Superior Court Judge Joseph John ruled that the retirement funds could only be used for retirement purposes.

On appeal, attorneys for the state representing Easley, outgoing State Controller Robert Powell, Treasurer Richard Moore and others argued the \$225 million had never been actually "diverted" because the money wasn't actually transferred to the pension funds.

Writing the unanimous opinion for the three-member panel, Judge Linda McGee said

the plain meaning of "diverted" also applied to money earmarked by lawmakers but hadn't been deposited.

Lawyers for Easley's and Cooper's must now decide whether to appeal to the state Supreme Court.

## Toll-road bids under review

**Two contracts could be awarded this month to build the Triangle Expressway.**

(Raleigh) News & Observer

The N.C. Turnpike Authority opened bids Tuesday from contractors for work this fall on the state's first modern toll road through Research Triangle Park and western Wake County.

The agency is expected to award the two contracts to design and build the Triangle Expressway later this month.

The work would start after October when the turnpike authority sells \$625 million in revenue bonds to finance the construction and operation of the toll road.

Gaston and Union counties have also been in the running for toll roads.

The Triangle Expressway bids were about \$61 million less than what the turnpike authority had expected to pay.

"These are very strong teams, and they have the commitment to meet our aggressive schedule and help these two important roads become reality," said Steve DeWitt, the turnpike authority's chief engineer.

A trio of firms calling itself Raleigh Durham Road-builders had the apparent low bid of \$446.4 million to design and build a 12.6-mile section known as the West-

ern Wake Expressway.

The team includes Atlanta-based Archer Western Contractors, Granite Construction, based in Watsonville, Calif., and LPA Group, based in Columbia.

Wilson-based S.T. Wooten had the apparent low bid of \$137.4 million to build the 3.4-mile Triangle Parkway through RTP.

The two roads will be joined with a stretch of the existing N.C. 540 expressway in western Wake to form the 18.8-mile Triangle Expressway, extending south through RTP to Holly Springs.

Construction is expected to start in November, with traffic flowing on the Triangle Parkway by the end of 2010.

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YALONDA M. JAMES - yjames@charlotteobserver.com

Curtis and Alisha King listen to a supporter during a news conference held outside the King's newly built house on Tuesday. The Charlotte family will be featured on ABC's "Extreme Makeover: Home Edition" this upcoming season.

## 'Makeover' family has hugs for neighborhood

**Charlotteans know neighbors helped with new home and endured a lot of disruption.**

BY MARK WASHBURN  
TV/Radio Writer

They wouldn't let reporters in to see — after all, one must save some surprises for TV — but the King family reported Tuesday their new "Extreme Makeover: Home Edition" house was airy, comfy and generally divine.

"It's open and warm," said Alisha King, one day after series host Ty Pennington showed her the new home-stead for her family at 4214 Sudbury Road. "It makes you want to be home."

"Your house was built with a lot of love," lead builder Rick Merlini told the family.

"There was a lot of sweat, too," added his partner Ed Estridge of JED Development, referring to the unrelenting 90-degree days during the build.

Community gifts continued to arrive for the family Tuesday. At a meeting outside the house, Pfeiffer University president Chuck Ambrose presented all five members of the family — both parents and their three children — tuition-free scholarships to the Misenheimer-based school, which has a satellite campus in Charlotte.

Curtis and Alisha King are trying to finish their undergraduate degrees. Their oldest son, Justin, 19, is already planning to attend Allan Hancock College in Santa Maria, Calif., and play football.

Also, the family will be receiving about \$35,000 in donations from community fundraisers, Merlini said.

Their new house features an open-space style for gathering and a second-floor art studio with a porch for Curtis King. He estimated their home day care, which used to be in a converted garage and is licensed for up to 12 children, has doubled in size.

Construction equipment

and production trucks began pulling out of Sudbury Road on Tuesday, and crews were cleaning up the mess left behind. Producers of the ABC series say neighbors' yards, which were tromped flat by spectators, would be repaired.

"I know my neighbors gave a tremendous amount of support," Alisha King said. "Just walking through, I know it was a sacrifice for them. I want to go to every door and give them a hug."

For the rest of the week, the Kings plan to decompress and enjoy their new home. Come Monday, Alisha King said, her day care will be back in business.

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### EXTREME MAKEOVER

Watch a video of the King family talking about their new home as well as a slideshow of the unveiling. [www.charlotteobserver.com/local](http://www.charlotteobserver.com/local)

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NOTICE OF A COMBINED PUBLIC HEARING FOR PROPOSED IMPROVEMENTS AT THE INTERSECTION OF SR 2827 (BACK CREEK CHURCH ROAD) AND THE NORTH CAROLINA RAILROAD / NORFOLK SOUTHERN RAILWAY AT UNIVERSITY CITY BOULEVARD (NC 49) AND PAVILION BOULEVARD IN CHARLOTTE

TIP Project No. P-3814A Mecklenburg County

The North Carolina Department of Transportation (NCDOT) will hold an Informal Combined Public Hearing on Tuesday, August 19, 2008, between the hours of 5:00 p.m. and 7:00 p.m. at the University Meadows Elementary School Cafeteria, 1600 Pavilion Boulevard, Charlotte, 28262.

NCDOT representatives will be available in an informal setting to answer questions and receive comments relative to the proposed project. The opportunity to submit written comments or questions will also be provided. Interested citizens may attend at any time during the above mentioned hours. Please note: there will be no formal presentation.

The purpose of this project is to make improvements to SR 2827 (Back Creek Church Road) and the North Carolina Railroad / Norfolk Southern Railway crossing at the intersection of University Boulevard (NC 49) and Pavilion Boulevard. Further safety for motorists, rail passengers and train crews will be provided by improving traffic signal operations, reducing prolonged traffic back-ups and eliminating difficult maneuvering conditions.

A map setting forth the design of the project and a copy of the environmental document — Categorical Exclusion (CE) — are available for public review at the NCDOT District Engineer's Office, located at 7605 District Drive, Charlotte, 28213 and also at Harrisburg Town Hall, located at 4100 Main Street, Suite # 101, Harrisburg, 28075.

Anyone desiring additional information may contact Ms. Eileen Fuchs, Human Environment Unit at 1583 Mail Service Center, Raleigh, NC 27699-1583, phone (919) 715-7326, fax (919) 715-1501, or email [eafuchs@ncdot.gov](mailto:eafuchs@ncdot.gov). Additional comments may be submitted until September 19, 2008.

NCDOT will provide auxiliary aids and services under the Americans with Disabilities Act for disabled persons who wish to participate in this hearing. Anyone requiring special services should contact Ms. Fuchs as early as possible so that arrangements can be made.

LP6212508