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, January 5, 2010.

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

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-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS – NONE

(2) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced there was no Consult with Attorney matter to be discussed in Closed Session.

Motion was made by Commissioner James, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purpose: A) Business Location and Expansion.

The Board went into Closed Session at 5:27 p.m. and came back into Open Session at 6:02 p.m.

(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 8 and 12.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Invocation was given by Commissioner Roberts, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

Prior to the start of the business portion of the meeting, Chairman Roberts made the following statement, as a point of personal privilege. She requested her remarks be incorporated into the minutes.

“This Board did not end its work very gracefully in 2009. I do not want to make a political statement by calling for a vote to censure a specific commissioner. The sad truth of our society is that many believe that because of the First Amendment, they have a right to say prejudiced and hateful things, anywhere they want, without apology.

But the behavior displayed on December 15, 2009, was unbecoming of an elected representative and leader of the people of Mecklenburg County. As was made clear in the reaction, it was callous, hurtful, and unnecessary.

I will use this as an opportunity to remind my fellow Board members that our conversation in public, whether before the cameras in our public meetings or in our public emails, goes beyond the principles of the First Amendment. There are certain words which are known to be inflammatory, hateful, bullying, and provocative, and they include terms we all recognize (the N word for African American, the B word for women, and the H word for gays and homosexuals). These names have no place in civil discourse.

Every commissioner on this board has a right to voice their views, and those views may be widely divergent from each other. However, I urge my colleagues to seek to hold our discourse to the principles of civility, human decency, and mutual respect, and that the use of slurs, inflammatory language, curses, name calling, etc. represents behavior unbecoming of a member serving on this board, here in the most populous county in the great state of North Carolina. Words matter and attitudes matter, and I expect each member of this board to respect the worth and dignity of every other member and of every citizen who appears before us or who voices their concerns by letter or email. Each of us has been duly elected to serve selflessly the citizens of this county, and in a democracy there is no greater responsibility than this.

I have high hopes for 2010. I believe that our economy has turned the corner, and that together we as a Board can meet the budgetary and policy challenges ahead with collaboration, innovation, integrity, inclusion, hard work and at times, useful disagreement. But disagreement for the sake of demeaning ones opponent is not useful. As your Chairman for 2010, I will fulfill my duty to shepherd our discussions toward substantive debate to pursue policies and initiatives that are in the best interests of all our citizens, regardless of gender, race, religion, sexual orientation, socio-economic status, ethnicity, or age. By practicing mutual respect and civil discourse among ourselves, we can forge a path forward to a realization that we are one community, bound by a common destiny, and we will succeed or fail together. We look forward to a peaceful, prosperous, and productive 2010.”

CITIZEN PARTICIPATION

(1) PROCLAMATIONS AND AWARDS - NONE

(2) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:
Joe Huss spoke in opposition to Domestic Partner Benefits for County employees. Prior to his comments regarding Domestic Partner Benefits, Mr. Huss said he has never used “derogatory, harassing, or demeaning” language in addressing homosexuality. Mr. Huss said he has friends of this “persuasion” and he’s always treated them with respect. Mr. Huss said his friends know he’s “against what they do,” but he doesn’t “put it in their face.” Mr. Huss expressed his regret to Commissioner Leake for the comment made by Commissioner James regarding the lost of her son at the December 15, 2009 meeting. Mr. Huss said he was sorry for her lost regardless of the circumstances. Mr. Huss said Commissioner Leake’s comment that her son died of AIDS at the December 15, 2009 to him was “irrelevant.” Mr. Huss said it was irrelevant, except for the “fact that maybe by approving Domestic Partner Benefits we’re being an enabler.” Mr. Huss said providing Domestic Partner Benefits goes “beyond tolerance, it’s sanctioning.”

Adrian DeVore thanked the Board for approving Domestic Partner Benefits for County employees for same sex couples. Ms. DeVore said as a “straight” person, she has been interested, as a part of civil rights and liberties, gay rights. Ms. DeVore said people who are “sexual minorities” desire the same rights and liberties as everyone else. Ms. DeVore expressed belated condolences to Commissioner Leake at the passing of her son years ago. Ms. DeVore addressed Commissioner James and told him “the world is changing LGBT’s are openly moving into the mainstream of Charlotte and Mecklenburg County” and that it’s time for him to “either adjust or remain left behind.” Ms. DeVore suggested to Commissioner James that he apologize to Commissioner Leake for his “insensitive and inexcusable comments” at the December 15, 2009 meeting.

APPOINTMENTS - NONE

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) COUNCIL ON AGING & CHARLOTTE-MECKLENBURG SENIOR CENTERS MERGER FEASIBILITY STUDY UPDATE

The Board received an update on the Council on Aging and Charlotte-Mecklenburg Senior Centers merger feasibility.

Note: During the FY10 budget development process, County Manager Jones requested staff to identify a list of County-funded outside agencies that should explore the feasibility of merging. The Council on Aging (CoA) and Charlotte-Mecklenburg Senior Centers (Senior Centers) were two of the agencies. In response, the Council on Aging and Senior Centers researched best practices and lessons learned, as well as conducted a macro-level assessment of the viability of a merger. This agenda item was to update the Board on the status of the study and the decision made by the agencies.

Gerald G. Fox, former Mecklenburg County Manager and chair of the Council on Aging and Jennifer Scott, president of the Senior Centers’ Board of Directors, gave the report, which included a review of the services provided by each agency.

Report highlights:

- Both agencies focus on improving the well being of seniors.
In general, the work of the two agencies complements each other.

It is unknown if there is any duplication of clients served, particularly as it relates to dissemination of information.

With regards to other aspects of service delivery, duplication in customers served is probably minimal.

It is unknown if the County funding level would change if the two agencies were to merge. However, given the economic climate, the County’s funding capacity may be reduced.

If the two agencies merged, there are potential financial savings and operational efficiencies that could be gained. It is estimated that approximately $82,000 could be saved annually by eliminating duplicative positions – 1 Executive Director and 1 Executive Assistant – and appropriating the higher salaries for the remaining positions. Additionally, there is opportunity to leverage the Fund Development Director & Business Director positions and to renegotiate equipment and service contracts for coverage of both agencies (e.g., audit firm; liability insurance; medical benefits; and copier, mail, technology support, telephone and internet services). The cost savings (if any) associated with consolidating contracts is yet to be determined.

Operational exposure is minimal for merging the two agencies. However, there are inherent considerations to include upfront merger costs, existing lease agreements and liability insurance.

Options

1. Operate as Independent Agencies

2. Realize Operational Efficiencies
   a. Leverage staff expertise and back office functions
   b. Renegotiate equipment and service contracts

3. Consolidate & Restructure

The Council on Aging and Senior Centers are proceeding with Option 2a because it provides the most cost effective option in the short-term. As equipment and service contracts expire the agencies will also partner to identify cost savings that can be realized through the renegotiation of joint service contracts.

The feasibility of a merger has not been ruled out; however, it is presumed that the most optimal gain would occur if the two agencies could collocate and subsequently operate as a centralized senior organization.

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

Comments

County Manager Jones noted the agencies have decided to go with Option 2, which involves Realizing Operational Efficiencies by 1) Leverage staff expertise and back office functions and 2) Renegotiate equipment and service contracts as contracts expire to identify cost savings that can be realized through the renegotiation of joint service contracts.

County Manager Jones noted also the agencies acknowledgement that the feasibility of a merger has not been ruled out, but at this time, they have decided to move forward in this manner, since there has not been a finding of duplicity.

County Manager Jones said the study grew out of one of the themes he presented to the Board as part of the budget process last year that the County needed to start thinking differently about how services are provided. He said it was not an effort on his part to “force” a merger but to hopefully
engage in some fruitful dialogue that if a merger was feasible then it could be undertaken and done in a way consistent with how the County does business.

County Manager Jones thanked both agencies for their willingness to go through this process. He also thanked staff for its work.

Commissioner Leake requested a copy of each agencies budget and site location(s). Commissioner Leake said she would also like to know if a merger were to take place how would it save taxpayer money. Also, what would be the cost of a merger.

County Manager Jones noted that the recommendation was not to merge the two agencies.

Commissioner Leake asked about staffing levels at each agency, the diversity of that staff, and site locations and accessibility, which was addressed.

Commissioner Bentley asked for clarification regarding the Centralina Area Agency on Aging, which was addressed by Trina Palmer, executive director of the Charlotte-Mecklenburg Senior Centers. It was noted that Centralina Area Agency on Aging is a part of the Centralina Council of Government and that they do planning for all nine counties in the region.

Commissioner Cogdell noted the expected increase in the senior population in Mecklenburg County over the next five years.

This concluded the presentation and discussion. No action was taken or required.

Note: The above is not inclusive of every comment but is a summary of key points/questions.

(6B) MECKLENBURG COUNTY CHILD SUPPORT ENFORCEMENT TRANSITION PLAN

The Board received information comparing the cost of providing Child Support Enforcement Services in-house, as a program in the County Manager’s Office, versus outsourcing through a private vendor.

Note: Effective July 1, 2010 the County must begin administering local Child Support Enforcement (CSE) services.

County Manager Jones said a request was made to the State for an extension of time for the submittal of the County’s transition plan for providing Child Support Enforcement (CSE) services which was originally due by January 1, 2010. The State has acknowledged the County’s request and the County’s transition plan is now due to the State by February 1, 2010.

General Manager Michelle Lancaster gave the report. She was assisted by Deputy Finance Director Gail Murchison. The following was covered:

- History of the legislation regarding this issue (Section 10.46 of S.L. 2009-451)
- CSE Core Services
- Organizational Models Reviewed
  - In House: Managed solely by the County
  - In House: Managed by the County with Private Consultant Input
  - Outsource: Operate through contract with a Private Company
- Budget Estimate Considerations
- Employee Benefit Considerations (addressed by Deputy Finance Director Murchison)
  - Service credits for years and months of employee service
  - Retirement Benefits: Pension
  - Retirement Benefits: Medical
JANUARY 5, 2010

- Vacation
- Sick Leave

Next Steps
- January 12, 2010: Information presentation regarding 1) Key differences between service delivery methods, 2) Additional information regarding outsourcing, 3) Transition strategy for all options.
- January 20, 2010: Summary presentation and request for Board action regarding preferred service delivery method.

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

Comments

Commissioner Clarke asked for clarification regarding Other Post Employment Benefits (OPEB), which was addressed.

Commissioner James asked for clarification regarding costs, County vs. outsourcing, which was addressed.

Commissioner James asked for clarification regarding pension benefits and service credits for years and months of service, which was addressed.

Commissioner James asked was it correct if CSE employees became County employees that the additional cost to the County would be a function of how much the County would be paying them compared to how much they were making and what the pension credit is. Deputy Finance Director Murchison said if the County was paying that itself, that would be the case, but the County doesn’t pay the individual check and that it’s not calculated individually. She said it’s calculated based on the entire State’s plan. She said all the County is required to fund is the employer’s portion of the gross salaries.

Commissioner James asked was the County’s policy to transfer some of the benefits but not all because the County just hasn’t looked at it that way. Deputy Finance Director Murchison said she would have to follow-up with Human Resources Director Chris Peek for a response to that question.

Commissioner James, as an example, said he doesn’t know why that if you could transfer the pension, why you wouldn’t transfer the OPEB. Attorney Bethune said the pension rule was a State rule. He said the County doesn’t have a choice as to whether they can or cannot transfer over to local government. Further, that what the Board is seeing is a mixture of State rules and County rules, which is why there will be some inconsistencies regarding what can and cannot be transferred.

Commissioner Dunlap asked if the County has the ability to “buy” talent. Commissioner Dunlap said if the County has the ability to “buy” talent, then that means if the County is concerned about who’s in charge, the County could contract with that person to perform the service of management of that division if we didn’t want to give it to the person who would rightly manage that division. Commissioner Dunlap said he felt the County could do it substantially less than what’s been presented with respect to the internal consultant cost.

Commissioner Dunlap asked for clarification regarding the consultants cost, which was addressed. General Manager Lancaster said she doesn’t think the use of the term consultant means only one person. She said what it means is that you would be receiving services from these private firms to help manage the internal process.

Commissioner Dunlap said since the December 15, 2009 meeting, he has received some additional information that he thinks isn’t included in the report that he thinks is beneficial.

Commissioner Dunlap said he’d like there to be a closer look at some of the companies in terms
Commissioner Dunlap said he discovered that among those counties that do outsource, none of those counties collection rate top Mecklenburg County despite Mecklenburg County’s ranking, which he said he found out was not reflective of what goes on in that division.

Commissioner Dunlap said he’s concerned about whether these companies would have the ability to terminate cases. He said he heard about a case that was worked on for about seven years and they finally had a substantial pay off. Commissioner Dunlap said his concern is that if you privatize, whether or not they have that same commitment and dedication to pursue people who owe monies to children.

Commissioner Dunlap said although he supports outsourcing, he thinks performance is important and that although companies bid, their performance really isn’t known.

Commissioner Dunlap said with respect to cost, including the federally funded portion, that he doesn’t understand why County on average figure the cost at $320,000 higher and why on average the County funded portion is $160,000 higher. Commissioner Dunlap said the numbers were “out of proportion” and calls into question the two companies with the low bid whether they’re actually bidding to “get you in the first year and raise the cost the second year.” Or, if they’re actual numbers because even the highest bidder is closely related to the County’s bid to do the same job then the other two.

Commissioner Dunlap said he can’t understand that if you’re performing the same service with the same group of people why the cost is substantially higher.

Commissioner Dunlap asked if staff looked into what these other companies were not going to pay for that the County was going to pay for. He asked “were we comparing apples to apples.”

Commissioner Dunlap said he thinks staff needs to take a closer look at the numbers and what they actually say.

Commissioner Dunlap said he has additional information that he probably needs to share with fellow board members in terms of some additional research that was done about the whole “notion” of these companies wanting to take over this function.

Commissioner Dunlap asked if staff knew whether the federal incentive dollars would go directly to the County or to the company if this was outsourced. General Manager Lancaster said she believes the way it works is that it goes to the state and the state disburses it to the county and ultimately to how the County negotiates with the vendor.

Commissioner Dunlap asked how would those additional incentive dollars impact the County if they came directly to the County. He asked would it offset the $160,000 difference in terms of what it would cost the County to run the program versus outsourcing.

General Manager Lancaster said the incentive dollars are all the same in all of the estimates. General Manager Lancaster said staff used the averages from the last three years in order to be consistent in all of the estimates in every model.

Commissioner Dunlap said the County funded portion was not consistent in all models.

General Manager Lancaster said the County funded portion was consistent 34% but the dollar amount will be different. Further, that one of the reasons for that is the salary dollars. She said what staff did in looking at the type of positions at CSE, was to have human resources slot those
positions into what the county believes are comparable positions within the County’s system and used the county’s market rate. It was noted that the county’s market rate is higher than what the state pays so there would be some increase cost in that area, that you don’t necessarily see in the other models.

Commissioner Dunlap asked was it correct if CSE goes to a private vendor then CSE employees would make less. General Manager Lancaster said one of the requirements that staff mentioned at the December 15, 2009 meeting was that the vendor would be required to maintain those employees current salaries.

Commissioner Dunlap asked would they also be required to maintain all of the employees. General Manager Lancaster said staff would be willing to negotiate that with the vendor.

Commissioner Dunlap asked would the negotiation make up the difference of $160,000 because basically what’s being looked at is $160,000 additional costs were the County to operate the program versus outsourcing.

General Manager Lancaster said cost was not the primary factor in staff’s decision to recommend outsourcing.

County Manager Jones said in response to Commissioner Dunlap’s question regarding does the County “buy” talent, he said the answer was yes.

Commissioner Dunlap asked if the County had the ability to “buy” talent at a substantially lower rate than what the vendors are going to charge. County Manager Jones said he couldn’t answer that.

Chairman Roberts said this matter would be discussed at the Board’s Budget/Public Policy meeting on January 12, 2010 and if there were additional questions for staff that Board members provide staff with those questions in the interim.

General Manager Lancaster asked that if Board members have additional information regarding this issue that staff doesn’t have to share that information with staff.

Commissioner Leake said her concern was that the current CSE employees be maintained. Commissioner Leake said outsourcing bothers her because a lot of times private companies will not maintain the same number of staff.

Commissioner Leake asked had staff looked at the success rate of the vendors who have expressed an interest. General Manager Lancaster said she had not but that there was a team that have looked at the vendors and met with them. General Manager Lancaster said the intent was that after the Board decides how it wants to transition, then staff would move forward with that process.

Commissioner Leake said she felt that’s something that should be done “up front,” so that the Board can make a comparison before making its decision.

Commissioner Cooksey asked was a formal Request for Proposal (RFP) sent out. General Manager Lancaster said these were responses to the formal RFP that was issued late last year.

Commissioner Cooksey said “presumably” when there’s a RFP you wouldn’t average the three costs but would take the lowest responsible bidder. General Manager Lancaster said staff would take a “base qualifications” approach and look to see who’s most qualified and considering “value.”

Commissioner Cooksey asked was price an issue. General Manager Lancaster said it was an
General Manager Lancaster reminded the Board this was an area the County has no experience internally. General Manager Lancaster said she knows there’s been some debate about the statistics used, but the information she has is that Mecklenburg County ranks 82 out of 88 CSE offices in the state. General Manager Lancaster said staff’s preference would be to use a private consultant for at least a short term, two years, until staff “got its arms around this.” General Manager Lancaster said this was a large endeavor, larger than most County departments (it involves 75 people).

Commissioner Cooksey asked what kind of assumptions did staff put on the bidders in the RFP, for example, did it say they would have to maintain a certain level of benefits for the employees. General Manager Lancaster said one of the requirements put in the RFP was that they would be required to interview all the current employees. Secondly, if they were hired they would be required to maintain their current salary rate.

General Manager Lancaster said all of this is up for negotiation and that staff was willing to consider whatever the Board’s direction was if there are other options the Board would like staff to consider.

Commissioner Cooksey asked was there discussion about requiring them to give them vested service. General Manager Lancaster said no, but at the January 12, 2009 Budget/Public Policy meeting the Board would receive a whole series of questions that aren’t being addressed now around what would the vendors provide.

Commissioner Cooksey asked was it correct that the number for outsourcing won’t be the $802,260 referenced in the report, but rather one of the three numbers shown in the report depending upon which vendor is selected and assuming the RFP remains the same. General Manager Lancaster said that was correct.

Commissioner Cooksey asked if the RFP provided some disincentives for failing to meet expected performance objectives. General Manager Lancaster said yes, that there was a team that worked on this from the Department of Social Services. General Manager Lancaster said the January 12, 2010 Budget/Public Policy meeting will focus on the vendors.

Commissioner Cooksey asked about the County overhead numbers in the report. He said he doesn’t know how staff came up with those numbers but his experience has been the low bidder is not always the easiest bidder to deal with. He suggested to staff in the low bidder category that additional oversight dollars be added to make sure the vendor “holds the line”, if that’s the direction the Board decides to go.

Commissioner Cooksey asked about the in-house only category and thinks the number on the expense side for the County was probably light because it’s recognized that some additional help may be needed to make this work. Thus, the County may have to hire a quality manager for this to make sure this is done correctly or it may mean there are some inefficiencies getting started.

Commissioner Cooksey said it’s hard for him to see how the County’s expense on the in-house only and in-house with a consultant won’t be the same if the County recognizes it doesn’t have the internal resources currently. He encouraged staff to take a closer look at this to see whether additional funds would be needed to at least get the expertise that’s needed.

Commissioner Murrey asked with respect to budget estimates, was it correct that the consultant option was essentially a transition plan for two years and then it would transition into an in-house program. General Manager Lancaster said perhaps and that with respect to the two years, staff felt that would provide time to look at what was being done and if it was felt that this was
something that should be taken on in-house then staff would have that opportunity. General Manager Lancaster said from other programs that have been looked at across the state that has actually happened in many instances.

Commissioner Murrey said to him that would make sense because basically the value of the consultant is to bring policies, procedures, protocols and standards of care that they have in place that have proven to be successful elsewhere. He said once you learn those things it’s cheaper to “cut out the middle person” and do it yourself.

Commissioner Murrey asked was it correct the idea is basically the County would be paying the consultant to take the responsibility to make sure that expertise was there. General Manager Lancaster said that was a fair statement.

Commissioner Murrey asked about performance, specifically with respect to comments by speakers at the December 15, 2009 meeting regarding the need for additional staff, which would impact performance. Commissioner Murrey said he was curious about the comparison of the in-house program versus an outsource program as it relates to performance standards. He said he would assume with an outsource program the County would have certain performance standards that it would require in order to meet the stipulations of the contract. General Manager Lancaster said that was correct.

Commissioner Murrey asked was it correct that regardless of whether the private vendor had to hire an additional ten people, they would still be held accountable to those performance standards and the County would still only pay them the rate that was agreed to. General Manager Lancaster said that was correct. She noted also that there were performance incentives because of the federal revenue incentives and that the higher the vendor performs in those categories the more revenue they would receive that comes from the federal government in that incentive category.

Commissioner Murrey regarding the County’s risk, said basically if you went with the outsource option, it’s not that it’s just cheaper in the first year, it’s that they’re on “the hook” for performance and the County essentially gets guaranteed a certain level of performance at a certain price; whereas if it’s done in-house, it’s conceivable that the County would have to increase its budget in order to meet the performance standards the County would be looking for but the County wouldn’t have that risk with outsourcing it.

General Manager Lancaster said that was a fair statement. She said staff used the staffing model consistent with what the state has and if you go with the assumption CSE needs more staff, she doesn’t have a budget that entails increasing staffing to increase performance.

Commissioner Murrey said what’s been presented is first year estimates for all of these things, yet the conversation has been about concepts going out several years. Commissioner Murrey said he would like to know what impact the need for additional staff would have on the comparison information. He questioned whether the budget estimates really take this into account.

Commissioner Murrey asked would CSE employees lose and/or gain benefit wise with respect to each of the models. Deputy Finance Director Murchison said she couldn’t answer the question completely, however, once employees leave the state pension system their benefits, if they chose to leave their benefits there and wait until they’re 65 then they would still receive a benefit for whatever they had earned while a state employee and would be entitled to state health insurance.

Commissioner Murrey asked if they would receive an additional benefit being a County employee, since the state doesn’t recognize their county time. Deputy Director Murchison said no. She said the only way they could earn a benefit from the county would be to transfer it over to the local plan. If they went to a private employer their money could stay or they could, depending upon how many years of service they have, pull out their employee contribution.
Commissioner Murrey asked was it correct that essentially there’s no way that they’re going to get the health care benefit that they currently have with the state unless they have already qualified for it but the pension benefit they might potentially get that if they roll it over it over into the County and continue to accrue. Deputy Director Murchison said that was correct but that many of them would still lose the health care piece.

Commissioner Murrey asked was it correct that going to a private employer, they get to roll over what they have but none of those years of service benefits apply. Deputy Director Murchison said that was correct.

Commissioner Cogdell asked how many other counties have made a decision regarding CSE services. General Manager Lancaster said staff would get that information.

Commissioner Cogdell said this was something the County had to make a decision on because of something the State decided for counties and gave a deadline for making a decision. He asked when did the County first hear of this. General Manager Lancaster said the appropriations bill (requiring this) was adopted in August and staff started working fairly quickly and that it was brought to the Board’s committee in September. Staff has been working on it since that point.

Commissioner Cogdell said he’s not comfortable with the CSE ranking that’s been discussed and questions whether it’s comparing “apples to apples.”

Commissioner Cogdell said one of his concerns was how accurate are the projections as far as can the County maintain and work towards increasing performance given the projected budget that’s been presented.

Commissioner Cogdell said staff should look at the option of “buying” talent if it’s felt the County needs some type of consultant or manager to come in and work with folks that have experience in doing the job on a daily basis.

Commissioner Cogdell said based on some of the comments there are Board members who are leaning towards wanting to know about the feasibility of providing CSE services in-house. He asked should the Board consider looking at a consultant or a person full-time in-house and look at more positions that would help alleviate the case loads. He said the ultimate goal was to collect child support dollars and to get those funds to the children.

Commissioner Bentley asked if staff discussed with private vendors the issue of Mecklenburg County’s caseload versus other counties in the state, and if so, what were those discussions and did staff come out of those discussions with a level of confidence that they would be able to handle the caseload in Mecklenburg County. General Manager Lancaster said she couldn’t answer that question at this time but that this would be one of the things discussed at the Budget/Public Policy meeting on January 12, 2010.

Commissioner Clarke said he would like to see a trendline showing the caseload in Mecklenburg County over a five year period, the changes year to year, and the number of employees. He also would like to see what the collection rate for this period of time has been.

Commissioner Clarke said with respect to the outsourcing model, there’s a huge difference between the expenses cited by each of the interested vendors for providing the same service.

Commissioner Clarke said he’d like for staff, at some point, to explain, if they can, why was there such a difference. Commissioner Clarke said he would assume without further information that since the primary expense of running CSE was labor that the vendors were planning to cut people or what they’re going to pay them or cut the overall compensation costs in order to achieve these savings. General Manager Lancaster said the January 12, 2009 Budget/Public Policy meeting will focus on the private vendor concept.
Commissioner James said he would like to know what the legal rules are around what the County can and cannot do. He said in the private sector collection agencies get to keep a part of the funds collected, so he would like to know if the County could do this, if the County were to collect these funds. Commissioner James said he wants to know how much flexibility the County has to close the $160,000 gap by charging the people that are receiving the funds because “they obviously couldn’t collect the money themselves.” Commissioner James said he wants to know if the County can charge a surcharge on the “deadbeat” dad or mom, or if the County can deduct a portion of it from the check. General Manager Lancaster said listed in the information provided was a client fee included in all of the estimates and that staff used the three year average. General Manager Lancaster said staff would get additional information on what’s allowable and if there are any other revenue sources available.

The following persons spoke in support of Child Support Enforcement services being operated by the County versus a private vendor.

Harriet Roberson, who has worked with CSE since September 2000, addressed what CSE does. She said their caseloads are more like ten times the size of what the state says they should be and not three times as noted by some speakers at a previous meeting.

A copy of Ms. Roberson’s remarks is on file with the Clerk to the Board.

Eileen Simpson said if CSE was under the County this could help DSS WorkFirst clients by allowing them to cooperate quicker with CSE, which in turn would help the paternity establishment rate and percentage of cases under order, which is part of the incentive goal. It was noted that every application that DSS takes for WorkFirst is automatically sent to child support. Ms. Simpson said with respect to orders that if CSE was under the County the child support program could coordinate and work more effectively with the Sheriff’s department for better service which in turn would increase all of CSE incentive goals. She feels the federal incentive money should remain with the County rather than go to a private vendor. Ms. Simpson said Mecklenburg County CSE collections for the year ending 2009 were a little over $47 million dollars. She said CSE achieved 99% of the collection goal. She said the qualifications for the private companies are much lower than the state’s. She asked the Board to look at what the private companies may be promising. For example, if they are promising to increase the percentage of cases under order, how would this be accomplished. She asked would cases be closed if they weren’t “profitable.”

Myra Brannum addressed the “social services” aspect of what CSE does. She said CSE was more than just a collection agency. She said CSE helps in the area of social services. Ms. Brannum said she currently works for the state in CSE, but has worked for it under a private vendor as well. Ms. Brannum said what was missing under the private vendor was the level of professional training, which she said the state provides. She also addressed the backgrounds of CSE employees. She commented on how the objective of the private vendor would be to “get that money” no matter what and how, if appropriate, CSE as it currently operates is willing to work with parents if their financial situation changes and they’re no longer able to comply with the original order. Ms. Brannum said CSE has enough educated, experienced, and professional employees and exceptional leadership for the County to take over the CSE operation with a “smooth” transition.

Lisa Venturelli a contract attorney with CSE for nine years, addressed the benefits of having CSE under the County from a legal perspective. It was noted that CSE has three attorneys who handle approximately 500 cases per week and that many of those cases involve parties who receive some sort of public assistance from the County. Thus, in order to properly prepare a case, good communication is needed with County agencies that provide those benefits. She said keeping CSE with the County would make good sense, in that communication would be a lot easier and it would allow CSE to better represent the interest of the children in Mecklenburg.
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County. Attorney Venturelli said privatizing CSE would result in major employee changes. She noted that there was a child support committee that meets every other month and that the people involved in that committee are intimately involved with child support cases and are aware of what is working and what needs improvement. She said privatizing would likely result in losing about half of the committee bringing improvements to a “virtual standstill.” Attorney Venturelli said it’s also felt that CSE court teams with whom the judges and court staff have been working with for years, would undergo major changes under a private company. She closed by saying she values the opinion of CSE employees and asked that the Board do the same.

Tom Chumley addressed the history of CSE, including a period of time when the decision was made to turn over most of CSE cases that were considered “bad” cases, cases that hadn’t paid in a long time, over to collection agencies. He said in two years those cases were turned back over to CSE. He said the collection agencies collected about $2,000 over two years on those “bad” cases. He said the collection agencies found they could not profit from those cases. He also noted that years ago Davidson County decided to privatize but after two years they decided to do it themselves because they found that it was costing them three times as much to run the agency being privatized as it was when it was being operated by the county. Mr. Chumley said he doesn’t understand how having a “middle man” is going to be cheaper in the long run than being under the county. Mr. Chumley said from his research privatization of this function doesn’t work in areas the size of Mecklenburg County.

This concluded the public comment on this issue.

County Manager Jones said it appears from the comments that have been made that there’s a preference towards the model of bringing it in-house. He said if that’s the case then wouldn’t it save the Board time during the discussion of this issue at the January 12, 2010 Budget/Public Policy meeting to center the discussion around that option as oppose to staff spending its time researching all of the questions regarding additional information on the outsource model. County Manager Jones said staff, however, would do whatever the Board desires.

Chairman Roberts said she doesn’t think some Board members are ready to make that decision.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake, that the Board look at two options, bringing CSE services in-house or in-house with a consultant and that the outsource model be removed from consideration.

Commissioner Murrey said his preference would be to keep the outsource model on the table.

Commissioner Bentley noted the things that staff plans to address at the January 12, 2010 Budget/Public Policy meeting and suggested the Board not change that plan.

Commissioner James said one thing that hasn’t been discussed is that if the in-house model is selected the County would still have to figure out who it’s going to hire. He said it may not necessarily be the current 75 employees. He said he thinks there’s a false sense that whoever was working for the state automatically going in-house would be working for the County. He said, however, that if the County Manager and staff determine they’re not the “best” people to do the job because of their own records, then they still wouldn’t get the job. Commissioner James said he thinks there’s an assumption being made that if you go in-house it means the current 75 employees will transfer over. Commissioner James said from what he can tell he’s never seen that happen anywhere. He said if this is or is not the case the current employees should be informed.

Commissioner James said restricting the options to the two noted in Commissioner Cogdell’s motion, to him, is designed to narrow it so that there’s justification for doing it in-house. Commissioner James said he thought the motion was pre-mature and that the Board would have a better idea of the options after receiving the presentation on January 12, 2010.

Commissioner James said he’s not convinced that privatization is the right route, nor is he
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convinced that the County should be writing the “check” to make up for a State responsibility.
Commissioner James said he doesn’t know if the County has a legal obligation to even have a
child support enforcement program.

Commissioner Leake said she’s not in support of privatizing this matter.

Commissioner Clarke said he would like for staff to consider discussing with the State the
possibility of having a transition services agreement between the State and the County.

The vote was then taken on the motion, which was as follows:

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and failed 5-4
with Commissioners Bentley, Cooksey, James, Murrey and Roberts voting no and
Commissioners Cogdell, Clarke, Dunlap, and Leake voting yes, that the Board look at two
options, bringing Child Support Enforcement services in-house or in-house with a consultant and
that the outsource model be removed from consideration.

Note: The above is not inclusive of every comment but is a summary of key points/questions.

(6C) FINANCIAL UPDATE

The Board received a financial update from Budget/Management Director Hyong Yi and Finance
Director Dena Diorio. The following was covered:

Headlines
   Employee benefits
   U.S. Economy
   Home prices
Register of Deeds
   Documents Processed and Total Revenue
Land Use & Environmental Services Agency (LUESA)
   Building Permits
Conclusions
   First indicators that we may have reached the bottom
   Recognition that growth revenue won’t be growing as in years past
   Shape of overall recovery still unknown

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

Comments

Commissioner Cooksey asked for clarification regarding revenue generated by Register of Deeds
and LUESA, which was addressed.

Commissioner James said he would like to receive in the next financial update, details on funds
allocated for economic development grants. Commissioner James said he wants to see the
dollars, the number of properties, and types of properties.

Chairman Roberts said a part of that report on economic development grants should include the
number of jobs created and additional revenues generated per those grants.

Commissioner Bentley asked about Register of Deeds projections, which was addressed.

Commissioner Bentley asked about the impact of the first time homebuyers federal tax credit on
the number of deeds filed and was there an increase. Register of Deeds David Granberry said
basically the impact has been a slightly upward linear trend in the deed numbers. He said there
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was a spike in one week in October 2009 before the tax credit was extended but that things have since leveled back out.

Commissioner Bentley asked was that information figured into the projections noted in the report. Register of Deeds Granberry said no, staff took a conservative approach.

Commissioner Bentley regarding economic development grants, asked was it correct the County’s most recent budget had $12 million in grant payments through the Business Investment Program. County Manager Jones said he was not sure of the amount but that staff would provide that information to the Board.

Commissioner Dunlap noted that although the County does offer grants to businesses to relocate to Mecklenburg County that in exchange for that, jobs and opportunities are created for people in the community. He said in an economy where lots of people have lost their jobs, it’s not much to give back to a company to relocate 800-1000 jobs to the community, which allows people to have a job and pay their taxes. Further, that while the business may not pay taxes, basically what the County is doing is deferring that until a later time. He said the business will in fact be paying 100% of their taxes later on.

Commissioner Clarke asked was the percentage growth in the tax base last year. Director Yi said he didn’t have that information with him but he thinks it was about three percent.

Commissioner Clarke asked is the projection for next fiscal year “little to no” growth in the tax base. Director Yi said he thinks it’s more accurate to say that the County should be prepared for “little to no” growth in the tax base. He said staff has not done a projection yet of the assessed tax value for 2011, so he can’t give a specific number.

Commissioner Clarke asked what was the correlation between getting a permit and construction and whether the fact that someone got a permit means there will be construction added to the tax base or is it possible it may not materialize. Director of LUESA Cary Saul said in these current days that if someone gets a permit then that means they’re going to construct. He said staff was not getting any projects coming in for plan review that they may or may not build. He said only those projects that were being permitted was being built and that there was very little commercial activity. He said staff is seeing spikes in housing with the extension of the first time homebuyers credit. He noted that in December there were 200 permits and that this has not been the case probably for over eight months. He said everything listed in the update was being built but that it’s half of what it was a year ago.

County Manager Jones with respect to the question asked by Commissioner Bentley regarding the amount budgeted for grants through the Business Investment Program said for the current fiscal year $4.3 million was budgeted, fiscal year 09 it was $1.5 million, and prior to that (FY08) it was $1.9 million.

Chairman Roberts thanked the County Manager and staff for the update.

Note: The above is not inclusive of every comment but is a summary of key points/questions.

No action was taken or required.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 8 and 12 to be voted upon separately:

(7) APPROVAL OF MINUTES
Approve minutes of Regular Meeting held December 15, 2009 and Closed Sessions held December 1, 2009, November 17, 2009, and June 2, 2009.

(9) TAX REFUNDS

Approve refunds in the amount of $40,970.05 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) UPPER MCDOWELL STREAM RESTORATION PROJECT

1. Authorize the County Manager to negotiate/execute an agreement with the Town of Cornelius for design, construction, and project administration for the Upper McDowell Stream Restoration Project.

2. Recognize, receive and appropriate up to $90,000 in funding from the Town of Cornelius.

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

(11) PURCHASE CONTRACT FOR HYBRIDS, VANS AND SUVS

Reject the low bid of $24,137.48 by Burns Chevrolet-Cadillac, Inc., Rock Hill, SC. Approve unit price contract with Keith Hawthorne Ford, Charlotte, NC for the purchase of a 4-door hybrid compact vehicle based on available funding to various County departments for a term of one year and authorize the County Manager to renew contracts up to four (4) additional one-year terms.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(8) HEALTH DEPARTMENT GRANT APPLICATIONS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to

1) Approve the submission by the Health Department of an application for the Every Child Succeeds Initiative for $100,000 over two years.

2) Approve the submission by the Health Department of an application for the Healthy Beginnings Initiative for up to $100,000 for each of three years.

3) Approve the submission by the Health Department of an application for Sickle Cell Anemia Services for $200,000 per year for three years.

4) Approve the submission by the Health Department of an application for Children and Youth with Special Health Care Needs for $100,000 in FY 2010 and $250,000 a year for the following two years.
5) Approve the submission by the Health Department of an application for HIV Prevention Projects for $100,000 a year for three years.

6) If awarded, recognize, receive and appropriate such funds.

Commissioner Leake removed this item from Consent for more public awareness. She also asked how would HIV Prevention funds be spent. County Manager Jones said staff would make a decision regarding the allocation of those funds upon receipt of them. He said there are several options which could include providing services in-house and/or contracting out.

(12) FIRST WARD PARK AGREEMENTS

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve a resolution authorizing the Economic Development Grant and Reimbursement Agreement, and related agreements with Levine Properties, Inc.

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake also asked would this have any impact on First Ward Elementary School. County Manager Jones said there would not be any impact on First Ward Elementary School. Commissioner Leake also asked about impact on existing housing in the area managed by the Charlotte Housing Authority. Chairman Roberts said existing housing is not impacted. Commissioner Leake said she raise this question because when you refurbish a community you want to “embrace the total community.”

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

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

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(13) GIVING TREE INFORMATION

The Board received requested information on the Giving Tree.

County Manager Jones and Finance Director Dena Diorio gave the report.

County Manager Jones noted that at the December 15, 2009 meeting, the Board approved a resolution that included a request for additional information regarding the Giving Tree, as follows:

- Instruct the County Manager to make available to the Commissioners copies of any and all internal memos produced by internal Audit and senior management involving DSS Giving Tree matters from the last 12 months, with appropriate actions to insure statutory confidentiality as to personnel matters, for the Board to review.

County Manager Jones said with respect to the above request, copies have been given to the Board at previous public meetings, in addition all of these memos have been posted on-line at Mecklenburgcountync.gov under the heading DSS Audit and available to the Board and the public at any time.
Instruct the County Manager to provide to the Board in open session a detailed list of gifts purchased for others with Giving Tree funds from February 2008 through December 2008 and his opinion as to whether these purchases actually benefited (were received by) the individuals to whom they were intended.

County Manager Jones said with respect to the above request that as indicated by County Internal Audit, the Department of Social Services (DSS) did not have a detailed list of gifts purchased with Giving Tree funds during this timeframe. Therefore, staff is unable to provide a detailed list as requested. As an alternative, staff does have the worksheets staff used to record the distribution of gifts to DSS clients. Further, two sets of copies have been made of the worksheets. It was noted that the names of the recipients have been removed for confidentiality purposes. County Manager Jones said staff can say that the gifts identified in the worksheets were distributed to those for whom they were intended. Further, that despite having this volume of information, staff is unable to say definitively that all the purchases were received by those for whom they were intended. County Manager Jones said this was part of the reason why law enforcement was asked to investigate matter.

Provide a list to the Board in open session of all remaining items left in inventory in the County’s possession related to the Giving Tree program (and their purchase prices).

County Manager Jones said with respect to the above request that as the Board knows on December 15, 2010 the inventory of purchases that remained in the County’s possession was provided to the Salvation Army, so they could be distributed as gifts for the recent holidays. A list of this inventory is also available on-line at Mecklenburgcountync.gov. The only remaining inventory is gift cards purchased with Giving Tree funds. County Manager Jones said law enforcement directed the County to not distribute these cards, so they remain in the County’s possession. He said staff is providing the Board with a list of these cards and their values which is also available on-line.

Receive a presentation from Dena Diorio in open session about our current expense ‘advance’ policy and whether it complies with the time requirements of IRS circular/publication 15.

Finance Director Dena Diorio with respect to the above request said there are only two circumstances where the County allows advances. The circumstances are for travel and advances from petty cash funds. Director Diorio reviewed the policy and procedures for travel advances and petty cash advances. Director Diorio said staff believes these policies and procedures are in compliance with IRS Publication 15.

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

Commissioner James addressed IRS Publication 15. Commissioner James said he wanted information on advances because it seemed with respect to the advances taken by the employee(s) that they didn’t provide documentation within any kind of period of time and he wanted to know if it’s required to have documentation returned within a certain length of time. He said accountants he talked with said the documentation had to be submitted in order to be in compliance.

Commissioner James asked was it correct that according to the travel advance policy, documentation is to be submitted within a certain period of time or the advance gets deducted from the employee’s paycheck. Director Diorio said that was correct.

Commissioner James asked what was the required timeframe. Director Diorio said it’s within ten days from the time they return from the trip.
Commissioner James addressed the tax issue involved with this and adjustments to W-2’s as it relates to the employee(s) or former employee(s) whose documentation was not submitted or was to “shoddy” to verify. Commissioner James said he would like to know what process staff was using to ensure that the W-2’s for these employee(s) from prior years have been adjusted since adequate receipts were not submitted on time.

Director Diorio said staff has had several conversations with the head of the tax group at Cherry Bekaert & Holland on this issue. Director Diorio said per those conversations, staff has been told Publication 15 does not apply in this particular case because Publication 15 speaks specifically to reimbursable business expenses that an employee incurs as part of their doing business for the County. Director Diorio said this is not what happened in the Giving Tree case. Director Diorio said basically what staff has been told is that the County needs to wait for the outcome of the situation to make a determination about how and if to treat those dollars.

Commissioner James asked was it correct the tax accountant at Cherry Bekaert & Holland has concluded that Publication 15 doesn’t apply in part because the Giving Tree wasn’t part of the County’s business. Director Diorio said it was because the employee was receiving advances for the sole purpose of making purchases for a specific program. She said they’re not considered reimbursable business expenses to the employee. Director Diorio said she would be happy to get additional information from the tax accountant but what she has said was his determination.

Director Diorio said what was indicated to staff was that once the County gets a determination on those expenditures and the legitimacy of those expenditures, the County would then be in a position to make a determination about whether or not the County needs to make adjustments to the employee(s)’ W-2. She said this is where staff is with respect to this matter.

Commissioner James said he would like to see the information from Cherry Bekaert and Holland regarding the issue of Publication 15.

County Attorney Bethune said the County would take all appropriate actions consistent with the Internal Revenue Service regulations once it determines all of the facts.

Commissioner Cooksey asked was there a limit on how much an employee can request for a travel advance. Director Diorio said the travel advance has to be justified on the estimated travel expenditures form, which is analyzed by the Finance Department to make sure it’s reasonable before giving any advances. Thus, there’s no official cap on how much can be advanced.

Commissioner Cooksey said how long has the travel policy been in effect. Director Diorio said it was last revised in 2002.

County Manager Jones informed the Board that a copy of the worksheets, a detailed list of gifts purchased for others with Giving Tree funds from February 2008 through December 2008 would be on file for review in the Clerk to the Board’s office.

County Manager Jones thanked the Board for the adoption of the Statement of Critical Findings and Continued Confidence in County Management that the Board approved at the December 15, 2009 meeting.

This concluded the discussion of Item 13 Giving Tree Information.

Note: The above is not inclusive of every comment but is a summary of key points/questions.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.
Prior to adjourning, Chairman Roberts expressed condolences to Commissioner Cogdell and his family in the passing of his father over the holidays.

Commissioner Cogdell thanked the Board and the community for their acts of kindness shown to him and his family during their time of bereavement. Commissioner Cogdell’s father passed on Christmas Day.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Cooksey and carried 8-0 Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:15 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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, January 6, 2009.

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.

(1A) STAFF BRIEFINGS - SOUND RECORDING CLOSED SESSIONS (COMMISSIONER JAMES)

Commissioner James addressed the recording of Closed Sessions. He noted two alternatives drafted by County Attorney Bethune.

Alternate 1 (Excerpt)

Sound Recording of Closed Sessions and Disclosure of Sound Recordings and Minutes of Closed Sessions

Sound Recording of Closed Sessions

The Clerk to the Board of Commissioners shall make a sound recording of all closed sessions of the Board of Commissioners. The sound recordings for each purpose of a closed session shall be kept separately to facilitate public disclosure of sound recordings of those portions of a closed session which may be disclosed. The sound recording of closed sessions shall be held in a confidential file by the Clerk to the Board until either the County Attorney or the Board of Commissioners has determined that public inspection would not frustrate the purpose of the closed session which was recorded.

The sound recordings of closed sessions shall be reclassified as no longer needing to be held in confidence when the minutes of the closed session have been reclassified as provided below.

Disclosure of Minutes of Closed Sessions
Alternate 2 (Excerpt)

Sound Recording of Closed Sessions and Disclosure of Sound Recordings and Minutes of Closed Sessions

Sound Recording of Closed Sessions

The Clerk to the Board of Commissioners shall make a sound recording of all closed sessions of the Board of Commissioners except for closed sessions to “prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States or is not considered a public record within the meaning of Chapter 132 of the General Statutes” (N.C.G.S. 143-318.11 (a)(1), or closed sessions about personnel matters (N.C.G.S. 143-318.11 (a)(6). The sound recordings for each purpose of a closed session shall be kept separately to facilitate public disclosure of the sound recording of those portions of a closed session which may be disclosed. The sound recording of closed sessions shall be held in a confidential file by the Clerk to the Board until either the County Attorney or the Board of Commissioners has determined that public inspection would not frustrate the purpose of the closed session which was recorded.

The sound recording of a closed session shall be reclassified as no longer needing to be held in confidence when the minutes of the closed session have been reclassified as provided below.

Disclosure of Minutes of Closed Sessions

Commissioner James said he thinks the current policy regarding Closed Sessions is “flawed” in the sense that it does not require the recording of closed session on matters that may be of interest to the public.

Commissioner James said he supports Alternate Two, which would only allow certain categories of closed sessions to be recorded.

Commissioner Clarke expressed concern for the amount of additional administrative work this will put on the Clerk and the County Attorney.

Commissioner Clarke said he also feels that as a matter of public policy of the state of N.C. that it’s important and a good idea to have uniform state law and uniform requirements applicable to the subdivisions of the state. He said state law is very clear on what the board is to do and that “we do it and do it well.”

He stated further that he feels the Board will find itself with a lot of difficult questions to answer about things that the Board would not be able to find any guidance for in the statute or case law in N.C. if it decides to record closed session.

Commissioner Clarke said in a way what this request is asking for is a different style of minutes (verbatim) than what the Board currently receives. He said it would be like having a court reporter present.

Commissioner Clarke said he can understand why the news media and others would like to have this, including the public. He said the public should be able to not only know what we decided but every thought process, the tongues in which things were spoken, the actual words used, that went into making that decision; but the law doesn’t require that. Commissioner Clarke said the Board should not go beyond what’s required.

Chairman Roberts said she would be interested in knowing the N.C. Association of County Commissioners take on this matter and what other counties are doing.
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County Manager Jones said as a management team, staff certainly wants to support transparency in government. County Manager Jones said he would have to rely on feedback from the Clerk with respect to how much this will require of her administratively with respect to additional resources that may be needed.

Clerk to the Board Paige said this would create more work for the Clerk’s Division and explained the procedure staff would have to go through to ensure that topics discussed during closed session are recorded separately.

Clerk to the Board Paige said she spoke with her counterpart in Wake County and was informed Wake does not record closed session, or Pitt County, which is where Wake’s Clerk was prior to going to Wake.

Clerk to the Board Paige said if the Board desires more details in Closed Session minutes, then she can do that. It was noted that currently the minute format used for closed session and open session is action minutes. Clerk to the Board Paige said there are examples of where she has prepared detailed closed session minutes, however, she didn’t bring them. Also, that the amount of detail usually is based on the subject matter.

Commissioner Cogdell commented on the importance of transparency. He also noted that based on feedback from County Attorney Bethune, currently there’s nothing to prevent a commissioner from recording closed session on their own and/or releasing that information, either in full or in part. Further, that the release of that information or partial information, may not fairly represent the context of what was said by someone in closed session.

Commissioner Cogdell said if you did have a recording or transcript of everything that was said “at least that at some point in time, on some issues, that could get released and you would get the full context of what was said and not a portion of something that may get released for some type of political consideration, by anyone.”

Commissioner Murrey asked was it correct that any commissioner could record, edit, and release any portion of the closed session that they chose too.

Attorney Bethune said per his research of state law, there’s nothing to prohibit that from occurring.

Commissioner Murrey said if that’s the case what’s the purpose of closed session.

Attorney Bethune said “there’s an assumption in state law that county commissioners will keep confidential that which is discussed in closed session, but it is not written in the law.”

Commissioner Murrey asked “in other cases where there’s an assumption that a public official would behave in a certain manner and the public official doesn’t carry out according to that assumption; are there any consequences of that;” or “is it an assumption of a certain degree of ethical obligation.” The response was that it was the latter.

Commissioner Murrey asked was it true that if either of the alternates was adopted that it still would not preclude a commissioner from recording it, editing it, and releasing whatever they chose to release. The response was yes that’s true.

Commissioner Murrey asked Commissioner James what would be the difference in his mind from having detailed minutes or even transcripts created, as opposed to tapes.

Commissioner James said his reason for wanting to record closed session is because “I think the minutes are inadequate.” Commissioner James said this was not a reflection on the Clerk, but for example, the Board may spend an hour discussing say the Third Ward property or a Jerry Reese matter, but the minutes would not reflect the full discussion. He said he feels the public should know how the Board reaches its conclusion.
Commissioner James said he doesn’t “see that recording and releasing when appropriate is a huge problem.” He said he understands there may be some additional cost and would recommend using digital media.

Commissioner Clarke asked Clerk to the Board Paige could not the Board asks for changes to be made to the minutes if it was felt that additions or changes needed to be made. The response was yes. All a board member has to do is bring it to the attention of the Clerk at the meeting of which those minutes are being considered for approval.

Commissioner Clarke said he doesn’t recall during his tenure, where Commissioner James has said what’s in the minutes is “not at all what happen in the meeting,” or that any minor correction was needed to closed session minutes.

Commissioner Clarke asked Attorney Bethune to state what the law requires with respect to closed session minutes.

Attorney Bethune noted the following:

- That under Roberts Rules of Order minutes are not an account of what was said. It’s an account of what was done, actions taken.
- 143-318.10. Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session.

Motion was made by Commissioner James, seconded by Commissioner Cooksey, to adopt Alternate Two as drafted by County Attorney Bethune with respect to a policy on making sound recordings of closed sessions to be effective March 1, 2009.

Commissioner James said the adoption of this would be with the understanding that the Clerk to the Board and/or the County Manager would come back and inform the Board of any problems with carrying this out.

Clerk to the Board Paige asked whether closed session minutes should continue to be in narrative form or verbatim.

Commissioner James said it was not his desire to change the minutes format but that he wanted to have available, if needed, a recording of the discussion that took place, that could be made available to the public, when deemed appropriate by the Board and/or County Attorney.

Commissioner Cogdell asked Commissioner James if he had asked staff about any alternatives to recording, such as a court reporter or video taping, something that maybe less cumbersome to staff, yet accomplishing what he wants.

Commissioner James said he feels recording is the least obtrusive because detailed (verbatim) minutes would put a tremendous burden on the Clerk to the Board.

Clerk to the Board Paige said verbatim minutes would require additional staff.

Chairman Roberts commented on the need for transparency and the Board’s desire to always be transparent.
After further discussion:

Substitute motion was made by Commissioner James, seconded by Commissioner Murrey, to support the concept of recording closed sessions and to direct the County Manager and Clerk to the Board to report back to the Board at the January 21, 2009 meeting with an amendment to the policy and a process for accomplishing this.

Commissioner Clarke asked that there be consistency with respect to keeping open and closed session recordings.

Commissioner Dunlap noted that anytime a commissioner reads the minutes and feels they do not adequately reflect what happened, they should inform the Clerk to the Board and other board members. Commissioner Dunlap said it appears to him, however, that this has not been the case. He said he doesn’t see a compelling reason to change, but if the policy is going to change, then it should be more detailed then what’s been presented. Detailed with respect to how long the recordings are to be kept; under what conditions can they be released; can a commissioner at anytime request a copy whether it’s been edited or not, etc.

County Manager Jones asked that the makers of the motion accept a friendly amendment, which would be to allow staff to report back at the first meeting in February.

The makers of the substitute motion accepted the amendment.

The vote was then taken on the substitute motion, which read as follows:

Substitute motion was made by Commissioner James, seconded by Commissioner Murrey and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey and Roberts voting yes and Commissioner Dunlap and Leake voting no, to support the concept of recording closed sessions and to direct the County Manager and Clerk to the Board to report back to the Board at the first meeting in February, 2009 with an amendment to the policy and a process for accomplishing this.

(2A, B, C) CLOSED SESSION – A) LAND ACQUISITION, B) CONSULT WITH ATTORNEY AND C) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition, matter to be discussed in Closed Session: Property located at 2901 Dunlavin Way

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition, B) Consult with Attorney and C) Personnel Matter.

The Board went into Closed Session at 6:01 p.m. and came back into Open Session at 6:45 p.m.

(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 7, 9, and 10.

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

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.

Note: Commissioner Clarke was away from the dais when this portion of the meeting was called to order. He entered immediately following introductions.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) KAPPA ALPHA PSI FRATERNITY, INC. DAY

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating January 10, 2009 as Kappa Alpha Psi Fraternity, Inc. Day in Mecklenburg County.

The proclamation was read by Commissioner Cogdell and received by Carlos Watson, on behalf of the fraternity. Mr. Watson was joined at the podium by other fraternity members.

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

(2) PUBLIC APPEARANCE

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

Majid Alim-Obama addressed racial profiling and harassment by Charlotte/Mecklenburg Police and concern for the youth.

(3A) APPOINTMENTS

AIR QUALITY COMMISSION

The vote was taken on the following nominees for appointment to the Air Quality Commission:

William Nash    Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake and Roberts

Voting Ceased

Jason White

Chairman Roberts announced the appointment of William Nash to the Air Quality Commission to fill an unexpired term expiring August 31, 2010.

He is replacing Kimberly Holley.

BICYCLE COMMITTEE

The vote was taken on the following nominees for appointment to the Bicycle Committee:

John Arciero    None

Jane Cacchione   Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

Voting Ceased

Kurt Robinson

Jane Wasilewski

Gerald Williams
Chairman Roberts announced the appointment of Jane Cacchione to the Bicycle Committee to fill an unexpired term expiring March 31, 2011.

*She is replacing Lauren Blackburn.*

**WASTE MANAGEMENT ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Waste Management Advisory Board:

- Chad Faubel: None
- Connie Harris: None
- Jeremy O’Brien: Commissioners Bentley, Clarke, Cogdell, Dunlap, James and Roberts
- Rita Plyler: Commissioner Murrey
- Martin Sanford: Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

Chairman Roberts announced the appointments of Jeremy O’Brien to fill an unexpired term expiring June 30, 2010 and Martin Sanford to fill an unexpired term expiring October 30, 2010.

*They are replacing Charles Rogers and Angela Weicherding.*

**(3B) WASTE MANAGEMENT ADVISORY BOARD - CHAIRMANSHIP**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve a Leave of Absence for the Chairman of the Waste Management Advisory Board.

*Note: The current Chair of the Waste Management Advisory Board, Shawn Brady, has requested authorization to take a medical leave of absence from his duties in that position. The leave requested would extend from the date of authorization through the end of March 2009, a period containing three meetings of the advisory board. The Vice-Chair would act as Chair during the period. By approving the leave these absences would not count against the maximum number of absences permissible of a member during the year.*

**(4) PUBLIC HEARINGS – NONE**

**(5A) ADVISORY COMMITTEE REPORTS**

**ENVIRONMENTAL POLICY COORDINATING COUNCIL (EPCC) BIENNIAL REPORT**

The Board received the Environmental Policy Coordinating Council (EPCC) biennial report.

*Note: The Mecklenburg County Environmental Policy Coordinating Council (EPCC) was created in 2003 primarily to:*

- Prioritize important and strategic environmental issues,
- Discuss environmental policy and regional issues, and
- Report to the Mecklenburg County Board of Commissioners these issues, priorities, and considerations.

The report is inclusive of 2007-2008 activity highlights as well as priorities for 2009-2010 that the EPCC will investigate.
Emphasis was given to three areas of interest, specifically, although others are addressed in the report. Those areas were: 1) Energy Efficiency, 2) Regional interests and efforts, 3) Education.

The report was given by Heidi Pruess, Environmental Policy Administrator and Andy Zoutewelle, EPCC chairman.

Commissioner Dunlap referenced the legislative agenda item that was considered by the Board at the December 16, 2008 meeting but failed, mainly because it involved a tax. The matter was “Authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.”

Commissioner Dunlap asked was there another alternate to doing this without using a tax. Mr. Zoutewelle said they would look into this.

Commissioner Bentley asked about land acquisition and preservation, specifically the recommendation to explore developing tax incentive programs, which was addressed. It was noted that there are no specific programs at this time, that this was something that interest was expressed for.

Commissioner Bentley asked for clarification on what is a “sustainable community” and the implications of it long term. The response was “sustainable communities” start with land use planning but roles in the economic factor of businesses that might be in those communities; how those businesses relate to overall land use decisions; and the communities’ goals as they may stand on a social aspect as well. It’s looking at the social aspects, environmental aspects, and economic aspects “together to kind of define what a sustainable community could mean.”

Commissioner Clarke addressed priority 5 & 6 of the report. He encouraged the EPCC to consider combining them. Also, that consideration be given to, in addition to tax incentives, coming back to the Board with a recommendation that the Board consider putting some money into acquiring development rights on land in exchange for getting an agricultural preservation easement, so that it could be used by people engaged in producing food.

Commissioner Cooksey echoed Commissioner Clarke’s comments.

Commissioner Murrey said he too echoes Commissioner Clarke’s comments. Further, that one way to think about this is from a health perspective. “If we can make farms that produce local, nutritious, affordable, and unprocessed foods, we can address a lot of the health issues in this community and in our country. Diabetes, obesity, hypertension, stroke, heart disease, can all be linked, at least to some degree, back to the vast consumption of processed foods.”

Chairman Roberts thanked Mr. Zoutewelle and Ms. Pruess for the report.

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

MANAGER’S REPORT

(6) RECEIVE MANAGER’S REPORT

Note: The Manager’s Report included discussion of Item 26

(26) RESTRICTED CONTINGENCY FUNDING FOR PUBLIC SAFETY/CRIME PREVENTION (COMMISSIONER CLARKE)

County Manager Jones, Commissioner Clarke, chair of the Board’s Criminal Justice Committee, and General Manager Michelle Lancaster addressed the recommendation of the County Manager regarding allocation of $2 million appropriated in June 2008 to “Restricted Contingency Fund for
Public Safety/Crime Prevention” and the Board’s Criminal Justice Committee’s response to those recommendations. The committee’s recommendations were presented. Charlotte-Mecklenburg Police Deputy Chief Ken Miller was present and addressed questions.

Recommendation of Allocation of $3 million* for Justice/Public Safety Task Force Recommendations

<table>
<thead>
<tr>
<th>Justice/Public Safety Task Force Recommendation</th>
<th>Funding Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1 – Oversight Function</td>
<td>Sr. Manager for State Justice Services $91,000 (salary + benefits)</td>
</tr>
<tr>
<td>#3 – Focus on Chronic Offenders</td>
<td>120 additional electronic monitors $225,000</td>
</tr>
<tr>
<td>#5 – Information Systems Review</td>
<td>Funding for complete review by outside consultant $150,000</td>
</tr>
<tr>
<td>#7 – Expand Use of Specialty Courts</td>
<td>Funding for additional Mental Health Court counselor $61,876</td>
</tr>
<tr>
<td>#8 – Alternative Solutions to Incarceration</td>
<td>Additional Beds for Recovery Solutions $250,000</td>
</tr>
<tr>
<td>#9 – Adjust/Maintain Staffing Ratios</td>
<td>Funding for Additional staff in the District Attorney’s Office $1,369,256</td>
</tr>
</tbody>
</table>

Other Recommendations

| Information Technology Support – Trial Court Administrator’s Office | IT Business Analyst $77,761 |
| District Attorney’s Office                                        | Business Manager – with emphasis on HR issues $90,000 |

TOTAL $2,314,893

Carry-forward all remaining funds to FY10 for Task Force Recommendation Implementation $685,107

* $2 million in Restricted Contingency Fund for Public Safety/Crime Prevention and $1 million appropriated for public safety and crime fighting efforts (with no specific purpose identified).

#1 – Sr. Manager for State Justice Services – this position would manage the current staff of three Management Analysts and one Administrative Support Coordinator. This position would assist in diagnosing problem areas, defining performance measures and promoting efficiencies, as well as implementing Task Force and CJAG recommendations.

#3 - this will purchase 120 electronic monitors for use by CMPD with a focus on Chronic offenders – this will allow each division 10 new electronic monitors to utilize in their focus on chronic offenders.

#5 – Information Systems Review - working with County IST to hire an outside consultant we will complete a comprehensive review of the information systems used in Mecklenburg County Criminal Justice System. The result will be an Information Technology Strategic Plan, including recommendations and a timeline for implementation of recommendations. We will work closely with all relevant agencies to insure that the review is truly comprehensive.

#7 – Expand use of Specialty Courts – this funding will provide one additional case manager for Mental Health Court. This position will increase the effectiveness of that specialty court.

#8 – Alternatives to Incarceration – this funding will provide 10 additional beds for Area Mental Health’s Recovery Solutions program.

In November 2007, the Board appropriated funds for “Recovery Solutions”, the service managed by Area Mental Health (AMH) to reduce jail recidivism for those with mental illness. Recovery Solutions is designed to help people in the Mecklenburg County jail who could be released to a mental health treatment program.

There is currently funding for a 14-bed residential stabilization function that began January 1, 2008. This unit admitted its first consumer on January 11, 2008. Currently, there are seven people in treatment, with four awaiting
JANUARY 6, 2009

court disposition for treatment. Since this is a new treatment service, it is essential to admit new consumers in a
deliberate manner to maximize effectiveness and success.

Chronic offenders are being identified through the AMH jail diversion staff member in the jail, the Public
Defender’s Office, and the Mental Health Court. The Residential Stabilization Committee (comprising staff from the
Mecklenburg County Sheriff’s Office, Mecklenburg Open Door, AMH and the Public Defenders Office) meets
every other week to discuss new cases, concerns and to collaborate on effective ways to address this population.

# 9 – Adjust/Maintain Staffing Ratios – work had begun on analysis of staffing ratios and salaries of all county
funded criminal justice agencies (excluding the Sheriff’s Office) – preliminary information regarding the District
Attorney’s Staffing indicates a significant need for Legal Assistants and Administrative Assistants. This
recommendation funds 17 Legal Assistants, three Administrative Assistants and three Assistant District Attorneys.
This funding will be sufficient through FY 10.

Additional recommendations:

IT Business Analyst – This position will provide support for County applications, hardware and audio/visual
equipment in the Mecklenburg County Courthouse for the Trial Court Administrator’s Office, Clerk of Superior
Court’s Office and the Public Defender’s Office. Additionally, they will act as a liaison to the Bar and others who
utilize the Electronic Courtroom Systems and with the Administrative Office of the Courts.

We currently fund a similar position in the County’s IT Department that is assigned to the District Attorney’s Office.

D.A.’s Business Manager - This position will provide support to the District Attorney for overall management of the
D.A.’s operations. There will be a strong emphasis on Human Resources – recruitment/retention; communication
and operations management.

Commissioner Leake asked about the use of electronic monitors, which was addressed. Commissioner Leake said she would like to be kept up-to-date on the success of this process.

Commissioner Cogdell said he hopes consideration will be given to providing support to the drug court program, noting that he didn’t see any discussion of this in the recommendations. Commissioner Cogdell said drug court has proven to be a successful program, that has addressed recidivism in a big way.

Commissioner Cogdell said he has reservations with respect to the outside consultant recommendation. Commissioner Cogdell said he feels the County would be spending money on something from an outside source that he would expect the state justice system manager to take responsibility for.

Commissioner Bentley asked about electronic monitors and the fact that this would be a reoccurring expense. She asked would this be a City of Charlotte expense after 2010 or how would that work budget wise. The response was that staff would discuss this with CMPD to see what other resources they may be seeking or revenue streams they have available and to see how best the County can work going forward to make this a successful program. It was stated that staff would keep the Criminal Justice Committee and the Board updated as those discussions occur.

Commissioner Bentley asked for clarification regarding staffing for the District Attorney’s Office, as it relates to the breakout of those positions. The response was that what’s recommended is based on feedback from the District Attorney. It was noted that Assistant District Attorneys currently have to do their own administrative work but with these positions (legal assistants and administrative assistants) it would free them to do their Assistant District Attorney work.

Commissioner James asked about staffing for the District Attorney’s Office. It was stated that what’s before the Board is what the District Attorney has indicate to staff are his needs at this time.

Commissioner James said he would like to know at what point will the District Attorney present a plan that outlines the statements he’s made in the media and to the Community Health and Safety Committee, indicating that he needed to double the number of Assistant District
Attorneys over a period of time in order to be at benchmark standing. The response was that staff has not asked the District Attorney to make such a presentation, but it’s staff understanding that Commissioner James has asked him. Further, if that’s the Board’s desire and staff is directed to do so, staff would have that conversation.

Commissioner James said at some point he would like to know when the District Attorney will make such a presentation regarding his staffing plan.

Commissioner James requested a report on the status of the Criminal Justice Information System (CJIS).

Commissioner Cooksey commented on the community’s concern for property crime and asked that the Criminal Justice Advisory Group (CJAG) take up this matter in their discussions. It was noted that CJAG is aware of this and will continue to work on this issue.

Commissioner Leake addressed the continued need for mental health court counselors.

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following recommendations:

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<thead>
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| District Attorney’s Office | Business Manager – with emphasis on HR issues | $90,000 |

TOTAL $2,314,893

Carry-forward all remaining funds to FY10 restricted contingency for Task Force Recommendation Implementation $685,107

(6B) DONATION CAMPAIGNS

County Manage Jones referenced a memorandum addressed to him from employees that have been past chairs of the County’s United Way and Arts & Science Council campaigns for employee donations. He said the purpose of their memorandum was to clarify and correct misconceptions and misinformation regarding the nature of these campaigns as depicted in the news media and in the quotes attributed to a member of the Board.

*A copy of the memorandum is on file with the Clerk to the Board.*
County Manager Jones said if anyone knows of a list that was posted in any department that suggest a giving level for any of the County’s campaigns, to inform him of that. He said he would then contact that department and inform them that’s something the County doesn’t do.

County Manager Jones said staff has no knowledge that has occurred.

He encouraged the Board to read the memorandum and attached Outlook article. County Manager Jones said his philosophy is that giving is a personal matter.

Commissioner James said as a related issue to this, he and the Chairman and the media have had discussions about the County’s charitable policies.

Commissioner James referenced United Way campaign material he received under the previous County Manager’s tenure. He also commented on the raffles that occur. Commissioner James feels employees are indirectly forced to contribute.

Commissioner James said his interest in this matter has to do with the fact that there are lots of other charitable organizations, in addition to United Way and the Arts & Science Council, so is it fair to employees to just offer these two.

Commissioner James said he feels the Board should adopt a policy with respect to this issue and hopes it’ll be discussed soon.

Chairman Roberts said the Board will discuss this issue at a later meeting.

Chairman Roberts said she wanted to acknowledge that Commissioner James’ interpretation of something that happened 12 years ago and something that happened in his former office is an extrapolation that doesn’t apply to current County policy and she wants the media to understand this. Chairman Roberts said her policy question with respect to this matter comes from a different perspective than Commissioner James.

County Manager Jones concluded the discussion by saying Commissioner James makes a valid observation. He said the loop does need to be closed relative to the direction staff received from the previous board committee regarding charitable contributions. He stated further that staff has been conducting research and is close to completing that research with respect to this issue. The hope is to have this matter on the Board’s January 21, 2009 agenda with recommended strategies for going forward.

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

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s), with the exception of Items 7, 9, and 10 to be voted upon separately:

(8) AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Amend the Mecklenburg County Groundwater Well Regulations.

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

12
JANUARY 6, 2009

(11) GRANT APPLICATION - US DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (OVW) – (ENFORCEMENT OF PROTECTION ORDERS)

Approve the submission of a grant application for funding in the amount of $263,342 to the United States Department of Justice, Office on Violence Against Women, for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program; and if awarded, recognize, receive and appropriate such funds.

(12) IRWIN CREEK GREENWAY – SAFE ROUTES TO SCHOOL GRANT APPLICATION

Approve a Safe Routes to School grant application in the amount of $125,000 to fund a connection between existing Irwin Creek Greenway and Barringer Academic Center.

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

1) Accept the “Offer of Sale of Land” from Randy E. Furr owner of 2913 Dunlavin Way for $189,992.66.
4) Accept the “Offer of Sale of Land” from Kenneth and Tammy Laub owners of 3019 Harbinger Court for $138,585.46.
5) Accept the “Offer of Sale of Land” from Mary Goodnight-Cochran owner of 3200 Brixton Court for $142,051.55.
6) Accept the “Offer of Sale of Land” from Richard S. McVicker owner of 3204 Brixton Court for $95,552.35.
7) 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.

(14) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1) Accept the “Offer of Sale of Land” from Mini-Skools Ltd. of 1700 Eastway Drive for $72,000.
2) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

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

(15) 2009 DIGITAL OBLIQUE IMAGERY ACQUISITION

Approve the execution of a contract with Pictometry International to acquire and produce high
.quality Oblique Imagery for Mecklenburg County and the City of Charlotte as part of update process to support Tax, Storm Water Services, Medic, Police, Fire and all GIS Efforts.

(16) 2009 DIGITAL AERIAL IMAGE ACQUISITION

Approve the execution of a contract with Photo Science, Inc. to acquire and produce digital aerial imagery for Mecklenburg County as part of update process to support all GIS Efforts.

(17) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Authority Monthly Financial Report.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, For the period ending November 30, 2008

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,786,864</td>
<td>4,208,277</td>
<td>30.52%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>35,014,500</td>
<td>9,939,693</td>
<td>28.39%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>39,042</td>
<td>40.13%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,845,759</td>
<td>1,083,765</td>
<td>28.18%</td>
</tr>
<tr>
<td>County</td>
<td>47,351,099</td>
<td>17,256,621</td>
<td>36.44%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>$100,095,515</td>
<td>$32,527,398</td>
<td>32.50%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>6,991,679</td>
<td>2,648,583</td>
<td>37.88%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>17,143,686</td>
<td>4,131,067</td>
<td>24.10%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>12,131,804</td>
<td>2,579,147</td>
<td>21.26%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,417,880</td>
<td>5,268,867</td>
<td>39.27%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>12,224,883</td>
<td>3,498,225</td>
<td>28.62%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>20,020,073</td>
<td>8,164,777</td>
<td>40.78%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,165,510</td>
<td>6,236,732</td>
<td>34.33%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$100,095,515</td>
<td>$32,527,398</td>
<td>32.50%</td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented.

(18) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve, recognize, receive and appropriate State funds in the amount of $38,195 for HUD Housing.

Note: These funds will be used for start-up and operational funds for five apartment units operated by Residential and Support Services Inc. This is a HUD 811 project for adults with developmental disabilities. HUD is providing the funds for the construction of the apartments and the funds allocated by the North Carolina Division of MH/DD/SA Services will furnish the apartments and fund supervised living services to the residents.
(19) UNCC GREENWAY EASEMENT AGREEMENT

Authorize the County Manager to negotiate and execute a Memorandum of Understanding between the County and the University of North Carolina at Charlotte to (1) reconfigure and reduce the area within the existing greenway easement on the campus, and (2) become effective at the time construction of the greenway trail by the County begins.

(20) GRANT APPLICATION – US DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (SAFE HAVENS)

1) Approve the submission of a grant application for funding in the amount of $400,000 for a three-year grant to the United States Department of Justice, Office on Violence Against Women, for the Safe Havens: Supervised Visitation and Safe Exchange Grant Program from the Mecklenburg County Community Support Services Department - Women’s Commission Division.

2) If awarded, recognize, receive and appropriate such funds.

(27) ACQUISITION FOR LONG CREEK GREENWAY

1) Rescind action of September 16, 2008 authorizing purchase of +/- 18.61 acres included in Tax Parcels 033-221-06 and 033-051-25 off Simpson Road from Lucille McClure for $130,270.

2) Approve the purchase of +/- 21.388 acres included in Tax Parcels 033-221-06 and 033-051-25 off Simpson Road from Lucille McClure for $7,000 per acre +/- $149,716.

T H I S   C O N C L U D E D   I T E M S   A P P R O V E D   B Y   C O N S E N T

Commissioner Bentley returned to the dais.

(7) APPROVAL OF MINUTES

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve minutes of Regular Meeting held December 16, 2008, as amended, and Budget/Public Policy Meeting held December 9, 2008 and Closed Session minutes of December 16, 2008.

Commissioner Cooksey removed this Item from Consent in order to note a correction to the vote on Item 28 of the December 16, 2008 minutes.

It was noted by the Clerk that Commissioner Cooksey was correct. The error was due to a misreading of her notes. She thanked Commissioner Cooksey for bringing this to her attention and said the correction would be made.

Note: The amendment was a correction to the vote taken on Item 28, which should have read,

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-3 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no.
(9) FUNDS RECEIVED - COMMUNITY SUPPORT SERVICES/HOMELESS SUPPORT SERVICES DIVISION

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate $5,000 received from the Community of St. Matthew to the Mecklenburg County Community Support Services Homeless Support Services Division.

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

(10) FEDERAL CRISIS INTERVENTION PROGRAM (CIP) – DSS

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to amend the Fiscal Year 2009 Adopted Budget to receive, recognize and appropriate $1,035,149 of additional Federal revenue for the Crisis Intervention Program (CIP).

Note: The additional funding will assist Mecklenburg County citizens with heating and cooling needs through the winter and summer months.

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

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

(2A) CLOSED SESSION – LAND ACQUISITION

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 accept the “Offer of Sale of Land” from Allison M. Stedman and David M. Fillmore, Jr., owners of 2901 Dunlavin Way for $163,383.48.

Note: This action is necessary for the purchase of a floodplain property under the Hazard Mitigation Program.

Commissioners Cogdell and Leake left the dais and were away until noted in the minutes.

STAFF REPORTS AND REQUESTS

(21) COPS CONVERSION RESOLUTION

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

RESOLUTION AUTHORIZING REPLACEMENT OF THE LIQUIDITY FACILITY AND REMARKETING AGENT FOR THE COUNTY’S VARIABLE RATE CERTIFICATES OF PARTICIPATION (2006 MECKLENBURG COUNTY)

WHEREAS, the County previously issued its $108,000,000 principal amount Variable Rate Certificates of Participation (2006 Mecklenburg County) (the “2006 Certificates”);

WHEREAS, DEPFA Bank plc, acting through its New York Branch (the “Bank”), currently serves as the provider of a liquidity facility for the 2006 Certificates;
WHEREAS, because of financial difficulties facing the Bank, the County has determined it is in its best interest to replace the current liquidity facility for the 2006 Certificates with a liquidity facility provided by Branch Banking and Trust Company (“BB&T”);

WHEREAS, Wachovia Bank, National Association currently serves as the remarketing agent for the 2006 Certificates;

WHEREAS, in conjunction with the replacement of the liquidity facility, the County has determined it is in its best interest to change the remarketing agent for the 2006 Certificates to Scott & Stringfellow, Inc., trading as BB&T Capital Markets (“BB&T Capital Markets”);

WHEREAS, there have been available at this meeting drafts of the forms of the following documents (collectively, the “Documents”) relating to the transactions described above:

1. A Standby Certificate Purchase Agreement to be dated as of January 1, 2009, among the County, Mecklenburg County Public Facilities Corporation, Deutsche Bank National Trust Company, as trustee, and BB&T;

2. A Remarketing Agreement to be dated January 22, 2009, by and among the County, the Corporation and BB&T Capital Markets; and

3. A Remarketing Supplement with respect to the remarketing of the 2006 Certificates (the “Remarketing Supplement”).

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County (the “Board”) as follows:

1. The form and content of each of the Documents are hereby in all respects authorized and approved, and the Chairman of the Board, the County Manager, the Director of Finance and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of the Documents for and on behalf of the County in substantially the form and content presented to the County, but with such modifications thereto as each may deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of such approval; and from and after the execution and delivery of the Documents, the Chairman of the Board, the County Manager, the Director of Finance and the Clerk to the Board are each hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Documents. The use of the Remarketing Supplement by BB&T Capital Markets in connection with the remarketing of the 2006 Certificates is hereby authorized, approved and confirmed.

2. The Chairman of the Board, the County Manager, the Director of Finance, the Clerk to the Board and the County Attorney, or their respective designees, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents which they in their discretion deem necessary or appropriate to consummate the transactions contemplated by the Documents.

3. All acts of the County Manager or the Director of Finance and the Clerk to the Board that are in conformity with the purposes and intents of this Resolution and in the furtherance of the transactions contemplated by the Documents are in all respects ratified and approved.

4. All resolutions or parts thereof of the Board in conflict with the provisions contained in this Resolution are, to the extent of such conflict, hereby superseded and repealed.

5. This Resolution shall become effective immediately upon its adoption.
Commissioner Karen Bentley seconded the motion and the motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, Bill James, Daniel Murrey, and Jennifer Roberts

NAYS: None

Note: Commissioners George Dunlap, Harold Cogdell, Jr., and Vilma Leake were away from the dais at the time of the vote.

Resolution & Extracts recorded in full in Minute Book 44-A, Document # ________.

Commissioners Dunlap, Cogdell, and Leake returned to the dais.

(22) ENVIRONMENTAL LEADERSHIP POLICY & ACTION PLAN

Motion was made by Commissioner Bentley, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive a report on implementation of the County’s Environmental Leadership Policy & Action Plan for fiscal year 2008 and direct the County Manager to proceed with implementation of proposed 2009 and 2020 goals.

Note: In 2004, the Mecklenburg County Board of Commissioners adopted the Environmental Leadership Policy (Policy) prescribing the environmental principles to be adopted in daily activities conducted by the County. The Environmental Leadership Team (ELT) implementing the Policy includes members from: Land Use and Environmental Services, General Services, Real Estate Services, Park and Recreation, Health, and Charlotte-Mecklenburg Purchasing, as well as from Charlotte-Mecklenburg Schools, Central Piedmont Community College, and the Public Library of Charlotte-Mecklenburg County.

This report describes results toward fiscal year 2008 goals and lays out an action plan for goals to be completed by the end of fiscal year 2009. Programs to implement the Policy evolve as accomplishments are realized and the ELT strives for continual improvement.

Cary Saul, Director of LUESA presented the report.

Prior to the above vote, Commissioner James questioned the accuracy of the numbers (the acreage) with respect to acquiring, maintaining and preserving land to protect the natural environment. He asked were the numbers from the Parks and Recreation 10-Year Master Plan.

Director Saul said he assumes they are and that the numbers are cumulative.

Commissioner James said he doesn’t know if the acreage stated is sustainable as a goal.

Commissioner Bentley asked for additional information with respect to bus emissions.

Commissioner Dunlap said he would like to know what the barriers were to achieving some of the goals, which was addressed.

Commissioner Cogdell said he hopes the Board would be a leader, regionally and in the state, with regard to many of the issues talked about in the report. Commissioner Cogdell said potentially there may be some tax deferment incentives the County should take a look at if a business or a private owner is willing to invest in the type of plumbing and electrical sensors necessary to conserve long term.
The Board received as information the County’s FY 2008 Performance Report.

The purpose of the report is to inform the Board and public about progress over the past year in achieving the Board’s goals for the community, as identified on the Board’s Community & Corporate Scorecard. The information also serves as background for the Board’s Strategic Planning Conference on January 29 and 30.

Leslie Johnson, Planning and Evaluation Director gave the report.

Commissioner Bentley asked for clarification with respect to 1) the business growth rate, 2) information concerning community parks, and 3) how does the County capture customer satisfaction, which was all addressed.

Commissioner James asked about the violent crime rate, which was addressed. He said the County may need to take a look at how this is calculated, noting that it’s a green light, which he feels is not completely accurate.

Commissioner Murrey asked for clarification with respect to the health parameters, specifically the disability adult abuse and neglect rate and why it has increased. Also, is it known whether these are predominantly institutionalized settings or people living in the community. The response was that staff is in the process of trying to determine why the change has occurred and would get back with an answer.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(24) ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY (COMMISSIONER CLARKE)

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes and Commissioner James voting no, to amend the County’s Ordinance Prohibiting the Consumption of Alcoholic Beverages on County Property to exempt special events held in the Courthouse.

Commissioner Clarke and Trial Court Administrator Todd Nuccio addressed this request.

Note: A second reading is required and will take place at the January 21, 2009, since the vote was not unanimous. The second reading will not require a unanimous vote, only a majority.

(25) “BUYING AMERICAN” POLICY (COMMISSIONER JAMES)
Commissioner James addressed the Board’s Buying American Policy.

Commissioner James asked the Board to consider re-affirming the ‘Buy American’ Policy of the Board of County Commissioners and receive a report from the County Manager on how he has complied (or failed to comply) with Board policy dated 12-2-1985. Expand the existing policy to cover allowable contracted services (such as IT maintenance or phone assistance) and to define an ‘American’ product as one that has at least 50% of its materials and labor costs from American sources. Require the Manager to maintain a record of decisions that document when non-US made products are chosen over American-made products.

County Manager Jones asked the Board to allow staff an opportunity to consult with the Procurement Department to see what’s currently being done and/or can be done with respect to Commissioner James’ request.

County Manager Jones said he would communicate to the Board through the Board Bulletin with respect to when staff may be ready to report back on this issue.

Commissioner Dunlap said he wants to make sure the policy can be implemented without violating treaties and other provisions as stated in the current policy.

It was the consensus of the Board to allow the County Manager to report back on this matter.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:29 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 7:30 a.m. on Thursday, January 8, 2009.

ATTENDANCE

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

Absent: Commissioners Karen Bentley and Bill James

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

The meeting was called to order by Chairman Roberts. The purpose of the meeting was to meet with the Mecklenburg Legislative Delegation to discuss the County’s 2009 Legislative Agenda, as well as, that of the Mecklenburg County Courts.

The following members of the Delegation were present: Senators W. Edward (Eddie) Goodall, Jr., Daniel G. Clodfelter, Charlie Dannelly, Robert (Bob) Rucho, Representatives Nick Mackey, Tricia Cotham, Ruth Samuelson, Ric Killian, Martha Alexander, and Kelly Alexander.

Following introductions, County Manager Jones started off the County’s presentation by thanking the Legislative Delegation for its work and support of Mecklenburg County.

County Manager Jones gave a brief overview of the formation and work of the Justice and Public Safety Task Force created by the Board. He noted, also, that the County will continue to be faced with economic challenges as it prepares to address the budget for next year. County Manager Jones said the County recognizes that the legislature will also be faced with the same constraints. He said to the extent the County and the Delegation can work together, the County would be more than happy to reach out to the Delegation and do what it can to work together to create a better environment for the citizens of this community.

County Manager Jones also commented on how Mecklenburg County benefited from the changes in Medicaid as a result of Article 42 & 44. County Manager Jones said for fiscal year 2008, the net benefit to Mecklenburg County was about $2.2 million and for fiscal year 09 it’s estimated that it’ll be about $2.3 - $2.4 million.

County Manager Jones concluded his remarks by noting the County is spending about $6.5 million of local taxpayers’ dollars to support the criminal justice system. County Manager Jones said that’s almost three quarters of a penny and that a penny on the County’s tax rate is almost $10 million. He said that’s a pretty significant amount. Thus, the County would be appreciative and thankful for whatever the Delegation can do to help create an effective urban criminal justice system.
Commissioner Dunlap entered the meeting.

County Manager Jones then called on Assistant to the County Manager Nyki Hardy to go over the County’s 2009 Legislative Agenda.

Assistant Hardy outlined the format of the presentation and began by reviewing the County’s 2008 legislative agenda accomplishments. She thanked the Delegation for their work during the 2008 Legislative Session. She then called upon the appropriate department representative to present their respective legislative request.

2009 N.C. General Assembly
Recommended Mecklenburg County Legislative Agenda

Mecklenburg County Priorities

• Adopt legislation to establish and support the development of a Domestic Violence Fatality Prevention and Protection Review Team in Mecklenburg County, including immunity for service providers, to prevent the occurrence of domestic violence related deaths and promote collaboration among community service providers. Stacey Lowery and Marie White with Community Support Services presented the request.

• Revise NC Public Records Law to allow NC Professional Seals to have a higher level of security with respect to electronic records requests. Jim Bartl, Director of Code Enforcement presented the request.

• Increase the threshold at which Mecklenburg County and municipalities within the county may use force account qualified labor. Jim Garges, Director of Park and Recreation presented the request.

• Support the N.C. Association of County Directors of Social Services (NCACDSS) request to make a continued commitment to the funding that has been allocated to NC FAST (Families Accessing Services through Technology) and support increased funding to allow NC FAST to become a reality for Mecklenburg County in North Carolina. Samara Foxx, Director of Business Affairs for the Dept. of Social Services and Clayton Voignier presented the request.

Commissioner Murrey entered the meeting.

• Appropriate additional state funding for the justice and public safety systems in Mecklenburg County. Local funds should be in addition to state funding and not used to reduce or supplant funding for our district. Assistant Hardy presented the request.

• Eliminate the requirement of an elected official recommendation for notary public applicants in counties with more than fourteen thousand notaries public. Assistant Hardy presented the request.

• Adopt local legislation so that the Board of County Commissioners will not have to hold hearings to approve excise tax refunds. Assistant Hardy presented the request.

• Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places. Assistant Hardy presented the request.

Note:

Mecklenburg County supports the following requests of our partner organizations:

• Sales Tax Exemption – Support legislation to exempt counties, cities, public schools and community colleges from payment of state and local sales taxes on purchases within North Carolina. At minimum, support legislation to restore public schools’ access to sales tax refunds.

• Seek legislation to increase the daily reimbursement rate for housing state inmates in county jails.

• Support legislation to provide greater discretion at the county level to establish fees for the inspection of food and lodging facilities.

• Support appropriation of state funds and allocation of those resources in a manner to add school health personnel in all counties, including urban counties, so that each school system reaches a nurse/student ratio of 1:750.
JANUARY 8, 2009

- Seek legislation to require a facility to assist with a communicable disease investigation by providing copies of records that could identify individuals potentially at risk of exposure and to provide immunity for the person responding to a request for records from any civil or criminal liability that otherwise might be incurred as a result of complying with the request.
- State Aid to Public Libraries – Seek legislation to make recent one-time appropriations to the State Aid to Public Libraries grant fund recurring to be used for improving and expanding collections of books and materials.
- Court Facility Fees -- Support legislation to allow counties to collect additional facilities fees to help fund capital, operational and other needs associated with ever-increasing judicial activities.

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

Comments

Commissioner Cogdell addressed the appropriation of additional state funding for the justice and public safety systems in Mecklenburg County. He urged the Delegation to support this request. He also asked the Delegation to let the Board know what it can do to be of assistance to the Delegation.

Commissioner Leake addressed the request of the Department of Social Services to support the N.C. Association of County Directors of Social Services (NACDSS) request to make a continued commitment to the funding that has been allocated to NC FAST (Families Accessing Services through Technology) and support increased funding to allow NC FAST to become a reality for Mecklenburg County in North Carolina. She urged the Delegation to support this request. She encouraged the Delegation to visit DSS to see firsthand the work that the Department does and the number of people in need of services.

Senator Dan Clodfelter asked staff to provide more details with respect to how the request to establish and support the development of a Domestic Violence Fatality Prevention and Protection Review Team in Mecklenburg County, including immunity for service providers, to prevent the occurrence of domestic violence related deaths and promote collaboration among community service providers, would work. For example, who the members would be, what would be the scope of their authority, the kind of immunity wanted, etc., so that the legislation would reflect what’s wanted.

Senator Clodfelter asked Director Bartl if contact had been made with the Press Association regarding the request to revise NC Public Records Law to allow NC Professional Seals to have a higher level of security with respect to electronic records requests. The response was that staff is aware of the Press Association concerns and is in the process of lining up the support of the American Institute of Architects (AIA) and the Professional Engineers of North Carolina (PENC) and then collectively approach the Press Association.

Senator Clodfelter strongly encouraged staff to touch basis with the Press Association because of their interest in the Public Records Law. He asked that the Delegation be informed of the feedback received from the Press Association.

Senator Clodfelter noted, with respect to the request to eliminate the requirement of an elected official recommendation for notary public applicants in counties with more than fourteen thousand notaries public, that when the original bill was passed it was done for Mecklenburg County and Wake County. He asked whether the number of notaries in the County had gone down. The response was yes. Currently there are 14,000 and the current legislation exempts counties with 15,000 or more notaries.

Representative Ruth Samuelson asked, with respect to the request to adopt local legislation so that the Board of County Commissioners will not have to hold hearings to approve excise tax refunds, why was it burdensome. The response was that it’s a matter that requires being placed on the Board’s agenda and that no one generally appears; the amounts being requested are not that large; the hearings seem unnecessary and slow down the process. It’s felt this is an administrative matter that could be handled by the County Manager.
Representative Martha Alexander asked how many excise tax refund requests the County receives. The response was maybe 10 a year, if that many.

Senator Clodfelter addressed the request to adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places. He suggested the County get this on the agenda of the N. C. Association of County Commissioners, so that it can be presented as a statewide bill, rather than population specific. Thus, it would give all counties the option if they desire to do so.

Representative Alexander echoed Senator Clodfelter’s remarks with respect to regulating smoking in public places. Representative Alexander said it’s a difficult battle to get this legislation passed, but that she would continue to support it.

Commissioner Murrey commented on studies regarding the impact of secondhand smoke and implementation of this type legislation, which he said studies show a decrease in the incidences of heart attacks.

Representative Edward Goodall with respect to Domestic Violence, said several bills were passed last session and he hopes they will have an impact on this issue as well.

Mecklenburg County Courts

The following Court officials were present: Clerk of Superior Court Martha Curran, District Attorney Peter Gilchrist, Chief District Court Judge Lisa C. Bell, Senior Resident Superior Court Judge Robert P. Johnston, Trial Court Administrator Todd Nuccio, and Public Defender Kevin Tully.

Todd Nuccio, Trial Court Administrator, presented the Mecklenburg County Courts’ 2009 legislative and budgetary requests.

Mr. Nuccio covered the following in his presentation:

Allocation of State Funding FY07-08
N.C. Quick Facts (N.C. in comparison with national averages)
Mecklenburg Quick Facts
Previous Allocation of Funds and Remaining Shortfalls with respect to District Judges
Magistrates
Deputy Clerks
Assistant District Attorneys
The Impact of Allocation of Funds with respect to District Judges
Assistant District Attorneys
Deputy Clerks
Innovations to Improve Justice System
Statutory Requests
► Jury Service
  ▪ Revise G.S. 9-4 to allow an electronic copy, rather than a hard copy, of the Master Jury List to be filed with the Register of Deeds in order to ameliorate storage space issues
  ▪ Amend G.S. 9-3 to eliminate the word “hear” for juror qualifications since Federal ADA provisions require we provide hearing-impaired interpreters for those who choose to serve.
  ▪ Permit exhibits in jury deliberations in criminal cases
  ▪ Address failure to implement G.S. 7A-312 dealing with the waiver and designation of juror fees for court-related programs and services
Interpreting
- Authorize expansion of State-reimbursed interpreting services to encompass all court-hearings and business-related interactions to conform with Title VI requirements

Drug Treatment Courts
- Include clarifying language under G.S. 7A-791 to recognize DWI Treatment Courts as type of Drug Treatment Court covered by the provisions of Article 62

Fine Collections
- Authorize the use of civil liens/judgments, the reporting of delinquency to credit agencies, referrals to credit counseling agencies and debt restructuring with the Court as the lead or primary debtor.
- Allow County (directed specifically to Fine Collection Program) to retain the collection fee assessed for amounts that are unpaid for 30 days after the time period allotted by the Court

Salaries
- Authorize supplementing salaries of non-elected Judicial Branch employees by local governments in order to attract and retain the best qualified employees within judicial districts and to further the administration of justice.

Miscellaneous
- Provide Magistrates with the authority to appoint counsel
- Expand list of enforcement agencies that can serve “Notice of Hearing on Violation of Unsupervised Probation” by mail as opposed to personal service. Provision only currently applies to Community Service.
- Budgetary Independence of the Judicial Branch (FY2008-09, SB 2103)
- Judicial Appointments and Retention (FY2007-2008, SB 957)

Budgetary Requests
- Protect one Judicial Assistant position that became effective in July of 2008 and two other Judicial Assistant positions that became effective in January of 2009 from elimination. The positions have not been filled due to a hiring freeze imposed by the AOC

Funding & Salaries
- Fund staffing increase recommendations outlined in National Center for State Courts Workload Study for Family Court districts: Mecklenburg is to receive three positions
- Fund staffing increase for the FIRST Program (FDTC) in accordance with state DTC guidelines
- Adopt Judicial Branch Salary Plan – (FY2007-08, SB956 & HB803)

Pilot Programs & Services
- Establish pilot group of Self-Serve Centers across the State following national best practices and standards.
- Establish pilot group of state-funded supervised child visitation and exchange centers following national best practices and standards.
- Appropriate pilot funding and provide formal recognition for Mental Health Courts.

Chairman Roberts noted the action taken by the Board at its January 6, 2009 meeting with respect to funding assistance to the judicial system.

Mr. Nuccio thanked the Delegation for all of its work.

A copy of the presentation/legislative agenda is on file with the Clerk to the Board.
Senator Clodfelter commended Court officials for their continued communication and working relationship with the Delegation, which he said was “just great.” Senator Clodfelter asked Court officials to encourage their counterparts in other N.C. counties to do as they do and meet with their respective legislative delegations. Senator Clodfelter said when these types of relationships exist that faster progress can be made. He noted that in Buncombe County progress has been made in this area, that in Wake County, it’s been on again, off again, and in other counties, it’s still “a tug of war.”

Senator Clodfelter commented on how great it is to see the impact of previous allocations. He asked Mr. Nuccio to provide the Delegation with a copy of the presentation, which outlines those impacts.

Chairman Roberts asked that it be sent to Board members as well.

Representative Samuelson asked County staff to provide the Delegation with a copy of the appropriations information approved by the Board on January 6, 2009 with respect to the allocation of $3 million for Justice/Public Safety Task Force recommendations; and as this matter is tracked using the balanced scorecard, to keep the Delegation aware of the results; what’s working and what’s not.

Representative Samuelson asked can the County fund public defender positions.

Commissioner Clarke, chairman of the Board’s Criminal Justice Committee, said the County can, has, and does, but there’s a process for doing so, which was explained briefly.

Commissioner Clarke said the concern has been whether or not the state would pick up the County funded positions.

Senator Clodfelter said the state usually will pick up the positions if funds are available.

Chief District Court Judge Lisa C. Bell said the issue isn’t hiring Assistant District Attorneys, but retaining them. Judge Bell said the focus needs to be on retention.

Representative Samuelson asked whether the retention problem was salary related and the response was yes.

Senator Clodfelter encouraged officials to put local dollars towards support staff and pay supplements and to let the Delegation continue to work on getting funding for basic slots, such as judges, assistant district attorneys, and clerks.

Senator Clodfelter said there is a problem with the salaries. He said unfortunately the 2005 salary study “gave us a bad fact,” which was that we’re not that far out of line in terms of pay for assistant district attorneys with other states, but we are in Mecklenburg County; but measured as a state, assistant district attorneys (ADA) on the average is not that out of line with pay for an ADA in Tennessee, Virginia, Georgia, and Florida, for example. He stated further that if funds are available for local pay supplements, that could be important, because the salary study says where we really need to increase pay in North Carolina is for district court judges and appellant court judges; that our Superior Court judges and district attorneys are generally in line with other states in terms of pay but our district court judges and appellant court judges is out of line. Senator Clodfelter said this makes it hard for the Delegation to get a statewide pay increase for the district attorney, which would suggest that if local funds are available, that’s where it should be put, in pay supplements.

County Manager Jones noted, with respect to the action taken by the Board on January 6 (the allocation of $3 million for Justice/Public Safety Task Force recommendations), that one aspect of that is accountability. He said one of the responsibilities General Manager Michelle Lancaster will have in working with the criminal justice agencies, is to create a matrix for evaluation.
County Manager Jones said the County will work on the premise that if something doesn’t work, it’ll be sunset and the County will try something different to be effective in the process. He also addressed the work of the Criminal Justice Advisory Group (CJAG).

Public Defender Kevin Tully addressed the needs of the Public Defender’s Office, which he said is also important in the efficiency of the criminal justice system. He also asked the Delegation that when Indigent Defender Services (IDS) comes before them with their budget, understanding that they are the funding agency on the state level for the indigent defense side, that they will give it consideration.

Senator Clodfelter encouraged local officials to go outside the community to see what is and what’s not occurring in other communities of the state. Senator Clodfelter said when you do, you’ll appreciate what’s going on locally.

Senator Clodfelter said there aren’t many communities that have a public defender’s office, but that it’s far more efficient for the county to deliver the defense services that we’re required to do by the constitution, to do so through a public defender’s office, rather than a system of private defense counsel. As such, it’s often a battle budget time when it comes to funding public defenders. He said having a public defender’s office system, however, saves money.

District Attorney Peter Gilchrist addressed the benefit of having a Public Defender’s Office.

Commissioner Cogdell commented on the Administrative Office of the Courts lack of technological capabilities.

Senator Clodfelter acknowledged that technology is an issue. He said it will be a “hot” topic in the long session.

Commissioner Cooksey asked about the Governor’s role in all of this and what “can we do, with the change in administration, to get the Governor educated about some of these issues and how to push some of these issues.”

Senator Clodfelter said he feels the Governor is going to be supportive of what “we do.” He said it’s really more of an issue for the judicial branch and the legislative branch. He said that’s where the activity will be. He noted further that the outgoing Governor in terms of budget submissions and requests was “pretty good.” He said they got pretty good requests and it gave them a basis to work from. Further, that generally the budgets that got enacted the last three to four years went beyond what the Governor was asking for, but the requests they were getting were not bad. Also, that generally the Governor’s office looks to the Administrative Office of the Courts and the Chief Justice when they put together the budget submission requests.

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

Representative Killian commented that some of the information shared by the courts “tells a pretty good story.” He said what it tells is the spending priorities of the previous administrations and legislatures. Thus, he’s of the opinion that public safety, specifically courts, “don’t receive the priority or haven’t received the priority in previous administrations and legislatures that it needs.” Representative Killian said spending priorities in the past don’t represent the “needs of the people in the state and certainly not the needs of the people in the County.” He said “our needs are public safety and transportation.” He encouraged the Chairman to take this message to the new Governor and to the legislature.

Chairman Roberts said she plans to be in Raleigh more.

This concluded the discussion.

No action was taken or required.
JANUARY 8, 2009

Note: The above is not inclusive of every comment but a summary of key comments.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 9:23 a.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, January 12, 2010.

ATTENDANCE

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

Absent: Commissioner Bill James

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

The meeting was called to order by Chairman Roberts after which the following topic was addressed: Child Support Enforcement.

General Manager Michelle Lancaster addressed Child Support Enforcement (CSE). The following was covered: Incentive Funding and Performance Measures; Employee Positions and Job Descriptions; CSE Service Provision Budget Estimates.

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

Comments

Commissioner Dunlap with respect to the County’s Paternity Establishment Rate ranking asked whether the fact that Mecklenburg County was a metropolitan area taken into consideration. He noted that in rural areas, it’s sometimes easier to establish paternity because more people know each other.

Assistant to the County Manager Janet Payne said the percentage was based solely on the number born out of wedlock and the number that paternity had been established for. She said no other factors were taken into consideration.

Commissioner Dunlap asked where did the County rank in terms of collections. It was noted that the 99.05% listed in the handout does not go into the non-factor scoring calculation. General Manager Lancaster said that data was an aspirational goal that’s set for every county.

Commissioner Bentley asked for clarification on the State 9-Factor Report and the County’s ranking, which was addressed, specifically what’s taken into consideration.

Commissioner Cogdell asked for clarification on the Paternity Establishment Rate comparison which was addressed.
General Manager Lancaster said she believed the most important components of this were paternity establishment and the cases under order. General Manager Lancaster said this was where you would want to see growth.

Commissioner Cogdell asked were all of the 9-Factors rated equally. The response was no.

Commissioner Murrey asked for clarification on IV-D Case Load, which was addressed.

Commissioner Murrey said it’s troubling that none of the explanations seemed to explain all of the data of Mecklenburg County being “worst” in performance.

Commissioner Murrey inquired as to how the County rated in the other factors of the 9 not shown in the report. The response was that Mecklenburg County performed poorly in all of the areas, scoring 169 out of a possible score of 792.

Commissioner Murrey asked about the number of positions, which was addressed.

Commissioner Dunlap said he believed the performance rate of CSE was what it was because they’re understaffed. Commissioner Dunlap said another factor to be considered was the fact that Mecklenburg County was close to South Carolina and that people could easily cross state lines. He said both of these factors impact collections and paternity establishment.

Commissioner Dunlap said thinks the rankings were a little unfair and do not take enough factors into consideration. He said it sends the wrong message about the performance CSE.

General Manager Lancaster said these standards were not established by the County but by the state. She said the state uses these standards in deciding whether a county gets any incentive revenue. Thus, they were important with respect to how much this was going to cost the County under any scenario.

Commissioner Clarke entered the meeting.

Commissioner Leake asked what was the data source used to determine out of wedlock births. General Manager Lancaster said it could be health department and/or hospital data but staff would confirm that.

Commissioner Murrey commented on the issue of CSE being understaffed and the impact of that on performance.

Commissioner Murrey said if you assume the comparison was valid, the question for the Board was whether going to a private model or going to a County ran model or going to the consult model, which would get the County to the “working better piece” if the issue was performance.

General Manager Lancaster asked Deputy County Attorney Tyrone Wade to comment on his conclusion that privatization would gain the County more efficiencies in the short term to get better performance.

Attorney Wade said what staff learned was private vendors were able to bring in strategies and implement systems that the County was not able to do to improve service delivery, the collection rate, and to establish paternity.

Commissioner Clarke entered the meeting.

Attorney Wade said per the statistics, the private vendors have been able to come in and turn the CSE system around, such that the system was better and in compliance with state mandates.

Commissioner Murrey asked what were private vendors doing that the County couldn’t do. He said if it’s a best practice why couldn’t the County adopt that best practice.
Attorney Wade said the County could but one of the issues was the knowledge base that’s necessary to be able to come in and understand the complexities of CSE and then to implement.

Attorney Wade said what staff looked at was what’s the best way to learn what they know and follow it going forward since these mandates were upon the County now. He said if the County first tried to start to learn what it was to do, things would probably stay where they were now or become worse. He said staff felt one way to find out what they do was to allow the private vendor to come in and help the County learn how to manage it, how to implement it and how to be more successful. Further, that after a year or two, the County would reconsider whether it should operate the system directly.

Commissioner Murrey said there were some advantages to having the County operate it aside from the performance issue, if the County was able to find interface opportunities with the Department of Social Services and other social programs that the County provided.

Commissioner Murrey said there’s probably greater potential for that interface happening within the County then there would be with a private company, but there would be a hurdle the County would have to get over in terms of getting up to speed. Commissioner Murrey said that would at least speak to the consultant helping out model.

Attorney Wade said staff looked at the consultant model and full privatization and what would work best.

Commissioner Murrey said if you go with full privatization then you’re not building capacity within the County, whereas with the consultant option, you would be building capacity.

Commissioner Dunlap reiterated Commissioner Murrey’s question which was what was it that a private vendor might know about how to get data that the County didn’t already have in terms of looking at tax records, utility records, etc.

General Manager Lancaster referred Board members to the responses of the vendors with respect to the progress they’ve made.

Commissioner Cogdell asked was it fair to say the four factors the Board needed to consider were performance, cost to the taxpayer, continuum of care concerns, and the impact on employees. General Manager Lancaster said yes.

Commissioner Cogdell said it appeared the privatization option has proven to be or has demonstrated to improve or enhance performance with respect to the 9-Factors. He said it was somewhat of a less expense cost.

General Manager Lancaster said there’s no indication from the state that there will be any additional time allowed for the County to transition CSE. The expectation was that the County would be responsible for CSE effective July 1, 2010.

General Manager Lancaster addressed staffing. The following was noted. Staff used the staffing level of 75 which was what funding was currently being provided for, even though some of those positions were frozen. There were 14 additional positions that were approved by the state that have never been funded.

General Manager Lancaster said she would recommend adding the additional 14 positions, a division director, program manager, three customer service/call center representatives, for a total of 94 positions which would raise the County’s net costs by about $400,000.

Commissioner Bentley asked if staff drew off of the private sector model to determine the staffing. General Manager Lancaster said no, the private sector models were different from the staffing model that’s being used, so staff basically just tweaked the current staffing model.
Commissioner Cooksey said with respect to staffing levels that would be something for the vendor to determine. He said what the County should be concerned about and would have in the contract with the vendor would be expected performance levels by the vendors, which if they didn’t meet would be grounds for terminating the contract.

Commissioner Cooksey with respect to appropriate staffing level said for him one of the advantages of contracting this service out was that it’s their problem to figure out how to make it work.

Commissioner Murrey said he recalled from previous discussions that there was the potential for additional services that were provided by CSE that a private vendor may not provide, such as social services types of services. Commissioner Murrey said in light of this was the County comparing “apples to apples.”

Commissioner Murrey asked would the County be receiving the same product from the private vendor that it would from a County agency.

Attorney Wade said based on the information provided to staff both Young Williams and Policy Studies Inc. (PSI) have developed models where they interface with the courts, as well as, had satisfaction evaluations for families with whom they set up paternity and established support and enforcement.

Attorney Wade said performance measures and satisfaction ratings could be built into the contract.

General Manager Lancaster said each of the vendors had agreed to take all of the current employees and to offer them benefits. Further, that one vendor offered to give the employees their years of service.

Commissioner Murrey said he wanted to make sure the County doesn’t take out a function that’s currently being provided.

It was noted that CSE would remain at the location where it was, which also housed DSS offices.

Commissioner Cooksey asked if the County had any recourse with respect to the state “dumping” this function on the County and what would happen if the County refused to take this service over. Attorney Wade said it was federally mandated, state managed, and county ran. Attorney Wade said Mecklenburg County just resisted over the years from absorbing it. He said other counties had done it for years.

General Manager Lancaster said there were only 28 counties operated at the state level and that back in the 70’s counties had the option of letting the state operate it or do it themselves. Mecklenburg County decided to let the state operate it.

Commissioner Cooksey asked whether the counties that were operating it themselves, doing so at a deficit. Staff’s response was that they had to pay for it.

Commissioner Cooksey asked would the County’s cost go up. The response was yes.

County Manager Jones said this was an unfunded mandate.

Attorney Wade said that’s why it’s critical the County is successful because of the federal incentive money connected with meeting the mandates.

Commissioner Cooksey said if you look at the performance rating, that the two top counties were ran by PSI and that their average case load was 750 – 770 per agent, which was substantially higher than any of the other counties, which tells him that “they’re doing something right” with that caseload.
Commissioner Cogdell asked was it correct all three vendors said they would be willing to hire all of the current state employees. General Manager Lancaster said yes.

Commissioner Cogdell asked about vendors accepting the current state employees’ tenure. General Manager Lancaster said only one vendor said they would be willing to do that.

Commissioner Cogdell asked about the salaries of the current state employees being matched. General Manager Lancaster said the vendors said they would, at minimum, match current salaries and that after an assessment of qualifications there would be potential for an increase but that they would at least keep them where they were currently.

Commissioner Cogdell asked would the job description call for the continuation of the linking of services with other agencies for the continuum of care. General Manager Lancaster said that was not asked for specifically but that staff would negotiate that in the contract.

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

Commissioner Cogdell said privatization appeared to be an easy solution in light of what the County was faced with but it almost seemed too good to be true. He said he was a little skeptical when it came to believing the vendors could provide what they say they could.

Commissioner Cogdell asked what would be the County’s options for getting out of the contract if it was to privatize, if the performance measures weren’t met or all employees weren’t hired, or, if the terms of the agreement weren’t met.

Attorney Wade said it would be reflected in the contract what the County’s expectations were.

General Manager Lancaster said if the County were to go with a private vendor that Assistant to the County Manager Janet Payne would manage the contract, thus the County would have a very “close eye” on what’s occurring with the vendor.

Commissioner Bentley asked about employee satisfaction and whether the vendors addressed employee turnover rates when going from public to private, as well as, employee satisfaction when going from public to private. Assistant to the County Manager Payne said that information was not included, but that she felt all vendors would be willing to provide a response to that question. She said she didn’t know if the state did employee satisfaction surveys or not but would find out.

Commissioner Dunlap said one fact that’s being overlooked as it related to the cost to the taxpayer was that regardless of which model was selected the County was going to have to pay. General Manager Lancaster said that was correct.

Commissioner Leake said her concern was the commitment of the vendor to the community and to the process.

Chairman Roberts said whatever was done the County would monitor the program very closely because the County would still be responsible for the program.

General Manager Lancaster said there would have to be some transition funding in this current year in order to be ready for implementation July 1, 2010 under any of the models.

General Manager Lancaster addressed transition plans presented by the vendors, as well as, what the County’s would be, if the decision was made to have the program operated by the County.

Commissioner Dunlap said it didn’t appear to him that staff was seriously considering all three of the vendors. General Manager Lancaster said personally she had not read the proposals until this week and that was so she could be better versed. She said she’s tried to stay completely neutral because she hadn’t gone through the process. She said Attorney Wade had spent time in the process and that he had looked at and met with the vendors.
General Manager Lancaster said she didn’t have a preference at this point.

Commissioner Dunlap asked based on what had been presented, which company would best suit the needs in terms of all of the factors that were laid out, from a financial standpoint and where were they in comparison to Mecklenburg County if the County were to operate the program. The Board was referred to the handout with respect to the CSE budget estimate for in-house and outsourced.

General Manager Lancaster explained the chart and noted the County would still have the flexibility to negotiate the rate. She said what was shown was just what the vendors had provided.

Commissioner Clarke said he felt PSI was the only vendor “playing straight with the County and that’s not saying the others weren’t but PSI’s materials were impressive that their responses were good.” He said they had a track record.

Commissioner Cooksey returned to the meeting.

Commissioner Clarke said he was not prepared to hire a firm that had not worked in North Carolina. General Manager Lancaster said Maximus was the only vendor that had not worked in North Carolina.

Commissioner Clarke said he would narrow it down to PSI and Young Williams.

Commissioner Clarke said he thought the County Manager and his staff were the right people to do this analysis for the transition but ultimately this was essentially a DSS function and he would sort of expect the Manager’s Office not be directly involved with it.

General Manager Lancaster said the County Manager’s Office did not intend to run this through DSS, that it would be ran directly out of the County Manager’s Office as a separate department.

General Manager Lancaster said this was not the most common way, but it was not uncommon across the state.

Commissioner Clarke asked why. General Manager Lancaster said the County had some opportunities that were different from other counties. She said she has a group that already functions with her, the court system planning unit. General Manager Lancaster said she sees CSE tying in with a DSS function but that there was a heavy court presence function, as well as, which she sees being stronger than the DSS function.

General Manager Lancaster said CSE would be the seventh largest County department. General Manager Lancaster said this was not a small undertaking.

Commissioner Clarke asked would there be someone on-site that would be responsible for the day to day operations. The response was yes, if it’s a County operated department.

Commissioner Clarke asked would staff contemplate adding anyone in Manager’s Office staff or would it be additional responsibilities for existing staff. The response was no additional staff would be hired in the County Manager’s Office.

Commissioner Clarke said that worried him a little, not that he didn’t have confidence in existing staff, but he was concerned about how much any one group could handle.

Commissioner Clarke asked why can’t the County move forward with hiring someone with years of experience in operating a CSE program.

General Manager Lancaster said staff would be coming back with a recommendation next week if the decision was made to operate CSE in-house.
General Manager Lancaster reviewed the options available to the Board. She noted that staff’s original recommendation was for privatization, which staff still recommends. The second option was to operate CSE in-house. This would result in staff being increased and the need for funding to be available this fiscal year for recruiting purposes.

Commissioner Clarke asked whether the in-house option involved a consultant. The response was no.

Commissioner Clarke asked would staff be looking for someone with years of experience in CSE to manage this program or would staff be looking for a non-traditional candidate. The response was someone with experience.

Commissioner Bentley asked what would be the length of the privatization contract. The response was two years and that if staff felt comfortable with bringing the program under the County operation then that would be recommended.

Commissioner Cooksey asked if staff felt the responses received from the vendors were responsive to the RFP and similar enough in the way that they responded that the County wouldn’t have to go back out for another RFP. Attorney Wade said he felt what the County received was good and that it wouldn’t be necessary to issue another RFP.

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

Commissioner Clarke said if the Board decided to choose the in-house model, could it be done with the understanding that there would be benchmarks for improvement of the program rankings statewide and if it’s not achieved then consideration should be given to outsourcing it.

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

Commissioner Clarke said what he wanted to see under any model was improved performance, thus a better ranking.

Attorney Wade said the County had to meet the federal performance measures. Attorney Wade said if it was to be done in-house and in light of where the program currently stood with respect to performance and moving forward, the County would likely lose significantly when it came to federal dollars.

Attorney Wade said if it’s brought in-house with the County being at a point of learning how to manage the program, it would be a disservice to those served, as well as, it won’t be cost effective.

Commissioner Clarke asked about the lost of incentive dollars, which was addressed.

Commissioner Cogdell asked what happens if the federal standards weren’t met. Attorney Wade said it would cost the County more to operate the program.

Commissioner Cogdell asked would a private vendor assume the risk of the lost of incentive funds if they don’t meet the federal standards. Assistant to the County Manager Payne said it would depend on the language of the contract.

Assistant to the County Manager Payne said the federal incentive funds were paid based on a two-year review, for example the County’s 2009 incentive funds were based on the 2007 performance. Thus, there’s a lag.

General Manager Lancaster said the incentive dollars offset what the County had to pay.

County Manager Jones said if CSE was privatized then the County would address performance issues in the contract. If it’s done in-house, then staff’s job would be to work to improve
County Manager Jones said the sooner the Board made a decision on the route it wanted to go, it would allow staff the opportunity to have some discussions with the staff currently at CSE.

Commissioner Dunlap asked was CSE meeting the four-factors. *The response was no.*

**Commissioner Cooksey left and was absent for the remainder of the meeting.**

Commissioner Dunlap asked for clarification regarding the receipt of federal incentive dollars, which was addressed.

*This concluded the discussion.*

*Note: The above is not inclusive of every comment but is a summary.*

**ADJOURNMENT**

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 5:20 p.m.
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-

Chairman Roberts was absent when the meeting was called to order and until noted in the minutes.

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

(1) 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) BUSINESS LOCATION AND EXPANSION AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, County Attorney Bethune announced that there was no Business Location and Expansion matter to be discussed in Closed Session and that the Consult with Attorney matter concerned Sara Neuman vs. Mecklenburg County.

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to go into Closed Session for the following purposes: A) To prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259, (G.S. 143-318.11(a)(1), and C) Consult with Attorney regarding Sara Neuman vs. Mecklenburg County.

The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 6:02 p.m.
JANUARY 20, 2010

(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, 10, 11, 13, 18, and 20.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

(1) PROCLAMATIONS AND AWARDS – NONE

(2) PUBLIC APPEARANCE

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

Jim Johnson addressed jail expansion and cost control. He provided the Board with a handout regarding his proposal.

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

Robert H. Schnelkert addressed his request for a tax appeal.

(3A) APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to reappoint Charles Horne as the Master Electrical Contractors Association of N.C. or Charlotte Area Association representative to the Building Development Commission and Barry Hanson as the Charlotte Plumbing, Heating and Cooling Contractors Association representative for three-year terms expiring January 30, 2013.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to nominate and appoint Ezequiel Acosta as the Charlotte Heating & Air Conditioning Contractors Association representative to the Building Development Commission for a three-year term expiring January 30, 2013.

He is replacing Danny Phillips.

DOMESTIC VIOLENCE ADVISORY BOARD

The following persons were nominated for appointment consideration to the Domestic Violence Advisory Board:

Myna Advani by Commissioner Bentley
Beverly Foster by Commissioner Leake
Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to nominate and appoint Myna Advani and Beverly Foster to the Domestic Violence Advisory Board to fill unexpired terms expiring April 30, 2012.

Note: They are replacing Margaret Austin and Charlotte Brown-Williams.

FIRE COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to nominate and appoint Joseph Labovitz to the Fire Commission for a three-year term expiring January 31, 2013.

He is replacing Philip Angelo.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to nominate and appoint Gwendolyn Hester-Cohen to the Juvenile Crime Prevention Council as the Faith representative to fill an unexpired term expiring September 30, 2011.

She is replacing George Banks.

The following persons were nominated by Commissioner Cooksey for appointment consideration to the Juvenile Crime Prevention Council to fill the General Public slot: Melvin Bowie, Susan Surles, Marc Thompkins and Richard Zaleskie.

Note: An appointment will occur on February 2, 2010.

LIBRARY BOARD OF TRUSTEES

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to reappoint Robin Branstrom to the Library Board of Trustees for a four-year term expiring December 31, 2014.

The following person was nominated by Commissioner Dunlap for appointment consideration to the Library Board of Trustees: Molly Griffin.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to nominate and appoint Molly Griffin to the Library Board of Trustees for a four-year term expiring December 31, 2014.

Note: She is replacing Robert Bisanar.

PARK AND RECREATION COMMISSION

The following persons were nominated for appointment consideration to the Park and Recreation Commission as the South Park District representative:
JANUARY 20, 2010

Ed Barnhart by Commissioner Cooksey
Joseph Carr by Commissioner Cooksey
Michael Mulder by Commissioner Cooksey
Joseph Pata by Commissioner James

Note: An appointment will occur on February 2, 2010.

PERSONNEL COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to reappoint Phillip Plott to the Personnel Commission for a three-year term expiring February 4, 2013.

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to nominate and appoint the following persons to the Personnel Commission: Henry Federal to fill an unexpired term expiring June 30, 2010, Michael Mulder to fill an unexpired term expiring January 31, 2011, Jonathan Tobe to fill an unexpired term expiring November 30, 2010 and Eric Zion to fill an unexpired term expiring December 30, 2011.

They are replacing John Adams, Renee Barfield, Christine Schmid, and Stephanie Carter-Tyson.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to nominate and appoint Linda Ashendorf to the Waste Management Advisory Board to fill an unexpired term expiring March 31, 2011.

Note: She is replacing Najeedah Stover.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(25) POSITIVE CONNECTIONS (COMMISSIONER LEAKE)

The Board received a report from Positive Connections.

Faye Marshall gave the report. She was accompanied at the podium by members of Positive Connections.

Note: Positive Connections is an HIV/AIDS Advocacy Group. Positive Connection is a diverse grassroots organization that is dedicated to supporting and serving the needs of the HIV-positive community through advocacy, education and empowerment, ensuring a safe, accepting and non-threatening atmosphere.

The report addressed:

- The Mission of Positive Connections
- The Minority Outreach Volunteer Educators Program
- Positive Connections Consumer Training Calendar 2010
- Consumer Advisory Board Development Work plan Ryan White Part A
  - Goal 1: Facilitate Development of Formal Governance Structure for the Consumer Advisory Board
  - Goal 2: Develop and Implement Training Program for Consumer Advocacy, Outreach and Education for engaging consumers in planning, evaluating and
implementing services.
  o Goal 3: Facilitate the Development of Consumer Resource Guide for Information Dissemination
  o Goal 4: Facilitate Planning Activities for Consumer-Driven Events to promote greater Community Engagement and Increased HIV/AIDS Awareness

Ms. Marshall said Positive Connections was looking for support from the Health Department and the County Commission to assist them with their efforts. She said Positive Connections wants to partner with the Health Department, other AIDS organizations, and the faith community to get out on the “front line” to help educate consumers and the community at-large.

No action was taken or required.

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

(4) PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

(5A) AIR QUALITY COMMISSION – FUNDING OZONE ATTAINMENT

The Board received a report and recommendation from the Mecklenburg County Air Quality Commission regarding achieving ozone attainment by supporting the continuation of the Grants to Replace Aging Diesel Engines (GRADE+) Project.

Mary Barker, Vice-Chairman of the Air Quality Commission and Don Willard, Air Quality Manager gave the report.

*Note: The Mecklenburg County Air Quality Commission recommends that the Board of County Commissioners ensure the continuation of the highly successful GRADE+ project by:*
  * Contributing $500,000 in County funding;*
  * Making formal requests for other local jurisdictions to provide GRADE+ funding on a prorate basis that can be earmarked for projects in their areas; and*
  * Proposing legislation for a dedicated source of funding from mobile sources*

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

Comments

Vice-Chairman Cogdell asked for clarification on the recommendation regarding proposing legislation for a dedicated source of funding from mobile sources. Air Quality Manager Willard said it would be legislation similar to what was proposed earlier this year during the time when legislative agenda items were being considered, that suggested a fee per registered vehicle as a source of pollution to help pay for these kinds of programs. He said mobile sources are a huge part of the problem, as much as 50-70%. He said the Air Quality Commission didn’t want to be too overly specific with this recommendation because there are many ways this can be done. He said the principle is “the polluter pays.” He said mobile sources were not paying their fair share in terms of helping with the pollution problem. He said the Air Quality Commission would be happy to provide specific recommendations.

Commissioner Murrey asked was it correct that about 70% of the County’s ozone problem, discounting the weather issue, was related to vehicles and 30% related to coal burning power plants. Also, was half of the 70% on-road and the other half off-road mobile sources. The response was yes.

Commissioner Murrey asked was it correct that although there are more on-road sources, the off-
road sources pollute more, and that the GRADE Program targets the off-road sources. The response was yes.

Commissioner Bentley asked what efforts had taken place in neighboring counties in the region to ask for financial support for this type of program. Ms. Barker said one drawback was the fact that Mecklenburg County was the only county with an Air Quality Commission. She said there are other organizations that meet and talk about issues, but she's not seen any action. Air Quality Manager Willard said other regional counties do things through their Council of Governments and have done voluntary efforts but none, to his knowledge, have contributed money or supported any legislation to try and get a mobile source fee.

Commissioner Bentley said she would like the Board's leadership, when at Council of Governments meetings, to make this a priority issue.

Commissioner Bentley said it’s imperative that Mecklenburg County engage local communities to help and participate financially in the roll out of this program.

Commissioner Clarke asked was diesel referring to off-road and/or on-road. The response was originally GRADE only targeted off-road, but the edition of the + includes off-road and on-road.

Commissioner Clarke asked who handled air quality issues in the four or five counties immediately surrounding Mecklenburg County. The response was both states, N.C. and S.C.

Commissioner Clarke asked if the states provided any funding for the GRADE+ program. The response was not for GRADE+ but the states do have similar programs. It was noted that S.C.’s program was patterned after the County’s program.

Commissioner Clarke asked would the proposed legislation for a dedicated source of funding from mobile sources be a tax on mobile source vehicles in Mecklenburg County only. The response was no. It should be for the entire state.

Commissioner Clarke asked how long would $500,000 last. The response was it could extend out four or five years depending on the receipt of grants from the federal and/or state government.

Commissioner Clarke said he hopes the County Manager can find a way to fit this request in the budget.

Commissioner Cooksey asked about the types of projects associated with this program, which was addressed.

Commissioner Cooksey asked about the marketing of the program, which was addressed.

Commissioner James asked had there been any discussion with the City of Charlotte regarding their financial participation in this program. The response was there have been discussions on the staff level but nothing has happened per those discussions.

Commissioner James said with respect to the budget request of $500,000, the idea that the County would have an extra $500,000 was problematic. However, the idea of bringing other parties in to help share costs was a good one.

Commissioner James said although the County received stimulus money and some state funds, that in order to move forward, a way has to be figured out as to how to bring Charlotte City Council in on this program. He said the risk of not supporting this falls heavily on the City of Charlotte since they’re responsible for transportation and roads.

Commissioner James said he’d like to know why the City has not participated.

Commissioner Leake asked about the success of the program which was addressed.
Commissioner Leake asked about the monitoring of the program which was addressed.

Commissioner Leake asked about the budget for the program and requested a line item budget on how funds were spent and would be spent on the proposed request for $500,000.

This concluded the discussion.

No action was taken or required.

*Note: The above is not inclusive of every comment but is a summary of key comments/questions.*

**MANAGER’S REPORT**

*(6A) BUDGET UPDATE*

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi and Finance Director Dena Diorio gave the report. The following was covered:

- **Market Recap (as of December 14, 2009)**
- **Headlines**
- **Social Services Customer Visits**
- **Social Services Unduplicated Public Assistance Recipients**
- **Social Services Ongoing Food Stamps Cases**
- **Social Services Medicaid and N.C. Health Choice Ongoing Cases**
- **Community Support Services – Domestic Violence Adult Services – New Cases**
- **Homeless Support Services – Referrals, Calls, Inquiries**
- **Conclusions**
  - Recognize that the County is in a counter-cyclical business
  - Demand for County services has increased and will continue to be high
  - Social indicators lag the economy. Even as the recession ends, we have to be prepared for the numbers to remain high for a while.

- **Revenues, Expenditures and Projected Drawdown of Fund Balance**
  - Staff is still projecting to meet budget for property taxes.
  - Sales tax collection through January totaled $52.3 million, which is strong, although it’s not as good as staff had hoped it would be. However, staff is starting to see upward trends.
  - Staff continues to see some erosion in other revenues, including licenses and permits, charges for services, and investment income.
  - Licenses and permits are projected to be $3.3 million below budgets; intergovernmental $4.7 million below budget, charges for services $10.5 million below budget; and investment income $4.5 million below budget.
  - Total revenues are expected to be about $1.3 billion, which is about $25.4 million below budget.
  - On the expenditures side, through December 31, 2009 expenditures are projected to be about $18.6 million below budget, which represents a turn back of about 1.4% of budget which is a lot lower than seen in prior years.
  - The current projected drawdown of fund balance is about $70.7 million.

Comments

*Commissioner Leake* asked was the unemployment rate noted in the report under Headlines the
Commissioner Leake said she wants to know where the stimulus money fits in. Commissioner Leake said she hasn’t seen information on where and how stimulus funds were being used here in Mecklenburg County and how many jobs have been created as a result of that funding. Director Yi said the plan was to provide the Board with an update on stimulus funding at a future Budget/Public Policy Workshop.

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

**CONSENT ITEMS**

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following item(s) with the exception of Items 9, 10, 11, 13, 18, and 20 to be voted upon separately:

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held January 5, 2010 and Special Meeting held January 30, 2009.

(8) **GREATER CHARLOTTE AIR AWARENESS GRANT**

Recognize, receive and appropriate $232,004 from the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Air Quality for the administration of the “Greater Charlotte Air Awareness Program;” and authorize the carry-forward of unspent funds until expended.

*Note: The program promotes air quality education and air quality awareness to the general public through events, school and community presentations, and coordination with community groups. It works closely with local businesses, community groups, and members of the local community.*

(12) **CATTLE EXCLUSION FROM GOOSE CREEK**

1) Approve submitting a North Carolina Agriculture Cost Share Program Agreement and Addendum to the N.C. Division of Soil and Water Conservation to install cattle exclusion measures along Goose Creek at 12601 Bain School Road.

2) If awarded, recognize, receive and appropriate funds and authorize the County Manager to execute the contract/agreement.

3) Authorize the carry forward of unspent funds until expended.

*Note: On August 10, 2006, the North Carolina Department of Environment and Natural Resources, Division of Water Quality issued written notification to Mecklenburg County requiring that actions be taken to reduce fecal coliform bacteria levels in Goose Creek located in southeastern Mecklenburg County. Charlotte-Mecklenburg Storm Water Services’ Water Quality Program (CMSWS) subsequently developed and implemented a Water Quality Recovery Plan for Goose Creek to fulfill this requirement. This Plan includes identifying and eliminating known sources of fecal coliform bacteria. Cattle access to Goose Creek at 12601 Bain School Road has been identified as one such source. Staff has worked with the property owners and the Soil and Water Conservation District to facilitate a N.C. Agriculture Cost Share Program Agreement for the exclusion of the cows from the creek to reduce fecal coliform bacteria levels.*
This exclusion process will include the installation of an alternative watering system, including a new well, and approximately 1,650 feet of fencing at an estimated cost of $20,000. CMSWS will be entering as a “third party” in an agreement between Mr. James Linker and Ms. Evelyn Kelley, the executors to the estate of Ms. Beulah Mae Linker, who is the deceased owner of the property, and the N.C. Division of Soil and Water Conservation. CMSWS will fund the installation of the cattle exclusion measures using storm water fee revenue. Upon completion of the project, the N.C. Division of Soil and Water Conservation will reimburse CMSWS for 75% of the “average cost” amount of the installed practices. Under the agreement, Mr. James Linker and Ms. Evelyn Kelley are required to maintain all exclusion measures for a minimum of 10 years or make prorated payment to the N.C. Division of Soil and Water Conservation.

(14) AREA MENTAL HEALTH BUDGET AMENDMENT (INCREASE)

A) Recognize, receive and appropriate Medicaid funds in the amount of $75,000.

B) Reduce Federal funding in the amount of $16,013 due to a decrease in PATH funding and reduce the associated expenditure budget.

C) Reduce Federal funding in the amount of $48,101 due to a decrease in Drug Free Schools funding and reduce the associated expenditure budget.

(15) NC DIVISION OF EMERGENCY MANAGEMENT, SEVERE REPETITIVE LOSS GRANT APPLICATION

Authorize the County Manager to submit a grant application of up to $242,252 to the North Carolina Division of Emergency Management for the elevation of 5022 Sentinel Post Road.

Note: This action is necessary to mitigate flood losses by elevating the home located at 5022 Sentinel Post Road.

(16) NC DIVISION OF EMERGENCY MANAGEMENT, COMMERCIAL PDM GRANT APPLICATION

Authorize the County Manager to submit a grant application of up to $3,163,678 to the North Carolina Division of Emergency Management for the acquisition of up to four flood-prone commercial properties.

Note: Mecklenburg County proposes to apply for funds to acquire four flood-prone commercial structures along Cullman Avenue and Providence Road (Dore Academy) which are all in 100-year floodplain. All of these structures were built in the 1950s and 1960s prior to the existence of floodplain maps and regulations.

<table>
<thead>
<tr>
<th>Potential Acquisition Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>1727 Providence Road</td>
</tr>
<tr>
<td>3103 Cullman Avenue</td>
</tr>
<tr>
<td>3215 Cullman Avenue</td>
</tr>
<tr>
<td>240 E. 36th Street (adjacent to Cullman Ave.)</td>
</tr>
</tbody>
</table>

(17) NC DIVISION OF EMERGENCY MANAGEMENT, RESIDENTIAL PDM GRANT APPLICATION

Authorize the County Manager to submit a grant application in an amount up to $1,408,966 to the
North Carolina Division of Emergency Management for the acquisition of up to four flood-prone residential properties.

Note: Mecklenburg County proposes to apply for funds to acquire four flood-prone residential structures, which are all in 100-year floodplain. All of these structures were built in the 1950s and 1960s prior to the existence of floodplain maps and regulations.

<table>
<thead>
<tr>
<th>Potential Acquisition Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>2422 Cloister Drive</td>
</tr>
<tr>
<td>1100 Willhaven Drive</td>
</tr>
<tr>
<td>1110 Willhaven Drive</td>
</tr>
<tr>
<td>2964 Dunlavin Way</td>
</tr>
</tbody>
</table>

(19) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

These records comprise:

- 625 commercial plans permitted Nov 2007
- 525 commercial plans permitted Dec 2007
- 2565 journeyman renewal letters (1-1-08 to 10-1-09)
- 709 monthly reports (7-2006 to 12-2007)

(21) INTERACTIVE SURFACE WATER QUALITY ENVIRONMENTAL STATION GRANT APPLICATION

1) Approve submitting a grant request in the amount of $40,449 to the Environmental Protection Agency, Office of Environmental Education to develop an interactive surface water quality environmental station located on the Little Sugar Creek Greenway.

2) If awarded, recognize, receive and appropriate grant award and authorize the County Manager to execute the contract/agreement; and authorize the carry forward of unspent funds until expended.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(9) SET FILING FEE FOR OFFICE OF SHERIFF

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Murrey voting yes, to adopt a Resolution to Establish Salary for the Office of Sheriff.

Note: The adoption of this resolution is necessary for filing fee purposes. This is an election year for the position of Sheriff.

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

RESOLUTION TO ESTABLISH SALARY

10
FOR THE OFFICE OF SHERIFF

WHEREAS, N.C.G.S. 153A-92(b)(2) provides that boards of county commissioners may reduce the salaries of elected officials only by a resolution adopted at least fourteen (14) days before the last day for filing notice of candidacy for the office; and

WHEREAS, once adopted the resolution may not be altered until the person elected to the office in the general election takes office; and

WHEREAS, the filing fee for the office shall be determined by reference to the reduced salary; and

WHEREAS, the Office of Sheriff in Mecklenburg County has been placed within the Mecklenburg County Compensation Plan; and

WHEREAS, the Mecklenburg County Compensation Plan establishes the entry level annual salary for the Sheriff at $85,499.20. Now, therefore, be it

RESOLVED by the Mecklenburg County Board of Commissioners that

1. The annual salary for the Office of the Sheriff is hereby established at $85,499.20.

2. The filing fee for the Office of the Sheriff shall be determined by the above referenced salary.

3. The annual salary for this office as established herein shall become effective upon adoption of this resolution.

4. Should the incumbent of this office be re-elected and take office in December, 2010, he shall retain his compensation as provided in the Mecklenburg County Compensation Plan.

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

Commissioner Cooksey returned to the dais.

(10) DONATION OF HISTORICAL ARTIFACTS FOR HOLLY BEND HOUSE

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to recognize and accept the donation of various items from the Hudson family (Lamont and Cora Ann Hudson) for display and use at the recently acquired historic Holly Bend House.

Note: In October 2009, the County acquired a 217-acre parcel of property in the Mountain Island Lake watershed. The property also contained the historic Holly Bend House, a circa 1795 house listed on the National Register of Historic Places, originally built by Robert Davidson. Lamont and Cora Ann Hudson, previous tenants of the house, offered to donate numerous items that came from the house during their time there. These items will help staff and volunteers tell the story of Holly Bend and the families that have kept it in their care. Below is a listing of the donated items.

Inventory of donated items
1 Ironstone Platter
1 Great Expectations (book)
1 Mary Cary (book)
1 Demorest’s Monthly Magazine – 1879 (bound)
1 Cotton Scales
1 White and Brown Ceramic Mountain Jug
1 Mrs. Parks’ Dough Board
3 Gilded Cornices used in the east front downstairs room
1 Children’s Chamber Pot
1 Oval Hook Rug
JANUARY 20, 2010

2 Hurricane Lamp Globes
1 Cotton Basket
1 Field Basket
1 Walking Cane
1 Sausage Grinder
1 Ironstone Pitcher (blue and white)
1 Metal Candy Box
1 Stovetop Percolator
1 Tin Cup
1 Tin Draining Vessel
1 Metal Draining Vessel
1 Child’s White Wicker Rocker
1 Green Bonnet
1 Kraut Chopper
1 Hand wrought black iron piece with hook (possibly horse harness hardware)

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

Chairman Roberts entered the meeting.

(11) POST PARTNERS SUMMER DAY CAMP FUND GRANT APPLICATION – P&R

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve submitting an application for a POST Partners Summer Camp Fund grant for up to $10,000 and to recognize, receive and appropriate funds if grant is awarded by the POST Partners Governing Board.

Note: This grant will be utilized to offer summer camp scholarships to youth at risk in the targeted area, which is the Thomasboro School recreational site.

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

(13) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT – NOVEMBER 2009

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and receive Area Mental Health November 2009 Monthly Financial Report.

AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2010, For the period ending November 30, 2009

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,716,737</td>
<td>3,927,308</td>
<td>24.99%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>35,046,779</td>
<td>7,727,592</td>
<td>22.05%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>14,892</td>
<td>15.31%</td>
</tr>
<tr>
<td>County</td>
<td>41,567,076</td>
<td>18,498,616</td>
<td>44.50%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>92,427,885</td>
<td>30,168,408</td>
<td>32.64%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12
## Service Continuum

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>2009 Expenditures</th>
<th>2010 Expenditures</th>
<th>Increase</th>
<th>% Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,188,456</td>
<td>2,581,396</td>
<td>35.91%</td>
<td></td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,179,546</td>
<td>3,748,600</td>
<td>26.44%</td>
<td></td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>9,118,852</td>
<td>2,219,858</td>
<td>24.34%</td>
<td></td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,958,650</td>
<td>4,921,745</td>
<td>37.98%</td>
<td></td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>10,637,008</td>
<td>3,333,812</td>
<td>31.3%</td>
<td></td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>19,268,029</td>
<td>7,917,710</td>
<td>41.09%</td>
<td></td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>19,077,344</td>
<td>5,445,287</td>
<td>28.54%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>92,427,885</strong></td>
<td><strong>30,168,408</strong></td>
<td><strong>32.64%</strong></td>
<td></td>
</tr>
</tbody>
</table>

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

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

### (18) US DEPARTMENT OF LABOR, VETERANS’ EMPLOYMENT AND TRAINING SERVICE AWARD GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve submitting a grant application for funding in the amount of $7,000 for a one-year grant from The United States Department of Labor, Veterans’ Employment and Training Service award: 2010 Homeless Veterans Stand Down hosted by the Mecklenburg County Community Support Services Department – Veterans Services Division; and to recognize, receive and appropriate funds, if grant is awarded.

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

### (20) BUDGETARY ACTION – VALERIE C. WOODARD CENTER

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to transfer and appropriate from the Freedom Mall Special Revenue Fund the balance from prior operations, approximately $937,975, to the capital reserve fund.

Commissioner Leake removed this item for clarity purposes. County Manager Jones explained what this matter was about.

Note: These funds are the net proceeds of rental revenue and expenses generated from the operations during the conversion of Freedom Mall for the County’s use as the Valerie C. Woodard Center. A portion of these proceeds will be used to fund the settlements and legal expenditures for the conversion. The balance will be used to help fund capital and maintenance projects at the Valerie C. Woodard Center.

Chairman Roberts assumed Chairmanship of the meeting.

### MANAGER’S REPORT

### (6B) CHILD SUPPORT ENFORCEMENT
The Board received as information additional details regarding Child Support Enforcement (CSE) Services service provision options and transition considerations. The Board also considered the request to approve the County Manager’s recommendation to outsource the provision of Mecklenburg County Child Support Enforcement (CSE) Services beginning July 1, 2010, and direct staff to submit to the State, by January 31, the Mecklenburg County Child Support Enforcement Transition Plan reflecting the decision to operate CSE Services through a contract with a private Company.

General Manager Michelle Lancaster gave the report. The following was covered:

- Child Support Enforcement Transition Overview
- Organizational Models Reviewed
- Key Child Support Enforcement Performance Measures
- Budget Estimate Considerations
- Staffing
- Additional Considerations
- Recommendation: Privatize Child Support Enforcement Service Delivery

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

Comments

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to bring Child Support Enforcement Services In-House and direct staff to submit to the State, by January 31, the Mecklenburg County Child Support Enforcement Transition Plan reflecting the decision to operate CSE Services In-House.

Commissioner Dunlap addressed what he referred to as the “human factor.” He said he’s spoken with Child Support Enforcement (CSE) employees who explained how they work with their clients. Commissioner Dunlap said he’s not certain that level of commitment would be there from an outside vendor. Commissioner Dunlap said he was also concerned whether or not the outside vendor that received the contract would be able to maintain the same cost the second year.

Commissioner Dunlap said he thinks County employees would have the best opportunity to interact with other County agencies than an outside vendor. Commissioner Dunlap also addressed the collection rate of CSE, which he said was 99%.

Commissioner Bentley said she supported the County Manager’s recommendation.

Commissioner Bentley said she spoke with the Clerk of Court regarding this matter that she supports privatization. Commissioner Bentley said a private vendor would be motivated to do a good job because they would want the County’s business.

Commissioner Clarke asked Commissioner Dunlap if his motion was In-House and without a consultant. Commissioner Dunlap said yes because the County Manager has the ability to “buy talent.” He said it’s been suggested to the County Manager that he try and negotiate with the State’s top staff person to see if they would be interested in coming to Mecklenburg County. Commissioner Dunlap said this could be done at considerably less costs then the vendor model.

Commissioner Clarke said if the County does this in-house and manages it in-house that ultimately there would be a need to engage some consulting services even if the County “buys the best talent.”

Commissioner Clarke said this was an unusual circumstance that came about per action taken by the state. Commissioner Clarke said he would support the motion not only for
the reasons noted by Commissioner Dunlap but also out of concern for state employees, who he said had been “kind of thrown overboard.”

Commissioner Murrey said there were two “human factors” to be considered. He said one was the employees and other the children. Commissioner Murrey said the children suffer when performance suffers in this arena. He said the goal of enhancing performance and generating more support for children to create a stable environment for them was a “high” priority in making this decision.

Commissioner Murrey said the continuum of care was a legitimate concern. He said it could be written into the contract that there be measures as to how the vendor performs in helping to provide a continuum of care and working with the court system and the department of Social Services.

Commissioner Murrey said the employees should be taken care of and that the vendors have indicated what they would do. He also addressed cost. He also noted staff’s recommendation, which he supports.

Commissioner Leake said she felt CSE employees were competent and would continue to do a good job. Commissioner Leake said she spoke with seven judges who work in this area who support bringing it In-House.

Commissioner Cooksey asked what would be the next steps if privatized, which was addressed.

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley, to accept the County Manager’s recommendation to outsource the provision of Mecklenburg County Child Support Enforcement (CSE) Services beginning July 1, 2010, and direct staff to submit to the State, by January 31, the Mecklenburg County Child Support Enforcement Transition Plan reflecting the decision to operate CSE Services through a contract with a private Company.

Commissioner James said he supported the County Manager’s recommendation.

Commissioner Murrey offered a friendly amendment to the substitute motion that it be written in the contract that 1) all of the current employees be hired, 2) that they maintain benefits that are at least as good as those presented in the proposals, 3) that they provide measures that would be presented on a regular basis to access client satisfaction and attention to the continuum of care and services.

Commissioner Cooksey asked General Manager Lancaster to comment on what the vendors have said with respect to Commissioner Murrey’s proposed friendly amendment. General Manager Lancaster said each indicated they would take all of the employees. She said staff believes vendor benefits are good and comparable and better in some instances. It was noted that one vendor indicated that they would accept the employees’ years of service. General Manager Lancaster said the vendors have indicated their willingness to do everything the County would ask them to do in order to be successful.

Commissioner Cooksey accepted Commissioner Murrey’s friendly amendment.

Commissioner Cooksey said he took into consideration staff’s past comments that they lack Experience in this area.

Commissioner Cogdell asked if brought In-house meant every employee that previously worked for the state would automatically be hired by the County. General Manager Lancaster said staff’s recommendation would be not to follow that process but instead work with County Human Resources and the state in order to review performance information that was available. Staff would want to interview all of the employees and would use an assessment center model.
She said there would be structured methods to determine what qualifications existed and where persons would fit if they were hired into the organization being proposed.

General Manager Lancaster said it was not staff’s intent to simply pick those employees up and move them into County employment.

General Manager Lancaster said if the Board voted to bring CSE services In-House then there were other actions staff needed the Board to take in order to move forward quickly with “ramping” up the County’s own abilities to manage this office.

Commissioner Cogdell asked County Manager Jones could he or could he not do this function and was this an issue of his ability or his preference.

County Manager Jones said it would take considerable effort on staff’s part to get to a point where this became the best operated CSE program in the state consistent with the vision that the County has.

County Manager Jones said if the decision of the Board was to bring CSE services In-House, he would commit to the Board that staff would operate it and it would become the best operated CSE program because of the expectations that he has for performance and the Board’s expectation of him to perform in an exemplary fashion.

County Manager Jones, however, said he would not have made the recommendation to privatize CSE services if he didn’t think that was the best course of action to take in the short term.

County Manager Jones reminded the Board of what he said previously when this was discussed, which was that ultimately the County would still be responsible for CSE whether it’s done in-house or privatized. He said a part of his rationale for his recommendation had to do with the thought of trying do all of those things at a time when he was in a budget development mode, and when the County was already taxed staff wise to get this done.

County Manager Jones said if this was something the state had said the County could implement and take on in January 2011, then maybe he wouldn’t had the hesitancy that he has now to bring it in-house.

Commissioner Cogdell addressed his support of the main motion which he said evolved around the human aspect such as consideration of the number of years many CSE employees have given to the state; and the adverse impact on those employees when it comes to their pension if they don’t continue in the public sector.

Commissioner Cogdell said he felt the optimal outcome would be to go with a hybrid approach of hiring a consultant to look at the technology and processes that may be in place to find out if there’s a better way to do it. He said the support for this approach, however, was not there and that it was the more expensive of the approaches.

Chairman Roberts asked about the staffing assumptions if this was done in-house versus what it would be under the private vendor, specifically PSI. General Manager Lancaster addressed this.

Chairman Roberts said one of the dilemmas was that the County was not comparing “apples to apples” when looking at other counties with respect to this issue. Also, she’s concerned that the estimates that have been provided may not be accurate.

Chairman Roberts addressed how Mecklenburg County was different from a lot of the other counties in North Carolina.

Chairman Roberts said she doesn’t feel CSE services was a function that would do well under privatization. She said it’s hard to evaluate the human issues involved with this matter.
Chairman Roberts said the County would have to learn this (the provision of CSE services) whether it’s privatized or not. Further, that this should be viewed as a trial period whether it’s privatized or not. She said the County may find out that another way was better.

Commissioner Bentley asked General Manager Lancaster to comment on whether it would be a challenge for the vendors, the fact that Mecklenburg County was unique and different, and what has been their experience across the country. General Manager Lancaster addressed this and noted information received from the vendors regarding their experience in other states and their success in those areas.

Commissioner Bentley in response to Chairman Roberts’ comment regarding this being a trial Period, said privatizing CSE initially would be the best route to take because once it’s in-house it would remain in-house.

Commissioner Clarke asked what would be the additional resources needed by staff if the decision was to do this in-house. General Manager Lancaster addressed the additional resources that would be needed, and subsequently approved at tonight’s meeting.

Commissioner Clarke noted to CSE employees that they should not think working for the County was somehow necessarily a “safe haven.” He said the County was a very performance based operation.

Chairman Roberts acknowledged that persons had signed up to speak and asked if they still desired to speak in light of the discussion that had taken place and the expected vote to approve bringing CSE services in-house. The response from those that had signed up to speak was that they would waive that opportunity.

Commissioner James asked about the hiring process which was addressed by General Manager Lancaster.

The vote was then taken on the substitute motion as amended and as follows:

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and failed 5-4 with Commissioners Cogdell, Clarke, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, Cooksey, James and Murrey voting yes, to accept the County Manager’s recommendation to outsource the provision of Mecklenburg County Child Support Enforcement (CSE) Services beginning July 1, 2010, and direct staff to submit to the State, by January 31, the Mecklenburg County Child Support Enforcement Transition Plan reflecting the decision to operate CSE Services through a contract with a private Company. Also, that it be written in the contract that 1) all of the current employees be hired, 2) that they maintain benefits that are at least as good as those presented in the proposals, 3) that they provide measures that would be presented on a regular basis to access client satisfaction and attention to the continuum of care and services.

The vote was then taken on the original motion as follows:

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 5-4 with Commissioners Cogdell, Clarke, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James and Murrey voting no, to bring Child Support Enforcement Services In-House and direct staff to submit to the State, by January 31, the Mecklenburg County Child Support Enforcement Transition Plan reflecting the decision to operate CSE Services In-House.

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell, to approve the staffing request presented by staff as follows:

- Approve a staffing level of 98, which includes four staff attorney positions
• Approve all of the positions as outlined by staff
• Allocate $200,000 from fund balance for immediate recruitment of program manager and other vacant positions.

Commissioners Cooksey and Dunlap questioned the need for a staffing level of 98.

Commissioner Clarke offered a friendly amendment which was accepted by Commissioner Leake and Coggdell makers of the motion, to change the motion to say up to 98 staff with the final number of staff to be determined after the senior management has been hired for this program.

Commissioner Murrey asked was it correct that these positions would be addressed in the FY 2011 budget. General Manager Lancaster said that was correct.

Commissioner Clarke noted that if the County had decided to privatize CSE services and selected PSI as the vendor, that the difference in cost versus doing it in-house was a difference of $250,000.

The vote was then taken on the motion as amended and as follows:

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-3 with Commissioners Cogdell, Clarke, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to approve the staffing request presented by staff as follows:

• Approve a staffing level of up to 98, which includes four staff attorney positions, with the final number of staff to be determined after the senior management has been hired for this program.
• Approve all of the positions as outlined by staff
• Allocate $200,000 from fund balance for immediate recruitment of program manager and other vacant positions.

The above is not inclusive of every comment but is a summary of key points and questions.

STAFF REPORTS AND REQUESTS

(22) U.S. CENSUS 2010 COMMUNITY ACTION PLAN – CHARLOTTE-MECKLENBURG COMPLETE COUNT COMMITTEE

The Board received the Community Action Plan created by the Charlotte-Mecklenburg Census 2010 Complete Count Committee.

Note: The diverse group of community volunteers and local government staff developed strategies to help improve the last census response rate of 68 percent in 2000.

Danny Diehl, Director of Public Service and Information and Melody Sizemore, one of the co-chairs of the Complete Count Committee gave the report.

The following was covered:
• Recent Census Activities
• The Committee Organization Chart
• Community Action Plan Goals
• Focus of Subcommittees
• Examples of Strategy and Activation

It was noted that forms would be mailed out on the 15th and 17th of March 2010 and should be returned by April 1, 2010.
Commissioner Clarke left the dais and was away until noted in the minutes.

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

The Board was asked to encourage County residents to participate in the census.

No action was taken or required.

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

(23) BUSINESS INVESTMENT PROGRAM GRANT: ELECTROLUX AB

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to excuse Commissioner Clarke from participating and voting on Item 23 Business Investment Program Grant: Electrolux AB to avoid a conflict of interest.

Director of Economic Development John Allen addressed this matter.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve a Business Investment Program grant to Electrolux AB for a total estimated amount of $841,635 and authorize the County Manager to negotiate and execute a contract.

Note: This project entails consolidating several existing North American operations (including a 22-employee office in Huntersville), an expansion and the creation of a central headquarters for North America. The new facility will include important engineering, technology and design operations. The County’s grant is equal to 90% of the taxes that will be paid by Electrolux over 5 years, and will be subject to the County’s standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

Commissioner Clarke returned to the dais.

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

(24) REFUNDING BONDS

RESOLUTION RELATING TO REFUNDING BONDS

Commissioner Neil Cooksey introduced the following resolution, which was read by the above title:

WHEREAS, the Board of Commissioners for the County of Mecklenburg, North Carolina (the “County”), is considering authorizing the issuance of refunding bonds of the County in an aggregate principal amount not exceeding $200,000,000 for the purpose of providing funds, with other available funds, for refunding all or a portion of certain outstanding general obligation bonds, including paying expenses related thereto, and it is necessary to take certain related action at this time;

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

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds that (i) the issuance of such bonds is necessary or expedient in order to
realize debt service savings for the County, (ii) the principal amount of such bonds is adequate and not excessive for the proposed purpose of such bonds because it is based upon the best estimate of the County of the funds needed for such purpose and takes into account other funds of the County available for such purpose, (iii) the County’s debt management procedures and policies are good and are managed in strict compliance with law, (iv) the increase in taxes, if any, necessary to service such bonds will not be excessive because it is expected that debt service savings will be realized in connection with the issuance of such bonds and (v) such bonds can be marketed at reasonable rates of interest.

Section 2. The County Manager, the Director of Finance and the County Attorney of the County are each hereby authorized to take such actions as may be advisable in connection with authorizing the issuance of such bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. The Board recommends the selection of the following professionals to be on the financing team for the bonds and that their services be utilized to the extent required and where appropriate:

- **Bond Counsel**: Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina
- **Financial Advisor**: First Southwest Company, Charlotte, North Carolina

The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. The County will at a later date make recommendations for the selection of other parties required in connection with the issuance of the bonds.

Section 4. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Neil Cooksey, seconded by Commissioner George Dunlap, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts

Nays: None.

* Commissioner James was absent when the vote was taken on this matter.
* Commissioner Murrey was away from the dais when the vote was taken on this matter.

* * *

**RESOLUTION INTRODUCING AND ADOPTING BOND ORDER**

Commissioner Neil Cooksey introduced the following bond order, which was read by the above title.

* * *

**BOND ORDER AUTHORIZING THE ISSUANCE OF $200,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG**

WHEREAS, the County of Mecklenburg (the "County") has issued General Obligation Public Improvement Bonds, Series 2007A, dated February 1, 2007 (the “2007A Bonds”), a certain portion of which remain outstanding (the “Outstanding 2007A Bonds”); and
WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2008B, dated February 1, 2008 (the “2008B Bonds”), a certain portion of which remain outstanding (the “Outstanding 2008B Bonds”); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding 2007A Bonds and Outstanding 2008B Bonds (collectively referred to herein as the “Bonds to be Refunded”) pursuant to and in accordance with The Local Government Finance Act; and;

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

Section 1. The County Board of Commissioners has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

Section 2. To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, 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 $200,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. 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.

Section 5. The bond order shall take effect upon its adoption.

The Board of Commissioners thereupon designated the Director of Finance as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Finance Act, as amended, to be filed after the bond order has been introduced and before the bond order has been adopted.

The Director of Finance then filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

Upon motion of Commissioner Neil Cooksey, seconded by Commissioner Harold Cogdell, Jr., the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts

Nays: None.

Note: Commissioner James was absent when the vote was taken on this matter.
Commissioner Murrey was away from the dais when the vote was taken on this matter.

The Clerk to the Board of Commissioners was then directed to publish said order as prescribed by The Local Government Finance Act.

* * *

Extract/Resolutions recorded in full in Minute Book 44-A, Documents # ______ and ______.
Commissioner Murrey returned to the dais.
(26) KEEP MECKLENBURG BEAUTIFUL (CHAIRMAN ROBERTS)

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to direct the County Manager to investigate combining Keep Mecklenburg Beautiful with Keep Charlotte Beautiful and report back to the Board.

(27) MECKLENBURG COUNTY ABC BOARD (CHAIRMAN ROBERTS)

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to defer receiving information on filling local ABC Board vacancies and discussion of options available to the Board of County Commissioners for improved policies, until a future Budget Public Policy meeting on a date to be determined by the County Manager and Clerk to the Board.

Note: Comments prior to the above motion:
Chairman Roberts said a discussion of this issue was needed in light of recent events at the Mecklenburg County ABC Board.
Commissioner Bentley said it was important this matter be discussed at a televised meeting for the public’s awareness. She noted however, that the proposed Budget/Public Policy meeting was open to the public.
Chairman Roberts said any action taken by the Board with respect to this matter would be done at a televised meeting.
Commissioner Cooksey said when this matter is discussed, he would like to receive information on whether there was a violation of an Ethics Policy, the County’s policy and/or the ABC Board’s. He also wants information regarding the finances of the ABC Board, to include what happens to excess revenue.

(28) GLOBAL DISASTER ASSISTANCE PLAN (COMMISSIONER COGDEL)

The following actions were presented to the Board by Commissioner Cogdell. Commissioner Cogdell said he would not be asking the Board to consider Action 3 at this time.

1. Direct the County Manager to report to the BOCC on any existing Global Disaster Assistance Plan for Mecklenburg County employees or residents that may seek to volunteer and possess a specialized skill set that may be needed by international or domestic communities facing a catastrophic natural or man made disaster.

2. In the event a Global Disaster Assistance Plan does not exist, direct the County Manager to develop a plan that would include permitting, under certain circumstances, Mecklenburg County employees that seek to volunteer a specialized skill that is needed by an international or domestic community facing a catastrophe disaster following a natural or man made event to take a temporary leave of absence from county employment.

3. Direct the County Manager to place $25,000 of the County’s unrestricted fund into a restricted contingency fund for the remainder of the FY10 Fiscal Year to cover the implementation and utilization of such a plan for any Mecklenburg County employee or licensed health care or human service professional residing in Mecklenburg County and possessing an in demand specialized skill set (as determined, for example, by the American Red Cross, United Nations or United States Government) that voluntarily seeks to travel to Haiti for the purpose of treating or servicing victims of the Earthquake Disaster. Funds would be distributed strictly consistent with an adopted Global Disaster Assistance Plan.
as adopted by the BOCC. Examples of expenditures may include travel expenses, payment for overtime of departmental employees to cover responsibilities of an employee on temporary leave and purchase of supplies directly related to and necessary for the performance of professional duties while treating or servicing victims.

Commissioner Cogdell addressed why he thought this was something the Board should consider.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that in the event a Global Disaster Assistance Plan does not exist, direct the County Manager to develop a plan that would include permitting, under certain circumstances, Mecklenburg County employees that seek to volunteer a specialized skill that is needed by an international or domestic community facing a catastrophe disaster following a natural or man made event to take a temporary leave of absence from county employment.

Prior to the above vote, Commissioner Clarke asked County Manager Jones was it correct that this matter would end up being a part of the County’s personnel policy. County Manager Jones said yes.

County Manager Jones said he would provide the Board with information on what’s currently in the Human Resources policy with respect to leave that’s provided to employees. County Manager Jones said he should be able to respond back to the Board at the next meeting.

Chairman Roberts said there was concern with respect to liability, per some e-mail exchanges but that this was clearly for voluntary service that employees want to do on their own time. She said this was really just to cover their leave and helping to continue to manage in their absence.

Chairman Roberts said it would be the same type of thing that corporations provide to employees to be absent to provide tutoring to students. She said it was not the same, for example, as a group of firefighters being sent in their official capacity as firefighters.

This concluded the discussion.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, 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 10:45 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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 Wednesday, January 21, 2009.

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-

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

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

(1) STAFF BRIEFINGS - NONE

(2A, B, C) CLOSED SESSION – A) LAND ACQUISITION, B) BUSINESS LOCATION AND EXPANSION AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced that none of the matters to be discussed in Closed Session required any further disclosure, other than the topic.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition, B) Business Location and Expansion and C) Consult with Attorney.

The Board went into Closed Session at 5:23 p.m. and came back into Open Session at 6:25 p.m.

Commissioner Leake was present when the Board came back into Open Session. She entered the meeting during Closed Session.
JANUARY 21, 2009

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any item(s) they wanted removed from consent and voted upon separately.

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

- FORMAL SESSION -

Invocation was given by Commissioner 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) AWARD FOR EXCELLENCE MANAGING FOR RESULTS

The Board received the 2008 Award for Excellence from the Balanced Scorecard Institute in recognition of Mecklenburg County’s performance management system - Managing for Results using the balanced scorecard.

Note: Each year, the Balanced Scorecard Institute recognizes one organization that exemplifies the intent and goals of the balanced scorecard. The balanced scorecard was created in the early 1990s by Harvard Business School leaders to help businesses set key measures that drive performance. The balanced scorecard is now used by many organizations in the private, public and non-profit sectors. In 2001, County Manager Harry Jones introduced Managing for Results (M4R) as a means of achieving the long-term goals established by the Board of County Commissioners. As part of M4R, the Mecklenburg Board of County Commissioners adopted its Community & Corporate Scorecard using the balanced scorecard system to establish goals, set strategies and measure success.

The award was presented by Howard Rohm, Executive Director of the Balanced Scorecard Institute. He was introduced by General Manager John McGillicuddy.

(2) PUBLIC APPEARANCE

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

Martin Davis said his original intent was to talk about crime in the community, specifically, why would the county and city give $3 million a year of taxpayer money to the Arts and Science Council, while the District Attorney’s Office dismisses “half the felonies submitted to his office by the Charlotte/Mecklenburg Police Dept. because he lacks the money to prosecute.” Mr. Davis said he decided instead, after reading the Charlotte Observer, to talk about the state of the economy as a result of the last eight years of the Bush administration, which he criticized.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Murrey and Roberts voting yes, to reappoint Carol Barry and Linda Olige to the Adult Care Home Advisory Committee for a three-year term expiring January 31, 2012.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner James and failed 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cooksey voting no, to reappoint John Lillard to the Information Services & Technology Committee for a three-year term expiring February 28, 2012.

Note: Per Board policy, it takes a unanimous vote to get reappointed, however, that individual can be nominated for consideration at the next meeting.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to waive the Board’s term policy and reappoint Christy Bryant to the Information Services & Technology Committee for a two-year term expiring February 28, 2011.

Note: It was noted that Ms. Bryant has served two three-year terms, but is the Chair for 2009. A letter received regarding the reappointment of Ms. Bryant said it would be disruptive to replace her at this time and that she had done an excellent job; and that the Committee really needs her service and leadership.

The following persons were nominated for appointment consideration to the Information Services & Technology Committee:

- Dennis Callan by Commissioner Cooksey
- Jenifer Daniels by Commissioner Cooksey
- Pamela Gordon by Commissioner Cogdell
- Gregory Hardin by Commissioner Cooksey
- Bill Hodges by Commissioner Cooksey
- Marcia Lane by Commissioner Cooksey
- John Lillard by Commissioner Cogdell
- David Morgan by Commissioner Cooksey
- Craig Richardville by Commissioner Cooksey
- Aaron Sanders by Commissioner Cogdell

Note: Appointments will occur on February 3, 2009.

Prior to the above action, Jerry Pinkard, Director of Information Services and Technology addressed the issue of attendance failures of members, for which he was recommending the Board waive its policy and allow these persons to continue to serve.

Commissioner Dunlap questioned the fairness of this request, when there are qualified applicants.

After discussion of this matter, the Board did not elect to waive its policy, to allow those persons who had failed to meet attendance continue to serve.

Commissioner Leake asked that the qualifications to serve on the various boards be made clear to applicants.

PERSONNEL COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,

They are replacing Edwin Holland and Mary Shank.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Corine Thomas to the Waste Management Advisory Board for a three-year term expiring February 28, 2012.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS (#15)

(15) CHANGE IN STRUCTURE FOR THE DOMESTIC VIOLENCE ADVISORY BOARD, WOMEN’S COMMISSION ADVISORY BOARD AND SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive report on CHANGE IN STRUCTURE FOR THE DOMESTIC VIOLENCE ADVISORY BOARD, WOMEN'S COMMISSION ADVISORY BOARD AND SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE and approve recommendations from the Joint Ad Hoc Committee which studied the Domestic Violence Advisory Board, Women's Commission Advisory Board and Shelter for Battered Women Advisory Committee.

Recommendations

United Family Services Resource Committee: Recommendations to BOCC and Charlotte City Council

- Dissolve committee
- Appoint members to DVAB

Domestic Violence Advisory Board: Recommendations to BOCC and Charlotte City Council

- Maintain mission
- City and County appoint one additional member to increase membership to 12
- Review and recommend applicants for appointment

- Appoint interested current members of United Family Services Resource Committee
- Align more closely with Women’s Summit goals and activities

Women's Commission Advisory Board: Recommendations to BOCC

- Align more closely with Women’s Summit goals and activities
- Undertake comprehensive process to develop mission and goals for current environment
- Retain 12-member format
- Reappoint interested recent members
- Review and recommend applicants for appointment
- Add secretary and parliamentarian functions
- Rename: Women’s Advisory Board
The report was given by Nancy Klein, Kelly Forney, Marage Blakeney, and Natheley McElrath.  

Note: Last year, executive leadership from the Office of the County Manager and the Department of Community Support Services met with the members of the Domestic Violence Advisory Board, the Shelter for Battered Women Advisory Committee (also referred to as the Domestic Violence Resource Committee), and the Women’s Commission Advisory Board (WCAB). County staff and board representatives present agreed to (1) review challenges facing the three boards and (2) make recommendations to the County Manager and the Board of County Commissioners on the best way to organize the three advisory boards to achieve the appropriate missions and purposes of each board while fulfilling their anticipated roles as advisory boards. A joint ad hoc committee (the “Committee”) was formed, comprised of two members from each advisory board and an independent member. Recommendations from the committee and staff were approved by the County Manager in November.

While the review was on-going, no new appointments to those advisory boards were made. This approval allows the Board to appoint new members, and would further allow the DVAB and WCAB to continue their activities with a renewed focus and structure.

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

MANAGER’S REPORT

(6A) COMMITTEE OF 21 UPDATE

The Board received an update on Committee of 21 recommendations.

The update was given by Ned Curran, chair of the committee.

Note: The Committee of 21 was established by the Charlotte Chamber, Mecklenburg County and the City of Charlotte in response to the need to find solutions to the county’s transportation infrastructure needs. The Committee was appointed by Chamber President Bob Morgan, County Manager Harry Jones and City Manager Curt Walton.

As sponsors, the Charlotte Chamber, City of Charlotte and Mecklenburg County set a three-prong charge for the Transportation Committee of 21.

- Prioritize top local and state road needs in Mecklenburg County
- Identify and build consensus around a long-term funding option(s) to build local and state roads in Mecklenburg County
- Advocate for anticipated local and/or state approval of a proposed funding option(s)

The sponsors also assigned a deliverable: recommended solutions to Mecklenburg County's transportation infrastructure and funding needs.

The Committee has worked over the last nine months, meeting regularly to develop recommendations in two areas – financing and governance for planning and constructing roads. In preparation for its final report, the committee has:

- Reviewed local and state transportation issues
- Completed a 25 year gap analysis of road needs (The County faces a $12 billion shortfall between identified roads needs and identified funding sources for those needs.)
- Reviewed and prioritized revenue options for building roads (Conclusion reached on funding sources are as follows: 1) An auto registration fee with a request to increase the existing fee of up to $30.00. This would generate approximately $18 million, if fully implemented, to be used exclusively for road maintenance needs. 2) A half-cent increase in the sales tax. This would require legislative approval. It would raise approximately $50
- $80 million per year. Funds generated would be committed to local roads within the County. 3) Toll roads to be implemented on “virtually” all of our interstate highways, including the outer beltway. It was noted that toll roads is the only way the county can significantly “get at that $12 billion shortfall.” Funds generated from the toll would be used to improve, enhance, and maintain the interstate highways. 4) A vehicle miles traveled fee. This is not a fee that’s being sought immediately, but one the Committee feels needs further study. If this fee were approved, it would be in lieu of the gas tax and not in addition to it.

- Discussed governance issues (A subcommittee has been formed to review this issue more specifically.)

The Committee is continuing its deliberations and anticipates a final report in the next eight to ten weeks.

Comments

Commissioner Murrey asked for clarification on the vehicle registration fee, the half-cent sales tax, and keeping the state accountability for the continued maintenance of state roads, which was all addressed.

Commissioner Dunlap asked was it true the state has taken money from the Highway Trust Fund to balance the state budget. The response was that “for years there have been suggestions that an allocation is made from the Highway Trust Fund to fund elements,” such as state troopers and the like. It’s hoped that under the new administration this will be a “thing of the past.”

Commissioner Dunlap expressed concern with respect to funds allocated for roads being used for other purposes.

Commissioner Dunlap, with respect to regionalism, asked would funds generated be used outside of Mecklenburg County. The response was no.

Commissioner Dunlap asked for clarification on the vehicle registration fee, which was addressed.

Commissioner Bentley, with respect to the half-cent sales tax, asked about the Pennies for Progress Program in S. C., especially as it relates to the sunset clause, and whether this was discussed by the Committee. The response was yes, extensively. It was noted that the Pennies for Progress Program was a sales tax that was implemented with a sunset clause, with specific roads identified for expansion or installation in some cases. Further, that it passed overwhelmingly. It has since come back up for a vote, having met its original timeline criteria. South Carolina is considering bringing this back before the voters to have it become a permanent tax. It was noted that the problem with putting in a sunset clause is that it significantly impairs your ability to bond the revenue stream.

Commissioner Bentley, with respect to the Governance issue, suggested that consideration be given to having elected officials on that board.

Commissioner Leake expressed concern for the proposed increase in the vehicle registration fee and the impact this will have on residents.

Commissioner Leake asked how would persons working in Mecklenburg County, but do not live in Mecklenburg County be taxed other than via the toll. The response was that it’s estimated that 30% of the sales tax collected would come from persons living outside of Mecklenburg County.

Commissioner Leake suggested having an income tax for individuals that work in Mecklenburg County but reside outside of the County. The response was that a payroll tax was considered by the Committee, but there were concerns, such as, the fact that there’s no current
system in place; there’s no current legislative authority; the impact of this with respect to competitiveness; and it could hurt the county in terms of recruitment of businesses.

Commissioner Cooksey said it will be a challenge trying to get public support for the proposed tax increases as recommended by the Committee.

Commissioner Cooksey, in light of the fact that some of recommendations will require approval from the legislature, said he was not comfortable with going to the legislature until the legislature “gets its house in order.” Commissioner Cooksey said he feels the legislature needs to first “fix the equity formula,” so urban counties like Mecklenburg aren’t penalized. Secondly, that the Highway Trust Fund needs to be used for the purposes for which it was created.

Commissioner Cooksey asked about the relationship between the Committee and the 21st Century Committee, which was addressed.

Commissioner Cogdell suggested the Committee consider having a sliding fee scale with respect to the vehicle registration recommendation, based on the vehicle’s value. Commissioner Cogdell said this would probably have less retrogressive impact on citizens of the community. The response was that there was discussion of a sliding fee scale based on vehicular weight but not value.

Commissioner Clarke asked how much has been lost by putting a cap on the gas tax. The response was that the specific amount is not known; and it’s believed the cap is scheduled to expire June 30th.

Commissioner Clarke asked did the Committee want there to be a County vehicle registration fee as well. The response was no. They’re seeking to increase what currently exists.

Commissioner Clarke asked about the Governance structure, which was addressed.

This concluded the discussion. No action was taken or required at this time.

(18) NAMING THE COUNTY’S FREEDOM MALL FACILITY AS THE “VALERIE C. WOODARD BUILDING” (CHAIRMAN ROBERTS)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve naming the County's Freedom Mall facility as the “Valerie C. Woodard Building.”

Note: Valerie C. Woodard served the county as a commissioner for a term of eight (8) years, which ended with her untimely passing while in office in October of 2008. She was the first female African American commissioner to serve on the Mecklenburg County Board. While a commissioner, she championed many social causes, including fighting poverty, reducing the incidence of HIV/AIDS, combatting homelessness, and working to ensure that women and minorities have equal opportunities for advancement. Many of these issues are ones that DSS confronts every day, and since DSS employees will make up much of the workforce that will use the County's Freedom Drive location, it is fitting to name this facility after Commissioner Woodard in recognition of her service to Mecklenburg County.

Prior to the above vote, William Woodard, husband of the late Commissioner Valerie C. Woodard and son, Willis, thanked the Board for bestowing this honor upon Commissioner Woodard in her memory.

Dwayne Collins, former Commissioner Valerie C. Woodard’s campaign manager and Chairman of the Charlotte/Mecklenburg Black Political Caucus, spoke in support of this naming.

(6B) CHARITABLE FUNDRAISING CAMPAIGN
County Manager Jones addressed charitable fundraising campaigns conducted by the County.

It was noted that the Community Health and Safety Committee of the Board of County Commissioners directed Human Resources (HR) staff to review the feasibility of expanding the County’s current charitable giving campaigns. At present, four organizations (Arts and Science Council, Red Cross, Savings Bonds, and United Way) have approval to run solicitation campaigns.

The report compiled by HR provides the findings of the review. It was noted that although HR staff has identified the operational means of conducting a unified campaign, the report also indicates that seeking input and feedback from employees and the public would be useful to the Board in making a decision on this matter.

Report Conclusions

- The Board of County Commissioners has the option of making no changes to the County’s existing policy which is written to ensure that a majority of funds (95 percent) remain in the Greater Charlotte Metropolitan Area. Allowing State chartered federations to participate in the campaign would require the policy to be rewritten to reduce the percentage of funds that stays within the local community.

- Should the Board choose to expand giving options, a combined campaign model similar to the campaigns that Wake and Guilford County operate could meet the request of the Community Health and Safety Committee to offer more giving choices for County employees. In addition, it would reduce the fundraising drives to one per year.

- Staff has not engaged the employees of Mecklenburg County or its citizens to determine community sentiment should the process change. The Board may want to consider seeking employee and citizen input via a public forum prior to making a final decision.

- Should the Board elect to expand giving options, staff could conduct a Request for Proposal (RFP) process to identify a third party agency to serve as the Managing Organization for the County’s fundraising campaign. Regardless of the third party vendor selected, the campaign would need to be designed and managed by County employees (just like the current charitable giving campaigns). This will continue the County’s practice of conducting campaigns with a tone and tactics that are accepted and supported by employees.

- Any change to the County’s existing fundraising practices would require a change in County policy. The County’s legal staff indicated that any policy the County adopts would need to be similar to the Guilford/City of Greensboro policy. The Guilford/City of Greensboro policy is very inclusive; limiting agencies and federations from participation if they are not a 501(c) (3), if their administrative fees are too high or if they refuse to provide the requested financial information (among other things). In other words, their policy is neutral with respect to the mission and methods of applicant organizations. Any effort to craft requirements that would limit inclusion would require careful legal consideration.

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

Comments

Commissioner James said he feels employees should be allowed to have more choices for giving.

Commissioner Dunlap said his desire would be to give employees more choices as well and being able to do it through payroll deduction.

The following persons addressed this issue:
Lee Keesler and Cyndee Patterson, on behalf of the Arts and Science Council (ASC), asked the Board not to support having a combined/consolidated campaign. They said they were not opposed to expanding the list of campaigns, but would like the Arts and Science campaign to remain separate. It was stated that “more causes combined in a single ask result in less money for each cause.” They also shared statistics with respect to giving by employees through the County’s annual campaign and the County’s partnership with the ASC. They asked the Board to consider the following in making its decision: 1) Will policy change result in fewer or more dollars raised? 2) Will dollars raised in a changed environment remain in or leave the community? 3) Is the current economic environment the right time to change the system?

Commissioner Leake asked ASC representatives to comment on how much of the funds raised go towards administrative cost. The response was seven cents on every dollar raised goes for administrative cost and another seven cents on fundraising, for a total of fourteen cents, which results in 86 cents of every dollar raised going back into the community.

Marilyn Richards, on behalf of the United Negro College Fund (UNCF), asked the Board to expand the County’s list of charitable employee campaigns. Ms. Richards said it would provide employees with more choices. Ms. Richards said UNCF would like the opportunity to be considered. Ms. Richards volunteered to participate in the feedback process.

Christopher Jackson, on behalf of United Way, spoke in support of the County Manager’s recommendation to conduct a thorough review of this issue. Mr. Jackson said United Way would be happy to support a further review in any way the Board feels would be appropriate. He said United Way wants to develop a solution that would be most effective for all stakeholders and to ensure that these resources from the employees of the County are used to support County residents. He also noted, per recent discussion with respect to the appropriateness of the County Manager’s serving on the United Way Board, that United Way feels that with the shared responsibility and partnership needed to support those in most need in the community and the agencies that provide services to these individuals and families, that it’s beneficial to have the County Manager directly involved. He noted further that United Way understands the Board will be reviewing this topic in the near future and asked that the Board takes the importance of the partnership with United Way and the County Manager’s leadership into consideration as it continues to discuss the most appropriate actions.

Jennifer Phillips, on behalf of the American Heart Association, asked the Board to expand the County’s list of charitable employee campaigns. She said it would provide employees with more choices. Ms. Phillips said the American Heart Association would like the opportunity to be considered.

Chris Hunt, on behalf of the American Cancer Society, asked the Board to expand the County’s list of charitable employee campaigns. He said it would provide employees with more choices. Mr. Hunt said the American Cancer Society would like the opportunity to be included.

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 1) receive the County Manager’s report on charitable fundraising campaigns. 2) Direct the Manager to implement a citizen engagement process to seek input and feedback from key stakeholders, including County employees, representatives of United Way and Arts and Science Council, and the general public. 3) Direct the Manager to provide to the Board a report on the citizen engagement input and feedback, and provide recommendations to the Board regarding charitable fundraising campaigns.

Note:

Commissioner Cogdell suggested employees be allowed to respond anonymously. Commissioner Cogdell said often when done this way you “illicit honest and genuine feedback.”

Commissioner Leake asked that the organizations represented at tonight’s meeting be included as key stakeholders.

Commissioner Murrey asked that the follow-up report include information with respect to how much of an organization’s funds go to the greater Charlotte area; and what’s their
JANUARY 21, 2009

administrative cost; and how much goes towards program cost.

Commissioner Clarke asked that the follow-up report indicate whether a change in policy will require additional out-of-pocket cost to the County and/or be an interruption to the conducting of County business in terms of how it’s structured.

County Manager Jones said it may take 120 days to complete this process. He said he would communicate to the Board through the Board Bulletin with respect to a more specific timeline.

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

(2B) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Murrey, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Historic Landmarks Commission purchase of the home and land parcel located at 1708 Park Road within the Dilworth Historic District for Historic Preservation and resale. Secondly, to recognize and appropriate up to $465,000 for the purchase.

Commissioner Cooksey returned to the dais.

CONSENT ITEMS

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 6, 2009.

(8) ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY – SECOND READING

Amend the County’s Ordinance Prohibiting the Consumption of Alcoholic Beverages on County Property to exempt special events held in the Courthouse. Second Reading.

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

(9) VEHICLE PURCHASES - DSS

Approve the purchase of six 25-foot light transit vehicles equipped with wheelchair lifts.

Note: These vehicles will be used by the Department of Social Services’ Mecklenburg Transportation System.

(10) GREENWAY DONATIONS – MALLARD CREEK, DIXON BRANCH AND COFFEY CREEK

Accept donation of the following properties on Mallard Creek from Hubbard Falls, LLC, on Dixon Brach from Reames Investors, LLC, and on Coffey Creek from YFP Management, LLC

(1) Tax Parcel 027-142-81 (+/- 4.73 acres)

Note: Tax Parcel 027-142-81 is donated by Hubbard Falls, LLC based on the approved
subdivision plan for the Hubbard Falls subdivision. This parcel will add to greenway assemblage along Mallard Creek, and is located in the Northeast Park District.

(2)  Portion of Tax Parcel 025-291-03 (+/- 2.40 acres)

Note: A portion of Tax Parcel 025-291-03 is donated by Reames Investors, LLC based on the approved development plan for the Northcrest shopping center. This parcel will add to greenway assemblage along Dixon Branch, and is located in the Northwest Park District.

(3)  80’ SWIM Buffer on Tax Parcel 201-372-92

Note: A portion of Tax Parcel 201-372-92 is donated by YFP Management, LLC based on the approved subdivision plan for the Stonegrove at Whitehall development. This parcel will add to greenway assemblage along Coffey Creek, and is located in the Southwest Park District.

(11)  NC CLEAN WATER MANAGEMENT TRUST FUND GRANTS

Authorize the County Manager to submit two stream restoration grant applications to the North Carolina Clean Water Management Trust Fund as follows:

1.  Little Sugar Creek at Cullman Avenue in an amount of $250,000; and,
2.  Torrence Creek from Gilead Road to McCoy Road in an amount of $750,000.

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

4.  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)  DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

Note:  These records are comprised of:

- Eight (8) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.
388 commercial plans permitted November 2008 and 351 commercial plans permitted December 2008

Two (2) boxes of housing and junk vehicle case files closed in 2002 and earlier

(14) **FISCAL YEAR 2010 GOVERNOR’S CRIME COMMISSION GRANT PRE-APPLICATIONS**

Approve the submittal of grant pre-applications to the N.C. Department of Crime Control and Public Safety, Governor’s Crime Commission as listed below.

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Program Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>IST Department</td>
<td>Mecklenburg County Criminal Justice Data Warehouse</td>
</tr>
<tr>
<td>Family Outreach &amp; Counseling Center, Inc.</td>
<td>Responsible Fatherhood Access/ Visitation Program</td>
</tr>
</tbody>
</table>

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

**STAFF REPORTS AND REQUESTS**

(16) **REAPPRAISAL PRESENTATION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cooksey voting no, to defer the reappraisal of real property until 2011.

Commissioner Cooksey noted that his preference was 2010.

Note: NCGS 105-286 requires counties to reappraise real property in accordance with the Octennial Plan, unless the Board of County Commissioners adopts a resolution to advance the scheduled octennial reappraisal by resolution. The last reappraisal was conducted January 1, 2003. The octennial date is January 1, 2011.

Attorney Bethune noted the state may want this decision conveyed in resolution form and, if so, this matter will be back on the Board’s next agenda for the purpose of adopting a resolution that will then be forwarded to the state.

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

(17) **CONNECT REGIONAL VISION AND ACTION AGENDA RESOLUTION (CHAIRMAN ROBERTS)**

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to adopt a resolution in support of the CONNECT Council and its mission to establish a regional vision which brings together a 17-county region around common goals of sustainable development and quality of life.

Commissioners Dunlap and James left the dais prior to the above vote being taking and were absent for the remainder of the meeting.
Also, prior to the above vote, Chairman Roberts acknowledged the presence of Al Sharp, Executive Director of the Centralina Council of Governments and Rebecca Yarborough of his staff.

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

**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 Bentley, seconded by Commissioner Clarke and carried 7-0 Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:30 p.m.

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Janice S. Paige, Clerk

Jennifer Roberts, Chairman
ATTENDANCE

Present:  
Vice-Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Vilma Leake, and Daniel Murrey  
County Manager Harry L. Jones, Sr.  
Clerk to the Board Janice S. Paige

Absent:  
Chairman Jennifer Roberts and Commissioners Neil Cooksey and Bill James

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

The meeting was called to order by Vice-Chairman Cogdell, after which the matter below was addressed.

(1) FY11-13 STRATEGIC BUSINESS PLANNING – SOCIAL, EDUCATION & ECONOMIC OPPORTUNITY

Planning and Evaluation Director Leslie Johnson presented the FY11-13 Strategic Business Planning for the Social, Education & Economic Opportunity Focus Area. The following was covered:

Commissioners Clarke and Dunlap entered the meeting.

2015 Performance Goals

- Ethnic & Cultural Diversity Index
- Unemployment Rate
- Adult Literacy Index
- Student Literacy Index
- Self-Sufficiency Index
- Workforce Development Rate

FY09 Results Comments & Recommendations

Director Johnson said staff would like to know 1) if the Board was supportive of the recommendations presented and 2) recognizing that the community has a vested interest in education and that the Board allocates over $317 million, excluding capital and debt, to Charlotte-Mecklenburg Schools (CMS) and over $24 million, excluding debt to Central Piedmont Community College (CPCC), what were the Board’s expectations with regards to performance in these areas.

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

Commissioner Dunlap asked was CMS willing to relinquish part of their responsibility and partner with the County to refine the funding framework to include the performance goals. The response was that question had not been posed to CMS, but it was a collaborative process when the funding framework was established.

Commissioner Dunlap with respect to Adult Literacy asked was it known if the issue of undocumented students had any impact on registration for Adult Literacy. The response was that staff didn’t know but enrollment had increased for adult literacy.

Commissioner Dunlap with respect to Workforce Development and the recommendation to delete this measure from the corporate scorecard but continue including program outcome measures at the service level, asked what impact would that have on those programs currently funded that address workforce development and would the County stop funding them. The response was no, that the current process to date was that the County requires both internal and outside agencies to provide outcome measurement in the application process, so it would be consistent with what the County was already doing.

County Manager Jones with respect to the drop-out statistic said 30% was consistent with what had been seen on a national basis.

Commissioner Murrey with respect to Student Literacy asked was the data shown CMS only or all of Mecklenburg County. The response was CMS only.

Commissioner Murrey asked why was it CMS only. The response was that data was readily available.

Commissioner Murrey asked was the data the State goes by and other states when they report on drop-out or was it on all students. County Manager Jones said the number he recalled was for public schools only but staff would verify that.

Commissioner Murrey asked for clarification with respect to the Student Literacy Index and the economic and ethnic data as it related to math, reading, and writing, which was explained.

Commissioner Murrey said he would like more information on the economic and ethnic data.

Commissioner Murrey asked why was difficult for staff to report on Workforce Development which was explained.

Commissioner Murrey said he didn’t want the County to give up on a community-wide measure.

Commissioner Leake asked if third grade performance was looked at with respect to reading, math, and writing. The response was yes.

Commissioner Leake asked when and how did staff communicate with CMS. County Manager Jones said communication occurred on two levels, individual communication between Board members and members of the Board of Education, although he doesn’t know the frequency of that communication. Secondly, he and County staff communicate regularly with Dr. Gorman and his staff.

Commissioner Leake said she didn’t have anything against Communities In Schools, but asked why was the County funding agencies that impact the support of the school district and then the County allocates “x” amount dollars to the district.

Commissioner Leake expressed the following concerns:
   1) The County continues to “pour money” into the school district, but the outcomes were not there. She said there were still poor performing schools.
2) The use of school facilities on the weekend. She said facilities should be used on the weekends for community education and help.

With respect to Cultural Diversity, Commissioner Leake asked what organizations perpetuate cultural diversity and how did the County evaluate their success. The response was the County’s primary partner was the Arts and Science Council for cultural activities but that doesn’t mean other entities were not doing things as well.

Commissioner Leake said she would like to see the cost. It was noted that the funding the County provides the Arts and Science Council was used for grants to the community and towns. Thus, the County’s dollars were used to leverage, to provide others the opportunity to provide cultural activities.

Commissioner Leake said she “worries” about the salaries of the heads of these organizations. She said she’s asked publicly for their salaries and bonus amounts for those that seek funding from the County.

Commissioner Leake asked where and how did the County encourage integrating the community’s diversified development and workforce. The response was that it was probably a multifaceted approach and that one way was through the County’s outside agency application process. The application process required agencies to have some type of diversity plan. Also, the County partners with the City of Charlotte through economic development to try to provide various things; also through MWSBE.

Commissioner Leake asked what was the percentage of minorities in Mecklenburg County and/or in the City of Charlotte and the breakdown by gender, employed and unemployed. The response was that staff would have to get that information and report back.

Commissioner Bentley asked was the Student Literacy Index Performance Goal CMS’ goal or the County’s. The response was CMS’. Commissioner Bentley asked were the FY09 results CMS’. The response was yes.

Commissioner Bentley with respect to the balanced scorecard said it would be beneficial for the Board and Board of Education to have discussion regarding the County’s balance scorecard and how it’s used, especially as it related to the budget process.

Commissioner Clarke with respect to the Unemployment Rate Performance Goal said this was the first time that goal had received a red light. Commissioner Clarke said this was something the Board needed to take serious note of and why there needed to be a focus on job growth in the community on all levels.

Commissioner Clarke said with respect to Citizen Self-Sufficiency and the comment that the economic “downturn” contributed to record unemployment rates…, suggested “downturn” be changed to “the recession that began in December 2007.”

Commissioner Clarke with respect to the statement CMS’ goals for transforming academic performance – improving teaching and managing performance, asked what was meant by managing performance. The response was that this was language used by CMS. The belief was that it meant accountability, holding people accountable and to have an explicit, yet to be defined, matrix in place for those teachers to be held accountable for the performance they’re seeking. Also, that managing for performance included other staff as well, not just teachers.

Commissioner Clarke with respect to Ethnic & Cultural Diversity questioned the statement in the report “Respondents who resided in East Charlotte (28212), West Charlotte (28214), Huntersville and Mint Hill were less likely to perceive the community having a diverse representation of minority-owned businesses.” Commissioner Clarke, who represents East Charlotte, said East Charlotte had a very diverse minority-owned business representation. The response was that although it said East and West Charlotte, that in both instances staff meant far
east and far west, not the east and west area that immediately comes to mind. Commissioner Clarke suggested staff make that statement clearer.

Commissioner Clarke with respect to the Student Literacy Index asked did it include the performance of Charter School students. The response was that staff would have to check with CMS.

Commissioner Clarke asked about Advantage Carolina. General Manager Bobbie Shields said they still existed. He said they have some funding left, but they’re not adding to that funding pool. He said they were supporting programs until the funding ends. Also, they’re still working with the Chamber of Commerce.

Commissioner Clarke said it’s important that County staff share information with CMS staff regarding the County’s financial picture. Commissioner Clarke said likewise to the extent that CMS has additional initiatives or things that they think the County needed to fund, the sooner they can share that information with the County the better. Commissioner Clarke asked that this be communicated to CMS staff.

Commissioner Clarke with respect to outside agencies that provide assistance to CMS students that were at-risk, said it was important that the County continue to fund those agencies, such as Communities In Schools. Also, that any outside agency funded should be held accountable when it came to performance.

Commissioner Cogdell asked for clarification regarding the graduation rate which was addressed.

Commissioner Cogdell with respect to the unemployment rate said he was concerned that in Mecklenburg County the goal would be set at the state average and to be at or below the national average when it came to the graduation rate. Commissioner Cogdell said both were unacceptable and he hoped the Board would revisit these goals.

Commissioner Cogdell said the Board needed to take some “affirmative” steps with regard to the allocation of resources for the education of children in public schools.

Commissioner Cogdell said if the Board was to say to CMS that the graduation rate and a reduction in the gaps were priorities, that would send a clear message to CMS that either there would be a certain percentage of funds tied to the graduation rate and a reduction in gaps in the categories that have been set out, or the County would look at taking some percentage out that budget and giving it to those organizations that directly address those issues. He cited Communities In Schools as an example of one organization that addressed these issues.

Commissioner Murrey said if the Board wanted to have an impact on specific areas such as school performance, student literacy, disparities, and graduation rates, then the Board needed to analyze what programs do a good job and fund more of those and those that don’t, fund less.

Commissioner Murrey said students who attend school and actively engaged in what goes on at school were more likely to graduate.

Commissioner Murrey said there were a number of ways in which students get engaged in school and a number of programs that help students get engaged, programs within and outside of CMS. He cited Communities In Schools and the Freedom School, a summer program as examples.

Commissioner Murrey said he wondered if there were measures that could be used to look at the progress of students who were engaged with one of the programs versus students that were not.

Commissioner Murrey said the Board could do the same thing if it looked at the number of social workers a school had or the number of guidance counselors per student and those sorts of things.
Commissioner Murrey said he was not going to assume that all of the programs had to be outside of CMS, but if it’s found that the County’s funding of CMS social workers or guidance counselors was not achieving that goal and yet funding in some other way was, then that may lead the County to weigh its funding differently or discontinue funding.

Commissioner Murrey said the frustration was that “we don’t like the outcome.” He said the County doesn’t have any detail as to whether the money it’s using, in any way, connected to affecting those disparities.

Commissioner Murrey said he would like to see information on whether the money that’s being given to educational services and to CMS, making a difference, in order to get a sense of whether that’s the best use of County funds.

Commissioner Murrey asked was there a way to conduct that type of study or create those types of matrix. He said he realized it may not be a part of the balanced scorecard but it would be something to give the Board better insight when doing the funding. The response was that it could be explored.

Commissioner Bentley with respect to Commissioner Murrey’s comments said this would be a good topic for the Board’s Planning Retreat.

Commissioner Bentley with respect to the unemployment rate asked for a breakout by market segments, in order to know which sectors were impacting that rate.

Commissioner Dunlap addressed about the dropout rate. He said it was calculated differently in different places. He said the Board needed to find out how it was calculated within CMS.

Commissioner Clarke with respect to Citizen Self-Sufficiency and the recommendation of continuing efforts to work with non-profit and private community partners to develop a Human Services Plan, said he would like to see timeframes associated with this in order to know when it would occur.

This concluded the discussion.

Note: The above is not inclusive of every comment but is a summary.

The Board then participated in a program ranking exercise after which the meeting was adjourned as noted below.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:00 p.m.
FEBRUARY 2, 2010

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, February 2, 2010.

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.

(1) STAFF BRIEFINGS - NONE

(2A, B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) CONSULT WITH ATTORNEY

Commissioners Bentley and Dunlap left the meeting and were absent until noted in the minutes.

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Mecklenburg County vs. Time Warner Cable Entertainment-Advance/New House Partnership.

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney with respect to Mecklenburg County vs. Time Warner Cable and Entertainment-Advance/New House Partnership.

The Board went into Closed Session at 5:11 p.m. and came back into Open Session at 6:25 p.m.

Commissioners Bentley and Dunlap were present when the Board came back into Open Session. They returned to the meeting during Closed Session.
FEBRUARY 2, 2010

(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, 12, 13, and 14.

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

-FORMAL SESSION-

Invocation was given by Commissioner Bentley, 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) BLACK HISTORY MONTH

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating February 2010 as Black History Month in Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Mr. & Mrs. Lem Long. Mr. Long is a local businessman and was the first African American to run for the Mecklenburg Board of County Commissioners, which was in 1968.

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

(1B) SCOUTING ANNIVERSARY WEEK

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating February 7-13, 2010 as Scouting Anniversary Week in Mecklenburg County in honor of the 100th Anniversary of Boy Scouts of America.

The proclamation was read by Commissioner Cooksey and received by Mark Turner, Area Executive Director. He was accompanied by scouts from Boy Scout Troop 112 and Cub Scout Pack 112, from Forest Hill Church. These units have been chartered in Mecklenburg County for over 50 years. Note: Scout Sam Whitlock was recognized for recently received his Eagle Scout award, Scouting's highest rank.

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:

Martin Davis spoke in opposition to the County providing Domestic Partner Benefits. Mr. Davis said recruitment and retention was not a problem for Mecklenburg Government, which he said was one of the reasons cited for providing Domestic Partner Benefits.
Rev. Dr. Madeline McClenney-Sadler, PH.D addressed the Exodus Foundation, a self-help, Christian faith based charity that serves formerly and newly released incarcerated African-Americans and African-Americans at risk for incarceration.

Rev. Dr. McClenney-Sadler was joined at the podium by members of the Exodus Foundation Board of Directors, who gave testimony with respect to what their experiences were after being released.

_A copy of a handout regarding the Exodus Foundation is on file with the Clerk to the Board._

**STAFF REPORTS AND REQUESTS**

(15) **FEDERAL LEGISLATIVE AGENDA**

Assistant to the County Manager Brian Francis, Roger Gwinn, president of The Ferguson Group and Leslie Mozingo, with Ferguson presented the County’s proposed federal legislative agenda.

*Note: Mr. Gwinn excused himself after introducing Ms. Mozingo.*

The following items were presented.

**MECKLENBURG COUNTY, NC**

**2010 (FY 2011) FEDERAL AGENDA**

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>DESCRIPTION OF REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Air Quality</td>
<td>$3 million in Transportation Appropriations, Transportation and Community and System Preservation Program, for Mecklenburg County Air Quality (MCAQ) program to reduce aging diesel engines (GRADE+).</td>
</tr>
<tr>
<td>2 Sewer Infrastructure</td>
<td>$2.5 million in the Energy and Water Appropriations, Corps of Engineers, Section 5113, for sewer Infrastructure improvements needed to support expanded construction of Mecklenburg County Jail North Expansion and surrounding area for economic development.</td>
</tr>
<tr>
<td>3 Inmate Rehabilitation</td>
<td>$480,000 in Health and Human Services Appropriations, Substance Abuse and Mental Health Services Administration, to prevent substance abuse and reduce/prevent mental illness with concentration on jail population.</td>
</tr>
<tr>
<td>4 Energy Efficiency</td>
<td>$1 million in Energy Appropriations, Energy Efficiency and Renewable Energy Projects, for energy efficient enhancements (solar panels) and other green infrastructure at the Jail North Expansion Project.</td>
</tr>
<tr>
<td>5 COPS Technology</td>
<td>$1 million in Commerce, Justice, Science Appropriations, COPS Technology, to integrate separate offender management systems.</td>
</tr>
<tr>
<td>6 Solid Waste Recycling</td>
<td>$500,000 in Environmental Protection Agency Appropriations, Science and Technology, (or Department of Energy, Legacy Management) to expand compost technologies.</td>
</tr>
</tbody>
</table>
### AUTHORIZATIONS

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>DESCRIPTION OF REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Surface Transportation</td>
<td>$2 million in the reauthorization of surface transportation programs, High Priority Projects, for County-wide greenway enhancements.</td>
</tr>
<tr>
<td>2. Water Resources Development Act (WRDA)</td>
<td>$200,000 in the WRDA, Section 1006, to address biologically impaired streams through the Surface Water Improvement and Management (SWIM) initiative. Request expanded WRDA authority for the State of North Carolina from $13 million to $30 million.</td>
</tr>
</tbody>
</table>

### ADDITIONAL PRIORITIES

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>DESCRIPTION OF REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate Change</td>
<td>Support expanded resources for renewable tax energy credits and green enhancements to public buildings, as well as full funding of Energy Efficiency Community Block Grants.</td>
</tr>
<tr>
<td>Health Care Reform</td>
<td>Monitor impacts on Medicaid provisions and in particular any expansion measures.</td>
</tr>
<tr>
<td>EPA Attainment</td>
<td>Support initiatives that help local governments meet changing EPA air quality standards.</td>
</tr>
<tr>
<td>Flood Control</td>
<td>Educate FEMA on the flood plain management pilot project and the study on prioritization of structure removals based on human factors beyond economic damages and the flood levels.</td>
</tr>
<tr>
<td>Jobs Bill</td>
<td>Within a jobs bill support measures that reach County governments and, more specifically, County capital projects.</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>Support passage of the Urban Revitalization and Livable Communities Act and legislation overall that builds or rehabilitates urban parks; fully funds Land and Water Conservation Fund with equal funding for state assistance; helps to fight youth obesity; builds trails; protects open lands and endangered species; preserves natural resources; and advances historic preservation.</td>
</tr>
<tr>
<td>Homelessness</td>
<td>Raise awareness of Charlotte-Mecklenburg’s 10-Year Plan to end and prevent homelessness and identify future funding possibilities to implement the plan.</td>
</tr>
<tr>
<td>Collective Bargaining</td>
<td>Support NACo position of opposing legislation that would mandate collective bargaining rights and thereby impose federal scrutiny and federal standards on state and local labor relations for public sector first responder employees.</td>
</tr>
<tr>
<td>UASI</td>
<td>Support continued and increased funding for Urban Area Security Initiative.</td>
</tr>
<tr>
<td>Children and Families</td>
<td>Support programs that improve the lives of under-served children and help to build stronger families.</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Support renewal and expanded funding for the Substance Abuse and Mental Health Services Administration (SAMSHA).</td>
</tr>
<tr>
<td>Veterans Services</td>
<td>Support initiatives to provide additional resources in serving Veterans and for outreach programs, combating homelessness, substance abuse, criminal activity and domestic violence among veterans.</td>
</tr>
<tr>
<td>Tax Code for Employee Cell Phones</td>
<td>Support NACo’s position on HR 690 / S 144 to modernize the tax code and remove cell phones and related telecommunications equipment from the listed property rules.</td>
</tr>
<tr>
<td>Medicare Adult Day Services</td>
<td>Support the National Adult Day Services Association efforts to pass the Medicare Adult Day Services Act of 2009 which makes day services eligible for reimbursement.</td>
</tr>
</tbody>
</table>
Commissioner Cooksey asked was Inmate Rehabilitation, $480,000, spread out over a period of time or was it a onetime appropriation. Assistant Francis said he believed it was a onetime appropriation. Further, that most of the $480,000 was a onetime investment in educational materials that could be reused over a period of time.

Commissioner Leake said she was concerned about the six Appropriations Projects, particularly those that address supporting the jail system. Commissioner Leake said it “worries” her that the focus is on the jail system and not education and prevention. Commissioner Leake said the human services issues listed under Additional Priorities should be first on the agenda.

Commissioner Leake asked whose decision was the prioritization of issues based on. Assistant Francis said the County Manager and his Executive Team reviewed a list of potential areas and came up with the list being presented. It was noted the areas where the County was looking for appropriations were areas that staff felt the County could be successful in achieving federal appropriations. Also, these were areas if the County wasn’t successful in achieving federal appropriations, it may require additional County resources.

Assistant Francis said the ability to get federal dollars for these projects would free up County dollars to do human services projects and others.

Assistant Francis said jobs were on the mind of all members of congress. He said for each project requested, the County has to estimate the number of jobs that would be created by that project.

Commissioner Leake requested a report on the number of jobs associated with each project.

Commissioner Murrey said he shared some of Commissioner Leake’s concern with respect to the Additional Priorities. He said he hoped they don’t “fall by the wayside” since they’re not specific requests.

Chairman Roberts said all of the issues seem to relate to a specific plan, bill, or initiative but not Children and Families. She asked what was the thinking behind Children and Families and were there specific programs the County was trying to target. Assistant Francis said there were no specific programs in mind. He said the item came about as a result of staff meeting with Commissioner Leake. He said staff wanted it to be captured, not only for Commissioner Leake, but also for the Department of Social Services, the Health Department and the School System because this was a concern for them as well.

Chairman Roberts said she would be more comfortable if staff could find some specific programs that tie into Children and Families.

Commissioner Cogdell said he shared some of Commissioner Leake’s concerns but he recognizes that these were capital projects, one time funding projects that the County was pursuing.

Commissioner Cogdell addressed the issue of Homelessness listed under Additional Priorities. He said a big part of the 10-Year Plan was to create housing opportunities. Commissioner Cogdell said last year one of the things identified was specific funds to invest in a capital project for homelessness. Commissioner Cogdell asked was there any discussion on the staff level or by the Ferguson Group regarding identifying a project that was being worked on locally that the County could benefit from, per the Board’s priority of addressing homelessness. Assistant Francis said the Congressional account they were targeting for did not do direct appropriations for projects like the one the County was asking for. He said instead they increased a grant funding account that the project could have qualified for. Further, that it’s his understanding the need the County was trying to fill has been filled by other sources, such as the Moore’s Place Project. Also, it’s his understanding they no longer need what they asked the County to help with last year.
Commissioner Cogdell said Moore’s Place addressed the need for that specific project but that the demand for temporary shelter/housing in the community was much greater than that one project. Commissioner Cogdell said in the future he hopes the County can identify this as a top priority.

**Commissioner Dunlap** asked was it possible to add to the list. *Ms. Mozingo said it was not possible because of the timing and paperwork involved.*

Commissioner Dunlap said even though the project for homelessness may have been funded, there’s still a need for housing and beds in the community. Commissioner Dunlap said he hopes when opportunities present themselves, staff and The Ferguson Group would apply or seek funding for them, as well as with the jobs bill and some of the others.

**Commissioner Bentley** said she felt the priorities were where they needed to be.

**Commissioner James** said he agreed with some of the issues and some he did not. Commissioner James said some of the items were reasonable and some were not, considering the size of the federal budget deficit.

Commissioner James referenced the Health Care Reform issue and said most of what was going on with respect to Health Care Reform in Washington was designed to either “massively increase Medicaid or significantly expand the local or state costs.”

Commissioner James said there’s an over arching issue, with respect to Health Care Reform, which was the County really wasn’t taking a position. He said the County was just going to monitor the situation, rather than saying, don’t increase the costs to local and state governments.

Commissioner James said he felt the County should state its opinion or take a position on the matter of Health Care Reform.

Commissioner James said he was going to oppose the proposed Federal Legislative agenda because of the dollars involved.

**Assistant Francis** said previously the Board approved a resolution regarding Health Care Reform in support of it. He said it was intended that the Federal Legislative Agenda not preempt that resolution. He said this was just specifying a particular area of concern that would have direct County impact, which staff felt may warrant more attention then would be given generally.

**Chairman Roberts** said there have been discussions regarding exempting state and local governments. Chairman Roberts said a lot of the health care bill was still under discussion. Chairman Roberts said she thought monitoring with respect to Health Care Reform was appropriate because the intent of the Board’s first resolution was to say that “we’re shouldering a lot of health care costs and it’s increasing every year and it’s a burden on the taxpayers in Mecklenburg County.” Thus, monitoring was appropriate because then the County could respond to changes with its experts in Washington (The Ferguson Group) who could let the County know if something was likely to be passed.

**Motion was made** by Commissioner Cooksey, seconded by Commissioner Bentley, to approve the County’s Federal Legislative agenda as presented with one amendment, that the following language be added to the Health Care Reform issue listed under Additional Priorities: “Oppose any provisions that would increase costs to state and local governments.” Thus, it would read: Monitor impacts on Medicaid provisions and in particular any expansion measures and oppose any provisions that would increase costs to state and local governments.

**Chairman Roberts** asked Ms. Mozingo would there be any impact on their work to add the additional language proposed by Commissioner Cooksey.
Ms. Mozingo said when it comes to an issue like Health Care Reform, there were a lot of large organizations that were “pulling and tugging” at this. She said at the time this was drafted, the intent was to remain a bit “vague” in order to give the Board an opportunity to respond to any particular issue that came up. She said they want to keep an eye on this issue and see what the impact would be on local government. The Ferguson Group would alert Assistant Francis of any changes, so that he could then make the Board aware of those things and the Board could then decide an appropriate response. With respect to the language proposed by Commissioner Cooksey, Ms. Mozingo said the additional language would be okay because she doesn’t think anyone would be surprised at the Board opposing anything that would raise the County’s costs.

Ms. Mozingo said with respect to her proceeding, she still wouldn’t take any directive action without first making sure that any provision that came about that she thought had an impact on the County, a direct cost or indirect impact, would be brought to the County’s attention.

Ms. Mozingo said as they get through the legislative process those items under Appropriations and Authorizations on the legislative agenda would be much harder to change because the paperwork for those matters has already been submitted. She noted, however, that as they go through the process and bills start to move and they see a need to adjust the language in any of the provisions, those adjustments could be made.

Commissioner Clarke questioned the need to amend the language since local governments in N. C. do not pay any of the program costs of Medicaid.

Commissioner Cooksey said the intent of his amendment was to speak more broadly to the whole health care reform package. Thus, he proposed amending the language he suggested by saying, “Oppose any provisions in Health Care Reform that would increase costs to state and local governments.”

Commissioner Clarke said he would agree to it if it was amended to also say, “and support any provisions that would relieve some of the burden of health care costs on state and local governments.”

Commissioners Dunlap and Murrey suggested the language remain as recommended by staff.

Substitute motion was made by Commissioner Cogdell, seconded by Commissioner Leake, to approve the County’s Federal Legislative agenda as presented.

Commissioner Cooksey said his concern was how this would impact the County’s budget.

Commissioner Cooksey proposed amending the language he suggested by saying, “monitor impacts of Health Care Reform on the County’s budget.”

After further discussion, Commissioner Cogdell withdrew his substitute motion.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, to amend the language for the issue of Health Care Reform as listed under Additional Priorities, to read, “monitor impacts of Health Care Reform on the County budget.”

The following person appeared to speak to this issue.

Bill Gupton, Conservation & Advocacy Chair for the local Sierra Club addressed the proposed Federal Legislative Agenda. He said the Sierra Club endorses the following projects listed under the Appropriations section of the legislative agenda: Air Quality, Energy Efficiency, and Solid Waste Recycling. They also endorse the projects under the Authorizations section, Surface Transportation and Water Resources Development Act.
Mr. Gupton said the Sierra Club ask that the Board take appropriate action to support climate change legislation and support the EPA’s ability to enforce air quality and other standards and to seek new green sector jobs.

Commissioner Cogdell said there were several items on the proposed Federal Legislative Agenda regional in nature, such as air quality. Commissioner Cogdell said he hopes the Ferguson Group could assist the County in coordinating some collaborative efforts throughout the region, since they have relationships with several of the surrounding towns and counties.

Commissioner Clarke said he still felt the proposed amended language, narrows the focus to dollars and cents.

Commissioner Clarke said it should read, to monitor impacts on the County’s budget and the availability of appropriate health care to all citizens of Mecklenburg County.

Commissioner Cooksey said he would accept a friendly amendment to his motion to amend the language for the issue of Health Care Reform as listed under Additional Priorities, to read, monitor impacts on the County budget and the availability of health care to the citizens of Mecklenburg County. Commissioner Dunlap, who seconded the motion, concurred.

The vote was then taken on the motion to amend the Health Care Reform language as follows:

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts, voting yes and Commissioner James voting no, to amend the language for the issue of Health Care Reform as listed under Additional Priorities, to read, monitor impacts on the County budget and the availability of health care to the citizens of Mecklenburg County.

The vote was then taken on the original motion as amended and as follows:

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts, voting yes and Commissioner James voting no, to approve the County’s Federal Legislative agenda as presented with one amendment, that the language be changed for the Health Care Reform issue listed under Additional Priorities, so that it would read, monitor impacts on the County budget and the availability of health care to the citizens of Mecklenburg County.

Note: The above is not inclusive of every comment but is a summary of key points and questions.

ADVISORY COMMITTEE REPORTS

(5A) WOMEN’S ADVISORY BOARD 2009 ANNUAL REPORT

The Board received as information the 2009 Annual Report from the Women’s Advisory Board.

The report was presented by Dr. Angelia Fryer, Chairperson and Marjorie Tate, Vice-Chairperson. They were accompanied at the podium by other members of the advisory board.

Report Highlights

Women continue to earn less than men for the same work, manage the majority of child and elder care needs, are elected or appointed to government positions in fewer numbers and continue to experience increased rates of domestic violence and homelessness in Charlotte-Mecklenburg.
They recognize the significant efforts of the Mecklenburg Board of County Commissioners and appreciate the challenges faced in ensuring that the ever-expanding needs of our community are met.

Recommendations:

- Continue and increase financial support for the Displaced Homemakers Program, “New Beginnings”.
- Assure pay equity and jobs for women in Mecklenburg County.
- Ensure that women have equal representation on appointed Boards and Commissions.
- Take a leadership role in the collaborative efforts now underway to provide transitional housing with intensive support services for the Homeless.
- Increase funding for more shelter beds and medical services for homeless women and children.
- Continue to support Domestic Violence Services as a high priority.
- Provide additional adult daycare sites and programs for the elderly.
- Advocate at state and federal levels for increased funding for pre-school and school-aged child care.
- Allocate county funds to supplement funding received from the state and federal government for child care subsidies for the working poor.
- Increase public awareness about county health department clinics and other essential services.

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

Comments

Commissioner Murrey asked about the Displaced Homemakers Program, New Beginnings and why was it selected versus some of the other programs funded by the County. The response was that it speaks to the increase number of Displaced Homemakers. It was noted also that last year this program almost got eliminated.

Commissioner Bentley asked with respect to pay equity and jobs was the information reported on a countywide basis, public and/or private. The response was that it was the private sector, countywide.

Note: The above is not inclusive of every comment but is a summary.

Board members thanked the Women’s Advisory Board for their report.

No action was taken or required at this time.

(3) APPOINTMENTS

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Marc Thompkins and Richard Zaleskie to the Juvenile Crime Prevention Council as General Public representatives to fill unexpired terms expiring June 30, 2011.

They replace Akenna Blackmon and D’Etta Culp.

Note: The other nominees were: Melvin Bowie and Susan Surles.
PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

Ed Barnhart  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Murrey

Voting Ceased

Joseph Carr
Joseph Pata

Chairman Roberts announced the appointment of Ed Barnhart to the Park and Recreation Commission as the South Park District representative to fill an unexpired term expiring June 30, 2011.

He replaces Tim Morgan.

(4) PUBLIC HEARINGS – NONE

MANAGER’S REPORT

(6A) BUDGET UPDATE

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi gave the update.

The following was covered:

• Headlines
• Charlotte Mecklenburg Library
• Business Investment Grants
• Conclusions
• Situation is
  o No longer deteriorating
  o Stabilizing as shown through mix of reports both positive and negative
  o Optimism is evident, but there is still uncertainty
  o County continues to see increasing demand across its services

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

Comments

Commissioner Bentley asked staff to look at “cliff”, which she said was something the Wall Street Journal wrote about probably a year ago. She said the “cliff” was described as a two part reality. The first was commercial paper coming due. The second was the end of the stimulus dollars. She said those things together describe the “cliff.” Commissioner Bentley said she believed the article called for the “cliff” to occur around mid-year, this year. She said this was something the Board needed to be acutely aware of, specifically as it relates to property tax revenues from commercial property.

Commissioner Bentley asked about increased library usage in certain areas of the County, which was addressed by Charles Brown, Director of the Public Library.

Commissioner Bentley asked about the Business Investment Grant Program, which was addressed.
Commissioner Bentley asked was there any data to show that if it were not for the receipt of a grant, the company would have gone somewhere else. Director Yi said staff would get an answer to that question.

Commissioner Leake asked about the possible use of mobile libraries and schools, in those instances where funds aren’t available to build new libraries, which was addressed by Director Brown.

Commissioner Leake asked about the award of Business Investment Grants, which was addressed.

Commissioner Leake asked how many jobs were created for FY09 as a result of the Business Investment Grant Program, including the types of jobs. Director Yi said he would provide that information.

Commissioner Leake said she’d also like to know how many of those jobs were obtained by Mecklenburg County residents. Attorney Bethune explained that there’s never been a grant requirement of any kind that all employees of a particular company be residents of Mecklenburg County.

Commissioner Cogdell asked for clarification regarding the Program Metrics noted in the report, the Investment Ratio information for the County, which was addressed.

Director Yi noted a correction to the Tax Base Year End on the report, which he said should be 1998 instead of 2008.

Commissioner James said information regarding the implication of the Wells Fargo/Wachovia grant was missing from the report. He said it wasn’t a business investment grant per say, but he would like to know how much the Wells Fargo/Wachovia deal was not contributing to schools. How much would they have given to schools based upon the tax rate that’s in place, times the new facility versus the deduction they receive, which he said then goes to pay for the debt service on the arts.

No action was taken or required.

Note: The above is not inclusive of every comment.

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the following item(s) with the exception of Items 9, 12, 13, and 14 to be voted on separately:

(7) APPROVAL OF MINUTES

1) Approve minutes of Regular meeting held January 20, 2010 and Closed Session held January 20, 2010.

FEBRUARY 2, 2010

(8) MCDOWELL NATURE PRESERVE PAVILION REPAIRS

Authorize expenditure of $50,000 from Park & Recreation Capital Reserve funds for repairs to the McDowell Nature Preserve Pavilion.

(10) AREA MENTAL HEALTH SECOND QUARTER FY 2010 REPORT

Recognize and receive the Second Quarter 2010 Area Mental Health Report.

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

Financial Management

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,479,880</td>
<td>5,357,953</td>
<td>34.61%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>29,834,907</td>
<td>10,199,745</td>
<td>34.19%</td>
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<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>19,607</td>
<td>20.15%</td>
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<tr>
<td>County</td>
<td>46,461,258</td>
<td>21,776,701</td>
<td>46.87%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>91,873,338</td>
<td>37,354,006</td>
<td>40.66%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,188,456</td>
<td>3,242,644</td>
<td>45.11%</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,585,465</td>
<td>4,833,036</td>
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<tr>
<td>Adult Mental Health</td>
<td>9,494,725</td>
<td>2,815,640</td>
<td>29.65%</td>
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<tr>
<td>Adult Substance Abuse</td>
<td>12,903,459</td>
<td>6,076,844</td>
<td>47.09%</td>
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<tr>
<td>Local Management Entity</td>
<td>10,579,715</td>
<td>4,235,883</td>
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<tr>
<td>BHC Randolph</td>
<td>19,268,029</td>
<td>9,499,736</td>
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</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,853,489</td>
<td>6,650,223</td>
<td>35.27%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>91,873,338</td>
<td>37,354,006</td>
<td>40.66%</td>
</tr>
</tbody>
</table>

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

(11) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $93,675 for Park and Recreation, $30,683 for Real Estate Services, and $3,400 for Sheriff.

Note: The County received insurance money based on claims for stolen and damaged items in the departments identified. This Board action provides the necessary budgetary authority to use the insurance funds to cover the cost of replacing the items.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioners James and Cooksey left the meeting and were absent for the remainder of the meeting.
(9) ARTS AND SCIENCE COUNCIL CULTURAL ACCESS GRANT APPLICATION

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve submitting an application for a $7,500 Arts and Science Council Cultural Access Grant; and to recognize, receive and appropriate funds if grant is approved by the Arts and Science Council.

Note: This grant will be used to offer cultural arts programs at Recreation Centers to be determined once the grant is awarded. The programs will be for 6 to 15 year old at-risk youth. If the grant is awarded, funds up to $7,500 will be received next fiscal year 2011. There is no County match for the grant.

Commissioner Leake removed this item from Consent in order to ask where would the funds be used, which recreation centers. The response was that would be determined when and if the grant was awarded.

(12) DSS BUDGET AMENDMENT SMART START SUBSIDY (DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, and Roberts voting yes, to reduce the Department of Social Services Smart Start FY2010 budget, both revenue and expenditures, by $1,314,255 due to subsidy reduction by the State.

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

(13) DSS BUDGET AMENDMENT CRISIS INTERVENTION PROGRAM (CIP) (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, and Roberts voting yes, to amend the Department of Social Services FY2010 budget to recognize, receive and appropriate $250,744 for the Crisis Intervention Program (CIP).

Note: The North Carolina Division of Social Services allocated an additional $250,744 to the Department of Social Services (DSS). Crisis Assistance Ministries administers these funds through a contract to low-income households that are experiencing a heating or cooling-related crisis.

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

(14) DSS BUDGET AMENDMENT NC MEDICAID TRANSPORTATION (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, and Roberts voting yes, to increase the Department of Social Services FY2010 Budget by $950,000 for Medicaid Transportation for the NC Medicaid Transportation service.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS—NONE
COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:10 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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, February 3, 2009.

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.

(1) STAFF BRIEFINGS - NONE

(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: Mecklenburg County vs. Nortel Government Solutions.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

Commissioner Dunlap was present, but absent when the above motion was made.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 6:13 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He returned 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 9 and 22.

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

- FORMAL SESSION -

Invocation was given by Commissioner Bentley, 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) BLACK HISTORY MONTH

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating February 2009 as Black History Month in Mecklenburg County.

The proclamation was read by Commissioner Leake.

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:

Destiny Clarke and Blanche Penn addressed an upcoming event October 16, 2009 by Winners Plus in honor of the late County Commissioner Valerie C. Woodard.

Martin Davis spoke in opposition to domestic partner benefits.

(3A) APPOINTMENTS

INFORMATION SERVICES AND TECHNOLOGY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Dennis Callan, Jenifer Daniels, Pamela Gordon, Gregory Hardin, Bill Hodges, Marcia Lane, Craig Richardville, and Aaron Sanders and reappoint John Lillard to the Information Services and Technology Committee for a three-year term expiring February 28, 2012.

Note: They are replacing Llieva Ageenko, Deborah Bell, Mike Brannon, Shannon Chavis-Smith, Dave Clark, Anne Marie Giuriceo, Charles Marino and Joy Marshall.
(3B) CENTRALINA ECONOMIC DEVELOPMENT COMMISSION – PRIVATE SECTOR REPRESENTATIVE

Commissioner Leake asked about the process for making a private sector appointment to the Centralina Economic Development Commission.

Chairman Roberts explained that the Centralina Economic Development Commission was not a Board established by the County.

Commissioner Leake said she feels the Board should be consistent in its appointment process.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey, to follow the Board’s normal nomination process for selection of the Board’s private sector representative on the Centralina Economic Development Commission.

Commissioner Clarke said he feels the Board should move forward with supporting the Chairman’s recommendation, which is to appoint Ron Leeper.

Commissioner Leake said she has nothing against Mr. Leeper, but feels others should be given the opportunity to apply.

Commissioner Bentley asked Chairman Roberts to comment on why she recommended Mr. Leeper, which she did.

Clerk to the Board Janice S. Paige noted that if the Board follows the nomination process for County boards, then staff would have to advertise and the matter would be back before the Board in March.

After further discussion regarding the appointment process, Commissioner Leake said she was willing to withdraw her motion, if the seconder, Commissioner Cooksey, agreed to withdraw his second.

Commissioner Cooksey said he did not wish to withdraw.

Further discussion took place and it was the consensus of the Board that the appointment process be a future topic for a Budget/Public Policy meeting.

The vote was then taken on the motion and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, James, Murrey and Roberts voting no and Commissioners Bentley, Cooksey, and Leake voting yes, to follow the Board’s normal nomination process for the selection of the Board’s private sector representative on the Centralina Economic Development Commission.

Motion was made by Commissioner Dunlap and seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recommend the appointment of Ron Leeper to the Centralina Economic Development Commission as the Board’s Private Sector Representative.

(4A) PUBLIC HEARINGS

REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to hold a hearing on request by Hutchens, Senter & Britton, P.A. for reimbursement of overpayment of North Carolina excise tax in the amount of $170.
No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the hearing and approve reimbursement to Hutchens, Senter & Britton, P.A. for overpayment of North Carolina excise tax in the amount of $170.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Bentley 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 22 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 21, 2009; Special Meeting held January 8, 2009; and Closed Session minutes of January 6, 2009 and January 21, 2009.

(8) POST-CONSTRUCTION ORDINANCE MITIGATION PAYMENT

Recognize, receive and appropriate $30,823 in additional funding from Blackstowne Development, LLC for a post-construction ordinance mitigation payment.

(10) RECORDS RETENTION AND DISPOSITION SCHEDULE – SHERIFF’S OFFICE

Approve the new County Sheriff’s Office Records Retention and Disposition Schedule issued by the N.C. Department of Cultural Resources.

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

(11) DISTRICT ATTORNEY’S OFFICE RENOVATION – CONSTRUCTION CONTRACT

Award a construction contract in the amount of $3,234,000 to Streamline, LLC for a renovation and expansion of the District Attorney Offices in the Historic Courthouse, located at 700 E. Trade Street.

(12) REZONING APPLICATION FOR COUNTY OWNED PROPERTY

Approve submission of a rezoning application to the City of Charlotte requesting rezoning of a portion of Mecklenburg County owned Tax Parcels 207-041-05 and 207-041-08 from R-3 to Institutional.
Note: Tax Parcels 207-041-05 and 207-041-08 (+/- 31.14 acres) were acquired in 2003 by Mecklenburg County for the greenway program. In 2006, The Public Library of Charlotte and Mecklenburg County (PLCMC), the County’s Park and Recreation Department and the County’s Real Estate Services Department held discussions and agreed that a portion of the property was suitable for development and acceptable as a location to replace the existing Carmel Branch Library that is currently housed in leased space. The lease terminates in 2010.

PLCMC would like to build a joint-use library and nature center on +/- 12 acres of the property. In discussions with the city’s Planning Department, PLCMC has been advised that the property will need to be rezoned from the R-3 classification to a more appropriate classification since the building is in excess of 12,500 square feet. PLCMC proposes a building that is +/- 19,000 square feet. The County’s Real Estate Services Department requested approval to submit a rezoning application to the city with the Library acting as agent for the County.

(13) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING


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

(14) PROFESSIONAL SERVICES AGREEMENT FOR FLOODPLAIN MAPPING SERVICES

1) Authorize the County Manager to negotiate and execute a contract with AECOM to provide professional engineering services for floodplain mapping services.

2) Authorize the County Manager to negotiate and execute a contract with Michael Baker Engineering, Inc. to provide professional engineering services for floodplain mapping services.

(15) HAZARD MITIGATION PROGRAM – TRANSFER OF REUSABLE BUILDING MATERIALS

Adopt a Resolution Approving Transfer Of Reusable Building Materials To Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition of structures purchased by Mecklenburg County.

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

(16) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION, QUICK BUY

1. Accept the “Offer of Sale of Land” from Carla Nash owner of 5135 Dolphin Lane for $101,464.54.
3. Accept the “Offer of Sale of Land” from Elaine Falcone owner of 3811 Country Club
4. 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.

(17) STATE BOARD OF ELECTIONS GRANT FUNDS

Recognize, receive and appropriate grant funds in the amount of $94,869.93 from the State Board of Elections to purchase voting equipment shelving and High Speed Ballot Reader.

(18) Z. SMITH REYNOLDS GRANT APPLICATION – LUESA

Authorize the County Manager to submit a grant application in the amount of $52,379 to the Z. Smith Reynolds Small Grant Program to fund floodplain reforestation in the McDowell Creek Watershed.

(19) AMENDMENTS TO THE MECKLENBURG COUNTY FLOODPLAIN REGULATIONS – SET PUBLIC HEARING

Set a public hearing to be held February 17, 2009 to receive comments on amendments to Mecklenburg County Floodplain Regulations and then adopt the proposed revisions to the Mecklenburg County Floodplain Regulations.

(20) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional revenue of $389,008 to reflect actual local, state, and federal allocations to the Health Department.

(23) SECTION 103 AIR QUALITY GRANT

Approve the submission of the County’s Clean Air Act (CAA) Section 103, Special Purpose multi-year federal grant application; and upon award of grant, recognize, receive and appropriate the CAA Section 103 grant award.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) CENTRAL PIEDMONT COMMUNITY COLLEGE PARKING DECK

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Murrey and Roberts voting yes, to authorize the County Manager to finalize negotiations for and execute a Ground Lease Agreement and a Shared Parking Agreement with Central Piedmont Community College (CPCC) for (1) lease of the property and (2) construction and use of the parking deck and other nearby County and CPCC parking lots and decks. Also, that the remaining funds needed for completion of this project be included on the County’s Stimulus Package list or CPCC’s, if they have one.

Prior to the vote:

Commissioner Bentley removed this item from Consent for clarification and background purposes with respect to this project, in light of the Board’s recent discussion regarding debt issuance.

Finance Director Dena Diorio addressed this project. It was noted that this action does not commit to any future debt issuance at this time, it just allows them to proceed with the first phase of this project.

Commissioner Clarke asked was this a “shovel ready” project. The response was yes.

Commissioner Clarke asked why wasn’t this project on the list of stimulus projects that will be taken to Washington. The response was that there’s a County list and lists from Charlotte-Mecklenburg Schools and Central Piedmont Community College (CPCC).

County Manager Jones said when staff goes to Washington, they’ll have both lists. County Manager Jones said he wasn’t aware if this project was on CPCC’s list or not.

County Manager Jones explained that there are several lists of stimulus projects that have been prepared by respective governmental entities. The County has a list that it has submitted to the federal government for the stimulus package.

Commissioner Cooksey said he feels this is an important project and that thought needs to be given to how to get it funded “sooner rather than later.”

Rich Rosenthal, on behalf of CPCC, addressed this issue. He said the project is not on CPCC’s list and that they have not had an opportunity to put items on that list.

Commissioner Dunlap asked at some point would there be a prioritization of the stimulus package list.

Chairman Roberts said the Board has not prioritized the list and thus far has not been asked to prioritize it, but if there are certain projects preferred over others; this should be communicated to the County’s federal delegation.

Chairman Roberts asked that staff place this matter of prioritization of the Stimulus Package list on a future Budget/Public Policy agenda.

Commissioner Leake asked who generated the Stimulus Package list. The response was it was done by staff.

(22) AREA MENTAL HEALTH SECOND QUARTER FY 2009 REPORT

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize and receive the Second Quarter 2009 Area Mental Health Report.
### FEBRUARY 3, 2009

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<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,786,864</td>
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<td>State and Federal</td>
<td>34,051,083</td>
<td>15,067,679</td>
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<td>Third Party/Other</td>
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<td>Grants</td>
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<td>County</td>
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<td><strong>Total Revenues</strong></td>
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<td>$39,355,295</td>
<td>39.70%</td>
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</tbody>
</table>

<table>
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<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
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<td>Children's Developmental Services</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
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<td>4,243,976</td>
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<tr>
<td>Adult Mental Health</td>
<td>14,131,038</td>
<td>2,520,631</td>
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<tr>
<td>Adult Substance Abuse</td>
<td>13,417,880</td>
<td>7,797,989</td>
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<td>Local Management Entity</td>
<td>11,929,373</td>
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<tr>
<td>BHC Randolph</td>
<td>20,020,073</td>
<td>9,814,484</td>
<td>49.02%</td>
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<tr>
<td>Developmental Disabilities</td>
<td>17,831,557</td>
<td>7,670,171</td>
<td>43.01%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$99,132,098</td>
<td>$39,355,295</td>
<td>39.70%</td>
</tr>
</tbody>
</table>

**Note:** In accordance with General Statue 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented.

Commissioner Leake removed this item from Consent, in order to let the Board know that she received calls regarding Area Mental Health’s relationship with the general public. The calls have centered around constituents lack of knowledge of what services are available through Area Mental Health and knowledge of how to access those services. It’s felt that perhaps the department needs to be more visible in the community. County Manager Jones responded by saying, if Commissioners receive calls from constituents regarding the availability of services, to refer them to his office and staff will make sure they’re connected to the appropriate source.

Commissioner James, with respect to the report, said he would like to know (referencing page 12) more about substance abuse bed days, specifically as it relates to the 550 consumers receiving detox and the 118 consumers receiving residential services. He asked were these individual consumers or “repeat customers.” County Manager Jones said he would get the answer and report back.

Commissioner James said it’s been a concern of his that the County does not have a policy that limits who goes through detox, with respect to how many times one can go through detox during a given year.

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

### STAFF REPORTS AND REQUESTS

(21) MECKLENBURG COUNTY JAIL EXPANSION 2008 – CONSTRUCTION
Bryan Turner with Real Estate Services addressed the Mecklenburg County Jail Expansion 2008 Project, the construction manager selection process, and the construction manager at risk program. It was noted that the action being considered does not commit the Board to a contractual dollar amount; it’s just to approve the selection and ranking of the firms. It was noted also that staff would be back to the Board throughout this process with updates.

General Manager Michelle Lancaster also addressed this matter.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake, to defer Item 21, authorizing the County Manager to negotiate a fee and execute contracts with Balfour Beatty Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Commissioner Cogdell said his reasons for wanting to defer were as follows:
1) He feels the full Board should receive the presentations the Jail Selection Committee received with respect to this proposal. Thus, giving the full Board an opportunity to ask questions.
2) He thinks it’s putting the “cart before the horse” in light of the economy and in light of the County’s budget outlook for next fiscal year.
3) He said the current Board needs to be given the opportunity to set its priorities in light of this.
4) He said the Board needs to have some in-depth discussion with respect to where it should put its limited resources.

Commissioner Cooksey noted for the record that he worked for what was then Centex Construction Company, now Balfour Beatty, as a consultant for about six months, over five years ago. He currently does not have a relationship with them, but for transparency purposes, he wanted to disclose this. Commissioner Cooksey said he spoke with the County Attorney regarding this and it was determined that he does not have a conflict of interest in this matter.

Commissioner Bentley addressed the process the committee went through in the selection process. Commissioner Bentley said she thinks the current process works well, thus, she doesn’t understand why it’s felt the entire Board needs to go through that process, when that’s the purpose of having the committee.

Commissioner Cogdell said his motive for recommending deferral is because he feels the County doesn’t have the debt capacity to do a project of this magnitude. Commissioner Cogdell said he understands there may well be a need for another jail over the course of the next ten years, but he still doesn’t feel he’s had a sufficient amount of information and knowledge with regard to a number of issues to make a decision about who to select or the time period in which the Board should be moving forward on this. Commissioner Cogdell noted also that had he been able to attend the committee’s final meeting, he would have voted no.

Commissioner Dunlap said he doesn’t want to question the process, but he feels there are questions that Board members may have regarding the selection that would need to be answered at some point.

Commissioner Clarke encouraged the Board to move forward with the action being requested and not to defer. He spoke in support of the committee’s work. Commissioner Clarke noted that the action being requested is not about authorizing construction of a jail. He said the Board is two – three years away from that decision.

There was then discussion of how the committee was selected. What was the process used by the committee. What are the criteria for selection of a contractor.
Substitute motion was made by Commissioner James, seconded by Commissioner Bentley, to authorize the County Manager to negotiate a fee and execute contracts with Balfour Beatty / Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Secondly, that all interested parties be notified that the Board will be revisiting its capital plan, which will have an impact on how quickly or whether the County continue with the jail in phases, at all, or other things.

Commissioner Cooksey addressed the difference between a construction manager at risk and a traditional contractor. Commissioner Cooksey said he’s concerned that if the Board doesn’t move forward, then it won’t have the answers it’ll need when it looks at its capital spending over the next several years.

Commissioner Cogdell asked General Manager Lancaster to comment on the reasons why Balfour Beatty / Rodgers Builders was selected. The response was 1) Balfour Beatty brings a cohesive team that has worked together on previous projects. They were the only firm to do this. 2) Balfour Beatty brings a history of projects, six North Carolina criminal justice systems projects, none of the others did. 3) Their MWSBE participation numbers were better than the other firms.

Commissioner Cogdell said staff should have noted in the background/justification with respect to this item, the reasons outlined by General Manager Lancaster.

He stated further that he also had questions with respect to the following, which he feels they should take into consideration when making this type of selection:

1) The history of the firm, with regard to workforce development and partnering with workforce development programs
2) The number of local employees they would hire versus those that would be brought in from another location.

Commissioner Leake requested a list of the projects that Balfour Beatty / Rodgers Builders have done in North Carolina, that were jails and came within budget.

Chairman Roberts asked whether Balfour Beatty / Rodgers Builders 1) usually complete their projects on schedule and within budget, 2) done projects of this size before, and 3) have experience with LEED Certification, performance management, reducing cost of operations, energy efficient efforts, etc. The response was yes.

The vote was taken on the substitute motion made by Commissioner James, seconded by Commissioner Bentley and was unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate a fee and execute contracts with Balfour Beatty / Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Secondly, that all interested parties be notified that the Board will be revisiting its capital plan, which will have an impact on how quickly or whether the County continue with the jail in phases, at all, or other things.

Note: The Short List was as follows:

1. Balfour Beatty / Rodgers Builders
2. Bovis / Bell Associates / RJ Leeper
3. dck / Edison Foard / DE Walker Construction
Note: Commissioner Leake originally voted no, however, she asked that her vote be changed to yes. It was the consensus of the Board to allow her to do so.

(24) REFUNDING BONDS

RESOLUTION RELATING TO REFUNDING BONDS

Commissioner Bill James introduced the following resolution, which was read by its
above title:

WHEREAS, the Board of Commissioners for the County of Mecklenburg, North Carolina
(the “County”), is considering authorizing the issuance of refunding bonds of the County in an
aggregate principal amount not exceeding $300,000,000 for the purpose of providing funds, with
other available funds, for refunding all or a portion of certain outstanding general obligation bonds,
including paying expenses related thereto, and it is necessary to take certain related action at this
time;

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

Section 1. Said Board hereby finds and determines in connection with authorizing the
issuance of such bonds that (i) the issuance of such bonds is necessary or expedient in order to
realize debt service savings for the County, (ii) the principal amount of such bonds is adequate and
not excessive for the proposed purpose of such bonds because it is based upon the best estimate of
the County of the funds needed for such purpose and takes into account other funds of the County
available for such purpose, (iii) the County’s debt management procedures and policies are good and
are managed in strict compliance with law, (iv) the increase in taxes, if any, necessary to service
such bonds will not be excessive because it is expected that debt service savings will be realized in
connection with the issuance of such bonds and (v) such bonds can be marketed at reasonable rates
of interest.

Section 2. The County Manager, the Director of Finance and the County Attorney of the
County are each hereby authorized to take such actions as may be advisable in connection with
authorizing the issuance of such bonds; and all actions heretofore taken by any of such officers or
any other officer of the County relating to such matter on behalf of the County are hereby approved,
ratified and confirmed.

Section 3. The Local Government Commission is hereby requested to sell the bonds at
private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local
Government Commission determines to be in the best interest of the County, subject to the approval
of the County.

Section 4. The Board recommends the selection of the following professionals to be on
the financing team for the bonds and that their services be utilized to the extent required and where
appropriate:

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<tr>
<th>Bond Counsel</th>
<th>Robinson, Bradshaw &amp; Hinson, P.A., Charlotte, North Carolina</th>
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<tr>
<td>Underwriter</td>
<td>Wachovia Securities</td>
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<tr>
<td></td>
<td>Charlotte, North Carolina</td>
</tr>
</tbody>
</table>
FEBRUARY 3, 2009

The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. The Board will at a later date make recommendations for the selection of other persons required in connection with the issuance of the bonds.

Section 5. This resolution shall take effect immediately upon its passage.

* * * *

Upon motion of Commissioner Bill James, seconded by Commissioner George Dunlap, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Bill James moved adoption of a resolution to introduce the bond order, that motion was seconded by Commissioner Karen Bentley, and the resolution was read by the above title.

BOND ORDER AUTHORIZING THE ISSUANCE OF $300,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG

WHEREAS, the County of Mecklenburg (the "County") has issued General Obligation Public Improvement Bonds, Series 2001A, dated May 1, 2001 (the “General Obligation Public Improvement Bonds, Series 2001A”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2001A”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2001D, dated December 1, 2001 (the “General Obligation Public Improvement Bonds, Series 2001D”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2001D”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2002A, dated August 1, 2002 (the “General Obligation Public Improvement Bonds, Series 2002A”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2002A”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2002B, dated August 1, 2002 (the “General Obligation Public Improvement Bonds, Series 2002B”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2002B”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2003A, dated February 1, 2003 (the “General Obligation Public Improvement Bonds, Series 2003A”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2003A”); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding General Obligation Public Improvement Bonds, Series 2001A, Outstanding General Obligation Public Improvement Bonds, Series 2001D, Outstanding General Obligation Public Improvement Bonds, Series 2002A, Outstanding General Obligation Public Improvement Bonds, Series 2002B and Outstanding General Obligation Public Improvement Bonds, Series 2003A (collectively referred to herein as the “Bonds to be Refunded”) pursuant to and in
accordance with The Local Government Finance Act; and;

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

Section 1. The County Board of Commissioners has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

Section 2. To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be $300,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. 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.

Section 5. The bond order shall take effect upon its adoption.

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

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

The Board of Commissioners thereupon designated the Director of Finance as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Finance Act, as amended, to be filed after the bond order has been introduced and before the bond order has been adopted.

Thereupon the Director of Finance filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

* * *

ADOPTION OF BOND ORDER

Commissioner Bill James moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $300,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on February 3, 2009. The motion was seconded by Commissioner Karen Bentley and was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.
FEBRUARY 3, 2009

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Bill James moved adoption of the following resolution, the motion was seconded by Commissioner Karen Bentley, and the resolution was read by the above title.

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg, North Carolina (the “Issuer”), as follows:

1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on February 3, 2009, the Issuer shall issue its bonds in the maximum aggregate principal amount of $300,000,000.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2009A” (the “Bonds”).

3. The Bonds shall be dated their date of issuance, and shall bear interest from their date at a rate or rates that shall be determined upon the private sale of the Bonds, and interest shall be payable on August 1, 2009, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on August 1, as determined upon their sale.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

4. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on and principal of the Bonds will be payable in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository
to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

5. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

6. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

United States of America
State of North Carolina
COUNTY OF MECKLENBURG
GENERAL OBLIGATION REFUNDING BOND, SERIES 2009A

INTEREST RATE
MATURE DATE
DATE OF BOND CUSIP

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: ___________________________ DOLLARS

The County of Mecklenburg (the “County”), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the “Bond Registrar”), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2009, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until
payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose
name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of
the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and
the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the
payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General
Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as
amended, a bond order adopted by the Board of Commissioners of the County on February 3, 2009 (the “Bond Order”) and
a resolution adopted by that Board (the “Resolution”) to provide funds, together with any other funds that may be
provided, to advance refund all or a portion of the County’s outstanding General Obligation Public Improvement Bonds,
Series 2001A dated as of May 1, 2001, outstanding General Obligation Public Improvement Bonds, Series 2001D dated
as of December 1, 2001, outstanding General Obligation Public Improvement Bonds, Series 2002A dated as of August 1,
2002, outstanding General Obligation Public Improvement Bonds, Series 2002B dated as of August 1, 2002 and

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution
of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the
name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership
of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected
on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal
and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest
payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of
beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records
maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The
transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the
surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his
attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond
Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in
authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of
the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the
State of North Carolina to exist, to be performed or happen precedent to or in the issuance of this bond, exist, have been
performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is
within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are
hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under
the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local
Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of
authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile
signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a
facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated its date of issuance.

Chairman of the Board of Commissioners
(SEAL)

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of
North Carolina.
CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Order and Resolution.

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: __________________________
Authorized Signature

Date of Authentication: ____________, 2009

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: ________________________

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

7. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond
Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

8. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

9. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

10. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

11. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver an Escrow Deposit Agreement, a Bond Purchase Agreement and an Official Statement in such form as may be approved by them, their execution thereof constituting conclusive evidence of such approval. The Preliminary Official Statement and the Official Statement are hereby authorized for use in connection with the sale of the Bonds. The Director of Finance is hereby authorized to determine and approve the principal amount of the Bonds, the annual maturity amounts, interest rates and sale prices of the Bonds, and any other details necessary in connection with the sale of the Bonds.

12. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

   (a) by not later than seven months from the end of each fiscal year of the Issuer, to the Municipal Securities Rulemaking Board (“MSRB”), audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be
delivered within 15 days after such audited financial statements become available for distribution.

by not later than seven months from the end of each fiscal year of the Issuer, to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

in a timely manner, (i) prior to July 1, 2009, to each nationally recognized municipal securities information repository or to the MSRB, and to the state information depository for the State of North Carolina, if any, and (ii) on and after July 1, 2009, to the MSRB, notice of any of the following events with respect to the Bonds, if material:

(1) principal and interest payment delinquencies;
(2) non-payment related default;
(3) unscheduled draws on debt service reserves reflecting financial difficulties;
(4) unscheduled draws on any credit enhancements reflecting financial difficulties;
(5) substitution of any credit or liquidity providers, or their failure to perform;
(6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
(7) modification to the rights of the beneficial owners of the Bonds;
(8) bond calls;
(9) defeasances;
(10) release, substitution or sale of any property securing repayment of the Bonds;
(11) rating changes; and

in a timely manner, to the MSRB, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The County shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any
FEBRUARY 3, 2009

acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

Extract & Resolutions recorded in full in Minute Book 44-A, Document # _____.

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 Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:22 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
FEBRUARY 9, 2010

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, February 9, 2010.

ATTENDANCE

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

Absent: Commissioners Neil Cooksey and Bill James

- INFORMAL SESSION -

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

(1) FY11-13 STRATEGIC BUSINESS PLANNING – EFFECTIVE AND EFFICIENT GOVERNMENT

Planning and Evaluation Director Leslie Johnson addressed the FY11-13 Strategic Business Planning for the Effective and Efficient Government Focus Area. The following was covered:

2015 Performance Goals

- Bond Rating
- Employee Access to Information
- Employee Motivation & Satisfaction
- Employee Technology Resources
- Employees per Capita
- Employee Knowledge, Skills & Abilities
- Public Awareness
- Customer Satisfaction
- Tax Collection Rate
- Employee Satisfaction Parity
- Resignation Rate
- Percentage at Net County Funding
- Advisory Committee Diversity
- Stakeholder Satisfaction
- Percentage Property Tax Revenue
- Property Tax to Household Income
- Citizen Satisfaction: Input Opportunities
- Customer Satisfaction Parity
- Workforce Representation
- Competitiveness of Tax Rate to Businesses
FY09 Results and Desired Result & Corporate Strategies
FY09 Results Comments & Recommendations

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

Comments

Commissioner Dunlap with respect to Percentage at Net County Funding asked were the two departments whose expenses slightly exceeded the reduced budgets, Department of Social Services agencies. The response was no. Further, that one department was very generous in what they gave back in reductions, more than some of the other departments and it ended up being a little more difficult after that occurred; however, neither department was grossly over budget.

Commissioner Dunlap with respect to Employee Satisfaction Parity Results asked was it known why Blacks had a different opinion or a less favorable opinion about the following categories: flexibility to balance work and personal life, supervisor treats me fairly, supervisor encourages an open exchange of ideas, supervisor encourages creative thinking, supervisor is trustworthy, co-workers are trustworthy. The response was that additional analysis is done in departments where this may show up. Meetings are held with the department and their respective leadership and employees.

Commissioner Dunlap with respect to Advisory Committee Diversity asked why it was yellow. It was explained that it was yellow because although the Black/African American goal was met, the "Other" racial/ethnic population goal of 13% has not been met.

Commissioner Dunlap asked was it possible to separate the two because the yellow light makes it appear that progress has not been made, when the reality is that progress has been made. The response was perhaps it should be green/yellow.

Commissioner Dunlap with respect to Percentage Property Tax Revenue asked was the current goal realistic. The response was that’s something staff wants direction on. Staff recommends revising/setting a new target that is stretched, yet attainable given economic realities.

Commissioner Bentley with respect to Employee Motivation and Satisfaction asked about the sample size and percentage of responses. The response was 61% with over 3,000 employees responding.

Commissioner Bentley with respect to Percentage Property Tax Revenue asked who did staff benchmark against. It was explained that the target was not benchmarked. It was set based on where the County was back in 2001/2002 and the intent of the goal was to be less dependent upon the property tax and to seek opportunities to leverage partnerships, to get grants and other things like that.

County Manager Jones said the County is likely to see an increase in that percentage because the other revenue sources the County has relied upon were decreasing.

Commissioner Bentley asked about Customer Satisfaction Parity Results and staff’s response when the results are below expectations, which was addressed.

Commissioner Cogdell with respect to Property Tax to Household Income asked could the data be broken down based on percentage of property tax and then divided into a percentage based on categories of household income, for example, if you looked at a household income of $25,000 - $50,000 versus $50,000 - $75,000 versus $75,000 - $100,000. Commissioner Cogdell asked whether staff had the ability to create a data chart that would provide that type of insight. Director Johnson explained the difficulty in trying to obtain all of the necessary data to achieve that type of breakdown. It was noted that staff recommends revising the calculation methodology
FEBRUARY 9, 2010

to be based on the effective tax rate (thereby adjusting for last revaluation) and/or to report the full tax burden by including the tax rates for cities and towns.

Commissioner Cogdell with respect to Competitiveness of Tax Rate to Businesses asked why staff recommends this measure be deleted which was addressed. It was noted that staff has researched extensively potential options for operationalizing this measure. However, it does not appear there is an existing methodology that can be replicated. Staff said it welcomed any ideas Board members may have with respect to this goal.

Commissioner Leake asked about the Citizen Satisfaction: Input Opportunities results which was addressed.

Commissioner Murrey with respect to Advisory Committee Diversity asked what could be done to increase the “Other” percentage. General Manager John McGillicuddy noted efforts made on the department level. He said from a larger perspective that unlike in some of the other areas listed, there weren’t any specific strategies and accountabilities in place and dedicated resources to do this function. He said the Clerk advertises and the Board makes appointments and encourages persons to apply at the meetings. He said more could be done. General Manager McGillicuddy said recommendations would be forthcoming with respect to citizen engagement overall.

Commissioner Murrey said it was incumbent upon the Board to recognize that this was a benchmark that’s not being met. He said the Board should be more attentive of this when making appointments.

Commissioner Murrey with respect to Percentage of Property Tax Revenue said it may not be so important that the County looks at its ratios of property tax versus sales tax, as much as, the next measure of Property Tax to Household Income that’s being devoted to property or sales tax.

Commissioner Murrey said he would consider expanding that or having a second measure for sales or maybe combining property and sales and saying what percentage of household income is being extracted to the County. He said seeing that percentage would probably be more indicative. Commissioner Murrey said he recognizes that it’s probably good to separate them out because you know property tax is Mecklenburg County residents and with sales tax it’s mixed.

Commissioner Murrey with respect to Employee Satisfaction and Customer Satisfaction Parity Results asked if staff checked statistical significance for any of the differences. The response was that a disparity analysis is typically ran and that typically what’s found is that there’s generally less significance with regards to disparity in the overall results.

Commissioner Murrey asked about Competitiveness of Tax Rate to Businesses and what the Chamber does, which was addressed. General Manager McGillicuddy said if the measure was instead something like Competitiveness to Businesses then staff would probably be able to figure out how to do it, but when it’s tied to the tax rate, it’s more difficult to figure out.

Commissioner Murrey suggested perhaps the measure should be changed to just competitiveness.

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

Commissioner Clarke with respect to Percentage Property Tax Revenue recommended a goal be set of stabilizing the trend and then reversing it, “stabilizing/reverse the trend” rather than trying to pick a specific percentage; because the County doesn’t have control over intergovernmental revenues, interest rates, the sales tax rate or control over what’s subject to the sales tax rate.

Commissioner Clarke with respect to Citizen Satisfaction: Input Opportunities said he felt the opportunities for involvement were there and that people often just don’t take the time to become involved.
Commissioner Clarke asked that in the future when there are nominees for advisory committees that staff find a way to highlight the names that would increase the percentage of others, so that when the Board is looking to make appointments it would be reminded of the need to increase the “Other” percentage.

Commissioner Clarke asked for clarification with respect to data shown for Customer Satisfaction and Customer Satisfaction Parity Results, which was explained.

Commissioner Clarke with respect to data shown for Customer Satisfaction and Customer Satisfaction Parity Results suggested footnotes be included which would indicate that if you took out the results of a particular department the results would be “x.”

_The above is not inclusive of every comment but is a summary._

(2) **BUDGET UPDATE**

Budget/Management Director Hyong Yi gave a Budget Update. He was assisted by Finance Director Dena Diorio. The following was covered:

- Projected Fund Balance Draw Down
- Components of Fund Balance
- Choices and Consequences
- Actions Taken By the County Manager
- Whitewater Debt Restructuring

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

Comments

Commissioner Clarke asked what would the fund balance be at the end of the current fiscal year and how much would be over the eight percent if you drew down the full $70.7 million from fund balance to balance this year’s budget. Finance Director Diorio said fund balance would drop to $288 million from $359 million. Finance Director Diorio said it should be understood, however, not all of that fund balance was available to spend.

Finance Director Diorio said as of June 30th the amount that would be available to appropriate out of the $288 million was $85.3 million. Finance Director Diorio said anything that’s drawn down above and beyond what was planned comes off of the $85.3 million.

Commissioner Clarke asked was it correct that half of the $85.3 million was to go to pay-go. _The response was yes, according to Board policy._

Commissioner Clarke asked was it correct that traditionally the County has had a fund balance that was more than the eight percent. _The response was yes._

Finance Director Diorio said fiscal year 2009 was the first year the County had to draw down fund balance since 2003. She said the concern staff had was that the continued draw down of fund balance would basically eliminate all of the County’s available reserves. Thus, staff was trying to mitigate that as much as possible.

Commissioner Dunlap asked for further clarification about fund balance which was addressed.

_Consideration: Clarke left the meeting and was absent for the remainder of the meeting._

Commissioner Murrey suggested having a fund balance primer at the Strategic Planning Conference.

Commissioner Dunlap asked for clarification on the County Manager’s actions with respect to
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directing Department/Agency Directors to identify 5% in reductions and asked was it across the board. *It was explained that the 5% may not be across the board.*

Commissioner Bentley said she would like to see all funding sources for departments, Charlotte-Mecklenburg Schools, and Central Piedmont Community College.

Commissioner Murrey with respect to fund balance said he would like to know what would be the consequences of drawing down the $70.7 million in fund balance. *Staff said it would provide the Board with a response at the next budget/public policy workshop.*

Chairman Roberts said what was shared regarding Whitewater was good news.

*The above is not inclusive of every comment but is a summary.*

**ADJOURNMENT**

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and carried 5-0 with Commissioners Bentley, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:07 p.m.

____________________
Janice S. Paige, Clerk

____________________
Jennifer Roberts, Chairman
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, February 16, 2010.

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 -

Chairman Roberts, Commissioners Bentley and Dunlap were absent when the meeting was called to order and until noted in the minutes.

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

(1) STAFF BRIEFINGS – NONE

(2A, B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: Francis Hamlin v. Mecklenburg County and Mecklenburg County v. Time Warner Cable Entertainment-Advance/New House Partnership.

Motion was made by Commissioner James, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, James, Leake, and Murrey voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:05 p.m. and came back into Open Session at 6:03 p.m.

Commissioners Bentley, Dunlap and Chairman Roberts were present when the Board came back into Open Session. They entered 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 8, 9, 11, 14, 15, 16, 17, 18, 22, 24, 26, and 31.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

(1A) GREAT AMERICAN CLEAN UP FOR KEEP MECKLENBURG BEAUTIFUL

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a Proclamation designating March 1 through May 31 as the Mecklenburg County “Great American Clean Up.”

The proclamation was read by Chairman Roberts and received by Jake Wilson, Executive Director of Keep Mecklenburg Beautiful, Land Use & Environmental Services Agency (LUESA), Solid Waste Division.

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

(2) PUBLIC APPEARANCE

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

Laura Maschal, accompanied by her brother, Ben Maschal, presented a valentine’s card to Commissioner James on behalf of Gay and Gay Friendly Charlotteans, which said “Gay is Ok.” Ms. Maschal informed Commissioner James that his “inflammatory” statements over the last few months, shows he has some “work to do” to better support all of his constituents. Ms. Maschal said the Charlotte Rainbow Action Network for Equality was offering its support to help him begin that process. She said the first step would be to “embrace respect” even for those with whom he disagree and to stop using anti-gay slurs. Further, that if Commissioner James needs a descriptor, they were fine with the word “gay.” Ms. Maschal said “all of us, gay or straight, can and should feel loved, no matter whom we love.” She said they would be checking in with Commissioner James, in hopes that he would turn his “attitude” around and treat them as fellow Charlotteans and worthy of his respect. Ms. Maschal informed Commissioner James that they would be happy to speak with him if he liked and that they could be reached at RainbowAction.Org.

Commissioner Cooksey left the dais during Ms. Maschal’s remarks and was away until noted in the minutes.

(3A) APPOINTMENTS

INFORMATION SERVICES & TECHNOLOGY COMMITTEE
Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Paul Rossi to the Information Services and Technology Committee for a three-year term expiring February 28, 2013. Secondly, to nominate and appoint Jeff Beebe to the Information Services and Technology Committee for a three-year term expiring February 28, 2013.

*Mr. Beebe replaces Jon Vordermark.*

PERSONNEL COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Jerry Brown to the Personnel Commission to fill an unexpired term expiring November 30, 2010 and Deborah Jackson to fill an unexpired term expiring January 31, 2012.

*They replace Carolyn Green and John McLeod.*

TRANSIT SERVICES ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Edward Jernigan to the Transit Services Advisory Committee for a three-year term expiring February 3, 2013.

WOMEN’S ADVISORY BOARD

Commissioner Bentley nominated all applicants for appointment consideration to the Women’s Advisory Board.

Natalie Bingham, Deborah Bosley, Takisha Boyd, Victoria Chopra, Jenifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Jill Dinwiddie, Deborah Early, Laura Everett, Andrea Ferguson, Beverly Foster, Bliss Green, Alice Jackson, Deborah Jackson, Kathryn Johnson, Angela Joyner, Marguerite King, Sharon Lachow-Blumberg, Brook Maybach, Simona Mitchell-Kelly, Mary Murphy, Mariana Nunez, Letisha Perry, Jacquelyn Powell, Constance Purcell, Stacey Rose, Bellverie Ross, Sandra Saburn, Deborah Snowdon, Melba Streeter, Janie Sumpter, Heather Swindells, Gay Thornton, JoeAnna Trotman, Melissa Wansker, Catherine Ann Wargo and Mimi Zelman.

*Note: Appointments will occur on March 2, 2010.*

(4) PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

*Commissioner Cooksey returned to the dais.*

(5A) DOMESTIC VIOLENCE ADVISORY BOARD 2009 ANNUAL REPORT

The Board received the 2009 annual report of the Domestic Violence Advisory Board (DVAB).
Marage Blakeney, Chairman of the Domestic Violence Advisory Board and members Patrick Burris, Joe Marinello, Julie Owens, and Elizabeth Trosch gave the report.

The DVAB made the following recommendations:

1. Continue to identify Domestic Violence (DV) as a priority safety and health issue with data on scorecard for Mecklenburg County. This is related to funding to update data in DV Warehouse.

2. Charlotte Mecklenburg Police Department re-institute Baker 1 project to monitor high-risk DV perpetrators with dedicated police assignments.

3. Continue hotel shelter when United Family Services (UFS) shelter is full and families are in imminent danger (a Collaboration of Community Support Services – Women’s Commission and United Family Services).

4. Continue support for planning a new DV emergency shelter(s) and transitional housing.

5. Sheriff’s Department assign a representative to the Domestic Violence Advocacy Council.

6. Continue to allow low-income perpetrators are able to “pay” for Abuser Intervention Program with community service.

7. Fund or support grant applications to fund a supervised visitation and custody exchange center.

8. Look for funding opportunities for
   a. DV coordinator for city/county services
   b. Supervised visitation/child exchange center
   c. North Mecklenburg Magistrate.

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

Comments

Commissioner Bentley addressed the need for a North Mecklenburg Magistrate. Commissioner Bentley noted that last year a location had been secured and everything was in place for this to occur, but the position was frozen at the state level. Commissioner Bentley said in light of that, and per a meeting between she, Commissioner Cogdell, Judge Lisa Bell, Jeff Tarte, Mayor of Cornelius, Sheriff Bailey, and the Chief Magistrate of Mecklenburg County, the following next steps were recommended: 1) To include the unfreezing of magistrate positions in the County’s legislative agenda, which she plans to bring forward. 2) To ask the Police Chiefs in Huntersville, Cornelius, and Davidson to provide data to her, Commissioner Cogdell, Judge Lisa Bell, and the Chief Magistrate regarding the number of domestic violence cases from their respective areas. 3) In the short term, that local victim services be increased.

Commissioner Cogdell noted in addition to Commissioner Bentley’s comments, that even if the County were in a position to consider possibly funding a position of this nature, it would require a change in state law to fund a judicial position. Further, he hopes, too, that this would be on the County’s legislative agenda.
Commissioner Cogdell said he hopes the recommendations of the DVAB will be referred to the Board’s Criminal Justice Committee for further review, to determine what the County can and cannot implement.

Commissioner Cogdell asked had there been any discussion regarding having a law enforcement officer or a special prosecutor from the District Attorney’s Office to look into witness intimidation issues. DVAB member Elizabeth Trosch said she couldn’t say that they identified witness intimidation as a separate issue, but it was discussed. Per those discussions, it was realized that the lack of sufficient victim assistance positions has an impact on this issue, as well as, a lack of resources in the District Attorney’s Office to provide victims services support in misdemeanor cases in district court. It was noted that it’s difficult data to collect or capture, in light of the fact many witnesses for whatever reasons, either fail to prosecute by attending trial hearings or recant on the stand.

DVAB member Julie Owens said per the data that’s recorded in the media, there’s a suggestion that violent crimes was down, but that domestic violence is never included in that because it’s almost always charged as a misdemeanor.

Commissioner Leake asked about efforts to work with the school system on educating students around the issue of domestic violence. Commissioner Leake also asked what would be the top three priorities out of the eight recommendations made.

DVAB member Joe Marinello addressed an initiative to reach out to youth, called Coaching Boys into Men. He said the purpose is to identify men within various church denominations through their pastors, to come into a safe setting where they can be trained and then sent back to their respective congregations to disseminate information to their congregations, especially the youth and become mentors.

Commissioner Murrey asked had the frequency of domestic violence rapidly gone up in the last year. The response was yes and that financial burdens only exasperate, problems that already exist.

Commissioner Cooksey expressed to the County Manager his hope in the upcoming budget that the County would be able to assist with funding some of the recommendations presented by the DVAB.

Chairman Roberts thanked the Domestic Violence Advisory Board for their report.

No action taken or required at this time.

(5B) SMALL BUSINESS STRATEGY PLAN

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Economic Development Committee’s recommendation that Mecklenburg County join with the City of Charlotte to develop a Small Business Strategy Plan in collaboration with its economic development partners including the Charlotte Chamber, Central Piedmont Community College and others.

John Allen, Economic Development Director presented this matter to the Board.

Prior to the above vote:

Commissioner Leake asked the following questions: Would there be a fee to persons who want to be a part of this? How will this impact the success of small businesses? How can the County help small businesses to be successful? Director Allen said the purpose of this action was to determine what efforts could be undertaken to help small businesses and improve their growth.
and survival.

Commissioner Cogdell said this was just authorization to go out into the community and partner with other agencies to solicit specific input to address the issues mentioned by Commissioner Leake.

Commissioner Bentley asked about the inclusion of the northern towns, Huntersville, Cornelius, and Davidson, the Lake Norman Economic Development Corporation and the Lake Norman Chamber of Commerce in this process. Commissioner Bentley said these entities were pursuing a similar plan. Commissioner Bentley said she would like staff to involve the northern towns, Huntersville, Cornelius, and Davidson, and the Lake Norman Economic Development Corporation and the Lake Norman Chamber of Commerce. Director Allen said he would contact them.

MANAGER’S REPORT

(6A) BUDGET UPDATE

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi gave the update:

The following was covered:

- Assumptions
- Projection Scenarios
  1) No Growth (starting gap $15.9 million) 2) Lower Revenues 3) No Fund Balance Use
- Things Not Included in Scenarios
- Known County Increases ($16.8 million)
- Scenario Choices and Consequences
- Strategic Issues/Decisions
  - Capital Management
  - Funding Strategy
  - Revenue Options
  - Economy/Jobs/Layoffs
  - Employee Compensation
  - Other Revenues
  - Education Services
  - Law Enforcement Service District

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

County Manager Jones noted that next year’s budget process could not be looked at as a “mathematical” exercise. County Manager Jones said it has to involve the Board and staff working to be clear about what the Board’s priorities are for the community going forward.

Comments

Commissioner Cooksey asked about Revenue Sources, specifically, net property tax and sales tax, and the assumption that they would remain flat. Director Yi said staff would address this more specifically at next week’s Strategic Planning Conference, but to keep in mind that the County needs to be prepared for a low growth or no growth situation.

Commissioner Cooksey asked about Strategic Option 2 – Only Build Critical Facilities and what the capital expenditure might be. County Manager Jones said the number the Board has
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discussed was the sale of $150 million worth of capital. Also, the Board was given some preliminary numbers and was going to come back and adjust and allocate by percentage.

County Manager Jones said staff would not get into detail discussion about this at the Strategic Planning Conference because that discussion would occur later as staff gets better numbers on the budget. He said what’s going to drive the discussion was examining the percent of debt versus the total operating budget. He said that number could be lower.

Commissioner Bentley asked about the Known County Increases, specifically, Market Adjustments. She asked what was the total number of employees that would have experienced a market adjustment in their pay. Director Yi said staff would report back with an answer.

Commissioner Bentley asked about managing health benefit costs and what was being done to really “look outside the box.” She said this was something the County needed to focus on.

Commissioner Bentley asked about the Law Enforcement Service District (LESD) and what the total budget impact was last year. Director Yi said it was around $15 million.

Commissioner Bentley, with respect to LESD asked was the $1.5 million addressed in the presentation over and above that. Director Yi said no, it’s the gap that has to be filled.

Commissioner Bentley said as she’s addressed before, there needs to be some dialogue with the police chiefs in the northern part of the County on what can be done with the unincorporated areas within their sphere of influence, with the exception of Davidson because they’re content with what they’re doing.

Commissioner Dunlap asked for clarification regarding how is it with the new jobs that have been created in the community and homes sales picking up, that staff still projects no revenue increase. Director Yi said this would be discussed next week at the Board’s Strategic Planning Conference.

Commissioner Dunlap commented on Law Enforcement Services and Fire Services in the unincorporated area. Commissioner Dunlap said he’s been looking for a formula that basically suggests what the County’s annual cost was. Commissioner Dunlap said as the City continues to annex and there are smaller areas to protect, yet the costs continue to rise. He said if this could be determined, then the County would know if it’s being overcharged. Director Yi said staff could do a briefing on how the law enforcement service district works because there is a formula.

Commissioner Dunlap asked did they meet 99% of their goal. General Manager Lancaster said yes, but that goal was not applicable to the revenue rate that the County would receive from the federal government. Director Lancaster said it’s an arbitrary goal that the state sets.

Chairman Roberts said it doesn’t mean 99% of the cases. Director Lancaster said that was correct, it doesn’t.

Commissioner Dunlap asked if Child Support Enforcement collected 99% collection rate. General Manager Michelle Lancaster said the 99% collection rate referenced by Commissioner Dunlap was based on the annual goal that the state sets, which was not a reimbursable statistic for Child Support Enforcement. Further, it’s not one of the nine measures that are factored into the reimbursement rate.

Commissioner Dunlap asked did they meet 99% of their goal. General Manager Lancaster said yes, but that goal was not applicable to the revenue rate that the County would receive from the federal government. Director Lancaster said it’s an arbitrary goal that the state sets.

Chairman Roberts said it doesn’t mean 99% of the cases. Director Lancaster said that was correct, it doesn’t.

Commissioner Dunlap asked if Child Support Enforcement collected $47 million, what could they have possibly collected at 100%. General Manager Lancaster said the potential, with their case load, has to be $75 - $80 million.
Commissioner Dunlap said he wanted to know how much more of that amount does the County collect with each staff person and/or what is it that’s improved with the additional staff. General Manager Lancaster said the County would improve by receiving a larger drawdown from the federal government.

General Manager Lancaster said the better the County does in the nine-factor scoring, the more revenue the County is able to collect to offset the County expense.

Commissioner Dunlap asked was that from the federal government and not the “deadbeat” parent. General Manager Lancaster said that dollar amount doesn’t offset the County’s cost at all. She said the County’s cost is only offset by meeting the targets that the federal government has outlined.

Commissioner Dunlap asked was it cost effective to add the additional staff to increase the amount of funds the County draws down from the federal government. The response was yes.

Commissioner Cogdell asked for clarification with respect to Other Revenues (as of 12/31/09) and projections, which was addressed.

Commissioner Cogdell said it’s going to be very important to be realistic on the projections in the next budget.

Commissioner Cogdell asked was there some ratio that for every one dollar of a capital project, the County has “x” amount of debt service. For example if the County issued $150 million in capital debt, what would it cost to service that debt in the budget. Also, if a portion of the $150 million or all of it got delayed, how would that impact the gap. Director Yi said staff would report back with an answer.

Commissioner Clarke asked about the issuance of bonds in 2011, with respect to when the interest payment would be required. Director Yi said if bonds were issued in fiscal year 2011, the County wouldn’t pay interest or principal on it until 2012.

Commissioner Clarke asked that the Other Revenues (as of 12/31/09) and the Revenues & Expense Preliminary Guesstimate spreadsheet be consistent.

Commissioner Clarke said the state was looking at some tax reform measures that would involve expanding the base of what is subject to the sales tax and if that occurs, would that increase the County’s sales tax next year. Director Yi said from a conceptual standpoint, not knowing how it would apply to the County, that if the rate remains the same and you expand the base to which that tax applies, then you would generate more revenue.

Commissioner Clarke requested the 09 adopted budget numbers be provided at next week’s Strategic Planning Conference as it relates Other Revenues and the associated projection/variance and for Revenues & Expense Preliminary Guesstimate information, in order to see what the trend has been.

Commissioner James asked about Other Revenues (as of 12/31/09) and the deficit of $24,826,976. Commissioner James said if it holds for the remainder of the fiscal year, the deficit would be $50 million.

Commissioner James said he wanted to know what management’s view was on taking back part of Charlotte Mecklenburg Schools and Central Piedmont Community College funds to make up for the gap.

County Manager Jones said for the current fiscal year, staff continues to evaluate the revenue picture. County Manager Jones said he didn’t dismiss the possibility of having to discuss with CMS the reverting of funds, but that it’s not something that staff has considered to date.
Commissioners Bentley and Cooksey left the meeting and were absent for the remainder of the meeting.

Commissioner James asked when would the Christmas/New Year’s sales information be available. The response was this week, perhaps and if received timely enough to get it into a presentable format for next week’s Strategic Planning Conference, staff would provide it.

Commissioner James asked about the priority levels and the dollar amount in Priority Seven. Director Yi said he didn’t recall.

Commissioner James said he recalled there was very little money in Priority Six and Seven and even if you eliminated all of Priority Six and Seven, it really doesn’t make much of an impact on the budget.

Commissioner James said he doesn’t feel a tax increase should be on the table for consideration.

Commissioner James said with respect to the Law Enforcement Service District, it’s a percentage of the Charlotte-Mecklenburg Police Department budget. Thus, it’s not just pay raises that results in a tax to the unincorporated area. He said the problem was with the way the tax was calculated. He said it’s not based upon the actual service, meaning when they actually show up in the unincorporated area. Commissioner James said it has to do with the way the interlocal agreement was structured.

Commissioner James said he supports letting the towns provide service to the unincorporated area.

Commissioner James said two things that have increased the County’s deficit was the non-privatizing of Child Support Enforcement and providing Domestic Partner Benefits.

Commissioner James asked what’s the appropriated excess fund balance that’s estimated to be available on June 30, 2010. Director Yi said about $85 million.

Chairman Roberts said in response to Commissioner James’ question regarding the amounts in Priority Six and Seven, was $3 million in Priority Seven and if you eliminated Priorities Five, Six, and Seven it would be $20 million.

This concluded the discussion.

The above is not inclusive of every comment but is a summary.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) HUMAN SERVICES STRATEGIC PROCESS (COMMISSIONER MURREY)

Commissioner Murrey addressed the potential next steps for a “Human Services Strategic Process.”

The following was covered in the presentation:

Note: Over the past several months, a number of County Commissioners have met with constituents, other elected bodies, funders, and providers in the Human Service sector. In addition, the Foundation for the Carolinas (FFTC) has generously shared the results of the evaluation of local non-profits they commissioned by the Bridgespan Consulting group. These meetings have been in response to a sense within the community and the sector that human services could be delivered in a more efficient, productive, and cohesive way if the tools were in place to coordinate the activities of the many nonprofit and government organizations involved.
This report seeks to summarize some of the information collected in these meetings and to offer some potential next steps. The overarching goal of this process would be to enhance the efficiency and effectiveness of the human services sector and to enhance the independence of the clients it serves.

- The Vision – To create a smooth continuum of service that helps propel clients toward independence
- Common Themes That Evolved
- Non-Profit Inventory in Mecklenburg County

**Proposed Action Steps**
- Funder’s Collaborative
- Data Warehouse for Sharing Information
- Provider’s Collaborative

**Next Steps – County’s Involvement**
- Funder’s Collaborative – Direct staff to work with City of Charlotte and Charlotte-Mecklenburg Schools staff this budget season to divide outside agency funding by service sector or organization
- Present proposal to Charlotte City Council and towns (Huntersville, Cornelius, and Davidson)
- Participate in larger funder’s collaborative when convened
- Solicit funding for facilitated provider collaborative
- Data Warehouse – Direct staff to issue a Request for Proposal for proof of concept project
- Solicit Grant Funding

**Provider’s Collaborative**
- Work with stakeholders to choose facilitator
- Work with facilitator to convene sector meetings

**Expectations for work product**

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell, to 1) Direct staff to work with City of Charlotte and Charlotte-Mecklenburg Schools staff, this budget season, to divide outside agency funding by service sector or organization; 2) Direct staff to issue a Request for Proposal for proof of concept project to see what it would cost and what would be the best candidates for doing a pilot project for the Data Warehouse, with the understanding that other thing would be to get involved in the larger funder’s collaborative when convened and to communicate this information to the other elected bodies, the service providers, and the funders.

Chairman Roberts said in light of staff having to start a very involved budget process, and since there were other large groups in the community doing work in this area, such as The Foundation For The Carolinas, was it possible or has it been done to identify a different group to be the lead convener of the three main initiatives; so, the County won’t be trying to lead three different initiatives at a time when everyone is stretched.

Commissioner Murrey said he had not made any assumptions regarding who would lead the process which was why he left it open. He said he sees this as something that requires involvement and engagement of not just the County, but the large funding foundations and other elected bodies also. Commissioner Murrey noted that The Foundation for The Carolinas had been involved in the development of the proposal. Commissioner Murrey said he felt once this begins there would be multiple leaders. Commissioner Murrey acknowledged that the County can’t do it alone.

County Manager Jones said he liked the recommendation for coordination between the County, CMS, and the City of Charlotte regarding outside agency funding. County Manager Jones said there were a number of outside agencies that seek funding from various sources. County Manager Jones said if the County could determine some way to be responsible for “some category” of human services funding and try to clean up through the interlocal agreement with the City of Charlotte, outside agencies would then have one portal of entry.
Commissioner Murrey said if that was done, the County needs to make sure it’s not giving them a “free reign” to reduce their funding overall for this sector because that’s not the point. Commissioner Murrey said the point was to make sure it’s done in a way that increases accountability and efficiency, which he said were points made by Commissioner Bentley at the committee meeting.

General Manager Michelle Lancaster said there was a lot of interest in the community around this process. General Manager Lancaster reminded the Board also that included in the County Manager’s work plan for this year was something around a human services strategic planning process. Thus, for staff it fits perfectly in giving some direction to go forward, so that activity could be accomplished this fiscal year.

Comments

Commissioner Dunlap asked about the involvement of stakeholders and did action need to be taken now, which was addressed.

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

Commissioner Clarke said he shared the Chairman’s concern of taking on something this complex at this time but would support moving forward.

The vote was then taken on the motion which was as follows:

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to 1) Direct staff to work with City of Charlotte and Charlotte-Mecklenburg Schools staff this budget season to divide outside agency funding by service sector or organization; 2) Direct staff to issue a Request for Proposal for proof of concept project to see what it would cost and what would be the best candidates for doing a pilot project for the Data Warehouse, with the understanding that other thing would be to get involved in larger funder’s collaborative when convened and communicate this information to the other elected bodies, the service providers, and the funders.

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

(6B) GLOBAL DISASTER ASSISTANCE PLAN

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve the amended Disaster Response Policy.

Note: The amendment permits, under certain limited circumstances, Mecklenburg County employees that seek to volunteer a specialized skill that is needed by an international or domestic community facing a catastrophe disaster following a natural or man made event to take a temporary leave of absence from County employment.

Human Resources Director Chris Peek presented this matter to the Board.

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

(6C) AREA MENTAL HEALTH REductions IN Force

Grayce Crockett with Area Mental Health addressed reductions in force for the Child and Adolescent Community Support Services for children in the custody of the Department of Social Services. The following was noted:
The County was in the process of eliminating the Community Support Services provided through Area Mental Health and were contracting it out to private providers in the community.

This was being done based on changes the state has made.

There are qualified and competent providers in the community to provide these services.

The County was contracting out through Alexander Youth Network, at the request of the Department of Social Services, the Community Support Services for children in Youth and Family Services custody.

The County was contracting with other providers in the community for services for adults.

The County can no longer afford to provide this service because it doesn’t have the volume needed in order to operate this service efficiently and effectively.

Thus, there will be a reduction in force that would impact approximately 27 employees who would be placed in Reduction In Force (RIF) status, effective February 23, 2010.

In November 2010 there were 13 employees impacted.

The state was in the process of making dramatic changes to the case management provided to consumers and the RIF was a part of the impact of those changes.

Community Support Services will end across the state by June 30, 2010 and at that time the state is anticipating they would have a new service in place called Case Management.

Per the state, in order to provide Case Management services you’re going to have to be a Critical Access Behavioral Health Agency.

There were lots of requirements that the County as Area Mental Health was not able to meet.

Comments

Commissioner Dunlap asked how was the contractor selected. The response was there were two separate process. With respect to the children, the guardian selects the contractor and the Department of Social Services chose Alexander Youth Network. With respect to the adults, they were given a choice via a list of all of the providers in the community and Area Mental Health helped facilitate that transition for them.

Commissioner Dunlap asked was there a Request for Proposal. The response was no.

Commissioner Dunlap said he’s familiar with Alexander Youth Network and they’re competent, but he still wanted to know the process used in the selection. The response was the Department of Social Services Youth and Family Services Division made the decision because they are the “guardians” for the children. The decision was not made by Area Mental Health (AMH), but AMH did consult with the Department of Social Services with respect to which agency in the community had the capacity and the infrastructure to absorb the sudden influx of this number of children for services.

Commissioner Dunlap said his concern was that there were other agencies in the community who felt the County did something “underhanded.” Commissioner Dunlap said in the future the process needs to be more transparent and all agencies should be given the opportunity to compete fairly.

Commissioner Leake asked was there a form of evaluation. The response was the County would be doing a contract with Alexander Youth Network with deliverables that they would have to meet, especially in terms of working with Youth and Family Services and appearances in court. Further, that if they don’t meet that criteria, then the County would take action. It was noted Alexander Youth Network has a good reputation, good outcomes and a broad array of services.

Commissioner Cogdell said he echoed Commissioner Dunlap’s concern with respect to the process being transparent, however, he’s confident the agency staff selected was well qualified.
This concluded the discussion.

No action was taken or required. This was an update only.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve the following item(s) with the exception of Items 8, 9, 11, 14, 15, 16, 17, 18, 22, 24, 26, and 31, to be voted on separately:

(7) APPROVAL OF MINUTES


(10) SHERIFF’S OFFICE AGENCY FUND AND SPECIAL REVENUE FUND

1) Approve closing the Sheriff’s Inmate Medical Treatment Agency Fund and authorize the transfer of the remaining balance of $26,988 to the General Fund.

2) Approve the establishment of the Sheriff’s Office Agency Fund to account for inmate trust funds, inmate work release funds, and the Sheriff’s Civil Execution funds.

3) Approve the Sheriff’s Office Agency Fund Ordinance.

4) Approve the revision to the Sheriff’s Office Special Revenue Fund Ordinance to restrict the use of the funds.

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

(12) UNITED STATES MARSHALS SERVICE VEHICLE EQUIPMENT—SHERIFF’S OFFICE

Recognize, receive and appropriate $5,000 from the United States Marshals Service (USMS) for vehicle equipment.

Note: The Mecklenburg County Sheriff’s Office has a Deputy Sheriff assigned to the USMS District Fugitive Task Force (DFTF). The USMS received funding to purchase equipment for a vehicle donated to the Sheriff’s Office specifically for this Deputy Sheriff assigned to DFTF.

(13) PURCHASE OF VIDEO ARRAIGNMENT SYSTEM—SHERIFF’S OFFICE

Approve the purchase of a replacement Video Arraignment System for $128,135 from Hagemeyer North America using the U. S. Communities Cooperative Purchasing Agreement.

(19) GREENWAY DONATION – MCINTYRE CREEK TRIBUTARY

Accept the donation of Tax Parcels 037-283-01 through 037-283-11, 037-283-98 and 037-283-99 (+/- 9.3 acres) on McIntyre Creek Tributary from B.V. Belk Investments, Ltd.

Note: The subject parcels are adjacent to Hornet’s Nest Park, on the south side of McIntyre Creek. This donation includes 12 undeveloped residential lots in addition to a required 6.69-
(20) LAND CONVEYANCE TO CITY OF CHARLOTTE

Approve conveyance of Tax Parcel 057-061-01 (+/- 0.21 acre) to the City of Charlotte to facilitate the Freedom Drive roadway improvement project.

(21) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT APPLICATION

1) Approve submitting the County’s FY10 CAA Section 103 Special Purpose federal grant application.

2) Upon award of grant, recognize, receive and appropriate the CAA Section 103 funds awarded.

(23) AREA MENTAL HEALTH BUDGET AMENDMENT (INCREASE)

A) Recognize, receive and appropriate cash donations in the amount of $500 for an AMH public service and information event.

B) Approve receipt of donated furniture, home accessories and other goods, approximate value of $10,000 for Area Mental Health MeckCARES participants to be distributed to program participants.

C) Recognize, receive and appropriate Medicaid funds in the amount of $484,000.

(25) SYNTHETIC TURF FIELD IN REVOLUTION PARK – PARK AND RECREATION

Authorize expenditure of $15,000 from Park & Recreation Capital Reserve funds for the provision of repairing the synthetic turf athletic field in Revolution Park.

(27) REFUNDING BONDS

Note: This action will authorize and provide for the issuance of up to $200 million in bonds to refund outstanding bonds maturing in 2018-2026. The County has the opportunity to refinance through this refunding bond issue some maturities of the 2007A and 2008B general obligation bond issues which will lower the interest rate, and therefore, generate savings to the debt service budget presently estimated to be $6.2 million, net present value $3 million, over the life of the bonds. The refunding sale date is scheduled for February 23, 2010.

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner George Dunlap moved adoption of the following resolution and the motion was seconded by Commissioner Dumont Clarke.

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Mecklenburg, North Carolina (the “Issuer”), as follows:
1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on January 20, 2010, the Issuer shall issue its bonds in the aggregate principal amount of $116,145,000, subject to adjustment as hereinafter provided.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2010A” (the “Bonds”). The Bonds shall be dated March 16, 2010, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on August 1, 2010, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on February 1 as follows, subject to adjustment as hereinafter described:

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>$455,000</td>
</tr>
<tr>
<td>2012</td>
<td>475,000</td>
</tr>
<tr>
<td>2013</td>
<td>495,000</td>
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<tr>
<td>2014</td>
<td>515,000</td>
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<tr>
<td>2015</td>
<td>535,000</td>
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<tr>
<td>2016</td>
<td>555,000</td>
</tr>
<tr>
<td>2017</td>
<td>580,000</td>
</tr>
<tr>
<td>2018</td>
<td>8,240,000</td>
</tr>
<tr>
<td>2019</td>
<td>$20,190,000</td>
</tr>
<tr>
<td>2020</td>
<td></td>
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<td>2021</td>
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<td>2024</td>
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<tr>
<td>2025</td>
<td></td>
</tr>
<tr>
<td>2026</td>
<td></td>
</tr>
</tbody>
</table>

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, each Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

3. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable at the times stated in the preceding paragraph, and principal of the Bonds will be paid annually on February 1 as set forth in the above maturity schedule, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of
the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

4. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

5. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

NO. R- $__________

United States of America
State of North Carolina
COUNTY OF MECKLENBURG
GENERAL OBLIGATION REFUNDING BOND, SERIES 2010A

INTEREST RATE MATURITY DATE DATE OF BOND CUSIP

March 16, 2010

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: ________________________ DOLLARS

The County of Mecklenburg (the “County”), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the “Bond Registrar”), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August
1, 2010, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on January 20, 2010 (the “Bond Order”) and a resolution adopted by that Board (the “Resolution”) to provide funds, together with any other funds that may be provided, to advance refund all or a portion of the County’s outstanding General Obligation Public Improvement Bonds, Series 2007A dated as of February 1, 2007 and outstanding General Obligation Public Improvement Bonds, Series 2008B dated as of February 1, 2008.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated March 16, 2010.

Chairman of the Board of Commissioners
(SEAL)

Clerk to the Board of Commissioners
CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary,
Local Government Commission
CERTIFICATE OF AUTHENTICATION
FEBRUARY 16, 2010

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Order and Resolution.

COUNTY OF MECKLENBURG  
DIRECTOR OF FINANCE, as Bond Registrar

By:  

Authorized Signature

Date of Authentication:  March 16, 2010

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:  

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

6. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the
registered owner thereof or his legal representative. All such payments shall be valid and effectual to
satisfy and discharge the liability upon that Bond and interest thereon, to the extent of the sum or
sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make
such other arrangements as may be necessary for the registration, registration of transfer and
exchange of Bonds within a reasonable time according to commercial standards then applicable and
for the timely payment of principal and interest with respect to the Bonds. The Director of Finance
of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds
(collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to
appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East
Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration,
registration of transfer, exchange and payment of the Bonds as provided in this resolution.

7. The Issuer hereby reserves the right to increase or decrease the principal amount of
any maturity of the Bonds to be sold as described in the Notice of Sale relating to the Bonds.

8. The actions of the Director of Finance of the Issuer and others in applying to the Local
Government Commission of North Carolina to advertise and sell the Bonds and the action of the
Local Government Commission of North Carolina in asking for sealed and electronic bids for the
Bonds by publishing notices and printing and distributing the Preliminary Official Statement and the
Official Statement relating to the Bonds are hereby ratified and approved. That Preliminary Official
Statement is hereby approved, and the Chairman of the Board of Commissioners, the County
Manager and the Director of Finance of the Issuer are each hereby authorized to approve changes in
the Preliminary Official Statement, to approve the Official Statement, and to execute the Official
Statement for and on behalf of the Issuer. The Preliminary Official Statement is deemed to be a final
official statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission,
except for the omission of certain pricing and other information to be specified in the Official
Statement.

9. The Chairman of the Board of Commissioners and the Clerk to the Board of
Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause
the Bonds to be prepared and, when they shall have been duly sold by the Local Government
Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided
herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the
Local Government Commission.

10. The Issuer covenants to comply with the provisions of the Internal Revenue Code of
1986, as amended (the “Code”), to the extent required to preserve the exclusion from gross income
of interest on the Bonds for federal income tax purposes.

11. The Chairman of the Board of Commissioners and the Clerk to the Board of
Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and
directed to execute and deliver for and on behalf of the Issuer any and all financing statements,
certificates, documents or other papers and to perform any and all acts they may deem necessary or
appropriate in order to carry out the intent of this resolution and the matters herein authorized.

12. The Issuer hereby authorizes the officers of the Issuer designated therein to execute
and deliver an Escrow Deposit Agreement in such form as may be approved by them, their execution
thereof constituting conclusive evidence of such approval.

13. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to
provide to the Municipal Securities Rulemaking Board (“MSRB”):

a. by not later than seven months from the end of each fiscal year of the Issuer, audited
financial statements of the Issuer for such fiscal year, if available, prepared in
accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.

b. by not later than seven months from the end of each fiscal year of the Issuer, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

c. in a timely manner, notice of any of the following events with respect to the Bonds, if material:

1. principal and interest payment delinquencies;
2. non-payment related default;
3. unscheduled draws on debt service reserves reflecting financial difficulties;
4. unscheduled draws on any credit enhancements reflecting financial difficulties;
5. substitution of any credit or liquidity providers, or their failure to perform;
6. adverse tax opinions or events affecting the tax-exempt status of the Bonds;
7. modification to the rights of the beneficial owners of the Bonds;
8. bond calls;
9. defeasances;
10. release, substitution or sale of any property securing repayment of the Bonds;
11. rating changes; and

d. in a timely manner, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The Issuer shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Issuer may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:
FEBRUARY 16, 2010

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

14. The investment banking firm of First Southwest Company is hereby authorized to serve as financial advisor to the Issuer (the “Financial Advisor”) in connection with sale and issuance of the Bonds. The Financial Advisor and its affiliates are hereby expressly authorized to bid for the purchase of the Bonds.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Vilma Leake, and Jennifer Roberts

NAYS: None

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(8) NC DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION – JCPC FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate grant award of $567,985 from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County JCPC.

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

(9) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY2010 FUNDING REDUCTION

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve a reduction in funding of $74,510 as recommended by the Mecklenburg County Juvenile Crime
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Prevention Council (JCPC).

Note: The JCPC is charged with assessing the needs, identifying available resources, and recommending funding allocations for programs that serve juveniles in the county who are at risk of delinquency, and/or are adjudicated, undisciplined, or delinquent. The North Carolina DJJDP adjusted funding to $1,415,682. This represents a decrease of $74,510 to JCPC allocations to four of eight community programs: LIFT ($11,588), FACET ($12,115), Project Challenge ($15,722) and Barium Springs ($35,085).

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

(11) SHERIFF’S SPECIAL REVENUE FUND – INMATE COMMISSARY

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize and appropriate $100,000 for the Sheriff’s Special Revenue Fund from Inmate Commissary.

Commissioner Leake removed this item from Consent for clarification purposes. She wanted to know where the funds were coming from and how they would be used, which was addressed by County Manager Jones.

(14) DSS BUDGET AMENDMENT – TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) DOMESTIC VIOLENCE

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to reduce the Department of Social Services TANF Domestic Violence FY2010 budget by $8,748.

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

(15) DSS BUDGET AMENDMENT – JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM (NC LINKS)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to increase the Department of Social Services FY2010 budget to recognize, receive and appropriate additional Chafee Program funds of $28,016 for the Youth LINKS program.

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

(16) HOME AND COMMUNITY CARE GRANT ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appoint the following persons as members to an Advisory Committee for the Home and Community Care Block Grant for Older Adults.

Home & Community Care Block Grant Committee 2010-2011 Roster

Rodney Adams (Committee Co-Chair, GS)  Dawn A. Blobaum, (AR–North County)
Division Director, Services for Adults  Assistant Town Manager, Town of Davidson
Department of Social Services
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Grayce Crockett (GS, SC-Mental Health)  John Duty (STH, OA)
Area Director
Mecklenburg County Area Mental Health

Joyce D. Freeman (PP, SC-Day Care)  Stephanie Frisbee (GS)
Executive Director  Recreation Program Manager
Loving Touch Adult Day Health Care Ctr., Inc.  Mecklenburg County Park and Recreation

Maryann Gilmore (OA)  Jacqueline Glenn (GS, SC-Health)
Department of Social Services  Meck. County Health Department

Sue Hanchirik (GS, SC-Social Services)  John Highfill (STH, OA)
Department of Social Services

Dahn Jenkins (SC – Senior Centers)  Millard McCluney (SC - Housing)
Executive Director  The Realty Corner
Levine Senior Center

Aaron McKeithan, Jr. (OA)  Ms. Evelyn Newman (OA)
Council of Aging

Debora Sparks (Committee Co-Chair, NP)  Robert L. Weeks, Sr. (LTC) (CR)
Executive Director  Division Director
Council of Aging  Veterans Services

Ms. Gayla Woody (HCCBG Program Administrator*)
Centralina Area Agency on Aging

Legend
AR=Geographic Area Representative
CR=Constituent Representative
GS=Public Services Provider
NP=Non-Profit
OA=Older Adult
PS=Private Services Provider
SC=Service Category Representative
STH=Senior Tar Heel/Alternate
*=Ex Officio

Note: The Department of Social Services and Charlotte Mecklenburg Council on Aging are the lead agencies for the administration of the Home and Community Care Block Grant. These lead agencies are preparing to develop the County Aging Funding Plan for Fiscal Year 2010 - 2011. Grant requirements include the appointment of an Advisory Committee to assist in gathering input and obtaining consensus regarding content of the plan. This appointment will assist the lead agencies in the development of the County Aging Funding Plan for Fiscal Year 2010 - 2011.

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

(17) DSS BUDGET AMENDMENT – NCDOT COMMUNITY TRANSPORTATION GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to reduce the Department of Social Services FY2010 Budget by $411,783 for the NC Department of Transportation Community Transportation Grant.

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

(18) FIT COMMUNITY GRANT APPLICATION – HEALTH DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve
submitting a $60,000 grant application to the North Carolina Health & Wellness Trust Fund for a two-year period to fund a pilot worksite wellness program for targeted schools within the Charlotte-Mecklenburg Schools system. Secondly, upon award of grant, recognize, receive, and appropriate the grant award.

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

(22) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Barbara Gordon, owner of Esposito’s Pizza & Pasta.”

Commissioner Leake removed this item from Consent for clarification purposes with respect to whether or not patrons would be able to use the parking deck. The response was yes.

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

(24) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) APPLICATION FOR EMERGENCY CONTINGENCY FUNDS – DSS

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive, and appropriate $3,970,888 of Emergency Contingency Funds to establish a Subsidized Employment program for TANF eligible participants.

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

(26) BUDGETARY ACTION – NORTH MECKLENBURG SENIOR CENTER

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate $6,000 of donated funds designated for the Town of Davidson to support operations at the North Mecklenburg Senior Center.

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

(31) DSS BUDGET AMENDMENT CRISIS INTERVENTION PROGRAM (CIP)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to amend the Department of Social Services FY2010 Budget to recognize, receive and appropriate $877,046 for the Crisis Intervention Program (CIP).

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

STAFF REPORTS AND REQUESTS

(28) BUSINESS INVESTMENT PROGRAM GRANT: CELGARD, LLC

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 5-0
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with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve a 90% Business Investment Program grant over 5 years with an estimated total amount of $827,218 for Celgard, LLC, and authorize the County Manager to negotiate and execute a contract.

Note: Celgard is a Charlotte-based manufacturer of separators for lithium-ion batteries used in consumer electronics, such as cell phones and computers. The company currently employs 384 in Southwest Charlotte. the company planned to expand in two phases:

- **Phase I:** Convert an existing warehouse in Charlotte into a production facility. Capital investment would be approximately $31.4 million and up to 80 new jobs would be created with an average annual wage of $60,000.

- **Phase II:** Construct a new facility in Concord. Capital investment would be approximately $60 million and up to 170 new jobs.

Economic Development Director John Allen presented this matter to the Board.

(29) **BUSINESS INVESTMENT PROGRAM GRANT: HUSQVARNA OUTDOOR PRODUCTS, INC.**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve a 50% Business Investment Program grant over 5 years, with an estimated total amount of $156,260 to Husqvarna Outdoor Products, Inc. and authorize the County Manager to negotiate and execute a contract.

Note: Husqvarna Outdoor Products Inc. (Husqvarna) is a subsidiary of Swedish-based Husqvarna AB, which produces outdoor power products for the forestry, park maintenance, lawn and garden care and construction industries. The company’s brands include Husqvarna, McCulloch, Poulan, Poulan Pro and WeedEater.

Husqvarna’s professional products division is currently located in Charlotte at 7349 Statesville Road, where it employs 165 people. The company decided to relocate to a facility in Harris Corners Business Park. The expansion will include a capital investment of approximately $8.25 million beginning in 2010. The investment will be in real estate, building improvements and new business personal property. The expansion will create up to 160 new jobs within five years at an average annual salary of $66,950.

Economic Development Director John Allen presented this matter to the Board.

Commissioner Leake requested a breakdown on the number of jobs created via the Business Investment Grant Program and when those jobs would be available. Director Allen said he would provide that information, but since January 1, 2009, it’s approximately 3,000. Further, that some of those jobs have been filled and some have not.

**COMMISSION COMMENTS – NONE**

**ADJOURNMENT**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, 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.
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 1:00 p.m. on Tuesday, February 16, 2010.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

Chairman Roberts and Commissioners Clarke and Dunlap were absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Vice-Chairman Cogdell.

The purpose of the meeting was to discuss the Alcoholic Beverage Control Board (ABC Board).

County Manager Jones outlined the format of the meeting.

Chairman Roberts entered the meeting. Vice-Chairman Cogdell turned the meeting over to Chairman Roberts.

The following were noted by County Manager Jones as items for consideration by the Board:

1) ABC Board Compensation
2) ABC Board Member Qualifications
3) ABC Board Member Appointments

The Board was provided the following background information:

- ABC Board General Information
- ABC Board Appointment Suggestions
- ABC Board Compensation Information
- ABC Board Member and Applicant Information
- Questions & Answers from Deputy County Attorney Tyrone Wade

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

County Manager Jones called upon Elton Shoemaker, Acting Chairman of the ABC Board to give a general overview of some of the things the ABC Board was doing.
Mr. Shoemaker addressed what an ABC Board member should be prepared to review. He also referenced the following:

- ABC Board Annual Report
- The annual budget
- Meeting agendas

Commissioner Clarke entered the meeting during Mr. Shoemaker’s remarks.

Mr. Shoemaker said despite what has been stated in the media, the ABC Board staff was very qualified, capable and hardworking.

Mr. Shoemaker addressed the distribution of funds by the ABC Board.

Mr. Shoemaker concluded his remarks by saying as an ABC Board member, one should be prepared to spend the necessary time that’s required and prepared to review all of the necessary information, so the board could work effectively. Mr. Shoemaker asked the Board to consider this when appointing members to the ABC Board.

Comments

Commissioner Murrey asked Mr. Shoemaker to comment on his background and tenure on the ABC Board, which he did.

Mr. Shoemaker, with respect to membership qualifications, said retail experience was important but not “essential.” He said the person that the Board appoints should be “well-rounded.”

Commissioner Murrey asked Mr. Shoemaker if he was recently elected interim chairman of the ABC Board. Mr. Shoemaker said according to ABC Board by-laws, when the chairman resigns, the next most senior member on the board moves to acting chairman, which was what occurred in this case.

Commissioner Murrey asked Mr. Shoemaker was he also currently serving as the acting Chief Executive Officer (CEO) of the Mecklenburg ABC Board. Mr. Shoemaker said he had not titled himself as that. He said he checked with the State Alcoholic Beverage Control Commission and that anything that he was doing, the acting chairman has the legal authority to do.

Commissioner Murrey asked Mr. Shoemaker what were his thoughts regarding having specific qualifications for board membership. Mr. Shoemaker said he would recommend going with a well-rounded individual that has business and community experience.

Commissioner Murrey asked Mr. Shoemaker if he thought the way the County was currently
appointing members was fine. Mr. Shoemaker said he does but he thinks individual qualifications need to be increased a little.

Commissioner Bentley addressed compensation and asked what would be the ramifications, with respect to the quality of applicants, if the Board decided to cease compensation. Mr. Shoemaker said he didn’t think it would matter or make that much of a difference.

Commissioner Leake asked Mr. Shoemaker about the roll he’s been playing as CEO and decisions made with respect to the selection of the committee to select a new CEO and his dissemination of information. Commissioner Leake said she was expressing these concerns on behalf of an ABC Board member.

Mr. Shoemaker said he was not serving as CEO, nor was he titling himself CEO. Mr. Shoemaker said he was serving as acting chairman of the ABC Board. He said as acting chairman, and with the approval of the state, he has the authority to do what he’s done and continues to do.

Commissioner Leake said when the Board appointed the former chair of the ABC Board, H. Parks Helms, there was no discussion of qualifications for membership, but now the issue has come up, with respect to qualifications. Commissioner Leake said this was a concern of the community.

Chairman Roberts said in response to Commissioner Leake’s comment, that the Board was following ethics changes and operational changes that have been strongly encouraged by the state in terms of correcting some of the procedures in the ABC Board system as a whole. Chairman Roberts said this would mean a change in the Board’s normal appointing process for this particular advisory board.

Commissioner Clarke noted for the record, that N.C. General Statute 18B-700 (d) addressed qualifications for serving on the ABC Board, which he felt the Board has followed in making appointments. He said it states the appointing authority shall appoint members of a local board on the basis of the appointees’ interest in public affairs, good judgment, knowledge, ability, and good moral character.

Commissioner Leake said she wasn’t aware that there were qualifications, which was why she brought it up. Commissioner Leake said she didn’t recall those qualifications being discussed by the Board previously when making appointments to the ABC Board.

Mr. Shoemaker said his suggestions for membership qualifications expressed to Chairman Roberts in a memo was just his thoughts based on his service on the ABC Board.

Commissioner Leake asked Mr. Shoemaker when was his tenure up on the ABC Board. The response was June of this year 2010.

Commissioner Leake asked about the tenure of other ABC Board members. It was noted that information was included in the Board’s agenda packet.

Commissioner James said he agreed with Commissioner Murrey with respect to coordinating the grant process. Commissioner James said there were organizations receiving funds from the ABC Board that also received County funding. He said the County has its own evaluation process and that there needed to be some coordination between County staff and ABC Board staff.

Commissioner James asked Mr. Shoemaker if he was interested in being CEO. Mr. Shoemaker said the ABC Board would be discussing personnel matters today in a Closed Session meeting, thus, he could not answer the question.

Commissioner James asked Mr. Shoemaker if he was interested in being appointed chairman of the ABC Board. Mr. Shoemaker said the ABC Board would be discussing personnel matters today in a Closed Session meeting, thus, he could not answer the question. Further, that
Commissioner James said the Board needed to discuss the process to be used in making appointments to the ABC Board. Commissioner James said in the past, many of those appointed were politically connected and/or active in the community.

Commissioner James asked Mr. Shoemaker to comment on qualifications. Mr. Shoemaker said he didn’t think there would be any contradiction between someone that was politically connected versus business experienced.

Chairman Roberts noted the suggestions from Commissioner Clarke regarding a process for making this appointment to the ABC Board, which was included in the Board’s agenda packet.

Commissioner James said one of the things to be decided was whether the Board was going to make any additional qualifications applicable to current members and/or the vacant position only.

Commissioner James said the Board needed to adopt a policy to make the additional qualifications applicable as appointments come up and not apply them to those currently serving.

Commissioner Dunlap entered the meeting.

Mr. Shoemaker concurred to not make any additional qualifications applicable to existing Members, but apply them as current members are replaced.

Mr. Shoemaker in response to Commissioner Leake’s concern about the selection of the search committee for a new CEO, said he did ask those persons to serve without consulting with the other members of the ABC Board. Mr. Shoemaker said he thought the action was necessary to get it moving. Mr. Shoemaker said the search committee would only narrow the list down and present recommendations to the full ABC Board, who would be responsible for the selection of a new CEO.

Commissioner Leake said she inquired about that because other members of the ABC Board felt they should have been a part of that process and that it should have been a committee of five rather than a committee of three.

Mr. Shoemaker said those were good points, but that as acting chairman, he felt he needed to get the process moving.

Chairman Roberts reminded the Board that its connection was not in managing the procedures in place for selecting a new CEO for the Mecklenburg ABC Board. She said the Board’s role was to appoint board members to the ABC Board.

Commissioner Cogdell asked about the educational grant program and the distribution of funds by the ABC Board. He asked where in the state statutes did it say the ABC Board would distribute the funds. Commissioner Cogdell said per his review, it appeared the County could distribute those funds as well. Mr. Shoemaker said he would have to get with their attorney to see if that’s a correct interpretation.

Commissioner Clarke asked Mr. Shoemaker “what makes for a bad board member.” Mr. Shoemaker said it would be someone that came unprepared for meetings. Secondly, someone that didn’t have much business experience.

Commissioner Clarke asked about micro management of the operation and was that an issue. Mr. Shoemaker said it hadn’t been an issue.

Mr. Shoemaker said the CEO has to be able to run the operation and cannot be micro-managed by a board that meets once a month. He said the board could review, discuss, and challenge, but
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that the operation has to run.

Commissioner Clarke asked had attendance been a problem for the ABC Board. Mr. Shoemaker said no and that the ABC Board follows the County’s advisory board attendance policy.

Commissioner Dunlap questioned whether the distribution schedule, set by statute and the local vote from 1947, was still adequate or appropriate.

Commissioner James asked were funds distributed to town police. Mr. Shoemaker said the ABC Board doesn’t distribute funds to the police. He said the $1.4 million noted in the information was for ABC Board law enforcement.

Commissioner James said a long term issue that needed addressing was should the Board consider selling the Mecklenburg County ABC Board system, which he said would require legislative approval. Commissioner James said the idea in 1947 was to have government control the sale of liquor so it wouldn’t get “out of hand.” Commissioner James said in light of today’s environment where you can purchase alcoholic beverages at grocery stores, he wonders if that’s still necessary.

Commissioner James said there’s a value to the Mecklenburg ABC Board system. Further, that years ago he suggested selling the Mecklenburg ABC Board system and use the proceeds to fund schools and substance abuse programs but the matter was not pursued.

Chairman Roberts thanked Mr. Shoemaker for attending and addressing the Board.

Mr. Shoemaker thanked the Board for allowing him the opportunity to appear.

Note: Mr. Shoemaker left the meeting because of another meeting obligation.

Chairman Roberts addressed the process for moving forward.

Commissioner Clarke acknowledged the high number of applications (90) already received for the current vacancy. He suggested the Board consider appointing an Ad Hoc Committee to screen the applications. Thus, he made the motion below.

Motion was made by Commissioner Clarke, seconded by Commissioner James, 1) to create an Ad Hoc Committee for the purpose of filling the current vacancy on the Alcoholic Beverage Control Board, to be comprised of the Chairman of the County Commission; two additional commissioners to be selected by the Chairman; the County Manager and his designee. 2) The Ad Hoc Committee is charged to review the applications of all applicants for appointment consideration to the Alcoholic Beverage Control Board. 3) The Ad Hoc Committee shall report back to the full Board with a recommended slate of five-seven nominees. 4) Other members of the Board would be allowed to advocate to members of the Ad Hoc Committee, via in writing or orally, on behalf of any of the applicants. 5) All applicants would be screened based on the qualifications outlined in N.C. General Statute 18B-700 (d) Qualifications; and any additional screening guidelines that the Board may deem appropriate.

Note: N.C. General Statute 18B-700 (d) Qualifications states the appointing authority shall appoint members of a local board on the basis of the appointees’ interest in public affairs, good judgment, knowledge, ability, and good moral character.

Commissioner Murrey offered a friendly amendment, which was accepted by Commissioners Clarke and James, makers of the motion, that at the time the proposed slate of nominees is presented to the full Board, that Board members would be allowed to nominate someone that wasn’t on the proposed slate, one individual per slot.

Chairman Roberts said meetings of the Ad Hoc Committee would be open meetings and any Board member desiring to sit in on the Ad Hoc Committee meeting may do so, but not as a
Commissioner Cogdell said his initial thought was each Board member would be allowed to nominate one person, which could then be viewed by the committee or the Board would just nominate and vote as it usually did.

Commissioner Cogdell expressed concern for placing staff on Board committees as a voting member. He said it puts staff in an awkward position.

Commissioner Clarke said he felt everyone that applies should be considered, which was why he suggested a committee, in light of the number of applications already received.

Commissioner Bentley said she was not opposed to having staff on the Committee but that ultimately the Board would be held accountable, as it should be. Thus, Commissioner Bentley suggested that staff be allowed to serve on the committee but as non-voting members.

Commissioners Clarke and James, makers of the motion, accepted Commissioner Bentley suggestion as a friendly amendment, that staff serve as non-voting members.

The vote was then taken on original motion as amended and reads as follows:

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, 1) to create an Ad Hoc Committee for the purpose of filling the current vacancy on the Alcoholic Beverage Control Board, to be comprised of the Chairman of the County Commission; two additional commissioners to be selected by the Chairman; the County Manager and his designee, who would serve as non-voting members. 2) The Ad Hoc Committee is charged to review the applications of all applicants for appointment consideration to the Alcoholic Beverage Control Board. 3) The Ad Hoc Committee shall report back to the full Board with a recommended slate of five-seven nominees. 4) Other members of the Board would be allowed to advocate to members of the Ad Hoc Committee, via in writing or orally, on behalf of any of the applicants. 5) All applicants would be screened based on the qualifications outlined in N.C. General Statute 18B-700 (d) Qualifications; and any additional screening guidelines that the Board may deem appropriate. 6) At the time the proposed slate of nominees is presented to the full Board, Board members would be allowed to nominate someone that wasn’t on the proposed slate, one individual, per slot.

It was noted that the Board has the option of selecting a chairman from new appointees or from the existing membership.

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

Screening Guidelines

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to direct the Ad Hoc Committee to use, in addition to the qualifications set forth in Chapter 18B-700(d) of the N.C. General Statutes, the following qualifications in the screening process for all nominees for appointment consideration to the ABC Board.

- High personal and professional ethics, integrity, practical wisdom and mature judgment;
- Broad training and experience in policy-making decisions in business, government, education, technology, substance abuse education or prevention training;
- Expertise, including, but not limited to, financial literacy, retailing experience at the management level, and board governance, performance and dynamics, that is useful to the ABC Board and complementary to the background and experience of other directors;
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- Willingness to devote the amount of time necessary to prepare thoroughly for all Board meetings in advance to carry out the duties and responsibilities of Board membership; knowledge of the ABC Laws, rules of the State ABC Commission and the Mecklenburg County Board’s ethics and other policies applicable to Board members;

- Willingness to objectively appraise management performance.

Prior to the above vote:

Commissioner Clarke said the Board should also remain committed, as it had in the past, to have diverse individuals from different backgrounds with varying perspectives, professional experience and skills serving as members of the ABC Board.

Commissioner Clarke said he would hope when the Committee reports back that it would include not only a list of the nominees but an explanation as to why they were selected.

Commissioner Dunlap asked when would the Board make any changes it agreed upon applicable. He said those that have already applied did so based on criteria that was in place at the time they applied. He said if you go back and change the criteria it could eliminate someone.

Chairman Roberts said the Committee could communicate with individuals, if necessary, that don’t meet the qualifications.

Chairman Roberts said the motion regarding additional qualifications should be applicable to the nominating process the Board was about to embark upon for the purpose of filling the current vacancy. Chairman Roberts said she felt anyone that applied after the recent ABC Board issue came up, should be aware that the Board was considering coming up with additional qualifications, which would be the majority of the applicants.

Chairman Roberts said information regarding the qualifications would be placed on-line.

Commissioner Dunlap with respect to compensation for the ABC Board said he felt a lot of people applied because there was some expectation that they would be compensated.

Chairman Roberts said the compensation issue hadn’t been discussed yet.

Commissioner Dunlap said at some point compensation needed to be discussed.

Commissioner Clarke said what he proposed was really just a further definition of ability as noted in N.C. General Statute 18B-700 (d) and not new qualifications. He said he felt these were things that people probably already knew they had to meet.

Commissioner Cogdell suggested substance abuse education or prevention training be added to the qualification of Broad training and experience in policy-making decisions in business, government, education, technology.

Commissioner James asked was the Board going to appoint someone as chairman. Chairman Roberts said the Board would take two separate actions. The first would be to fill the current vacancy. The second would be to appoint someone as chairman of the ABC Board. Further, that the Board had the discretion to appoint a current member or a new member as chairman of the ABC Board.

County Manager Jones asked could the committee request additional information from applicants. The consensus of the Board was yes.

Commissioner Dunlap asked would screening also involve doing background checks. Chairman Roberts said the committee could decide to do that.
Commissioner Clarke asked about the timeframe for bringing this matter to the full Board for consideration.

Chairman Roberts said her thought was to bring the matter back on March 16, 2010. Also, that the deadline for receiving applications was March 1, 2010.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 2:53 pm.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at the Mahlon Adams Pavilion at Freedom Park located at 2435 Cumberland Avenue, Charlotte, NC. on Thursday, February 25, 2010.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

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

The meeting was called to order by Chairman Roberts.

The purpose of the meeting was to hold the Board’s annual Strategic Planning Conference.

County Manager Jones, prior to giving opening remarks, turned the meeting over to Budget/Management Director Hyong Yi.

Director Yi reviewed news media headlines about budget challenges other jurisdictions were facing across the state and across the country.

Commissioner Murrey entered the meeting.

Director Yi concluded by saying the County’s budgetary situation was “not unique.” He said it was not something that the County “created” or did. He said Mecklenburg County was one among many jurisdictions finding themselves in this type of budgetary situation. Further, that the size of the jurisdiction had no bearing because all jurisdictions were being impacted by the economy.

Director Yi said “doing more of the same” probably was not going to “cut it.”

County Manager Jones gave opening remarks, a copy of which is on file with the Clerk to the Board.

Highlights from County Manager Jones’ remarks:

“We must have the discipline to accept and confront the most brutal facts of our current reality. The brutal facts are that we are at the bottom of a very large financial hole and we are not getting out of this hole any time soon…not next year, not the year after that… and perhaps beyond.”
“Unless the Board and our community are prepared to support raising taxes, Mecklenburg County government must shrink, contract, cut, reduce, and/or eliminate current programs, services, projects, facilities, positions, and employees, including many programs and services that are near and dear to the people in this room and those we serve in this community.”

“There is one decision point—one strategic issue for the Board that will drive nearly every other decision regarding next year’s budget: It’s the issue of how we use fund balance in relation to capital spending.” “The decision the Board makes on this issue will determine the extent to which we will shrink, contract, cut, reduce and/or eliminate programs, services, projects, facilities, positions and employees.”

Director Yi then reviewed the agenda for today’s session, as well as tomorrow’s session, February 26, 2010. He also introduced Anne Udall and Vi Lyles with The Lee Institute who would be facilitating the meeting.

Ms. Udall went over the ground rules for conducting the session.

The Board then heard from Economist John Connaughton, Professor of Economics at UNC-Charlotte, Kenny McDonald, Executive Vice-President, Economic Development Services, Charlotte Regional Partnership and John Silvia, Chief Economist with Wells Fargo & Company.

Highlights:

John Connaughton, Professor of Economics at UNC-Charlotte said:
- “The recession is over.”
- The U. S. economy for the last couple of quarters has grown “fairly well.”
- We continue to receive “bad” employment and unemployment information. He said what’s being received were lagging indicators that trail what’s going on in the economy by at least six to nine months.
- Nationally, we’ve lost 8.4 million jobs in the last 25 months.
- The losses are getting smaller but jobs are still being lost.
- At the State level we’ve lost jobs for 24 months, 250,000 jobs.
- The problem is that when people don’t earn income, they don’t spend money. In addition when people are watching others lose their jobs they tend to cut back.
- When people don’t spend that impacts sales taxes.
- Unfunded mandates also continue to be a problem.
- The County is less affected by output growth then it is by the employment situation.
- Even though the Board will start to see GDP growth this year, probably in the three percent range, which signifies that the economy is recovering and we are producing goods and services, that doesn’t equate to local government budgets, because you’re not connected to that.
- Local governments are connected to the employment situation.
- The thing the Board wants to pay a lot of attention to is the first Friday of every month when the Bureau of Labor Statistics announces their employment situation.
- While the economy may recover and GDP may go up, unless we can figure out a way to get the employment growth started again, get the unemployment rate to start coming down, then local government budgets are not going to be improved substantially over the next couple of years.

Kenny McDonald, Executive Vice-President, Economic Development Services, Charlotte Regional Partnership (CRP) said:
- There’s a lot of stress on local governments.
- The topic of the day is how do you create jobs.
- The CRP was here to help pursue jobs.
- Companies are being forced to consolidate their operations and are looking to see where they can get the best available talent, in the best possible location, and at the best possible cost.
• The Charlotte/Mecklenburg region was probably winning more of those “battles” then they were losing them.
• The fact that the community has come together to have dialogue regarding the economy was an advantage.

Mr. McDonald addressed the recruitment of businesses to the region.

Mr. McDonald said “we’re all economic developers” and that everyone needed to promote the region. He said economic recovery will be very regional and that there would be parts of the region that recover quicker and better than others.

Mr. McDonald shared handouts of where the region was today economically from CRP’s perspective as it relates to labor conditions and targeted employment sectors.

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

John Silvia, Chief Economist with Wells Fargo & Company distributed a handout that addressed economic changes over the past year and what to expect over the next 6-12 months.

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

Mr. Silvia emphasized the County Manager’s points, per his opening remarks, that the “biggest challenge” for the Board will be to “define the new normal.”

Mr. Silvia said:
• “We’re in a recovery, but if you look at the data, the Charlotte/Mecklenburg metropolitan area has actually been slowing down in terms of population growth and property values, labor force and employment for a good twenty years.
• We’ve grown bigger but the growth of the population and the other areas mentioned have slowed down.
• He advised the Board to be very careful of “grandiose” projects. He cited the baseball project as an example and said it was a “good thing” the County didn’t move forward with it.
• He emphasized the County Manager’s point about sustainable versus situational.
• There will probably a positive job number, per the Bureau of Labor Statistics’ next report and the federal census will probably help that number.
• The private sector, except for construction, is adding jobs but the types of jobs are quite different.
• The problem that exists in the community is that the college educated and computer literate people will get jobs but the “old blue collar” people will not. He said this creates “huge” social services problems for the county.
• He echoed that economic recovery will be regional, which may pose problems.
• He said the Board will have to figure out what’s sustainable.

Comments

**Commissioner Clarke** clarified that the baseball project was to be a privately financed venture 100%.

Commissioner Clarke commented on the County’s ability to create jobs by 1) hiring more employees, which he said probably won’t be occurring, 2) through the Business Investment Grant program and 3) through capital spending.

Commissioner Clarke said the “new normal” hints at the County reducing capital spending. He asked would it be a good or a bad idea for the County to stop borrowing and capital spending.
Commissioner Clarke said if the County were to stop, it would protect its AAA credit rating and if the County continued its capital spending, the County runs the risk of having its credit rating reduced.

Mr. Silvia said the Board had to make choices. He said there were things the County can do and cannot do, thus you have to do something in between. Mr. Silvia said you have to select three or four projects that were “really” important and finish those projects. He said the remaining projects would have to be put on the “back burner.”

Mr. Connaughton said infrastructure spending creates construction jobs, but they’re temporary construction jobs. Mr. Connaughton said he would pose the question of whether there was capital spending that the County could engage in that not only creates construction jobs temporarily but also has an on-going sustainability to it.

Mr. Connaughton said government cannot take care of the job lost problem alone, that the private sector had to be involved.

Mr. Connaughton said if he was a Board member, he would spend capital based on the private sector’s sustainable jobs to be gotten over the “long haul.” He said that’s the only way the County could work its way out of that. He said it’s about getting jobs in “perpetuity.”

Mr. McDonald said we live in a competitive atmosphere where we compete for projects. He said we have to look at the infrastructure that’s being placed in the ground that’s going to make the community competitive three – five years from now. He said when jobs do come on-line, the needed infrastructure needs to be in place.

Mr. McDonald said even if we can’t move forward the way we were, we need to continue to try and move ahead and keep making progress, even if it’s incrementally.

Commissioner Bentley asked about the impact of the housing tax credit and the extension of that, the Cash for Clunkers Program and the replenishment of inventories in the manufacturing sector, on the positive recovery that’s being seen and the sustainability of the recovery per these programs.

Mr. Connaughton said the Cash for Clunkers Program was “dumb.” He said it was “dumb” because all it did was push forth sales. He said that type of program “sounds good” but from an economic standpoint it doesn’t work. He said the auto industry, however, had been hit incredibly hard so it was a way to stimulate sales.

Mr. Connaughton said the problem was that people who use to be able to get loans to buy cars and homes can’t get those loans anymore, partly because banks have taken on a different view about risk. He said people were also a little more conservative in their spending patterns.

Mr. Connaughton said with respect to the home buyer credit, it was a very successful program in terms of generating sales, but like the Cash for Clunkers Program, the real fear is what happens once it’s over. He said his fear is whether the housing market will take another dip in the summer.

Mr. Silvia addressed the recent home sales data in response to the home buyer credit issue.

Mr. Connaughton addressed replenishment of inventory in manufacturing.

Mr. Connaughton said he doesn’t think any of these programs are sustainable. He said if consumers don’t spend “this is it.”

Commissioner Cogdell asked what could the Board do to make this region as competitive as possible in the short term, in light of things happening nationally and globally that the County had no control over.
Mr. McDonald said it was about priorities and determining which capital investment would the County gain the most from.

Mr. Silvia addressed the importance education and of students graduating from high school. He said we need to re-orient education with the understanding that not everyone is going to or wants to go to a 4-year college, which means students need to be given the opportunity to learn a skill, something that’s going to be meaningful over their life time.

Mr. Connaughton said N.C. had lost 300,000 manufacturing jobs since December 2000. Mr. Connaughton said there was a clear link between education and the unemployment rate and that those without a high school diploma will have a higher percentage of unemployment.

Commissioner Murrey asked about capital infrastructure that would fit the criteria described by Mr. Connaughton, one that creates on-going or sustainable private sector jobs. He said the baseball park referenced by Mr. Silvia would fit that criterion. Mr. Connaughton said that was correct.

Commissioner Murrey asked what would be other examples of projects meeting that criteria. Commissioner Murrey said he viewed what Mr. Connaughton said to mean that it would include public/private partnerships that leverage a small government investment to get a big private sector investment and creates jobs. Mr. Connaughton said that interpretation was correct.

Mr. Connaughton said the question was how does government best use its funds to create jobs. He said the model described by Commissioner Murrey was probably the model that would get you the most “bang for your buck,” public/private partnerships.

Commissioner Murrey asked was it reasonable to say that a couple of things that the County should look at were not just job creation but opportunities for wealth creation and access to capital, which was addressed.

Mr. McDonald said you have to do things that “attack the economic base, to set the economic base, to rebuild it, diversify it,” and to look at those things that bring “new” money into the community.

Chairman Roberts asked about service jobs and which one’s won’t be coming back because people no longer have the disposal income that they once did. Secondly, would service jobs in the area of health care be enough to fill some of the gaps caused by the lost of certain service jobs and manufacturing jobs.

Chairman Roberts commented on education and noted that the County’s role was not a policy setting one. She said the County’s involvement was with respect to operating cost and capital cost.

Mr. Silvia said health care jobs would not make up for the manufacturing jobs lost. Further, that when looking at this, look for ways to get people ready for these health care jobs in terms of training.

Mr. Connaughton said some of the service jobs reduced because of a lack of disposal income would come back when disposal income comes back.

Commissioner James commented on debt. Commissioner James said if the County had spent less during the “good times,” it would have more to expend to maybe pull the County “out of the box it’s in.” He asked the panelist to comment on how the County should manage its debt.

Mr. Silvia said the County has to look at what its debt is and it has to say what is sustainable basic growth in this community that we can generate tax revenues to pay off that debt to keep our AAA rating. Mr. Silvia said you have to do the math. He said someone has to figure out what the
sustainable growth rate is in the community. What’s the growth rate in the tax base and based upon certain rates and assumptions, what is the growth in revenue that we have that we can pay off the interests. He said do the projects that you can afford.

Mr. Connaughton said he didn’t think the County was in a position of being on the edge of losing its AAA rating as the rating agency would have you believe. He said it’s probably prudent, however, to maintain the AAA rating because it’s probably harder to get it back then it is to keep it.

Commissioner Leake asked how do you communicate to the public the economic and job situation that the community finds itself in.

Mr. Connaughton said he thinks the public understands the “tough” choices that are going to have to be made. He said you will hear from some but that will be a minority.

Mr. McDonald said despite the tough economic times communities are having, that there were still a lot of good things happening and that’s what the public should be informed about. He said parents and students should be shown what’s going on in some of the industries. He said he thinks students and parents have to see what’s going on. He said success sells.

Mr. Silvia said the church was a good way to communicate to the public.

County Manager Jones asked Mr. Connaughton at what point does he see the unemployment rate returning to the level that it was before the economic downturn began.

Mr. Connaughton said it would be five to seven years before the unemployment rate return to what it was before the downturn.

The Board recessed at 10:35 a.m. and reconvened at 10:50 a.m.

Note: The above is not inclusive of every comment but is a summary.

Commissioner Dunlap entered the meeting.

FY2010 FINANCIAL STATUS AND FY2011 PRELIMINARY OUTLOOK

Finance Director Dena Diorio gave an update on the status of the current budget as well as provided a projection on how the recession might impact the County’s finances in FY2011.

The following was covered

- Property Tax Collection
- Assessed Valuation
- Sales Tax
  - It was noted that sales tax probably will not be as projected for this year, thus, in next year’s budget the projection will be lower.
- Investment Income
- Total Revenue for FY09 and Projected Revenue FY10 and Variance from Budget
- Charges for Services
- Expenditures
- Bond Rating
  - It was noted that the Bond Rating Agencies have expressed concerned regarding the County’s debt levels and use of reserves.
- Fund Balance
  - It was noted that the decisions the County makes around fund balance for FY11 will impact the County’s bond rating.
- Fund Balance Use Options for 2011
Debt Policy and Capital Planning

- It was noted that the debt policy was developed assuming there would be growth and that when you have growth in the budget, you can take on additional debt service. However, when the budget shrinks, you hit your targets without taking on any new debt and that’s the case for FY2011. Further that based on the two revenue scenarios presented by Director Yi at the last Board meeting, the County is at risk of violating its debt policy as it relates to debt service as a percentage of the operating budget.

- It was noted that any further erosion in the local economy may result in a downgrade in the County’s bond rating regardless of what action the County takes.

Comments

Commissioner James asked if the sales tax numbers had been revised since the Board’s last update. The response was no, the sales tax projection has not been revised yet. They will be revised with the February fund balance projection. Staff will have to take that number down and it could be as much as $10 million. It was noted the number was received for the February distribution which was included in what was presented.

Commissioner James asked in terms of revenue was staff anticipating that as a result of the way things look, staff was going to have to reduce revenue through the end of the year by roughly an additional $10 million and was that on top of the $24 million. The response was yes.

Director Diorio said the revenue shortfall would potentially be $34 million as things stand to date.

Commissioner James asked what was the plan for recouping this.

County Manager Jones said the numbers were being reviewed, per feedback received from departments. Further, that it’s a strong possibility the County may have to ask Charlotte-Mecklenburg Schools to revert funds back, unless departments are asked to cut more from this year’s budget.

Commissioner Cogdell asked what was the gap last year at this time, which was addressed.

Commissioner James asked about fund balance and the 8% excess which was addressed.

Commissioner Clarke asked about the concerns of the rating agencies and what would be the best way to address those concerns, which was addressed.

Commissioner Clarke asked if the County was to get downgraded, would it be downgraded two notches. Director Diorio said it could, but the assumption would be that it would only be one notch.

Commissioner Murrey asked for clarification regarding debt to market value and debt per capital and what were the drivers for this, which was addressed.

Chairman Roberts asked about the cost of the downgrade and would that be an annual cost which was addressed.

Commissioner Cogdell asked for clarification on what was meant by AA Plus bond rating, which was addressed.

County Manager Jones said this year was really going to be about what the Board’s priorities are.

General Manager John McGillicuddy said the Board will have to make a decision regarding what it was willing to cut in services in order to maintain a AAA bond rating or how important was a AAA bond rating versus services that would have to be cut.
Commissioner Bentley asked about capital spending for Charlotte-Mecklenburg Schools which was addressed.

Commissioner Dunlap asked had any analysis been done to determine if in today’s market whether it would be advantageous to build a facility because the cost of construction would be cheaper as oppose to waiting because the funds aren’t there for operating cost and you end up building at a higher cost. County Manager Jones said he was not aware of any analysis that had been done, but he has heard that this was a good time to go out and seek bids because construction cost is down and even labor cost may be down.

Commissioner Clarke asked about FY2011 allocated projects and how many of them were currently underway. Director Diorio said there was $10 million of the amount shown in the information shared that would be used to finish on-going projects.

Chairman Roberts with respect to capital spending asked was there a certain point where the County would need to let its partners know that they should not start anything new. Director Diorio said the County was already at that point and no one has been given any funds to start anything new. Director Diorio said they’ve been informed already of where things stand.

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Commissioner James said the County could look at selling assets to fund debt, such as the block that was going to be used to build a ballpark on. Also that Charlotte-Mecklenburg Schools had several low attendance schools that they’re considering closing.

Commissioner James said if the County was going to long term solve its problem with the rating agencies, the County has to show them that whatever policy is created that it doesn’t generate a close to zero fund balance.

Commissioner James said he thinks the cuts that were going to have to be made would be more than what had been shared by staff thus far.

County Manager Jones said everything was on the table with respect to reductions, with respect to services, up to and including, consideration for the sale of assets.

County Manager Jones said it was not about just getting through this year but that he has an obligation to be thinking two – three years out about how the County was going to manage its service delivery process.

Commissioner Murrey said he would like to see what a $70 million budget cut would look like in terms of services, which was addressed.

County Manager Jones said he would present the Board with a budget recommendation that limits the service priorities for Mecklenburg County. He said he didn’t know what that looked like currently, but he would report back to the Board.

The Board recessed for lunch at 12:15 p.m. and reconvened at 12:55.

Commissioner Clarke asked for clarification regarding the Moody’s report and what their concerns were regarding fund balance. Director Diorio said the best way to address it was to not appropriate any of fund balance or only a minimum amount.

Chairman Roberts asked how would the rating agencies view a tax increase. Director Diorio said staff hadn’t received a lot of feedback from the rating agencies regarding raising taxes. Director Diorio said what the rating agencies want is for a community to have a structurally sound balanced budget whether it’s achieved through tax increases, fee increases, etc.

Commissioner Cogdell with respect to debt per capital, asked assuming no new debt was issued and assuming no change in 2003 and 2011 tax values, how many years would it take before the...
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County could get that back down to about 2%. Director Diorio said she would have to go back and calculate it.

Director Yi and Anne Udall with The Lee Institute reviewed what staff felt were main areas, per the discussion thus far, that the Board has to deal with and the interrelationship of those areas. They also posed five questions that the Board needed to consider. It was noted that staff wanted direction from the Board on these areas which would give the County Manager direction for moving forward with preparing his recommended budget.

The areas noted by staff were:
- Fund Balance
- Educational Services
- County Services
- Tax Rate
- AAA Bond Rating
- Capital Projects / Debt Service

The questions posed were:
- What are the trade offs?
- What are the choices?
- What would your approach be?
- What would you protect first?
- What can you all agree on?
- What direction would you provide the County Manager?

Comments

County Manager Jones suggested the Board consider under Educational Services, which generally means funding for Charlotte-Mecklenburg Schools and Central Piedmont Community College, to also include under that Educational Support Services. County Manager Jones said Educational Support Services includes things like the Starfish Academy and Communities in Schools.

Chairman Roberts with respect to the debt ratio said for her, capital projects would be a lower priority with one exception perhaps, the jail project. She said the Board would need to have discussion regarding the jail project.

Commissioner Cogdell said his response to what staff asked was that 1) there would be no tax increase, 2) no reduction in Education Support Services or in the department of social services, 3) to defer all new capital projects, and 4) use pay-go to complete existing construction.

Commissioner James said his response to what staff asked was that 1) there would be no tax increase, 2) defer most capital projects, he’s not sure about the jail at this point, 3) fund balance should be increased in order to provide some “cushion” and 4) that county services and educational services should be cut.

Facilitator Udall noted that thus far the areas of agreement were: no tax increase and delay most or all capital projects and make it a low priority.

Commissioner Clarke said the priority for him would be to ensure the County’s debt service as a percentage of the operating budget was at 20% or less.
Commissioner Clarke said he was okay with delaying capital spending but opposed to cutting county services and education services.

Commissioner James said if the Board doesn’t cut Charlotte-Mecklenburg Schools then most of the cuts would fall on the county.

Commissioner Murrey said all of this should be looked at as a multi-year process and not just for 2011.

Commissioner Murrey said he was 1) opposed to decreasing education support services, 2) supportive of no tax rate increase and 3) delaying capital spending.

Commissioner Bentley said with respect to educational services, she would like to see the performance data for Charlotte-Mecklenburg Schools and Central Piedmont Community College.

Commissioner Bentley said she was 1) supportive of no tax rate increase, 2) keeping the AAA bond rating and 3) delaying most but not all capital projects.

Commissioner Dunlap said he was 1) supportive of no tax rate increase, 2) of delaying most but not all capital projects, and 3) opposed to decreasing educational services. Commissioner Dunlap said he would like an analysis on “essential” county services.

Commissioner Leake said she was 1) supportive of no tax rate increase, 2) of delaying most but not all capital projects, 3) to complete those capital projects that have been started, 4) keeping a AAA bond rating, and 5) maintaining fund balance.

Commissioner Leake said with respect to education services, she needs a definition of that because if it’s about supporting CMS, she has a concern about the quality of support for academic programs that impact children rather than programs that don’t.

Chairman Roberts said she would be supportive of education being the “hedgehog” with the stipulation that the County have performance data and that would be true for education support services as well. Also, with respect to AAA bond rating, she’s more concern with managing the County’s debt. Also, she “probably” would support a no tax rate increase and she doesn’t think fund balance should be increased. Chairman Roberts said current services should not be cut in order to increase fund balance.

Commissioner Clarke said with respect to a tax rate increase that his take would be no increase of more than 5% from the current rate.

Facilitator Udall said per comments, the areas of agreement were:
- No tax increase
- Delay most but not all capital projects
- Consider reductions in county services and education services, except for education support services.

Commissioner Dunlap asked what do you lose if you lose your AAA bond rating. Director Diorio said fees would go up for a lot of the county’s purchase agreements for variable rate debt.

Commissioner Bentley asked was it true the rating agencies were responding to the reality of the market and if so, was this a short term reality. Director Diorio said there was some legitimacy regarding how the rating agencies have responded but that Mecklenburg County was told prior to the economic downturn that its rating was on that level.

Director Diorio said once you lose your AAA bond rating, it’s very difficult to get it back. She said it’s easier to try and keep it, than it is to get it back.
Commissioner James said keeping the AAA bond rating long term was important, as well as, keeping fund balance. He said short term “you’ve got to sacrifice county and education services to support that. Commissioner James said when it came to fund balance he doesn’t want to lose what the County already has.

Commissioner Murrey said he would add to what the consensus appeared to be with respect to areas of agreement, that the Board keep what it knows works to achieve those goals.

Chairman Roberts said in terms of education that performance needed to be considered but the Board needs to be very careful about any cuts because there will be a lot of ripple effects.

Commissioner Dunlap asked what if you could fund line items in Charlotte-Mecklenburg Schools’ budget. Commissioner Dunlap said he would be comfortable with looking, for example, at furniture replacement. He said there were millions of dollars in that budget. He said he knows the Board can’t control that but the Board could say instead of replacement every five years, do it every ten years for savings purposes. Commissioner Dunlap said the Board should see if the Board of Education was willing to have that type of discussion.

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

Commissioner Bentley said there needs to be dialogue with the Board of Education.

Commissioner Leake, chairman of the Board’s Educational Liaison Committee said she was trying schedule a meeting with the Board of Education’s Liaison Committee members.

Facilitator Udall said staff would like clarification regarding fund balance.

Commissioner Clarke said maintaining an adequate fund balance that would address the concerns of the rating agencies is a key component of that. His view would be not to reduce fund balance at all.

The Board recessed at 2:35 p.m. and reconvened at 2:45 p.m.

BALANCED SCORECARD CHANGES

Planning and Evaluation Director Leslie Johnson presented proposed changes to the Community & Corporate Scorecard.

The proposed changes were as follows:

Effective & Efficient Government – Percentage Property Tax Revenue Proposed Change Options
- Revise to a realistic, attainable target taking economic realities into consideration or
- Delete measure if no longer relevant for decision-making of the Board (staff recommends)

Effective & Efficient Government – Property Tax to Household Income Options
- Revise calculation methodology to be based on the effective tax rate (thereby adjusting for last revaluation) or
- Revise calculation methodology to be based on the effective tax rate (thereby adjusting for last revaluation) and to report the full tax burden by including the tax rates for cities and towns (staff recommends)

Effective & Efficient Government – Competitiveness of Tax Rate to Businesses Proposed Change
Delete measure and have staff explore the feasibility of developing an alternative measure that assesses the competitiveness of attracting businesses to the County considering multiple factors—not just the tax rate (staff recommends)

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following changes to the Community & Corporate Scorecard:

- Effective & Efficient – Percentage Property Tax Revenue - Delete measure because it’s no longer relevant for decision-making of the Board.
- Effective & Efficient Government – Property Tax to Household Income - Revise calculation methodology to be based on the effective tax rate (thereby adjusting for last revaluation) and to report the full tax burden by including the tax rates for cities and towns
- Effective & Efficient Government – Competitiveness of Tax Rate to Businesses - Delete measure and have staff explore the feasibility of developing an alternative measure that assesses the competitiveness of attracting businesses to the County considering multiple factors—not just the tax rate

Growth Management & Environment – Proposed Change
Rename the Focus Area to Sustainable Community

Growth Management & Environment – Customer Satisfaction with Recreational Opportunities – Proposed Change
Report as a sublevel measure of Customer Satisfaction and align to the Effective & Efficient Government Focus Area

Growth Management & Environment – New Measures – Proposed
Environmental Leadership Index
Park & Recreation Capital Ratio
Insurance Services Office Ratings

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following changes to the Community & Corporate Scorecard:

- Growth Management & Environment – Rename the Focus Area to Sustainable Community
- Growth Management & Environment – Customer Satisfaction with Recreational Opportunities – Report as a sublevel measure of Customer Satisfaction and align to the Effective & Efficient Government Focus Area
- Growth Management & Environment – New Measures
  - Environmental Leadership Index
  - Park & Recreation Capital Ratio
  - Insurance Services Office Ratings

Social, Education & Economic Opportunity - Workforce Development
Align measure to relevant performance measure(s) developed by the Human Services Strategic Plan Funder’s Collaborative
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Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following changes to the Community & Corporate Scorecard:

- Social, Education & Economic Opportunity - Workforce Development - Align measure to relevant performance measure(s) developed by the Human Services Strategic Plan Funder’s Collaborative.

BOARD MEMBERS’ KEY INTERESTS

Below are the key interest items submitted by Board members.

A copy of the Key Interests detail is on file with the Clerk to the Board.

Community Health & Safety

Criminal Justice System (Submitters: Commissioners Clarke, Cooksey, & Murrey)
- Request – Receive information regarding the status of court systems initiatives as well as a status report for the construction planning of the new jail.

Commissioners Clarke and Murrey addressed this key interest.

Commissioner Clarke said he would yield his time to Commissioner Murrey because staff’s written response had addressed his questions.

Commissioner Murrey said he had hoped to have received performance data on judges and/or the efficiencies and effectiveness of the court system as a whole.

General Manager Michelle Lancaster addressed this area. She said the courts do not keep performance measures data on judges. She said progress was being made, per the initiatives that have been put in place.

Commissioner Murrey said his concern was for the overall performance of the courts and whether efficiencies were being gained.

Note: No action was taken.

Summer Opportunities for Youth (Submitter: Commissioner Leake)
- Request – Receive information that outlines the County’s efforts to link summer youth employment opportunities with seniors.

Commissioner Leake addressed this key interest.

Commissioner Murrey said he felt this was a good idea but the question would be how the Board would go about including this in the budget.

General Manager Michelle Lancaster addressed this area. She noted that Park and Recreation has partnered with the Mayor’s Youth Employment Program for the last four years and will probably continue to do so.

Commissioner Bentley suggested that perhaps there could be a partnership with Charlotte-Mecklenburg Schools to have junior and senior high school students participate in an apprentice type employment settings.

Commissioner Leake asked how was information regarding the Mayor’s Youth Employment Program disseminated. General Manager Lancaster said she would find out.
Food Quality and Access and Relation to Nutrition (Submitter: Commissioner Murrey)

- Request – Discuss whether the County should add Food Quality as a program category. Also to receive an update on the work of the Food Policy Council and the Healthy Weight, Healthy Child Initiative.

Commissioner Murrey addressed this key issue. Commissioner Murrey said he would like the Board to commit to making this a budget priority item which could impact the County’s Healthy Community Index.

Commissioner Clarke asked what services would fall under it.

Commissioner Murrey said at this point he was not sure but that this was something that needed to get on the Board’s agenda.

Commissioner Murrey said this was something where there was an opportunity to leverage other financial resources with just a small commitment financially but a bigger commitment philosophically from the County.

Chairman Roberts said she would like to hear from the Health Department regarding a possible measure for this.

Commissioner Clarke asked about the establishment of the Food Policy Council which was addressed by Commissioner Murrey.

Commissioner Clarke said this could possibly be a job creator.

Commissioner Cogdell said this was an important topic because it’s important to have quality healthy foods available throughout the community.

Note: No action was taken.

Mental Health Treatment and Addiction Programs (Submitter: Commissioner Murrey)

- Request – Discuss with fellow Board members areas of opportunity for strategic investments in mental health services, requests for state support of mental health services as part of the Board’s legislative agenda, and collaboration between mental health and criminal justice services.

Commissioner Murrey addressed this key interest.

Commissioner Dunlap said he hoped some kind of analysis would be done this year, since the Board was considering delaying capital projects, because if it’s determined that the number of bed spaces currently being used in the jail might otherwise be used for mental health bed spaces, there might be more time to deal with the jail project. He said it would be helpful to have that information.

Commissioner Cogdell said there were fewer psychiatrics beds today in Mecklenburg County than in 1980 for mental health treatment.

Commissioner Clarke asked what kind of strategies could the County come up with to help this issue.

Commissioner Murrey said he would like this to be one of the Board’s legislative agenda items.

General Manager Michelle Lancaster said this would continue to be a legislative priority.

Note: No action was taken.
Human Services Strategic Plan (Submitter: Commissioner Murrey)

- Request – Further discuss potential next steps for a “Human Services Strategic Process.”

Commissioner Murrey addressed this key interest. He said the next step was to get this before Charlotte City Council, the Board of Education, the Foundation for the Carolinas and other funding sources.

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

Chairman Roberts asked who was driving the focus areas of this.

Commissioner Murrey said the idea of creating a “leader” for this was problematic because these were not organizations that can be lead, including the County. He said this was more of a collaborative workforce to come up with a common vision.

Commissioner Murrey said his role was to make sure people don’t forget about this. Further that his goal is to move it far enough along that he can remove himself from the process, but he wants to see that the initiative actually catches and it develops its own membership.

Commissioner Dunlap said a designated contact person was needed because that’s a question that’s been asked of him from people that have an interest in this.

Commissioner Murrey said this was just the start of the process and that it hasn’t been figured out yet how the process was going to be facilitated. He said it would be an open process.

Note: No action was taken.

Effective & Efficient Government

Functional Consolidation (Submitters: Commissioners Cogdell, Dunlap, and Chairman Roberts)

- Request – To receive an update on Mecklenburg County’s current feasibility analysis of opportunities for functional consolidation of County and CMS operations.

Commissioners Cogdell, Dunlap, and Chairman Roberts addressed this key issue.

Commissioner Dunlap said one concern he had been made aware of and perhaps why progress in this area has been slow was because in some instances functional consolidation may result in someone losing their job. He used TV/Video Production as an example, of three entities having one person that did the same thing.

Commissioner Dunlap said he didn’t know what could be done to facilitate a process that would make it fair and equitable if you move forward with functional consolidation.

General Manager John McGillicuddy said discussion had taken place with CMS staff, that for certain areas under consideration that it could perhaps be done more quickly if a third party was brought in and to analyze the options because the third party would not have a stake in the matter.

General Manager McGillicuddy said TV/Video Production would not be one of those areas because there aren’t a lot of dollars to be saved there, other than what the County spends on WTVI. He said a more appropriate area for bringing in a third party to look at would be
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Information Technology or something of that nature. It was noted that staff has made progress in some areas as noted in the report.

General Manager McGillicuddy said there would be a cost to bring in a third party but that cost has not been looked at yet.

Commissioner Cogdell said he would like all areas looked at by a third party because he’s not convinced that some of the areas noted in the report that County and CMS staff have said would not be cost effective to consolidate was necessarily correct.

Commissioner Cogdell said he would like to see a proposal regarding getting a third party involved.

Chairman Roberts said City and County permitting services was another area that would be good to have a third party look at.

It was the consensus of the Board that staff look at putting a Request for Proposal together for obtaining a third party to take a look at areas of functional consolidation between the County and CMS and possibly the City of Charlotte and report back to the Board on what it would cost to undertake that initiative.

Capital Planning (Submitters: Commissioners Cooksey and James)

- Request – Receive capital information that will allow the Board to allocate fixed bond dollars for major capital projects over the next three fiscal years.

Commissioners Cooksey and James were not present, so there was no discussion of this key interest.

Nonprofit Funding (Submitter: Commissioner Dunlap)

- Request – Discuss with fellow Commissioners the value of funding nonprofit organizations.

Commissioner Dunlap addressed this key interest.

Commissioner Dunlap said the Board needed to discuss long term what it should do about funding nonprofit agencies. Commissioner Dunlap said some agencies funded by the County have the expectancy that County funding is to be there in perpetuity. Commissioner Dunlap said he’s hoping that at some point the Board will begin to look at which of the nonprofit agencies are so essential that if the County didn’t fund them, then it would cost the County more to provide that service itself. Commissioner Dunlap said he’s hoping the Board can look at some way of getting out of the business of funding so many nonprofit agencies and to give them an opportunity to seek other funding sources before County funding would cease.

Commissioner Murrey said he could agree with looking at what it would cost the County to provide a particular service versus it being provided by the nonprofit agency, but he was not in agreement that the County should stop funding all nonprofits. Commissioner Murrey said some nonprofit agencies add value and fill in gaps that the County can’t provide as efficiently.

Commissioner Murrey said the issue he had was that you can evaluate each of the nonprofits and he appreciates the way the County currently evaluates them, but it’s hard to figure out if they’re filling in gaps and actually helping a small community or subset that has a more dire need then for example a level three priority. Commissioner Murrey said he’d like to see them evaluated in terms of a broader context of what our community goals were.

Commissioner Clarke commented on how the process for evaluating outside agencies had improved over the years.
Commissioner Dunlap noted how sometimes nonprofit agencies will come after the budget process and request funds from unrestricted contingency.

Chairman Roberts said consideration should be given to calling the unrestricted contingency fund something else, such as an emergency fund because that fund was really for emergencies. She cited Hurricane Katrina and the Hall House project as examples of when funding was needed to meet an unexpected need.

No action was taken.

**Funding Partnerships (Submitter: Chairman Roberts)**

Chairman Roberts addressed this key interest.

Commissioner Bentley asked Director Johnson to comment on her meeting with a few members of the Board of Education regarding the County’s Balanced Scorecard, which she did.

No action was taken.

**Growth Management & Environment**

**Economic Development (Submitters: Commissioner Bentley, Clarke, Cogdell, and Murrey)**

Commissioners Clarke, Cogdell, Bentley and Murrey addressed this key interest.

Commissioner Clarke said his reason for having this as a key interest was to raise the question of what other strategy could be used for job creation, other than the County’s Business Investment Grant program.

Commissioner Cogdell said the Board’s Economic Development Committee had asked Economic Development Director John Allen to develop an economic development strategy or strategic plan to address the issue of job creation for the County but the staff resources to do this weren’t available.

Commissioner Cogdell said economic development may be a functional consolidation area to be considered between the County and the City of Charlotte.

Commissioner Bentley said she wanted to know what were some ways the County could be creative in the area of economic development. She suggested there be some follow-up with Mr. McDonald regarding what has worked in other communities around the country.

Commissioner Murrey said the County and City of Charlotte’s Economic Development Committees should meet jointly when reviewing projects. He said the respective entities would vote separately but there was no reason why both committees couldn’t review the project at the same time.

Commissioner Cogdell addressed infrastructure investment and the opportunity to create jobs long term. Commissioner Cogdell said there may be some portion of pay-go funds that the County can’t do anything with and the County may want to say put some portion of that into a reserve type of fund so that if the opportunity avails itself where the County sees it can create jobs through an investment in infrastructure. He said this would be a different approach to current thinking that could possibly work, but it takes staff resources to facilitate that type of conversation.

County Manager Jones noted that with respect to joint discussion with the City regarding economic development that the towns should be involved as well.
Note: No action was taken.

This concluded the discussion.

*Note: The above is not inclusive of every comment.*

**ADJOURNMENT**

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes, that there being no further business to come before the Board that the meeting be recessed at 5:27 p.m. until 8:00 a.m. February 26, 2010.

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Janice S. Paige, Clerk

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Chairman Jennifer Roberts
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at the Mahlon Adams Pavilion at Freedom Park located at 2435 Cumberland Avenue, Charlotte, NC. on Friday, February 26, 2010.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

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

The meeting was called to order by Chairman Roberts.

The purpose of the meeting was to continue the Board’s annual Strategic Planning Conference.

Budget/Management Director Hyong Yi shared some comparative data for FY09, FY10 and Future Year FY10, FY11 with respect to the budget gap.

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

STATE BUDGET UPDATE/IMPACTS BRIEFING

Rebecca Troutman, Intergovernmental Relations Director for the North Carolina Association of County Commissioners (NCACC) and Sharon Scudder, Executive Counsel addressed the Board.

Ms. Troutman gave an update on the state budget and the impact on counties.

Ms. Scudder addressed judicial actions that could have budgetary impacts on counties. The following two cases were highlighted: Graham County Board of Elections v. Graham County Board of Commissioners (A dispute over the Board of Elections hiring of a part-time employee when the position was not specifically approved) and Charter Schools Funding case (The claim is failure to provide capital funding to charter schools violates NC Constitution).

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

Comments
Commissioner Leake asked about charter schools being formulated to be a “money making” process rather than making sure they “educate children.” She asked was this a part of the lawsuit. Ms. Scudder said charter schools were run by private nonprofit corporations. She said there were many outstanding charter schools across the state and that there was a lot of student achievement in these schools. Ms. Scudder said there were some charter schools managed by groups that have “motives” that would not be consistent with our “typical” public schools. Thus, when you start talking about public funds going for capital outlays for these schools there are a lot of other issues involved.

Ms. Scudder said charter schools are supposed to be nonprofit and they have to show that they are nonprofit under their statutory development. She said they may be using those funds in other ways but they have to set themselves up as nonprofit. She said some charter schools have private funding coming in that makes it “appear” that they are “money making machines.” Ms. Scudder said she wasn’t sure which schools Commissioner Leake was referring to, so she can’t be more responsive.

Commissioner Clarke asked Ms. Troutman about state position cuts and the areas where those cuts occurred which was addressed.

Commissioner Clarke asked if the state’s numbers included the Child Support Enforcement Services positions that would be eliminated at the state level. Ms. Troutman said she would have to find that out.

Commissioner Clarke asked what was the total number of state employees. Ms. Troutman said she would find that out.

Commissioner Murrey entered the meeting.

Commissioner Clarke asked about the state retirement fund which was addressed.

Commissioner Clarke suggested the NCACC, with respect to Alcoholic Beverage Control System reform, encourage the General Assembly to include in the legislation a definition of cause for removal. Commissioner Clarke said the Board has the authority to remove Alcoholic Beverage Control Board members with cause but it’s undefined.

Commissioner Leake asked about collective bargaining which was addressed. Ms. Troutman said per feedback received from members, the position of the NCACC is to oppose collective bargaining.

Commissioner Cogdell asked about vehicle registration fees, which was addressed. It was noted that it has to be used for public transportation.

County Manager Jones asked Ms. Troutman what was the number one item that she felt was a “threat” to counties expensewise. Ms. Troutman said there were two threats, additional expense and a hold back on state shared revenue. Ms. Troutman said there may be additional cuts in mental health and schools. It was noted that there’s also concern for the area of justice and public safety with respect to the use of jails on the local level by the state.

Commissioner Bentley asked about the stimulus funds received by the state and the implications to county budgets when those funds cease, which was addressed. Ms. Troutman said it would probably be the next bi-annual year when you see the impact of those funds going away.

Commissioner Dunlap entered the meeting.

County Manager Jones asked about the legislature’s plan to study consolidation and administrative efficiencies of county department of social services, which was addressed.
Ms. Troutman said the concern was not about regionalization, which they have no objection to if that’s a county’s desire but rather the state telling counties how to do their business. She said there needs to be some flexibility in the language.

*The Board recessed at 10:10 p.m. and reconvened at 10:20.*

**BOARD MEMBERS’ KEY INTERESTS**

Below are the remaining key interest items submitted by Board members, which were likewise addressed by the submitter(s). The others were addressed at the Board’s session on February 25, 2010.

Note: Vi Lyles with The Lee Institute facilitated this portion of the meeting.

*A copy of the Key Interests detail is on file with the Clerk to the Board.*

**Growth Management & Environment**

**Air Quality (Submitters: Commissioners Cogdell and Murrey)**

- Request – Educate the Board on what the County is doing to address Air Quality.

Commissioner Cogdell addressed this key interest and a concern that there’s no money in the budget to fund air quality initiatives.

Commissioner Murrey said addressing air quality would involve dealing with regional transportation and planning issues. Commissioner Murrey said the County's EPA attainment area doesn’t overlap its planning districts which makes it impossible to try and do anything regionally to address that.

Commissioner Murrey said he recognized that the Board has limited ability to do much to change the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) to make it a larger regional entity but that state and federal government may have to intervene to do that, if the Board thought it was support to do that. He asked the Board if that would be a worthwhile thing to propose for the County’s legislative agenda to have the regional planning authority to coincide with the EPA attainment area. He said it would help the County on the regionalism level to have a structure in place.

Chairman Roberts said with respect to having the regional planning authority to coincide with the EPA attainment area that the Centralina Council of Governments received funds from NCDOT to commission a regional study to look at what the best governance structure would be for a planning organization with air quality responsibility.

No action was taken.

**Residential Energy Initiatives (Submitters: Commissioners Murrey and Roberts)**

- Educate the Board on the Residential Energy Initiatives undertaken by the County.

Commissioner Murrey and Chairman Roberts addressed this key interest.

Commissioner Murrey noted efforts being done with respect to residential energy initiatives and how that information needed to be brought to the public’s attention.

Chairman Roberts said the City of Charlotte was conducting neighborhood meetings around this issue. She said unfortunately the City of Charlotte was not including the County in these
meetings even though they should. She encouraged staff to try and work with the City in this area so that more information can be disseminated and/or that the County conduct meetings as well. Chairman Roberts noted weatherization as an example of something people needed to be aware of.

Commissioner Bentley said another organization involved in making residents aware of weatherization options in the northern part of the County was Help Empower Local People (H.E.L.P.). Commissioner Bentley suggested they be contacted as well.

No action was taken.

**Regionalism (Submitter: Chairman Roberts)**

- Request - Receive information on Mecklenburg County’s regional contribution and discuss with fellow Board members whether there are areas where County could contribute more or be more effective in the Charlotte region.

Chairman Roberts addressed this key interest.

Commissioner Clarke said he was supportive of regional efforts and referenced MUMPO. He encouraged Board members to attend a MUMPO meeting as well as a COG meeting.

Commissioner Leake posed the question of how do you change the mindset of the Board’s counterparts in other parts of the state and region that we’re the “great state of Mecklenburg.”

General Manager Bobbie Shields said one thing that’s going on that might impact regionalism is the fact that there’s a move by some area jurisdictions to get out of regional organizations. He said a number of organizations were dropping out of COG and have stopped paying dues to COG.

He said there’s even been discussion regarding the Charlotte Regional Partnership and the value being received by the member organizations and whether they should continue.

General Manager Shields said there needs to be some new energy injected into regionalism and what form should regionalism take. General Manager Shields said Mecklenburg County could take the lead.

Commissioner Clarke said if members were pulling out of COG that would have a financial impact on those that remain, including Mecklenburg County, to carry the load. He urged staff to keep track of this issue.

No action was taken.

**Transportation (Submitter: Chairman Roberts)**

- Request – Seek input from fellow Board members on the role the Board of Commissioners would like to have concerning transportation issues in Mecklenburg County (such as CATS issues, regional connections, and roads).

Chairman Roberts addressed this key issue.

Commissioner Leake asked had there been any consideration of a payroll tax to help fund transportation needs. Chairman Roberts and Commissioner Clarke said it would be very difficult to get legislative support for this from Mecklenburg County’s own legislative delegation.

Chairman Roberts ask for input on the best way to keep the Board informed of what’s going on in the area transportation per her involvement with MUMPO.
Commissioner Bentley suggested that perhaps at the first Regular meeting of the month that a report be provided to the Board. She said it could be called a Regional Update and could include updates on COG, MUMPO, and the Metropolitan Transit Commission (MTC).

It was the consensus that at the first meeting of every month an update be provided by the Chairman and/or Commissioner Clarke on COG, MUMPO, and the MTC.

Social, Education & Economic Opportunity

Workforce Development (Submitters: Commissioners Clarke, Cogdell, and Chairman Roberts)

- Request – Receive information regarding the County’s role in job training and job creation

Commissioner Clarke addressed this key interest.

Commissioner Leake said there was a concern in the community with respect to re-educating the workforce for today’s job market and how do you do it and where would the funds come from for the training that would be necessary.

Commissioner Leake referenced Phillip O. Berry High School and how it’s not being used for its intended purpose which was to prepare students to be able to graduate and go into the work force with a skill.

Commissioner Cogdell said this is why he wouldn’t want to defund education support services.

Commissioner James said he concurred with Commissioner Leake with respect to Phillip O. Berry High School. Commissioner James said it was supposed to have been a vocational trade school.

Commissioner James said people need to be trained to do other things. He said the Board could put money in restricted contingency and require CMS to use it for vocational training.

Commissioner Bentley said the Board of Education needed to realize that not everyone is “college bound.”

No action was taken.

Teacher Supplements (Submitter: Commissioner Leake)

- Request – Discuss with fellow Commissioners the possibility of offering an additional supplement to CMS teachers and provide salary supplement information from other counties in North Carolina.

Commissioner Leake addressed this key interest.

Commissioner James said funds could be placed in restricted contingency for this purpose and that CMS would be informed of what it’s to be used for.

Commissioner Clarke said Mecklenburg County provides the third highest teacher supplement in the state.

No action was taken.

The Board recessed for lunch at 11:12 a.m. and reconvened at 11:35 a.m.
PRIORITY SETTING EXERCISE

Budget/Management Director Yi addressed the priority setting exercise. He said the list of priorities distributed was put together based on previous Budget/Public Policy Workshop discussions.

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

The Board went through the priority setting exercise. After going through the priority setting exercise, the Board then took the actions below in order to make additional changes.

Note: Actions were taken on the straw vote concept. Thus, a second was not necessary and it was also permissible for the chairman to make a motion.

Motion was made by Commissioner James and failed 5-3 with Commissioners Clarke, Cogdell, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Dunlap, and James voting yes, to move Greenway Development & Management from Level 4 to Level 5.

Motion was made by Commissioner Dunlap but failed 5-2 with Commissioners Bentley, Cogdell, Leake, Murrey, and Roberts voting no and Commissioners Dunlap and James voting yes, to move Library Services from Level 4 to Level 3. (Note: Commissioner Clarke was out at the time of the vote.)

Commissioner Clarke returned.

Motion was made by Commissioner Bentley and failed 6-2 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley and James voting yes, to move Aging-in-Place from Level 2 to Level 3.

Motion was made by Chairman Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes to move Air Quality from Level 5 to Level 4 and to move Regional Planning from Level 4 to Level 5.

Motion was made by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to move Job Training/Employment Assistance from Level 3 to Level 2 and Court Services Coordination from Level 2 to Level 3.

Motion was made by Commissioner Murrey and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Murrey, and Roberts voting yes and Commissioner Leake voting no, to move Water Quality from Level 5 to Level 4.

Motion was made by Commissioner Leake and failed 5-3 with Commissioners Bentley, Cogdell, Dunlap, James, and Murrey voting no and Commissioners Clarke, Leake, and Roberts voting yes, to move Ethnic and Cultural Diversity from Level 5 to Level 3.

Commissioner Dunlap said the title of Ethnic and Cultural Diversity was misleading. It was the consensus of the Board that the title be changed to make it clearer what this means or what falls under this category.

Motion was made by Commissioner Clarke and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Murrey, and Roberts voting yes and Commissioner Leake voting no, to move Voting Services from Level 7 to Level 6.
Motion was made by Commissioner Murrey and carried 5-3 with Commissioners Bentley, Cogdell, James, Murrey, and Roberts voting yes and Commissioners Clarke, Dunlap, and Leake voting no, to move Aquatic Services from Level 7 to Level 6.

Motion was made by Commissioner Bentley and carried 6-2 with Commissioners Bentley, Clarke, Dunlap, James, Leake, and Roberts voting yes and Commissioners Cogdell and Murrey voting no, to move Building Safety from Level 4 to Level 3.

The Board then voted unanimously to accept all of the priority rankings per the exercise it went through and per the changes reflected in the above votes.

*A list of the final priorities is on file with the Clerk to the Board.*

This concluded the discussion.

County Manager Jones and Chairman Roberts made closing remarks and thanked everyone for their participation.

*Note: The above is not inclusive of every comment.*

**ADJOURNMENT**

There being no further business to come before the Board the meeting was declared adjourned at 1:27 p.m.

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Janice S. Paige, Clerk ____________________________________

Chairman Jennifer Roberts
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, March 2, 2010.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
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: Commissioner Neil Cooksey

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS - NONE

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

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) To prevent Disclosure of Information that is Confidential Pursuant to G.S.105-259. (G.S. 143-318.11(a)(1) and B) Consult with Attorney.

The Board went into Closed Session at 5:26 p.m. and came back into Open Session at 6:07 p.m.

(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 10, 11, 12, 15, 19, 21, & 22.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Invocation was given by Commissioner Clarke, 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

(1A1) SOCIAL WORK APPRECIATION MONTH

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation declaring March 2010, “Social Work Appreciation Month” in Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Director of Social Services Mary Wilson and a team of County social workers.

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

(1A2) 2010 CENSUS AWARENESS MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation declaring March 2010, Census Awareness Month in Mecklenburg County.

The proclamation was read by Commissioner Bentley.

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

(1A3) WOMEN’S HISTORY MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation declaring March 2010, Women’s History Month in Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Lisa Yarrow with the Women’s Advisory Board.

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

(2) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

(3A) APPOINTMENTS

WOMEN’S ADVISORY BOARD

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, James, Leake, Murrey, and
Roberts voting yes, to appoint Mariana Nunez to the Women’s Advisory Board to fill an unexpired term expiring November 30, 2012.

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

**Round One**

- Jill Dinwiddie: Commissioners Bentley, Clarke, Dunlap, and Murrey
- Deborah Jackson: Commissioners Cogdell, James, Leake, and Roberts

**Round Two**

- Jill Dinwiddie: Commissioners Bentley, Clarke, Dunlap, James, Murrey, and Roberts
- Deborah Jackson: Commissioners Cogdell, James, Leake, and Roberts

Voting Ceased

Chairman Roberts announced the appointment of Jill Dinwiddie to the Women’s Advisory Board to fill an unexpired term expiring June 30, 2010.

*Note: They replace Barbara Bondra and Kate Maynard.*

The other nominees were: Natalie Bingham, Deborah Bosley, Takisha Boyd, Victoria Chopra, Jennifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Deborah Early, Laura Everett, Andrea Ferguson, Beverly Foster, Bliss Green, Alice Jackson, Kathryn Johnson, Angela Joyner, Marguerite King, Sharon Lachow-Blumberg, Brook Maybach, Simona Mitchell-Kelly, Mary Murphy, Letisha Perry, Jacquelyn Powell, Constance Purcell, Stacey Rose, Bellverie Ross, Sandra Saburn, Deborah Snowdon, Melba Streeter, Janie Sumpter, Heather Swindells, Gay Thornton, JoeAnna Trotman, Melissa Wansker, Catherine Ann Wargo, and Mimi Zelman.

(4) PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

(5A) VOLUNTEER FIRE SERVICE ASSESSMENT AND FIRE COMMISSION RESTRUCTURING

The Board received an update on the volunteer fire service assessment conducted by Emergency Services Education & Consulting Group.

Mecklenburg County Fire Marshall J. Mark Auten gave the report. He was introduced by General Manager Bobbie Shields.

The update covered the following:
- Fire departments that contract with the County
- Compilation of the fire assessment
- Fire Department Transition
- Funding
- Fire Service Management

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

Comments

Commissioner Bentley asked about the timeframe for reporting back to the Board with respect to the service districts. Fire Marshall Auten said the plan was to bring recommendations to the Board in the fall.
Commissioner Bentley asked Fire Marshall Auten to keep her informed as the process unfolds. She noted there were several areas in District 1 that would be impacted.

Commissioner Dunlap encouraged Board members to pay close attention to what’s occurring as it relates to this issue. He said if the County can’t continue to fund the volunteer firefighters and decide to let the City of Charlotte take them over, the County would pay a higher rate to provide the same protection and coverage for the area currently being covered.

Commissioner Leake asked about the use of the term “volunteer” firefighter and the provision of fire services, which was addressed by Fire Marshall Auten and County Manager Jones.

Commissioner Leake asked about the funding options, which was addressed by Fire Marshall Auten.

Commissioner Cogdell said this issue may be a little more complex then it currently seems. He said it would be good for the Board to receive a briefing on the history of this issue, including the quality of service and how service could be enhanced. He said there were also some systemic uniformity issues that need to be addressed.

Commissioner Cogdell suggested the Board receive a presentation regarding this issue some time after budget deliberations, in order to be better informed prior to taking action on forthcoming recommendations.

Commissioner James said the County’s support of volunteer fire departments has been a topic of discussion for a number of years.

Commissioner James said some of the towns do not want to create a fire department because it’s a big budget item.

Commissioner James said the County did have a responsibility to provide fire service protection to those in the unincorporated area, but that it should not be at a cost of $1.8 million. Further, that it should not involve all of the various volunteer fire departments scattered around the county. Commissioner James said there had to be a more efficient way and the end goal should be that the County is out of the fire service business at some point.

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

Commissioner Bentley noted for the record that the Town of Huntersville was fully aware there will be a transition where ultimately they would have their own fire department.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to amend the Fire Commission resolution to approve the new structure of the commission, establishing three Fire Association districts that will be represented on the Fire Commission by two members from each district, one at-large member, and one ex officio member of the Board of County Commissioners. Secondly, to appoint two members Kevin Fox (District One) and Donald Beard (at-large member) to the Fire Commission as recommended by the current Fire Commission and the Fire Association.

Note: Currently, there are six members of the Fire Commission (including the ex officio member of the Board of County Commissioners) representing five Fire Association districts. The amendment adds two members to the Fire Commission, bringing that total to 8 members. This change will coincide with the Mecklenburg County Fireman’s Association realigning the 18 volunteer fire departments into three districts of six departments each. This realignment will provide a more balanced Fire Commission and Fire Association to assist in considering the recommendations of the fire assessment.

Resolution recorded in full in Minute Book 44-A, Document #____.
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Commissioner Clarke returned to the dais.

MANAGER’S REPORT

(6A) CENTER CITY 2020 VISION PLAN

The Board received an update on the Center City 2020 Vision Plan.

Former Mayor of Charlotte Harvey Gantt, 2020 Plan Co-chair, Michael Smith, President & CEO of Charlotte Center City Partners, and Deborah Campbell, Planning Director, Charlotte-Mecklenburg Planning Commission gave the update. They were introduced by Real Estate Services Director Mark Hahn.

Note: The Center City 2020 Vision Plan is a community-driven planning effort that will culminate in recommendations to guide the growth and development of Charlotte-Mecklenburg’s urban core over the next decade. The project effort, sponsored by Charlotte Center City Partners, Mecklenburg County, and the City of Charlotte, is chaired by Ann Caulkins of The Charlotte Observer and Harvey Gantt of Gantt Huberman Architects.

The consultant team, led by MIG Inc. and supported by Charlotte firms Cole Jenest Stone, Wray Ward, and Kimley-Horn, has been working on the effort since September 2009. In addition to collecting data and information and conducting many stakeholder interviews, the consultants have implemented a far-reaching community engagement effort including a community workshop, steering committee meetings, working group meetings, a lecture series, and county-wide neighborhood workshops.

The County’s financial contribution to the project in FY10 is $125,000. The Board of County Commissioners approved funding of $125,000 from unrestricted contingency on May 7, 2008. The financial expectation to complete the study is for an additional County contribution of $125,000 in FY11.

Comments

Commissioner Clarke asked about the statement “break down the barrier of I-277,” which was addressed.

Commissioner James referenced the 2010 Plan and the “cap” and the costs associated with doing that. Commissioner James said the only way to get something done like that would be to get funding from the federal government. Commissioner James said the 2020 Plan was “okay” for a vision, but he doesn’t see where the County has the resources to do what’s ultimately required, which was a kind of “big dig” Boston thing, where you bury it.

Commissioner James asked was the “big dig” concept a part of the 2020 Plan and would there be any carry forwards from the 2010 Plan. The response was the 2020 Plan has not been developed yet, but that there would be some carry over, the specifics of which has not been determined, however, the “cap” would be one of them. It was noted that projects in the 2010 Plan would be evaluated to see if they’re feasible for the 2020 Plan.

Commissioner Leake referenced “old” Earl Village and when redevelopment came about in the First, Second, and Third Ward areas. Commissioner Leake said her concern was about how people were dispersed and how communities were “torn up” in these areas, such that these areas “never came back together as they were before.” She cited as examples, the presence of corner stores, barbershops, other small businesses, and the faith community.

Commissioner Leake asked was the plan to try and reinvent that type of environment. The response was yes.

Commissioner Leake asked was it correct to say that we need to revitalize and bring back to the focus of the inner city what was once there. Commissioner Leake said her concern was how this
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could be done affordably to afford it for all people to be a part of the process. The response was that’s the kind of thing that’s wanted, a diverse uptown area, and to try and capture some of the things that were in those neighborhoods that were cleared out.

Commissioner Leake asked about the rebuilding of Second Ward high school. The response was that in the 2010 Plan there was something regarding saving the Second Ward gym and for it to become some type of focal point in the overall development. Further, with respect to whether or not there would be a downtown urban high school in the image of the old Second Ward was not fully addressed in the 2010 Plan. It was noted that high schools or educational facilities were being looked at in the 2020 Plan, however, it may not be on the site where Second Ward high school was.

Mr. Smith said bringing a high school back to the center city and locating it in Second Ward on that site and making that a Second Ward high school was a priority of Charlotte Center City Partners and one that they’ve been working on for years. He said they’ve been working in partnership with the Second Ward Alumni Association. Also, they continue to work with Charlotte-Mecklenburg Schools to fit into their priorities and matching it up with school needs.

Commissioner Leake asked about the involvement of the faith community in this process. The response was they’ve been involved.

Planning Director Campbell with respect to urban renewal, said she would hope that “we have learned that the most appropriate approach to urban revitalization is not urban renewal. It is not removal.” Director Campbell said they have placed a high premium on working with the existing context and trying to fit in new development within the existing character of a neighborhood and “certainly not removing people and businesses.”

Commissioner Murrey asked how do you strike a balance when you’re doing this kind of work between an appropriate level of planning and yet still have an authentic feel. Director Campbell said a lot of it had to do with having fairly flexible ordinances and zoning regulations and codes that allow for innovation.

Commissioner Bentley asked about the feasibility of the plan on the “back drop” of the current economy and in light of adjusting city and county capital plans; and how does this impact the visioning process. Mr. Smith said it makes it a great time to plan. Further, that it’s an exciting time to plan because the last decade has changed so much and a lot was accomplished, yet they are confronted with the economic reality and the fact that there will be less resources.

Commissioner Clarke noted that there was a great opportunity to “break down the barrier” to I-277 with the placement of the light rail bridge across I-277 and to include a good pedestrian Connection, but it got “valued engineered” out of the process. Commissioner Clarke suggested this be reconsidered.

This concluded the discussion. No action was taken or required.

Chairman Roberts thanked the presenters for their presentation.

Note: The above is not inclusive of every comment but is a summary.

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

(6B) BUDGET UPDATE

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi gave the update.
The following was covered:

- Medic Overview
- Health Department Overview
- Area Mental Health Overview
- Contract with Carolinas HealthCare System
- Conclusions
  - Demand for services across Medic, Area Mental Health and the Health Department (including Carolinas HealthCare System (CHS) services) continues to increase
  - Receiving 13 percent of County services funding, CHS is an important service partner with Mecklenburg County
  - To maintain current service levels in CHS-provided behavioral health and public health services, the County’s funding to CHS will increase in FY2011 as stated in contract provisions

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

Comments

Commissioner Murrey asked about County funding of Medic and other funding received by Medic, which was addressed by Joe Penner Director of Medic.

Commissioner Murrey asked about the status of reimbursement for transport services and collection efforts, which was addressed.

Commissioner Murrey asked about the contract with Carolinas HealthCare System, specifically the Behavioral Health component, which was addressed by Greg Gombar, CFO for Carolinas HealthCare System.

Commissioner Murrey asked about indigent care, which was addressed.

Commissioner Murrey asked how much did Carolinas HealthCare System make in 2009. The response was in 2008 they lost $466 million in investments.

Commissioner Murrey asked what was their reserve prior to the lost. The response was that they lost about $500 million of reserves and that it came down from about a $1.2 billion to about $700 million.

Mr. Gombar said for 2009 they will report $349 million, positive and will invest $379 million in capital. Further, that for the next five years, the projection was to basically, excess of revenues over expenses, $1.9 billion for the Mecklenburg operation, which includes two other counties, Lincoln and Cabarrus. Also, the capital budget was almost the same amount, $1.9 billion with no debt.

Commissioner Murrey asked Mr. Gombar to address the need for increasing the County’s costs for health care services. Mr. Gombar said there was a reduction this year and in 2008. Mr. Gombar said they haven’t finished the numbers for next year yet, but when you consider inflation you would expect an increase. Mr. Gombar said they would meet with the County Manager to discuss this issue. He said the goal was to not have an increase, but it’s not certain if this could be achieved. They’re still working on it.

Mr. Gombar said the difficulty that they’re having was at Randolph because of the capacity and because of things going on at the state level. Further, that some of the things they’ve done in the past that allowed them to come in with fairly low increases weren’t there anymore, because they
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don’t have the growth capacity and because of reimbursement cuts in Medicaid and for Mental Health.

Commissioner James asked about the Medic board and the breakdown between Carolinas HealthCare System and Presbyterian. Director Penner said there were seven board members; all seven appointed by the County Commission with three being nominated from each healthcare system and one from the County.

Commissioner James asked had there been or was there an issue regarding where to bring patients, which emergency room. Director Penner said the destination protocol was actually voted on by the Medical Control Board. He said if he recalled the last time there was “contention” was about six or seven years ago if not longer. Director Penner said he could send the Board information with respect to how many patients are taken to which hospital.

Commissioner James commented on county funding of Medic and loses by Medic with respect to Medicaid and Medicare, per transport. Commissioner James said he wanted to know out of the $16.8 million received from the County, how much of that was a subsidy of Medicaid and Medicare. Commissioner James said he wanted the breakdown between what they actually reimburse, the lost on the reimbursement, the lost to cost that we have on Medicaid and Medicare versus the other.

Commissioner James asked about indigent care and the total subsidy cost that Carolinas HealthCare System pays. Mr. Gombar said the actual charity care cost was around $100+ million and that the $600 million number was a system-wide number of what’s called community benefits, which would include those shortfalls for Medicaid and Medicare and other things.

Commissioner James asked whether Carolinas HealthCare System had calculated the impact of the additional costs to CMC for the Medicaid/Medicare changes under the congressional proposals for healthcare reform. Mr. Gombar said it was too early to comment on the Healthcare Reform issue at this point.

Commissioner Dunlap asked if there were any accountability measures in place with respect to the $17.7 million that’s allocated for indigent care. Director Yi said this was not a service related contract. Director Yi said it’s an offset, which means the County realized that there was some public/community good being done and thus an indigent care cost pool was established to help offset some of the costs to both hospital systems because of the public good that’s being done. Director Yi said there were no qualitative measures as to what the hospital systems need to provide in terms of care or the units of care they need to provide.

Commissioner Dunlap said the fact that there were no accountability measures in place for the hospital systems, like there were for other agencies that receive County funding was a concern for him. Commissioner Dunlap asked why the hospital systems were treated differently. Mr. Gombar said qualitatively, Director Yi was correct but quantitatively, the County probably had more checks and balances then most other third parties that they deal with. He said there were audits of the mental health contract, an audit of out of county patients, a review of the public health contract, and a review of the indigent care calculation.

Commissioner Dunlap asked how does the County know if indigent care can’t be provided cheaper by some other agency or entity. Mr. Gombar said “you can always get it cheaper.”

Commissioner Dunlap said he’s aware that it can be done cheaper, but the point he wanted to make was that the County has no way to measure how many people Carolinas HealthCare System sees for the $17 million that’s allocated. Mr. Gombar said they do have those statistics and could provide them. He said they provide patient satisfaction information also. Mr. Gombar said the data was available and would be provided if requested.

Mr. Gombar said the “key” with Carolinas HealthCare System was the comprehensive nature of the care that’s provided.
Commissioner Dunlap asked were patients seen by experienced doctors or those in residency. Mr. Gombar said those seen in clinics are seen by full time physicians.

Commissioner Dunlap asked about mental health beds, which was addressed by Area Mental Health Director Grayce Crockett.

Commissioner Dunlap said there were a lot of people incarcerated that need mental health treatment as oppose to incarceration. Commissioner Dunlap said he supported the idea of building a new jail, but the more he learns, the more concern he was about the need for a new jail and that perhaps more money should be spent on more mental health beds at a healthcare facility.

Commissioner Dunlap asked was it cheaper to provide care for the mentally ill at a mental hospital or was it more cost efficient to provide jail space for the same person. Director Crockett said if it’s being looked at on a per day basis, then it’s cheaper at the jail. Director Crockett said what happens, however, with respect to the chronic offender was that those individuals if they don’t get treatment continue to cycle through the jail. Thus, the short term cost would be higher because it costs more to put someone in a hospital than it does to put them in jail, but over the long term, if treatment could be provided that would keep them from returning back to the jail; the long term cost would be less.

Commissioner Dunlap said he appreciated everything that healthcare systems do for the community, but felt there were others in the community that do the same thing, not in totality, but for a fraction of the cost.

Commissioner Dunlap said when it comes to funding the County needs to consider the kind of care that’s being provided and who it funds, because “at no time has he heard that one of these contracts were bid out.” He said they were simply given.

Director Crockett noted that when the County divested the majority of mental health services, a request for proposal was done and services were bid out.

Commissioner Dunlap asked when was the last time that was done. The response was in 2004.

Commissioner Cogdell asked about patient costs and amount collected, which was addressed.

Commissioner Cogdell asked what would be the impact of a reduction in County funding to Carolinas HealthCare System. Mr. Gombar said whether or not they would be able to continue to run the clinics was a good question, but one that he can’t answer at this point.

Commissioner Leake said she was concerned about the quality of care for indigent patients at the hospital when they arrive and the intake process. She said it was a slow process, one that she’s experienced. Mr. Gombar said all patients are treated the same when they arrive at the hospital. He asked Commissioner Leake to share information regarding the patient she accompanied to the emergency room and it would be looked into.

Commissioner Leake asked County Manager Jones if any County staff would be lost as a result of continuing the contract with Carolinas HealthCare System. The response was no, however, there may be some layoffs but continuing with the contract doesn’t necessarily contribute to that.

Commissioner Leake asked what could be done to give opportunity for other agencies to get involved in this process for possible funding. Director Crockett said the state was getting ready to make some changes in how they are willing to pay for mental health services and it’s felt those changes would significantly impact the dynamic of who is able to provide mental health services, which would impact who the County is able to contract with.
Commissioner Leake asked Mr. Gombar if Carolinas HealthCare System was supportive of the healthcare bill. Mr. Gombar said they’ve gone on record before publicly that they support reform, but they do not support the “big bang” theory, everything at one time. They feel it should be more over a period of time, gradual, and it should be things that have worked somewhere and not just new ideas that haven’t been proven before. Thus, they do not support the current bills that are in the house and senate.

Commissioner Leake said at some point she’d like to know how those with substance abuse problems and HIV/AIDS and their families were being supported.

Commissioner Leake said she can’t support building jails, but she was supportive of mental health care and support for those who cannot take care of themselves.

Commissioner Murrey asked what was the County’s current fund balance. The response was around $247 million.

Commissioner Murrey asked Mr. Gombar what was the amount of their reserves. The response was $2.7 billion.

Commissioner Murrey said he would like to know the specific amount that has been invested in Mecklenburg County.

Chairman Roberts asked Mr. Gombar how much sales tax do they get returned annually. The response was $30 million.

Chairman Roberts said as an FYI that when the County is trying to net out its cost and benefits, etc, that there were other taxes the County actually forego in having a partnership with Carolinas HealthCare System as a public hospital.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment.

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

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to approve the following item(s), with the exception of items 10, 11, 12, 15, 19, 21, and 22, to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held February 16, 2010; Special meeting held February 16, 2010; Budget/Public Policy meeting held December 8, 2009; and Closed Session held February 2, 2010.

(8) TAX REFUNDS

Approve refunds in the amount of $105,475.66 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.

(9) BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)
Recognize, receive and appropriate additional revenue of $1,833,115 to reflect actual State, and Federal allocations received by the Health Department.

(13) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

(A) Approve, recognize, receive and appropriate funds from the State of North Carolina in the amount of $226,094 to implement the Substance Abuse and Mental Health Services Administration (SAMSHA) funded Operation Recovery program focused on Jail Diversion Trauma Recovery - Priority to Veterans.

(B) Establish three full-time positions and one part-time position.

(14) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Monthly Financial Report.

**AREA MENTAL HEALTH**

**Statement of Revenues and Expenses**

**FY 2010, For the period ending January 31, 2010**

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,554,880</td>
<td>6,826,820</td>
<td>43.89%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>29,786,806</td>
<td>13,960,706</td>
<td>46.87%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>19,902</td>
<td>20.46%</td>
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<tr>
<td>County</td>
<td>46,461,258</td>
<td>23,481,570</td>
<td>50.54%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>91,900,237</td>
<td>44,288,998</td>
<td>48.19%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,188,456</td>
<td>3,635,780</td>
<td>50.58%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,612,364</td>
<td>5,955,624</td>
<td>43.75%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>9,494,725</td>
<td>3,400,317</td>
<td>35.81%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,903,459</td>
<td>7,330,085</td>
<td>56.81%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>10,579,715</td>
<td>4,987,761</td>
<td>47.14%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>19,268,029</td>
<td>11,081,762</td>
<td>57.51%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,853,489</td>
<td>7,897,669</td>
<td>41.89%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>91,900,237</td>
<td>44,288,998</td>
<td>48.19%</td>
</tr>
</tbody>
</table>

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented.

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

(16) RIGHT-OF-WAY CONVEYANCE TO NCDOT

Approve the conveyance of Right-of-Way to the North Carolina Department of Transportation (NCDOT) on Haymarket Road to facilitate a road improvement project.
Note: NCDOT plans to improve and pave Haymarket Road during the summer of 2010, but must first realign the right-of-way to match the existing roadbed.

(17) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

Amend the LUESA Fee Ordinance to reflect changes in the Re-inspection Fee Program methodology and realign it with Code Enforcement’s current service delivery model.

Note: A second reading will be required since all nine commissioners were not present.

(18) BUILDING DEVELOPMENT ORDINANCE REVISIONS

Amend the Building Development Ordinance to allow creation of a Technical Advisory Board as a formal standing committee of the Building Development Commission.

Note: The growth of sustainable design projects is increasing significantly. The pace of that growth also involves the speed with which green technology is developing and advancing. LUESA Code Enforcement staff is concerned that the rate of growth of these projects and the related changes in construction technology will out run our current expertise, geared towards focusing on the building code minimum requirements. Consequently, staff proposes (with the unanimous support of the Building Development Commission) initiating a Technical Advisory Board, as a strong resource to staff on sustainable design issues, as well as other challenging or grey code application problems.

Note: A second reading will be required since all nine commissioners were not present.

(20) BROADBAND WIRELESS DATA NETWORK GRANT - AMERICAN RECOVERY & REINVESTMENT ACT 2009 (ARRA) –

1) Endorse the City of Charlotte’s submission of a $16,996,500 Broadband Technology Opportunities Program (BTOP) Grant from the American Recovery & Reinvestment Act of 2009 (ARRA) to construct a regional wireless 4G (LTE) network.

2) Authorize the County Manager to negotiate and execute the Consortium Agreement to be developed contingent upon the grant being awarded.

Note: The purpose of the City’s grant request is to build a broadband wireless data network to provide communication services for public safety, approved state universities, and other public sector agencies. The network will be used by public safety, other government agencies, education, and low-income customers through Charlotte Housing Authority.

(23) RETAIL TENANT LEASE – GOVERNMENT DISTRICT PARKING DECK

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Barbara Gordon, Owner of Esposito’s Pizza & Pasta.”

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

(24) SET PUBLIC HEARING – STREET LIGHTING ASSESSMENT FOR OPERATIONAL COST

Adopt a resolution of the Preliminary Assessment Roll for the operating cost of street lights and set a public hearing on March 16, 2010 on Street Lighting Preliminary Assessment Roll for the
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Resolutions recorded in full in Minute Book 44-A, Document # __________.

(25) SET PUBLIC HEARING – STREET ASSESSMENT PROJECT

Adopt a resolution of the Preliminary Assessment Roll for Farmwood North/Stone Mountain Subdivision Road Improvements and set a public hearing for April 20, 2010, on assessing property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on improvement to the roadway and acceptance of the final assessment resolution and roll.

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

(26) BUDGET AMENDMENT – LUESA LAND DEVELOPMENT (REVENUE INCREASE)

Recognize, receive and appropriate $197,964 in Land Development funding and authorize the carry forward of the unspent balance at June 30, 2010 to FY11.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in the Oxforshire Phase 3 Subdivision. Letters of credit were provided by H C Grimmer Development Company LLC for completion of work for Map 1 on January 30, 2004 and Map 2 on March 31, 2004 respectively. Mecklenburg County found the developer in default of the bond obligation due to the work not being completed. The funds received by the County will be used to complete improvements required by the Town of Mint Hill Subdivision Ordinance. Any funds remaining after completion of these improvements will be returned to H C Grimmer Development Company LLC and their guarantor, B B & T.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

____________________
Commissioner Murrey returned to the dais.

(10) AD VALOREM TAX ADVERTISEMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to order the advertisement of delinquent 2009 real estate and personal taxes.

Note: The advertisement is a notification to taxpayers of outstanding tax balances. This action is required by NCGS 105-369(a).

Commissioner Clarke removed this item from Consent for more public awareness. He also asked was there still an opportunity for taxpayers to avoid having their names appear in the newspaper. County Manager Jones said yes, if their taxes were paid by Friday, March 5, 2010.

(11) CAPITAL RESERVE REQUEST – LATTA PLANTATION NATURE PRESERVE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake,
MARCH 2, 2010

Murrey, and Roberts voting yes, to authorize and appropriate the expenditure of $52,000 from Park & Recreation Capital Reserve funds to replace three picnic shelters in Latta Plantation Nature Preserve.

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

(12) CAPITAL RESERVE REQUEST – AQUATIC CENTER

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize and appropriate capital expenditure of $104,910 from the Mecklenburg County Aquatic Center Capital Reserve Account for the following:

1. Install new lockers in men’s and women’s locker rooms - $47,000
2. Install new grating around 50 meter pool and 25yd instructional pool - $17,000
3. Purchase three treadmills for fitness room - $15,510
4. Install new flooring in fitness room - $15,000
5. Purchase and install six new lifeguard stands - $6,200
6. Purchase four new lane line reels - $4,200

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

(15) MCDOWELL CREEK LAND ACQUISITION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve purchase of Tax Parcel 015-051-08 (+/- 60.279 acres) on McDowell Creek for $30,000 plus unpaid taxes from Carrington Ridge, LLC.

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

(19) BUDGET AMENDMENT – SHERIFF’S OFFICE SPECIAL REVENUE FUND (VOCATIONAL FACILITY)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and appropriate $60,000 for the Sheriff’s Special Revenue Fund Vocational Facility.

Note: This action will increase the FY10 budget for this Special Revenue Fund which is generated from portion of telephone revenue designated for Vocational Facility and allow the Sheriff’s Office to enter into contracts and expend money in accordance with the special revenue fund ordinance.

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

(21) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend the Department of Social Services’ FY10 budget to recognize, receive, and appropriate additional State Adult Day Care funds of $24,345.

Commissioner Leake removed this item from Consent for more public awareness.
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(22) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend the Department of Social Services’ FY10 budget to recognize, receive, and appropriate additional CATS revenue of $95,862 to be used for transportation services.

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

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:50 p.m.

__________________________________________
Janice S. Paige, Clerk

__________________________________________
Jennifer Roberts, Chairman
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, March 16, 2010.

ATTENDANCE

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

Absent: Commissioner Daniel Murrey

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

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS – NONE

(2A, B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) CONSULT WITH ATTORNEY

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:50 p.m. Commissioner Dunlap was present when the Board came back in Open Session. He entered 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 8, 13, 16, 20, 21, and 24.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Invocation was given by Commissioner Clarke, 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 - NONE

(2) PUBLIC APPEARANCE

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

Dr. Wesly Carter addressed the Working Charlotte Business Prosperity Conference 2010 to be held April 10, 2010, 8:00 a.m. – 5:00 p.m. at UNC-Charlotte, College of Health and Human Services Building. It will be a one-day experience for small and medium sized business owners seeking to “boldly unlock the know-how and the how-to” of doing business in Charlotte/Mecklenburg County. Information will be shared on, but not limited to, controlling costs, increasing efficiencies, and driving revenue for small and medium sized businesses.

Rev. Roderick Ewell addressed Commissioner James regarding comments Commissioner James recently made regarding African American women. Rev. Ewell said he was appalled at Commissioner James’ statement insinuating that African American women were “promiscuous.” Rev. Ewell told Commissioner James that it was wrong for him to “take a wide brush and paint an entire group of people as we’re immoral or that our women are promiscuous.” Rev. Ewell said “it is a shame that we live in time where we have elected officials using words of division. We are a human people, not separate.” He told Commissioner James that he was “elected to serve the people and to do the people’s business and not to use it as a bully pulpit to put people down.”

Patrick Christian with the American Fundamentalist Movement made general comments regarding the state of communities. Mr. Christian said “we have to start showing more sincerity in our commitments when it comes to tackling the battles of diversities and inadequacies that we face in our communities.” He said vital solutions are needed to address the various issues facing our communities.

The following persons addressed the BMWNC, Inc. Medical Waste Incinerator located at 3250 Campus Ridge Road in Matthews, NC. and renewal of its Title V permit.

Cheryl Drake Bowers, a resident of Stallings and native of Matthews, asked the Board to postpone the permit renewal request. Ms. Bowers said there were a lot of extenuating issues around this permit and not just the compliance issue. Ms. Bowers said it was impossible for the Board to make an informed decision without further investigation. Ms. Bowers asked that this matter be placed on the Board’s next Regular meeting agenda for discussion. Ms. Bowers said the company has a long list of violations.

Judy Drake, a resident of Matthews, who lives on Campus Ridge Road, addressed problems she has experienced in dealing with ash from the incinerator. Ms. Drake said the ash has stuck to clothing, vehicles, and one’s skin. Ms. Drake said it’s probably also in her lungs and others in the area. Ms. Drake said well water in the area has been tested and determined not to be suitable for drinking or cooking. Further, that they were advised by the Cancer Society not to eat vegetables grown in the area. Ms. Drake said the company does burn at night and on cloudy days. Ms. Drake...
also addressed odor issues.

A copy of Ms. Drake’s remarks is on file with the Clerk to the Board.

Kim and John Frizebraell, residents of Matthews, who live two miles from the incinerator, said they moved into the area not realizing the incinerator was there. Ms. Frizebraell said they lost their 14 year old daughter to childhood cancer. Ms. Frizebraell said other families in the surrounding area, that the BMWNC, Inc. incinerator reaches out to, have also lost children to cancer. Ms. Frizebraell said she has done research to see if there was a common denominator and has found that the issue of environmental linked cancers is understudied. Ms. Frizebraell said “while we can’t point to this incinerator and say that this is a source, it is a starting point.” They urged the Board and others to do whatever they could get the Environmental Protection Agency (EPA) to require BMWNC, Inc. to come into EPA standards as soon as they can because 2014 was not soon enough.

Mayor Linda Paxton, Town of Stallings, noted that the EPA established new emission standards in 2009 and gave companies until 2014 to come into compliance. Mayor Paxton said BMWNC, Inc.’s current emissions far exceed what’s now deemed as unsafe. Mayor Paxton said the primary issue at the moment was the air quality permit renewal but that there were other environmental issues at this site. Mayor Paxton said the Town of Stallings and the Town of Matthews sent letters of comment to the County’s Air Quality Division. Mayor Paxton said they were seeking the following conditions to be added to the permit. 1) Seek permission from the Environmental Management Commission for a shorter period of time to come into compliance. 2) Require the facility to use alternative methods. 3) Require BMWNC, Inc to limit or not accept dental waste because it’s very high in mercury, which is one of the pollutants where they exceed regulations. Mayor Paxton urged the Board to encourage coordination between all of the environmental agencies that are looking at this site, so that there is actual mediation of all of these things. Further, that County staff be encouraged to put these requirements on the permit.

A copy of Mayor Paxton’s letter to the County’s Air Quality Division is on file with the Clerk to the Board.

Adam Brooks, a resident of Matthews, said this type of facility should not be located in a residential area and near schools. Mr. Brooks said BMWNC, Inc was not a good neighbor. He said BMWNC, Inc was trying to make the most money they can “off of the backs of the health of the residents.” Mr. Brooks encouraged the Board to obtain more oversight.

Allan Burns, a resident of Charlotte, who has worked in the vicinity of the facility, spoke in opposition to the permit renewal.

Dick Silverman, a resident of Matthews, appeared to express his concerns but because of time, was unable to do so. He was advised to leave any comments with the Clerk to the Board.

A copy of Mr. Silverman’s remarks is on file with the Clerk to the Board.

Commissioner Cogdell suggested this issue be referred to the Board’s Health & Community Support Committee to see if there was more the Board could do, including possible inclusion of specific requests in the Board’s legislative package to the state.

(3A) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts, voting yes, to appoint Cleveland Edwards to the Alcoholic Beverage Control
Board to fill the unexpired term of H. Parks Helms expiring June 30, 2012 and David Conway to fill the unexpired term of Elton Shoemaker expiring June 30, 2010.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts, voting yes, to appoint Cleveland Edwards as chairman of the Alcoholic Beverage Control Board for the duration of his term.

**BICYCLE ADVISORY COMMITTEE**

The following persons were nominated for appointment consideration to the Bicycle Advisory Committee:

- John Arciero by Commissioner James
- Kurt Robinson by Commissioner Cooksey
- Jane Wasilewski by Commissioner James
- Gerald Williams by Commissioner Leake

*Note: An appointment will occur on April 6, 2010.*

**BOARD OF EQUALIZATION AND REVIEW**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to reappoint JoAnne Allen, Russell Allen, Zanthia Hastings, William Hawkins, Unithia McGruder, Jack Morgan, John Newitt and James Barnett to the Board of Equalization and Review for a one-year term expiring April 7, 2011.

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to appoint James Barnett as chairman of the Board of Equalization and Review for the duration of his term.

The following persons were nominated for appointment consideration to the Board of Equalization and Review by Commissioner Clarke: Damon Bidencope and Kenneth Hammond.

*Note: An appointment will occur on April 6, 2010.*

**CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE**

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to appoint the following persons to the Charlotte-Mecklenburg Community Relations Committee: Azania Herron, Jibril Hough, Kaz Muhammad to fill unexpired terms expiring September 30, 2011 and Patrick Rivenbark, Amad Shakur, Rebecca Vincent to fill unexpired terms expiring July 2, 2011.

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to reappoint Kay Roderick to the Nursing Home Community Advisory Committee for a three-year term expiring February 28, 2013 and Shawanga Burrell for a three-year term expiring March 30, 2013.
Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to nominate and appoint Linda Strong to the Nursing Home Community Advisory Committee for a one-year term expiring March 31, 2011.

She is replacing Pearl Brewington.

PERSONNEL COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to nominate and appoint Charles Loring to the Personnel Commission to fill an unexpired term expiring June 30, 2011.

He is replacing Jack Holbein.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to reappoint Laila Macs and Rita Plyler to the Waste Management Advisory Board for three-year terms expiring March 14, 2013.

The following persons were nominated for appointment consideration to the Waste Management Advisory Board by Commissioner Bentley: Rita Brannon, Christopher Brown, Chad Faubel, Daryl Goodman, Jacqueline Levister, and Philip O’Brien

Note: An appointment will occur on April 6, 2010.

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

PUBLIC HEARINGS

(4A) STREET LIGHTING ASSESSMENT FOR OPERATIONAL COST

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to:

1) Acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, and Stewarts Crossing Subdivisions.

2) To open a public hearing on the Street Lighting Preliminary Assessment Roll and Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, and Stewarts Crossing Subdivisions.

Commissioner Cooksey returned to the dais.

The following persons appeared to speak:
Robert Hussey, a resident of Cardinal Woods Subdivision, asked for clarification regarding why residents were being billed since the lights were located on the public right-of-way, thus property of the state. He also asked whether all residents were being billed. Mr. Hussey said the concern was that there’s a backlog of debt that would go on as unpaid taxes and would this create an issue for residents at some point.

Sherry Chambliss, a resident of Ridgewood Subdivision, questioned the assessment, in light of annexation into the City of Charlotte.

Desmond Cole with Land Use and Environmental Services explained how the assessment process and the billing process worked. Mr. Cole said he would be happy to discuss this in more detail with Mr. Hussey and Ms. Chambliss, one on one.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to 1) close the public hearing on the Street Lighting Preliminary Assessment Roll and Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, and Stewarts Crossing Subdivisions, and 2) adopt the Final Assessment Roll and Resolution for Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, and Stewarts Crossing Subdivisions.


MANAGER'S REPORT

(6A) MEDICAID WAIVER APPLICATION - AREA MENTAL HEALTH

Area Mental Health Director Grayce Crockett addressed Area Mental Health’s Medicaid Waiver application, but prior to doing so, she called on Chief District Court Judge Lisa Bell to comment.

Note: On February 18, 2010, the Division of Medical Assistance issued a Request for Applications for Local Management Entities to become 1915 (b) (c) waiver expansion sites. One LME will be chosen by July 2010 to expand the current pilot waiver, which provides Medicaid services on a capitation basis in a five-county area. The application is due on April 14, 2010 and requires a letter of support from the BOCC for assuming financial responsibility in submitting the application. It is projected that the start date for the new contract would be July 2011. Also, the Department of Health and Human Services will be restructuring the delivery system for Medicaid funded mental health, substance abuse and developmental disabilities services. This new delivery system will operate on a capitation basis and will be phased in statewide.

Judge Lisa Bell spoke in support of Area Mental Health’s request to respond to a Request for Application (RFA) from North Carolina Department of Health and Human Services, Division of Medical Assistance to manage Medicaid funded services through a capitated Pre-aid Inpatient Health Plan (PIHP) for Mecklenburg County residents in need of services for mental illness, substance abuse and developmental disabilities.

Director Crockett covered the following in her presentation:
• Background information
• Problem with current process
• Potential solution
• Pros and cons for Mecklenburg County
• Next Steps

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

Comments

Commissioner Clarke asked about Medicaid dollars spent locally and the reasoning behind the rapid increase since 2007. Director Crockett said part of it was because of the large number of providers that came into the community. It was noted that in 2006 the state Medicaid plan changed and allowed any willing and able provider to come in and provide service, not all of whom, Director Crockett said were fully trained to provide the services. Director Crockett said prior to 2006, the Local Management Entity (LME) was able to control the number of providers providing these services because they were using the County’s Medicaid number.

Commissioner Clarke asked who was responsible for controlling the services provision. The response was Value Options. Further, that the state never tasked Value Options with controlling the costs. Director Crockett said Value Options was currently paid on a “piece meal” basis, meaning the more authorizations they issue, the more money they are paid, which doesn’t serve as an incentive to save cost.

Commissioner Clarke asked about community endorsements, which was addressed.

Commissioner James asked about in and out of network providers, which was addressed.

Commissioner James said he’s concerned that there will be a limitation in terms of services because there would be a limited amount of funding. Director Crockett said although there would be a limited pool of funds, the pool of providers would be significant. It was noted that currently in Mecklenburg County there were over 900 providers, who bill for services.

County Manager Jones asked Director Crockett to comment on the County’s likelihood to receive a waiver. Director Crockett said she felt the County had a 70% chance. She said there was risk, that the County would not be chosen.

Commissioner Cooksey asked about the per capita evaluation funding formula, which was addressed.

Director Crockett said if the County was not able to negotiate a rate at the high end of what the actuaries come up with, then staff would “walk away” on behalf of the County because staff would not want to put the County at risk. It was noted that the per member, per month rate was negotiated annually.

Commissioner Cooksey asked about the services provided, per member, per month, which was addressed.

Commissioner Cooksey asked about start up cost on the part of the County, which was addressed.

Commissioner Dunlap asked if the County decided to stay with Value Options, what were the downsides to doing that or was there value in continuing with Value Options. Director Crockett said if we stay with Value Options nothing would change. Director Crockett said her feedback from providers was that they have a difficult time getting authorizations from Value Options, getting through on the phone, and other customer service issues, which were reasons why it would not be advisable to stay with Value Options. Director Crockett said the big advantage would be that this waiver would give the County the authority to be able to close the provider
Commissioner Dunlap said one of the concerns expressed by some of the providers was that they would probably go out of business. Commissioner Dunlap noted, however, that if providers weren’t providing the services that they should be providing, then they should not be in business.

Commissioner Dunlap asked was it correct that providers would still have the opportunity to improve, meet the criteria and start with at least the two point star rating and if they do that, they meet the criteria to continue to operate. Director Crockett said yes, but the bar would be gradually raised. She said the County would work with the Provider Council to set those standards.

Commissioner Dunlap said at some point he’d like to know how the executive committee of the Provider Council was elected.

Commissioner Dunlap addressed the issue of there being a fair process and fair evaluation tool.

Commissioner Dunlap asked about the administrative fee and how it was determined, which was addressed.

Commissioner Bentley asked how often was or would the standards for the star rating system be reviewed, along with the provider review. Director Crockett said providers were reviewed annually, but if something changed in the agency significantly during that period, another review would take place. With respect to the standards for the star rating system, Director Crockett said that has not been determined yet.

Public Comments

Ms. Ellis Fields with the Mental Health Association spoke in support of Area Mental Health’s Medicaid Waiver application.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, and Roberts voting yes, to excuse Commissioner Cogdell from voting on this matter to avoid a conflict of interest.

Note: Commissioner Cogdell has clients that could potentially be impacted by this decision.

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

Public comment continued with the following persons also speaking in support of Area Mental Health’s Medicaid Waiver application.

Ed Payton with Mecklenburg Open Door
Brett Loftis with the Council for Children’s Rights
Ron Reeve with the Consumer and Family Advisory Committee
Damoneon L. Chisholm with Footprints Carolinas and president of the Executive Board of the Provider Council
Note: Those that spoke cited the following reasons for their support: It would improve the quality of services; access to services; there would be local control; more provider accountability; improved provider communication; and there would be quality standards. Also, that it would allow dollars to be invested in the community.

The following person spoke in opposition.

Jocelyn Singletary with the Black Mental Health Providers Association, asked the Board to defer making a decision at this time or deny the request of Area Mental Health. Ms. Singletary said there were still numerous unanswered questions regarding this matter. Ms. Singletary said they do not feel that current providers, consumers and their families would be best served by the implementation of a Medicaid waiver program by the LME. Ms. Singletary said Director Crockett has not offered clinical structure for the delivery of services and the selection of providers. Further, that there was no evidence to support how the figures presented in the presentation relate to actual improvement to services, only the level of control that it would result in. Ms. Singletary said questioned whether there would be increased access and equal access to all communities.

Comments

Commissioner Leake said her concern was for providers and their security in this process.

Commissioner Leake asked about the makeup of the Executive Committee of the Provider Council, which was addressed.

Commissioner Leake asked about the hiring of additional employees, which was addressed.

Commissioner Leake asked how would this impact those individuals who were incarcerated but should not be because of mental illness. Director Crockett said she could not say that this would have a huge impact on that segment of the jail population but that this would hopefully allow staff to increase access. Thus, the more individuals that can be gotten on Medicaid, and the County provide mental health services to, the more they can be kept out of jail. Director Crockett said it would be her intent to get in front of the problem and to get to individuals that have the potential to end up in jail or homeless into services, so that they’re not having that end result.

Commissioner Dunlap asked Director Crockett if she would be willing to meet with those that still have some concerns. The response was yes.

Commissioner Clarke asked would every provider beginning January 1, 2011 have to be a Critical Access Behavioral Agency. The response was no, but if they provide certain services, it’ll be required, case management services, for example.

Note: The above is not inclusive of every comment but is a summary.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 6-1 with Commissioners Bentley, Clarke, Dunlap, James, Leake, and Roberts voting yes and Commissioner Cooksey voting no, to approve the request for Area Mental Health to respond to a Request for Application (RFA) from North Carolina Department of Health and Human Services, Division of Medical Assistance to manage Medicaid funded services through a capitated Pre-aid Inpatient Health Plan (PIHP) for Mecklenburg County residents in need of services for mental illness, substance abuse and developmental disabilities.

Commissioner Cogdell returned to the dais.

(6B) BUDGET UPDATE

The Board received a budget update with respect to the condition of and outlook for the
MARCH 16, 2010

community as a part of the planning and preparation process for the FY2011 budget. There was also an update with respect to the FY2010 budget.

County Manager Jones noted the following:

- The FY2011 targets given to departments include cuts that will eliminate services, close facilities, and lay off employees.
- The targets that will be addressed by Budget/Manager Hyong Yi were not the County Manager’s recommended budget, only targets.
- The targets were based on the priorities established by the Board at its recent Planning Conference, as well as the Board’s expressed preference to maintain the current tax rate.
- The total amount of reductions that would be covered in the presentation that would result from the target budgets was more than the projected funding gap.
- This provides the County Manager with some flexibility and some choices to develop the County Manager’s funding recommendations, which was about two months away.
- It also helps mitigate any additional costs shifting by the state or other revenue or costs factors that are unknown at this time.

Budget/Management Director Hyong Yi gave the update.

The following was covered:

FY2010 Budget
- Budget Gap
- Actions to Balance

FY2011 Budget Development
- Budget Gap
- Actions to Develop a Balanced Budget
- Next Steps

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

Comments (FY2010 Budget)

Commissioner Clarke asked for clarification regarding the reductions summary and the differences between the various departments, specifically, Land Use and Environmental Services Agency (LUESA). Director Yi explained that what’s being shown was the reduction to LUESA’s County funded budget. He said the Code Enforcement division was separate because Code Enforcement was fee funded.

Commissioner Clarke asked, in light of the fact that there’s only one quarter of the fiscal year left beginning April 1, were the reductions going to be possible. He said in most cases these savings were going to have to come out of reduced hours or further layoffs. Director Yi said although this was being presented today, staff has been giving directions and working with departments for about two months to get to these numbers.

Commissioner Leake asked about cuts to outside agencies, which she said seemed low.

Commissioner Leake said she’s concerned with respect to the possibility of not being able to maintain County staff and cutting departmental budgets, including the library, yet, continuing to fund outside agencies. Director Yi said he couldn’t comment on the impact of the County’s cut to outside agencies because he not aware of what those impacts would be.

Commissioner Leake said the outside agencies should be cut more.

County Manager Jones explained that as a percentage of their total budgets, it’s greater for outside agencies than it is for County departments because it’s a smaller budget. County Manager
MARCH 16, 2010

Jones said staff was trying to be consistent in what outside agencies were being asked to reduce.

Director Yi noted with respect to the number of reductions tied to the $13.2 million, no employees were losing their jobs. Further, that he believed two vacancies may be eliminated, as a part of the $13.2 million. Director Yi noted also that the layoff of 45 code enforcement positions was not tied to $13.2 million.

Director Yi said even if more was taken from outside agencies, it wouldn’t necessarily save any jobs because no jobs were being eliminated as part of the $13.2 million.

Commissioner Cogdell asked how does he respond when the perception was that there’s a lot of “fat” in County government, especially when you’re making reductions totaling $13.2 million and no jobs were being lost. Director Yi noted that last year about $76 million was eliminated or reduced from the County’s budget to balance the 2010 budget and now an additional reduction was being taken. Director Yi said if there was “fat” he’d say it was gone. Further, that the $13.2 million reduction does impact services and service delivery or service quality. Director Yi said departments have gone to extraordinary efforts to minimize the impact on employees as a part of the balancing plan.

Commissioner Cogdell said he’d like to see some examples of the cuts included in the $13.2 million.

Commissioner Cogdell asked for clarification with respect to the FY2010 Planned Fund Balance Use, which was addressed.

Commissioner Dunlap asked for clarification with respect to fund balance and asked how much was currently in fund balance. The response was $329 million.

Commissioner Dunlap asked how was the $329 million divided up. Finance Director Dena Diorio said the components were as follows:

- About $80 million is reserved by state statute, the receivables that the County has at year end and dollars that can’t be spent.
- About $20 million was for prior year encumbrances that can’t be spent.
- There’s the eight percent which is what the Local Government Commission recommends the County maintain in its fund balance, which is about $106 million.
- There are miscellaneous designations totaling about $20 million.
- What was left at the end of the year was the $45.7 million which was appropriated by the Board for debt service and pay-go.
- There’s the eight percent excess that was not designated, which was allocated for next year, which was about $78 million.

Director Diorio said even though there’s $329 million, the vast majority of it isn’t available to be spent.

Commissioner Dunlap asked about the status of property tax revenue, which was addressed. It was noted that property tax revenue was strong.

Commissioner Dunlap said with respect to the County Manager’s $10 million projection that’s over and above what the anticipated need was, that what he would like to see is that within that $10 million, is consideration for reducing that surplus of $10 million by the amount that it takes to continually employ critical County staff.

County Manager Jones said with respect to the targets he’s taken a risk, which is the sharing of this information with the Board at this time. County Manager Jones reminded the Board that what has been presented was for planning purposes only.

Commissioner James said although the focus has been on FY2010 targeted reductions, the bigger
Chairman Roberts asked would any Park and Recreation facilities be closed and/or would there be a reduction in hours between now and June. *The response was no.*

Comments (FY2011 Budget)

Commissioner James asked about the targeted reduction schedule, specifically the joint city/county numbers shown in the presentation, which was addressed. *It was noted that this was for the interlocal agreements the County has with the City of Charlotte.*

Commissioner Dunlap questioned funding to Carolinas HealthCare System. Commissioner Dunlap said “if you’re going to be fair and cut across the board, then everybody should be impacted.”

Commissioner Bentley with respect to compensation and benefits asked what percent employee health benefits do the employees pay. *Director of Human Resources Chris Peek said he would provide that information.*

Commissioner Bentley asked if an employee’s spouse has coverage through their employer, can they opt to choose the County’s instead of their employer’s insurance. *The response was yes, an employee can cover their spouse who is eligible for coverage through their own employer.*

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

Commissioner Clarke asked about the possible lost of the County’s Triple A bond rating and why staff feels this could happen. *Director Diorio said part of it has to do with the debt service being above 20% of operating expenditures and also the continued use of fund balance.*

Commissioner Clarke asked the County Manager to consider what steps he would recommend the Board take to protect the County’s Triple A credit rating. Commissioner Clarke said the County’s Triple A bond rating was an attractive tool for getting businesses to relocate to the community.

Director Yi said his answer with respect to what could be done to protect the County’s Triple A bond rating, County services, County employees and even education services, would be to raise the property tax rate.

This concluded the discussion.

*Note: The above is not inclusive of every comment but is a summary.*

Motion was made by Commissioner James, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, that in accordance with N.C. G.S. 159-13b(9a), we request that the County Manager inform Charlotte-Mecklenburg Schools that the Mecklenburg Board of County Commissioners will hold a public meeting regarding a general reduction in County expenditures to Charlotte-Mecklenburg Schools required because of prevailing economic conditions.

**CONSENT ITEMS**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to approve the following item(s) with the exception of Items 8, 13, 16, 20, 21, and 24 to be voted upon separately:
(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held March 2, 2010.

(9) TAX REFUNDS

Approve refunds in the amount of $621,003.57 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) CONSTRUCTION CONTRACT – MECKLENBURG COUNTY HISTORIC COURTHOUSE

Award a construction contract in the amount of $1,360,879 to Bell Contracting Co., Inc. for window replacement at the Mecklenburg County Historic Courthouse.

(11) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT

Adopt a resolution authorizing sale of surplus personal property by public auction on April 17, 2010.

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

(12) PURCHASE OF DOCUMENT IMAGING SOFTWARE

Approve the request to purchase Adobe Life Cycle Forms Server to allow development and processing of electronic forms in PDF format.

(14) RECORDS RETENTION AND DISPOSITION SCHEDULE – REGISTER OF DEEDS


(15) NEIGHBORHOOD PARK ACQUISITION

Approve purchase of Tax Parcels 057-071-15, 057-072-38 and 057-072-99 (+/- 14.635 acres) on Brooktree Drive for $571,000 from Keith E. Pugh, Venturi Properties, LLC and Brooktree Properties, LLC.

Note: The subject property, located on Brooktree Drive, is proposed as the site of a future neighborhood park in the West Park District.

(17) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

Recognize, receive and appropriate Medicaid funds in the amount of $450,000 received by the Area Mental Health.

Note: This Board Action is necessary to pay community providers for Medicaid claims for
therapeutic foster care services. Providers are not able to bill these services directly due to restrictions in Medicaid rules. Area Mental Health is required to pay providers for Medicaid Therapeutic Foster Care services. These funds are a Medicaid pass through to service providers delivering these services.

(18) CONSOLIDATE AQUATIC CAPITAL RESERVE FUNDS

Approve a consolidated capital reserve ordinance for the Mecklenburg County Aquatic Center, Marion Diehl Pool, Neighborhood Pools and Ray’s Splash Planet aquatic facilities.

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

(19) DONATION - GARDEN OF LOVE & FORGIVENESS AND PARK BENCH AT FREEDOM PARK

Recognize, receive and appropriate $3,500 in donations for the purchase and installation of a metal bench and a landscaped garden at Freedom Park.

Note: Public TV Station WTVI and the Fetzer Institute have offered to donate $3,500 to pay for the purchase and installation of a standard Park & Recreation Department (P&R) metal park bench (red) and landscaped garden at Freedom Park to create a “Garden of Love and Forgiveness.” WTVI is the local sponsor of this national campaign. The garden will provide a place of reflection and meditation for park visitors to alleviate anger and grief as well as other physical, emotional and spiritual benefits that come with forgiveness.

(22) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – SECOND READING

Amend the LUESA Fee Ordinance to reflect changes in the Re-inspection Fee Program methodology and realign it with Code Enforcement’s current service delivery model.

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

(23) BUILDING-DEVELOPMENT ORDINANCE REVISIONS – SECOND READING

Amend the Building Development Ordinance to allow creation of a Technical Advisory Board.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(8) INSURANCE REIMBURSEMENTS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate funds in the amount of $38,192 for Park and Recreation, $2,000 for Real Estate Services, $593 for Sheriff and $4,765 for Land Use and Environmental Services.
Note: The County received insurance money based on claims for stolen and damaged items in the departments identified. This Board action provides the necessary budgetary authority to use the insurance funds to cover the cost of replacing the items.

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

(13) REGISTER OF DEEDS OFFICE HOURS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to adopt Resolution altering the Register of Deeds office hours by cutting the extended marriage hours and clarifying service times.

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

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

(16) GRANT APPLICATION – AREA MENTAL HEALTH

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

A) Approve submission of a grant application to the Hazelden Foundation BookAid program for substance abuse treatment program written materials estimated to be worth $7,000.

B) Approve, recognize, and receive goods if selected by the grantor.

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

(20) MECKLENBURG SENTENCING SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve resolution authorizing the County Manager’s Office to assume responsibility for operating Mecklenburg Sentencing Services as part of State Justice Services (Court Planning Unit).

Note: Mecklenburg Sentencing Services (MSS) is responsible for conducting background investigations and social assessments on defendants to assist the courts in making sentencing decisions. The program is primarily funded by the State of North Carolina through the Office of Indigent Defense Services, with Mecklenburg County contributing funds and in-kind services. Since 2006, MSS has operated through the Center for Community Transitions (CCT), a non-profit agency dedicated to helping convicted offenders become productive citizens. It is the position of the County Manager’s Office that transferring the program under the Court Planning Unit of State Justice Services (SJS) will improve planning and coordination of court resources. In particular, the County’s operation of the program will enhance the integration of assessment services among court agencies and promote information sharing. Transfer of the program will occur on May 1, 2010.

Commissioner Leake removed this item from Consent for more public awareness and for clarity. General Manager Michelle Lancaster addressed this issue.

Resolution recorded in full in Minute Book 44-A, Document #______.
MARCH 16, 2010

(21) SYSTEM SAFETY PROGRAM PLAN – MECKLENBURG TRANSPORTATION SYSTEM (MTS) – DSS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

1) Approve resolution and Mecklenburg Transportation System (MTS) operational policy that addresses the required six core elements of the safety plan.

2) Allow DSS/MTS with support from the Mecklenburg County Transportation Advisory Board to make revisions to the plan as needed.

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

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

(24) BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

1. Recognize, receive and appropriate additional revenue of $4,172,117 received by the Health Department to reflect Year-Four grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White Treatment Modernization Act of 2006.

2. Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake also recommended that an advisory board be established to address issues related to the Health Department’s receipt of Ryan White funding and other funding received for HIV/AIDS education and medication. Commissioner Leake said the members of the committee would be nominated and appointed by the Board.

Commissioner Leake acknowledged that it was the desire of former and late County Commissioner Valerie Woodard to have such a committee and that this was something she’d worked on achieving.

Chairman Roberts said she recalled a committee being formed years ago, at the request of Commissioner Woodard, but it was not appointed by the Board.

County Manager Jones asked Commissioner Leake if she would be amenable to staff gathering information on what took place in the past and to report back on the findings.

Commissioner Leake accepted County Manager Jones’ request.

STAFF REPORTS AND REQUESTS

(25) REORGANIZATION OF BRYTON TOWN CENTER & BRYTON CORPORATE CENTER

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to sign the Consent Agreement and the amendments to the “AAC Retail” and “AAC Office” Agreements.
Finance Director Dena Diorio addressed this issue.

Note: In 2007 the County partnered with two private developers to provide financing for infrastructure improvements for a proposed large mixed use development in Huntersville. The 425 acre development is planned as a mixed use project consisting of retail, residential, office and industrial space designed around a town center concept. At final build-out, Bryton was projected to have a market value of $1 billion. The County issued $34.4 million of COPs to relocate the rail line and provide for other road and intersection improvements in order to provide the necessary infrastructure to enable the Bryton development to be developed as planned and as rezoned by Huntersville.

The County and the Town of Huntersville jointly negotiated debt service guarantee agreements with the developers which state that if in any year the incremental tax revenues generated by the project are not sufficient to pay the debt service on the COPs, the developers will make payments to fund the shortfall. The agreements will terminate when the project has first generated sufficient incremental property tax revenues necessary to pay that year’s debt service payment. These debt service guarantee agreements allow the County to foreclose on the development properties if the developers do not make the required debt service payments to the County. The lenders to the developers agreed to these agreements and subordinated their loans to the debt service guarantee agreements.

The current agreements with AAC (the developer for the retail and commercial portion of the proposed development) have the property split between two entities, Bryton Town Center Limited Partnership (“AAC Retail”) and Bryton Corporate Center Limited Partnership (“AAC Office”). AAC Office holds 20% of the development area and AAC Retail holds 30% of the proposed development area. The remaining 50% of the development area is held by another entity for residential development and is not subject to this action. Each of the two AAC entities is responsible for its portion of the debt service obligation to the County under the current agreements.

AAC Office and AAC Retail have the same lender, but each has a separate loan. The lender to AAC Retail and AAC Office has now demanded that the two entities put all the land that currently secures the loans up as security for one loan in order to extend the two maturing loans which will expire on March 31, 2010. In order to satisfy the bank, the AAC developer is proposing to form a new entity, Bryton Town Project LLC which will be conveyed the land from AAC Retail and AAC Office. This new entity will be owned by AAC Retail and AAC Office. Following the transfer, Bryton Town Project will transfer all of the land currently owned by AAC Retail and AAC Office, consisting of 47.5% of the development area to Bryton Town Center 1 and 2.5% of the development area to Bryton Town Center 2. Bryton Town Center 1 will assume responsibility for 47.5% of the debt service obligation to the County and Bryton Town Center 2 will assume 2.5% of the debt service obligation to the County. The 2.5% has been carved out as the bank has already released that portion of the land from its loan so it will not be included as collateral for the new loan. The lender has requested that the County consent to restructuring of the Bryton development ownership interests. The County’s obligations to proceed with the proposed amendments to the County’s agreements with AAC Retail and AAC Office will be subject to obtaining the lender’s consent to the amendments.

The current agreements require that the County give its consent before the transfer of assets can take place.

Agreements recorded in full in Minute Book 44-a, Document # _____.

(26) LAKE NORMAN REGIONAL BICYCLE PLAN (LNRBP)

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Clarke, Cogdell, Leake, and Roberts voting yes, to approve a resolution endorsing the Lake Norman Regional Bicycle Plan.

Blair Israel with the Centralina Council of Government presented the plan. He was introduced by Julie Clark with Park and Recreation.

Commissioner Dunlap left the dais during the presentation and was absent for the remainder of the meeting.

Resolution recorded in full in Minute Book 44-A, Document # ______.
COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 5-0 with Commissioners Bentley, Clarke, Cogdell, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:58 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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, April 6, 2010.

ATTENDANCE

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

Absent: Commissioners Karen Bentley, Neil Cooksey, and Bill James

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS – NONE

(2A, B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION B) CONSULT WITH ATTORNEY

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purpose: 2B) Consult with Attorney.

Note: 2A Business Location and Expansion was removed from the agenda.

The Board went into Closed Session at 5:31 p.m. and came back into Open Session at 6:45 p.m.

(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, 16, 18, 19, and 20.

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

Invocation was given by Commissioner Cogdell, 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

(1A1) FAIR HOUSING MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating April 2010 as “Fair Housing Month” in Charlotte-Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Willie Ratchford Executive Director, Charlotte-Mecklenburg Community Relations Committee, Lyn Kessie, President, Charlotte Regional Realtor Association, Andrea Granados Manager of Oak Park at Briar Creek Apartments, on behalf of the Greater Charlotte Apartment Association.

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

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

(1A2) CHILD ABUSE AWARENESS AND PREVENTION MONTH

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating April 2010 as “Child Abuse Awareness and Prevention” month in Mecklenburg County.

The proclamation was read by Commissioner Clarke and received by Paul Risk, Director of Youth and Family Services and Bridget Happney of his staff.

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

Commissioner Cogdell returned to the dais.

(1A3) HEALTHCARE DECISIONS WEEK

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating April 11-17, 2010 as “Healthcare Decisions Week” in Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Debora Sparks, Executive Director of the Council on Aging and Peter Brunnick, CEO of Hospice & Palliative Care Charlotte Region.

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:

Edy Raether, a family counselor, psycho therapist, and author, addressed a character building program for children called the Wings for Wishes Institute. Ms. Raether said her program facilitates healthy life choices; is a complete system of thinking; develops problem-solving skills; supports a positive belief system; encourages, empowers, and enlightens. Ms. Raether said she was seeking the Board’s assistance in making the public aware of her program.

Susan Garvey, a volunteer with the Guardian Ad Litem Program for abused and neglected children and co-chair of the Guardian Ad Litem Advocacy Foundation acknowledged that April was Child Abuse Awareness and Prevention month. She said the Governor also proclaimed April as the Guardian Ad Litem Child Advocate Month. Ms. Garvey addressed the history of the Guardian Ad Litem Program. Ms. Garvey introduced three vista volunteers that will assist the Foundation in its work, Sabrina Nettles from Wisconsin, Kelsey Cander from Nebraska, and Anamita Gall from “all over the world.” They each have decided to dedicate at least one year of their life to live in poverty and serve the poor in Charlotte/Mecklenburg County.

Elizabeth Harpootlian, and Kenji Kellen, consumers, spoke in support of and the continued need for Residential Support Services.

Adam Brooks addressed the BMWNC, Inc. medical waste incinerator. Mr. Brooks spoke in opposition to the renewal of BMWNC, Inc.’s permit. He presented a petition with signatures of other residents in opposition as well. Mr. Brooks said the petition supports a proposed Citizens Resolution Regarding the Incineration of Medical Waste by BMWNC in Southern Mecklenburg County. Mr. Brooks said residents impacted by the incinerator urge the Board to take “any and all necessary steps to request that a new unconditional Title V five year operating permit for the facility by the Mecklenburg County Air Quality Department NOT be renewed.” Further, “if the operation of this facility cannot be prevented, increased oversight is warranted and absolutely necessary.” Mr. Brooks said their resolution speaks to that need and provides measures for accountability to the community.

A copy of the petition and resolution is on file with the Clerk to the Board.

Catherine Mitchell on behalf of Citizens for a Healthy Environment spoke in opposition to the BMWNC, Inc. medical waste incinerator permit renewal request. Ms. Mitchell said BMWNC, Inc. did not meet the application renewal requirement. According to Ms. Mitchell an application for renewal of a permit must be submitted to the government agency nine months prior to the expiration date. Ms. Mitchell said BMWNC, Inc.’s application was due on June 22, 2008, but they didn’t submit a complete application until February 16, 2009, “nearly eight full months late.” Ms. Mitchell said Mecklenburg County Air Quality allowed BMWNC, Inc. to continue to operate and issued an application shield long after the permit had expired and past the timely application process. Ms. Mitchell said Citizens for a Healthy Environment would like to know why Mecklenburg County Air Quality issued the application shield.

Chairman Roberts noted that the County’s Air Quality Division was working on an update to be presented to the Board regarding the permit renewal process, the current status of things, what the Board can recommend, and what the Board can legally restrict with respect to the permit. She said the public would be kept informed.

APPOINTMENTS

BICYCLE COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to appoint Kurt Robinson to the Bicycle Committee to fill an unexpired term expiring March 6,
2012.

He is replacing Elizabeth Barnhardt.

Note: The other nominees were: John Arciero, Jane Wasilewski, and Gerald Williams.

BOARD OF EQUALIZATION AND REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

Damon Bidencope Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts
Voting Ceased

Kenneth Hammond
Ralph McMillian

Chairman Roberts announced the appointment of Damon Bidencope to the Board of Equalization and Review for a one-year term expiring April 7, 2011.

He is replacing Alan Turner.

WASTE MANAGEMENT ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Waste Management Advisory Board:

Rita Brannon None
Christopher Brown None
Chad Faubel None
Daryl Goodman None
Jacqueline Levister Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts
Voting Ceased

Philip O’Brien

Chairman Roberts announced the appointment of Jacqueline Levister to the Waste Management Advisory Board to fill an unexpired term expiring March 31, 2011.

She is replacing Jason McDaniel.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT
The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi gave the update.

The following was covered:

- The Economy (2002 – 2006) as it relates to the Value of Construction Permits in Mecklenburg County
- Mecklenburg County Unemployment Rate 2000 – 2007
- Mecklenburg County Population Growth 2000 – 2007
- Charlotte-Mecklenburg Schools Enrollment Growth 2000 – 2007
- Mecklenburg County’s Response to Growth Factors
- Mecklenburg County Tax Revenues 2000 – 2007
- Economic Downturn and Impact on the Value of Construction Permits in Mecklenburg County
- Continued Growth in Unemployment Rate
- Economic Downturn and Impact on Service Demand
- Actions Taken to Balance Budgets
- FY 2010 Sales Tax Analysis
- Additional Budget/Public Policy Workshop Dates

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

Comments

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to approve scheduling additional Budget/Public Policy workshops on April 27 and May 25.

Commissioner Clarke requested staff provide data for 2008 – 2010 (projected) with respect to County tax revenues, as shown in the presentation for years 2000 – 2007.

Commissioner Cogdell commented on the FY2010 Sales Tax Analysis information. He said he hoped staff was taking a realistic approach when it came to revenue projections. Commissioner Cogdell said he’d rather budget low and have the harder impact and allow County departments and partners to be able to plan accordingly, than to come down three, four, six months later and have to take the kind of budget reductions the County has had to do the last two years.

County Manager Jones said staff thought it was being conservative when the budget was put together for this year. County Manager Jones said going forward next year he wants to be as conservative as he can, because he doesn’t want to be back in a position mid-year of having to make adjustments. County Manager Jones said he’d rather “err on the side of caution” going forward.

County Manager Jones stated further, that if staff’s evaluation means projections are going to be less then what’s currently being looked at for sales tax and that number has to be adjusted down, to remember there will be a consequence for that occurring. Thus, departments and partners would have to be asked for additional reductions in order to meet revenue projections for next year.

Commissioner Cogdell said assuming current compliance with the County’s debt policy, and the County’s operational budget, what number does the County have to meet in order to maintain compliance with that policy. County Manager Jones said it’s 20% of the total debt to the operating budget.
Commissioner Cogdell asked with respect to the information provided regarding building infrastructure and expanding services and debt service payments, how much of that was attributable to additional debt or bonds being issued, and was any of that attributable to adjustable rate versus fixed rate. Finance Director Dena Diorio said the County has had variable rate debt for many years, probably since the mid-90’s. Director Diorio said when you see the increase in debt service it’s really attributable to taking on new debt. Director Diorio said the variable rate debt has a lower interest rate or carries a lower interest rate than most of the County’s fixed rate debt. Thus, that’s not the “driver” behind the increase in the debt service.

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

(25) **CHARLOTTE-MECKLENBURG PUBLIC LIBRARY (COMMISSIONER LEAKE)**

The Board received information on the Charlotte-Mecklenburg Library regarding its governance structure and salaries of the Library’s executive administrators, per the request of Commissioner Leake.

*A copy of that information is on file with the Clerk to the Board.*

Commissioner Leake said it was important for the public to know that it was not the decision of the Mecklenburg Board of County Commissioners to close or propose closing libraries, that it was the decision of the Library Board of Trustees.

Commissioner Leake, as well as Chairman Roberts and other Commissioners, noted the many calls and e-mails received after action taken by the Library Board of Trustees regarding the closing of libraries.

*Note: Members of the Library Board of Trustees were present, along with the Director of the Library system, Charles Brown and members of his staff.*

Commissioner Leake said there were additional questions she wanted answered by the Library Board of Trustees and that those questions would be responded to at the Board’s April 20, 2010 meeting, in order to give the Library ample time to respond.

Commissioner Leake said she would like to know how the Library Board of Trustees plan to raise the funds necessary to make up the difference between what they receive in County funding and other funding; in other words if 95% of their funding is received from the County, how do they anticipate raising the other 5% that’s needed.

Commissioner Leake said she also wants to know about the leasing and ownership of Library facilities, including the number of facilities, cost of leasing, and terms of the leases.

*Note: Members of the Library Board of Trustees, Director Brown, and Library staff were invited down to the podium.*

Director Brown introduced members of the Library Board of Trustees and library staff that were present.

Commissioner Dunlap asked how was it that the community was led to believe the County Commission made the decision to close libraries. Director Brown said he did not know. He said it was not intentional and that it could perhaps be related to the fact that so much of the Library’s funding (80-95%) comes from the County.

Library Board Chairman Robin Branstrom said she thinks the community realizes the library is funded about 85% by the County Commission.
Library Board Chair Branstrom said the Library Board of Trustees developed several scenarios on how to address the cuts and that it was either to close branches or cut services and a lot of staff.

Commissioner Dunlap said he was disappointed because for weeks, he received e-mails and phone calls saying the County Commission closed libraries and that at no time did he hear the Library Board of Trustees publicly make a statement saying that wasn’t true.

Commissioner Dunlap said what disappointed him even more was that when the Board of County Commissioners had its Strategic Planning Conference, he made a motion to move the library from level 4 to level 3 and that the only support he received for that motion was from Commissioner James. Thus, he was deeply hurt by the fact that the Library Board of Trustees did not correct the information put out in the community about whose responsibility it was to close libraries.

Commissioner Dunlap said he felt the Library Board of Trustees had a responsibility to say, as soon as that information was released saying the County Commission closed libraries, that it was the Library Board of Trustees whose responsibility it was to govern libraries.

Library Board member Darryl Williams, a former County Commissioner, said he thinks the public is generally confused about who’s responsible for what. Mr. Williams said none of the Library Board of Trustees led the public to believe that the County Commission made that decision. Mr. Williams said the Library Board of Trustees received calls and e-mails also. Mr. Williams said the Library Board of Trustees, nor Library staff, had any desire or interest in leading the public to believe the County Commission made that decision.

Commissioner Dunlap said he didn’t accuse the Library Board of Trustees of leading the community to believe that, but once that information was out in the community, he personally feels the Library Board of Trustees had a responsibility to say to the community, that the Library Board of Trustees made that decision.

Commissioner Dunlap said to date he still has not heard that statement made.

Commissioner Cogdell referenced a news release by the Library that advised the public to call the County Commission and not members of the Library Board of Trustees. Commissioner Cogdell said “we’re in this together, we’re not saying that it’s anybody’s fault, but we wish there had been a little more dialogue and communication.” Commissioner Cogdell said the news release should have said contact the Library Board of Trustees also.

Library Board of Trustees Chair Branstrom, on behalf of the Library Board of Trustees, said they were perfectly willing to be contacted by the community and welcome community input.

Chair Branstrom said they can’t change the numbers, but they’ve tried to take those numbers and work with the County Commission to minimize the damage to the Library system and continue to serve the community the best that they can with the resources they have.

Chairman Roberts said as the chairman of the County Commission, she was committed to maintaining a viable, stellar, library system and that it may go through some transformation because of what the County is forced to do in an era of declining budgets.

Commissioner Murrey said moving forward, the County and its partners will have to start doing things differently because of budget restraints. Commissioner Murrey suggested to the Library Board of Trustees that they may want to consider using volunteers more.

Commissioner Leake asked was it correct that the County provides funding for 95% of the Library’s budget. The response by library staff was that the County funds 88%.
APRIL 6, 2010
Commissioner Leake thanked the Library Board of Trustees and library staff for their presence.

Note: The above is not inclusive of every comment, but is a summary.

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 12, 13, 16, 18, 19, and 20 to be voted upon separately:

(7) APPROVAL OF MINUTES


(8) BUDGET AMENDMENT – ENTERPRISE RESERVE FUND

Approve transfer of $429,000 from the Fleet Reserve and $225,000 from Technology Reserve (total of $654,000) to the General Fund.

Note: The County Manager directed Departments to identify 5 percent of their operating budgets to assist with the identified budget gap for FY2010. The amounts being transferred are from the undesignated balances in both reserve funds and do no impact projects currently underway in those funds. The amounts transferred to the General Fund will help meet the FY2010 budget gap.

(9) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE

Amend the LUESA Fee Ordinance to suspend the Sustainable Design Permit Fee (Green Permit Rebate) Program.

Note: A second reading will be required on April 20, 2010 since all nine commissioners were not present.

(10) SET PUBLIC HEARING – MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE REVISIONS

1) Approve opening a public review and comment period beginning April 6, 2010 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO), and

2) Schedule a public hearing as a timed item for 6:30 pm on May 18, 2010 to receive public comment and to adopt the proposed revisions to MCAPCO.

(11) ENERGY SERVICE COMPANY SELECTION

Approve the selection of Ameresco, an Energy Service Company, for the Jail Central and Jail North performance contracting project.

(14) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE
Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Derrick Johnson and William Saddler, owners of One Way Hotdogs.”

Note: Derrick Johnson and William Saddler, owners of One Way Hotdogs, submitted a proposal to lease one of the retail spaces attached to the Government District Parking Deck at 4th and McDowell Streets.

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

(15) RELEASE OF REVERSIONARY DEED RESTRICTION
Approve extinguishing the automatic reversionary deed restriction on approximately 37,151 square feet (0.85 acre) of Tax Parcel 017-411-18 conveyed by Mecklenburg County to the Charlotte-Mecklenburg Hospital Authority.

Note: In December 1986, Mecklenburg County conveyed Tax Parcel 017-411-18 (+/- 30.62 acres) to the Charlotte-Mecklenburg Hospital Authority subject to a reversionary deed restriction in favor of the County if the property is not “used primarily for the reconstruction, improvement, alteration, repair and operation of health-care facilities or hospital facilities, or a lifecare or residential retirement center.” The property is currently the site of a nursing home. A portion of this property will now be impacted by a road widening project along Old Statesville Road and Verhoeff Drive in Huntersville. As a result, the Hospital Authority is requesting the extinguishment of the reversionary deed restriction.

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

(17) SOLID WASTE CAPITAL RESERVE PROJECT ORDINANCE
Amend the US 521 Landfill Improvements Capital Reserve project ordinance.

Note: This action amends the ordinance to allow for closeout of the Elon grading project and authorization for use of the remaining funds for other solid waste capital reserve projects.

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

(21) ENCROACHMENT AGREEMENT FOR REVOLUTION PARK GOLF COURSE
Approve Encroachment Agreement with City of Charlotte to construct and install golf ball barrier fencing within a Charlotte Mecklenburg Utility (CMU) sewer easement adjacent to the driving range facility.

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

(22) STEWART CREEK GREENWAY DONATION AND EASEMENT


C) Recognize, receive and appropriate $35,000 from the Charlotte-Mecklenburg Development Corporation for the construction of greenway trail within the Greenway Business Park.

Note: Actions A and B): As part of the approval process for the Greenway Business Park
development located between Rozzelle’s Ferry Road and West Trade Street in west Charlotte, the Charlotte Mecklenburg Development Corporation (CMDC) has agreed to donate Tax Parcel 069-041-43 along Stewart Creek to the County to add to the greenway program. Additionally, CMDC has agreed to grant the County a 50’ easement on parcel 069-041-41 that will allow access from its business park and parking lot to the trail along Stewart Creek.

Action C): The CMDC is donating $35,000 for the construction of a portion of Stewart Creek Greenway through the Greenway Business Park. This section of greenway trail is located in the Smallwood neighborhood and will be just under a half mile in length. It is the first phase of a greenway trail that will eventually tie into the developed section of Stewart Creek Greenway located in Seversville Park.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

(12) **RYAN WHITE PART D GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to

1) Approve the submission of a grant application for $670,816 in Ryan White Part D funds covering an eighteen month period from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White Treatment Modernization Act of 2006; and if awarded, recognize, receive and appropriate such funds.

2) Approve the creation of a new Senior Health Manager position to administer this grant.

3) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

*Note: Under the Ryan White Modernization Act of 2006, Part D funding is awarded by HRSA to provide clinical care and social support services to HIV infected women, children, infants and youth.*

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake also asked why men were excluded as it relates to Ryan White Part D funding. Staff said they would get an answer to Commissioner Leake’s question.

(13) **WIC PROGRAM LEASE**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to execute a lease with Sharon Lakes, Inc. for office space for the Women, Infants, and Children (WIC) program.

*Note: WIC provides food to low-income pregnant, post-partum, and breastfeeding women and children under the age of five.*

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

(16) **SET PUBLIC HEARING – NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION**
Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to schedule a public hearing on April 20, 2010 to receive comments on the Mecklenburg County Department of Social Services’ application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2010-2011; and authorize the Clerk to the Board to publish Notice of Intent to hold public hearing.

Note: The hearing will be at 6:30 p.m. at the Board’s Regular meeting.

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

(18) REGISTER OF DEEDS OFFICE HOURS

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to adopt a Resolution establishing business hours for the Register of Deeds office.

Note: 1) Effective May 1, 2010, the Board of County Commissioners sets the office hours for the Office of the Register of Deeds as Monday through Friday 8:00 a.m. – 5:00 p.m. except for the following: (i) County holidays; (ii) inclement weather and other early closings, as determined by the County Manager and; (iii) to close for up to one business day per year (one whole day or two half-days) to conduct staff training and development activities, so long as the Register of Deeds provides 30 days public notice through the Clerk to the Board and by posting the date of closing prominently at the Office of the Register of Deeds.

2) Effective May 1, 2010, Marriage Services and Vault Research will be open from 8:00 a.m. until 5:00 p.m. All other direct services to customers, including Document Recording, will be offered from 8:30 a.m. until 4:30 p.m., however transactions in process at 4:30 p.m. may be completed when determined by the Register of Deeds’ staff not to be disruptive to daily reconciliation procedures

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

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

Commissioner Cogdell returned to the dais.

(19) CAROLINA VOLUNTEER FIRE DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to authorize the Board chairman to sign the acknowledgement letter submitted by the Carolina Volunteer Fire Department, Inc. The Carolina Fire Department, Inc. and United Financial of North Carolina, Inc. are entering an agreement to finance the acquisition of one Pumper/Rescue Fire Apparatus.

Note: Carolina Volunteer Fire Department, Inc. and United Financial of North Carolina, Inc. are asking the Board of Commissioners to consider taking this action so the appropriate paperwork may be completed to finalize this loan transaction.

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

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

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(20) GANG PREVENTION COALITION COMMUNITY IMPACT PROJECT GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to approve submission of an application to Gang of One in partnership with the Gang Prevention Coalition for a Gang Prevention Coalition Program funding grant; and recognize, receive and appropriate funds up to $25,000 if grant is awarded.

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

STAFF REPORTS AND REQUESTS

(23) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to amend LUESA Fee Ordinance to revise fees for:

- Increase base building permit fees by 4.75%
- Alteration/renovation minimum permit fee criteria
- Add fees for ABC inspections
- Revise criteria for small project B/E/M/P multi-trade
- Increase the hourly rate for OnSchedule plan review charges
- Increase Express Review fees
- Increase Fire Marshal permit fees on Hazardous Materials and other Fire Marshal related items.

Director of Land Use and Environmental Services Agency Cary Saul and Chairman of the Building Development Commission John Morris addressed this matter.

Note: A second reading will be required on April 20, 2010 since all nine commissioners were not present.

Comments prior to the above vote.

Commissioner Dunlap asked how does staff justify requesting a fee increase if the department has already reduced staff to accommodate the current workload. Director Saul said the current fee structure worked very well when there was a lot of construction and large projects, and revenues far exceeded what the expenses were to keep up those projects. Director Saul said the large projects subsidized the small projects under the current fee system. Director Saul said the problem was that those large projects don’t exist anymore, therefore, what the County was left with were projects whose fees don’t pay for the cost of the service.

Director Saul said if fees are not increased then the department’s budget would be further reduced and would result in the lost of 15 – 20 additional staff. He said the department would not be able to provide the level of service that the industry wants at that staffing level.

Director Saul said one of the things that encouraged the Building Development Commission to support the increases was because, from an industry perspective and in a down economy, they don’t want delays in getting permits and inspections completed.

John Morris, Chair of the Building Development Commission echoed Director Saul’s comments regarding service delays and the negative impact that would have on the industry and thus the economy.

Commissioner Clarke asked about the effective date of the increases. Director Saul said they
would become effective upon adoption.

Commissioner Clarke asked about the estimated total value of construction permits issued between July 1, 2010 and June 30, 2011. Director Saul said in light of the current economy, it’s hard to predict and that based on where things currently stand, staff was not budgeting for any increase in construction value for next year. Thus, his guess would be $1.5 billion in construction value.

Chairman Roberts asked how long had it been since the permit fees were increased for Hazardous Materials and other Fire Marshal related items. The response was not since 1992.

Commissioner Cogdell asked about reduction of staff and service level, which was addressed.

(24) BUSINESS INVESTMENT PROGRAM GRANT: SIEMENS ENERGY, INC.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve a Business Investment Program grant to Siemens Energy, Inc. for a total estimated amount of up to $10,892,850 and authorize the County Manager to negotiate and execute a contract.

Note: This project involves the relocation of Siemens’ gas turbine manufacturing and engineering operations, currently located in Hamilton, Ontario, Canada (manufacturing) and Orlando, FL (engineering). The project will include a capital investment of up to $170 million beginning in 2010. The investment will be in real estate, building improvements and new business personal property. It will create up to 825 new jobs with a projected average salary of approximately $60,000.

The County’s grant is equal to 90% of the taxes that will be paid by Siemens over the first five years of the grant term, and 50% of the taxes paid over the next five years. Should the company create 825 new jobs by the end of the fifth year, instead of the 650 jobs necessary for the 90%/50% grant, the amount of the grant will be 90% during the second five year period instead of 50%. The grant will be subject to the County’s standard contract provisions, including compliance requirements for the company related to job creation targets and clawback provisions. A fiscal impact analysis was run for this project, and it indicates a present value of net benefits to the County of $1,407,799 over 10 years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

Economic Development Director John Allen presented this matter to the Board.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:50 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, April 13, 2010.

ATTENDANCE

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

Absent: Commissioners Neil Cooksey and Bill James

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

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

(1) FEE CHANGES - LAND USE & ENVIRONMENTAL SERVICES AGENCY (LUESA) AND PARK AND RECREATION

Budget/Management Director Hyong Yi addressed proposed fee changes for Land Use & Environmental Services Agency (LUESA) and Park and Recreation.

Commissioner Dunlap entered the meeting.

LAND USE & ENVIRONMENTAL SERVICES AGENCY (LUESA)

The proposed fee increases for Land Use & Environmental Services Agency (LUESA) – Solid Waste Division and Code Enforcement were as follows:

- Increase Tipping Fee charged at the Speedway Landfill for Residential Waste
- Increase the Yard Waste Tipping Fee at Compost Central and Recycling Centers
- Technology Surcharge (new)

PARK AND RECREATION

The proposed fee increases for Park and Recreation were as follows:

- Revolution Park Sports Academy (Multi-purpose rooms and Gym rental) (new)
- Outdoor Basketball Court Reservation – Clanton Park and Camp Greene Park (new)
- Copperhead Island – Camp Rental
- Historic St. Mary’s Chapel – Rental
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- Greenways and Trails Events (new)
- Senior Citizens Rates (new)
- Aquatic Center Facility Rental
- Athletics – Field Reservation
- Tennis Court Reservations
- Golf Course Rates

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

Comments

Park and Recreation

Commissioner Dunlap with respect to Park and Recreation fees asked about the indigent and those receiving services from Social Services when it came to paying for the use of facilities.

Park and Recreation Director Jim Garges said two programs were in place to address this need. The first was the Department of Social Services provides funds to Park and Recreation for families for day camps and other programs. Secondly, Partners for Parks has a dedicated account to help families in need. Director Garges said Park and Recreation staff was also familiar with a lot of the families that visit facilities and if cost was ever a problem then Park and Recreation takes care of that cost.

Commissioner Dunlap asked for clarification with respect to someone making a reservation versus someone just showing up and wanting to use a facility, which was addressed.

Commissioner Leake, in light of the budget situation, asked how many employees had already been terminated and/or how many would be terminated. Director Garges said none to date and that the number for possible termination had not been determined.

Chairman Roberts asked if the revenue projected from the proposed fee increases took into account there may be fewer people willing to use the service because of the increased fees. The response was staff had not seen any decrease in use in the past when there were fee increases, thus, none was anticipated.

Chairman Roberts asked would the additional revenue be tied to a particular program. Director Garges explained that for certain accounts those fees would be placed in a reserve account and the funds would go back into those facilities. He said the additional fees in some instances go to pay for the full cost of utilizing a service.

Chairman Roberts with respect to Copperhead Island asked would the tents be kept. The response was yes, until they wear out and anything not used would be auctioned off.

Commissioner Cogdell asked about the Large Gym Full Court Rental fee at Revolution Park Sports Academy. Director Garges said the use of term gym was not correct because there was no gym at Revolution. He said it should have read large multi-purpose room.

Commissioner Cogdell asked about the process used to determine which fees to increase, which was addressed by Director Garges.

Commissioner Dunlap asked if approval of the fees meant the Aquatic Center would not be closed or golf courses not sold. Director Garges said he could not say that would be the case. Director Garges said there’s no way the County could charge enough money to cover Park and Recreation’s budget. Director Garges said fees were an investment back into the program, not a subsidy. Director Garges said there’s no way you can close the budget gap with fee increases.
Commissioner Leake asked how the public would be informed of the new charges. The response was that it would be available on-line and via an electronic newsletter. It would also be posted at facilities.

Commissioner Cogdell asked County Manager Jones how he would develop his budget with respect to the fees. County Manager Jones said his recommended budget would reflect the proposed fee increases.

Commissioner Cogdell said he would like to know the following with respect to the proposed fee increases for Park and Recreation: 1) the amount that would be placed in the Manager’s Recommended Budget, 2) how would the increase be used, and 3) the impact on services with and without the fee increases.

Director Garges said if the fee increases weren’t approved, the difference needed would have to be made up with further reductions to the operating budget.

Commissioner Cogdell said he wanted to know the specific impact, such as, would recreation centers be closed, etc.

Commissioner Clarke asked was there a program in place for gradual fee adjustments. Director Garges said there were two schools of thought with respect to that. He said one was the “big whammy” where it’s two-three years between increases and the other was to make small incremental changes over time. He said his philosophy was for small incremental increases over time, as long as it’s market rates based, and fits in the philosophy of your particular community or county.

Land Use & Environmental Services Agency (LUESA) – Solid Waste Division and Code Enforcement

Chairman Roberts with respect to the fee increases in LUESA asked were the Towns okay with what’s being proposed. Director of Solid Waste Bruce Gledhill said the towns were aware and understand the need for the proposed increases.

Commissioner Dunlap asked were there other departments that provide a service to a particular segment of the community where a user fee should be considered to help address the budget issue. County Manager Jones said he had not had discussion with staff regarding other possible areas to charge fees.

General Manager John McGillicuddy said it was in the department’s realm to recommend fees. He noted other departments that charge fees, such as the Register of Deeds.

This concluded the discussion.

Note: The above is not inclusive of every comment but is a summary.

Sales Tax Update

Finance Director Dena Diorio gave an update on the sales tax.

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

Comments

Commissioner Cogdell asked would staff be adjusting its projections for this fiscal year. The response was yes.
Commissioner Clarke asked would staff also be considering adjusting the projection for next fiscal year. The response was yes.

This concluded the discussion.

Note: The above is not inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:11 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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, April 20, 2010.

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.

(1A) STAFF BRIEFINGS - PERMIT FEE REBATES

The Board received information about the process Land Use and Environmental Services Agency (LUESA) intends to use to recover re-inspection fee overpayments.

Note: As a result of a computer programming error, certain contractors received overpayment for re-inspection fee credits. The programming error has been fixed and LUESA has established a process to recover the overpayments.

General Manager Bobbie Shields addressed this issue.

The following was noted:

- In April 2000 LUESA started a Re-inspection Program.
- The purpose of the program was to award “good” builders, meaning builders who did their work right and didn’t have many failures. Thus, they would receive a rebate from their permit fee.
- Builders with a poor record and lots of failures would be charged more for their fee.
- In February of this year, 2010, it was discovered that because of a computer programming error, some builders received more back in a rebate then they should have.
- There were two ways to calculate the rebate.
- There was a cap on how much a builder could receive per inspection.
- The cap was not programmed.
• A large project came through and because the rebate was so large, it raised a red flag.
• Per a review, it was discovered that there were 182 accounts and around $570,000 of overpayments.
• Each builder has an account and some builders have credits.
• Of the $570,000, approximately $243,000 is available as credits in the accounts that can immediately be tapped into to recover that.
• Per conversations with legal staff, the County has an obligation to recover the funds.
• Effective April 21, 2010, LUESA intends to send letters to builders informing them that the County intends to recover those funds back from them through credits.
• LUESA will give builders time to work with the department, 30 days and payment options would be available.

Comments

Commissioner Cooksey asked how far back was LUESA looking at with respect to the rebates. The response was three years.

Commissioner Cooksey asked how big of an impact would this have on individual businesses. The response was that 15 companies were overpaid $415,000.

Commissioner Murrey asked whether any of the companies affected, no longer in business. The response was maybe a few, but staff can’t say for sure at this time.

Commissioner Murrey asked was there a statute of limitations on how far back the County could go with respect to this matter. Attorney Bethune said probably not because counties can’t forgive debts. Further, that staff was only going back three years because data beyond that point is merged together with other data and it would be time-consuming and expensive to get that data.

Commissioner James asked was most of the businesses large builders. The response was that most were on the commercial side.

Commissioner James asked would funds received be considered surplus. The response was the funds would have to remain in Code Enforcement. They would not be available for general use.

It was noted that the Wachovia project was what brought this matter to staff’s attention.

Commissioner Cogdell asked what was the difference in that rebate amount and what the cap was. Code Enforcement Director Jim Bartl said he didn’t recall the exact calculation, but the amount of the rebate was $100,000, which was the single most highest rebate ever given out. Thus, when he saw it, he realized something was wrong.

Director Bartl said when the program was designed in 2000 there was a lot of testing but what staff never thought to do was to test a huge project, like the Wachovia project, for a failure rate that was down to 1-2 percentiles.

Commissioner James asked would the County receive $100,000 back from Wachovia. Director Bartl said it would not be that much and that it would be from the contractor and not Wachovia.

Director Bartl explained how the cap was calculated.

Commissioners Cogdell and Murrey asked what was the cap on the Wachovia project. Director Bartl said he didn’t recall specifically, but that it was significantly less than $100,000. Director Bartl said he would check and report back to the Board with the exact amount.

Commissioner Leake asked if anyone lost their job for not discovering this error. The response was no. It was noted that this was a computer programming error and that it was programmed
in-house about ten years ago.

Director Bart addressed the strategy staff plans to use to recover the funds.

This concluded the discussion.

The above is not inclusive of every comment but is a summary.

No action was taken or required.

(2A, B) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) CONSULT WITH ATTORNEY

Prior to going into Closed Session Attorney Bethune said the Consult with Attorney matter was regarding Melanie S. Sizemore, Clifton G. Settlemyer, Dawn Ballenger and Peter E. Tart on behalf of themselves and all other taxpayers and citizens of Mecklenburg County, Eli Baxter Springs, IV, individually and on behalf of all other Heirs, and the Historic Elizabeth Neighborhood Foundation vs. Mecklenburg County, the City of Charlotte, and the Trustees of Central Piedmont Community College.

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 6:35 p.m.

(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, 11, 14, and 16.

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

- FORMAL SESSION -

Invocation was given by Commissioner Cogdell, 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) MINORITY HEALTH MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating April 2010 as “Minority Health Month” in Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Bishop Wade H. Ferguson, III.

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:

LaWana Mayfield, Pamela Foxx, Hector Vaca, and Jeff Frisco addressed the 287G Program and spoke in opposition to 287G. Ms. Mayfield referenced the results of a UNC-Chapel Hill report regarding the costs and consequences of local immigration enforcement in North Carolina communities. She also referenced an e-mail from ICE Detention and Removal Operations Director James Shapiro. Ms. Mayfield said what she and others would like is a total breakdown of expenditures for 287G in Mecklenburg County from February 2006 to date. Ms. Mayfield also referenced a resolution adopted by the Chatham County Board of Commissioners opposing any local governmental agency contracting with U.S. Immigration and Customs Enforcement for the purpose of enforcing federal immigration law.

Martin Davis commented on Chairman Roberts’ recent State of the County address. Mr. Davis expressed his philosophical differences with Chairman Roberts.

(3A) APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Monica Thompson to the Adult Care Home Advisory Committee for a one-year term expiring April 30, 2011.

She is replacing Carol Barry.

LIBRARY BOARD OF TRUSTEES

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Tami Simmons to the Library Board of Trustees to fill an unexpired term expiring December 31, 2012.

She is replacing William Warren.

Note: Chris Minnix was the other nominee.

PERSONNEL COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint RC Birmingham to the Personnel Commission to fill an unexpired term expiring December 31, 2011.

He is replacing Simona Mitchell.

(3B) TOWN OF HUNTERSVILLE PLANNING BOARD AND BOARD OF ADJUSTMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously
carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to

1) Reappoint JoAnne Miller to the Town of Huntersville Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Huntersville Board of Commissioners for a term expiring June 30, 2012.

2) Appoint JoAnne Miller to the Town of Huntersville Board of Adjustment to fill the Alternate 3 Seat for either Town or Extraterritorial Jurisdiction (ETJ) as recommended by the Town of Huntersville Board of Commissioners for a term expiring June 30, 2012.

PUBLIC HEARINGS

(4A) STREET ASSESSMENT PROJECT - FARMWOOD NORTH /STONE MOUNTAIN SUBDIVISIONS

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to acknowledge receipt of certification that a notice of the public hearing on the preliminary assessment roll for funds spent on improvements to roadways was mailed by first class mail to property owners in the Farmwood North/Stone Mountain Subdivisions. Secondly, to open a public hearing on the assessment of property owners in the Farmwood North/Stone Mountain Subdivisions for funds spent on the improvement to roadways, so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT).

The following person appeared to speak in opposition to the assessment: Kyle Clark.

Mr. Clark said he’d appeared before the Board in the past regarding this issue. Mr. Clark noted the following as background:
- The Homeowners Association originally contacted the County regarding getting the roads fixed because the builder never turned them over to the County.
- When the vote was taken that homeowners would be assessed, he objected because the homeowners who would have to pay, never sat down and said yes.
- Until the letter was received, homeowners were never told how much it would cost.

Mr. Clark said per his knowledge of asphalt, the roads were never built to specs from the beginning. Mr. Clark said the County’s inspector for those roads did not do their job. Mr. Clark said the repairs that have been made would not hold up. He said in two years repairs would be needed.

Mr. Clark said he didn’t think it was right for homeowners to have to pay.

Mr. Clark said in July of 2009 this area was annexed into the City of Charlotte.

Mr. Clark asked were the repairs done, knowing the area would be annexed.

Mr. Clark said in his opinion the City of Charlotte should take care of the repairs.

Comments

Chairman Roberts noted the following background information.

*This project was approved by the Board of County Commissioners on December 3, 2002. The design and construction of the improvements to the Roadways were completed in 2005 and paid for by Mecklenburg County with the construction performed by Oliver Paving Inc. The repaired roadways have been taken over by the NCDOT for maintenance as of October*
2, 2008. The Board Action requests approval of the final rolls and to assess property owners for the improvements. Each property will be assessed a total of $1,155.38 over a five-year period at eight percent interest.

Commissioner Cogdell asked was the five-year period at eight percent interest required by state statute. Attorney Bethune said the five-year period at eight percent interest has been the County’s policy in the past, but the Board has some flexibility. Attorney Bethune said the eight percent was not mandatory, but he believed it was advertised as such in the preliminary assessment roll.

Commissioner Cogdell asked could it be with no interest. County Attorney Bethune said he would have to check the statute.

Commissioner Dunlap said he would like to know what the County paid in interest.

Commissioner Dunlap said the County should not charge more than what it paid to have the improvements done.

County Attorney Bethune said this was not borrowed money on the County’s part. Attorney Bethune said the funds used were from the general fund and placed in a special fund to be used for these types of projects.

Commissioner Dunlap said if the County didn’t pay any interest, why should the County charge the homeowners interest.

Commissioner Clarke noted that the County made this expenditure several years ago and that the homeowners have benefited from that expenditure. Commissioner Clarke said the homeowners were being given five years to pay the County back. Commissioner Clarke said he thinks it’s appropriate to charge interest.

Commissioner Dunlap asked with respect to the quality of the road work, based on Mr. Clark’s comments, was any of these allegations looked into.

Desmond Cole with Land Use and Environmental Services said the County never received any allegations regarding substandard repair work. Mr. Cole said the roads would never have been taken over by the state if they were substandard. Mr. Cole said the roads were inspected by the state and found acceptable to state standards.

Commissioner Dunlap said the only remaining concern he had was whether they should pay interest. Attorney Bethune said if homeowners pay this year, they won’t be charged any interest. He said interest comes about if you pay over time.

Commissioner Dunlap said the current interest rate was around 5% or 6%.

Commissioner Cooksey asked when did the state take over maintenance. Mr. Cole said the state took over maintenance in 2008.

Commissioner Cooksey asked why had it taken five years for this matter to come before the Board, if the design and construction of the improvements to the roadways were completed in 2005. Mr. Cole said when the work was initially completed there was a series of required inspections by state. He said he believed the first few inspections received failure ratings. Thus, additional work had to be done on those areas that failed the inspection. Mr. Cole said he wasn’t sure what the meeting schedule for the state was with respect to making road maintenance decisions.

Commissioner Cooksey said he would like more information regarding the timeframe involved with this project. Commissioner Cooksey said he didn’t understand why this matter wasn’t on the Board’s agenda in 2008.
County Manager Jones said he would provide the Board with an update on this matter.

County Manager Jones informed the Board it had the option of continuing the public hearing to the next meeting in order to receive an update, prior to making a decision.

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

County Attorney Bethune said according to state statute, all installments shall bear interest as determined by the board of commissioners and the maximum interest that can be charged is eight percent.

Commissioner Cogdell said he, too, would like to know why it took two years for this matter to come before the Board.

Commissioner Dunlap said he’d like to know the reasons why the state did not accept the roadways initially.

Commissioner Clarke said he’d like to know how much all taxpayers spent to bring these roads up to standards, so that the state could take them over.

Commissioner James said, although the hearing would be continued, he didn’t want the homeowners to think that the assessment wouldn’t be charged, because the County did make this expenditure.

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue the public hearing on the assessment of property owners in the Farmwood North/Stone Mountain Subdivisions for funds spent on the improvement to roadways, so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT), to the Board’s May 5, 2010 meeting at 6:30 p.m.

(4B) **NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION**

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to open the public hearing on the Mecklenburg County Department of Social Services request to submit an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2010-2011.

Chairman Roberts read the following statement:

**Voluntary Title VI Public Involvement**

*Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.*

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

*The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.*
No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services request to submit an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2010-2011. Secondly, to adopt a Resolution granting approval for the Mecklenburg County Department of Social Services to submit an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2010-2011, and to recognize, receive and appropriate grant funds when awarded.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2010 - FY 2011 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation and to provide the necessary assurances.

A motion was made by Commissioner Dumont Clarke and seconded by Commissioner Vilma Leake for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Mecklenburg County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (Authorized Official’s Title)* County Manager of (Name of Applicant’s Governing Body) Mecklenburg Board of County Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

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

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

(4C) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to hold a hearing on request by Griffin, Brunson & Wood, L.L.P Attorneys At Law for reimbursement of overpayment of North Carolina excise tax in the
amount of $650.00, which was denied by the County Manager because it did not meet the statutory timeframe for making a request.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake, to close the hearing on the request by Griffin, Brunson & Wood, L.L.P Attorneys At Law for reimbursement of overpayment of North Carolina excise tax in the amount of $650.00 and approve the request for reimbursement in the amount of $650.00.

Attorney Bethune explained that statutorily the Board could not approve the request for reimbursement because it was received beyond the required deadline, which was April 16, 2007. The request was received nearly three years later, February 11, 2010.

Commissioner Clarke withdrew his original motion.

Commissioners Cogdell and Cooksey returned to the dais.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to close the hearing on the request by Griffin, Brunson & Wood, L.L.P Attorneys At Law for reimbursement of overpayment of North Carolina excise tax in the amount of $650.00. Secondly, to deny the request for reimbursement in the amount of $650.00, on the grounds that the request for reimbursement was not received within six months after the date the tax was paid as required by NC G.S. 105-228.37 Refund of Overpayment of Tax; thus the request is not eligible for a refund having been received nearly three years later.

Note: The deadline for submitting the request for reimbursement was April 16, 2007. The request for reimbursement was received on February 11, 2010.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) CMS FUNDING REDUCTION

The Board considered information provided by the Board of Education in the proposed $6.3 million reduction in FY10 County appropriation to Charlotte-Mecklenburg Schools.

County Manager Jones addressed the need for the proposed reduction.

Note: Due to the economic recession, Mecklenburg County is cutting expenditures to balance its FY2010 budget. As part of these actions, the County Manager recommended reducing the County’s FY2010 appropriation to Charlotte-Mecklenburg Schools by $6.3 million. Approval of this reduction would bring the County’s FY2010 appropriation for CMS operations total to $311,067,391, which includes $4 million in fines and forfeitures. General Statute 159-13, section nine (9), requires specific steps be taken to reduce school funding.

Section 9 of GS-159-13 states:

(9) Appropriations made to a school administrative unit by a county may not be reduced after the budget ordinance is adopted, unless the board of education of the administrative unit agrees by resolution to a reduction, or unless a general reduction in county expenditures is required because of prevailing economic conditions. Before a board of county commissioners may reduce appropriations to a school administrative unit as part of a general reduction in county expenditures required because of prevailing economic conditions, it must do all of the following:
a. Hold a public meeting at which the school board is given an opportunity to present information on the impact of the reduction.

b. Take a public vote on the decision to reduce appropriations to a school administrative unit.

Charlotte-Mecklenburg Schools Superintendent Dr. Peter Gorman addressed the proposed reduction. He was accompanied at the podium by Board of Education Chairman Eric Davis.

Dr. Gorman said the $6.3 million reduction in the FY10 County appropriation to Charlotte-Mecklenburg Schools would bring reductions to over $40 million compared to the prior year’s budget. Dr. Gorman said this would have the potential of a negative impact on CMS. He said the plan, however, was to limit the impact as much as possible and not do that by cutting staff at this time in the school year.

Dr. Gorman said CMS would replace or backfill any reductions that are made from the County allotment by taking funds from two areas. The first, a reimbursement for overpayments for Walton Plaza, which CMS was currently in discussion with the County about. The second was the redirecting of the $4.7 million in Safe Light funds to cover this reduction.

Dr. Gorman said otherwise the Safe Light funds would have carried forward into next year’s budget and used to pay for teacher effectiveness and other initiatives going forward. He said instead CMS would not do that with those dollars. He said the Safe Light funds would be redirected to cover the cuts by the County, in order to avoid cutting staff at this point in the school year.

Dr. Gorman said CMS would continue to focus on student achievement. He said CMS looked forward to meeting with the Board next week to discuss the progress CMS has made over the last several years and the matrix CMS was using to measure that progress. Dr. Gorman said CMS looked forward also to meeting with the Board on May 25, 2010, at which time CMS would present its budget.

Comments

Commissioner Murrey asked about the anticipated impact of the Safe Light funding going away on next year’s ability to fund those programs. Dr. Gorman said those were one time funds and that there would not be any future revenue from Safe Light. Dr. Gorman said with respect to those programs, CMS was developing its budget and would redirect other funds to cover that and would have to make other cuts totaling $4.7 million to offset what they had planned to use those funds for.

Commissioner Murrey asked what were the programs supported by Safe Light funding. Dr. Gorman said part of it was for CMS’ matrix for measuring teacher effectiveness on a teacher by teacher basis. Dr. Gorman said CMS would redirect other funds to pay for that.

Commissioner Murrey asked was it correct then that the program won’t be going away, it’s just that some other things would have to go away to support that particular program. Dr. Gorman said that was correct.

Commissioner Murrey said it was his understanding that CMS was seeking through its state legislative agenda, to have more flexibility when it came to dealing with cuts late in the year or unexpected cuts, to have the ability to do furloughs or shorten the school year. Thus, he asked was this something that CMS would like for the Board of County Commissioners to place on its state legislative agenda as well.

Dr. Gorman said yes and that it was their desire to have more decision-making flexibility when it comes to these two areas.

Commissioner James asked for clarification regarding an overpayment by CMS to the County for rent at Walton Plaza. Dr. Gorman explained that those were solely CMS dollars, not dollars
received by CMS from the County. Dr. Gorman said these would be one-time funds that CMS would use for the one-time reduction.

Commissioner James noted that the County had to eliminate its employee 401-k match for County employees. He asked if budgetwise had CMS reached that point, if they offer 401k or 457. Dr. Gorman said CMS didn’t have funds to provide that type of benefit.

Commissioner James said he would like to know, at a later date, how the Bright Beginnings money went from being a County program to now mostly being funded by federal dollars.

Commissioner James said it appears that when you move something from a County category over to a federal category, using Bright Beginnings as an example, it seems to be for “protecting it.”

Commissioner James said if CMS eliminated Bright Beginnings and other non-core programs and closed empty schools, it wouldn’t have to layoff teachers. He said federal funds could be used to maintain teachers.

Commissioner Leake said she had concerns regarding the laying off of teachers, Title I, II, III, etc. funds, and the $9 million spent on the Learning Communities, which she said was not producing anything towards student achievement. Commissioner Leake said it would be her hope that those Learning Community sites would be placed in schools.

Commissioner Cogdell asked what was the status of CMS’s legislative request for furlough discretion or calendar discretion. Dr. Gorman said the calendar request had gone through the House and was stalled in the Senate.

Dr. Gorman said the furlough request would be a local bill.

Commissioner Cogdell asked how long had CMS contended that the City of Charlotte owed the $4.7 million in Safe Light funds. Dr. Gorman said he didn’t know the exact date, but it went on for several years.

Commissioner Dunlap asked County Manager Jones how much did the County account for in lottery funds in last year’s budget for CMS. County Manager Jones said he thought it was approximately $15-$16 million.

Commissioner Dunlap asked County Manager Jones if he knew how much the County actually received in lottery funds. County Manager Jones said about $15 million.

Commissioner Dunlap asked was that with another installment expected. Finance Director Dena Diorio said another installment was expected in May.

Commissioner Dunlap asked if it was known how much would be received. The response was possibly $4 million.

County Manager Jones, with respect to questions regarding lottery funds, said that it should be kept in mind that “you’re mixing apples and oranges” relative to how lottery funds were used.

County Manager Jones reminded the Board that when the law was past, with respect to lottery proceeds, the law allowed County’s to use those funds for renovations, capital items, and for debt service payments incurred since January 1, 2003.

County Manager Jones said the policy the Board of County Commissioners elected was to use lottery proceeds for debt service payments.

County Manager Jones said as the Board goes into next fiscal year, it can decide if it wants to continue that as a policy. He said the Board could elect to use lottery proceeds in one of the other manners prescribed by law.
Commissioner Dunlap said he asked the question because many people in the community weren’t aware of the fact that those dollars that they think go to education, actually go to the County Commission. Commissioner Dunlap said many think those funds go directly to CMS.

Commissioner Dunlap said his only concern and opposition to this reduction process was not that he didn’t think CMS shouldn’t be taxed along with other agencies throughout the county, he just thought there was a “better way” to do it.

Commissioner Dunlap said his thought was that since the County told CMS it would be receiving these funds, then they should let them have the funds for the remainder of the year, and start off the new fiscal year with $6.3 million less for CMS. Thus, CMS could finish out this school year and not disrupt what’s going on.

The following person appeared to speak to this issue: Martin Davis. Mr. Davis said the County’s proposed cut to CMS was not enough. Mr. Davis said his suggestion would be the following: Since “CMS has 18,862 employees, 8,965 are teachers, 47.5%, instruct Dr. Gorman to fire 7,000 of the 9,897 non-teaching personnel and retain all of the teachers.” Mr. Davis said this should conservatively save $250 million annually. He said next, instruct Dr. Gorman to “moth ball his gigantic 1,155 vehicle taxi fleet.” Mr. Davis said this green initiative would save a minimum of $75 million annually in fuel cost and prevent CMS from becoming the “number one air polluter” in Mecklenburg County. Mr. Davis said these measures would save over $325 million annually, which could be returned to the taxpayers in the form of tax cuts.

Chairman Roberts said the County was in a situation that no one was happy with. She said the Board was facing some very tough decisions, probably some of the toughest it has had to make.

Chairman Roberts said it was evident at the Board’s Strategic Planning Conference that the Board cares about education because it’s one of the Board’s top priorities.

Chairman Roberts said CMS was being cut less than what’s being cut in other areas of the County’s budget, which reflects the priority the Board has set for education.

Chairman Roberts said gains have been made in the area of CMS achievement and this was something no one wants to see eroded.

Chairman Roberts said she appreciated all of the work that CMS was doing.

Chairman Roberts said the community would get through these tough times.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes and Commissioner Dunlap voting no, to amend the 2009-2010 budget ordinance by reducing the allocated appropriation for The Charlotte-Mecklenburg Board of Education under North Carolina General Statute 159-13(b)(9) by $6.3 million because a general reduction in county expenditures is required because of prevailing economic conditions.

(6B) BUDGET UPDATE

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.

Budget/Management Director Hyong Yi and Finance Director Dena Diorio gave the update.

The following was covered:

- March Revenue Update
FY 2010 Budget Update
Property Tax
Tax Billings & Collections by Type (through March)
FY 2010 Projected Revenue (through March)
FY 2010 Gap Closing Actions
Match Information
On April 27, 2010 there would be a joint meeting with the Charlotte-Mecklenburg Board of Education. The topic of discussion will be Charlotte-Mecklenburg Schools Performance.

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

Comments

Commissioner Clarke asked for clarification on the number of employees impacted by the elimination of the County’s 401-k and 457 match, which was addressed by Director Yi.

Commissioner Cogdell asked for clarification regarding the FY 2010 Projected Revenue (through March), revenue source, Charges for Services on page five of the report and the variance associated with that, which was addressed by Director Diorio.

Commissioner Cogdell asked for an example of where Charges for Services was off the most. Director Diorio said the largest was in the Sheriff’s Office as it relates to reimbursement for federal prisoners. Director Diorio elaborated on this.

Commissioner Leake asked about per inmate cost annually. Director Diorio said she would have to get that information.

Commissioner Dunlap asked if staff knew how much was spent on the 287G program. Director Diorio said she did not have that breakdown with her but would get that information back to the Board.

Commissioner Dunlap inquired about the number of inmates in the jail and asked if the number of inmates was decreasing, does that change the Board’s recommendation about a new jail. County Manager Jones said the Board would need to revisit that issue to see what the need would be based on the current and projected jail population.

Commissioner Dunlap asked County Manager Jones had he given any thought to what his budget recommendation would be for funding the court system, which he said was a state function. County Manager Jones said yes, but he was not prepared to discuss that at this time.

Commissioner Dunlap said he would like to see separated out those expenditures that don’t really effect the overall budget. He used Land Use and Environmental Services as an example since they’re fee based.

Director Diorio clarified that what Commissioner Dunlap was wanting was the non-county funded services expenditures, segregated out from the county funded services.

Commissioner Dunlap said that was correct.

Commissioner Cogdell commented on the accuracy of projections as it relates to the jail population. Commissioner Cogdell said he thinks it’s important to make data driven decisions when it comes to prioritizing core functions.

County Manager Jones said when those calculations were made, it was done based on the best data available at that time. County Manager Jones said he didn’t want anyone to believe that even if we had not had this downturn and did not have the debt capacity, that had the County gone
forward with the building of the jail, that he would not have come back to the Board based upon some evolving trends that said we don’t need to spend that much.

Commissioner Bentley asked County Manager Jones to explain the process he used to close the gap for the remainder of this fiscal year and the response received from the department heads regarding budget cuts. County Manager Jones commented on both.

Commissioner James said he would like to know with respect to Tax Billings & Collections, had any progress been made on collecting taxes that were extremely past due.

Commissioner James asked about sales tax revenue projections which was addressed.

Commissioner James asked had staff reviewed the Governor’s budget to determine what impact it would have on the County. The response was that the Governor’s budget just came out today and that staff would be looking at it to determine its impact.

Commissioner James asked how much did the County receive from the state to house state inmates. Director Diorio said the County use to receive $18 per day to house misdemeanants, but that’s no longer occurring.

Commissioner James asked how much was received from the federal government to house federal inmates. Director Diorio said she would get that amount and report back.

Chairman Roberts said she thought it was $109.00

Commissioner James commented on jail overcrowding.

Director Diorio clarified that although the number of inmates was down, that didn’t mean the jail wasn’t crowded. Director Diorio said the distinction needed to be made that the jail may not be as overcrowded as it was but that doesn’t mean it’s not operating at capacity.

Chairman Roberts said she would like to know what’s included in the sales tax.

This concluded the discussion.

Note: The above is not inclusive of every comment but is a summary.

No action was taken or required.

(6C) STATE LEGISLATIVE AGENDA

Assistant to the County Manager Brian Francis presented the County’s proposed state legislative agenda. Below are the requests.

Specific Bill Requests

1. Expand the membership of the Board of Equalization and Review to 15 members and make other changes to make the property tax appeal process more efficient.
2. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment.
3. Restore Charlotte Mecklenburg Library’s status as an entity that is eligible to receive state sales tax refunds
4. Allow Mecklenburg County to maintain local EMS protocols which reflect the best practices in emergency medical care
APRIL 20, 2010

5. Restore State-Aid to Counties for Departments of Social Services.
6. Restore Funding cuts to Area Mental Health and reform the distribution formula for Mental Health funds
7. Restore per diem payment for state prisoners housed in county jails
8. Allow Mecklenburg County to publish names of delinquent taxpayers on its website in lieu of purchasing a newspaper advertisement

General Policy Positions

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

Comments

Commissioner Leake asked if the requests presented were in priority order. The response was no that the intent was to get them all done.

Commissioner Dunlap asked would it benefit Charlotte-Mecklenburg Schools if the County included in its legislative agenda support for two of CMS’ legislative requests, as it relates to CMS having flexibility to furlough employees and to modify the school calendar. The response was yes.

Commissioner Dunlap said perhaps this was something the Board should consider doing.

Note: There was discussion regarding supporting CMS’s legislative requests, as noted later in the minutes. The Board, however, decided to consider that matter separately. The Board then took the following action:

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt as presented by staff the following Specific Bill Requests and General Policy Positions as Mecklenburg County’s 2010 State Legislative Agenda.

Specific Bill Requests

1. Expand the membership of the Board of Equalization and Review to 15 members and make other changes to make the property tax appeal process more efficient.
2. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment.
3. Restore Charlotte Mecklenburg Library’s status as an entity that is eligible to receive state sales tax refunds
4. Allow Mecklenburg County to maintain local EMS protocols which reflect the best practices in emergency medical care
5. Restore State-Aid to Counties for Departments of Social Services.
6. Restore Funding cuts to Area Mental Health and reform the distribution formula for Mental Health funds
7. Restore per diem payment for state prisoners housed in county jails
8. Allow Mecklenburg County to publish names of delinquent taxpayers on its website in lieu of purchasing a newspaper advertisement
General Policy Positions

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap, to amend the County’s state legislative agenda to add an item to support the legislative requests of the Charlotte-Mecklenburg Board of Education to increase flexibility for CMS in terms of their school calendar and staff furlough/spending decisions to address budget shortfalls.

Commissioner Leake said per meetings she’s attended with the teachers’ organization and parents, they’re opposed to giving CMS furlough authority. Commissioner Leake said some members of the General Assembly were also opposed.

Commissioner Leake also questioned the need to reduce the number of days students are in school.

Commissioner James said he was not clear on the issue of CMS’s desire to have the flexibility to furlough employees, thus he was not comfortable with voting on this matter.

The vote was then taken on the motion as follows:

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey, and Roberts. Commissioner Murrey voting yes and Commissioners James and Leake voting no, to amend the County’s state legislative agenda to add an item to support the legislative request of the Charlotte-Mecklenburg Board of Education to increase flexibility for CMS in terms of their school calendar and staff furlough/spending decisions to address budget shortfalls.

The Board then considered Commissioner Legislative Requests.

Commissioner Requests
1. Create additional methods for taxpayers to prove payment of property taxes occurred before interest penalty date. (Cooksey)
2. Support feed-in rates. (Roberts)
3. Restore funding for HIV case management (Cogdell)
4. Support a new state mandate requiring that Teen Dating Violence Awareness be taught as part of the Health Education course in all NC Middle and High Schools. (Roberts)
5. Support Small Business Tax Incentives (Roberts)
6. Support legislation that provides incentives to local governments that develop Regional Planning Organizations (Roberts)
7. Support tax reform that broadens the sales tax base. (Roberts)
8. Unfreeze magistrate positions to allow for the hiring of a magistrate in North Mecklenburg (Bentley)

Commissioner Cooksey decided to withdraw his request: Create additional methods for taxpayers to prove payment of property taxes occurred before interest penalty date.

Chairman Roberts decided to withdraw the following of her requests: *Support feed-in rates.
*Support a new state mandate requiring that Teen Dating Violence Awareness be taught as part of the Health Education course in all NC Middle and High Schools.* *Support Small Business Tax Incentives.*

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to add to the County’s State Legislative Agenda, as suggested by Commissioner Bentley, a request to unfreeze magistrate positions to allow for the hiring of a magistrate in North Mecklenburg.

Motion was made by Commissioner Murrey but died for lack of a second, to add to the County’s State Legislative Agenda as suggested by Chairman Roberts, a request to support legislation that provides incentives to local governments that develop Regional Planning Organizations and a request to support tax reform that broadens the sales tax base and lowers the sales tax rate. *(Note: The part about “and lowers the sales tax rate” was added at the suggestion of Commissioner Clarke and accepted by Chairman Roberts.)*

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and failed 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Leake voting no and Commissioners Clarke, Dunlap, Murrey, and Roberts voting yes, to add to the County’s State Legislative Agenda, as suggested by Chairman Roberts, a request to support tax reform that broadens the sales tax base and lowers the sales tax rate. *(Note: The part about “and lowers the sales tax rate” was added at the suggestion of Commissioner Clarke and accepted by Chairman Roberts.)*

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, James, Murrey, and Roberts voting yes and Commissioners Cooksey, Dunlap, and Leake voting no, to add to the County’s State Legislative Agenda, as suggested by Chairman Roberts, a request to support legislation that provides incentives to local governments that develop Regional Planning Organizations.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to add to the County’s State Legislative Agenda, as suggested by Commissioner Cogdell, a request to restore funding for the North Carolina AIDS Drug Assistance Program, HIV/AIDS case management.

*Commissioner Cooksey left the meeting and was absent for the remainder of the meeting.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(23) CHARLOTTE-MECKLENBURG PUBLIC LIBRARY (COMMISSIONER LEAKE)**

The Board received information on the Charlotte-Mecklenburg Library in order to bring awareness to the residents of Mecklenburg County on the following items related to the public library: Budget information and Facility information.

The following persons appeared to speak in support of the library: Christina Brown, who home schools her children, Melva Hanna (a Myers Park Library patron), Scottie Stowe (student and supporter of library services.)

Charlotte-Mecklenburg Library Director Charles Brown addressed questions regarding the leasing of library facilities.
Commissioner Leake asked if there was a charge for library cards. The response was there's a charge imposed for out of county residents. Further, that per state statute, the Library can’t charge a fee for basic library charges to Mecklenburg County residents. A library card is considered a basic service.

Commissioner James asked about the leases for Carmel and old Hickory Grove and the terms of other leases, which was addressed.

Commissioner James asked about the three scenarios developed by the Library regarding reductions, which was addressed. Commissioner James said before acting upon any of the scenarios, his recommendation would be that the Board consider increasing cuts to CMS and lower cuts to the Library.

Commissioner Bentley asked about the annual operating budget for ImaginOn and the Main Library, which was addressed.

Commissioner Bentley asked about the number of visitors to ImaginOn annually, which was addressed.

Commissioner Murrey said he’d like to see consideration given to 1) possible areas of functional consolidation of services between the County and the Library, 2) creative staffing ideas, & 3) use of volunteers more.

Director Brown said the Library had been and still was in discussions with the County around possible areas of functional consolidation.

Library Board Trustee Bob Sink addressed actions the Library has taken in response to the cuts.

Library Board of Trustees Chairman Robin Branstrom commented on how she felt the communication between the two bodies and respective staff had increased. Library Board Chairman Branstrom said she felt everyone was working as a team. She thanked the Board for its support.

Commissioner Cogdell asked about the Library’s FY09 budget, which was addressed.

Note: The above is not inclusive of every comment.

No action was taken or required.

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 9, 11, 14, and 16 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held April 6, 2010 and Closed Session held April 6, 2010.

(8) TAX REFUNDS

Approve refunds in the amount of $32,446.09 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) DEPARTMENT OF SOCIAL SERVICES – MECKLENBURG TRANSPORTATION SYSTEM – EQUIPMENT PURCHASE

Approve the capital purchase of four lift-equipped 25-foot light transit vehicles and 30 mobile data computer devices.

Note: This is an equipment purchase for the Department of Social Services Mecklenburg Transportation System.

(12) RETAIL TENANT LEASE – GOVERNMENT DISTRICT PARKING DECK — AMEND RESOLUTION

Amend resolution adopted April 6, 2010 titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Derrick Johnson and William Saddler, owners of One Way Hotdogs” to reflect a date correction in the text of the resolution.

Note: The text of the resolution adopted on April 6, 2010 stated the Board’s intent was to approve the lease arrangement with Derrick Johnson and William Saddler at the Board’s April 6, 2010 meeting. It should have said at the Board’s April 20, 2010 meeting. The notice of intent, which was published in the newspaper on Friday, April 9, 2010, had the correct date of April 20, 2010. Board approval is required in order to change the date in the resolution of intent.

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

(13) RETAIL TENANT LEASE – GOVERNMENT DISTRICT PARKING DECK

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Derrick Johnson and William Saddler, Owners of One Way Hotdogs.”

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

(15) REVISION TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE (GREEN PERMIT REBATE) – SECOND READING

Amend the LUESA Fee Ordinance to suspend the Sustainable Design Permit Fee (Green Permit Rebate) Program.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) FEMA LETTERS OF MAP CHANGE DELEGATION GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to
1) Authorize the County Manager to submit a $20,000 grant request to FEMA.

2) If awarded, recognize, receive and appropriate grant funds and authorize the County Manager to execute the grant contract.

3) Authorize the carry-forward of unspent funds for the duration of the grant.

4) Authorize the County Manager to negotiate and execute a Mapping Activity Statement contract between Mecklenburg County and FEMA.

Note: On July 1, 2006, Charlotte-Mecklenburg Storm Water Services became the first local government in the country to be given the authority to process requests for Letters of Map Change (LOMCs). These LOMCs make conditional and permanent changes to our Flood Insurance Rate Maps. The Flood Insurance Rate Maps are used for floodplain management activities such as rating flood insurance, regulating development, assessing existing flood risk, etc. LOMC requests have averaged five (5) cases per year.

The requested actions are necessary to obtain grant funds for reimbursement of eligible LOMC Delegation program expenses and to negotiate and execute a Mapping Activity Statement with FEMA to allow the County’s Flood Mitigation Program to continue processing LOMCs in Mecklenburg County, the City of Charlotte, and all six towns. The Mapping Activity Statement will define roles, responsibilities, and contractual obligations for the County and for FEMA. FEMA will provide funding to Mecklenburg County through a Flood Map Modernization Management Support Grant Agreement, based on the actual cost for processing Letters of Map Revisions.

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

(11) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to Amend the Department of Social Services’ FY10 budget to recognize, receive, and appropriate $798,083 in additional funding for Food and Nutrition Services.

Note: The Department of Social Services will use this funding for temporary staffing to assist with the increased demand for food stamps assistance. This is 100% federal funding.

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

(14) PIEDMONT NATURAL GAS UTILITY EASEMENT

Commissioner Clarke asked to be excused from voting on Item 14 – Piedmont Natural Gas Utility Easement to avoid a conflict of interest.

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to excuse Commissioner Clarke from voting on Item 14 – Piedmont Natural Gas Utility Easement to avoid a conflict of interest.

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

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to:
APRIL 20, 2010

(1) Grant a 50’ wide easement on County owned Tax Parcels #141-171-12 & #141-171-19 to Piedmont Natural Gas for the installation and maintenance of a natural gas pipeline.

(2) Recognize $68,800 from Piedmont Natural Gas as compensation for an easement on County owned Tax Parcels #141-171-12 & #141-171-19 and appropriate $10,000 of that amount for land and property management associated costs with the remaining $58,800 appropriated to the County’s Pay-As-You-Go fund for capital projects.

Commissioner Leake removed this item from Consent for clarification of what this matter was about.

(16) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE – SECOND READING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend LUESA Fee Ordinance to revise fees for:

- Increase base building permit fees by 4.75%
- Alteration/renovation minimum permit fee criteria
- Add fees for ABC inspections
- Revise criteria for small project B/E/M/P multi-trade
- Increase the hourly rate for OnSchedule plan review charges
- Increase Express Review fees
- Increase Fire Marshal permit fees on Hazardous Materials and other Fire Marshal related items

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

STAFF REPORTS AND REQUESTS

(17) DONATION – PARK & RECREATION COMMUNITY GARDEN – ITEM WAS REMOVED FROM THE AGENDA

Commissioner Clarke returned to the dais.

(18) CAROLINA THREAD TRAIL

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to 1) adopt Resolution of Support for the Carolina Thread Trail. 2) to approve Resolution to adopt the Carolina Thread Trail Master Plan for Mecklenburg County.

Note: The Carolina Thread Trail is a regional trail network that will eventually reach 15 counties and over 2 million people. It will link people and places. It will link cities, towns, and attractions. More than a hiking trail, more than a bike path, the Carolina Thread Trail will preserve our natural areas and will be a place for exploration of nature, culture, science and history, for family adventures and celebrations of friendship. It will be for young and old, athlete and average. This is a landmark project.

Julie Clark with Park and Recreation and Ann Browning, Project Director for the Carolina Thread Trail presented the plan.

A copy of the report is on file with the Clerk to the Board.
(19) BUSINESS INVESTMENT PROGRAM GRANT: CLARIANT CORPORATION

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve resolution authorizing the County Manager to negotiate and execute a contract for a Business Investment Program grant to Clariant Corporation for a total estimated amount of $55,207.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
APPROVING BUSINESS INVESTMENT PROGRAM GRANT
FOR CLARIANT CORPORATION

WHEREAS, Clariant Corporation (Clariant) is the U.S. subsidiary of Clariant AG, a specialty chemical company based in Switzerland. Clariant’s North American Headquarters are in Charlotte, as well as three of the company’s ten business units. They employ 200 workers locally. Clariant, known as Sandoz Chemicals until 1995, has operated at 4000 Monroe Road for more than 50 years, and is one of the oldest continuously operating foreign-owned companies in Charlotte; and

WHEREAS, Clariant recently closed a production facility in Rhode Island, and evaluated three options for associated business units currently located there including relocating to Charlotte; and

WHEREAS, this project as described by the company was determined to meet all of the criteria for a Business Investment Program grant from the City and County. The Board of Commissioners voted its intent to provide a Business Investment Program grant to Clariant during a closed session meeting on February 16, 2010 and as authorized by the Board, the County communicated this information to the company; and

WHEREAS, taking into consideration the Board’s stated intent to make an economic development grant, the company subsequently decided to relocate to their facility at 4000 Monroe Road. The expansion will include a capital investment of approximately $2.5 million and will create 48 new jobs within three years at an average annual salary of $87,000. Approximately 40% of the jobs will be hired locally. The Business Investment Program grant is a 90% grant over 3 years, with an estimated total amount of $55,207, and will be subject to the County’s standard contract provisions, including compliance requirements for the company related to job creation targets and clawback provisions. A Fiscal Impact Analysis shows a present value of net benefits to the County of $210,946 over 6 years;

NOW, THEREFORE, BE IT RESOLVED that the Mecklenburg Board of County Commissioners does hereby approve the Business Investment Program grant as described above, and authorizes the County Manager to execute a contract for the same, with any necessary or helpful non-material changes.

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

John Allen, Economic Development Director presented this matter to the Board.

(20) FIRST WARD PARK CONCEPTUAL MASTER PLAN

Lee Jones with Park and Recreation and J.P. Shadley with Shadley Associates presented the Conceptual Park Master Plan for First Ward Park.

Comments

Commissioner Dunlap asked about the placement of electrical outlets across the landscape, which was addressed.

Commissioner Murrey commented on the farmers market idea. He said he was disappointed that there’s not a permanent structure in place for it in the plan.

Mr. Jones addressed this issue. He said it was being studied and recommendations were forthcoming regarding the best locations for a farmers market.
Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Conceptual Park Master Plan and authorize staff to proceed with construction drawings.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

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

(21) HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS (COMMISSIONER ROBERTS)

Motion was made by Commissioner James, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Murrey and Roberts voting yes, to adopt a resolution in support of staff’s recommendation to the State regarding new rules governing hospital, medical and infectious waste incinerators. Secondly, to adopt a resolution directing staff to begin a process to revise the Mecklenburg County Air Pollution Control Ordinance to implement new hospital, medical and infectious waste incinerator rules effective December 1, 2010, contingent upon approval by the North Carolina Environmental Management Commission.

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

Alan Burns said he challenges statements that have been made by the County’s Air Quality Division that the BMWNC Inc. incinerator emission level was not a health risk. Mr. Burns said health problems do exist for residents living in this area. He said there has to be some cause. He said it’s possible that the incinerator has contributed to those health problems. He said if it’s something else causing these health problems, then the community needs to be informed of that.

Katherine Mitchell spoke in support of the resolutions. Ms. Mitchell said because of the high number of cancer cases in the area, her group was going to begin a series of cancer counts in as many neighborhoods that they can access that surround the BMWNC Inc incinerator. Ms. Mitchell said this information would be documented. Ms. Mitchell said she was aware that funds weren’t available on the local or state level to do a health study in this area, but that her organization was going to do their own air sampling, EPA approved testing techniques and labs. They also plan to test the soil for dioxins.

Sue Dayton with the Blue Ridge Environmental Defense League spoke in support of the resolutions. Ms. Dayton said the resolutions would result in a decrease in residents’ exposure to toxic air pollutants from the BMWNC medical waste incinerator located in Matthews.

William Gupton on behalf of the Sierra Club Central Piedmont Group spoke in support of the resolutions. Mr. Gupton also presented the following requests for consideration by the Board: 1) That procedures be developed and actively pursued to implement the new EPA guidelines prior to the stated October 6, 2012 deadline, 2) To review the handling of this permit renewal and request that policy and process be changed, 3) That a comprehensive air, water and land analysis of the site and surrounding community to determine the extent of any adverse environmental impact, and 4) That a health impact study be undertaken to determine if the operation of the site has produced a negative impact on community health and an increased incidence and/or risk of cancer.

Also, prior to the above vote, Commissioner Murrey, chairman of the Board’s Health & Community Support Committee, addressed the committee’s review of this matter and plans for moving forward.
Commissioner Leake expressed concern for other possible locations in the County with similar types of problems.

Copies of handouts from Ms. Dayton and Mr. Gupton are on file in the Office of the Clerk to the Board.

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

Commissioner Dunlap returned to the dais.

(22) POLICE SERVICES IN EXTRA-TERRITORIAL JURISDICTIONS (ETJ) (COMMISSIONER JAMES)

Commissioner James addressed police services in extra-territorial jurisdictions. He suggested providing in writing to the Office of the Charlotte City Manager a notice termination of the Agreement Between the City of Charlotte and Mecklenburg County for the Continued Consolidation of the Charlotte-Mecklenburg Police Department, effective July 1, 2011.

Secondly, to direct the County Manager to communicate with the Mecklenburg town managers the desire of Mecklenburg County to enter into agreements with the towns for the provision of police services within the towns’ Extra-Territorial Jurisdiction (ETJ), including providing the towns with tax revenue equal to the estimated cost to provide police services in this area. If the County does not have the legal basis/authority to enter into such an agreement, instruct the County Manager and County Attorney to work with the Mecklenburg County Sheriff to deputize each of the town police forces to perform all police functions within each town’s ETJ.

Commissioner James said it’s his understanding that the towns were willing to take this service over.

Comments

Chairman Roberts said her interpretation of the information received from the towns was that they’re willing to discuss the issue.

Chairman Roberts said the Charlotte/Mecklenburg Police Department has the capability of providing a broader array of services than the towns.

Chairman Roberts said she didn’t think the County was at a point of moving forward with this at this time. She asked County Manager Jones to comment.

County Manager Jones addressed the process for terminating the agreement and what would happen, per that termination. County Manager Jones noted that special legislation would have to be obtained to allow the towns to provide these services in their ETJ. County Manager Jones said it could also require a special taxing district for the towns.

County Manager Jones said another option would be for the Sheriff’s Office to provide law enforcement services in the unincorporated area, which could result in a tax equity problem.

Attorney Bethune said if the Board terminated the agreement with the City of Charlotte and did not get additional legislative authority, effective July 1, 2011, two things could happen. 1) The Sheriff would have the legal authority to patrol and 2) the Board could not have a law enforcement district tax. Thus, it would have to be paid for out of the general fund.

Attorney Bethune said additional legislative authority would be needed in order for the towns to provide this service.

Commissioner Bentley said she’d been in communication with the towns regarding this matter,
and with the exception of Davidson, there was broad support for this. Commissioner Bentley said Davidson was pleased with their current arrangement.

Discussion continued.

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to refer to the Board’s Criminal Justice Committee for review and a recommendation back to the Board, the issue of the provision of police services in the extra-territorial jurisdictions.

(24) NAME SUPPRESSION OF POLARIS ONLINE PROPERTY RECORDS – SURVEY RESULTS (COMMISSIONER CLARKE)

The Board received as information the results of the County’s survey on the effects of removing the name-search function from the POLARIS web-based land records access system.

Note: In response to a letter from members of the Mecklenburg County Criminal Justice Community dated August 31, 2009, the BOCC Criminal Justice Committee received information at its meetings in October 2009, November 2009, December 2010, and April 2010 regarding the feasibility, impact, and cost of removing the name-search function from the POLARIS web-based land records access system for the homes of all members of the law enforcement community.

Commissioner Clarke said the survey results strongly indicated that this was a useful tool and that it should not be removed.

Commissioner Clarke said the Board’s Criminal Justice Committee recommends that the Board not remove the name search function from the POLARIS web-based land records access system. Secondly, that staff be directed to provide support to members of the Law Enforcement community, in the event that they wish to pursue the suppression of individual records in POLARIS, by assisting them in working with State Legislators to change existing legislation.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to direct staff to provide support to members of the Law Enforcement community, in the event that they wish to pursue the suppression of individual records in POLARIS, by assisting them in working with State Legislators to change existing legislation.

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 Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 12:24 a.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 7:30 a.m. on Monday, April 26, 2010.

ATTENDANCE

Present: Vice-Chairman Harold Cogdell, Jr. and Commissioners Dumont Clarke, Neil Cooksey, George Dunlap and Daniel Murrey
General Manager Michelle Lancaster
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Chairman Jennifer Roberts and Commissioners Karen Bentley, Bill James, and Vilma Leake

Also Present: State Representatives Jim Gulley, Tricia Ann Cotham, Becky Carney, Beverly Earle, Kelly Alexander, and Thom Tillis; State Senators Daniel Clodfelter, Charlie Dannelly, Malcolm Graham, and Robert Rucho

The meeting was called to order by Vice-Chairman Cogdell.

The Board met with members of the Mecklenburg County State Legislative Delegation. The purpose of the meeting was to discuss the County’s Legislative Agenda and the 26th Judicial District Legislative Agenda.

Note: Prior to the legislative agenda presentations, the Delegation received an overview of the County’s budget.

(1) COUNTY BUDGET OVERVIEW

Budget/Management Director Hyong Yi gave an overview of the County’s FY10 and FY11 budget. The following was addressed:

- The budget from a historical perspective
- The impact of the recession on the County’s budget
- The County’s response to the impacts of the recession
- The County’s budget outlook going forward.

There were no comments or questions asked.

(2) COUNTY LEGISLATIVE AGENDA

Assistant to the County Manager Brian Francis presented the County’s Legislative Agenda. The specific Bill Requests were as follows:

1. Expand the membership of the Board of Equalization and Review to 15 members and make other changes to make the property tax appeal process more efficient. (No comments or questions were asked.)
2. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment. (No comments or questions were asked.)

3. Restore Charlotte Mecklenburg Library’s status as an entity that is eligible to receive state sales tax refunds. (No comments or questions were asked.)

4. Allow Mecklenburg County to maintain local EMS protocols which reflect the best practices in emergency medical care. (No comments or questions were asked.)

5. Restore State-Aid to Counties for Department of Social Services. (No comments or questions were asked.)

6. Restore Funding cuts to Area Mental Health and reform the distribution formula for Mental Health funds. (No comments or questions were asked.)

7. Restore per diem payment for state prisoners housed in county jails. (No comments or questions were asked.)

8. Allow Mecklenburg County to publish names of delinquent taxpayers on its website in lieu of purchasing a newspaper advertisement.

Comments: Representative Kelly Alexander said a similar statewide measure failed in the long session. He said it was primarily opposed by the newspaper industry, especially those in smaller counties. Representative Alexander asked how the County would anticipate overcoming similar local opposition. Assistant Francis said it’s not anticipated that the Press Association would be in support of this, but he hoped the Delegation would have this discussion with them nonetheless. Assistant Francis said with respect to the smaller counties, Mecklenburg County would be open to having the proposed legislation applicable to counties with a population of 900,000 or more.

Representative Alexander asked about the County’s cost to advertise. Assistant Francis said he didn’t have that information but would get it and share it with the Delegation.

Representative Thom Tillis said he tried to help put forth legislation similar to this in the past. He suggested staff meet with the Press Association and Charlotte Observer officials, if it wanted to proceed with this. Representative Tillis said the Press Association and the Charlotte Observer were suppose to have a task force looking into this matter to come up with a solution, but he’s not sure where they were in that process.

9. Support legislation that provides incentives to local governments that develop Regional Planning Organizations.

Comments: Representative Kelly Alexander said there’s a bill coming out of the Infrastructure Study Committee that specifically deals with regional structures, incentives and support. He suggested the County look into this.

10. Unfreeze magistrate positions to allow for the hiring of a magistrate in North Mecklenburg. (No comments or questions were asked.)

11. Restore funding for NCADAP (North Carolina AIDS Drug Assistance Program) (No comments or questions were asked.)

12. Support the request of the Charlotte Mecklenburg Board of Education for local flexibility regarding staff spending and the school calendar. (No comments or questions were asked.)
General Policy Positions

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

(No comments or questions were asked.)

Commissioner Cogdell addressed restoring funding cuts to Area Mental Health and reform the distribution formula for Mental Health funds. He noted the County’s contribution versus others in the state and where the County falls as far as funding received from the state.

Commissioner Cogdell addressed restoring funding for NCADAP (North Carolina AIDS Drug Assistance Program).

This concluded discussion of the County’s Legislative Agenda. No action was taken or required.

(3) 26th Judicial District Legislative Agenda

Trial Court Administrator Todd Nuccio presented the 26th Judicial District Legislative Agenda. The following was covered:

- N.C. Quick Facts
- Mecklenburg Quick Facts
- Innovations that Improve Justice
- Statutory Requests
  - Judicial Selection
  - Magistrates
  - Establish Chief Magistrate Position
  - Juror Counseling
  - Structured Sentencing
  - Sex Offender Violation
  - Financial
  - Salaries
  - Juvenile Age
  - Juvenile Record
- Previous Allocation of Positions
- Programs Under Stress

A copy of the report, which outlines the details of the requests, is on file with the Clerk to the Board.

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

Comments

District Attorney Peter Gilchrist with respect to Judicial Selection addressed the need for merit selection. District Attorney Gilchrist said “we’ve got to get good, competent lawyers serving as judges in our district and superior court.”

District Attorney Gilchrist spoke in opposition to raising the juvenile age and addressed the impact this would have on the judicial system.

Commissioner Dunlap with respect to Judicial Selection said he would be concerned about diversity on the bench if you go to a “supposedly” merit based selection. Commissioner Dunlap said there was no way to determine that one was better than the other. Commissioner Dunlap said “you could come
Commissioner Dunlap said another point, based on the presentation, was “to suggest that the uninformed electorate makes that decision today, says a lot about the people who vote.” Commissioner Dunlap said you’re asking people who were selected by that “uninformed” voter, to now suggest that the selection be merit based. Commissioner Dunlap said “something doesn’t seem right about that.” Commissioner Dunlap said he was not suggesting there wasn’t a better way, but it was just the way that this was presented.

Judge Richard Boner with respect to Judicial Selection said statistically it’s been shown that most people that go out and vote “have no idea who they’re voting for.” He said there’s a significant fall off when you look at the election results between the races for governor, U.S. senate, president, etc. to the judicial election. He said a lot of people just don’t vote.

Judge Boner said there’s really no way for people to become informed. He said the publicity on judicial races was very low key, if there was any publicity. He said judicial candidates can’t campaign like “regular politicians.” He said they can’t go out and take positions on issues because the ethical canvass that governs judicial officials and candidates prohibits them from doing that. Judge Boner said they no longer have political party affiliation.

Judge Boner said qualified people were needed to do the job, “qualified by their education, training, and experience and not somebody who was basically the better politician of the folks on the ballot.”

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

State Senator Rucho left the meeting and was absent for the remainder of the meeting.

Judge Lisa Bell said it didn’t have to be “this extreme or the other extreme.” She said you don’t have to have a pure electoral system or a strictly appointment system. Judge Bell addressed how a seat was filled when created by the General Assembly. She also addressed how a federal magistrate was selected, which she said was a selection system the state court could benefit from. Judge Bell said in addition to that, you could consider a retention election. She explained what that was.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment but is a summary.

Vice-Chairman Cogdell thanked the Delegation for its attendance.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 9:03 a.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, April 27, 2010.

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 General Manager John McGillicuddy. Clerk to the Board Janice S. Paige

Absent: None

____________________

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

The meeting was called to order by Chairman Roberts after which the following topic was addressed: Charlotte-Mecklenburg Schools’ Priorities. This was a joint meeting with the Charlotte-Mecklenburg Board of Education regarding Charlotte/Mecklenburg Schools’ (CMS) Performance.

(1) CHARLOTTE-MECKLENBURG SCHOOLS’ PRIORITIES

Board of Education Chairman Eric Davis and School Superintendent Dr. Peter Gorman presented CMS’s report, which covered the following:

* CMS Strategic Plan 2014 Priorities
* Effective Educators
* Performance Management
* Increase Graduation Rate
* Demographic Changes

Commissioner Murrey entered the meeting.

* 2008-09 Academic Progress
* Assessment Results – End of Grade
  * Math – Reading – Science
* Comparisons with Other Counties in the State
* National Assessment of Educational Progress
  * Trial Urban District Assessment
* Assessment Results – End of Course
  * Algebra 1 & 2, Biology, Chemistry, Civics & Economics, English 1, Geometry, Physics, Physical Science, & U. S. History
* Assessment Results – Writing
* Assessment Results – Career and Technical Education: VoCATS
A copy of the report is on file with the Clerk to the Board.

Dr. Gorman noted the following in his closing remarks:

* CMS is making progress, but “not nearly as fast enough.” He said there’s more work to be done.
* CMS is closing gaps.
* CMS is growing but in some cases where students are growing, the gaps are remaining or expanding and in some cases the gap is being closed, but at the rate that it’s being done, “it won’t happen in a particular student’s educational career where the gaps will disappear.”
* CMS will take the data it has and focus on effectiveness and direct resources in a way that will offset that effectiveness.

Comments

Commissioner Murrey asked for a definition of the graduation rate, which was addressed.

Commissioner Murrey asked does the cohort change every year and if so, wouldn’t that impact proficiency rates. The response was yes.

Commissioner Murrey said he was impressed with the progress that’s been made and appreciated the focus that’s been placed on reducing gaps, not only between the various interest groups, but how CMS stands with others in the state and nationally.

Commissioner Murrey said given the success CMS has had, he would like to see CMS continue to support strategic staffing regardless of what happens with the budget, since it’s showing such good results.

Commissioner Dunlap asked how many students have to increase performance in order to move the bar, at least one point. The response was one hundred children for EOG’s, to move it up a percent.

Commissioner Dunlap asked what did CMS attribute the gains to and how would those things be negatively impacted if CMS doesn’t have a sufficient budget to keep moving in the same direction. The response was having “great” teachers in the classroom and “great” leaders in the school; strategic staffing; curriculum and instruction reform strategies; the Pre-K program; strategic use of resources, and pay for performance.

Commissioner Clarke commented on the tremendous amount of work that goes into collecting and analyzing data. He asked whether CMS would be able to maintain that valuable resource. The response was cuts were made in that area and thus the amount of data made available would be less.

Commissioner Clarke asked was CMS committed to pay for performance. The response was yes but they would be moving very cautiously because they are developing a system with staff input.

Chairman Roberts complimented CMS on the progress that has been made.

Board of Education member Joyce Waddell said she was glad the two bodies had come together, and she hopes joint meetings would continue to be held.

Commissioner Leake said she had concern for those areas of the CMS system that do not contribute to student achievement, such as the Learning Communities.

Commissioner Leake said CMS has said the “best” teachers need to be with the “weakest”
children, but in her opinion CMS is not doing what it ought to be doing with respect to placing the “best” people with the “weakest” children.

Commissioner Leake commented on pay for performance and bonuses. Commissioner Leake said she’s never been a supporter of bonuses.

Commissioner Leake addressed re-testing and the teacher supplement that was provided by the County to CMS at one time.

Commissioner Leake asked if the state changed the requirements for teachers to be hired by CMS. The response was the licensure rules have had some changes to allow for lateral entry for teachers to bring different licensure.

Commissioner Leake said she would like to know the percentage of black children versus white children in CMS. The response was 41.2% African American, 33.5% white, 15.9% Hispanic, 4.9% Asian, 4.1% American Indian or Multi racial on the 20th day of school.

Commissioner James said he’d like information on the drop-out rate by race. It was noted that the rate shown was not the drop-out rate but a calculation done by the state. Further, what’s shown was the number of students not graduating.

Commissioner James commented on the gaps between African American and White students within CMS. Commissioner James said the gap was still “horrendous.”

Commissioner James said he would like for CMS to look at why the African American – White students gap on the elementary level was in the 40’s and why it appears to be 25% or more in the high schools. Commissioner James said he would like to see something done that could improve the gap between African American and White students. Commissioner James said he would suggest some sort of 24/7 school.

Chairman Roberts turned the meeting over to Vice-Chairman Cogdell and was absent for the remainder of the meeting.

Commissioner Cooksey asked about retesting, which was addressed.

Commissioner Cooksey commented on the gaps in reading and science on the elementary level. He asked what was happening for all categories in actual numbers without looking at the gap and with respect to minority students. The response was the numbers were going up but not at an equal pace.

Commissioner Cooksey said it’s important for people to know that the scores are going up, even though the gap might be increasing because of one group of students is being compared to another.

Commissioner Cooksey said sometimes too much focus is on putting students in the “same box” and saying “we want students that have these characteristics.” Commissioner Cooksey said students are different and not all students are destined to go to college. Commissioner Cooksey said some students are more inclined to go to a vocational institution, working for themselves to be entrepreneurial. Commissioner Cooksey said when you start putting students in that “box” it’s a disservice to the student.

Commissioner Cooksey encouraged looking at alternative paths to success for students, so that every student can find a path to success that “uniquely” fits their characteristics.

Commissioner Bentley asked how long does it take for programmatic changes to manifest itself. The response was multiple years.

Commissioner Bentley commented on Sugar Creek Charter School. She said it appears they’re really doing things well with a target population that CMS struggles with. She asked was it
possible for CMS to look at what Sugar Creek Charter was and their best practices. The response was yes. Further, that CMS has spent a great deal of time looking at the KIP Model which is a scalable model that has the most break-thru gains.

Commissioner Bentley asked what was the funding per pupil in Wake County versus Mecklenburg County. The response was CMS staff did not have that information at this time.

Commissioner Bentley asked about the demographic breakout of CMS versus Wake County. The response was CMS staff did not have that information at this time, however, Wake was substantially lower for the number of students that are economically disadvantaged.

Commissioner Bentley asked what should the County be looking for in its balance scorecard with respect to measuring CMS performance. The response was a series of things, one of which was how CMS works on their strategic plan towards the goal they produce for that, percentage of effective teachers, graduation rate, and growth of students, which is what’s going to drive that.

Board of Education member Rhonda Lennon expressed her gratefulness for today’s meeting and noted that she has a good working relationship with Commissioner Bentley, district 1, which is the district she also represents.

Board of Education member Kaye McGarry referenced the percentage of schools making expected or high growth with respect to the ABC’s. She asked how many of these would fall under Title I schools. The response was CMS staff did not have that information at this time but would get it.

Board of Education member McGarry commented on the state not giving the ABC bonuses and asked how much is in the longevity bonus. Board member McGarry said she was aware this was something not under the control of CMS.

Board of Education member McGarry with respect to the graduation rate, vocational classes and preparing students for after graduation, said it would be good to have data following that year after graduation from high school. Board member McGarry said without such data, how does CMS know that they’re preparing students for the next step in their lives. She said CMS should track whether a student attended a four-year college, got on the job training, attended a community college or technical school. The response was the new secretary of education was putting that in place, so that students can be tracked.

Commissioner Murrey asked with respect to the budget, what intervention or combination of interventions would most likely increase the graduation rate. Secondarily, not just focusing on the gap, but on the groups that have lower scores, the minority groups and economically disadvantaged groups, what’s most likely going to improve their scores and which intervention makes the most difference. The response was the budget the Board of Education was presented by staff, has worked to keep some of those areas in, such as strategic staffing, and putting together a more formative assessment, so teachers have better snapshot data regularly. Dr. Gorman stated further, he was aware some folks will question the amount in the budget for developing the various assessments and adding something new, but they feel it’s a priority for what needs to be done to close the gap and give that data. He said “for us it’s about giving the teachers the best data in that human capital piece; of hiring the best folks and giving them the best data and letting them make the decisions.” He said also in his budget that class sizes would go up. Dr. Gorman said CMS can’t take $90 million out this year and $78.3 million out this coming year and not impact class size. Dr. Gorman said for them it’s the teacher effectiveness initiatives. Dr. Gorman said for every extra dollar they received based on their scenarios, they would bring staff back, “effective staff.”
Board of Education Chairman Eric Davis echoed that strategic staffing was a key strategy, also getting effective teachers and principals, particularly in the most challenging schools, getting new leaders for new schools and performance management.

Chairman Davis said what worries him the most was the number of teachers that CMS had to displace. He said if that could be turned around, that would help.

Commissioner Murrey said he would summarize what’s been said with respect to the budget and that what’s important was strategic staffing, formative evaluations, new leaders for new schools. Further, that the variable that the County can look for when looking at different funding levels was student/teacher ratio going up or down and that if the County funds more it could have an impact on and make a difference. The response was that’s correct, that would be the first area of impact.

Board of Education member Joe White said what’s difficult and what the public doesn’t understand is that there aren’t really any “good choices” in light of the current economics.

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

Commissioner Leake asked what was the cost of maintaining the Community Learning sites. The response was that staff would report back with that information.

Vice-Chairman Cogdell thanked CMS for its presentation and everyone for attending.

This concluded the discussion.

Note: The above is not inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 5:03 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS  

MAY 5, 2010  

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 Wednesday, May 5, 2010.  

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-  

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

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

(1) STAFF BRIEFINGS - NONE  

(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: Melanie S. Sizemore, Clifton G. Settlemyer, Dawn Ballenger and Peter E. Tart on behalf of themselves and all other taxpayers and citizens of Mecklenburg County, Eli Baxter Springs, IV, individually and on behalf of all other Heirs, and the Historic Elizabeth Neighborhood Foundation vs. Mecklenburg County, the City of Charlotte, and the Trustees of Central Piedmont Community College.  

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session to Consult with Attorney.  

The Board went into Closed Session at 5:27 p.m. and came back into Open Session at 5:51 p.m.  

(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 11, 14, 15, 24, and 27.

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 Murrey was away from the dais until noted in the minutes.

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

Commissioner Murrey entered the meeting during introductions.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A1) OLDER AMERICANS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 2010 as “Older Americans” month in Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Rodney Adams with the Department of Social Services and Debora Sparks with the Council on Aging.

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

(1A2) FOSTER CARE AWARENESS MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 2010 as “Foster Care Awareness” month in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Richard Buchanan with the Department of Social Services and Susie Richards with the Mecklenburg County Foster Care Association.

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

(1A3) LAW ENFORCEMENT WEEK

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 9-15, 2010 as Law Enforcement Week in Mecklenburg County.
MAY 5, 2010

The proclamation was read by Commissioner Dunlap and received by law enforcement representatives from the Sheriff’s Office, the Town of Huntersville, Alcoholic Beverage Control Board, Charlotte/Mecklenburg Schools, and the Town of Cornelius.

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

(1A4) DRUG COURT MONTH

Motion was made by Commissioner Clarke,第二ed by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating May 2010 as Drug Court Month in Mecklenburg County.

The proclamation was read by Commissioner Clarke and received by Judge Lisa Bell, Judge Theo Nixon, Judge Yvonne Mims-Evans, Drug Court Treatment Program Director Janeanne Tourtellott and Rosalyn James of her staff.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(29) RESOLUTION OF SUPPORT FOR VETERANS BOND, STAMP AND COIN (CHAIRMAN ROBERTS)

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution supporting an initiative requesting that the U.S. Congress implement a new government bond, stamp and coin program, the proceeds from which shall be used exclusively for those warriors and their families who have borne the brunt of preserving our freedoms and extending those freedoms throughout the world.

RESOLUTION OF MECKLENBURG BOARD COUNTY OF COMMISSIONERS

WHEREAS, the nation is blessed with men and women who voluntarily swear an oath to defend the Constitution of the United States of America against all enemies, foreign and domestic; and

WHEREAS, these men and women make great personal sacrifices in the name of our Constitution, thereby ensuring the perpetuation of our individual liberties; and

WHEREAS, these same men and women voluntarily make great sacrifices to carry democracy and extend freedoms we enjoy to the underprivileged of the world; and

WHEREAS, some of these men and women will incur great personal hardships and catastrophic injury in the performance of their duties; and

WHEREAS, we feel duty to honor, support and provide relief to these warriors, and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Mecklenburg County Board of Commissioners does hereby resolve its total and unequivocal support of an initiative implementing a new government bond, stamp and coin program, the proceeds from which shall be used exclusively for those warriors and their families who have borne the brunt of preserving our freedoms and extending those freedoms throughout the world.

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

Prior to the above vote, Garland Denny addressed this issue. He asked the Board to support this effort. Mr. Denny is a Korean War Veteran, who served on board the U.S.S. Franklin D.
Roosevelt. He was introduced by Veteran Services Director Robert Weeks.

**PUBLIC APPEARANCE**

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

Ms. Jerry Mudge addressed the hazards of cell phone use while driving.

*A copy of a handout from Ms. Mudge is on file with the Clerk to the Board.*

Glen Stephens spoke in support of libraries and how beneficial they are to persons with disabilities.

**APPOINTMENTS - NONE**

Commissioner Cogdell entered the meeting.

**PUBLIC HEARINGS**

**STREET ASSESSMENT PROJECT - FARMWOOD NORTH / STONE MOUNTAIN SUBDIVISION**

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue a public hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT).

The following persons appeared to speak in opposition: James O’Brien, Kyle Clark, and Brad Martone.

Mr. O’Brien read nine questions he would like answered with respect to this matter.

*A copy of the list of questions is on file with the Clerk to the Board.*

Mr. Clark said he would like to see a copy of the signed petition with respect to this matter. Mr. Clark said he would like to know who oversaw the construction and who released the bond and when.

Mr. Clark said the subdivision was completed in September 1989 and that he moved in his home in December 1989. Mr. Clark said no construction occurred in the subdivision in 1990. He said it resumed in 1991.

Mr. Clark said issues with the road surfaced in 1995 and that the County was contacted in 1996. Mr. Clark said he felt the County messed up in the inspection process and now residents have to pay for it.

Mr. Clark said it’s his understanding that Desmond Cole with Land Use and Environmental Services Agency and County Manager Jones communicated with Mr. Green, who was, at that time, president of the homeowners association, about these issues. Mr. Clark said no one from the homeowners association communicated with the property owners. Mr. Clark said the original estimate to fix all of the roads in the subdivision was over $400,000, but apparently Mr. Green, Mr. Cole, and Manager Jones made the decision to only repair some of the roads and spend only $127,000. Mr. Clark said Mr. Green did not have the authority to obligate anyone but himself for those repairs. Mr. Clark said parts of the subdivision have never been fixed. Mr. Clark said he
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wanted to know if the City of Charlotte accepted those streets when they annexed the area.

Mr. Clark addressed Charlotte-Mecklenburg Utility Department (CMUD) taking over the water system from a company called Aqua Water. He asked if CMUD was assessed and/or Aqua Water who still handles the sewer system.

Mr. Clark asked the Board to defer making a decision until all questions have been answered and to make sure that what the County was doing was legal. Mr. Clark said if the County wasn’t on legal grounds, then he could assure the Board that this matter was not over.

Mr. Clark said at the very least when the Board votes to assess, that homeowners should be given the 30% discount that per the County’s website was available. He said the Board should also charge less than 8% interest.

Mr. Martone said he was appearing for those like himself that moved in the subdivision years after this had occurred. Mr. Martone said he was not aware of the assessment until he received the letter. He said those who lived there at the time the work was completed should have been billed and not current residents.

Comments

County Manager Jones recommended the Board continue the public hearing until the Board’s June 1, 2010 meeting. He said this would allow staff time to respond to all of the questions and to meet with residents to address all of their concerns.

Commissioner Dunlap suggested a community meeting be held to address the concerns of the residents rather than trying to address the issue during a Regular meeting.

Dave Canaan, director of Storm Water Management, said he would speak with the residents that appeared tonight and schedule a meeting with the neighborhood to address any concerns.

Commissioner Cooksey asked about the process, specifically as it relates to the timeframe in which this matter was placed before the Board.

Director Canaan addressed the timeline. Director Canaan acknowledged that starting around January 2009, the County “really held all of the cards.” Director Canaan said this matter fell to the “back burner” and the County did not get back on the project until December. Thus, it sat within the department for about eleven months without the assessment being started.

Commissioner Cooksey encouraged Director Canaan to look at ways in which things could be done differently to speed up the process.

Commissioner Clarke noted that the assessment process was governed by state law and not by County procedures. Commissioner Clarke suggested, in an effort to improve the process, that the Board consider asking the state to amend the applicable statute, so that the levy would be made shortly after the petition was submitted. Commissioner Clarke said this way it becomes a lien against the property.

Commissioner Clarke said if you have an estimated cost of the construction you could levy based upon that estimate so that people start paying immediately as opposed to waiting until all of the work was completed, the state accepts it and then you impose the levy.

Commissioner Clarke suggested staff review the state law and see if something could be added at some point to the County’s legislative agenda regarding recommended changes with respect to this provision.
Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue a public hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT) until the Board’s June 1, 2010 meeting at 6:30 p.m.

ADVISORY COMMITTEE REPORTS

(5A) CHILD FATALITY PREVENTION AND PROTECTION TEAM 2009 ANNUAL REPORT

The Board received the Community Child Fatality Team Annual Report as mandated by North Carolina State statute 7B-1406.

Note: The Mecklenburg County Community Child Fatality Prevention and Protection Team (CFPPT) presents this report each year to allow the Board of County Commissioners to learn more about causes of death among all infants and children in the county, and the ways this Team and partner agencies are working to prevent future deaths.

Libby Safrit, chair of the Mecklenburg County Community Child Fatality Prevention and Protection Team presented the report. She was joined at the podium by Sara Lovett, Epidemiologist with the Health Department.

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

Comments

Chairman Roberts on behalf of the Board thanked Ms. Safrit for the report.

Commissioner Cogdell commented on the child mortality rate and asked was any data collected based on economic conditions, household income, and access to health care. Commissioner Cogdell also asked Ms. Safrit to comment on the child death rate difference between minorities and whites.

Ms. Safrit said nationally as a data trend, it’s known that there is a disproportionate representation of poverty amongst minorities. Thus, unfortunately, it would make sense that it would show up with respect to this matter.

Ms. Lovett said for the purposes of this report, no data was collected on access to health care, but the department does have information it could share with the Board regarding pre-natal care by race.

Commissioner Cogdell said he would also like to see data based on socio economics, if it’s available.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

MANAGER’S REPORT

(6A) BUDGET UPDATE

The Board received a budget update with respect to the condition of and outlook for the community as a part of the planning and preparation process for the FY2011 budget.
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Budget/Management Director Hyong Yi gave the update. The update focused on the Law Enforcement Service District.

County Manager Jones said continuing down the path of paying for law enforcement services was inconsistent with the reason the law enforcement service district (LESD) was created.

County Manager Jones said the LESD was created to avoid the tax equity issue. County Manager Jones said at one time the County had its own police department which was paid for through the general taxes of the County but citizens of the City of Charlotte, who had their own police department, were not benefiting from the tax that they were paying. Thus, this process was created.

County Manager Jones said the County must find a way that’s different from what’s currently being done or use the option that’s available, which would be to impose the tax on the citizens in the unincorporated area only.

County Manager Jones said his position again this year would be that based on the direction he received from the Board to limit tax increases that not having a tax increase for the unincorporated residents would be consistent with the recommendation that he would be making to the Board.

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

Comments

Commissioner Dunlap said he concurred that the County can’t continue to go down this path. He said this matter should not be taken off the table during budget discussions.

Commissioner Bentley concurred with Commissioner Dunlap that discussion needed to take place regarding this issue. Commissioner Bentley said for her it’s a service issue.

Commissioner James said for him it’s a service issue and tax fairness issue. He said persons in the suburbs are paying for an urban police department.

Commissioner Murrey said something needed to be done with respect to this issue, and he’s inclined to charge the residents for this service. Commissioner Murrey said this seemed more like an enterprise fund or fee instead of a tax. Commissioner Murrey said it’s incumbent upon the Board to make sure that the Board doesn’t do this again. He said the County should charge “full freight” or find another way to do this.

Commissioner Murrey said he’s uncomfortable going two years in a row subsidizing, when it’s known that it’s inequitable to do so.

Commissioner Clarke suggested the presentation made by Director Yi at a previous board meeting that showed the history of how the County got where it is and what the current situation is, be shown at the budget public hearing on May 27, 2010, prior to receiving public comment.

Commissioner Clarke said this would provide some context for those that plan to speak, so that they’ll know what the County was faced with.

It was the consensus of the Board that this be done.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

(6B) CHAIRMAN UPDATE ON CHARLOTTE AREA TRANSIT SYSTEM (CATS)
Chairman Roberts, the Board’s representative on the Metropolitan Transit Commission gave an update regarding CATS FY 2011 Preliminary Transit Operating Budget and FY 2011-15 Preliminary Transit Capital Improvement Plan. An update was also given on CATS Human Services Transportation Program. 

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

Comments

Commissioner Dunlap asked had there been any discussion about the possibility of having transit police. Commissioner Dunlap noted that CATS replaced Charlotte-Mecklenburg Police officers with private police, which he thinks is a little different because they don’t have the power of arrest. Commissioner Dunlap questioned whether the use of private police provided the level of safety that’s needed.

Chairman Roberts said that matter had been discussed. She said most of the incidences on CATS have been when persons have refused to get off for failure to pay. Chairman Roberts said she would follow-up on this and report back.

Commissioner Leake asked how was information being provided to the general public regarding the availability of human services transportation. She also asked about duplication of services.

Director of Social Services Mary Wilson addressed this matter.

Commissioner Bentley asked about the Department of Social Services Elderly General Purpose transportation and the funding of that program, which was addressed by Chairman Roberts and Director Wilson. It was noted that this was funded mainly through the half-cent sales tax, but there was some County funding.

Commissioner James asked how much was the per trip fee for Elderly General Purpose transportation. Director Wilson said customers were usually charged a $1.50 per trip.

Commissioner James asked had any consideration been given to increasing that amount.

Director Wilson said consideration was being given to going to a fixed route system where seniors could be encouraged to use the fixed route bus system.

Commissioner James asked for clarification with respect to the Special Transportation System (STS) and the DSS Transportation System. Director Wilson said STS was an ADA requirement for CATS and that DSS Transportation System was required by Medicaid.

Commissioner James asked was it correct the Elderly General Purpose transportation program was not mandated and could be cut if necessary.

Commissioner James said he felt the fee should be increased for the Elderly General Purpose transportation program. He asked when was the last time the fee was increased. Director Wilson said she would check and report back.

Director Wilson said the intent of the Elderly General Purpose transportation program was to help people “age in place.” Thus, if they’re “aging in place” it would be less expensive for the county and the state in lieu of persons going into nursing homes or assisted living homes.

Commissioner James said he would like to know the number of rides per person.

Commissioner James said discussion was needed around how many trips per month would a person be allowed.
Commissioner James said he wanted to know the zip code of origin for riders. Chairman Roberts said that information was being gathered and that it’s her understanding that Matthews uses more services than its taxes provide.

Commissioner Cogdell asked Director Wilson to comment on the eligibility requirements for the Elderly General Purpose transportation program which she did.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment but is a summary.

**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 11, 14, 15, 24, & 27 to be vote upon separately.

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular meeting held April 20, 2010 and Closed Session held April 20, 2010.

(8) **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

Adopt a resolution to submit Three-Year Consolidated and One-Year Annual Action Plan to the U.S. Department of Housing and Urban Development in accordance with CDBG grant requirements.

Note: Mecklenburg County was notified in August 2009 that the County had become eligible for entitlement funding from the U.S. Department of Housing and Urban Development. The BOCC recognized, received and appropriated up to $750,000 grant amount at the September 15, 2009 meeting. The actual allotment for (FY2011) is $515,368. Grant funds can be used in low and moderate income areas to fund infrastructure improvements, help rehabilitate housing and promote economic development. The County must complete and submit a Three-Year Consolidated Plan and an Annual Action Plan to qualify for the CDBG funds. The Towns of Cornelius and Matthews are participating in the Entitlement Program with the County.

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

(9) **INTERLOCAL AGREEMENT FOR WATER QUALITY PROTECTION**

Adopt a resolution authorizing the Execution of Storm Water Services Interlocal Agreements with the Charlotte-Mecklenburg Board of Education and Central Piedmont Community College.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF STORM WATER SERVICES INTERLOCAL AGREEMENTS WITH THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION AND CENTRAL PIEDMONT COMMUNITY COLLEGE

WHEREAS, Mecklenburg County (County) and the Charlotte-Mecklenburg Board of Education (CMBE) and Mecklenburg County and Central Piedmont Community College (CPCC) wish to enter into interlocal agreements for water quality services; and

WHEREAS, CMBE, CPCC and the County have the power pursuant to General Statute 153A-445(a)(1)
and Article 20 of Chapter 160A of the North Carolina General Statutes to contract with the other for the exercise of any governmental function which they have been granted the power to exercise alone, and to enter into interlocal cooperation agreements to specify the details of these undertakings; and

WHEREAS, CMBE and CPCC have requested that the County conduct the activities necessary to fulfill the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit requirements for CMBE and CPCC with the understanding that CMBE and CPCC will cooperate with the County in the completion of specific activities at their facilities to ensure permit compliance, including but not limited to proper maintenance and housekeeping as well as pollution prevention measures and other best management practices as specified in the attached agreement; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “…shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County does hereby approve the Water Quality Services Interlocal Agreements with CMBE and CPCC and authorizes the County Manager to executed such Agreements in substantially the forms attached to this resolution and that this resolution shall be spread upon the minutes.

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

(10) MINT MUSEUM OF ART

Authorize the County Manager to execute an acknowledgement of the City of Charlotte’s lease to the Mint Museum of Art for a portion of Eastover Park that the City deeded to the County as part of the parks consolidation.

(12) DESTRUCTION OF DOCUMENTS (TAX ASSESSOR’S OFFICE)

1) Approve updated Records Retention and Disposition Schedule for County Tax Administration and Amendments.

2) Approve the disposal/ destruction of tax assessment documents in accordance with North Carolina Records Retention and Disposition Schedule (see attached list of records).

Note: The North Carolina Department of Cultural Resources has revised the Records Retention and Disposition Schedule for County Tax Administration. The Board of Commissioners is required to approve and sign off on the new schedule and amendments.

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

(13) AMENDMENT TO EXCHANGE OF LEASEHOLD INTERESTS WITH FIBER MILLS, LLC

Authorize the County Manager to negotiate and execute an “Amended and Restated Agreement Exchanging Leasehold Interests” with Fiber Mills, LLC.

Note: On February 5, 2008, the Mecklenburg County Board of Commissioners adopted a resolution declaring its intent to exchange leasehold interests with Fiber Mills, LLC, developers of the NC Music Factory entertainment complex. The agreement between the County and Fiber Mills entailed Fiber Mills leasing 15,578 square feet of property from the County to build an amphitheatre for use at the NC Music Factory complex, and the County leasing 17,757 square feet of property from Fiber Mills for use as a parking lot in connection with the County’s fleet management facility, located at 900 W. 12th Street. Subsequently, the County executed a 10-year agreement exchanging leasehold interests with Fiber Mills.
Since then, NC Music Factory has experienced growth in its business at the location, and has determined that the 17,757 square feet of property that it leases to the County would better serve the complex if it were used by patrons of the entertainment complex. Fiber Mills has requested amending the agreement it entered into with the County in 2008 by substituting the property it is leasing to the County with Tax Parcels 078-425-02 and 078-425-09, which are adjacent to the fleet management facility. The substitution property totals 0.368 acres (or 16,030 SF) and is bounded by Hamilton Street and Brookshire Blvd.

Fiber Mills has agreed to make improvements to the substitution property prior to the County taking possession of the property, including but not limited to providing a finished compacted surface, secure fencing, and new lighting poles. All other terms and conditions of the original agreement will remain in effect.

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

(16) N.C. COMMUNITY CONSERVATION ASSISTANCE PROGRAM GRANT

1) Approve, recognize, receive and appropriate $3,184 in reimbursement grant funding for the costs associated with the installation of 29,840 square feet of riparian forest buffer/riparian herbaceous cover along the stream bank of Latta Park (Dilworth).

2) Approve carry forward of the unspent grant funds at June 30, 2010 to the next fiscal year.

(17) SET PUBLIC HEARING – STORM WATER FEE FOR TOWN OF DAVIDSON’S MINOR SYSTEM RATES

Set a public hearing on May 18, 2010 on proposed changes in the Minor System component of the Town of Davidson’s Storm Water fee.

(18) SET PUBLIC HEARING – STORM WATER FEE FOR THE CITY OF CHARLOTTE’S MINOR SYSTEM RATES

Set a public hearing on May 18, 2010 on proposed changes in the Minor System component of the City’s Storm Water fee.

(19) ALEXANDER NEIGHBORHOOD PARK EXPANSION

Approve purchase of Tax Parcel 081-095-06 (residential lot) on East 15th Street for $47,000 from Todd A. Bluemke.

Note: Acquisition of the subject property, located on East 15th Street in the Belmont community, is proposed as part of the land assemblage associated with Alexander Neighborhood Park and Little Sugar Creek Greenway.

(20) MCDOWELL NATURE PRESERVE EXPANSION

1) Approve purchase of approximately 12.0 acres of Tax Parcel 199-041-23 off Soldier Road for $25,000 per acre from Deborah W. Walters and J. Barrett Walters.

2) Approve designating that +/- 12.0 acres of Tax Parcel 199-041-23 as Nature Preserve in accordance with the 2008 Nature Preserve Master Plan Update (component of the 10-Year Park & Recreation Master Plan).
Note: The subject property is the eastern portion of a parcel located along the northern boundary of McDowell Nature Preserve. The property to be acquired is undeveloped, forested and includes a small pond. A Duke Energy utility right-of-way encumbers approximately one acre along its eastern boundary. This parcel is immediately adjacent to the 150-acre grassland/prairie restoration site in the nature preserve which is being actively managed for the preservation of numerous rare plant and wildlife species. Acquisition of this property will provide an opportunity to buffer this critical habitat from encroachment and future development.

(21) SUGAR CREEK GREENWAY ACQUISITION

Approve purchase of +/- 3.4 acres of Tax Parcel 143-211-31 on Center Park Drive for $30,000 per acre from S&R Investments, LLC.

Note: The subject property, located on Center Park Drive in southwest Mecklenburg County, is proposed for acquisition as part of the plans for the future 2.3-mile segment of Sugar Creek Greenway between Billy Graham Parkway and South Tryon Street.

22) AMENDMENT - MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

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

(23) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS AND BUILDING-DEVELOPMENT ORDINANCE REVISIONS

Amend LUESA Fee Ordinance and Building-Development Ordinance to create a five percent permit fee surcharge on commercial projects only, dedicated to technology development.

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

(25) CPCC – RESOLUTION REGARDING A GUARANTEED ENERGY SAVINGS CONTRACT

Adopt a resolution acknowledging the execution and delivery by Central Piedmont Community College Board of Trustees of a guaranteed energy savings contract.

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

(26) INTENT TO LEASE – CADILLAC STREET GOLF DRIVING RANGE PROPERTY

Approve a declaration of intent to enter a lease agreement with the Cadillac Golf Ranch, LLC for the development and operation of a golf driving range, golf instruction, retail golf equipment sales, golf club repair and limited food and beverage services facility.

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

THIES CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner James left the meeting and was absent for the remainder of the meeting.
STAFF REPORTS AND REQUESTS

(28) TEN-YEAR PLAN TO END AND PREVENT HOMELESSNESS

The Board received as information the proposed implementation strategy and timeline for Charlotte-Mecklenburg’s Ten-Year Implementation Plan to End and Prevent Homelessness.

The report was presented by General Manager Michelle Lancaster.

Note: On April 17, 2007, the Board of Commissioners received as information the Ten Year Implementation Plan to End and Prevent Homelessness and asked staff to work to take the next steps as outlined in the report. The Plan is mandated by the U.S. Department of Housing and Urban Development (HUD) and is a requirement for receiving federal funds.

The Plan goals are:

1) Housing – get homeless families and individuals into appropriate and safe, permanent housing as soon as possible;
2) Outreach and Engagement – Link chronic homeless to housing, treatment and services through intensive outreach and engagement; and
3) Prevention – promote housing stability for those families and individuals most at risk of becoming homeless.

Mecklenburg County, the City of Charlotte and The Foundation for the Carolinas contracted with the Lee Institute to research the implementation of other Ten-Year Plans. Their research provided findings in the following categories:

1) Current Environment
2) Community Perceptions
3) Structures in Comparable Communities
4) Observations from the Review of the Plan
5) Leadership Recommendations
6) Impact of Recommendations on Current Organizations

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

Comments

Commissioner Dunlap asked for clarification on the City of Charlotte’s preference to eliminate the nominations from the Foundation for the Carolinas, which was addressed.

Commissioner Dunlap said the City of Charlotte may want to reconsider that because of the money the Foundation for the Carolinas controls and whose money it is. Also, that the faith based community needed to be a part of this, in light of the number of churches in Mecklenburg County and the thousands of people they represent.

Patrick Mumford, Key Business Executive with the City of Charlotte said the suggestion was not to eliminate the faith-based or donor organizations. He said the idea was to go back to what was in the ten-year plan, which was that appointments come from just the City of Charlotte and the County. Further, their recommendation was to include the Foundation for the Carolinas and faith-based organizations because of their heavy involvement with this issue. Mr. Mumford said they would continue to have that involvement as a result of either the City or County making sure through the appointment process that they’re represented.

Commissioner Leake asked was this a joint venture between the County and the City of Charlotte. General Manager Lancaster said yes and that the County’s commitment was around supportive services.
Commissioner Leake asked was the County being asked to contribute financially, any additional costs. General Manager Lancaster said no.

Commissioner Leake asked how much and who paid for the Lee Institute’s cost. General Manager Lancaster said it was paid by the Foundation for the Carolinas and was approximately $9,000.

No action was taken or required.

Note: The above is not inclusive of every comment but is a summary.

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

(11) BUDGET AMENDMENT – HEALTH (RYAN WHITE GRANT FUNDING)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to:

1) Recognize, receive and appropriate the remainder of the Year Four grant funds of $1,246,530 from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White Treatment Modernization Act of 2006.

2) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

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

(14) HIV PREVENTION PROJECT GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the submission of a HIV/STD Prevention Project application for $100,000 each year for a three year period from the NC Department of Health and Human Services effective October 1, 2010; and if awarded, recognize, receive and appropriate such funds.

Note: This new funding through the NC Department of Health and Human Services will provide HIV/STD Counseling and Testing services in substance abuse treatment centers in Mecklenburg County. Clients will be linked to a continuity of care including case management and clinical services as needed. There is no county match required.

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

(15) BUDGET AMENDMENT - SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to:

1. Recognize and appropriate for the Sheriff’s Special Revenue Fund, $76,439 from Inmate Commissary.
2. Recognize and appropriate for Sheriff’s Special Revenue Fund, $660,351 from Concealed Handgun Permit Fees.
3. Recognize and appropriate for Sheriff’s Special Revenue Fund, $58,115 from Vocational
Facility Telephone Revenue.

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

(24) FY2011 PARK AND RECREATION FEES AND CHARGES – REVISIONS AND ADDITIONS

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the schedule of revisions and additions of fees and charges, which has been incorporated into the FY2011 proposed operating budget.

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

A copy of the list of fees and charges is on file with the Clerk to the Board.

(27) REORGANIZATION OF LR CHARLOTTE PARTNERSHIP

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the transfer of general partnership interest in LR Charlotte Partnership from LR Charlotte Operating Company LLC to Horizon Acquisition Corp., a for-profit corporation of the Charlotte Housing Authority.

Note: Little Rock Apartments, Charlotte, NC is a multi-family housing project for which the County provided conduit financing in 2003. The Charlotte Housing Authority has determined that it is in their interests to purchase the general partnership interest of LR Charlotte Operating Company, LLC. This purchase will transfer the general partnership interest to Horizon Acquisition Corp. Horizon Acquisition Corp. is a for-profit corporation of the Charlotte Housing Authority. The bonds issued by the county are secured by a Multifamily Deed of Trust, Assignment of Rents and Security Agreement. In accordance with the Deed of Trust, the County is requested to provide written consent to the transfer. In order to obtain such consent staff reviewed financial information required of a transferee and believe that the requirements are met. This transaction does not obligate the County for these bonds.

Commissioner Leake removed this item from Consent for more public awareness. She also acknowledged that her late husband, Bishop George J. Leake back in 1971-72 via the Little Rock A.M.E. Zion Church built the Little Rock Apartments.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) HIV/AIDS COUNCIL (COMMISSIONER LEAKE)

The Board received information regarding the County’s HIV/Aids Council.

The information was given by General Manager Michelle Lancaster. The following was noted:

- In November, 2005 the Board of County Commissioners voted unanimously to create an HIV/AIDS Disease Council.
- The Council is still in existence.
- The Council has 24 members.
- Their last report was to the Board’s Community Support Services Committee, May 2009.
- They are scheduled to report back again May 18, 2010.
- The Council will provide information on 1) the increase in new HIV infections in Mecklenburg County; 2) current status of supportive services; 3) an overview of their
accomplishments and goals for 2010; 4) client care; 5) service system gaps; and 6) gains or losses that were seen in 2009.

- They have a strong mission and purpose.

General Manager Lancaster said she would recommend that if the Board wanted to see the Council more often, staff could arrange for them to come before the full Board on a semi-annual basis. Further, that staff would schedule the Council’s presentation that will be given to the Board’s Community Support Services Committee on May 18, 2010, for presentation to the full Board in June.

Comments

Commissioner Leake said her purpose for raising this issue was to ensure that there was an advisory board of this nature in place. She acknowledged that this was something initiated by the late County Commissioner Valerie C. Woodard.

Commissioner Leake said she would like to receive a list of the membership. Commissioner Leake said she thinks it’s important that persons living with HIV/AIDS served on the Council.

Commissioner Leake asked if the Board made appointments to the Council. General Manager Lancaster reviewed the categories of membership and noted that the way the Council was set up that they make their own appointments internally. General Manager Lancaster said she would also provide a copy of the Council’s by-laws.

Chairman Roberts asked Commissioner Leake if she would like to serve as the Board’s representative on the Council. Chairman Roberts is the current representative.

Commissioner Leake said she would be glad to serve.

Chairman Roberts said she would still like to receive updates via e-mail from the Council. She said that at one time she was receiving them but had not received any recently.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Cogdell, 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 9:20 p.m.

________________________________________
Janice S. Paige, Clerk

______________________________ ____________________________
Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, May 11, 2010.

ATTENDANCE

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

Absent: Commissioners Dumont Clarke and Bill James

The meeting was called to order by Chairman Roberts after which the following topics were addressed: Financial Management Services Assessment Report and Program Review.

(1) FINANCIAL MANAGEMENT SERVICES ASSESSMENT REPORT

County Manager Jones and Budget/Management Director Hyong Yi addressed the Financial Management Services Assessment. The following was noted in the report.

Note: Mecklenburg County’s approach to financial management has been to provide departments the flexibility needed to manage financial/business affairs under the auspices of organization-wide policies and procedures. Primary accountability for compliance has been delegated to department directors, with monitoring provided by the County Finance Department and/or the Internal Audit Department. Until now, this strategy had not been formally articulated or acknowledged. Instead, it has been the de facto strategic approach that evolved in increments over several years rather than designed as a whole system. In many ways, this approach has served the organization well. It has enabled the development of knowledgeable and skilled financial management leadership and staff throughout the organization. This includes the development of department directors who are well versed and astute in financial and business management. It also has enabled departments with differing business needs – including very different financial management requirements – to address these sometimes unique needs.

Therefore, although there are many aspects of Mecklenburg County’s financial management services that reflect the desired state, there also are opportunities for improvement. The recommendations provided in this report are based on the intent to retain, sustain and leverage the strengths of Mecklenburg County’s financial management services, while making structure and processes changes that improve the efficiency and/or effectiveness in these services. The recommendations include:

- Adopt a financial management strategy that enables Flexibility and Accountability within a Framework
- Reorganize and restructure to manage key accounting functions corporately
- Designate a fiscal control compliance officer in each department
- Designate senior fiscal manager within each department as fiscal control compliance officer in that department
- Reorganize and restructure reporting lines
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- Specify and clarify performance standards and accountability for financial management and fiscal control
- Establish a fiscal control team
- Enhance Internal Audit Department’s capacity, capabilities and functions, including more frequent core audits and more timely audit reports
- Establish a financial services support center managed by the Finance Department
- Consolidate all department/agency capital reserve needs/projects into one capital reserve process.
- Redesign planning and decision making on capital reserve and fleet replacement similar to Technology Reserve process
- Develop formal/intentional communication processes
- Establish a well-defined conflict management process to mitigate and resolve conflicts in ways that maintain and/or enhance working relationships
- Establish/ensure consistency in job classifications for financial management positions throughout the organization, and clarify recruiting and hiring standards and processes for filling financial management services vacancies.

The following was also covered:
- The Charge
- Process Methodology
- Findings
- Financial Management Services Strategy
- Approved Action Steps
- Implementation
- Culture – Desired Future State

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

Comments

Commissioner Dunlap asked if the benefits outweighed the cost of obtaining a consultant. The response was yes.

Commissioner Dunlap asked would employees who have consistently done well be rewarded and would that be reflected in the budget. County Manager Jones said his plan was to continue to support pay for performance, however, for next fiscal year, there would not be funding for performance increases.

Commissioner Murrey noted that the financial management services assessment was already in place prior to the audit committee’s report last year. He complimented staff for doing this.

Commissioner Leake asked about employee compensation. County Manager Jones said his recommended budget would not include salary increases for employees. Further, that this was the second year he has had to do this. County Manager Jones said his hope was in the following year that there would be the ability to place back in the budget funding in order to reward employees for the work that they do.

Commissioner Cogdell emphasized the importance of planning and the impact of that on the budget.

Commissioner Bentley asked how would staff know when it’s been successful. General Manager John McGillicuddy said when people feel they’re all on one team.

Commissioner Bentley asked how do you sustain a cultural change in the long run. County Manager Jones addressed this and noted his past experience in doing this and the Board’s role through annually looking at its priorities and its vision.

Commissioner Cooksey said the current economic times has caused the County to look at doing
things differently, which could result in potential savings.

Chairman Roberts said she hopes a part of this assessment would result in using less paper and automating more processes.

Chairman Roberts as an FYI, said the state department of revenue was looking at getting counties information on sales tax revenue in a more timely fashion.

(2) PROGRAM REVIEW

Planning and Evaluation Director Leslie Johnson addressed Program Review.

The following was covered:

Program Category & Service Ratings
- Adult Abuse/Neglect Prevention & Protection
- Adult Mental Illness Prevention & Protection
- Aging in Place Services
- Child Abuse/Neglect Prevention & Protection
- Disability Prevention & Treatment
- Ethnic & Cultural Diversity
- Job Training/Employment Assistance
- Transportation
- Voting Services

It was noted that there were six additional services reviewed that did not align to the above program categories:
- Charlotte Volunteers in Medicine
- Mi Casa Su Casa – Health Fairs
- Sickle Cell Regional Network (Crescent Health Institute)
- Screening, Triage & Referral
- Voter Education & Outreach
- YMCA Starfish Academy

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

Comments

Commissioner Cooksey asked for clarification on determining the ratings which was addressed.

Commissioner Murrey asked for clarification on the term relevance with respect to the category of Child Abuse/Neglect Prevention & Protection which was addressed.

Chairman Roberts asked about outside agencies and their relevance determination as it relates to the agency providing a service that the County would otherwise have to provide, which was addressed.

Chairman Roberts asked were there any outside agencies that could be contracted that are now considered vendors or have there been instances where an outside agency went from a vendor to a contractor. The response was yes, Mecklenburg Sentencing Services was cited as an example.

Commissioner Murrey used the Starfish Academy as an example and said he was still struggling with how staff determined eight percent relevance for a service that the Board has said was a high priority, even if it’s not mandated. He noted that the Board has put education/education support services as a top priority. Commissioner Murrey asked whether the Board’s priorities weigh in as a factor when determining relevance. The response was it has in the past but in this case timing was an issue because the assessments were done in the fall and the Board set its priorities in January of this year.

Commissioner Murrey said the Board’s priorities should be factored in.
Commissioner Murrey asked about the Work First program and the $58,000 plus in overpayments as noted in the report. Director Johnson explained how the state does its random sampling with respect to this program. Further, that based on the size of the sampling and because it could include overpayments and other things, staff wasn’t sure at this point how significant the problem was, but it was a concern. Director Johnson said it’s a repeated concern with regards to how applications were being certified and/or recertified. She said the dollar amount varies from case to case and based on the information provided, staff was not at a place to determine what would be the actual cost associated with it. Director Johnson said the County’s fiscal liability and responsibility for the overpayments with the state was based on those that they’ve identified in their findings. Director Johnson said the County has a fraud investigation team and the Department of Social Services (DSS) has its own internal controls to try and identify problems as well. Director Johnson said because there were overpayment issues and other issues, it’s not known at this point how significant the financial problem was.

Commissioner Murrey said this was a problem, and he’d like to know what’s being investigated.

General Manager Michelle Lancaster said she received this information last week and has asked for a response on all of the DSS categories that had “poor” performance, this one in particular. She said staff was taking this very seriously and would provide a response to the Board.

Commissioner Dunlap asked how would you increase the performance of the programs that were relevant and a part of the County’s responsibility to make them more efficient, which was addressed.

Commissioner Dunlap asked how important was performance to the County Manager’s recommended budget with respect to outside agencies. The response was during the budget deliberations, specifically the straw voting process, performance data is provided on all agencies, which the Board can take into consideration when making its decisions.

Commissioner Cogdell commented on DSS and Child Abuse, Neglect Prevention/Protection, specifically Adoption Assistance, Child Protective Services, and Permanency Planning and his observation that for some, the systemic process issues have not been addressed. Commissioner Cogdell said if you took the relevance scores out and you average the performance and efficiency scores, they scored very low. The response was that this was a major concern of senior staff because these services were mandatory.

Commissioner Cogdell said he, too, felt that what the Board sets as a priority should receive a high score when it came to relevance.

Commissioner Cogdell said per reviewing the report, relevance tends to skew the numbers.

Director Johnson said Commissioner Cogdell was correct and that it’s all based on a point in time. Director Johnson said the area that had the most ambiguity based on Commissioner Cogdell’s comments, was the outside agency piece because all of the other pieces were based on state mandates.

Director Johnson said the question was, what’s the appropriate range for outside agencies with respect to relevance. Director Johnson said there have been times when Board relevance has affected relevance and other times when it’s been taken out. She said it’s still in refinement mode with respect to how to deal with outside agencies. Director Johnson said staff would be happy to revisit this issue and bring back options.

Chairman Roberts asked about the cycle for program reviews, which was addressed.

Note: The above is not inclusive of every comment and/or question asked but reflects key points and requested follow-up.

Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell, and unanimously carried, with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting
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yes, that there being no further business to come before the Board that the meeting be adjourned at 5:24 p.m.

______________________________ ____________________________
Janice S. Paige, Clerk                Jennifer Roberts, Chairman
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, May 18, 2010.

ATTENDANCE

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

Absent: Commissioner Bill James

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS - NONE

(2A) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: 1) Melanie S. Sizemore, Clifton G. Settlemyer, Dawn Ballenger and Peter E. Tart on behalf of themselves and all other taxpayers and citizens of Mecklenburg County, Eli Baxter Springs, IV, individually and on behalf of all other Heirs, and the Historic Elizabeth Neighborhood Foundation vs. Mecklenburg County, the City of Charlotte, and the Trustees of Central Piedmont Community College; 2) United States of America vs. Cindy E. Brady.

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 5:27 p.m. and came back into Open Session at 5:50 p.m.

(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 10, 12, and 14.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

Chairman Roberts read the following statement prior to the start of the meeting.

Today the Board learned that a former Mecklenburg County employee, Cindy Brady, submitted a guilty plea in U.S. Federal Court to three counts of embezzlement, one for each year of 2007, 2008, and 2009. This results from the law enforcement investigation requested by the County Manager’s Office following an audit of the Giving Tree program in the Mecklenburg County Department of Social Services. Because this audit could not determine whether misappropriation of funds had occurred, the matter was turned over to law enforcement for further investigation.

The Board is pleased that the law enforcement investigation is resulting in justice being served regarding Ms. Brady’s wrongdoing. At the same time, the Board is saddened and disturbed that Ms. Brady chose to violate the public’s trust and her responsibilities as a County employee by committing these actions.

The Board is also grateful to the DSS employee who reported their concerns regarding the Giving Tree to DSS management. The Board encourages all employees to come forward with any concerns they may have about potential fraud or other misuse of public funds.

PROCLAMATIONS AND AWARDS

(1A) MECKLENBURG DECLARATION OF INDEPENDENCE WEEK

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating May 15 - 21, 2010 as “Mecklenburg Declaration of Independence Week” in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Clarke and received by Charles Jonas with the May 20th Society and George Dewey.

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

(2) PUBLIC APPEARANCE

The following person appeared to speak during the public appearance portion of the meeting:

Elis Belle addressed concerns she had regarding the Charlotte Housing Authority, specifically increases in rent and utility cost.
ALCOHOLIC BEVERAGE CONTROL BOARD

Motion was made by Commissioner Leake, but died for lack of a second to reappoint David Conway and Mary Richardson to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2013.

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley, to vote on the reappointment of David Conway and Mary Richardson to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2013 in two separate motions.

Commissioner Murrey noted the process used previously when filling recent vacancies on the Alcoholic Beverage Control Board. He asked Chairman Roberts to review the process used and the results of that process.

Chairman Roberts reviewed the process used, which involved interviewing applicants. Chairman Roberts said the committee recommended Cleve Edwards and David Conway, who were both appointed and Edward Coker. There were only two slots available at that time.

Commissioner Dunlap said the concern was that persons currently serving did not interview for their seats and are eligible for reappointment. Commissioner Dunlap said he supported the process used when filling the previous vacancies and agreed with the outcome, but what has to be considered at this point is whether the Board will follow its normal process, which is to reappoint persons who are eligible for reappointment.

Commissioner Bentley said typically the Board does reappoint those eligible for reappointment but in this case, she would take exception to the normal procedure because “we do have a very qualified candidate in Mr. Coker.” Commissioner Bentley said she’d received feedback that perhaps a different candidate would be a “better fit,” then the other candidate that was eligible for reappointment.

Commissioner Bentley said Mr. Coker went through the interview process previously, which was another reason she would recommend he be appointed, along with the reappointment of David Conway.

Commissioner Leake said those presently serving were not a part of the interview process.

Commissioner Leake said who’s to say someone is a “better fit.” She said that’s based on an individual’s own judgment. She asked what’s meant by a “better fit.”

Commissioner Leake said she hoped “we’re not penalizing people because they bring up issues that ought to be brought up.” Commissioner Leake said “sometimes you’re the bad guy because you talk to the issues.”

Commissioner Bentley said she received some “critical feedback” from current members of the ABC Board that Mrs. Richardson was not “effective” and that she “impedes the progress and effectiveness” of the board.

Commissioner Bentley said it’s her opinion that if there’s someone, regardless of who the person was, and that she highly respected the late Commissioner Jim Richardson and Mary Richardson and the work that she has done in the community, however, the Board has to acknowledge that if there’s a current member of an advisory board that was impeding the progress and effectiveness of that advisory board at large, it’s the Board’s job as elected officials to nominate and appoint people that can be effective and move the advisory board forward. Commissioner Bentley said that was the justification for her motion and recommendation.
Commissioner Cooksey said given what had transpired with respect to the ABC Board, it may be time to get some new people on the ABC Board.

Chairman Roberts said this was an unusual appointment because there have been statewide attention to the County’s ABC Board. Chairman Roberts said there had been ethic violations, two resignations, one from the ABC Board and one from ABC Board CEO.

Chairman Roberts said this was a period of “high scrutiny, a period of reaffirmation of ethics policies and a time when it is worth the effort to look very closely at appointments in terms of people’s professional qualifications and their commitment to the best interest of the County and their commitment to high ethical standards.”

Commissioner Murrey said it was important that this appointment be done right and that the right process is followed, given the issues raised by Chairman Roberts.

Commissioner Murrey asked the Board to consider moving forward with appointing David Conway and allowing Mrs. Richardson to meet with the nominating committee and let the nominating committee review the entire list of applications, including Mrs. Richardson’s and report back at the next meeting with a recommendation.

Chairman Roberts asked Commissioner Murrey was he making a substitute motion. His response was yes. Thus, the substitute motion was as follows:

Substitute motion was made by Commissioner Murrey, seconded by Commissioner Clarke, to reappoint David Conway and allow Mrs. Richardson to meet with the nominating committee and let the nominating committee review the entire list of applications, including Mrs. Richardson’s and report back at the next meeting with a recommendation.

Commissioner Cooksey said he would like the opportunity to nominate additional applicants for consideration and that they would be put into the mix for the next round of interviews.

Commissioner Cogdell requested the nominating committee in its report back to the Board, give specific reasons as to why they’re recommending a specific applicant over the other applicants.

The vote was then taken on the motion for the reappointment of David Conway to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2013 and failed 7-1 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes and Commissioner Cogdell voting no.

Note: This was referred to by the Chairman as the substitute motion but it was the original motion. Secondly, it takes the unanimous vote of all Board members present to reappoint someone that’s eligible for reappointment. Since this was not the vote on the substitute motion, the above vote was declared void.

The vote was then taken on the substitute motion as follows:

Substitute motion was made by Commissioner Murrey, seconded by Commissioner Clarke, and failed 6-2 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Cogdell and Cooksey voting no, to reappoint David Conway and allow Mrs. Richardson to meet with the nominating committee and let the nominating committee review the entire list of applications, including Mrs. Richardson’s and report back at the next meeting with a recommendation.

Note: It takes the unanimous vote of all Board members present to reappoint someone that’s eligible for reappointment.

The vote was then taken on the original motion which was as follows:
Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and failed 6-2 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Cogdell and Cooksey voting no, to reappoint David Conway to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2013.

Note: It takes the unanimous vote of all Board members present to reappoint someone that’s eligible for reappointment.

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and failed 5-3 with Commissioners Dunlap, Leake, and Murrey voting yes, Commissioners Bentley, Clarke, Cogdell, Cooksey, and Roberts voting no, to reappoint Mary Richardson to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2013.

Note: It takes the unanimous vote of all Board members present to reappoint someone that’s eligible for reappointment.

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

- David Conway by Commissioner Cooksey
- Mary Richardson by Commissioner Cooksey
- Robert Burroughs by Commissioner Cooksey
- Edward Coker by Commissioner Cooksey
- Harry Lomax by Commissioner Cooksey
- Betty Newsam by Commissioner Cogdell
- Don Reid by Commissioner Cogdell
- Lloyd Scher by Commissioner Clarke

Note: Appointments will occur on June 1, 2010.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

The following persons were nominated for appointment consideration to the Central Piedmont Community College Board of Trustees:

- Judith Allison by Commissioner Dunlap
- Gerald Williams by Commissioner Leake

Note: An appointment will occur on June 1, 2010.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Commissioner Murrey nominated all applicants for appointment consideration to the Criminal Justice Citizen’s Advisory Committee as follows:

DISTRICT 6 COMMITTEE REPRESENTATIVE


FAITH COMMUNITY COMMITTEE REPRESENTATIVE

Kevin Belk, Courtney Morrison, Jerry (Geraldine) Mudge, and Julie Transou.
MAY 18, 2010

Note: Appointments will occur on June 1, 2010.

PARK AND RECREATION COMMISSION – ITEM REMOVED FROM THE AGENDA

PUBLIC BROADCASTING AUTHORITY

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Tom Bickford, Hilda Gurdian and Lal Vishin to the Public Broadcasting Authority for a three-year term expiring June 30, 2013.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to nominate and appoint Bennie Darden to the Public Broadcasting Authority for a three-year term expiring June 30, 2013.

Note: He is replacing Edward Lewis, effective July 1, 2010.

WOMEN’S ADVISORY BOARD

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Julie Owens to the Women’s Advisory Board for a three-year term expiring June 30, 2013.

Commissioner Murrey nominated all applicants for appointment consideration to the Women’s Advisory Board as follows: Natalie Bingham, Deborah Bosley, Takisha Boyd, Victoria Chopra, Jennifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Jill Dinwiddie, Deborah Early, Laura Everett, Andrea Ferguson, Beverly Foster, Mary Hope, Alice Jackson, Deborah Jackson, Kathryn Johnson, Angela Joyner, Desiree Kane, Marguerite King, Sharon Lachow-Blumberg, Brook Maybach, Simona Mitchell-Kelly, Mary Murphy, Kathleen Odom, Letisha Perry, Kimberly Polkowski, Jacquelyn Powell, Constance Purcell, Stacey Rose, Bellverie Ross, Sandra Sabun, Deborah Snowdon, Melba Streeter, Janie Sumpter, Gay Thornton, JoeAnna Trotman, Aletia N. Tyson, Melissa Wansker, Catherine Ann Wargo and Mimi Zelman.

Note: An appointment will occur on June 1, 2010.

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

PUBLIC HEARINGS

(4A) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on revisions to the Mecklenburg County Air Pollution Control Ordinance.

Note: The revisions are in response to State certification requirements and United States Environmental Protection Agency (USEPA) grant requirements.

A summary of the revisions is on file with the Clerk to the Board.

No one appeared to speak.
Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to close the public hearing on revisions to the Mecklenburg County Air Pollution Control Ordinance and adopt revisions to the Mecklenburg County Air Pollution Control Ordinance.

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

**(4B) STORM WATER FEE – CITY OF CHARLOTTE’S MINOR SYSTEM RATES**

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Leake, Murrey and Roberts voting yes and Commissioner Dunlap voting no, to open a public hearing to receive comments related to a proposed increase in the City of Charlotte’s Storm Water fee for the minor system inside the City.

*Commissioner Cooksey returned to the dais.*

No one from the public appeared to speak.

Dave Canaan, Director of Storm Water Management and Jennifer Smith with the City of Charlotte presented this matter.

*Note: By Interlocal Agreement, the minor system of the storm water system is defined as ditches, swales, pipes, etc that drain less than one square mile and is the responsibility of the City inside the City limits. The revenue generated from the minor system component of the Storm Water fee charged within the City is returned to the City to fund the storm water management programs.*

To address new and backlogged citizen request for services and water quality improvements that enhance the environment, the City Manager is recommending a 7% increase to the City’s minor system component of the Storm Water fee as follows:

- Tier I from $4.21 to $4.50
- Tier II from $6.20 to $6.63
- The per acre fee for non-single family properties will increase from $103.27 to $110.50

*Comments*

Commissioner Dunlap asked what obligation did the City of Charlotte have to repair pipes under their authority and jurisdiction. Ms. Smith said there were several factors with respect to whether or not it qualifies for City service, such as, if it received runoff from a public street and if it’s a qualifying problem.

Commissioner Dunlap asked what if pipes were repaired twice but there were still problems, would that still be considered an obligation to repair. Ms. Smith said City staff would have to look at the situation to see if it’s something that’s failing in the storm drainage system or if it’s maintenance that’s required by a property owner. Ms. Smith said the City does not do routine maintenance on channels in backyards.

Commissioner Dunlap asked who was the contact person if someone had a complaint. Ms. Smith said persons should call 311 if they have what they think is a storm drainage problem. She said an investigator would go out and look at the problem and determine if it’s a qualifying problem or not.

Commissioner Dunlap asked how long do they have to investigate. Ms. Smith said five days.
Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to close the public hearing on a proposed increase in the City of Charlotte’s Storm Water fee for the minor system inside the City.

(4C)  STORM WATER FEE – TOWN OF DAVIDSON’S MINOR SYSTEM RATES

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments related to a proposed increase in the Town of Davidson’s Storm Water fee for the minor system inside the Town.

No one from the public appeared to speak.

Dave Canaan, Director of Storm Water Management presented this matter.

*Note: Minor System Component (Town of Davidson): By Interlocal Agreement, the minor system of the storm water system is defined as ditches, swales, pipes, etc. that drain less than 1 square mile and is the responsibility of the Town of Davidson inside their Town Limits. The revenue generated from the minor system component of the Storm Water fee charged within the Town is returned to the Town to fund the storm water management programs.*

The Town of Davidson also desires to generate additional revenue for infrastructure improvements, water quality projects and maintenance of water quality features. Therefore, the Town has proposed to increase the minor system non-single family rates as follows:

- Tier I from $1.33 to $4.48
- Tier II from $1.47 to $4.98
- Tier III from $1.99 to $6.70
- Tier IV from $2.51 to $8.45

The per acre fee for non-single family properties will increase from $24.50 to $82.51

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to close the public hearing on a proposed increase in the Town of Davidson’s Storm Water fee for the minor system inside the Town.

(4D)  2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CLOSE-OUT HEARING

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on the Close-Out of the 2007 Mecklenburg County Scattered Site Housing Grant Number 07-C-1664, as required by the N.C. Department of Commerce.

*Note: The County has completed its 2007 CDBG Scattered Site Housing program and all program goals and objectives have been met. This action officially closes the program.*

No one appeared to speak.
Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to close the public hearing on the Close-Out of the 2007 Mecklenburg County Scattered Site Housing Grant Number 07-C-1664 and authorize the Chairman to sign closeout documents.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) COUNTY MANAGER’S FY2011 RECOMMENDED BUDGET

County Manager Jones presented his FY2010-2011 Recommended Budget. He was assisted in the presentation by Budget/Management Director Hyong Yi.

Highlights:

The FY 2010-2011 Recommended Budget Totals $1.3 billion. This is 5.7% less than the current year’s adopted budget, a cut of $81.1 million. The recommended budget is supported by the current property tax rate of 83.87 cents per $100 valuation per the Board’s direction.

A copy of the County Manager’s remarks and the recommended budget is on file with the Clerk to the Board.

Comments

The following persons addressed the County Manager’s FY2010-2011 Recommended Budget.

Daniel Sherman Mcclerin spoke in support of library services, park and recreation, and schools. He specifically addressed the Hickory Grove Branch library.

Katherine Vest spoke in support of library services.

Commissioner Comments

Commissioner Dunlap asked about Child Support Enforcement funding and the impact of the program on the County’s budget which was addressed.

Commissioner Dunlap asked what would a one cent increase on the tax rate result in. Director Yi said it would generate about $9.8 million.

Commissioner Dunlap asked what would a one cent increase on the property tax rate mean for a homeowner. Director Yi said on a home valued at $200,000 it would come to about $20 per year.

Commissioner Bentley asked the capital projects that the County Manager felt were necessary to fund in FY2011, his rationale for recommending funding and the impact if they aren’t funded. County Manager Jones responded.

Commissioner Bentley requested the Board receive a comparison of employee benefits, the County versus the private sector.

Commissioner Bentley asked about staff’s estimated state holdback in the budget of $2 million, which was addressed.
Commissioner Bentley said with respect to the law enforcement service district that the Board needs to be assertive about moving the law enforcement service district out of the County’s budget and into the local communities.

Commissioner Cooksey requested the additional cost of adding domestic partner benefits in FY2011 and if it’s coming from taxpayer dollars or other employees premiums or a combination of both.

Chairman Roberts asked about the consolidation of services between the Library and Park and Recreation which was addressed.

Chairman Roberts asked about the Arts and Science Council and Spirit Square and what the County pays for maintenance and operational costs which was addressed.

Commissioner Murrey asked was there a sense of how much more opportunity there was for consolidation of services with the Library. Also, how much money could be saved and how many branches could be kept open if the County took over the management of library services. Director Yi said to his knowledge the County has not done an analysis with respect to how much could be saved or number of branches that could be kept open if the County took over the management of library services. He said there still may be areas where services could be consolidated.

Commissioner Cogdell about CMS and Central Piedmont Community College funding and the amount of the County’s budget that goes toward education services which was addressed.

Commissioner Clarke asked staff to compare its projections for sales tax revenues next year with the state’s by consulting with the fiscal analyst at the General Assembly.

Commissioner Leake said she wants to make sure that the average citizen understands the County’s budget and that it’s communicated such that it could be understood.

Commissioner Leake asked was it not correct that the County Manager’s recommended budget called for the continuation of the Veterans’ Services Office but with less staffing. *The response was yes.*

Commissioner Leake asked what would be the impact of the reduction on the Veterans Services Office, which was addressed.

Commissioner Cogdell commented on the monthly payroll for the County. Commissioner Cogdell said he asked staff to look at what a model of an across the board pay decrease would be for county employees.

Commissioner Cogdell said a three percent decrease by his calculation across the board creates about $570,000 per month.

Commissioner Cogdell said it would be prudent to at least have the conversation of all options, even if it’s one percent.

Commissioner Cogdell said he understands you have to be competitive in the marketplace to keep talent but he doesn’t “buy” that Mecklenburg County was losing “good talent” right now to the private sector.

Commissioner Cogdell said he may be wrong and was willing to be corrected and given information to the contrary, but “as it stands now the fact that someone in County management said it happens” without giving him specific data to support it doesn’t mean “a whole lot” to him.

Commissioner Cogdell requested staff provide specific examples of how the County was losing or stand to lose talent to the private sector.
Commissioner Cogdell said if that’s not the case then the Board has to consider all options in the budget process.

Commissioner Cogdell said he would like to see a one, two and three percent pay reduction across the board for County employees and what it would generate.

Commissioner Cogdell said he would like to see some specific data other than someone in the County Manager’s Office “telling” him that the County stands the risks of losing talent.

Chairman Roberts asked about the Charlotte Regional Partnership which was addressed.

Chairman Roberts asked about the Council of Government which was addressed.

This concluded the discussion. It is not inclusive of every comment.

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 10, 12, and 14 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held May 5, 2010 and Closed Session held May 5, 2010.

(8) TAX REFUNDS

Approve refunds in the amount of $43,742.24 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.

(9) AREA MENTAL HEALTH THIRD QUARTER FY 2010 REPORT

Recognize and receive the Third Quarter 2010 Area Mental Health Report.

FINANCIAL MANAGEMENT

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
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</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>16,488,880</td>
<td>8,810,611</td>
<td>53.43%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>29,996,887</td>
<td>17,557,008</td>
<td>58.53%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>32,668</td>
<td>33.58%</td>
</tr>
<tr>
<td>County</td>
<td>46,298,008</td>
<td>31,932,790</td>
<td>68.97%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>92,881,068</strong></td>
<td><strong>58,333,077</strong></td>
<td><strong>62.80%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
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</thead>
<tbody>
<tr>
<td>Children's Developmental</td>
<td>7,126,456</td>
<td>4,760,765</td>
<td>66.80%</td>
</tr>
</tbody>
</table>
MAY 18, 2010

Services
Child & Adolescent Services 14,146,364  8,113,191  57.35%
Adult Mental Health 9,494,725  4,639,330  48.86%
Adult Substance Abuse 13,586,662  9,474,396  69.73%
Local Management Entity 10,421,356  6,295,582  60.41%
BHC Randolph 19,252,016  14,310,010  74.33%
Developmental Disabilities 18,853,489  10,739,803  56.96%

Total Expenditures 92,881,068  58,333,077  62.80%

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

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

(11) CAROLINA THREAD TRAIL GRANT APPLICATIONS

1) Approve the submission of three grant applications to the Carolina Thread Trail for funding in the amount of $220,000 for design and acquisition along the Lakewood Greenway corridor, and for construction of Toby Creek Greenway from Rockland Drive to Highway 49; and if awarded, recognize, receive and appropriate such funds.

(13) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

Approve, recognize, receive and appropriate funds in the amount of $7,615 from the Veterans Administration to pay for a collaborative site visit to observe the Veterans Court in Buffalo, NY.

Note: As part of the Mecklenburg County Recovery Solutions jail diversion effort, with particular emphasis on trauma recovery and priority to veterans, a collaborative team plans to visit Buffalo, NY to observe its Veterans Court. The Veterans Administration is providing funds to pay for travel for representatives from the District Attorney’s Office, Public Defender’s Office, Veterans Services Office, Provided Services Organization, and two district court judges.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) CADILLAC STREET GOLF DRIVING RANGE PROPERTY

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to

1) Authorize the County Manager to execute a ten-year management agreement between Mecklenburg County and the Cadillac Golf Ranch, LLC for the development and operation of a golf driving range and practice facility.

2) Approve a fee schedule for 2010-2011 for the driving range.

Commissioner Cooksey removed this item from Consent to ask about future development of this
area and would it include a tennis facility.

James Alsop with Park and Recreation addressed this matter. Mr. Alsop said the inclusion of a tennis facility was possible in the future if funding was available.

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

(12) **GRANT APPLICATION – AREA MENTAL HEALTH**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve submission of grant application to Substance Abuse and Mental Health Services Administration (SAMHSA) for $650,000 for the Project LAUNCH Grant Program; and approve, recognize, receive and appropriate the amount of the awards when received.

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

(14) **BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to amend the Department of Social Services Fiscal Year 2010 Adopted Budget by $650,000 to recognize, receive and appropriate additional childcare subsidy funds.

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

**STAFF REPORTS AND REQUESTS**

(15) **DEDICATION OF RIGHT OF WAY AND SIDEWALK EASEMENT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to authorize the County Manager to dedicate additional Right of Way (ROW) and grant a sidewalk easement along Armory Drive to the City of Charlotte.

Julie Clark with Park and Recreation and Rich Rosenthal with Central Piedmont Community College presented this matter to the Board.

Owen Suthowski spoke in support of this matter.

_Owen Suthowski spoke in support of this matter._

Note: _The proposed construction plan provides a 12’ wide multi-use path and an 8’ planted median wrapping around the north side of Memorial Stadium, parallel to Armory Drive and utilizing the underpass at King’s Drive to connect to Little Sugar Creek Greenway. The path and median were part of the approved construction drawings for the Central Piedmont Community College (CPCC) parking deck currently under construction at the corner of 7th Street and Charlottetowne Avenue. To accommodate the proposed pathway, the current alignment of Armory Drive needs to be shifted. This dedication will allow the shifting of Armory Drive. In addition, CPCC will be responsible for constructing a sidewalk and planting strip adjacent to the parking deck. The purpose of the sidewalk easement is to allow the installation of a sidewalk and planting strip on the property._

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**
Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve scheduling a local BOCC retreat in late summer or early fall of 2010 for the board to meet, discuss and consider changes in the current model of budget adoption, capital planning and debt servicing; and direct staff to plan accordingly.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, 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 10:15 p.m.

Janice S. Paige, Clerk                                      Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, May 25, 2010.

ATTENDANCE

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

Absent: Chairman Jennifer Roberts

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

The meeting was called to order by Vice-Chairman Cogdell.

The purpose of the meeting was to receive budget presentations from Charlotte-Mecklenburg Schools and Central Piedmont Community College.

(1) CHARLOTTE-MECKLENBURG SCHOOLS (CMS) BUDGET PRESENTATION

Charlotte-Mecklenburg Board of Education Chairman Eric Davis made opening remarks, which included an overview of CMS’ Academic Accomplishments.

Commissioner Clarke entered the meeting.

Board of Education Chairman Davis then turned the presentation over to School Superintendent Dr. Peter Gorman. Dr. Gorman presented CMS’ Budget Request. He was assisted by Finance Officer Sheila Shirley. The following was covered:

* CMS Framework for Budget Development
* 2010-11 Board of Education Proposed Budget
* Comparison to Prior Year
* 2010-11 Board of Education Proposed Operating Budget Revenue Sources & Revenue Trend
* 2010-11 Board of Education Proposed Operating Budget Uses
* 2010-11 Board of Education Proposed Operating Budget by Area
* CMS Staffing Mix
* Proposed Budget Reductions & Redirections
* Factors Increasing the 2010-11 Proposed Budget
* Program Expansion & New Initiatives
* 2010-11 Board of Education County Budget Request – Operating & Capital Replacement
* Child Nutrition Proposed Budget
* After School Enrichment Program Proposed Budget
* Budget Reduction Scenarios
* Comparative Data
* Trends in Funding from County

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

Comments

Commissioner Dunlap asked what level of funding would be necessary to continue the gains made by CMS. Dr. Gorman said it was difficult to give an exact number but what would make it more difficult to continue the gains would be the Scenario 5 reductions which were about $17.8 million.

Commissioner Dunlap said there were a lot of people who question CMS’ continued funding of the area office sites (Learning Communities). Dr. Gorman said the sites were there to supervise and support schools.

Commissioner Dunlap with respect to Capital Replacement asked about the current furniture replacement policy. Dr. Gorman said CMS would not be replacing furniture unless it was for safety reasons.

Commissioner Bentley asked for clarification on the County’s portion of CMS’ budget percentagewise. The response was 28.8%.

Commissioner Bentley asked was the County the only funding entity that CMS makes a formal presentation to with respect to their budget. The response was yes.

Commissioner Bentley asked about CMS staffing and the cost of the 109 positions listed in the presentation under Central Administration. Dr. Gorman said he didn’t have that information with him but would provide it.

Commissioner Bentley asked were the 25 Central Office positions listed under proposed budget reductions and redirections vacant positions. Dr. Gorman said it was a combination of vacant and filled positions. Commissioner Bentley asked how many were filled and how many were vacant. Dr. Gorman said he didn’t have that information with him but would provide it.

Commissioner Bentley with respect to Employee Benefits, health insurance, asked how much did employees pay and what’s CMS’ contribution. Finance Officer Shirley said CMS pays for employee only coverage and that if additional coverage is desired the employee pays for that.

Commissioner Bentley referenced the teacher/student ratio listed under Scenario 4 and asked what was the teacher/student ratio mandated by the state, which was addressed. It was noted that it’s based on grade level.

Commissioner Bentley asked had there been any discussion regarding privatizing food services and janitorial services, which was addressed. It was noted that food services dollars cannot be moved over to the general fund.

Guy Chamberlain with CMS said it wouldn’t make sense to outsource Child Nutrition Services because it’s an enterprise fund. He said CMS is reimbursed for a majority of its meals by the federal government. Mr. Chamberlain said CMS does charge the non free & reduced students $2 for their lunch, which has been the cost for ten years. He said currently there’s a surplus in that budget, thus CMS makes money every year.

Mr. Chamberlain said with respect to custodial services that consideration was being given to outsourcing certain portions.

Commissioner Bentley referenced the $12 million dollars the County Manager recommended in his budget for CMS capital and asked that CMS elaborate on that. Mr. Chamberlain said the majority of
that amount would be for two high schools that are scheduled to open. He said it would not include the bidding of any new work.

Commissioner Bentley asked if past discussions regarding deconsolidation efforts prompted the establishment of the Learning Communities. Dr. Gorman said he wouldn’t say that it drove it, but that it was rather from community feedback of people not feeling in touch with schools at that particular time.

Commissioner Murrey commented on Program Expansion & New Initiatives and asked was it correct that these were needed in order to maintain the gains that had been made by CMS; also that this was maintained in each of CMS’s scenarios. Dr. Gorman said yes.

Commissioner Murrey asked Dr. Gorman to address the furlough option CMS was seeking through state legislation, which he did.

Commissioner Murrey asked what flexibility did CMS have when it came to employee benefits. Finance Officer Shirley said the dental and life insurance plans were the only two plans administered locally, everything else was administered by the state.

Commissioner Leake referenced a recent article in the Charlotte Observer on May 21, 2009 regarding student achievement and closing the gap. Commissioner Leake said based on what she read in the article and if it was correct, it “worries” her that “children of color” were not being educated in this district, per the ratios listed in the article.

Commissioner Leake said she was concerned about the programs that the district has that do not focus on “reading, writing, and arithmetic.” She said she was concerned also when it comes to CMS’ budget, that the first thing to be cut was teachers.

Commissioner Leake said she would like a report on the CMS Education Foundation, specifically the amount of funds received and the status of those funds. Dr. Gorman said they would provide a report but that the CMS Education Foundation has been dormant for three and a half years. He said they have not been soliciting any dollars for that.

Dr. Gorman said with respect to the article referenced by Commissioner Leake, that CMS has closed the gap over the last several years, particularly in 4th grade reading and math. He said African American students were improving their progress at a much faster rate than White students. He said all groups aren’t equal in their performance in reading and math. He said students that qualify for the free & reduced lunch program were increasing their performance at a faster rate than students who don’t qualify for the free lunch program.

Commissioner Leake said she would like to know the cost of the Teach for America program and how does this equate to saving teacher positions. Dr. Gorman said Teach for America dollars came from different areas, one was that their salaries were funded by CMS. He said they get position allotments but that there was some extra cost that goes in the training for these persons. He said they also separately raise funds and CMS provides funds.

Commissioner Leake asked how were surplus funds in the Child Nutrition program being used to improve student achievement. Dr. Gorman explained that those funds cannot be used for anything other than the nutrition program.

Commissioner Leake asked about the utilization of Title I, II, & III funds and how do these funds reduce the County’s cost to provide for those same students. Dr. Gorman said there was not a direct trade off. He said federal dollars have increased over time, which in totality has made up for decreases. He said Title I funds go way beyond the achievement zone. He said they go to schools with 75% of the students living in poverty, which was dramatically exceeding the achievement zone.
Commissioner Leake asked was it correct that the federal dollars take care of that portion of the
district, when we speak of low performing students based on poverty. Dr. Gorman said no. He said
it’s way more than that. He said that’s one piece to supplement not to supplant and that it was not
nearly enough to deal with the challenges those children have.

Commissioner Leake questioned the need for the Learning Communities and asked how could those
funds beredirected and used more for student achievement. She asked how much money could be
saved if they were not there. Dr. Gorman said the cost of the Learning Communities was $3.6
million.

Commissioner James commented on CMS’ budget reduction scenarios and the cutting of teachers
and teacher assistants. Commissioner James asked why stimulus funds couldn’t be used to save
teacher and teacher assistant positions, rather than using stimulus funds to pay for the Bright
Beginnings program. Dr. Gorman said the use of some of those funds was restricted to certain uses.
Further, with respect to funds being used for the Bright Beginnings program, that was the choice
made by CMS. Dr. Gorman said the Bright Beginnings program was a priority for the district.

Commissioner Cooksey asked about the current trends for Charter Schools, which was addressed.

Commissioner Cooksey asked about the cost per pupil for students in Charter Schools. The response
was that information would be provided but it’s around $2,200 per student.

Commissioner Cooksey asked about the elimination of funding for AP/IB exams which was
addressed.

Commissioner Clarke asked for clarification regarding ADM teacher reductions which was
addressed.

Commissioner Clarke asked if Scenario 5 could be avoided, how much would it cost to save teacher
positions. The response was $17.8 million, state and/or county funding.

Vice-Chairman Cogdell asked about the adoption of the state budget which was addressed.

Vice-Chairman Cogdell thanked the Board of Education and Dr. Gorman for their presentation.

(2) CENTRAL PIEDMONT COMMUNITY COLLEGE (CPCC) BUDGET
PRESENTATION

Dr. Tony Zeiss, President of Central Piedmont Community College presented CPCC’s budget
request. He was assisted by Kathy Drumm, Executive Vice-President and Michael Moss, Finance
Director.

The following was covered:

* CPCC Vision
* Campus Locations
* Student Make-up
* Impact on the Community
* Performance Report 2009
* Dislocated Worker Initiatives
* Growth
* Operating Budget Components
* Capital Reserve Projects
* County Funding FY 06 – FY 11

Comments
Commissioner Murrey asked about the operating budget and the additions for 2010-2011, the health insurance cost increase. He asked would there be any changes in co-pays or other impact to employees and does CPCC have any flexibility in this area. The response was no because CPCC was under the State Health Plan.

Commissioner Murrey asked was the security increase a contractual increase or because of more people. The response was that it was a combination of both, but it was more of an increase in the rate. It was noted that CPCC was working with County staff regarding its security services and possible alternatives that might be less expensive and would not require hours of coverage to be reduced. It was noted also that CPCC often uses Charlotte-Mecklenburg Police Officers and that rate is set. In addition, student fees would be increased to assist with the cost of security.

Commissioner Murrey asked about capital requests and was the items listed, such as roof repairs and electrical panels, capital reserve projects or maintenance projects. The response was that they were maintenance projects but fall in the category of capital reserve requests because the cost is greater than $100,000.

Commissioner Murrey asked how much private money had been raised by CPCC. Dr. Zeiss said most of the money raised goes towards scholarships for students in need of assistance. Dr. Zeiss said $6.5 million was raised this year. He said $500,000 was raised to hire part-time teachers. He said at the grants level they received around $12 million; stimulus funds around $3 million. Also that congressional representatives have assisted in obtaining funding for new programs, around $2 million.

Commissioner Murrey asked if it was known what happened to the 5,000 potential students that were turned away. The response was no.

Commissioner Clarke asked were community colleges rethinking what they offer. The response was yes and it was elaborated on.

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

Commissioner Dunlap addressed the advantage of using Charlotte-Mecklenburg Police for security.

Commissioner Dunlap asked what was the gap between the County Manager’s recommended budget for CPCC and CPCC’s approved operating budget. The response was $3.3 million.

Commissioner Cooksey asked for clarification regarding CPCC tuition and student fees which was addressed.

Commissioner Cooksey said he would like to receive historical data regarding student fees.

Commissioner Cooksey asked what percentage of CPCC’s budget comes from the County. The response was roughly $24.5 million.

Commissioner James asked about the status of a question raised in the past to CPCC regarding financial assistance to illegals. Dr. Zeiss said he was waiting to hear back from the state.

Dr. Zeiss said currently CPCC was not accepting undocumented students because the State Board of Community Colleges has said they will accept them but they have to get legislative authority to do so before they can pass that down to the colleges.

Dr. Zeiss said before the state stopped them from accepting undocumented students, CPCC had 19 students that fell in that category.

Vice-Chairman Cogdell asked for clarification regarding the methodology used to calculate full-time equivalency which was addressed.
Commissioner Leake asked who pays for students that drop out of CMS and enroll in CPCC. The response was that the State pays for those students. The students would be enrolled in CPCC’s adult high school program or GED program.

Vice-Chairman Cogdell thanked Dr. Zeiss and his staff for their presentation.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment but is a summary.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 5:25 p.m.

____________________  ______________________________
Janice S. Paige, Clerk    Harold Cogdell, Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in an Informal Special Session in the Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center at 5:00 p.m. and in Formal Special Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Thursday, May 27, 2010.

ATTENDANCE

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

Absent: Commissioner George Dunlap

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-INFORMAL SESSION-

The Board’s informal session consisted of dinner only.

Following dinner, the Board convened in the Meeting Chamber.

-FORMAL SESSION-

Chairman Roberts called the meeting to order.

Invocation was given by Commissioner Cooksey, which was followed by the Pledge of Allegiance to the Flag.

Chairman Roberts said the purpose of the meeting was to receive citizen input on the County Manager’s FY10-11 Recommended Budget. Chairman Roberts outlined the rules and procedures for conducting the public hearing.

Prior to the start of the public hearing, Budget/Management Director Hyong Yi gave a budget overview regarding the impact of the recession on the County.

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

FY10-11 BUDGET PUBLIC HEARING

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey, and Roberts voting yes, to open the public hearing to receive comments on the County Manager’s FY10-11 Recommended Budget.

The following persons spoke and asked the Board to support funding for their respective organization and/or cause:
1. Dr. Bill Anderson, Raven Caldwell (a student), and John Caldwell (her father) on behalf of Communities In Schools

2. Mike Sullivan, Evelyn Newman, and Richard Jacobsen, on behalf of the Council on Aging

3. Charles Smith and Colonel Quincy Collins, on behalf of Veteran Services

4. Kater Cornwell, Sr. on behalf of Veteran Services

5. Twila Adams on behalf of Veteran Services

6. James Tuttle on behalf of Veteran Services

7. Frank Black on behalf of Veteran Services

8. Judith Mercer on behalf of Veteran Services

9. Ron Conroy on behalf of Veteran Services

10. Yvonne McJetters on behalf of Veteran Services (A video was shown.)

11. Tom Davis on behalf of Veteran Services

12. Dart “Derrick” Johnson (hearing impaired) with the assistance of an interpreter, spoke in support of Residential Program Support Services

13. Shannon Smith on behalf of Mental Health Services

14. Trina Palmer and Ginger Watkins on behalf of Senior Centers

15. Angelia Fryer and Marjorie Tate with the Women’s Advisory Board spoke in support of domestic violence services, the Salvation Army Women’s Shelter, The Men’s Shelter, Charlotte Emergency Housing, United Family Services, the Battered Women’s Shelter, Pat’s Place, Senior Centers, A Way Home, Libraries, Charlotte-Mecklenburg Schools, Displaced Homemakers Program New Beginnings, and Child Care Resources. It was noted also that even though it’s not a popular thing do, a tax increase may be necessary to continue the level of service that’s needed for the aforementioned agencies.

16. Liz Downing and Elsie Garner on behalf of WTVI

17. Larry Greene thanked the Board for assistance he received through the Department of Social Services as it related to his Medicaid benefits.

18. Regina Hanover and Elisa Fisher on behalf of the Sugar Creek Library

19. Matt Peterson, Devon Maurice, & Tracy Greene on behalf of Charlotte Emergency Housing spoke in support of Homeless Services, specifically, the Plaza Place

20. Rebecca Herbert (County employee) on behalf of County employees spoke in opposition to any cuts in employee pay

21. Michael Ingmire on behalf of the Public Library

22. Terri Shumaker on behalf of the Work Release Restitution Center

23. Mark Pierman and Deronda Metz on behalf of United Family Services Shelter for
Battered Women, Salvation Army Center for Hope, the Men’s Shelter of Charlotte, Pat’s Place, Charlotte Emergency Housing, and A Way Home

24. James R. Jackson on behalf of Parks, the Public Library, Charlotte-Mecklenburg Schools and the Sheriff’s Office

25. Jermaine Cook and Jim Talley on behalf of St. Peter’s Homes

26. Halston Lim on behalf of Charlotte-Mecklenburg Schools, specifically students at East Mecklenburg High School

27. Amy Kozlowski on behalf of the Work Release Restitution Center

28. Robert May on behalf of the Public Library

29. Sandy Hammond (County employee) on behalf of County employees spoke in opposition to any cuts in pay and reductions in force

30. Angie Traylor Coleman (County employee) on behalf of County employees spoke in opposition to any reductions in force

31. Bobby Cobb (County employee) on behalf of County employees spoke in opposition to any cuts in pay, benefits and reductions in force

32. Glenda B. Buck with Friends of Education, John Patrick? (last name not clear), a student in CMS, Kevin Strom and Larry Bosc on behalf Charlotte-Mecklenburg Schools, the Public Library, and Central Piedmont Community College asked that the Board consider all revenue options including increasing the sales tax by a quarter of a cent, which could be placed before the voters in November.

33. Lewis Dean, a Resident (name was not given), Burnost Hollick, Clarence Johnson, Fahiem Shalam, and Franklin Perry on behalf of the Work Release Restitution Center

34. Renee Westmoreland on behalf of the Work Release Restitution Center

35. The Honorable Judge Theo Nixon on behalf of the Work Release Restitution Center

36. Amy Benehaley on behalf of the Work Release Restitution Center

37. Sheri Lynch, a Student from Smith Language Academy, and Paul Durfree on behalf of Charlotte-Mecklenburg Schools

38. Joni Trobich on behalf of Charlotte-Mecklenburg Schools

39. Bridget Strong, Doug Warren, Stephanie Frisbee, (Park and Recreation employees) and Brad Pearce on behalf of Park and Recreation

40. Michelle Anderson on behalf of the Public Library

41. Richard Bierregaard on behalf of Park and Recreation

42. Edward Samuels on behalf of the Work Release Restitution Center

43. Antonia Brown, Monteak Williams, Max Anderson, and Tim Thompson on behalf of the Work Release Restitution Center

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

44. Melissa Buchanan on behalf of Charlotte-Mecklenburg Schools
45. Stephanie Adelman (a public defender) on behalf of the Work Release Restitution Center

46. Devin Thompson on behalf of the Work Release Restitution Center

47. Sheree Pintea on behalf of the Public Library

48. Bill Brawley on behalf of the Public Library

49. Helen Bronson on behalf of Charlotte-Mecklenburg Schools

50. Larry Bumgarner addressed the overall budget and asked the Board to “stop spending money.” He suggested the Board donate their salaries to Charlotte-Mecklenburg Schools in order to keep teachers. He asked the Board to also ask local banks to take its debt and give the County a “favorable” interest rate.

51. Anthony DePaolo spoke on behalf of the Elections Office

52. Daniel McClerin on behalf of Charlotte-Mecklenburg Schools, the Public Library, Park and Recreation and Mental Health Services

53. Mike Weaver, Phillip Hunt, Donna (last name not given), and Robert Livingston on behalf of Mental Health Services

54. Tim McLeod posed questions to the Board and suggested the Board cut the salaries of managers. He questioned why Land Use and Environmental Services Agency (LUESA) was targeting two employees for dismissal that actually go out and bring in revenue. He questioned whether certain employees were targeted for the reduction in force because their supervisor doesn’t like them; whether some managers reclassified or change some employees positions in order to keep them from being cut. He questioned the fairness of the Reduction in Force policy. He encouraged the Board to make the best decision for the citizens of Mecklenburg County.

55. Bruce Elliott on behalf of the Public Library. He spoke in opposition to the Business Investment Grant Program

56. Thomas Sadler and Carolyn Sadler on behalf of the Greenville Recreation Center

57. Johnny Williams on behalf of the Work Release Restitution Center

58. Larry Morrison on behalf of the Work Release Restitution Center

59. Larry Huelsman on behalf of Park and Recreation

60. Robert Binder on behalf of Mental Health Services

61. Antonio Mayes on behalf of Mental Health Services

62. Ellis C. Fields on behalf of Mental Health Services

63. Marinn Bengel on behalf of Charlotte-Mecklenburg Schools

64. Sharada Gullapalli on behalf of the Public Library

65. Dorian Johnson on behalf of Work Release Restitution Center
66. Robert Singagliese (Asst. Public Defender) on behalf of the Work Release Restitution Center

67. Helen Collins on behalf of Charlotte-Mecklenburg Schools

68. Demario Baker on behalf of Charlotte-Mecklenburg Schools

69. Mary McCray on behalf of Charlotte-Mecklenburg Schools

70. Cristina La Paz, Gabriela Ramírez, Janet Álvarez (student), Amanda Chávez, and Bernicé Rodríguezz (student) on behalf of Mi Casa Su Casa

71. Ken Greenberg on behalf of the Council on Aging and Mental Health Services

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

72. Margaret Davis on behalf of the Public Library, Charlotte-Mecklenburg Schools, Park and Recreation, Veteran Services, and the Work Release Restitution Center

Ms. Davis suggested the Board seek financial help from some of the major companies in the community such as Duke Power and Bank of America and to consider the quarter cent sales tax.

73. Cherene Caraco on behalf of Mental Health Services

74. Billy Rowe (Chairman Roberts read a statement that was received from Mr. Rowe, per his request, since he was unable to be present because he is disabled.) Mr. Rowe expressed opposition to cuts in social services and education. Mr. Rowe suggested a four cents tax increase.

This concluded the public hearing. Total number of speakers 108

Chairman Roberts thanked everyone for coming and providing input.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Murrey and Roberts voting yes, to close the public hearing on the County Manager’s FY10-11 Recommended Budget.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 12:15 a.m.

______________________________ _________________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
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, June 1, 2010.

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 -

Commissioners Bentley, Cogdell, Cooksey, and Dunlap 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.

(1) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune and Deputy County Attorney Tyrone Wade announced the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

Tax Parcel 087-041-08 located on W. Craighead Road
Tax Parcel 145-179-19 located on Reid Avenue
Tax Parcel 175-182-20 (+/- 0.18 acre) on Little Sugar Creek
Mecklenburg County vs. Nortel PEC Government Solutions.

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 5-0 with Commissioners Clarke, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition and B) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:15 p.m.
Commissioner Murrey was absent when the Board reconvened and until noted in the minutes.

Commissioners Bentley, Cogdell, Cooksey, and Dunlap were present when the Board came back into Open Session. They entered 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 11, 12, 13, 15, and 18.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

(1A) PROCLAMATIONS AND AWARDS

ORDER OF THE HORNET – SUSAN BURGESS

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to induct Susan Burgess into the Order of the Hornet in recognition of her service to Mecklenburg County.

Note: The Order of the Hornet was founded in the spirit of the early Mecklenburg patriots who signed the Mecklenburg Declaration of Independence on May 20, 1775 and proclaimed the County’s Freedom from Britain more than a year before the U.S. Declaration of Independence was signed. Those early patriots valiantly fought for their independence during the Revolution and gave Lord Cornwallis such difficulties during his occupation of Charlotte that he termed the town a “hornet’s nest” of rebellion. Because Susan Burgess reflects the honor, independence and fierce American patriotism that so stung Lord Cornwallis, she has been chosen for membership in the Order of the Hornet. Susan Burgess has faithfully served the citizens of Charlotte and Mecklenburg County with distinction for over 20 years, serving her constituents first on the Board of Education and then on the City Council of Charlotte. Susan Burgess gives great voice and energy to issues in which she believes; advocates for collaborative action with her colleagues and other elected officials; listens carefully to constituent’s concerns; fights fiercely for strong neighborhoods and solid educational opportunities; and has long supported some of the most pressing public policy issues facing the City, the County and the greater Charlotte region. Susan Burgess has a history of dedicated public service and has lent her energy and expertise in a leadership role in numerous community organizations, associations, boards and committees, including the National League of Cities, the North Carolina League of Municipalities, the Centralina Council of Governments, Women in Municipal Government, the League of Women Voters, the Democratic Party, and countless others. The Board can pay no higher tribute to those who have given so generously of their time and talents to improve the quality of life for our citizens.

Gillian Burgess, daughter of Susan Burgess, and Gillian’s husband accepted the Order of the Hornet on behalf of her mother. They were joined by the grandchildren of Susan Burgess. Council member Burgess was unable to be present because of health reasons.
JUNE 1, 2010

AWARDS/RECOGNITION

(1B1) DONATIONS TO MECKLENBURG COUNTY AQUATIC FACILITIES

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to: 1) Recognize, receive and appropriate a $7,000 cash donation from Wendy’s and Swim Mac to fund the 2010 Mecklenburg County summer water safety program and learn to swim program. 2) Recognize Paddock Pools (Don Baker, CEO) and Swim Mac (Casey Corser, Marketing and Public Relations and Jeff Gaeckle, Board of Directors) for a donation valued at $7,000 to weld the starting blocks at the Mecklenburg County Aquatic Center (MCAC).

James Alsop with Park and Recreation and Casey Corser on behalf of Swim Mac addressed the donation.

(1B2) EMPLOYEE RECOGNITION

The Board recognized Dr. James Worsely, Park and Recreation Manager East Region for receiving his Doctor of Philosophy in Leadership from N.C. A & T State University.

Park and Recreation Director Jim Garges introduced Dr. Worsely. Dr. Worsely thanked the Board for the recognition. He also thanked the leadership and staff of Park and Recreation for its support, as well as, his family.

(2) PUBLIC APPEARANCE

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

Beth Marlin gave an update on Primary Health-Care of Charlotte, P.A., which is her inner-city nursing practice located off of Beatties Ford Road. She was joined at the podium by a student from Haiti. Ms. Marlin left a copy of her resume’ with the Board, a copy of which is on file with the Clerk to the Board.

Bob Watson, Sam Wilson, and Rob Dancy addressed break-ins at their Mini Storage businesses. Each expressed their disappointment in the response received from the Charlotte-Mecklenburg Police Department. They also addressed the impact of the thefts on their businesses with respect to profit.

Mr. Wilson also addressed a tax billing issue, per his receipt of a property tax bill that he said was for six years of back taxes, $37,519.32. He said $4,399.60 was interest. Mr. Wilson said the tax office failed to bill him. Mr. Wilson said he paid the taxes but had to go into his retirement savings to do so because his company’s income was so low. He said the multiple break-ins he’s experienced were a contributing factor. Mr. Wilson said it’s his understanding that there were 1,800 other people that the County failed to bill. Mr. Wilson said if those persons were charged the same amount that he was charged that would be $67,534,776. Mr. Wilson said it’s his understanding also that these employees still worked for the County. Mr. Wilson said this should be corrected.

Mr. Wilson also spoke in opposition to the law enforcement service district tax that he pays but feels he’s not receiving adequate services for it.

Commissioner Cogdell asked staff to report back in light of comments made by Mr. Wilson with respect to 1,800 taxpayers not being billed.

Majid Alim-Obama spoke in support of library services.
Kim Brown addressed a concern she had with Youth and Family Services.

Commissioner Dunlap asked that staff follow up with Ms. Brown regarding her concern.

(3A) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

Lloyd Scher addressed his interest in serving on the Alcoholic Beverage Control Board.

Commissioner Murrey entered the meeting.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to defer making appointments to the Alcoholic Beverage Control Board until the Board’s July 6, 2010 meeting. Secondly, in the interim, that all persons nominated at the May 18, 2010 meeting for appointment consideration to the Alcoholic Beverage Control Board be given the opportunity to interview with the Board’s Alcoholic Beverage Control Board Ad Hoc Selection Committee, including David Conway, who is eligible for reappointment, and Edward Coker, if they desire to do so.

Note: David Conway and Edward Coker were interviewed previously by the Ad Hoc Committee.

Note: Commissioner Cogdell requested that when the Ad Hoc Committee reports back with its recommendation that an explanation be given as to why those recommended were recommended over the other nominees. Members of the committee acknowledged the request and indicated that would be done.

The nominees for appointment consideration to the Alcoholic Beverage Control Board are: David Conway, Mary Richardson, Robert Burroughs, Edward Coker, Harry Lomax, Betty Newsam, Don Reid, and Lloyd Scher.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

The vote was taken on the following nominees for appointment to the Central Piedmont Community College Board of Trustees:

Judith Allison

Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts

Gerald Williams

None

Chairman Roberts announced the appointment of Judith Allison to the Central Piedmont Community College Board of Trustees Committee for a four-year term expiring June 30, 2014.

She is replacing John Luby.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

DISTRICT 6 CATEGORY

E. Thomas Bowers

Commissioners Cogdell, Dunlap, James, Leake, Murrey, and

Chairman Roberts announced the appointment of E. Thomas Bowers to the Criminal Justice Citizen’s Advisory Committee as the District 6 representative to fill an unexpired term expiring May 31, 2012.

*He is replacing Robert Raffety.*

**FAITH CATEGORY**

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee as the Faith representative:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>None</th>
<th>Commissioner Cooksey</th>
<th>Commissioners Bentley, Clarke, Cogdell, James, Murrey, and Roberts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin Belk</td>
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<tr>
<td>Courtney Morrison</td>
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<tr>
<td>Jerry (Geraldine) Mudge</td>
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*Voting Ceased*

Julie Transou

Chairman Roberts announced the appointment of Jerry “Geraldine” Mudge to the Criminal Justice Citizen’s Advisory Committee as the Faith Community representative to fill an unexpired term expiring May 31, 2011.

*She is replacing Douglas Allen.*

**WOMEN’S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>None</th>
<th>Commissioners Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natalie Bingham</td>
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<tr>
<td>Deborah Bosley</td>
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<tr>
<td>Takisha Boyd</td>
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<td>Victoria Chopra</td>
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<tr>
<td>Jenifer Daniels</td>
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<td>Sue Ann Davis</td>
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<tr>
<td>Zaria Davis-Humphries</td>
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<td>Crystal Dempsey</td>
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<tr>
<td>Deborah Early</td>
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<tr>
<td>Laura Everett</td>
<td>Commissioners Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts</td>
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</tbody>
</table>

*Voting Ceased*

Remaining nominees: Andrea Ferguson, Beverly Foster, Mary Hope, Alice Jackson, Deborah Jackson, Kathryn Johnson, Angela Joyner, Desiree Kane, Marguerite King, Sharon Lachow-Blumberg, Brook Maybach, Simona Mitchell-Kelly, Mary Murphy, Kathleen Odom, Letisha Perry, Kimberly Polkowsk, Jacquelyn Powell, Constance Purcell, Stacey Rose, Bellverie Ross, Sandra
Chairman Roberts announced the appointment of Laura Everett to the Women’s Advisory Board for a three-year term expiring June 30, 2013.

*She is replacing Jill Dinwiddie.*

**Commissioner Clarke returned to the dais.**

(3B) NOMINATIONS/APPOINTMENTS

**CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Stefanie Austin to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring July 2, 2011.

*She is replacing Rebecca Vincent.*

**REGION F AGING ADVISORY COMMITTEE**

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 reappoint Marilyn O’Connor and Katie Spegal to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2012 and Michelle Lucas-Webb for a one-year term (alternate position) expiring June 30, 2011.

**STORM WATER ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Amy Ringwood to the Storm Water Advisory Committee for a three-year term expiring June 30, 2013.

**PUBLIC HEARINGS**

(4A) STREET ASSESSMENT PROJECT – FARMWOOD NORTH/STONE MOUNTAIN SUBDIVISION

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue a Public Hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT).

The following persons spoke in opposition to the assessment:

Jeff Larson said he had concerns about the process, which he felt was “poorly” executed. Mr. Larson said with respect to the petition, initiated back in 1999 and that he signed, was described as being necessary in order to get the County to come out and look at the roads to see if something could be done. Mr. Larson said in 2002 the Board adopted the resolution based on that
JUNE 1, 2010

petition, which Mr. Larson said didn’t acknowledge what the signees were signing. Mr. Larson said from a legal standpoint the petition was questionable. He said the petition did not meet the statutory requirement with respect to the percentage of signatures needed to proceed with the work, 75%. Mr. Larson said per a count of the signatures on the petition only 71% of the property owners signed. Mr. Larson said as of December 2002 if you look at the tax rolls and those who signed the petition, which initially was for exploratory purposes, only 27.5% of those people were actually property owners when this matter passed in December. Mr. Larson said “the process, even though intentions might have been good, there were a lot of people who were not fairly represented.” He said there were a lot of things that passed to a process that wasn’t executed properly and in accordance with the General Statute.”

Brad Martone said he was speaking as and for current owners who purchased lots long after the petition was circulated. He said they had no knowledge and gave no approval of the work or the impending bill. Mr. Martone said it’s been nearly twelve years from the first petition circulation and the time the current owners were notified of any charge. He said for many of them this was the first time they’d heard of the road work in the area. Mr. Martone said when they received a letter about road work, they expected it was about future road work, since the roads were in such poor condition. He said they only found out about this issue when the bill arrived. Mr. Martone said “how could the County rely on current owners to tell future owners that there would be a bill coming.” He said the burden it would seem would be with the County. Mr. Martone asked how could the previous owner even know that they would have any information to share, when the people who signed the petition have already said the petition was not for an agreement to pay for the work, but an agreement to come out and explore the possibility of doing the work. Mr. Martone said it seemed strange the County would “count the signatures of people who don’t live there, have passed away, and then pass the bill on to someone years later.” Mr. Martone said if it was expected to be a bill for future owners, a lien should have been attached to the lots. Mr. Martone said he questioned the legality of the bill since so much time had passed.

Kyle Clark said he opposed this matter in 2002, December 3rd and questioned the validity of the petition. He said he was told the County had the necessary percentage of the property owners for proceeding, 77%. Mr. Clark said per his review of the signed petition, the following things don’t seem to matter: 1) The petition was circulated over a four year period. 2) There were several properties bought in 1999 that don’t show the new owners or their signatures. 3) One owner died in 2000 but his signature remains and the new owner’s name or signature doesn’t appear. 4) At least three property addresses listed on the petition were not even a part of the assessment. 5) The County did not exercise due diligence in checking the tax records against the petition signatures. and 6) The County spent the money and wants to be reimbursed.

Mr. Clark said what did matter was 1) The County accepted the petition in good faith and acted upon it. 2) There were 110 properties listed with 172 property owners listed, and 128 signatures. He said the General Statute calls for 75% of the property owners, not 75% of the parcel owners, to sign the petition. He said 75% would be 129 signatures. The County had 128, “one short.”

Mr. Clark said what mattered was “the County can’t do math.” He said the County was going to assess them and charge the maximum eight percent interest, but “ultimately” the County “messed up.” Mr. Clark said the only “fair and equitable” decision the County could make was to “admit” its error and find a way not to penalize 110 property owners to pay for its mistake.

Comments

Commissioner Dunlap noted the community meeting held recently with respect to this issue.

Commissioner Dunlap noted the following points: 1) The petition, although done in good faith, did not meet the requirements of the North Carolina General Statutes. Thus, he doesn’t feel the property owners should be assessed. 2) The petition did not connect the names with the agreement. 3) None of the documents were dated. 4) The homeowners association in existence at that time, no longer exist. 5) There are statutes of limitation. Commissioner Dunlap said this was something being considered that happened twelve years ago, with no sense of whether or not
there was a statute of limitation. 6) The County wants to assess property owners because some believe it’s the property that’s assessed and not the owner.”

Commissioner Dunlap said the process was” flawed” and that the property owners should not bear the “burden” of the County’s error.

Commissioner James said it was correct this was a “mess,” however, the Board was informed that if it relied on a flawed petition and did something that the neighborhood wanted done, it had an affirmative duty to make the assessment. Commissioner James said the Board had two choices, 1) assess the property owners benefiting from the streets or 2) have all the taxpayers of Mecklenburg County pay for that work.

Chairman Roberts asked County Attorney Bethune since the Board was statutorily obligated to make the assessment, and if it didn’t make the assessment, was there a penalty from the state.

County Attorney Bethune said there’s no statutory penalties stated in the statute. Attorney Bethune said there’s nothing in the statute that says the state of North Carolina or the General Assembly has a right to come after the board of county commissioners.

Commissioner Cogdell asked would the County then potentially become liable to any taxpayer that’s a resident of Mecklenburg County that was not being assessed the assessment.

County Attorney Bethune said he would have to research that question, but it’s possible.

County Attorney Bethune said a taxpayer could bring an action against the Board, a writ of mandamus, requiring the Board to follow the law.

Commissioner Cooksey said the statute the County was operating under was cumbersome. He said Commissioner Clarke had a good suggestion at a previous meeting regarding changing the time in which the County could make the assessment to when the County had a clear estimate of what the cost for the project going forward was going to be. He said it should be done earlier in the process rather than having a ten or twelve year window, like in this instance.

Commissioner Cooksey said the “bottom line” was that there’s a group of residents that received the benefit of the repairs, about $125,000 worth of repairs. Commissioner Cooksey said it wasn’t fair to charge the rest of the taxpayers for those repairs because they don’t use those repairs on a regular basis.

Chairman Roberts said the Board was “between a rock and a hard place” and that going forward the County needed to make sure that things were documented. Chairman Roberts said the Board was obligated under state law to make the assessment.

This concluded the discussion, which is not inclusive of every comment but is a summary.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes and Commissioner Dunlap voting no, to close the public hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT). Secondly, to adopt the Final Assessment Roll and Resolution for the Farmwood North/Stone Mountain roadway Improvements with the following changes: 1) change the interest rate from 8% to 4% and 2) to provide a 30% discount on the assessment if it’s paid within 30 days of the publication by the tax collector of the confirmation of the final assessment roll.

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

JUNE 1, 2010
MANAGER’S REPORT

MANAGER’S REPORT - REPORT FROM EMPLOYERS ASSOCIATION

County Manager Jones introduced Kenny Colbert, president of the Employers Association to address the status of the current labor market as it relates to recruitment, retention and current pay practices. Mr. Colbert was joined by Brandy Walser of the Employers Association.

Mr. Colbert said he’s hearing consistently that business was getting better but it’s a long, slow, gradual uptick in the economy.

Mr. Colbert said survey results show the economy improving and that businesses were going to start losing employees. He said there were employees in every business that want to make a move but there haven’t been any jobs available. Mr. Colbert said with jobs being created, there would be a lot of movement in the latter part of 2010, with people “abandoning ship” and moving over to companies that have jobs or giving pay raises.

Mr. Colbert said Charlotte data mirrors the national data that companies were back to giving pay increases. He said pay increases would probably be somewhere in the 3% pay range. He said companies were hiring and creating new jobs.

Mr. Colbert said “slowly but surely” companies were giving back the match on 401k and giving bonuses that they haven’t given over the last two years.

A copy of Mr. Colbert’s report is on file with the Clerk to the Board.

Comments

Commissioner Bentley said in better economic times, employees moved between companies looking for broader responsibility and promotion opportunities. She asked what was data showing with respect to how this would look in the next year or two. The response was that turnover rate would vary according to the economy. Further, that in the last eighteen months most of the turnover was the elimination of jobs, lack of work, and poor business conditions. Also, that when economic times were better, turnover mostly occurred for advancement. Mr. Colbert said he felt in 2010 it would be for advancement opportunities.

Commissioner Dunlap with respect to the survey asked was there any distinction between governmental employers and the private sector. The response was yes, but they did not breakout any of the individual questions on government versus any other type of business.

Commissioner Dunlap asked if they were aware of any other governmental entities that were treating the job market differently. Mr. Colbert said with respect to how government employers were doing, that based on what he’s read in the newspaper, they’re suffering, however, some of the smaller communities around were holding their own.

Mr. Colbert said the key point when looking at job movement was that there were certain jobs in government that were unique to government, but, by far, the majority of the jobs pollenate with any other type of sector.

Commissioner Cogdell thanked County Manager Jones for the report, which was brought forth per questions raised by Commissioner Cogdell at a previous meeting regarding employees seeking other employment opportunities.

Commissioner Leake asked how much did it cost the County to obtain the report from the Employers Association. The response was that there was no cost to the County. It was noted that
the County and the City of Charlotte were members of the Employers Association and pay annual dues and in exchange receive a lot of human resources work for that. It was noted also that the Employers Association does surveys regularly and it was just coincidental that the County was looking for this type of information about the same time the Association was publishing it. Thus, it was not published for the County.

Commissioner Clarke asked how often did the Employers Association conduct this survey. The response was that a wage & salary survey was done every year, and they’ve done three economic surveys in the past 18 months. Mr. Colbert said they’ll probably do another one in the fall.

Commissioner Cooksey asked was there any additional information on employee retention and turnover and how that would compare in a governmental entity like Mecklenburg County versus a comparable private sector company. Commissioner Cooksey said he’d like to see what the trends were. Mr. Colbert said they would provide that information.

County Manager Jones said one area where the County was vulnerable was in the technology area. County Manager Jones said those skills were highly sought and easily transferable from the public sector to the private sector. County Manager Jones said he was aware of at least three individuals that have left the County’s employ recently to work in the private sector for higher pay. He said these were fairly significant losses.

Commissioner Cooksey said he’d like to see the information to be provided by the Employers Association broken out by profession or industry, if it’s available in that format.

(6B) MANAGER’S REPORT BUDGET STRAW VOTE PROCESS

Budget/Management Director Hyong Yi addressed the budget straw vote process to be used during the Board’s budget deliberations.

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

Note: Budget deliberations will start Thursday, June 3, 2010.

No action was taken or required.

CONSENT ITEMS

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 approve the following item(s) with the exception of Items 11, 12, 13, 15, and 18 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held May 18, 2010.

(8) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $92,093 for Park and Recreation, $6,217 for Real Estate Services and $1,287 for Land Use and Environmental Services.

Note: The County received insurance money based on claims for stolen and damaged items in the departments identified.

(9) CARRY FORWARD OF FUNDS – 2011 REVALUATION
Approve the carry forward to FY2011 of revaluation funds remaining at June 30, 2010.

(10) **CARRY FORWARD OF FUNDS – AREA MENTAL HEALTH**

Authorize carry forward of unspent State crisis service program funds estimated to be $1,433,586 at June 30, 2010.

(14) **SOLE SOURCE VENDOR – FY2011**

1) Approve the purchase of water quality monitoring equipment as authorized by the sole source exemption of G.S. 143-129(e) (6).

2) Approve a contract with YSI, Inc for the purchase of water quality monitoring equipment in the amount of $103,750.

(16) **CONSTRUCTION CONTRACT – LITTLE SUGAR CREEK GREENWAY**

Authorize the County Manager to award a construction contract to Blythe Development Co. for a total amount of $4,650,830, pending and upon receipt of written concurrence to award construction contract from NCDOT Division of Bicycle and Pedestrian Transportation.

(17) **CONTRACT FOR DISCARDED ELECTRONICS COLLECTION AND RECYCLING SERVICES**

Authorize the County Manager to negotiate and execute a contract with Creative Recycling Services, Inc., for Discarded Electronics collection and recycling services.

(19) **MODIFICATION OF ASSIGNMENT OF PARKING RIGHTS**

1) Adopt Resolution modifying the Assignment of Parking Rights agreement between Mecklenburg County and Midtown Redevelopment Partners, LLC dated April 30, 2007.

2) Recognize and receive $10,000 from Midtown Redevelopment Partners, LLC as a contribution toward the Little Sugar Creek Greenway Capital project and appropriate that amount for additional capital expenditures associated with the Little Sugar Creek Greenway project.

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

(20) **HOLBROOKS ROAD LANDFILL BUFFER ACQUISITION**

Approve purchase of a 200-foot wide strip of land (+/- 5.5 acres) from Tax Parcel 019-371-02 on Holbrooks Road for $15,000 per acre from The Sherrill’s Group, LLC.

*Note: Acquisition of the subject property will provide an undisturbed buffer, and protection from future development, along the western boundary of the Holbrooks Road Landfill.*

(21) **WALKERS BRANCH GREENWAY DONATION**

Accept the donation of +/- 1.31 acres of Tax Parcel 219-051-04 on Walkers Branch from Arlene Elisha.
JUNE 1, 2010

Note: The subject parcel is part of the land assemblage for the Walkers Branch Greenway in southwest Mecklenburg County. When developed, this greenway will provide linkages to neighborhoods located between the Steele Creek Greenway and South Tryon Street.

(22) TAX REFUNDS

Approve refunds in the amount of $6,195.90 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.

(23) LEASE SPACE FOR DSS, CHILD SUPPORT ENFORCEMENT, AND COMMUNITY CORRECTIONS

Authorize the County Manager to negotiate and execute a lease with Charlotte East, LLC for office space for the Department of Social Services, Child Support Enforcement, and Community Corrections.

(24) CAPITAL RESERVE REQUEST – PARK & RECREATION (ST. MARY’S CHAPEL)

Authorize and appropriate expenditure of $15,000 from the St. Mary’s Chapel capital reserve account to replace pew cushions, purchase office and dressing room equipment, install landscape lighting, purchase decorative equipment for the sanctuary and strip and stain the altar floor and rail area.

Note: Capital reserve funds have been accrued from a portion of the facility rental fees.

(25) SET PUBLIC HEARING – STREET NAME CHANGE

Set a public hearing for 6:30 p.m. on June 15, 2010 to hear comments from citizens on the proposal to change the name of a portion of existing Belmeade Drive to Old Belmeade Drive.

(26) SET PUBLIC HEARING – DSS GRANT APPLICATION

Set a public hearing for June 15, 2010 to receive comments on the Mecklenburg County Department of Social Services’ grant for Fiscal Year 2011 – 2012 application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program, and direct the Clerk to publish notice of intent to hold a public hearing.

(27) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

1) Amend the Department of Social Services FY 2010 Budget to recognize, receive and appropriate $100,000 for the Annie B. Casey Family Programs – Parent Partners.

2) Approve the carry forward to FY2011 of unspent Annie E. Casey Family Program grant funds at June 30, 2010.

(28) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE DECREASE)
Reduce Medicaid revenue and associated expenses in the amount of $451,551 due to the divestiture of child and adult community support services to community contract providers.

(29) **BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

1) Amend the Fiscal Year 2010 Adopted Budget by $130,350 to recognize, receive and appropriate special children adoption funds,

2) Approve the carry forward to FY2011 of the un expended balance of the $130,350 special children adoption grant funds at June 30, 2010.

(30) **BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

1) Recognize, receive, and appropriate the second allocation of Emergency Contingency Funds for the Subsidized Employment Program for TANF-eligible participants totaling $2,327,154.

2) Approve the carry forward to FY11 of any unexpended subsidized employment grant funds at June 30, 2010. DSS estimates these unexpended funds at $1.3 million.

(31) **REVENUE SHARING AGREEMENT FOR E-911 FUNDS**

Approve a resolution authorizing the execution of an amendment to the Restated Consolidated Shared Programs Joint Interlocal Agreement between Mecklenburg County and the City of Charlotte to reflect changes in State law with respect to 911 Public Safety Emergency Telephone Service.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION**

**AUTHORIZING EXECUTION OF AN AMENDMENT TO THE RESTATED CONSOLIDATED SHARED PROGRAMS JOINT INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY**

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, the City of Charlotte and Mecklenburg County entered into that certain Restated Consolidated Shared Programs Joint Undertaking Agreement (“Agreement”) made as of July 1, 1998, which Agreement, as amended, specifies the details and the financing of various programs or joint undertakings which are operated by one government or report for budget purposes to one government for the mutual benefit of both governments; and

WHEREAS, the City and County now desire to amend the portion of the Agreement dealing with “911 Public Safety Emergency Telephone Service” to reflect subsequent changes in State law (“Amendment”); now, therefore, be it

RESOLVED by the Mecklenburg County Board of Commissioners that the Amendment is hereby approved, the Chairman is hereby authorized to execute such Amendment in substantially the form attached to this Resolution, and that this Resolution shall be spread upon the minutes.

Resolution and Agreement recorded in full in Minute Book 44-A, Document #______.
Commissioner Cooksey left the meeting and was absent for the remainder of the meeting.

(11) CARRY FORWARD OF FUNDS – PROJECT SAFE NEIGHBORHOOD GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 of funds remaining at June 30, 2010 for the Project SAFE Neighborhoods – Community Engagement Project to the Governor’s Crime Commission, serving as fiscal agent for the U.S. Department of Justice.

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

(12) CARRY FORWARD OF FUNDS – DISPLACED HOMEMAKER/DIVORCE FILING FEES GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 the funds remaining at June 30, 2010 for the Displaced Homemaker Divorce Filing Fees grant from the North Carolina Council for Women/Domestic Violence Commission to FY11.

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

(13) DISPLACED HOMEMAKER GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve submission of a grant application to the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women’s Commission Division for the New Choices Strategies for Success Program in the amount of $58,351 ($8,351 from “Displaced Homemaker State Funds” and $50,000 from “Divorce Filing Fees”); and if awarded, recognize, receive and appropriate grant funds.

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

(15) PURCHASE CONTRACT FOR FROZEN MEALS – DSS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve a unit price contract for frozen meals to Valley Services, Inc. of Flowood, FL, for a term of three years with the option to renew up to two additional one-year terms. Based on the number of clients currently receiving these services, the annual expenditures for this contract are estimated to be $298,376.

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

(18) PURCHASE CONTRACT – SHERIFF’S OFFICE UNIFORMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0
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with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to defer taking action on the approving a unit price contract to Best Uniforms, Inc. for providing uniforms for all Sheriff’s Office staff, for a term of three years with the option to renew up to two additional one-year terms, until the Board’s July 6, 2010 meeting.

Prior to the above vote, the following occurred:

The following persons spoke in opposition to the award of the contract to Best Uniforms:

Justin Ellis and Michael Gorson with Showfetys, the low bidder, asked that the award of the contract to Best Uniforms, Inc. not be made and that further evaluation of their bid be done. They said they were confident their company could provide the service requested and welcomed the opportunity to clarify any miscommunication between Showfetys and the Sheriff’s Office regarding their bid. Mr. Ellis said with respect to the inventory control component of the bid that it basically said that the company must have a proven fully operational automated inventory system on site. Mr. Ellis said there was a site visit to Showfetys but that was not the site at which the contract would be operated from. He said that would be the jail site. He said for Showfetys to have this software in place prior, would be impossible because they’re not able to operate in the jail yet, until the previous vendor has vacated and a contract awarded. Mr. Ellis said it felt very unreasonable to assume that Showfetys should have this in place considering the financial outlay it would cost them without any guarantee of a contract prior to the award. He said if they were to receive the bid, they would have the software in place and up and running within the timeframe outlined in the bid.

A handout was provided to the Board, a copy of which is on file with the Clerk to the Board.

Rachel Vanhoy with the Sheriff’s Office addressed the bidding process and projected savings. Ms. Vanhoy also noted that the Inventory Control component of the bid required that companies be able to demonstrate and provide samples of their reporting capability and at that time Showfetys was unable to do so. Ms. Vanhoy said Inventory Control was a large component of what was required because they rely so heavily on the ability to track their inventory. Ms. Vanhoy said that was the Sheriff’s Office primary reason for not selecting Showfetys.

Comments

Commissioner Leake asked if the Sheriff’s Office had done business previously with Best Uniforms, Inc. Ms. Vanhoy said they were the current service provider for the Sheriff’s Office and for the Charlotte-Mecklenburg Police Department.

Commissioner Leake asked how long had the Sheriff’s Office had a contract with Best Uniforms, Inc. Ms. Vanhoy said from 2001-2007, per her recall.

Commissioner Leake said she would like to see the uniforms from each of the companies if that was possible.

Commissioner Cooksey asked where was the Charlotte-Mecklenburg Police Department in their procurement process. Ms. Vanhoy said it was her understanding that they’ve asked Showfetys to provide them with additional samples because their first samples were not approved. Ms. Vanhoy said the inventory control component that the Sheriff’s Office had in its bid was not included in Charlotte-Mecklenburg Police Department’s bid.

Commissioner Cooksey asked was it clear in the specifications as to what the Sheriff’s Office wanted versus Charlotte-Mecklenburg Police. The response was yes.

Commissioner Cooksey asked additional questions regarding the bidding process which were addressed.

Commissioner Cooksey asked was there a policy requiring that a certain number of bids be
received before making an award. *Ms. Vanhoy said she would have to check with Procurement.*

County Manager Jones said County Attorney Bethune recommends the Board defer making a decision to allow him the opportunity to review this matter in more detail, to make certain that everything was done in compliance. Also, that it may take a month to review and address questions raised. Thus, staff would report back at the July meeting.

Commissioner James asked what was the difference between a Class A and Class B uniform, which was addressed.

Commissioner James asked was this an annual contract. *Ms. Vanhoy said yes but it’s for three years with maybe two one-year renewals. Thus, overall it’s a five year contract.*

Commissioner James asked was the difference between the two bidders $55,000 annually. *The response was yes.*

Commissioner James said that difference was worth having a discussion about. He said he understood the difference in quality, but the Board needs to consider whether it wants to spend an additional $55,000 per year.

Commissioner James said when staff reports back, he’d like to know where the uniforms were made. He noted this in light of the Buy America policy.

*Note: Commissioner Leake removed this item from Consent to make an inquiry regarding the cost.*

**STAFF REPORTS AND REQUESTS**

(32) **SOLID WASTE MANAGEMENT PLAN AMENDMENT**

Director of Land Use and Environmental Services Agency Cary Saul addressed a proposed amendment to the County’s Solid Waste Management Plan.

*Note: North Carolina General Statute 130A–309.09A (b) requires all units of local government to prepare and approve a ten-year solid waste management plan. Mecklenburg County has done so and the current Solid Waste Management Plan was approved by the Board on May 5, 2009. Updates to the Solid Waste Management Plan must be submitted every three years or more frequently if there is a major change to the solid waste infrastructure, disposal capacity, or if there are new facilities requiring NCDENR Solid Waste permits. Such a change justifying an Amendment to the Solid Waste Management Plan recently occurred.*

On April 14, 2010, the LUESA Director signed two Memoranda of Understanding with ReVenture Park Investments I, LLC (“ReVenture Project”), expressing the County’s interest in entering into long-term contracts for residential and yard waste management. The ReVenture Project, which is still in the developmental stage, would construct a biomass-to-energy facility on the Clariant property north of the Whitewater Center in the western part of Mecklenburg County. This biomass-to-energy facility(ies) would receive its feedstock, directly from yard waste collected in Mecklenburg County and from a refuse-derived fuel prepared at ReVenture’s Fuel Preparation facility, located on a separate site in Mecklenburg County. The County would direct all of the residential waste collected by the County’s seven municipalities to ReVenture’s Fuel Preparation Facility.

The proposed Amendments to the Solid Waste Management Plan do not limit the current yard waste and residential waste management options available to the County. Rather, they add an additional option, the ReVenture Project, to those currently available. For yard waste, the current option is the County’s Compost Central Facility. For residential waste, there are two options: the currently contracted landfill capacity at the Republic Speedway Landfill; and the County-owned Foxhole Landfill.
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*Should the Board approve this Amendment, it will be presented for approval to each of the governing bodies of the seven municipalities in Mecklenburg County that are partnered in the solid waste system through Solid Waste Interlocal Agreements. Then the Amendment would be submitted to NCDENR.*

*At its meeting of May 18, 2010, the Waste Management Advisory Board recommended that the Board approve the attached amendments to Sections 5 and 7 of the Mecklenburg County Solid Waste Management Plan dated July 1, 2009.*

Comments

**Commissioner Dunlap** asked for clarification on the County’s process for disposal of waste currently and with using ReVenture. Director Saul addressed the process.

**Commissioner Cooksey** asked had a contract been entered into with ReVenture or if this approval allows staff to enter into negotiations with ReVenture. He also asked about cost. The response was that this amendment would allow ReVenture to seek permits for their facilities. There would be deadlines ReVenture would have to meet. Further, that approval of the amendment only adds ReVenture as an alternative or option for the County to consider as staff moves forward with respect to managing the County’s waste beginning 2012. Also, the cost that’s been mentioned was $25 per ton to process the waste.

Commissioner Cooksey asked would staff come back with a final agreement for approval with ReVenture. The response was yes and with a very detailed contract.

**Commissioner Leake** asked how would this impact the situation in Matthews. The response was that this had no impact on the Matthews incinerator at all.

**Commissioner Cogdell** asked when did staff anticipate being at a point to consider a contract. The response was probably early next year, 2011.

The following persons spoke in opposition to the proposed amended Solid Waste Management Plan:

**Bill Gupton** with the Central Piedmont Sierra Club said this amendment was a major policy shift in how the County disposes of its municipal solid waste and yard waste. He asked the Board to consider the impact this would have on Compost Central and recycling activities. Mr. Gupton said the Central Piedmont Sierra Club did not have an official position with respect to the ReVenture project as of yet. He said ReVenture contacted and reached out to them and that they’ve toured their facility. Mr. Gupton said there were still a lot of questions and moving pieces that were yet to be answered before the Central Piedmont Sierra Club could establish a position. He said they were concerned the decision the Board was about to make would put the community on a path for the next twenty years that would radically alter the air, water, and soil quality of the County. Mr. Gupton said at first glance it would seem as if burning waste rather than burying it would make a good decision. He said the position of most major environmental groups was that the incineration and gasification was an incineration process amidst a significant amount of greenhouse gases and other toxins, which weren’t in an acceptable form of energy generation. Mr. Gupton said if the Board has not satisfied 1) all of its questions regarding the actual process of gasifications and the health and environmental impact 2) looked at the impact this facility might have on the water quality regarding the amount of water and the impact on the Catawba River basin 3) looked at potential toxins and emissions from this, that the Board should defer making a decision. He asked the Board to consider establishing a citizens’ stakeholder commission and holding a public hearing to address this issue.

**Shannon Binns**, a Board Supervisor for the Mecklenburg County Soil and Water Conservation District and on behalf of Sustain Charlotte, said he echoed Mr. Gupton’s remarks. He said the decision with respect to what’s to be done with the community’s waste for the next twenty years was an important one that would have a myriad of consequences. He said any solid waste management decision of this magnitude would have significant environmental, health, and
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economic impacts, short term and long term. He said these impacts need to be understood before a decision was made. He said more input from the public should be sought. He said he was not opposing the ReVenture Project at this time but had serious concerns about its impact on air and water quality, particularly because it would increase the county’s emission of greenhouse gases. Mr. Binns encouraged Board members to contact him if they would like a better understanding of gasification impacts from a scientific perspective.

Commissioner Murrey said this was an opportunity for the County. He said any energy that the County creates would create some greenhouse gases, unless it’s solar or wind at this point. Commissioner Murrey said the question was whether it’s more or less per mega watt created. He said this would give the County the opportunity to explore this as an option.

Commissioner Murrey asked Director Saul to comment on the impact of this on Compost Central and on recycling, which he did.

Commissioner Dunlap asked Director Saul whether approval of this amendment would preclude staff from going back and investigating the concerns raised about the impact on water, air quality, etc. Director Saul said it would not. He said approval of the amendment means this was just an alternative that could be considered for disposal of waste. Director Saul said if staff felt it was not cost effective or environmentally safe, staff would bring it back and recommend the Board enter into an agreement.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt the Resolution Amending the Mecklenburg County Solid Waste Management Plan Dated July 1, 2009.

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

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

(33) NAMING OF REVOLUTION REGIONAL SPORTS AND LEARNING ACADEMY

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt naming Revolution Regional Sports and Learning Academy as the “Revolution Park Sports Academy.”

Director of Park and Recreation Jim Garges presented this matter to the Board.

(34) SMALL BUSINESS STRATEGY PLAN

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve Mecklenburg County’s participation with the City of Charlotte to implement a Small Business Strategy Plan in collaboration with our economic development partners.

County Director of Economic Development John Allen and Tom Flynn the City of Charlotte Economic Development Director presented this matter to the Board.

Prior to the above vote, Commissioner Bentley asked about the involvement of the Lake Norman Economic Development Corporation and the northern towns, which was addressed.

Commissioner Bentley said she would be glad to assist in engaging those on the northern end of the county.
Commissioner Leake asked about and encouraged the involvement of Johnson C. Smith University and other schools of business locally.

Commissioner Leake said she hoped this would positively impact businesses along Beatties Ford Road and the “Mom & Pop” businesses.

**COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE**

(2A) **CLOSED SESSION LAND ACQUISITION**

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the conveyance of Tax Parcel 175-182-20 (+/- 0.18 acre) on Little Sugar Creek from Pegasus Properties of NC, LLC to the County for payment of +/- $3,000 in delinquent taxes.

**COMMISSION COMMENTS** – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

**ADJOURNMENT**

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:17 p.m.

______________________________________________________________

Janice S. Paige, Clerk                               Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in a Special Budget Workshop Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 5:00 p.m. on Thursday, June 3, 2010. Dinner was held at 4:00 p.m.

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

Chairman Roberts was absent when the meeting was called to order and until noted in the minutes.

FY 2010 - 2011 BUDGET DELIBERATION

The meeting was called to order by Vice-Chairman Cogdell.

Vice-Chairman Cogdell said the purpose of the meeting was to begin the Board’s deliberation on the County Manager’s FY10-11 Recommended Budget.

Vice-Chairman Cogdell turned the meeting over to County Manager Jones, who then called on Budget and Management Director Hyong Yi.

Chairman Roberts entered the meeting during County Manager Jones’ remarks.

The first matters of business, however, were to receive presentations from Park and Recreation and the Public Library of Charlotte/Mecklenburg County.

PARK AND RECREATION

Director of Park and Recreation Jim Garges briefed the Board on the impact of proposed budget cuts to Park and Recreation.

A copy of handouts provided by Park and Recreation is on file with the Clerk to the Board.

PUBLIC LIBRARY OF CHARLOTTE/MECKLENBURG COUNTY

Director of the Public Library of Charlotte/Mecklenburg County Charles Brown, Library Board of Trustees’ Chairman Robin Branstrom and Trustee Bob Sink briefed the Board on the impact of proposed budget cuts to the Library.

A copy of handouts provided by the Library is on file with the Clerk to the Board.
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The Board recessed for a break at 6:55 p.m. and reconvened at 7:21 p.m.

Director Yi addressed various handouts and the process to be used for straw voting.

It was noted that seconds were not necessary for a motion to be considered. Also, the Chairman was allowed to make motions.

STRAW VOTES

Sales Tax Revenue
Motion was made by Commissioner Clarke and **carried 6-3** with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to approve the County Manager’s Recommended FY10-11Budget with the following amendment: **Add $9.5 million in sales tax revenue.**

Note: Commissioner Clarke said the above motion was based on his expectation that the County’s sales tax revenue for next fiscal year would be the same as the actual amount estimated for this fiscal year. Commissioner Clarke acknowledged the County Manager’s previous words of caution to the Board to be ultra conservative. Commissioner Clarke said he felt his motion, however, was a reasonable expectation.

Law Enforcement Service District
Motion was made by Commissioner Clarke and **carried 6-3** with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to approve the County Manager’s Recommended FY10-11Budget with the following amendment: **To eliminate the subsidy in the General Operating fund for the expenses of the Law Enforcement Service District and instead have the citizens receiving that service pay that cost. Thus, this would be a tax rate increase of 2.58 cents for those receiving that service.**

It was the consensus of the Board that the service issue needs to be addressed.

Department of Social Services
Motion was made by Commissioner Clarke and **carried 8-1** with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey, and Roberts voting yes and Commissioner Dunlap voting no, to approve the County Manager’s Recommended FY10-11Budget with the following amendment: **Reduce the appropriation to the Department of Social Services by $1.5 million and that the County Manager have the discretion as to where the reductions should occur within the Department of Social Services.**

County’s Self-Insurance Pool
Motion was made by Commissioner Clarke to approve the County Manager’s Recommended FY10-11Budget with the following amendment: Reduce the County’s Self-Insurance pool by $575,000 and instruct staff to replace that amount upon the expected receipt of funds from settlement of a claim.

After further discussion Commissioner Clarke amended his motion as follows:

Motion was made by Commissioner Clarke and **carried 8-1** with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioner James voting no, to approve the County Manager’s Recommended FY10-11Budget with the following amendment: **Increase revenue by $575,000.**
Motion was made by Commissioner Cogdell to approve the County Manager’s Recommended FY10-11 Budget with the following amendments and contingencies:

- Increase Charlotte-Mecklenburg Schools funding by $6 million
- Increase Library funding by $3.5 million
- Increase Work Release funding by $1.1 million
- Increase Park and Recreation funding by $1 million
- Increase Central Piedmont Community College funding by $900,000
- Increase Employee Benefits by $1.25 million

**Contingency for Library Funding**

1) Additional funding for the public library is contingent on the Library Board of Trustees agreeing to pursue with Mecklenburg County the consolidation of some library functions under the direction of the County Manager and the management of County departments. The areas to evaluate for possible consolidation include but may not be limited to the following functions:

- Financial Management (finance and budgeting)
- Human Resources
- Information Technology
- Capital Projects Management
- Public Information/Communications

It is recognized that even with the additional funding for FY2011, the public library needs to adapt to the new fiscal reality by establishing a new business and operations model. Therefore, it is important that the process for consolidating these functions be conducted and concluded as a priority. As a means of ensuring this priority, the additional funding will be placed in contingency to be allocated based on the following:

One half of the additional funds will be provided at the beginning of the fiscal year to maintain stability in current library operations. Subsequent allocation of funds, dispersed quarterly, will be made upon approval by the County Manager. The Manager’s decision will be based on achievement of consolidation process milestones that will be established (i.e., meeting deadlines and providing deliverables in accordance with the project plan to be developed).

**Consolidation Process Outline**

County staff and Library staff will be appointed by the County Manager and Library Director to serve on a Steering Committee that oversees the process and develops recommendations for consideration by the County Manager and Library Director.

This Steering Committee will assemble staff working teams for each of the functions considered for consolidation. Staff teams will provide respective recommendations to the Steering Committee.

Steering Committee recommendations endorsed by the County Manager and Library Director will be provided to a subcommittee comprised of three members of the Board of County Commissioners and three members of the Library Board of Trustees. The subcommittee will make final recommendations to the Board of County Commissioners and the Board of Trustees for final decisions.

**Additional Consideration for Long-Term Business Model**

The Public Library has played an important role in the quality of life in Mecklenburg County. However, circumstances largely beyond our control have altered the County’s ability to fund the Public Library system at the level previously provided. As a result, the Public Library must
explore alternative business models or alternative sources of revenue. Greater consolidation of the Library and County offers opportunities for restructuring the service delivery model such that the same services could be provided through shared resources. The goal of such a change should be to retain and strengthen the core functions of the public library, while stimulating progress with new ideas, new structures, new models of operating and providing services. This is the same situation facing Mecklenburg County departments, Charlotte-Mecklenburg Schools, Central Piedmont Community College, and others impacted by the new reality in recovering from the recession.

Given the significant public interest in the public library, the Board of County Commissioners believes the process of reinventing the public library should include significant public involvement. One option that should be considered by the Library Board of Trustees is convening a citizen task force, perhaps jointly appointed by the Board of Trustees and the Board of County Commissioners, to consider options for long-term change of the library system.

2) Any appropriation given by the City of Charlotte of $1 million or more would be credited to the County’s Real Estate Ledger for future land transactions.

**Employee Benefits Contingency**

With respect to the additional $1.25 million for Employee Benefits, the County Manager has the discretion as to how those funds are to be used, but that it not be used to increase the County Commissioners’ Travel Budget or other things that have been cut from the budget. It is to be used strictly for County employees.

Commissioner Bentley suggested a friendly amendment, which was not accepted, to do the following: Increase Park and Recreation’s budget by $3.5 million; Increase CMS by $3.5 million; Increase Library funding by $3.5 million; Increase Work Release funding by $1.1 million; Increase CPCC funding by $900,000; Employee Benefits $1.25 million.

*It was the consensus of the Board to vote on each of Commissioner Cogdell’s items separately.*

**Employee Benefits**

Motion was made by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioner Cooksey voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Employee Benefits by $1.25 million and with the following contingency: that the County Manager has the discretion as to how those funds are to be used, but that it not be used to increase the County Commissioners’ Travel Budget or other things that have been cut from the budget. It is to be used strictly for County employees.

**Work Release**

Motion was made by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Work Release funding by $1.1 million.

**Central Piedmont Community College**

Motion was made by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Central Piedmont Community College funding by $900,000.
Motion was made by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioner Cooksey voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Library funding by $3.5 million with the following contingency:

1) Additional funding for the public library is contingent on the Library Board of Trustees agreeing to pursue with Mecklenburg County the consolidation of some library functions under the direction of the County Manager and the management of County departments. The areas to evaluate for possible consolidation include but may not be limited to the following functions:

- Financial Management (finance and budgeting)
- Human Resources
- Information Technology
- Capital Projects Management
- Public Information/Communications

It is recognized that even with the additional funding for FY2011, the public library needs to adapt to the new fiscal reality by establishing a new business and operations model. Therefore, it is important that the process for consolidating these functions be conducted and concluded as a priority. As a means of ensuring this priority, the additional funding will be placed in contingency to be allocated based on the following:

One half of the additional funds will be provided at the beginning of the fiscal year to maintain stability in current library operations. Subsequent allocation of funds, dispersed quarterly, will be made upon approval by the County Manager. The Manager’s decision will be based on achievement of consolidation process milestones that will be established (i.e., meeting deadlines and providing deliverables in accordance with the project plan to be developed).

Consolidation Process Outline

County staff and Library staff will be appointed by the County Manager and Library Director to serve on a Steering Committee that oversees the process and develops recommendations for consideration by the County Manager and Library Director.

This Steering Committee will assemble staff working teams for each of the functions considered for consolidation. Staff teams will provide respective recommendations to the Steering Committee.

Steering Committee recommendations endorsed by the County Manager and Library Director will be provided to a subcommittee comprised of three members of the Board of County Commissioners and three members of the Library Board of Trustees. The subcommittee will make final recommendations to the Board of County Commissioners and the Board of Trustees for final decisions.

Additional Consideration for Long-Term Business Model

The Public Library has played an important role in the quality of life in Mecklenburg County. However, circumstances largely beyond our control have altered the County’s ability to fund the Public Library system at the level previously provided. As a result, the Public Library must explore alternative business models or alternative sources of revenue. Greater consolidation of the Library and County offers opportunities for restructuring the service delivery model such that the same services could be provided through shared resources. The goal of such a change should be to retain and strengthen the core functions of the public library, while stimulating progress with new ideas, new structures, new models of operating and providing services. This is the same situation facing Mecklenburg County departments, Charlotte-Mecklenburg Schools, Central Piedmont Community College, and others impacted by the new reality in recovering from the recession.

Given the significant public interest in the public library, the Board of County Commissioners believes the process of reinventing the public library should include significant public involvement. One option that should be considered by the Library Board of Trustees is convening a citizen task force, perhaps jointly appointed by the Board of Trustees and the Board of County Commissioners, to consider options for long-term change of the library system.

2) Any appropriation given by the City of Charlotte of $1 million or more would be credited to the County’s Real Estate Ledger for future land transactions.
Park and Recreation
Motion was made by Commissioner Cogdell and carried 7-2 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioners Bentley and Cooksey voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Park and Recreation’s budget by $1 million.

Charlotte-Mecklenburg Schools
Motion was made by Commissioner Cogdell and carried 7-2 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley and James voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Charlotte-Mecklenburg Schools funding by $6 million.

Child Support Enforcement
Motion was made by Commissioner Cooksey and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment with respect to the Child Support Enforcement (CSE) budget: To instruct staff to issue an Request for Proposal to have this function outsourced. Secondly, that $500,000 saved from outsourcing CSE be allocated to Park and Recreation.

Veteran Services
Motion was made by Commissioner James and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Veteran Services funding by $400,000.

Displaced Homemakers
Motion was made by Commissioner Dunlap to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase funding for the Employment Services Resource Center-Displaced Homemakers Program by $112,000.

Commissioner Cogdell suggested a friendly amendment which was accepted by Commissioner Dunlap was as follows:

- Increase Arts & Science Council funding by $150,000
- Increase Council on Aging funding by $120,000
- Increase Veteran Services funding by $50,000
- Increase Employment Services Resource Center-Displaced Homemakers Program by $112,000
- Increase the Sheriff’s Office Domestic Violence Program by $65,000
- Increase WTVI funding by $95,000
- Increase Community Health funding by $80,000
- Increase the Health Department’s Jail HIV Testing program by $100,000

It was the consensus of the Board to vote on each of Commissioners Cogdell’s amendments separately.

Jail HIV Testing Program
Motion was made by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioner James voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase the Health Department’s Jail HIV Testing program by
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Community Health
Motion was made by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Community Health funding by $95,000 with the following contingency: With the stipulation to continue the Health Department’s efforts to address community health disparities and continue managing the N.C. Office of Minority Health Closing the Gap Grant, and recommend that a health coordinator position be established for this purpose to be funded initially by County dollars. However, if other funding sources can be identified that funding would be reverted to fund balance. The position would be filled according the approved reduction in force policy. Note: Originally Commissioner Cogdell said $80,000 but he later changed the amount to $95,000.

WTVI
Motion was made by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioner Clarke voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase WTVI funding by $95,000.

Sheriff’s Office Domestic Violence Program
Motion was made by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase the Sheriff’s Office Domestic Violence Program by $65,000.

Employment Services Resources Center-Displaced Homemakers Program
Motion was made by Commissioner Cogdell and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioners Cooksey and James voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Employment Services Resources Center-Displaced Homemakers Program by $112,000. Note: This was Commissioner Dunlap’s original motion.

Veteran Services
Motion was made by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Veteran Services funding by $50,000.

Council on Aging
Motion was made by Commissioner Cogdell and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Cooksey and James voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Increase Council on Aging funding by $120,000.

Arts & Science Council
Motion was made by Commissioner Cogdell and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Cooksey and James voting no, to approve the County Manager’s Recommended FY10-11 Budget with the
Motion was made by Commissioner Bentley to approve the County Manager’s Recommended FY10-11 Budget with the following amendments: Decrease funding for the following Outside Agencies as follows and add $381,975 to Park and Recreation:

Latin American Coalition by $95,000
YMCA Starfish Academy by $70,000
Center for Community Transition by $50,000
NCCJ by $68,600
Community Building Initiative by $20,000
YMCA Strengthening Families Program by $78,375

Commissioner Dunlap asked staff was it possible to reduce every line in the County Manager’s Recommended budget by a certain amount to get to $381,975 that could then be added to Park and Recreation’s budget. No action was taken with respect to Commissioner Dunlap’s question. It was the consensus of the Board to vote of each of these line items separately.

NCCJ
Motion was made by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, Murrey, and Roberts voting yes and Commissioners Clarke and Dunlap voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Decrease funding for NCCJ by $68,600 and add $68,600 to Park and Recreation’s budget.

Latin American Coalition
Motion was made by Commissioner Bentley and carried 5-4 with Commissioners Bentley, Cooksey, James, Leake, and Roberts voting yes and Commissioners Clarke, Cogdell, Dunlap, and Murrey voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Decrease funding for the Latin American Coalition by $95,000 and add $95,000 to Park and Recreation’s budget.

YMCA Starfish Academy
Motion was made by Commissioner Bentley and failed 5-4 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, and Murrey voting no and Commissioners Bentley, James, Leake, and Roberts voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Decrease funding for the YMCA Starfish Academy by $70,000 and add $70,000 to Park and Recreation’s budget.

Center for Community Transition
Motion was made by Commissioner Bentley and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Decrease funding for the Center for Community Transition by $50,000 and add $50,000 to Park and Recreation’s budget.

Community Building Initiative
Motion was made by Commissioner Bentley and carried 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, and Roberts voting yes and Commissioners Clarke, Dunlap, and Murrey voting no, to approve the County Manager’s Recommended FY10-11 Budget with the
following amendment: **Decrease funding for Community Building Initiative by $20,000 and add $20,000 to Park and Recreation’s budget.**

**YMCA Strengthening Families Program**

**Motion was made by Commissioner Bentley** and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting no and Commissioners Bentley, Cooksey, James, and Roberts voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: **Decrease funding for YMCA Strengthening Families Program by $78,375 and add $78,375 to Park and Recreation’s budget.**

**Council On Aging & Latin American Coalition**

Chairman Roberts said she would like to allocate $50,000 for the Latin American Coalition if funding could be found.

Motion was made by Commissioner James to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: Reduce Council on Aging funding by $50,000 and allocate $50,000 to the Latin American Coalition.

Commissioner Clarke offered a friendly amendment, which Commissioner James accepted, to instead reduce Charlotte-Mecklenburg Schools funding by $50,000 and allocate $50,000 to the Latin American Coalition.

The vote was then taken on the motion as amended and noted below

**Latin American Coalition**

**Motion was made by Commissioner James and carried 6-3** with Commissioners Clarke, Cogdell, James, Leake, Murrey and Roberts voting yes and Commissioners Bentley, Cooksey, and Dunlap voting no, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: **to reduce Charlotte-Mecklenburg Schools funding by $50,000 and allocate $50,000 to the Latin American Coalition.**

**Veteran Services**

**Motion was made by Commissioner James and failed 5-4** with Commissioners Clarke, Cogdell, Dunlap, Murrey and Roberts voting no and Commissioners Bentley, Cooksey, James, and Leake voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: **to reduce Charlotte-Mecklenburg Schools funding by $200,000 and add $200,000 to Veteran Services budget.**

**Library Funding**

**Motion was made by Commissioner James and failed 7-2** with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting no and Commissioners Cooksey and James voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: **to reduce Charlotte-Mecklenburg Schools funding by $1.5 million and add $1.5 million to Library’s budget.**

**Veteran Services**

**Motion was made by Commissioner James and failed 8-1** with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting no and Commissioner James voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendment: **to cut CIAA funding in the amount of $200,000 and Nascar funding by $60,000 and add $260,000 to Veteran Services budget.**
Commissioner James referenced a 2003 report by Deloitte, which he said analyzed what the County was legally required to pay to Charlotte-Mecklenburg Schools (CMS). Commissioner James said he would share the information he had regarding this with Board members.

Commissioner James said the issue was whether or not the Board wanted to take the pro rata difference between what the County was giving CMS, the operating budget, minus what the County was legally required to give them using the format referenced in the information he had and putting the difference in restricted contingency with a proviso that CMS can’t fire teachers or teacher assistants without cause. Commissioner James said this would basically put $200 million in restricted contingency for CMS.

Commissioner Leake addressed funds that she said the County use to set aside for teacher supplements, which she’d like to see the County do again. Commissioner Leake said the purpose of those funds was to retain and support teachers.

Commissioner Cooksey suggested CMS funding be a topic of discussion at the Board’s fall strategic planning conference.

Veteran Services Office
Motion was made by Commissioner Cogdell to appropriate $50,000 from the current fiscal year’s unrestricted contingency to the Veteran Services Office and carry it forward for more positions in FY10-11.

County Attorney Bethune said based on the wording of the Special Meeting Notice, Commissioner Cogdell’s motion would not be in order.

Director Yi said it could be placed on the Board’s next Regular meeting agenda, June 15.

Commissioner Cogdell withdrew his motion.

Motion was made by Commissioner Clarke and failed 7-2 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, Murrey, and Roberts voting no and Commissioners Clarke and Dunlap voting yes, to approve the County Manager’s Recommended FY10-11 Budget with the following amendments:

- Increase CMS by $5,250,000
- Increase Park and Recreation budget by $1,650,000
- Increase Library’s budget by $3,750,000
- Increase Veteran Services by $400,000

All to be funded by increasing the tax rate to 85 cents, a 1.13 cent increase.

Budget Ordinance
Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes, Bentley, Cooksey, James, Leake voting no, to direct staff to take the results of tonight’s straw votes and prepare a budget ordinance accordingly for consideration by the Board on June 15, 2010.

Note: The above is not inclusive of every comment but reflects key points and actions taken by the Board.

ADJOURNMENT
Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:57 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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, June 15, 2010.

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-

Commissioners Clarke and Dunlap 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.

(1) STAFF BRIEFINGS - NONE

(2A)(2B) CLOSED SESSION – A) CONSULT WITH ATTORNEY, B) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced that there was no Consult with Attorney matter to be discussed in Closed Session.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7 -0 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session to discuss Personnel Matter.

The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:05 p.m.

Commissioners Clarke and Dunlap were present when the Board came back into Open Session. They entered 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, 15, 16, 17, 18, 19, 25, and 26.

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

-FORMAL SESSION-

Invocation was given by Commissioner Dunlap, 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 - NONE

(2) PUBLIC APPEARANCE

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


(3A) APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

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 reappoint Tommie Blakeney, James Bowers, Dietrich Brown, Eric Little and Bruce Hamlett to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2011. Secondly, that Bruce Hamlett be appointed chairman of the Board of Motor Vehicle Review for the duration of his term.

BUILDING DEVELOPMENT COMMISSION

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 reappoint Harry Sherrill (American Institute of Architects representative) and Jon Morris (Charlotte Chamber of Commerce representative) to the Building Development Commission for a three-year term expiring July 31, 2013.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Travis Haston (National Association of Remodeling Industry representative) to the Building Development Commission to fill an unexpired term expiring November 30, 2012.

He is replacing Trent Haston.

Commissioner James nominated the following persons for appointment consideration to the Building Development Commission for the General Public slot: Rhett Keller and Kevin Silva.
Note: An appointment will occur on July 6, 2010.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Commissioner Cooksey nominated the following persons for appointment consideration to the Criminal Justice Citizen’s Advisory Committee District 4 slot: Renee Barfield, Ezekiel Burns, and D. Franklin Freeman.

Note: An appointment will occur on July 6, 2010.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Michael Middleton (General Public/Well Owner representative) to the Groundwater Advisory Committee for a three-year term expiring July 31, 2013.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and failed 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey and Roberts voting yes and Commissioners Dunlap and Leake voting no, to waive the attendance policy and allow Edwin Sullivan to serve the remainder of his term which expires May 31, 2012.

Note: The above motion failed because it required a unanimous vote.

Commissioner Cogdell nominated Edwin Sullivan for appointment consideration to serve the remainder of his term, which expires May 31, 2012.

An appointment will occur on July 6, 2010.

HOMELESS PREVENTION COMMUNITY BASED BOARD

Commissioner James nominated the following persons for appointment consideration to the Homeless Prevention Community Based Board: Christopher Jackson, Richard McElrath, Annabelle Suddreth, Lori Thomas, and Keith Wilson.

Note: Appointments will occur on July 6, 2010.

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Henry Federal to the Personnel Commission for a three-year term expiring June 30, 2013.

PLANNING COMMISSION

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 reappoint Emma Allen and Lucia Griffith to the Planning Commission for a three-year term expiring June 30, 2013.
PUBLIC ARTS COMMISSION

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 reappoint Arthur Oudmayer to the Public Arts Commission for a three-year term expiring June 30, 2013.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Hazel West to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2012.

PUBLIC HEARINGS

(4A) TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program for FY2011-2012.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

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

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program for FY2011-2012; and adopt a Certified Statement/Public Transportation Program Resolution for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program for FY2011-2012.
(4B) **STREET NAME CHANGE – PORTION OF BELMEADE DRIVE TO OLD BELMEADE DRIVE**

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to hear comments on the proposed renaming of a portion of existing Belmeade Drive to Old Belmeade Drive.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the proposed renaming of a portion of existing Belmeade Drive to Old Belmeade Drive and approve the renaming of a portion of existing Belmeade Drive to Old Belmeade Drive.

**ADVISORY COMMITTEE REPORTS**

(5A) **RESOLUTION RESTRUCTURING THE PARK AND RECREATION COMMISSION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve a revision to the Resolution Restructuring the Park and Recreation Commission, Article II, Section 8 and Article IV, Section 18.

Jim Garges, director of Park and Recreation addressed this matter, prior to the above vote.

*Note: As a result of budget reductions for FY11 and to best manage the park system, the Park and Recreation Department will be restructuring the park system into 3 park regions: North; South; and Central. At the May 11, 2010 Park and Recreation Commission (PRC) meeting, the PRC Commissioners were asked to endorse a revision to Article II, Section 8 to modify PRC representation and also revisions to Article IV, Section 18 regarding the advisory councils. The PRC will remain a 13-member board with 3 members representing each of the three regions, 1 member representing the northern towns, 1 member representing the southern towns and 2 at-large members. GIS will define the areas within each region for the purpose of PRC appointment by the BOCC (e.g. north 1, 2 and 3; south 1, 2 and 3; central 1, 2 and 3). A map showing these assignment areas is attached. The citizen advisory councils in each of the regions will combine to create one regional advisory council.*

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

**MANAGER’S REPORT**

(6A) **OPERATING BUDGET AND WORK PROGRAM FOR FY 2010-2011**

County Manager Jones called on Budget/Management Director Hyong Yi to present the Operating Budget and Work Program for FY 2010-2011.

Director Yi noted the following:

- The budget ordinance reflects actions taken by the Board during the budget workshops. Those actions resulted in a total budget of $1.3 billion with the County budget being $955
JUNE 15, 2010

6

million, an unchanged county tax rate of 83.87 cents and changed law enforcement service district tax rate from 17.88 cents to 20.46 cents.

- Budget Reductions
- Availability of additional funds in the amount of $316,000 as a result of projected interest on delinquent taxes for appropriation in FY2011.

Motion was made by Commissioner Murrey, seconded by Commissioner Leake, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2010-2011 and Work Program as presented with one amendment, that the additional $316,000 available for appropriation in FY 2011 be allocated to Park and Recreation, bringing Park and Recreation’s total budget to $1.5 million.

Substitute Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2010-2011 and Work Program as presented with the following amendments, that the additional $316,000 available for appropriation in FY 2011 be allocated to restore funding to the Charlotte Coalition of Social Justice, The Latin American Coalition, and Community Building Initiative and allocate the remainder of the $316,000 to Park and Recreation.

Note: Commissioner Dunlap said his intent was to restore funding for each of the three outside agencies mentioned to what the County Manager recommended.

Discussion occurred on the substitute motion.

Director Yi noted that the substitute motion would result in $133,600 available to the outside agencies referenced and $182,400 for Park and Recreation.

Finance Director Dena Diorio addressed the projected additional $316,000 resulting from interest on delinquent taxes.

Per a question raised by Commissioner Cogdell, Director Diorio said the projected amount could be increased to $400,000.

Commissioner Cogdell said if the projection could be increased to $400,000, then it’s possible that the outside agencies referenced by Commissioner Dunlap could be funded, as well as Park and Recreation and at the $1.5 million mark as indicated in the original motion.

After discussion of the above motions, both the substitute motion and the original motion were withdrawn.

Chairman Roberts asked the Board to take straw votes with respect to any amendments to the budget as presented.

The consensus was to take straw votes, which do not require a second.

Motion was made by Commissioner Clarke, to increase the projected revenue from interest on delinquent taxes for FY 2011 by $449,600 and appropriate $316,000 of that amount to Park and Recreation, with the remaining $133,600 to be used to restore funding to Community Building Initiative, the Charlotte Coalition of Social Justice, and The Latin American Coalition at the levels in the County Manager’s recommended budget.

It was the consensus of the Board to vote on the revenue portion first.

Motion was made by Commissioner Clarke and failed 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, and Roberts voting no and Commissioners Clarke, Dunlap, and Murrey voting yes, to increase the projected revenue from interest on delinquent taxes for FY 2011 by $449,600.
Motion was made by Commissioner Murrey and failed 6-3 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, and Leake voting no and Commissioners Clarke, Murrey, and Roberts voting yes, to increase the projected revenue from interest on delinquent taxes for FY 2011 by $316,000.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2010-2011 and Work Program as presented which reflects actions taken by the Board during the budget workshops and resulted in a total budget of $1.3 billion with the County budget being $955 million, an unchanged county tax rate of 83.87 cents and changed law enforcement service district tax rate from 17.88 cents to 20.46 cents.

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

(6B) RETIREE BENEFITS POLICY

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve revisions to the benefits section of the County’s Human Resources Policy eliminating retiree health care benefits for employees hired after July 1, 2010.

Note: This policy change will not affect current employees who eventually retire from the County or those who have already retired and are receiving this benefit.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) COMPENSATION COMMITTEE REPORT (CHAIRMAN ROBERTS)

Commissioner Clarke presented the Board’s Compensation Committee’s recommendation for the County Manager’s 2010 Compensation.

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

Commissioner Clarke said the intention was to continue this pay structure going forward and that it would require some amendments to the County Manager’s Employment Agreement. Further, that these amendments will be done at the same time that the County Manager’s employment agreement is restructured to eliminate the Pay-at-risk component that the Board has been using since 2003 or 2004.

Attorney Bethune asked was it the Board’s intent that the County Manager’s Employment Agreement be brought back to the Board or was the Chairman authorized to execute the agreement consistent with the motion. The response was yes with respect to the Chairman being authorized to execute the agreement and was incorporated into the motion.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Board’s Compensation Committee’s recommendation with respect to the County Manager’s 2010 Compensation, which is as follows:

1) To renegotiate the Manager’s contract, eliminate the pay-at-risk component of the Manager’s compensation, and that the base salary for the County Manager position be adjusted for next
fiscal year based on the prevailing market rate for the position for a reduction in his total compensation from the current fiscal year of approximately $20,000 or 6.6%. In the future, the market rate for the County Manager position should be reviewed at the same interval as all other County positions. Any increase in the base salary other than the market adjustments will be based on the Board’s annual evaluation of the Manager’s performance.

2) As part of this year’s restructuring of the County Manager’s employment contract, the Compensation Committee recommends the following changes to his compensation:

<table>
<thead>
<tr>
<th>Element of Manager’s Compensation</th>
<th>Current Year FY ending 6/30/2010</th>
<th>Next Year FY Ending 6/30/2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Salary</td>
<td>$215,655</td>
<td>$242,500</td>
</tr>
<tr>
<td>Pay-at-risk</td>
<td>$38,400</td>
<td>0</td>
</tr>
<tr>
<td>Benefits &amp; Retirement</td>
<td>$5,822</td>
<td>$5,822</td>
</tr>
<tr>
<td>Deferred Compensation Match</td>
<td>$10,783</td>
<td>0</td>
</tr>
<tr>
<td>Deferred Compensation</td>
<td>$13,824</td>
<td>$15,545</td>
</tr>
<tr>
<td>Longevity</td>
<td>$6,221</td>
<td>$6,995</td>
</tr>
<tr>
<td>Expense Allowance</td>
<td>$12,149</td>
<td>$12,149</td>
</tr>
<tr>
<td>Total Compensation</td>
<td>$302,854</td>
<td>$283,011</td>
</tr>
</tbody>
</table>

Note: The adjustment to the base salary is consistent with the average annual market rate adjustment for County positions (4%) since 2008 when the Manager last received an adjustment to his base salary. This adjustment, when coupled with the elimination of the pay-at-risk element and the elimination of the deferred compensation match, results in a reduction in his total compensation of 6.6% which exceeds that of other County employees.

3) Amend the County Manager’s employment contract to provide for (1) full payment (instead of 50%) payment of his health insurance if he is terminated before December 11, 2011 and (2) continued payment for the health insurance benefits of his spouse until she becomes Medicare eligible without regard to his retirement or termination.

4) That the Chairman be authorized to execute the agreement in accordance with the above stated motion and upon review by the County Attorney.

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

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried 8-0 with Commissioners Bentley, Clarke, Coggdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items to be voted on separately 12, 13, 14, 15, 16, 17, 18, 19, 25, and 26:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held June 1, 2010 and Special Meeting held June 3, 2010.
(8) BUDGET AMENDMENT – LAND USE & ENVIRONMENTAL SERVICES AGENCY (REVENUE INCREASE)

1) Recognize, receive and appropriate $20,600 from N.C Fuel Tax revenue to be used as local matching funds for the National Clean Diesel Fund Grant.

2) Authorize the carry forward of unspent match funds until expended.

(9) BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)

Amend the Health Department Budget to reflect a $13,148 net increase in revenue due to changes in federal and state allocations.

(10) BUDGET AMENDMENT – LAND USE AND ENVIRONMENTAL SERVICES (REVENUE INCREASE)

Recognize, receive and appropriate $305,000 for Land Development and carry forward the unspent balance at June 30, 2010 to FY2011.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in Birkdale Grove Subdivision. A letter of credit was provided on September 22, 2008 by Arterra-Birkdale, LLC for completion of this work. Mecklenburg County found the developer in default of the bond obligation because the work was not completed. The funds received by the County will be used to complete improvements required by the Town of Huntersville subdivision ordinance. Any funds remaining after completion of these improvements (including compensating the County for the staff time and attorney’s expenses) will be returned to Arterra-Birkdale, LLC and its guarantor, First Citizens Bank.

(11) BUDGET AMENDMENT – LAND USE AND ENVIRONMENTAL SERVICES (REVENUE INCREASE)

Recognize, receive, and appropriate Grant to Replace Aging Diesel Engines (GRADE) funding in the amount of $25,130.

(20) UPDATED MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Adopt the Resolution Approving the Updated Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan.

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

(21) STORM WATER FEE – CITY OF CHARLOTTE’S MINOR SYSTEM RATES

Adopt the Resolution Authorizing Increasing the Minor System cost component of the Storm Water Service charges to be levied within the City of Charlotte.

Note: Detached Single Family Properties
- Tier I from $4.21 to $4.50
- Tier II from $6.20 to $6.63

Non-Single Family Properties
- The per acre fee will increase from $103.27 to $110.50
Resolution recorded in full in Minute Book 44-A, Document # __________.

(22) STORM WATER FEE – TOWN OF DAVIDSON’S MINOR SYSTEM RATES

Adopt the Resolution Authorizing Increasing the Minor System cost component of the Storm Water Service charges to be levied within the Town of Davidson.

Note:  Tier I from $1.33 to $4.48  
      Tier II from $1.47 to $4.98  
      Tier III from $1.99 to $6.70  
      Tier IV from $2.51 to $8.45  

The per acre fee for non-single family properties will increase from $24.50 to $82.51

It is anticipated that the new rates will increase revenue by $147,700 per year.

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

(23) HAZARD MITIGATION PROGRAM

1. Accept the “Offer of Sale of Land” from Carol T. Garland of 1812 Shannonhouse Drive (Parcel ID: 099-04-422) for $113,364.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

3. Adopt a Resolution Approving Transfer Of Reusable Building Materials To Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition.

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

(24) CARRY FORWARD OF FUNDS – COMMUNITY SUPPORT SERVICES

Recognize, receive and appropriate $1,830 in donations and carry forward the funds to FY 2011 to support the Homeless Veterans Stand Down event.

(27) HISTORIC LANDMARKS COMMISSION SPECIAL REVENUE FUND

Adopt the Historic Preservation Revolving Special Revenue Fund Ordinance.

Note: The Historic Preservation Revolving Fund Program was established after the 1999 Historic Preservation bond referendum for the purpose of providing funds for the preservation of historic properties. Funds used for this program now consist of proceeds from sales or rentals of properties purchased by the Historic Landmarks Commission (HLC) and donations. This ordinance is being offered to expand the purposes for usage of these funds to include annual operating expenses of the HLC which has historically been funded in part by County revenue. The fund currently has a balance of $4,854,500.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

________________________

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

Commissioner Cogdell left the dais and was away until noted in the minutes.
(12) CARRY FORWARD OF FUNDS – NORTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION – JCPC FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 of funds remaining at June 30, 2010 for the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County JCPC for the Gang of One Program.

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

Commissioner Cogdell returned to the dais.

(13) CARRY FORWARD OF FUNDS – GOVERNOR’S CRIME COMMISSION GRANT AWARD

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 of the unspent grant funds at June 30, 2010 for the Mecklenburg County Criminal Justice Data Warehouse.

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

(14) CARRY FORWARD OF FUNDS – CROSSWINDS AT VERMILLION, LLC

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward of unspent appropriated revenue from FY10 to FY2011.

Note: Funds were received due to the default of a bond obligation for completion of subdivision requirements in Vermillion Phase 4 Map 7. A letter of credit was provided by Crosswinds at Vermillion, LLC for completion of this work on October 5, 2007. The letter of credit was not renewed prior to its expiration date of October 5, 2008. The funds are being used to complete improvements required by the Town of Huntersville subdivision ordinance. Any funds remaining after completion of these improvements (including compensating the County for the staff time and attorney’s expenses) will be returned to Crosswinds at Vermillion, LLC and their guarantor, Wachovia Bank.

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

(15) CARRY FORWARD OF FUNDS – CROSSWINDS PHASE 2 MAP 1

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward of unspent appropriated revenue from FY10 to FY11.

Note: Funds have been received due to the default of a bond obligation for completion of subdivision requirements in Crosswinds Phase 2 Map 1. A letter of credit was provided on March 9, 2005 by Crosswinds Reality, LLC for completion of this work. The letter of credit was not renewed prior to its expiration date of March 9, 2009. The funds will be used to complete improvements required by the Town of Huntersville subdivision ordinance. The County is contracting for the completion of the improvements. Any funds unused by the County to complete the
improvements (including compensating the County for the staff time and attorney’s expenses) will be returned to Crosswinds Realty, LLC and their guarantor, SunTrust Bank.

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

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

(16) APPOINTMENT OF REVIEW OFFICERS

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” to add the name of Julie Millea.

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

Commissioner Leake removed this item for clarification purposes.

(17) MAINTENANCE CONTRACT – PARK AND RECREATION FACILITIES

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate and execute a five-year service contract with Linc Facility Services in the amount of $8,514,003 (maximum) for Park and Recreation facility maintenance.

Commissioner Leake removed this item from Consent for more public awareness and clarification purposes. Matthew Stiene with Real Estate Services addressed this matter.

Commissioner Clarke returned to the dais.

(18) MAINTENANCE CONTRACT – LIBRARY FACILITIES

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate and execute a five-year service contract with The Keith Corporation in the amount of $6,918,212 (maximum) for Library facility maintenance.

Commissioner Leake removed this item from Consent for more public awareness and clarification purposes.

Chairman Roberts asked whether this represented any savings over current year services and staff replied yes about half million in the first year.

Matthew Stiene with Real Estate Services addressed this matter.

(19) MAINTENANCE CONTRACT – WALTON PLAZA

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate and execute a five-year service contract with The Keith Corporation in the amount of $979,323 (maximum) for Walton Plaza facility maintenance.
Commissioner Leake removed this item from Consent for more public awareness and clarification purposes. Matthew Stiene with Real Estate Services addressed this matter.

(25) DONATION – PARK & RECREATION COMMUNITY GARDEN PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate $4,000 donation for expanding the Community Garden in Thomas McAllister Winget Park.

Commissioner Leake removed this item from Consent for more public awareness

(26) HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN – DSS

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the Home and Community Care Block Grant funding plan for FY2011.

Note: Annually, the Services for Adults Division of the Department of Social Services submit for Board approval the Home and Community Care Block Grant funding plan (also referred to as the County Aging Plan). Board approval is required prior to submission to Centralina Council of Governments, the local grant authority. The funding plan involves allocating $3,232,384 for aging services, which includes a County match of $323,225. Funding for the match is included in the Fiscal Year 2011 Services for Adults budget. The following services are provided with this grant: In-Home Aide Services, Transportation Services, Congregate Meals, Home Delivered Meals, Senior Center Operations, Adult Day Care/Day Health, and Legal Services.

STAFF REPORTS AND REQUESTS – NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(28) SELECTION OF NACO VOTING DELEGATE (CHAIRMAN ROBERTS)

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to select Commissioner Leake to serve as the County’s voting delegate for the 2010 National Association of Counties (NACo) Annual Conference to be held July 16-20, 2010 in Reno, Nevada and Commissioner Dunlap as the alternate.

(29) CARRY FORWARD – CONTINGENCY FUNDING FOR VETERANS SERVICES (COMMISSIONER COGDELL)

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to carry forward $50,000 from FY2010 contingency to the FY 2011 Community Support Services Department budget for veterans services.

COMMISSION COMMENTS – General comments were made at this time by various
Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:07 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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-

Commissioners Clarke and Dunlap 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.

(1) STAFF BRIEFINGS - NONE

(2A)(2B) CLOSED SESSION – A) CONSULT WITH ATTORNEY, B) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced that there was no Consult with Attorney matter to be discussed in Closed Session.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session to discuss Personnel Matter.

The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:05 p.m.

Commissioners Clarke and Dunlap were present when the Board came back into Open Session. They entered during Closed Session.
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(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, 15, 16, 17, 18, 19, 25, and 26.

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

- FORMAL SESSION -

Invocation was given by Commissioner Dunlap, 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 - NONE

(2) PUBLIC APPEARANCE

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


(3A) APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

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 reappoint Tommie Blakeney, James Bowers, Dietrich Brown, Eric Little and Bruce Hamlett to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2011. Secondly, that Bruce Hamlett be appointed chairman of the Board of Motor Vehicle Review for the duration of his term.

BUILDING DEVELOPMENT COMMISSION

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 reappoint Harry Sherrill (American Institute of Architects representative) and Jon Morris (Charlotte Chamber of Commerce representative) to the Building Development Commission for a three-year term expiring July 31, 2013.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Travis Haston (National Association of Remodeling Industry representative) to the Building Development Commission to fill an unexpired term expiring November 30, 2012.

He is replacing Trent Haston.

Commissioner James nominated the following persons for appointment consideration to the Building Development Commission for the General Public slot: Rhett Keller and Kevin Silva.
Note: An appointment will occur on July 6, 2010.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Commissioner Cooksey nominated the following persons for appointment consideration to the Criminal Justice Citizen’s Advisory Committee District 4 slot: Renee Barfield, Ezekiel Burns, and D. Franklin Freeman.

Note: An appointment will occur on July 6, 2010.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Michael Middleton (General Public/Well Owner representative) to the Groundwater Advisory Committee for a three-year term expiring July 31, 2013.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and failed 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey and Roberts voting yes and Commissioners Dunlap and Leake voting no, to waive the attendance policy and allow Edwin Sullivan to serve the remainder of his term which expires May 31, 2012.

Note: The above motion failed because it required a unanimous vote.

Commissioner Cogdell nominated Edwin Sullivan for appointment consideration to serve the remainder of his term, which expires May 31, 2012.

An appointment will occur on July 6, 2010.

HOMELESS PREVENTION COMMUNITY BASED BOARD

Commissioner James nominated the following persons for appointment consideration to the Homeless Prevention Community Based Board: Christopher Jackson, Richard McElrath, Annabelle Suddreth, Lori Thomas, and Keith Wilson.

Note: Appointments will occur on July 6, 2010.

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Henry Federal to the Personnel Commission for a three-year term expiring June 30, 2013.

PLANNING COMMISSION

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 reappoint Emma Allen and Lucia Griffith to the Planning Commission for a three-year term expiring June 30, 2013.
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 reappoint Arthur Oudmayer to the Public Arts Commission for a three-year term expiring June 30, 2013.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Hazel West to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2012.

PUBLIC HEARINGS

(4A) TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program for FY2011-2012.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

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

The completed forms will be held on file at the North Carolina Department of Transportation. For further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program for FY2011-2012; and adopt a Certified Statement/Public Transportation Program Resolution for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program for FY2011-2012.
(4B) STREET NAME CHANGE – PORTION OF BELMEADE DRIVE TO OLD BELMEADE DRIVE

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to hear comments on the proposed renaming of a portion of existing Belmeade Drive to Old Belmeade Drive.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the proposed renaming of a portion of existing Belmeade Drive to Old Belmeade Drive and approve the renaming of a portion of existing Belmeade Drive to Old Belmeade Drive.

ADVISORY COMMITTEE REPORTS

(5A) RESOLUTION RESTRUCTURING THE PARK AND RECREATION COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve a revision to the Resolution Restructuring the Park and Recreation Commission, Article II, Section 8 and Article IV, Section 18.

Jim Garges, director of Park and Recreation addressed this matter, prior to the above vote.

Note: As a result of budget reductions for FY11 and to best manage the park system, the Park and Recreation Department will be restructuring the park system into 3 park regions: North; South; and Central. At the May 11, 2010 Park and Recreation Commission (PRC) meeting, the PRC Commissioners were asked to endorse a revision to Article II, Section 8 to modify PRC representation and also revisions to Article IV, Section 18 regarding the advisory councils. The PRC will remain a 13-member board with 3 members representing each of the three regions, 1 member representing the northern towns, 1 member representing the southern towns and 2 at-large members. GIS will define the areas within each region for the purpose of PRC appointment by the BOCC (e.g. north 1, 2 and 3; south 1, 2 and 3; central 1, 2 and 3). A map showing these assignment areas is attached. The citizen advisory councils in each of the regions will combine to create one regional advisory council.

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

MANAGER’S REPORT

(6A) OPERATING BUDGET AND WORK PROGRAM FOR FY 2010-2011

County Manager Jones called on Budget/Management Director Hyong Yi to present the Operating Budget and Work Program for FY 2010-2011.

Director Yi noted the following:
- The budget ordinance reflects actions taken by the Board during the budget workshops. Those actions resulted in a total budget of $1.3 billion with the County budget being $955
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million, an unchanged county tax rate of 83.87 cents and changed law enforcement service district tax rate from 17.88 cents to 20.46 cents.

- Budget Reductions
- Availability of additional funds in the amount of $316,000 as a result of projected interest on delinquent taxes for appropriation in FY2011.

Motion was made by Commissioner Murrey, seconded by Commissioner Leake, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2010-2011 and Work Program as presented with one amendment, that the additional $316,000 available for appropriation in FY 2011 be allocated to Park and Recreation, bringing Park and Recreation’s total budget to $1.5 million.

Substitute Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2010-2011 and Work Program as presented with the following amendments, that the additional $316,000 available for appropriation in FY 2011 be allocated to restore funding to the Charlotte Coalition of Social Justice, The Latin American Coalition, and Community Building Initiative and allocate the remainder of the $316,000 to Park and Recreation.

Note: Commissioner Dunlap said his intent was to restore funding for each of the three outside agencies mentioned to what the County Manager recommended.

Discussion occurred on the substitute motion.

Director Yi noted that the substitute motion would result in $133,600 available to the outside agencies referenced and $182,400 for Park and Recreation.

Finance Director Dena Diorio addressed the projected additional $316,000 resulting from interest on delinquent taxes.

Per a question raised by Commissioner Cogdell, Director Diorio said the projected amount could be increased to $400,000.

Commissioner Cogdell said if the projection could be increased to $400,000, then it’s possible that the outside agencies referenced by Commissioner Dunlap could be funded, as well as Park and Recreation and at the $1.5 million mark as indicated in the original motion.

After discussion of the above motions, both the substitute motion and the original motion were withdrawn.

Chairman Roberts asked the Board to take straw votes with respect to any amendments to the budget as presented.

The consensus was to take straw votes, which do not require a second.

Motion was made by Commissioner Clarke, to increase the projected revenue from interest on delinquent taxes for FY 2011 by $449,600 and appropriate $316,000 of that amount to Park and Recreation, with the remaining $133,600 to be used to restore funding to Community Building Initiative, the Charlotte Coalition of Social Justice, and The Latin American Coalition at the levels in the County Manager’s recommended budget.

It was the consensus of the Board to vote on the revenue portion first.

Motion was made by Commissioner Clarke and failed 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, and Roberts voting no and Commissioners Clarke, Dunlap, and Murrey voting yes, to increase the projected revenue from interest on delinquent taxes for FY 2011 by $449,600.
Motion was made by Commissioner Murrey and failed 6-3 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, and Leake voting no and Commissioners Clarke, Murrey, and Roberts voting yes, to increase the projected revenue from interest on delinquent taxes for FY 2011 by $316,000.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2010-2011 and Work Program as presented which reflects actions taken by the Board during the budget workshops and resulted in a total budget of $1.3 billion with the County budget being $955 million, an unchanged county tax rate of 83.87 cents and changed law enforcement service district tax rate from 17.88 cents to 20.46 cents.

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

(6B) RETIREE BENEFITS POLICY

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve revisions to the benefits section of the County’s Human Resources Policy eliminating retiree health care benefits for employees hired after July 1, 2010.

Note: This policy change will not affect current employees who eventually retire from the County or those who have already retired and are receiving this benefit.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) COMPENSATION COMMITTEE REPORT (CHAIRMAN ROBERTS)

Commissioner Clarke presented the Board’s Compensation Committee’s recommendation for the County Manager’s 2010 Compensation.

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

Commissioner Clarke said the intention was to continue this pay structure going forward and that it would require some amendments to the County Manager’s Employment Agreement. Further, that these amendments will be done at the same time that the County Manager’s employment agreement is restructured to eliminate the Pay-at-risk component that the Board has been using since 2003 or 2004.

Attorney Bethune asked was it the Board’s intent that the County Manager’s Employment Agreement be brought back to the Board or was the Chairman authorized to execute the agreement consistent with the motion. The response was yes with respect to the Chairman being authorized to execute the agreement and was incorporated into the motion.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Board’s Compensation Committee’s recommendation with respect to the County Manager’s 2010 Compensation, which is as follows:

1) To renegotiate the Manager’s contract, eliminate the pay-at-risk component of the Manager’s compensation, and that the base salary for the County Manager position be adjusted for next
fiscal year based on the prevailing market rate for the position for a reduction in his total compensation from the current fiscal year of approximately $20,000 or 6.6%. In the future, the market rate for the County Manager position should be reviewed at the same interval as all other County positions. Any increase in the base salary other than the market adjustments will be based on the Board’s annual evaluation of the Manager’s performance.

2) As part of this year’s restructuring of the County Manager’s employment contract, the Compensation Committee recommends the following changes to his compensation:

<table>
<thead>
<tr>
<th>Element of Manager’s Compensation</th>
<th>Current Year FY ending 6/30/2010</th>
<th>Next Year FY Ending 6/30/2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Salary</td>
<td>$215,655</td>
<td>$242,500</td>
</tr>
<tr>
<td>Pay-at-risk</td>
<td>$38,400</td>
<td>0</td>
</tr>
<tr>
<td>Benefits &amp; Retirement</td>
<td>$5,822</td>
<td>$5,822</td>
</tr>
<tr>
<td>Deferred Compensation Match</td>
<td>$10,783</td>
<td>0</td>
</tr>
<tr>
<td>Deferred Compensation</td>
<td>$13,824</td>
<td>$15,545</td>
</tr>
<tr>
<td>Longevity</td>
<td>$6,221</td>
<td>$6,995</td>
</tr>
<tr>
<td>Expense Allowance</td>
<td>$12,149</td>
<td>$12,149</td>
</tr>
<tr>
<td><strong>Total Compensation</strong></td>
<td><strong>$302,854</strong></td>
<td><strong>$283,011</strong></td>
</tr>
</tbody>
</table>

Note: The adjustment to the base salary is consistent with the average annual market rate adjustment for County positions (4%) since 2008 when the Manager last received an adjustment to his base salary. This adjustment, when coupled with the elimination of the pay-at-risk element and the elimination of the deferred compensation match, results in a reduction in his total compensation of 6.6% which exceeds that of other County employees.

3) Amend the County Manager’s employment contract to provide for (1) full payment (instead of 50%) payment of his health insurance if he is terminated before December 11, 2011 and (2) continued payment for the health insurance benefits of his spouse until she becomes Medicare eligible without regard to his retirement or termination.

4) That the Chairman be authorized to execute the agreement in accordance with the above stated motion and upon review by the County Attorney.

**CONSENT ITEMS**

Motion was made by Commissioner Dunlap, seconded by Commissioner James 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 to be voted on separately: 12, 13, 14, 15, 16, 17, 18, 19, 25, and 26:

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular meeting held June 1, 2010 and Special Meeting held June 3, 2010.
(8) BUDGET AMENDMENT – LAND USE & ENVIRONMENTAL SERVICES AGENCY (REVENUE INCREASE)

1) Recognize, receive and appropriate $20,600 from N.C Fuel Tax revenue to be used as local matching funds for the National Clean Diesel Fund Grant.

2) Authorize the carry forward of unspent match funds until expended.

(9) BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)

Amend the Health Department Budget to reflect a $13,148 net increase in revenue due to changes in federal and state allocations.

(10) BUDGET AMENDMENT – LAND USE AND ENVIRONMENTAL SERVICES (REVENUE INCREASE)

Recognize, receive and appropriate $305,000 for Land Development and carry forward the unspent balance at June 30, 2010 to FY2011.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in Birkdale Grove Subdivision. A letter of credit was provided on September 22, 2008 by Arterra-Birkdale, LLC for completion of this work. Mecklenburg County found the developer in default of the bond obligation because the work was not completed. The funds received by the County will be used to complete improvements required by the Town of Huntersville subdivision ordinance. Any funds remaining after completion of these improvements (including compensating the County for the staff time and attorney’s expenses) will be returned to Arterra-Birkdale, LLC and its guarantor, First Citizens Bank.

(11) BUDGET AMENDMENT – LAND USE AND ENVIRONMENTAL SERVICES (REVENUE INCREASE)

Recognize, receive, and appropriate Grant to Replace Aging Diesel Engines (GRADE) funding in the amount of $25,130.

(20) UPDATED MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Adopt the Resolution Approving the Updated Mecklenburg County Multi-Jurisdictional Hazard Mitigation Plan.

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

(21) STORM WATER FEE – CITY OF CHARLOTTE’S MINOR SYSTEM RATES

Adopt the Resolution Authorizing Increasing the Minor System cost component of the Storm Water Service charges to be levied within the City of Charlotte.

Note: Detached Single Family Properties
- Tier I from $4.21 to $4.50
- Tier II from $6.20 to $6.63

Non-Single Family Properties
- The per acre fee will increase from $103.27 to $110.50
Resolution recorded in full in Minute Book 44-A, Document # ________.

(22) STORM WATER FEE – TOWN OF DAVIDSON’S MINOR SYSTEM RATES

Adopt the Resolution Authorizing Increasing the Minor System cost component of the Storm Water Service charges to be levied within the Town of Davidson.

Note:  Tier I from $1.33 to $4.48
       Tier II from $1.47 to $4.98
       Tier III from $1.99 to $6.70
       Tier IV from $2.51 to $8.45

The per acre fee for non-single family properties will increase from $24.50 to $82.51
It is anticipated that the new rates will increase revenue by $147,700 per year.

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

(23) HAZARD MITIGATION PROGRAM

1. Accept the “Offer of Sale of Land” from Carol T. Garland of 1812 Shannonhouse Drive (Parcel ID: 099-04-422) for $113,364.
2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.
3. Adopt a Resolution Approving Transfer Of Reusable Building Materials To Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition.

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

(24) CARRY FORWARD OF FUNDS – COMMUNITY SUPPORT SERVICES

Recognize, receive and appropriate $1,830 in donations and carry forward the funds to FY 2011 to support the Homeless Veterans Stand Down event.

(27) HISTORIC LANDMARKS COMMISSION SPECIAL REVENUE FUND

Adopt the Historic Preservation Revolving Special Revenue Fund Ordinance.

Note: The Historic Preservation Revolving Fund Program was established after the 1999 Historic Preservation bond referendum for the purpose of providing funds for the preservation of historic properties. Funds used for this program now consist of proceeds from sales or rentals of properties purchased by the Historic Landmarks Commission (HLC) and donations. This ordinance is being offered to expand the purposes for usage of these funds to include annual operating expenses of the HLC which has historically been funded in part by County revenue. The fund currently has a balance of $4,854,500.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Cooksey left the meeting and was absent for the remainder of the meeting.
Commissioner Cogdell left the dais and was away until noted in the minutes.
JUNE 15, 2010

(12) CARRY FORWARD OF FUNDS – NORTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION – JCPC FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 of funds remaining at June 30, 2010 for the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County JCPC for the Gang of One Program.

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

Commissioner Cogdell returned to the dais.

(13) CARRY FORWARD OF FUNDS – GOVERNOR’S CRIME COMMISSION GRANT AWARD

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 of the unspent grant funds at June 30, 2010 for the Mecklenburg County Criminal Justice Data Warehouse.

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

(14) CARRY FORWARD OF FUNDS – CROSSWINDS AT VERMILLION, LLC

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward of unspent appropriated revenue from FY10 to FY2011.

Note: Funds were received due to the default of a bond obligation for completion of subdivision requirements in Vermillion Phase 4 Map 7. A letter of credit was provided by Crosswinds at Vermillion, LLC for completion of this work on October 5, 2007. The letter of credit was not renewed prior to its expiration date of October 5, 2008. The funds are being used to complete improvements required by the Town of Huntersville subdivision ordinance. Any funds remaining after completion of these improvements (including compensating the County for the staff time and attorney’s expenses) will be returned to Crosswinds at Vermillion, LLC and their guarantor, Wachovia Bank.

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

(15) CARRY FORWARD OF FUNDS – CROSSWINDS PHASE 2 MAP 1

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward of unspent appropriated revenue from FY10 to FY11.

Note: Funds have been received due to the default of a bond obligation for completion of subdivision requirements in Crosswinds Phase 2 Map 1. A letter of credit was provided on March 9, 2005 by Crosswinds Reality, LLC for completion of this work. The letter of credit was not renewed prior to its expiration date of March 9, 2009. The funds will be used to complete improvements required by the Town of Huntersville subdivision ordinance. The County is contracting for the completion of the improvements. Any funds unused by the County to complete the improvements (including compensating the County for the staff time and attorney’s expenses) will be returned to Crosswinds Realty, LLC and their guarantor, SunTrust Bank.
Commissioner Leake removed this item from Consent for more public awareness.

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

(16) APPOINTMENT OF REVIEW OFFICERS

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” to add the name of Julie Millea.

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

Commissioner Leake removed this item for clarification purposes.

(17) MAINTENANCE CONTRACT – PARK AND RECREATION FACILITIES

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate and execute a five-year service contract with Linc Facility Services in the amount of $8,514,003 (maximum) for Park and Recreation facility maintenance.

Commissioner Leake removed this item from Consent for more public awareness and clarification purposes. Matthew Stiene with Real Estate Services addressed this matter.

Commissioner Clarke returned to the dais.

(18) MAINTENANCE CONTRACT – LIBRARY FACILITIES

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate and execute a five-year service contract with The Keith Corporation in the amount of $6,918,212 (maximum) for Library facility maintenance.

Commissioner Leake removed this item from Consent for more public awareness and clarification purposes.

Chairman Roberts asked whether this represented any savings over current year services and staff replied yes about half million in the first year.

Matthew Stiene with Real Estate Services addressed this matter.

(19) MAINTENANCE CONTRACT – WALTON PLAZA

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate and execute a five-year service contract with The Keith Corporation in the amount of $979,323 (maximum) for Walton Plaza facility maintenance.

Commissioner Leake removed this item from Consent for more public awareness and
clarification purposes. Matthew Stiene with Real Estate Services addressed this matter.

(25) DONATION – PARK & RECREATION COMMUNITY GARDEN PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate $4,000 donation for expanding the Community Garden in Thomas McAllister Winget Park.

Commissioner Leake removed this item from Consent for more public awareness

(26) HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN – DSS

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the Home and Community Care Block Grant funding plan for FY2011.

Note: Annually, the Services for Adults Division of the Department of Social Services submit for Board approval the Home and Community Care Block Grant funding plan (also referred to as the County Aging Plan). Board approval is required prior to submission to Centralina Council of Governments, the local grant authority. The funding plan involves allocating $3,232,384 for aging services, which includes a County match of $323,225. Funding for the match is included in the Fiscal Year 2011 Services for Adults budget. The following services are provided with this grant: In-Home Aide Services, Transportation Services, Congregate Meals, Home Delivered Meals, Senior Center Operations, Adult Day Care/Day Health, and Legal Services.

STAFF REPORTS AND REQUESTS – NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(28) SELECTION OF NACO VOTING DELEGATE (CHAIRMAN ROBERTS)

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to select Commissioner Leake to serve as the County’s voting delegate for the 2010 National Association of Counties (NACo) Annual Conference to be held July 16-20, 2010 in Reno, Nevada and Commissioner Dunlap as the alternate.

(29) CARRY FORWARD – CONTINGENCY FUNDING FOR VETERANS SERVICES (COMMISSIONER COGDELL)

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to carry forward $50,000 from FY2010 contingency to the FY 2011 Community Support Services Department budget for veterans services.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.
ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:07 p.m.

____________________  ____________________________
Janice S. Paige, Clerk  Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, July 6, 2010.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners 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: Commissioner Karen Bentley

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS – NONE

(2A, B, C) CLOSED SESSION – A) LAND ACQUISITION, B) BUSINESS LOCATION AND EXPANSION AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Property owned by Doral II Limited Partnership, Colonnade Drive, 132 units of Doral Apartments.

Commissioner James left the meeting and was absent until noted in the minutes.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition, B) Business Location and Expansion and C) Consult with Attorney.

The Board went into Closed Session at 5:07 p.m. and came back into Open Session at 6:15 p.m.

Commissioner James was present when the Board came back into Open Session. He entered 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 7, 11, 16, 19, 20, 21, and 23.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Commissioner James gave the invocation, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

Commissioner Clarke was absent when the Formal Session was called to order and until noted in the minutes.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A1) BIG BROTHERS BIG SISTERS BIG DAY AT THE LAKE DAY

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating July 24, 2010 as “Big Brothers Big Sisters Big Day At The Lake Day” in Mecklenburg County.

Note: Big Brothers Big Sisters of Greater Charlotte’s mission is “Helping children in need reach their potential through professionally supported one-to-one mentoring relationships with measurable impact.” Big Brothers Big Sisters of Greater Charlotte was founded in 1972 and is an affiliate of Big Brothers Big Sisters of America. On July 24, 2010 they will hold their annual “Big Day at the Lake Day” on Lake Norman for participating youth, their families and for volunteers.

The proclamation was read by Commissioner Cogdell.

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

AWARDS/RECOGNITION

(1B1) NACO ACHIEVEMENT AWARDS

The Board recognized the following County departments that received NACo Achievement Awards for outstanding programs and services:

- Suicide Prevention – Area Mental Health
- Food Stamp Information System Interface – Information Services & Technology
- Leave of Absence Process – Human Resources
- United Family Service Partnership – Community Support Services
- Electronic Plan Management – Code Enforcement
- Interactive Plan Review – Code Enforcement
- Community Gardens – Park and Recreation
- Naturally Home Schooled – Park and Recreation
- Water Park Halloween – Park and Recreation
- Camp Charity – Park and Recreation

Commissioner Clarke entered the meeting.
Note: The National Association of Counties’ Achievement Award Program is a non-competitive program that recognizes counties for improving the management of and services provided by county government. Since the program’s inception in 1970, the Achievement Award Program has honored hundreds of county government initiatives that have improved service delivery, achieved greater cost efficiency, provided finer customer service and helped to develop a better-trained workforce.

A description of each winning program is on file with the Clerk to the Board.

(2) PUBLIC APPEARANCE

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

William Bailey spoke in opposition of House Bill 1380 (Medical Marijuana Act). Mr. Bailey said N.C. needed a performance bill, which he said would fill budget gaps for the state and each county. Mr. Bailey addressed a proposed new economic performance bill entitled: Manufacturing Marijuana For Personal Use. He said N.C. residents 21 years or older with a Fire Marshal inspection from his or her county, within the boundaries of N.C., could apply for a state license to manufacture marijuana in the privacy of his or her home annually. Mr. Bailey addressed the benefits of his proposed bill.

(3A) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

Note: Prior to the vote below, Commissioner Dunlap addressed the recommendation of the Board’s Ad Hoc Committee on Alcoholic Beverage Control Board Appointments. Commissioner Dunlap was a member of the committee.

A copy of the Committee’s recommendation is on file with the Clerk to the Board.

The vote was taken on the following nominees for appointment to the Alcoholic Beverage Control Board:

Round One

Robert Burroughs       None
Edward Coker          None
David Conway          Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Murrey and Roberts
Harry Lomax           Commissioners Clarke, Cooksey, James and Roberts
Betty Newsam          None
Don Reid               None
Mary Richardson       Commissioners Cogdell, Dunlap, Leake, and Murrey
Lloyd Scher           None

Round Two

Robert Burroughs       None
Edward Coker          None
Harry Lomax           Commissioners Clarke, Cogdell, Cooksey, James, Murrey and Roberts
Chairman Roberts announced the appointment of David Conway and Harry Lomax to the Alcoholic Beverage Control Board for terms that expire on June 30, 2013.

*Mr. Lomax is replacing Mary Richardson. Mr. Conway currently serves on the board.*

**BUILDING DEVELOPMENT COMMISSION**

The vote was taken on the following nominees for appointment to the Building Development Commission:

- Rhett Keller  None
- Kevin Silva  Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

Chairman Roberts announced the appointment of Kevin Silva to the Building Development Commission as a General Public representative for a three-year term expiring July 31, 2013.

*He is replacing Wanda Towler.*

**CRIMINAL JUSTICE CITIZEN'S ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

- Renee Barfield  None
- Ezekiel Burns  Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

D. Franklin Freeman

Chairman Roberts announced the appointment of Ezekiel Burns as the District 4 representative to the Criminal Justice Citizen’s Advisory Committee to fill an unexpired term expiring May 31, 2012.

*He is replacing Shaune Peterson.*

**GROUND WATER ADVISORY COMMITTEE**

The vote was taken on the following nominee for appointment to the Ground Water Advisory Committee:

- Edwin Sullivan  Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

Chairman Roberts announced the appointment of Edwin Sullivan to the Ground Water Advisory Committee as the Industry/Manufacturing representative to fill an unexpired term expiring May 31, 2012.
Mr. Sullivan is completing the remainder of his term.

HOMELESS PREVENTION COMMUNITY BASED BOARD

The vote was taken on the following nominees for appointment to the Homeless Prevention Community Based Board:

**Human Services Representative**

Christopher Jackson  
Annabelle Suddreth  
M. Lori Thomas  
Keith Wilson

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<th>Nominee</th>
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<tr>
<td>Christopher Jackson</td>
<td>None</td>
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<tr>
<td>Annabelle Suddreth</td>
<td>Commissioners Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts</td>
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<tr>
<td>M. Lori Thomas</td>
<td>Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts</td>
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Voting Ceased

Chairman Roberts announced the appointment of Annabelle Suddreth to the Homeless Prevention Community Based Board for a three-year term expiring June 30, 2013 as the Human Services representative and M. Lori Thomas for a two-year term expiring June 30, 2012 as the Education representative.

**Education Representative**

Richard McElrath  
M. Lori Thomas

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<th>Nominee</th>
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<tr>
<td>Richard McElrath</td>
<td>Commissioner Leake</td>
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<tr>
<td>M. Lori Thomas</td>
<td>Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts</td>
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Chairman Roberts announced the appointment of Annabelle Suddreth to the Homeless Prevention Community Based Board for a three-year term expiring June 30, 2013 as the Human Services representative and M. Lori Thomas for a two-year term expiring June 30, 2012 as the Education representative.

(38) NOMINATIONS/APPOINTMENTS

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to 1) reappoint Julie Elliott, Evelyn Hochstat, Joan Kirk to the Adult Care Home Community Advisory Committee for a three-year term expiring June 30, 2013, 2) nominate and appoint Patricia Fletcher to the Adult Care Home Community Advisory Committee for a one-year term expiring July 31, 2011.

*She is replacing Delvenia Crowell.*

**HISTORIC LANDMARKS COMMISSION**

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Paula Lester to the Historic Landmarks Commission for a three-year term expiring July 31, 2013.

**JUVENILE CRIME PREVENTION COUNCIL**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake,
JULY 6, 2010

Murrey and Roberts voting yes, to nominate and appoint Laura Johnson to the Juvenile Crime Prevention Council as the Business representative to fill an unexpired term expiring June 30, 2011.

She is replacing Eric Threatt.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Commissioner Dunlap nominated all applicants for appointment consideration to the Mountain Island Lake Marine Commission: They were Bryan Abernathy, Rhiannon Bowman, Thomas Brasse, Anthony Conant, Robert Keith, Margaret Morgan, and Trip Wheeler.

Note: An appointment will occur on August 3, 2010. Commissioner Dunlap noted for the public’s awareness that there have been some recommended changes that have caused a lot of division in the community where the lake is located. Commissioner Dunlap said the problem the Board had to “deal with” was “when you know the position that these people have already taken on the issue, and you appoint people knowing their position.” Commissioner Dunlap said “it’s as if you’re supporting a particular position.” Commissioner Dunlap said this was something the Board needed to discuss.

Chairman Roberts said at the Board’s Natural Resources Committee meeting held earlier that members of the Mountain Island Lake Marine Commission were present. Chairman Roberts said the Committee would provide an update regarding the report from the Mountain Island Lake Marine Commission at the next regular meeting and prior to voting on the nominees.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Edna Fielder-Sherer, Deborah Miller, Brenda Williams, Peggy McClain, and Judy Smith to the Nursing Home Community Advisory Committee for a three-year term expiring June 30, 2013.

PARK AND RECREATION COMMISSION

Commissioner Leake nominated Sheryl Smith for appointment consideration to the Park and Recreation Commission as a Central Region1 representative.

Chairman Roberts said she’d received a request from the Park and Recreation Commission asking that the Board only nominate applicants at this meeting, in order to give the Park and Recreation Commission an opportunity to review all of the applicants and to subsequently make a recommendation.

Commissioner Cogdell nominated all remaining eligible applicants as follows: Beverly Lawson (Central Region 1), Philip Carey (Northern Town), Douglas Burnett (South Region 1) At-Large Joe Pata, Elaine Powell, and Sheryl Smith; North Region 1 Tracey Matthew and Elaine Powell; North Region 3 Kendel Bryant and Pamela Gordon.

Note: Appointments will occur on August 3, 2010 and/or pending receipt of a recommendation from the Park and Recreation Commission.

Commissioner Cooksey left the meeting and was absent until noted in the minutes.
(3C) CITIZEN’S REVALUATION ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint members to the 2010 Citizens’ Revaluation Advisory Committee as recommended and as follows: Thomas Derham, Linda Cunningham, Barbara Hochstetter, Veronica Barnes, John Byers, David Fuller, and Michael Brown in an advisory capacity.

Note: It is the responsibility of the Committee to:

a. Meet with staff and Property Assessment and Land Records Management to review overall operations.

b. Review the revaluation process.

c. Review appraisal methods.

d. Study statistical reports as to the progress of the 2011 Revaluation

e. Report their conclusions to the Board of County Commissioners and make recommendations.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6B) UPDATE ON STATE BUDGET

County Manager Jones and Assistant to the County Manager Brian Francis gave an update on the State budget. The following was noted:

- The State budget was approved and signed by Governor Beverly Perdue on July 1, 2010.
- The State budget includes some new items that were just included prior to adoption, including the final decision with respect to lottery funds.
- Staff has not had ample time at this point to gather and analyze all of the potential impacts of the State budget on the County’s budget.
- Often the administrative details associated with the State budget are not known until four – eight weeks after its adoption and sometimes longer.

Commissioner Cooksey returned to the dais.

- It’s too soon to make any decision in response to the State budget.
- If, in the future, it’s determined that cuts may need to be made based on the impact of the State budget on the County’s budget, the usual process would be followed. The process includes notifying key partners, such as the Charlotte-Mecklenburg Board of Education, Central Piedmont Community College, the Public Library of Charlotte/Mecklenburg, outside agencies, County departments, and residents served by the County.
- The FY 2011 budget contains $2 million appropriated as contingency for cuts in state funding.

The following was covered by Assistant to the County Manager Francis.

- Changes in lottery funds
  - Per cuts made by the State in lottery funding, for Mecklenburg County it’s a $9 million difference from what the County would have received under the previous general statute and what the budget act appropriates.
JULY 6, 2010

A portion of that cut will go directly to school systems, but it’s not known at this time how those funds will be allocated.

In the County’s budget, less was budgeted then what was statutorily provided and as a result, the lottery net impact is believed to be about $4.1 million in shortfall. These funds were budgeted to pay for Charlotte-Mecklenburg Schools’ debt service. Thus, this is not an area of the budget where spending cuts can be made in order to absorb this. This is a mandatory expense that the County will have to find funding elsewhere for.

Preliminary information on the impact of State budget items on County departments as known to date

What’s known to date is that it looks like the Sheriff’s Office, unlike last year, will not see any negative impacts from the state budget.

Area Mental Health has some potential good news, the $4.5 million in cuts last year has been restored, however, there are cuts in other areas of Area Mental Health that will probably offset that. Staff is still trying to determine the net impact.

$9 million has been allocated for psychiatric beds, which is a statewide number. What that means for Mecklenburg County is not known at this point.

In the Department of Social Services there seems to be a series of small cuts.

In the Health Department there’s concern for funds for immunization for children. Also, environmental health lost $6,000.

If you set aside the lottery funds, the $2 million appropriated as a contingency for state budget cuts will probably be sufficient to cover the various small cuts that staff has seen in the state budget.

The contingency that the State legislature has put in place based on the possibility that federal Medicaid funding will not be extended as they have anticipated came from a variety of areas.

The area of greatest potential impact to the County would be a one percent across the board cut for state agencies, which would equal a statewide cut of $177 million effective January 1, 2011.

Comments

Commissioner Leake requested a copy of Assistant Francis’ comments.

Commissioner Leake asked about the use of lottery funds for teachers. Assistant Francis said the General Assembly has said the lottery funds would go to fund education.

County Manager Jones said per discussions with School Superintendent Dr. Peter Gorman, the school system is in the “same situation” as the County. They are attempting to analyze the impact of the reductions and analyze how much of the lottery funds they might receive.

County Manager Jones said the County can’t draw the conclusion that because the County loses $4.1 million that there’s a corresponding amount of $4.1 million that will go to CMS. He explained that the funds are placed in a pool and allocated throughout the state. Thus, the impact of the lottery funds on CMS is unknown at this point.

Commissioner Leake said it was her understanding the General Assembly was setting aside monies for Mecklenburg County that would retain teachers and lower class sizes.

Commissioner Leake asked about stimulus money. Assistant Francis said there was a lot of stimulus money in the state’s budget.
Commissioner Leake asked was stimulus money to be allocated for education. Assistant Francis said it’s allocated across the budget. He said a big part of it is for Temporary Assistance for Needed Families (TANF).

Commissioner James said he wanted to make sure Dr. Gorman and others understand there’s an “asterisk” next to the amount the County provided to them two weeks ago with the adoption of the County’s budget.

Commissioner James asked had Dr. Gorman been informed that it may be September before he knows an answer.

County Manager Jones said he spoke with Dr. Gorman and Dr. Gorman indicated to him that he understands there’s the “possibility” of further funding reductions to CMS.

Commissioner Clarke said the Board of Education needed a clear contingency plan if the County is unable to absorb the full impact of the state budget cuts. Commissioner Clarke asked County Manager Jones to mention this to Dr. Gorman.

Commissioner Clarke asked was the change in the lottery funds by the General Assembly for one year only. Assistant Francis said technically this was a one year change because there was not a change made in the general statute. Assistant Francis said there have been times, however, when special provisions within the state budget, such as this, tend to be there “year after year.”

Chairman Roberts said it may be good to discuss the Board’s federal legislative agenda sooner rather than later, as suggested by Commissioner Clarke, particularly of interest in legislation impacting Medicaid and unemployment benefits.

Commissioner Cogdell asked Assistant Francis to get information from the North Carolina Association of County Commissioners on the impact of the change in the appropriations formula on the various counties within the state.

Commissioner Leake asked that the Board be informed of communications between the County Manager and Superintendent Dr. Gorman, so that the Board will know what the status is with respect to CMS funding. Commissioner Leake said this was needed in light of the Board’s summer meeting schedule. She said the Board needed to be kept up to date in between meetings. Commissioner Leake asked that this request be reflected in the minutes.

Commissioner Clarke asked what was the projected increase in the state’s sales tax collections. Assistant Francis said it’s his understanding the state was projecting an increase, but it’s less than the increase originally projected last year.

Note: The above is not inclusive of every comment but is a summary.

(6A) LIBRARY FUNDING

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to direct the County Manager to negotiate and execute agreements with the towns of Cornelius and Mint Hill and the City of Charlotte considering their financial contribution to the Charlotte-Mecklenburg Public Library as outlined in the information provided by staff.

A copy of the information outlined is on file with the Clerk to the Board.
Commissioner Dunlap addressed having the quarter-cent sales tax or a designated fund for the library. Commissioner Dunlap said it was his understanding the Board has to tentatively approve whether to take this question to the voters in the form of the referendum in November.

County Attorney Bethune said tonight was not the Board’s final opportunity to consider this matter.

Commissioner Dunlap requested this matter (quarter-cent sales tax) be placed on the August 3, 2010 agenda.

Attorney Bethune asked Commissioner Dunlap to share with him his proposal for presenting this matter to the voters, so he could make sure any restrictions he may be considering were ones authorized by statute in terms of limiting the use of the funds.

Chairman Roberts said she thinks it has to be for general county purposes.

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

(2A1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to:

1. Accept the “Agreement of Purchase and Sale of Real Estate” from Doral II Limited Partnership, owner of 132 units of the Doral Apartments (Tax Parcel 159-01-145) for $3,137,890.

2. Adopt a resolution of intent to exchange personal property (fixtures and equipment) in the apartment complex to be acquired from the Doral II Limited Partnership for permanent and temporary easements.

3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

4. Adopt a Resolution Approving Transfer of Reusable Building Materials to Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition.

Resolutions recorded in full in Minute Book 45-A, Documents # 1 and # 2.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 7, 11, 16, 19, 20, 21, and 23 to be voted upon separately:

(8) INSURANCE REIMBURSEMENTS
Recognize, receive and appropriate insurance reimbursement funds in the amount of $34,871 for Real Estate Services and $1,438 for Area Mental Health.

Note: The County received insurance money based on claims for stolen and damaged items in the departments identified.

(9) TAX REFUNDS

Approve tax refunds in the amount of $12,417.37 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) GRANT APPLICATION – HEALTH DEPARTMENT

Approve the submission of a grant application for $140,000 to fund a contract social worker for the Community Alternatives Program CAP/DA Program for a two-year period from the Sisters of Mercy Foundation effective January 1, 2011 and; if awarded, recognize, receive and appropriate such funds.

(12) CONSERVATION RESTRICTIONS ON COUNTY PROPERTY

Authorize the County Manager to execute Conservation Declarations on the following County properties for stream restoration projects funded by NC Clean Water Management Trust Fund along Little Sugar Creek:

(a) Between Elizabeth Avenue and E. 4th Street: Tax Parcels 125-09-601 & 125-09-501
(b) Between E. 3rd Street and Charlottetowne Avenue: Tax Parcel 125-09-306
(c) Between Charlottetowne Avenue and the former Baxter Street: Tax Parcel 125-22-704

(13) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Vera E. Johnson of 1806 Shannonhouse Drive (Parcel ID: 099-08-423) for $76,155.75.
2. Accept the “Offer of Sale of Land” from Christina G. Castellanos of 1750 Shannonhouse Drive (Parcel ID: 099-08-425) for $108,000.00.
3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

(14) APPOINTMENT OF REVIEW OFFICERS

Amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” to add the name of Lauren Blackburn and delete the names of Kris J. Krider and Nick Polimeni.

Resolution recorded in full in Minute Book 45-A, Document # 3.

(15) HOLBROOKS ROAD LANDFILL BUFFER ACQUISITION
Approve the purchase of a 275-foot wide strip of land (+/- 7.37 acres) from Tax Parcel 019-371-02 on Holbrooks Road for $15,000 per acre from The Sherrill’s Group, LLC.

*Note: The additional acreage would enhance the County’s goal of creating a buffer against development along the western border of the Holbrooks Road Landfill.*

(17) DESTRUCTION OF DOCUMENTS – DEPARTMENT OF SOCIAL SERVICES

Approve the destruction of copies of fiscal and time sheet records by the Department of Social Services in accordance with State requirement and applicable County policy.

(18) OFFICE SUPPLIES CONTRACT

Approve a unit price contract to Office Depot for providing office supplies to all departments for a term of three years with the option to renew up to two additional one-year terms. The annual expenditures are estimated to be $800,000.

(22) BUDGET AMENDMENT – LIBRARY (REVENUE INCREASE)

Recognize, receive and appropriate $700,000 from funds provided by the City of Charlotte for Library operations.

*Note: The City of Charlotte has agreed to provide up to $1,400,000 to support Library operations in Fiscal Year 2011. The funds will be disbursed in the same manner as the funds in the County’s restricted contingency. The first half is available immediately and the second half will be appropriated if the County agrees to release its remaining funding.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(7) APPROVAL OF MINUTES

Chairman Roberts removed this item from Consent to request an addition to the minutes of June 15, 2010. The addition was to add the following statement to Item (18) Maintenance Contract – Library Facilities as a notation: Chairman Roberts asked whether this represented any savings over current year services and staff replied yes, about half million in the first year.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend the minutes of June 15, 2010 as suggested by Chairman Roberts, which was to add the following statement to Item (18) Maintenance Contract – Library Facilities as a notation: Chairman Roberts asked whether this represented any savings over current year services and staff replied yes about half million in the first year.

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve minutes of Regular meeting held June 15, 2010 as amended and Closed Session held, June 1, 2010.

**Commissioner Dunlap left the dais and was away until noted in the minutes.**
(11) BUDGET AMENDMENT – REVENUE INCREASE (IST)

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 6-0 with Commissioners Clarke, Cooksey, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to enter into agreements with the City of Charlotte for temporary use of Mecklenburg County employees to work on City technology projects for an initial term of one year, and to recognize, receive and appropriate $226,555 in revenue from the City of Charlotte for IT project management and application development services.

Commissioner Leake removed this item from Consent for more clarification. County Manager Jones explained how the contractual arrangement would work.

(16) PURCHASE OF EXTERIOR LIGHT FIXTURES – LITTLE SUGAR CREEK GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Clarke, Cooksey, James, Leake, Murrey, and Roberts voting yes, to approve a contract in the amount of $265,583 to Graybar, Inc. for the purchase of exterior light fixtures for the Little Sugar Creek Greenway project.

Commissioner Leake removed this item from Consent for clarification regarding the bidding process. County Attorney Bethune explained how the “U.S. Communities Contract” process worked.

Commissioner James left the meeting and was absent until noted in the minutes.

(19) PLAYGROUND EQUIPMENT CONTRACTS

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 5-0 with Commissioners Clarke, Cooksey, Leake, Murrey, and Roberts voting yes, to approve contracts for providing park and playground equipment, surfacing, site furnishings and related products and services for a term of five years with the option to renew up to two additional one-year terms to the following companies: Gametime, Inc., Fort Payne, AL; KOMPAN Tacoma, WA; Miracle Recreation, Monnet, MO; Playland, Inc., Carrolton, GA.

Commissioner Leake removed this item from Consent for clarity regarding the award of the contract to companies outside of Mecklenburg County. Karen Ruppe with Procurement Services said no companies within the County submitted a bid. Ms. Ruppe said Miracle Recreation and Playland do have facilities in N.C. The locations shown represent where these companies are headquartered.

Commissioners James and Dunlap returned to the dais.

(20) BODY ARMOR CONTRACT – SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve a unit price contract with Lawmen’s Safety Supply, Inc. for providing Safariland Body Armor based on available Special Revenue funding to the Mecklenburg County Sheriff’s Office (MCSO) for a term of two (2) years and authorize the County Manager to renew with possible price adjustments for three (3) additional one-year terms.

Commissioner Leake removed this item from Consent for clarity regarding the award of the contract to a company outside of Mecklenburg County. County Manager Jones said the
contractor’s headquarters was in Raleigh, N.C. and that they have an office in Charlotte.

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

(21) TRAIL OF HISTORY CONTRACT FOR ART DONATION

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve and authorize the County Manager to execute a contract with the Trail of History, Inc. for Placement of Art on Little Sugar Creek Greenway to Celebrate and Remember the History of Charlotte-Mecklenburg.

Note: The Trail of History, Inc. (TOH) seeks to preserve the history of Mecklenburg County by gifting to the County 21 figurative bronze sculptures or similar artworks representing people who had significant impact on the development of Mecklenburg County. The first artwork, a bronze representation of Captain James Jack riding his horse with the May 20, 1775 Mecklenburg Declaration of Independence to the Continental Congress in Philadelphia, has already been accepted as a gift by the BOCC and will be part of the Trail of History. TOH will fund all artworks, their installation and a maintenance endowment to be managed by Park and Recreation. The Maintenance Endowment Fund has been designed to cover maintenance cost of the Artworks, however, should the Maintenance Endowment Fund be exhausted, the County will incur this cost and perform the on-going maintenance of the Artworks. TOH seeks to donate all 21 artworks to Mecklenburg County. Park and Recreation has designed Little Sugar Creek Greenway between East 7th Street and Morehead Street and has accounted for the placement of the artwork as part of that design. In addition to the artworks, there will be associated literature, website and on-site interpretation to tell the story of the Trail of History and share the individuals’ stories. TOH will coordinate with Park and Recreation for final placement, design, installation and maintenance requirements.

Commissioner Leake removed this item from Consent for clarity regarding the use of local artists and their works in this process. County Manager Jones explained how this particular donation would be handled.

Commissioner Leake asked would the endowment amount set aside for maintenance cover the entire maintenance cost or would the County have to contribute. *The response was that staff would get answer.*

*Agreement recorded in full in Minute Book 45-A, Document # 4.*

*Commissioner Murrey returned to the dais.*

(23) PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN

Commissioner Leake removed this item from Consent.

Chairman Roberts said local artists need to be encouraged, supported and nurtured.

Chairman Roberts requested information on how many of the artists listed in the work plan were local, out of state, and out of the country. She also wants the Public Art Commission and the Arts and Science Council to assure the Board that they were continuing to try and seek more local artists and artists representative of the community.

Commissioner Leake removed this item from Consent to express concern for authorizing the
JULY 6, 2010

County Manager to negotiate and execute an agreement for the administration of the Public Art Program for Mecklenburg County, when he serves on the Arts and Science Council.

Note: County Manager Jones serves as an ex-officio member.

Commissioner Leake said she thought this was a conflict of interest on the County Manager’s part.

Commissioner Clarke asked Attorney Bethune if he thought this was a conflict of interest for the County Manager. Attorney Bethune said yes.

Attorney Bethune said it’s not illegal, but it was a conflict of interest if you look at the conflict of interest principles. Attorney Bethune said the County Manager was “basically negotiating with himself.”

Commissioner Clarke asked how then, could it be negotiated. Attorney Bethune said the Board could authorize the Chairman to negotiate it and bring it back to the Board for approval.

Commissioner Murrey asked County Manager Jones if he was a non-voting ex-officio member. County Manager Jones said he does not vote.

County Attorney Bethune said it would still be a conflict because the County Manager participates in discussions.

Commissioner James questioned why the Buy American policy wouldn’t apply to the purchase of art. He’d like to see it apply. Commissioner James said he’d like to send the matter back to the Arts and Science Council for them to take another look at it to see can’t they find American artists.

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and carried 6-1 with Commissioners Clarke, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioner James voting no, to:

1) Authorize the County Attorney and the Chairman of the Board to negotiate and execute an Agreement for the administration of the Public Art Program for Mecklenburg County.

2) Receive and approve the ASC Public Art Work Plan-FY2011 for Mecklenburg County.

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

STAFF REPORTS AND REQUESTS

(24) BUSINESS INVESTMENT PROGRAM GRANT: CITCO FUND SERVICES

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-1 with Commissioners Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes and Commissioner James voting no, to approve a resolution authorizing the County Manager to negotiate and execute a contract for a Business Investment Program grant to Citco Fund Services for a total estimated amount of $63,406.

Note: This project entails the opening of a new office by Citco Fund Services, a hedge fund administrator with more than 20 offices around the world, including in North America, the Caribbean, Europe and Asia and Australia. Citco offers a complete range of accounting, investor relations, shareholder and corporate services to hedge funds and other collective investment funds. The project will include a capital investment of approximately $3 million beginning in 2010. The
investment will be in building improvements and new business personal property. It will create 144 new jobs over the first 3 years with a projected average annual salary of approximately $79,000. The County’s grant is equal to 90% of the taxes that will be paid by Citco over 3 years and will be subject to the County’s standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis shows a present value of net benefits to the County of $454,086 over 6 years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

John Allen, Economic Development Director addressed this matter.

Resolution recorded in full in Minute Book 45-A, Document # 5.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Murrey, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:24 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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, August 3, 2010.

ATTENDANCE

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

Absent:
- Commissioners Neil Cooksey and Bill James

- INFORMAL SESSION -

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

(1) STAFF BRIEFINGS - NONE

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

Commissioner Murrey left the meeting and was absent until noted in the minutes.

Prior to going into Closed Session, Attorney Bethune announced there was no Land Acquisition or Consult with Attorney matter to be discussed in Closed Session.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to go into Closed Session for the following purposes:  A) Business Location and Expansion and B) To prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a)(1).

The Board went into Closed Session at 5:27 p.m. and came back into Open Session at 6:08 p.m.

Commissioner Murrey was present when the Board came back into Open Session. He returned to the meeting during Closed Session.
REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 14, 15, 17, 22, and 25.

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

-FORMAL SESSION-

Commissioner Bentley gave the invocation, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

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

PROCLAMATIONS AND AWARDS

(1A1) AGING & DISABILITIES COMMUNITY RESOURCE CONNECTIONS LAUNCH DAY

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating August 6, 2010 as “Aging & Disabilities Community Resource Connections Launch Day” in Charlotte-Mecklenburg County.

Note: The Aging & Disabilities Community Resource Connection (A&D CRC) is part of a national initiative to encourage service providers to work together to better serve older adults and people with disabilities. The mission of the A&D CRC serving Mecklenburg County is to be the consumer-centered network providing easy access to aging and disability information and services in Charlotte-Mecklenburg.

The proclamation was read by Commissioner Murrey and received by Debora Sparks, Executive Director Council on Aging, Julia Sain, Executive Director of Disabilities Rights and Resources, Gayla Woody with the Centralina Area Agency on Aging and Sue Hancharik with the Department of Social Services.

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

(1A2) WOMEN’S EQUALITY DAY

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating August 26, 2010 as Women’s Equality Day.

Note: The Board of County Commissioners recognizes Women’s Equality Day to raise awareness of progress in addressing issues impacting women. The Women’s Advisory Board will host a Women’s Equality Day event on Monday, August 23, 2010.

The proclamation was read by Commissioner Leake and received by Angelia Fryer, Chair of the Women’s Advisory Board. She was accompanied at the podium by other members of the advisory board and support staff.

A copy of the proclamation is on file with the Clerk to the Board.
Commissioner Clarke returned to the meeting.

(2) PUBLIC APPEARANCE

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

Dan Morrill, Executive Director of the Historic Landmarks Commission addressed the receipt of a 2010 Historic Preservation Fund Grant Award to the Historic Landmarks Commission to conduct a national register nomination study for the Town of Pineville. He said the Town of Pineville would be putting up $12,000 for the study and the federal government $10,000.

Dumon Carter, President and Founder of Charlotte Purple Steppers Club addressed the benefits of dancing for health and wellness purposes. He was joined at the podium by Ron Chambers. Other members of the Charlotte Purple Steppers Club were present. A dance demonstration was given.

Note: Commissioner Dunlap introduced Mr. Carter. He also addressed the benefits of dancing for health and wellness. The form of dancing addressed was Urban Style Ballroom dancing and Chicago Style Stepping.

(30) MT. ISLAND LAKE MARINE COMMISSION’S LAKE MANAGEMENT PLAN (CHAIRMAN ROBERTS)

Chairman Roberts gave an update on the Mt. Island Lake Marine Commission’s proposed Lake Management Plan. The following was noted:

On July 6, the Mt. Island Lake Marine Commission presented its proposed lake management plan to the Board’s Natural Resources Committee. The intent is to enact regulations applicable to Mt. Island Lake that would:

- Provide a safe recreational experience for the public
- Protect water quality in the water supply for the cities of Charlotte, Gastonia and Mt. Holly
- Limit the shoreline erosion caused by motor vessels
- Provide for the purchase and maintenance of safety equipment to guide the public in use of the lake
- Protect the unique natural environment of the lake
- Increase the diversity of the recreational uses of the lake
- Provide a census of lake use by motorized vessels

Chairman Roberts reviewed several sections of the draft.

Chairman Roberts said the management plan had not been approved by the Mt. Island Lake Marine Commission to date. Chairman Roberts said it was her understanding that the plan would be taken back to the public and that the Marine Commission was going to form task forces to address specific areas of concern.

Chairman Roberts said the Marine Commission vacancy to be filled was the seat of former member Alice Battle. Chairman Roberts said in response to questions raised regarding Ms. Battle’s reappointment to her last term, that she was reappointed in 2008 for a third term, per the Board’s waiver of its rule with respect to term limitations. Chairman Roberts said the Board waived its rule because of Ms. Battle’s involvement with developing the management plan.

Chairman Roberts said the Board was not aware at that time that a third term was prohibited.
under state regulations regarding the Marine Commission. Chairman Roberts clarified, however, that anything Ms. Battle voted on or any actions taken as a Marine Commissioner was valid because a replacement had not been selected.

(3A) APPOINTMENTS

MOUNTAIN ISLAND LAKE MARINE COMMISSION

The vote was taken on the following nominees for appointment to the Mountain Island Lake Marine Commission:

Bryan Abernathy                None
Rhiannon Bowman               None
Thomas Brasse                 Commissioner Clarke
Anthony Conant                None
Robert Keith                  None
Margaret Morgan               Commissioners Bentley, Cogdell, Dunlap, Leake, Murrey, and Roberts
                                Voting Ceased
Trip Wheeler

Chairman Roberts announced the appointment of Margaret Morgan to the Mountain Island Lake Marine Commission to fill an unexpired term expiring September 30, 2011.

*Note: She is replacing Alice Battle.*

PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

CENTRAL REGION 1

Round One

Beverly Lawson                Commissioners Clarke, Cogdell, Murrey, and Roberts
Sheryl Smith                  Commissioners Bentley, Dunlap, and Leake

Round Two

Beverly Lawson                Commissioners Clarke, Cogdell, Murrey, and Roberts
Sheryl Smith                  Commissioners Bentley, Dunlap, and Leake
                                Voting Ceased

Chairman Roberts said the appointment of a Central Region 1 representative to the Park and Recreation Commission would be carried over to the next meeting, since a majority vote for either nominee could not be reached.

AT-LARGE

Joe Pata                      Commissioners Bentley, Clarke, Dunlap, Murrey, and Roberts
                                Voting Ceased
Chairman Roberts announced the appointment of Joe Pata to the Park and Recreation Commission as an At-Large representative for a three-year term expiring June 30, 2013.

*Note: He is replacing Scott McClure.*

### NORTHERN TOWN

Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Philip Carey to the Park and Recreation Commission as the Northern Town representative for a three-year term expiring June 30, 2013.

*Note: He is replacing David Morgan.*

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Leake, Murrey, and Roberts voting yes and Commissioner Dunlap voting no, to defer appointments to the Park and Recreation Commission for North Region 1, North Region 3, and South Region 1 until September, as requested by the Park and Recreation Commission.

*Note: The Park and Recreation Commission would like to offer recommendations for the remaining vacancies. The Park and Recreation Commission will not meet until August 10, 2010.*

### (3B) NOMINATIONS/APPOINTMENTS

#### AIR QUALITY COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Keith Long and William Nash to the Air Quality Commission for a three-year term expiring August 31, 2013.

Commissioner Bentley nominated the following persons for appointment consideration to the Air Quality Commission: Terry Lansdell and Curtis Watkins.

*Note: An appointment will occur on September 8, 2010.*

#### BICYCLE COMMITTEE

Commissioner Bentley nominated the following persons for appointment consideration to the Bicycle Committee: John Arciero, Thomas Crespo, Terry Lansdell, and Jane Wasilewski.

*Note: An appointment will occur on September 8, 2010.*
AUGUST 3, 2010

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to nominate and appoint John Kral to the Board of Motor Vehicle Review to fill a term expiring July 18, 2011.

*He is replacing James Bowers.*

CHARLOTTE MECKLENBURG COALITION FOR HOUSING

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to nominate and appoint Frank Cantrell to the Charlotte Mecklenburg Coalition For Housing as the Public Safety/Law Enforcement representative for a one-year term expiring June 30, 2011.

CHARLOTTE MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Andy Silver to the Charlotte Mecklenburg Community Relations Committee for a three-year term expiring September 1, 2013.

CMUD ADVISORY COMMITTEE

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to nominate and appoint Ron Charbonneau to the CMUD Advisory Committee for a three-year term expiring August 31, 2013.

*He is replacing Keva Walton.*

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Commissioner Leake nominated the following persons for appointment consideration to the Information Services and Technology Committee: Edward Deason and Tomeko Smith.

*Note: An appointment will occur on September 8, 2010.*

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Maryanne Dailey to the Nursing Home Community Advisory Committee for a three-year term expiring September 30, 2013.

(3C) TOWN OF MINT HILL PLANNING BOARD
Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Tom Gatz to the Mint Hill Planning Board as an Extraterritorial Jurisdiction Member (ETJ) as recommended by the Town of Mint Hill Board of Commissioners for a two-year term expiring June 30, 2012.

PUBLIC HEARINGS

(4A) PROVIDENCE DAY SCHOOL TEFRA HEARING

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to open TEFRA public hearing and receive comments on the proposed financing.

The Chairman held the public hearing described below and introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED $20,000,000 OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PIMA, ARIZONA REFUNDING AND REVENUE BONDS (PROVIDENCE DAY SCHOOL PROJECT) SERIES 2010

WHEREAS, at 7:47 P.M., the Chairman announced that the Board of Commissioners (the “Board”) would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by The Industrial Development Authority of the County of Pima, Arizona (the “Authority”) of not exceeding $20,000,000 of its Refunding and Revenue Bonds (Providence Day School Project) Series 2010 (the “Bonds”);

WHEREAS, the Authority will loan the proceeds of the Bonds to Providence Day School, Inc. (the “School”). The School will use the proceeds of its loan from the Authority for the purpose of (i) financing and refinancing the costs of acquiring, constructing, improving and equipping of private school facilities located at 5624 Sardis Road, 5800 Sardis Road, 5924 Sardis Road and 411 Glen Oaks Road, Charlotte, North Carolina, all of which will be owned and operated by the School; (ii) funding certain reserve funds; and (iii) paying issuance expenses related to the Bonds;

WHEREAS, on July 20, 2010, a notice of public hearing was published in The Charlotte Observer, setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things;

WHEREAS, the names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the Bonds or who responded in writing to the notice of public hearing are as follows: [None.]

WHEREAS, the Chairman of the Board inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing. The Chairman of the Board determined that no other persons who wished to speak at the public hearing were found; and

WHEREAS, the purpose of the above-described public hearing and this resolution is to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), in order to qualify the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code; and
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF MECKLENBURG, NORTH CAROLINA:

Section 1. For the sole purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code, we hereby approve the facilities described in the notice of public hearing to be financed or refinanced with the proceeds of the Bonds and the issuance of the Bonds, provided that in no event shall Mecklenburg County, the State of North Carolina or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of Mecklenburg County, the State of North Carolina or any political subdivision thereof.

Section 2. This resolution shall take effect immediately upon its passage.

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley to close the public hearing and adopt the RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED $20,000,000 OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF PIMA, ARIZONA REFUNDING AND REVENUE BONDS (PROVIDENCE DAY SCHOOL PROJECT) SERIES 2010. The motion was adopted by the following vote:

AYES: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Vilma Leake, Daniel Murrey and Jennifer Roberts

NAYS: None

Extract/Resolution recorded in full in Minute Book 45-A, Document # _____.

(5A) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) REPORT ON STATE LEGISLATIVE AGENDA

The Board received a report on the State Legislative Agenda from Brian Francis, Assistant to the County Manager. The following was addressed:

Mecklenburg County
2010 State Legislative Agenda

Specific Bill Requests

1. Expand the membership of the Board of Equalization and Review to 15 members and make other changes to make the property tax appeal process more efficient. Ineligible due to objection of Representative Mackey (It was noted that it takes the unanimous support of the entire Mecklenburg Delegation in order for local legislation to get out of committee.) (Commissioner Clarke said he was concerned that this request did not get through, in light of next year being a revaluation year. He asked what Representative Mackey’s objection was. Assistant Francis said Representative Mackey objected because the language did not specify 15 members, although a specific number was not required. Further, that even after informing Representative Mackey that it could be changed to specify 15, he still objected. Commissioner Clarke asked would there be time to reconsider this and get it in for the long session in time for next year’s revaluation. The response was it would probably have to be approved by the Board’s second meeting in March 2011 in order to make appointments. Also, that it may be possible to get it passed through the legislature prior to March. Commissioner Clarke said passage of this request should be a priority.)
2. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment. **Ineligible due to objection of Representative Mackey** (Chairman Roberts asked if this would have applied to the City of Charlotte and the County. The response was the City of Charlotte has this authority already. Chairman Roberts asked were there other opportunities for the County to do this. The response was that it could be on the next legislative agenda if that’s the Board’s desire. Also, another option would be to consider putting it on the North Carolina Association of County Commissioners’ statewide legislative agenda, rather than pursuing it as a local bill. Chairman Roberts said she would urge the Board to pursue this as statewide legislation.)

3. Restore Charlotte Mecklenburg Library’s status as an entity that is eligible to receive state sales tax refunds. **Passed.**

4. Allow Mecklenburg County to maintain local EMS protocols which reflect the best practices in emergency medical care. **Ongoing negotiations with DHHS for an administrative solution.** (Commissioner Bentley asked what the obstacle was. The response was that there were several. Examples were given.)

5. Restore State-Aid to Counties for Departments of Social Services. **Not included in budget.**

6. Restore Funding cuts to Area Mental Health and reform the distribution formula for Mental Health funds. **$40 million restored statewide in budget.** (Commissioner Cogdell asked was any progress made as far as discussion of the distribution formula for Area Mental Health. The response was no.)

7. Restore per diem payment for state prisoners housed in county jails. **Not restored.**

8. Allow Mecklenburg County to publish names of delinquent taxpayers on its website in lieu of purchasing a newspaper advertisement. **Constitutional requirements dictate this be done as a public bill, therefore this item was ineligible during the short session.**

9. Support legislation that provides incentives to local governments that develop Regional Planning Organizations. **North Carolina Sustainable Communities Task Force and Fund created as part of budget.**

10. Unfreeze magistrate positions to allow for the hiring of a magistrate in North Mecklenburg. **As there is currently an open and unfilled magistrate position in Mecklenburg County, this item was not necessary.** (Chairman Roberts asked was staff working with the Courts to get this position filled. The response was yes. Staff expects a status report soon from the Clerk of Court.) (Commissioner Cogdell said another issue related to this that the Board needed to consider, moving into the next legislative session, was a request asking that the process for appointing magistrates be streamlined. Commissioner Cogdell said the way the current process worked was that the Clerk of Court nominates an applicant for this position, which could sit indefinitely until the Chief Resident Superior Court Judge appoints the nominee. The matter then goes to the Chief District Court Judge who would supervise the Magistrate position. Commissioner Cogdell said at least three, definitely two, individuals have to come to an agreement on the appointee. Commissioner Cogdell said it was his understanding that this has been a problem in the past. Commissioner Cogdell said it was his understanding, also, that there’s no timeline associated with the current process.)

11. Restore funding for NCADAP (North Carolina AIDS Drug Assistance Program) **Funding restored as part of budget.** (Commissioner Leake requested information on how much was included in the budget for this purpose and where were the funds allocated to go.)
AUGUST 3, 2010

12. Support the request of the Charlotte Mecklenburg Board of Education for local flexibility regarding staff spending and the school calendar. **Modified flexibility granted as part of budget.** *(Commissioner Leake asked for more clarification, which was given.)*

General Policy Positions
1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

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

Assistant to the County Manager Francis noted the following with respect to the new Alcoholic Beverage Control Board (ABC Board) legislation.

- It puts in place fiscal controls similar to those local governments operate under. As an example, prior to this reform, Alcoholic Beverage Control Boards were not required to adopt a budget, even though the Mecklenburg County ABC Board has always done this.
- ABC Boards must provide to their appointing authority an annual audit.
- Local ABC Board members must now be bonded for $50,000. It was $5,000.
- Except for the bonding requirement, all changes are effective for the FY12 budget year.
- It sets ABC Board member compensation at $150 per meeting, unless the appointing authority sets a different amount.
- It sets the general manager’s salary at the level of the clerk of court’s salary unless a greater amount is approved. This applies only to general managers hired after October 1, 2010.
- It creates new ethics regulations around nepotism and conflict of interest.
- It clarifies the procedures for removing an ABC Board member and the reasons for which a board member may be removed.

*Commissioner Leake asked for clarification regarding compensation, which was addressed. She also requested a copy of Assistant Francis’ remarks with respect to the ABC Board.*

*Commissioner Leake asked if the new legislation addressed guidelines for the selection of members. *Assistant Francis said not that he recalled.***

*Assistant Francis said he would provide the Board with a copy of a bill summary that was done by the School of Government and a copy of the full bill.*

Assistant Francis then addressed the bill concerning the use of 911 funds and also a bill concerning government ethics, specifically, local government ethics.

*Commissioner Clarke asked was this the only briefing the Board would receive regarding the new ABC Board legislation. *County Manager Jones said staff could arrange for another briefing if that was the Board’s desire.*

Commissioner Clarke said it would be beneficial since the Board would be asked to take action, per some of the changes regarding ABC Boards. Commissioner Clarke said the Board should defer filling the current vacancy on the ABC Board until after the Board made whatever decisions it needed to, as it relates to the new legislation. Thus, the person appointed would know exactly what’s required of them. Also, it would give the Board an opportunity to have a
AUGUST 3, 2010

better understanding of how the new legislation impacts the Board’s relationship with the ABC Board.

Chairman Roberts said it was possible to receive a briefing prior to the normal appointment schedule, which would be the second meeting in September, but if more time was needed before making nominations it could be postponed.

Commissioner Leake suggested that at some point in the future the ABC Board be asked to come before the Board and present a report on its operations, budget, and vision for the future.

Chairman Roberts concurred that the Board should receive an annual report from the ABC Board.

This concluded the discussion.

Note: The above is not inclusive of every comment.

(6B) 2020 VISIONING PROCESS

Director of Planning and Evaluation Leslie Johnson and eGovernment/Customer Service Director Brian Cox presented the proposed process for renewing/revising the Board’s community vision and scorecard goals.

County Manager Jones also commented on the proposed process.

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

Comments

Chairman Roberts said she felt this was the right time to visit this issue and having citizen involvement was a great idea.

Commissioner Bentley asked about the location of the public forums. The response was that the intent was to make them neighborhood based, but the specific locations have not been determined.

Commissioner Cogdell asked staff to elaborate more regarding the public forums. He asked would it include an educational component, whereby citizens would be made aware of the constraints the County had when it came to the availability of resources. Staff addressed what was envisioned.

Commissioner Cogdell asked had staff considered contacting the City of Charlotte to see if they would like to have representation at the citizen forums. He said often the public isn’t aware of what’s a County function or responsibility versus a City of Charlotte function or responsibility. County Manager Jones said staff had not discussed that possibility. County Manager Jones asked about inclusion of the towns.

Commissioner Cogdell said he would include both.

County Manager Jones said including the City of Charlotte and Towns was a good idea, but it would make this process an even bigger challenge. Also, he’s not sure how staff could make it fit at this point. Further, that “at the end of the day” the County was still going to be left with a separate government that’s going to have its vision and its responsibility for achieving the goals and benchmarks that the Board sets. He said the focus areas would also be different.
Commissioner Cogdell said he was looking at this from the perspective of a citizen who wants a “good, livable, & quality community and it doesn’t matter if it’s the county, city, or towns that does what they would like to be done.”

Staff said it would be happy to share its finding with the applicable entity.

Commissioner Murrey suggested that part of the citizen forum discussions be around whether the community sees value in consolidation of city and county government.

Commissioner Murrey said at this point what staff outlined was complicated enough.

This concluded the discussion.

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to endorse the proposed process for renewing/revising the Board’s community vision and scorecard goals.

Prior to the above vote, Commissioner Cogdell asked County Manager Jones if he would contact the City of Charlotte and the Towns to see if they would like to be involved during the citizen forums. County Manager Jones said he would.

Note: The above is not inclusive of every comment.

(6D) BUDGET RETREAT UPDATE

Budget/Management Director Hyong Yi gave an update on the planning for a Business and Service Model Review and Modification Retreat. The following was noted:

- The proposed topics received from commissioners have varied.
- The topics being proposed by staff are:
  - What does the future look like in terms of the County’s revenue and expense?
  - How do you prepare for that future, knowing your revenue and expense?
  - Staff will present information as it relates to revenue and expense projections, although it’s early in the process.
  - Staff will address looking at building a better budget structure.
  - Staff will address how the County manages its debt and capital projects.
  - Staff’s intent is to schedule the budget retreat in September on a Thursday or Friday or even a weekend.

Comments

Commissioner Murrey said staff was on the right track with respect to what needed to be discussed at the retreat. Commissioner Murrey said not only was discussing the capital budget important, but also assigning an operational cost to that as well. Commissioner Murrey said he hopes staff wasn’t stopping there because this wasn’t just about the County’s debt service and capital, but about how the County does its entire budget. He said there’s also the issue of priorities and what the focus should be.

Commissioner Dunlap said staff was going in the right direction, however, he wanted to make sure decisions were not made absent input from Charlotte-Mecklenburg Schools (CMS) and Central Piedmont Community College (CPCC) because they’re the ones who most often effect the County’s capital requests.
Commissioner Dunlap said the County needed to know the annual growth projections for CMS and CPCC because it impacts what they request. Commissioner Dunlap said the County needed to be aware of the impact of not funding something which should be a part of the discussion.

Commissioner Leake said she would like the discussion to include a clearer understanding of the role of the Department of Social Services and the Health Department and the County’s budgetary obligation for each.

Commissioner Leake said she would also like discussion regarding the capital requests of CMS. Commissioner Leake said she’s concerned about CMS closing facilities that were in “good shape” and built less than ten years ago.

Commissioner Cogdell said he was supportive of the County establishing a debt service/debt management fund to better budget for the County’s long-term capital needs.

Commissioner Cogdell said it was important to assign an operational cost to capital request.

Commissioner Cogdell said the County needed to look at how it could create more certainty with its community partners with respect to how much the County could possibly make available to them for their needs. He said the County needed to engage in discussion regarding joint facility planning with other public entities, in order to maximize the use of facilities, if not at this retreat, some other time.

Chairman Roberts said she hoped there would be discussion with community partners about new ways of doing business and utilizing facilities “around the clock.”

Commissioner Cogdell said with respect to capital facilities planning and usage that the County may need to expand its partnership list and look at leveraging those public/private partnerships, particularly with the County’s recreation facilities.

County Manager Jones said there were other decisions relative to capital, not only how the County was going to pay for it, but also how the County was going to prioritize programs and services going forward.

This concluded the discussion.

Note: This is not inclusive of every comment.

(6C) FUTURE OF THE PUBLIC LIBRARY

County Manager Jones gave an update on the Board’s Contingency for Library Funding.

Note: As part of its FY2011 appropriation to the Charlotte Mecklenburg Public Library, the Board established contingencies including two separate processes: considering operational consolidation options; and additional consideration for a new long-term business model for the public library. Regarding the latter, the Board of County Commissioners recommended that the Library Board of Trustees convene a citizen task force. County Manager Jones’ report addressed both processes.

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

No action was taken or required.

(6E) KEEP MECKLENBURG BEAUTIFUL COMMITTEES
County Manager Jones gave an update on the Keep Charlotte Beautiful Committee and the Keep Mecklenburg Beautiful Committee.

Note: In January 2010, the City Council and Board of County Commissioners took action to direct the City and County Managers to work together to determine if any efficiencies and/or synergies could be gained by merging the Keep Charlotte Beautiful Committee and the Keep Mecklenburg Beautiful Committee.

County Manager Jones said it was determined that the two committees have significant differences in their appointment process, charge, responsibilities and activities. Further, there would be no significant dollar savings or efficiencies gained through merger. Therefore, the recommendation was to not consolidate the committees. It was determined that there would be value in the two committees regularly communicating with each other and when possible, collaborating on projects of mutual interest and benefit. Also, it was recommended that a member from each of the committees be designated to serve as a non-voting member on the other’s committee.

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

Chairman Roberts said there should occasionally be joint meetings between the Environmental Committee of the City of Charlotte and Board’s Natural Resources Committee. She said the purpose would be to try to make sure the City and County were aware of what the other was doing and to leverage resources where possible.

CONSENT ITEMS

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 14, 15, 17, 22, and 25 to be voted on separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held July 6, 2010 and Closed Sessions held, July 6, 2010.

(8) SET PUBLIC HEARING – STREET NAME CHANGE

Set a public hearing at 6:30 p.m. on September 8, 2010, to hear comments on the proposed street name change of a portion of existing Crosshaven Drive to Saranita Lane.

(9) TAX COLLECTOR’S ANNUAL SETTLEMENT FOR FISCAL YEAR 2010

Receive and accept the Tax Collector’s Settlement Fiscal Year 2010.

Note: The Tax Collector’s Settlement is submitted to the Board of County Commissioners in accordance with North Carolina General Statute 105-373(3). The Settlement is to be entered into the records of the Board of County Commissioners as directed by statute.
MECKLENBURG COUNTY  
Office of the Tax Collector

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

From:  
Neal L. Dixon, Tax Collector

Date:  
July 12, 2010

Subject:  
Tax Collector’s Settlement for Fiscal Year 2010

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector’s report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2009-2010 (Tax year 2009).

Total FY 2010 Tax charged to the Tax Collector for Collection: $859,995,006.85

Real Estate & Personal Property Tax

<table>
<thead>
<tr>
<th>Tax Charged</th>
<th>Net Levy</th>
<th>Collected</th>
<th>Uncollected</th>
<th>Pct. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>$803,787,651.65</td>
<td>$801,168,294.77</td>
<td>$792,092,867.79</td>
<td>$10,950,903.28</td>
<td>98.86%</td>
</tr>
</tbody>
</table>

Registered Motor Vehicle Tax

<table>
<thead>
<tr>
<th>Tax Charged</th>
<th>Net Levy</th>
<th>Collected</th>
<th>Uncollected</th>
<th>Pct. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>$56,207,355.20</td>
<td>$55,054,421.22</td>
<td>$47,740,615.62</td>
<td>$7,727,195.25</td>
<td>86.71%</td>
</tr>
</tbody>
</table>

Combined Total

<table>
<thead>
<tr>
<th>Tax Charged</th>
<th>Net Levy</th>
<th>Collected</th>
<th>Uncollected</th>
<th>Pct. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>$859,995,006.85</td>
<td>$856,222,715.99</td>
<td>$839,833,483.41</td>
<td>$18,678,098.53</td>
<td>98.08%</td>
</tr>
</tbody>
</table>

The totals above reflect the uncollected taxes for all tax bills. Of this total, the Tax Collector was barred by the U.S. Bankruptcy Court from collecting $95 real estate, personal property and registered motor vehicle tax bills totaling $1,910,917.37. This represents a 32% increase in the dollar amount under bankruptcy protection from last year. When the above totals are adjusted to remove this amount from the Tax Collector’s charge for real estate, personal property, and registered motor vehicle taxes, the combined collection percentage increased to 98.30%.

PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS  
700 East Stonewall Street (28202) • P.O. Box 31457 • Charlotte, North Carolina 28231 • 704-336-3322
AUGUST 3, 2010

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

Prior Year Collections

During FY 2010, the Tax Collector pursued collection of delinquent prior year taxes.

Real Estate and Personal Property Tax:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Net Levy</th>
<th>Collected in FY2010</th>
<th>Uncollected</th>
<th>Per. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>$573,801,331.36</td>
<td>$319,639.25</td>
<td>$1,585,835.57</td>
<td>99.73%</td>
</tr>
<tr>
<td>2004</td>
<td>$690,614,600.33</td>
<td>$332,097.43</td>
<td>$1,737,359.62</td>
<td>99.72%</td>
</tr>
<tr>
<td>2005</td>
<td>$687,176,822.66</td>
<td>$523,110.64</td>
<td>$1,992,783.36</td>
<td>99.72%</td>
</tr>
<tr>
<td>2006</td>
<td>$696,537,571.23</td>
<td>$693,966.58</td>
<td>$2,494,340.59</td>
<td>99.65%</td>
</tr>
<tr>
<td>2007</td>
<td>$744,655,429.75</td>
<td>$1,525,518.71</td>
<td>$3,592,130.69</td>
<td>99.52%</td>
</tr>
<tr>
<td>2008</td>
<td>$779,742,595.21</td>
<td>$7,320,402.98</td>
<td>$4,936,077.38</td>
<td>99.37%</td>
</tr>
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</table>

Registered Motor Vehicle Tax:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Net Levy</th>
<th>Collected in FY2010</th>
<th>Uncollected</th>
<th>Per. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$59,506,110.85</td>
<td>$73,451.77</td>
<td>$2,136,718.63</td>
<td>96.41%</td>
</tr>
<tr>
<td>2007</td>
<td>$62,546,138.77</td>
<td>$404,202.79</td>
<td>$2,482,110.29</td>
<td>96.04%</td>
</tr>
<tr>
<td>2008</td>
<td>$60,328,898.91</td>
<td>$6,685,366.74</td>
<td>$1,919,766.39</td>
<td>96.82%</td>
</tr>
</tbody>
</table>

Tax Collector Comments

The collection percentage for real estate and personal property taxes was higher than that of the previous year by 0.21%. The registered motor vehicle tax rate was lower than that of the previous year by 0.20%. The combined collection percentage for real estate and registered motor vehicle tax rates was higher than that of the previous year by 0.28%.

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

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

Sworn to and subscribed before me this 2nd day of October, 2010

[Signature]

Notary Public

My Commission expires __/__/2015.

(10) ORDER OF COLLECTION

Adopt and enter into the Board of County Commissioner’s meeting minutes an order directing the Tax Collector to collect 2010 taxes.

Note: By adopting this order, The Board of County Commissioners is complying with North Carolina General Statute 105-321(b).

ORDER OF COLLECTION

NORTH CAROLINA, MECKLENBURG

TO THE TAX COLLECTOR OF MECKLENBURG COUNTY

GENERAL STATUTE 105-321(b)
AUGUST 3, 2010
You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand official seal, this 3rd day of August, 2010.

Order recorded in full in Minute Book 45-A, Document # ______ .

(11) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Division) records and plans in accordance with North Carolina records retention policies.

Note: These records are comprised of:

- 1175 contractor notification (1-01-08 to 1-01-09)
- 1032 credit/refunds (1-01-08 to 6-29-09)
- 1520 dead bond (6-01-07 to 03-09-09)

(12) BUDGET AMENDMENT – FIRE MARSHALL’S OFFICE (LUESA)

Appropriate $1,247 from fund balance for insurance reimbursement received in FY2010 to cover cost of camera replacement in the Fire Marshall’s Office.

(13) TAX REFUNDS

Approve refunds in the amount of $ 125,940.27 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.

(16) GRANT APPLICATION – STATE ENERGY EFFICIENCY IN GOVERNMENTAL BUILDINGS (LUESA)

1. Approve submission of application by Mecklenburg County Air Quality to the State Energy Office for up to $500,000 in grant funds.
2. Recognize, receive and appropriate any amounts awarded.
3. Authorize the carry-forward of unspent funds until expended.

(18) SET PUBLIC HEARING – NCDOT GRANT (DSS)

Set a public hearing for 6:30 p.m. on September 8, 2010 to receive comments on the Mecklenburg County Department of Social Services’ grant application for the NC Department of Transportation’s
Rural Operating Assistance Program for Fiscal Year 2010-2011, and direct the Clerk to publish notice of intent to hold a public hearing.

(19) GREENWAY ACQUISITION – IRWIN CREEK

Approve purchase of Tax Parcel 145-179-19 located on Reid Avenue in the Reid Park neighborhood for $17,500.

Note: This parcel is located along Irwin Creek and will become part of the land assemblage for Irwin Creek Greenway.

(20) SECTION 206 AQUATIC ECOSYSTEM STUDY – ROCKY RIVER WATERSHED

Adopt the Resolution Requesting the U.S. Army Corps of Engineers to Conduct Investigations and Studies to Determine the Feasibility of Developing Aquatic Ecosystem Restoration Projects in Mecklenburg County.

Resolution recorded in full in Minute Book 45-A, Document #______.

(21) SOLE SOURCE VENDORS APPROVAL – (LUESA) SOLID WASTE SERVICES

1) Approve the purchase of equipment as authorized by the sole source exemption of G.S. 143-129(e) (6).

2) Approve a contract with CP Manufacturing, Inc. for the purchase of spare parts for the Metrolina Recycling Facility in the amount of $99,870.

3) Approve a contract with MSS, Inc. for the purchase of spare parts for the Metrolina Recycling Facility in the amount of $42,010.

(23) GRANT APPLICATION – FEMA (LUESA)

1. Authorize the County Manager to submit two grant applications in amounts up to $635,000 to the Federal Emergency Management Agency (FEMA) for updating and/or developing risk identification, assessment, and planning products.

2. If awarded, recognize, receive, and appropriate up to $635,000 in funds from FEMA.

3. If awarded, authorize the County Manager to execute a contract with FEMA for the Risk MAP demonstration projects.

4. If awarded, authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

(24) DONATION FROM THE CITY OF CHARLOTTE

Recognize, receive and appropriate a donation of $27,750 from The City of Charlotte towards the Park Road Park Lake Environs Improvement Project.

THIS CONCLUDED ITEMS APPROVED BY CONSENT
AUGUST 3, 2010

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

(14) RECREATION CENTER RENAMING – 521 RECREATION CENTER

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to approve renaming 521 Recreation Center as “Elon Recreation Center.”

Note: The renaming application was submitted by Ed Barnhart to rename the 521 Recreation Center to align the name of the facility with the park name, which is Elon Park, and the new school, Elon Elementary School.

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

(15) CAPITAL RESERVE REQUEST – PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 6-0 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to authorize and appropriate expenditure of $190,000 from the Recreation Facility Capital Reserve account to repair and resurface the tennis courts in Sugaw Creek Park, Latta Park and Coulwood Park.

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

(17) AREA MENTAL HEALTH FOURTH QUARTER FY 2010 REPORT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize and receive the Fourth Quarter 2010 Area Mental Health Report.

FINANCIAL MANAGEMENT

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<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received %</th>
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</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>16,037,329</td>
<td>12,725,433</td>
<td>79.35%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>29,961,802</td>
<td>27,444,875</td>
<td>91.60%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>70,135</td>
<td>72.09%</td>
</tr>
<tr>
<td>County</td>
<td>46,298,008</td>
<td>41,836,061</td>
<td>90.36%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>92,394,432</td>
<td>82,076,504</td>
<td>88.83%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Developmental Services</td>
<td>7,126,456</td>
<td>6,380,279</td>
<td>89.53%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,156,140</td>
<td>11,742,772</td>
<td>82.95%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>9,505,313</td>
<td>6,550,323</td>
<td>68.91%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,005,323</td>
<td>13,429,225</td>
<td>95.89%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>10,415,695</td>
<td>8,973,938</td>
<td>86.16%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>19,252,016</td>
<td>18,974,583</td>
<td>98.56%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>17,933,489</td>
<td>16,025,384</td>
<td>89.36%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>92,394,432</td>
<td>82,076,504</td>
<td>88.83%</td>
</tr>
</tbody>
</table>
Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

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

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

(22) PROPERTY EXCHANGE – DORAL II LIMITED PARTNERSHIP

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting yes, to defer consideration of a resolution approving exchange of personal property (fixtures and equipment) in the apartment complex to be acquired from the Doral II Limited Partnership and real property (easement rights) for real property and permanent and temporary easements, until staff brings the matter back before the Board.

Chairman Roberts removed this item from Consent to request that action be deferred.

Chairman Roberts said the County was not at a point where it could move forward with respect to this matter, per feedback from staff.

Commissioner Cogdell returned to the dais.

(25) CAPITAL PROJECT ORDINANCE – SCHOOL FACILITIES

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to amend the School Facilities December 2006 capital project ordinance.

Ordinance recorded in full in Minute Book 45-A, Document # ______.

Commissioner Leake removed this item from Consent for clarification regarding the projects covered by this ordinance. Finance Director Dena Diorio addressed this matter.

Commissioner Bentley asked for clarification regarding Charlotte-Mecklenburg Schools FY11 Capital, which was addressed by Finance Director Diorio.

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

STAFF REPORTS AND REQUESTS

(26) NOTICE OF INTENT – FIRST AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a resolution authorizing the Clerk to the Board to publish a notice of intent to amend the Agreement of Sale for three (3) parcels of land (+/- 11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Brooklyn Village LLC.
Prior to the above vote, General Manager Bobbie Shields presented this matter to the Board.

Resolution recorded in full in Minute Book 45-A, Document # ______.

Commissioner Bentley returned to the dais.

(27) CHARLOTTE-MECKLENBURG FOOD POLICY COUNCIL UPDATE

The Board received an update from the Food Policy Council.

Commissioner Murrey addressed this matter, prior to the presentation of the report.

Allison Mignery with the Health Department, Dr. Elizabeth Racine from UNC-Charlotte, and Marilyn Marks, Chair of the Food Policy Council gave the report.

Note: The Charlotte-Mecklenburg County Food Policy Council worked with collaborative partners, UNCC, County GIS, and Mecklenburg County Health Department to conduct a community food assessment to gather and analyze data regarding areas of the county void of full service grocery stores, known as food deserts.

The report listed the following recommendations:

- Charlotte-Mecklenburg Food Policy Council
  - Assist SNAP stores to increase availability of fresh foods
  - Consider full service food stores when developing/renovating a community
  - Apply for funding to support nutrition education programs
  - Encourage full-service stores to highlight healthy foods
    - Effective advertising/marketing
    - Display at eye-level
    - Expand shelf space

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

Comments

Commissioner Murrey thanked the Council for its work. Commissioner Murrey said since there was a relationship between the number of food stores in an area and health, something needed to be done to provide food access to those areas considered food deserts.

Commissioner Murrey said this should be a priority because Mecklenburg County has an access problem to food. He said a sixth of the county didn’t have access to fruits and vegetables and as a result “they’re dying from it.” He said they’re dying prematurely. Also, that there were those suffering with major illnesses as a result of it as well, but they don’t necessarily die prematurely.

Commissioner Murrey said the Board needed to work closely with the Food Policy Council for solutions to provide fresh fruits and vegetables, healthy foods “closer to people” and make it enticing.

Commissioner Murrey said the public needed to understand that “eating out of convenience stores leads to premature death due to heart disease.”

Commissioner Bentley asked the presenters to elaborate on the recommendation of Assist SNAP stores to increase availability of fresh foods. Dr. Racine responded.
Commissioner Bentley said the most challenging part of this was educating and convincing people to make the “healthy” choices when it comes to eating and helping them to understand the long term benefits of it.

Commissioner Bentley asked what the Health Department did with respect to educating people that utilize there services about making good food choices. Health Director Dr. Wynn Mabry and staff member Mignery responded.

Commissioner Clarke said the data showed correlation but how do you determine it shows causation. Dr. Racine said you can’t show that it causes causation. She said it’s just an association. Dr. Racine said you have to do a long term cohort study to even start to thinking about causation. Further, that causation would take a number of studies over a long period of time.

Commissioner Clarke said he asked this because the report tends to indicate that the food deserts are a cause of premature death and he’s not sure if that’s necessarily correct. Dr. Racine said it’s true that they don’t know for sure if it’s the healthy food or not, but it was known that there was a difference in deaths for those that have full service store access and those that don’t.

Commissioner Clarke asked with respect to recommended solutions had there been any thought to having a market system where you would essentially increase the cost of the unhealthy foods relative to the healthy foods. Dr. Racine said yes, such incentives or disincentives were discussed. She noted things that had been considered and done in other areas.

Commissioner Leake said her concern was how to get full service stores into certain areas where store owners were afraid to go in. Dr. Racine noted her experience with this issue in other places. She said in one instance a full service store was given a tax incentive to go into a certain area.

Commissioner Leake said the freshness of produce and meats in certain stores was also a concern.

Commissioner Dunlap said he would like to receive a list of initiatives that have been successful around the country. Commissioner Dunlap asked how do you overcome barriers to full service store access, such as lack of transportation. Ms. Mignery said she had a presentation that she would share on different ways to bring food access to food deserts.

Commissioner Cogdell asked had there been any discussion of zoning classifications for full service grocery stores that have certain fresh produce and vegetables that have to be sold within those stores. Ms. Mignery said she was not aware of this being discussed but that Charlotte City Council had looked into zoning for farmers’ markets.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment.

(28) HUD SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT CONSORTIUM

Heidi Pruess with LUESA, Al Sharp, Executive Director of Centralina Council of Governments and Rebecca Yarbrough, Assistant Director addressed the HUD Sustainable Communities Regional Planning Grant Consortium.

Note: The Sustainable Communities Partnership, developed by US Housing and Urban
AUGUST 3, 2010

Development, US DOT, and US EPA, is using the Sustainable Communities Regional Planning Grant to provide funding to create a regional plan with high levels of leadership and public engagement. Although the region has adopted the CONNECT Core Values and Action Agenda (over 50 jurisdictions have adopted to date), the Values and Vision has not yet been translated into a full, integrated regional plan to guide growth and development region-wide.

The required product of this grant, a Regional Sustainable Development Plan, is an integrated regional plan for economic development, housing, transportation, other infrastructure, environmental protection, and energy use. The Grant also provides funding for creation of metrics that permit analysis of the impacts of alternative development patterns, and measurement of progress toward adopted goals. Finally, the Grant requires development of a governance structure to ensure engagement of all parties having potential implementation roles.

Benefits that accrue to the Region including Mecklenburg County, from the Sustainable Communities Regional Planning Grant include:

- Adoption of integrated plans that align land use, economic development, transportation, utility infrastructure, environmental concerns, and energy use in a sustainable way, with metrics for progress measurement;
- Greater future funding potential through designation as a “Preferred Sustainability Status” community;
- Stronger cross-jurisdiction alignment of goals and plans leading to more nimble.

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

Comments

Commissioner Leake asked for clarification with respect to the purpose of the grant and the involved parties, which was addressed.

Mr. Sharp also addressed the role and activities of the Centralina Council of Governments.

Commissioner Bentley asked Mr. Sharp per his comment that the dollars would be used for planning to “solve the problems of our community,” what were the problems. Mr. Sharp said the number one priority would be jobs.

Commissioner Bentley asked about the CONNECT Core Values and Action Agenda Core Values, Item 3, A Strong, Diverse Economy and what was meant by the statement “and through collaborative approaches to economic development,” which was addressed.

Commissioner Bentley asked for clarification on the CONNECT Core Values and Action Agenda Core Values, Item 5 Enhanced Social Equity...through community leadership and cooperative volunteerism, engaging ALL citizens in voting, community participation and leadership, and volunteerism, which was addressed.

Commissioner Bentley said she was aware of the debate amongst the planning and transportation circles surrounding this issue. She said there were progressive planners and environmentalist in one camp and in the other camp those concerned about the “over arching” power of the federal government to come in and centrally plan and “coerce” and push towards smaller denser communities around rail lines, which she said was not necessarily all bad, but to the exclusivity of urban development, etc.

Commissioner Bentley said she was concerned about the “strings” attached to the grant dollars. Commissioner Bentley said her fear was that this was “really the Obama administration coming together with a kind of federal smart growth policy filtered down to the local level.”
This concluded the discussion.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-1 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Bentley voting no, to approve a resolution in support of the Sustainable Communities Regional Planning Grant, which includes:

A) Agreement to participate in the Sustainable Communities Regional Planning Grant Consortium, and

B) Agreement to work with Centralina to identify potential sources of additional funding supporting the project’s goals.

Note: The above is not inclusive of every comment.

Resolution recorded in full in Minute Book 45-A, Document # ______.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(29) SELECTION OF NCACC VOTING DELEGATE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to appoint Chairman Roberts as the Board’s voting delegate for the 2010 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held August 26-29, 2010 in Greenville, N.C. (Pitt County) and Commissioner Leake as the alternate.

(31) QUARTER-CENT SALES TAX REFERENDUM (COMMISSIONER DUNLAP)

Commissioner Dunlap addressed a proposal to have the Board put before the community the option of supporting a quarter-cent sales tax to support public education and the library system.

Commissioner Dunlap said a quarter-cent sales tax would generate an estimated $28.7 million.

Commissioner Dunlap said he was not advocating for or against a quarter-cent sales tax, but felt the public should be given an opportunity to say if they would like to support schools and libraries in this manner.

Motion was made by Commissioner Dunlap but died for lack of a second, to authorize a ballot referendum in Mecklenburg County for November 2010 to increase the local option sales tax by one-quarter cent.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy. Note: The passing of former Alcoholic Beverage Control Board member James Polk was acknowledged and condolences were expressed to his family.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned.
AUGUST 3, 2010

at 11:39 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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 Wednesday, September 8, 2010.

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 -

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

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

(1A) STAFF BRIEFINGS - NONE

(2A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY, C) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session:

- Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C.
- Mecklenburg County vs. Time Warner Cable
- Jack Stratton vs. Mecklenburg County

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion, B) Consult with Attorney and C) Personnel Matter.

The Board went into Closed Session at 5:05 p.m. and came back into Open Session at 6:57 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He entered the meeting during Closed Session.
The Board identified item(s) they wanted removed from Consent and voted upon separately. The items identified were Items 10, 12, 13, 14, 15, 17, 22, and 25.

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

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**-FORMAL SESSION-**

*Commissioner Clarke was away from the dais when the Formal Session was called to order and until noted in the minutes.*

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

*Commissioner Clarke returned to the dais.*

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

**(1A1) NATIONAL ADULT DAY SERVICES WEEK**

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating September 19-25, 2010 as National Adult Day Services Week in Mecklenburg County.

*The proclamation was read by Commissioner Bentley and received by Nate Huggins.*

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

**(1A2) SENIOR CENTER MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating September 2010 as Senior Center Month in Mecklenburg County.

*The proclamation was read by Commissioner Leake and received by Bob Shaffer, President of Charlotte Mecklenburg Senior Centers Board of Directors and Trena Palmer, Executive Director of Charlotte Mecklenburg Senior Centers.*

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

**PUBLIC APPEARANCE**

The following persons appeared to speak during the Public Appearance portion of the meeting:
James Brock Kitchen, a disabled veteran, addressed the payment of his property tax and garnishment of his savings. Mr. Kitchen addressed his desire to apply for the tax exclusion program because of his disability. He said because of the Veterans Administration’s backlog, he was unable to provide the needed documentation at the time he wanted to apply. Thus, he was informed by the tax office that proof of permanent disability was a requirement. Mr. Kitchen said this was a problem because when he carried documentation regarding his disability, he still was not successful. Mr. Kitchen left a handout for the Board’s review regarding his situation.

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

Reggie Singleton, director of The Males Place Program addressed the mission and purpose of The Males Place and activities that the students were involved in. He also addressed an upcoming trip to Ghana, West Africa for the participants.

Blanche Penn introduced members of the Silver Fox Cheerleaders. She announced that the squad would be going to Raleigh, N.C. on September 30th to compete against other seniors. The Silver Fox ages run from 55 to 75.

Belinda Cauthen, Special Education teacher and consultant with G. B. Tubman Services, addressed an upcoming parental workshop on October 18th, 6:30 p.m. - 8:30 p.m. and on October 23, 11:00 a.m. - 2:00 p.m. at the Sugar Creek Recreation Center. The workshops are being sponsored by Winners Plus Incorporated and G. B. Tubman Services. This will be the first in a series of parent involvement workshops, entitled Understanding the System, the Federal Laws Governing Our Education System.

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

(3A) APPOINTMENTS

AIR QUALITY COMMISSION

The vote was taken on the following nominees for appointment to the Air Quality Commission:

<table>
<thead>
<tr>
<th>Name</th>
<th>Nomination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terry Lansdell</td>
<td>None</td>
</tr>
<tr>
<td>Curtis Watkins</td>
<td>Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts</td>
</tr>
</tbody>
</table>

Chairman Roberts announced the appointment of Curtis Watkins to the Air Quality Commission to fill an unexpired term expiring August 31, 2012. Mr. Watson will serve as a General Public member.

Note: He is replacing Tonisha Dawson.

Commissioner Cooksey returned to the dais.

BICYCLE COMMITTEE

The vote was taken on the following nominees for appointment to the Bicycle Committee:

<table>
<thead>
<tr>
<th>Name</th>
<th>Nomination</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Arciero</td>
<td>None</td>
</tr>
<tr>
<td>Thomas Crespo</td>
<td>None</td>
</tr>
<tr>
<td>Terry Lansdell</td>
<td>Commissioners Cooksey and James</td>
</tr>
<tr>
<td>Jane Wasilewski</td>
<td>Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts</td>
</tr>
</tbody>
</table>
Chairman Roberts announced the appointment of Jane Wasilewski to the Bicycle Committee to fill an unexpired term expiring March 6, 2012.

*Note: She is replacing Kurt Robinson.*

**INFORMATION SERVICES & TECHNOLOGY COMMITTEE**

The vote was taken on the following nominees for appointment to the Information Services & Technology Committee:

Edward Deason  Commissioner James
Tomeko Smith  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Tomeko Smith to the Information Services & Technology Committee to fill an unexpired term expiring February 28, 2012.

*Note: She is replacing Jenifer Daniels.*

**PARK AND RECREATION COMMISSION**

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

**North Region 3**

Kendel Bryant  Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts
Pamela Gordon

Chairman Roberts announced the appointment of Kendel Bryant to the Park and Recreation Commission as a North Region 3 representative for a three-year term expiring June 30, 2013.

*Note: She is replacing Owen Furuseth.*

**Central Region 1**

Beverly Lawston  Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey, and Roberts
Sheryl Smith

Chairman Roberts announced the reappointment of Beverly Lawston to the Park and Recreation Commission as a Central Region 1 representative for a three-year term expiring June 30, 2013.

**South Region 1**

Douglas Burnett  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Douglas Burnett to the Park and Recreation Commission as the South Region 1 representative for a three-year term expiring June 30, 2013.

*Note: He is replacing John Barry.*
Chairman Roberts announced the appointment of Elaine Powell to the Park and Recreation Commission as the North Region 1 representative for a three-year term expiring June 30, 2013.

Note: She is replacing Bradley Pearce.

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

PUBLIC HEARINGS

(4A) STREET NAME CHANGE – A PORTION OF CROSSHAVEN DRIVE TO SARANITA LANE

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to hear citizens’ comments on the proposed renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

Note: Due to new construction in the Palisades subdivision, one portion of Crosshaven Drive has been cut off from the other. This poses a problem, since both portions of the road should not have the same name. It is proposed that one portion of the road be renamed to Saranita Lane. Renaming this portion of the road will help eliminate confusion in locating the properties in case of an emergency.

The following persons appeared to speak in support of the street name change: Brenda and Mike Peters. The Peters said the change was needed so that emergency vehicles won’t get confused, as well as, service delivery vehicles. The Peters also referenced a development agreement that was signed agreeing to the name change.

Commissioner Cooksey returned to the dais.

The following person spoke in opposition to the street name change: Mary Little. Ms. Little asked the Board to defer renaming the street. Ms. Little said contrary to what the letter from the County said regarding this being necessary because of new construction, Palisades was in bankruptcy. Ms. Little said Palisades had not carried anything through with respect to the development agreement for this area. Ms. Little asked the Board to wait one-year or eighteen months before considering renaming the road. Ms. Little said the matter should be deferred until such time that additional development occurs. Ms. Little said the name Saranita Lane had something to do with the name of a development that was going to be built there, which has now gone away. She said the next developer may want to name it something else.

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing to hear citizens’ comments on the proposed renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

Commissioners Dunlap and Cooksey asked was this an urgent matter or could it be delayed as requested by Ms. Little.
Rhonda Buckner, Addressing/Land Records Manager, Mecklenburg County GIS addressed this issue. Ms. Buckner addressed the need for the name change as it related to emergency vehicles being able to locate residents. She also addressed the history of the road.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

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

(4B) NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011 funding.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

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

The completed forms will be held on file at the North Carolina Department of Transportation. For further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.

No one from the public appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program funding for fiscal year 2010-2011 and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011; and recognize, receive and appropriate grant funds when awarded.

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

Commissioner Leake asked about the County’s funding match and who would be overseeing the allocation of these funds, both of which were addressed by Chairman Roberts.

Commissioner Cooksey asked for clarification on the amount of funding that would be coming from the state and the certainty of these funds from the state. Director of Social Services Mary
Wilson and staff member Sue Hancharik addressed these matters.

**Commissioner Bentley returned to the dais.**

The vote was then taken on the motion made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011 and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011; and recognize, receive and appropriate grant funds when awarded.

**Certified Statement recorded in full in Minute Book 45-A, Document # _____.

**Commissioner Clarke returned to the dais.**

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

**ADVISORY COMMITTEE REPORTS**

(5A) **HIV COUNCIL UPDATE**

The Board received a report from the Mecklenburg County HIV/AIDS Council (MCHAC). It’s 2009 Annual Report.

*Note: The Mecklenburg County HIV/AIDS Council is an advisory council created in 2005 by the Board to develop specific strategies and recommendations for a broad-based comprehensive community plan to eliminate HIV/AIDS in Mecklenburg County.*

Susan Garvey, a member of the Council, and Teresa Scheid, Ph.D. UNC-Charlotte gave the report. They were joined at the podium by Faye Marshall with Positive Connections and Deborah Warren with RAIN (Regional AIDS Interfaith Network).

**Commissioner Dunlap returned to the dais.**

The following was covered in the report:
- MCHAC Mission, Background, and Membership
- HIV/AIDS in Mecklenburg County
- HIV Disease Case Rates, 2005-08 Number of cases per 100,000
- The HIV/AIDS Population
- HIV/AIDS and African Americans
- Poverty and Poor Health
- The Impact of HIV/AIDS in Mecklenburg County
- Social and Economic Impacts of HIV/AIDS
- HIV Medications and Wait Lists
- MCHAC Accomplishments
- System Changes
- Services and Supports
- Problems with HIV Prevention and Care
- What Can the BOCC Do
  - Broader public awareness of the burden HIV/AIDS places on the community
  - Greater public awareness will help lessen stigma, and increase support for resources for both prevention efforts (to reduce the incidence of new HIV cases) as well as improving access to care for those living with HIV/AIDS.
Dr. Scheid suggested the Board, in an effort to increase public awareness, recognize World AIDS Day, December 1st, by issuing a proclamation and/or recognizing HIV/AIDS Awareness Day later in the year. Dr. Scheid said the Council would also like to hold a Soul 2 Sole event on the steps of the Government Center. (Soul 2 Sole is an event to raise the community’s awareness of HIV with a visual display of shoes, one pair for every newly reported case in the county.) She suggested the event be held on World AIDS Day.

She also suggested a link be placed on the County’s website for persons to access information regarding HIV/AIDS.

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

**Comments**

**Commissioner Murrey**, chair of the Board’s Health & Community Support Committee acknowledged the Committee’s receipt of updates from the Council. Commissioner Murrey said the Committee was informed that Mecklenburg County continues to have one new diagnosis every day of someone with HIV. Commissioner Murrey said the good news, however, was that there were some very strong advocates working hard in the community to increase awareness, to try and reduce the stigma, and to try to work in new and innovative ways to address this disease. He thanked the Council for its work.

**Commissioner Leake** shared a handout with the Board regarding HIV and AIDS in America A Snapshot.

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

Commissioner Leake asked was this an epidemic. **Dr. Scheid said yes, according to the definition of epidemic and the Center for Disease Control.**

Commissioner Leake said the community needed to respond to this issue because it was an epidemic and a serious health issue.

Commissioner Leake said she was concerned about the grant funds received for addressing this issue. She requested the following information: 1) who’s accountable for those grant funds, 2) how were the funds being spent, 3) what impact has been made per the receipt of the funds, 4) how successful has Mecklenburg County been in addressing this issue, 5) how were the Ryan White funds being spent Part A and Part D, 6) how is information being disseminated to school aged children and to the community at large, 7) who were the employees involved in administering the grant funds, and 8) who’s received funding from the County via Ryan White.

**Chairman Roberts** told Dr. Scheid and others on the Council to count the County in with respect to holding a Soul 2 Sole event on December 1, 2010.

**Commissioner Cogdell** asked Dr. Scheid to elaborate more on the economic impact of HIV/AIDS and on how that number was calculated, which she did.

**Commissioner Cooksey** said the Board needed to understand how grant funds for HIV/AIDS were being spent to make sure they’re being spent in the best way possible. He requested a report from Health Director Wynn Mabry or who ever would be the appropriate person, regarding what grant dollars were coming through the County, how they’re being spent and were they being spent in the most appropriate way.

**Chairman Roberts** asked that an update be received at a future meeting regarding the Ryan White grant.
Faye Marshall encouraged the Board to take this issue seriously and to assist the Council and other advocate groups, to increase the public’s awareness. She also addressed the need for services. Ms. Marshall said “our community is failing people that are living with HIV/AIDS.” She said there should not be any individuals who can’t get the medical care that they need when there were County dollars available for indigent care; as well as, persons who can’t get case management services. Ms. Marshall said there needed to be a community-wide strategic plan to combat this issue. She encouraged the Board to assist in this effort.

Note: The above is not inclusive of every comment.

MANAGER’S REPORT

(6B) ALCOHOLIC BEVERAGE CONTROL BOARD LEGISLATIVE CHANGES

The Board received a report from Alcoholic Beverage Control Board Chair Cleveland Edwards and Chief Executive Officer Paul Stroup regarding recent legislative changes applicable to Alcoholic Beverage Control Boards and actions the Board needed to take in response to those changes.

The report addressed:

- Accountability/Enforcement Reports
- ABC Board Financial Operations
- Compensation of General Manager
- Alcoholic Beverage Control Board Travel Policy
- Alcoholic Beverage Control Board Bonding Requirements
- Alcoholic Beverage Control Board Compensation

It was stated that action was needed by the Board of County Commissioners (the appointing authority) as it related to the Alcoholic Beverage Control Board’s travel policy, bonding requirements and compensation, effective October 1, 2010. Below is a summary of each.

ABC Board Travel Policy" Action Required

Pursuant to 18B-700(g2) the appointing authority must annually approve the travel policy for the ABC Board.

The ABC Board’s travel policy was revised in February, 2010. The ABC Board’s policy is similar to the travel policy of Mecklenburg County government - for example: Requiring travelers to use available discounts/conference rates; limiting air travel to coach rates only; excluding reimbursement for personal phone calls; and requiring submission of receipts and expense reports for all travel expenses.

In addition, the Board’s travel policy requires advance approval for travel in excess of $1000, the same as the County’s policy. Previously, the advance approval for such travel would have been given to the C.E.O. by the Board; however, consistent with the newly enacted language amending 18B-700, the ABC Board will now seek approval for travel in excess of $1000 from the County’s Finance Director.

The ABC Board is required to obtain formal approval of its travel policy from the Board of County Commissioners. Upon securing this approval from the BOCC, both the travel policy and the BOCC’s approval will be forwarded to the NC ABC Commission, as required. The ABC Board requests that the BOCC approve its travel policy as presented. (Effective October 1, 2010.)

ABC Board Bonding Requirements" Action Required

The statutes require that board members and employees be bonded. As part of the recently passed legislation, a new requirement was added that “the bond shall be payable to the local board and shall be approved by the appointing authority for the local board.
The ABC Board already has in place a blanket employee dishonesty bond in the amount of $65,000. Both board members and employees are covered. The appointing authority must approve this bond. (Effective October 1, 2010.)

**ABC Board Compensation**

*Action Required*

Pursuant to 18B-700(g), each board member shall receive compensation not to exceed $150 per board meeting (emphasis added) unless a different level is approved by the appointing authority.

The Board of County Commissioners approved monthly compensation amounts of $500 for Board members/$600 for Chairman, effective May 21, 1999.

Pursuant to 18B-700(g), each board member shall receive compensation not to exceed $150 per board meeting (emphasis added) unless a different level is approved by the appointing authority.

Workload for Mecklenburg ABC Board members is not limited to board meetings. Board members are often involved in committee meetings and other oversight throughout the course of the month. For this reason, members of the Mecklenburg ABC Board have historically been paid compensation on a monthly basis. Because in other communities ABC board members sometimes collected compensation without even meeting, the General Assembly crafted legislation requiring compensation on a per meeting basis. The statute also requires that the appointing authority approve compensation greater than $150 per meeting. By adopting the recommended compensation plan, Mecklenburg ABC members will continue to receive the same compensation that they have received since 1999 as long as they continue to meet on a monthly basis.

The ABC Board requests that the BOCC approve a continuation of the existing compensation structure which provides board members with $500 per month and the board chair with $600 per month. (Effective October 1, 2010.)

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

Comments

Commissioner Leake asked Alcoholic Beverage Control Board CEO Stroupe what was his salary. The response was $150,000.

Commissioner Leake asked Mr. Stroupe if he received a bonus, along with his annual salary. The response was no.

Commissioner Leake said she would like a copy of the Alcoholic Beverage Control Board’s budget and information on things they’ve done to help the community.

Commissioner Cooksey asked for clarification regarding Alcoholic Beverage Control Board compensation and the difference between what was presented and the current compensation set by the Board in 1999. County Attorney Bethune explained the difference, which had to do with compensation per meeting versus per month.

Commissioner Clarke asked was it necessary for the Alcoholic Beverage Control Board to meet every month. Mr. Edwards said yes and addressed why.

Commissioner Clarke with respect to making appointments to the Alcoholic Beverage Control Board (ABC Board) asked Mr. Edwards if he thought it would be helpful if the ABC Board reviewed the applications of applicants and offer a recommendation to the Board. Mr. Edwards said, personally, he would not want to get involved in the individual selection. He said the ABC Board should, however, communicate to the Board with respect to the needs and talents in order to “round out” the ABC Board. Thus, he would be comfortable in offering a recommendation with respect to the type of talent needed rather than recommending a specific individual.
Commissioner Clarke said he appreciated Mr. Edwards’ response. He encouraged Mr. Edwards to have that discussion with fellow ABC Board members because their input would be helpful to the Board in the selection process.

This concluded the discussion.

Note: The above is not inclusive of every comment but is a summary.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Murrey and Roberts voting yes and Commissioner Leake voting no, to approve, as outlined in the report, the Mecklenburg County Alcoholic Beverage Control Board’s (ABC Board): 1) Travel Policy, 2) the bond secured by the ABC Board, and 3) to set compensation for Mecklenburg ABC Board members at $500 per meeting, not to exceed $500 per month. Set compensation for the Board Chair at $600 per meeting, not to exceed $600 per month.

The Board thanked program participants and staff.

(6D) THE OPPORTUNITY PROJECT (TOPS)

The Board recognized employers and participants of “The Opportunity Project.” They were introduced by Director of Social Services Mary Wilson.

Note: As a part of the American Recovery and Reinvestment Act, the Mecklenburg County Department of Social Services received $6,298,042 in TANF funds to employ 500 low-income people from February through September 30, 2010. Referred to locally as “The Opportunity Project,” the initiative has employed 415 citizens as of August 20, 2010.

Director Wilson said the County was half way through the money but that the program was scheduled to end September 30, 2010. Director Wilson said staff was hopeful that Governor Perdue and the Mecklenburg Delegation will approve extending the program through the end of December. Director Wilson said there was enough money already allocated to the County that it would be able to keep 470 people employed through the end of the year.

The Board thanked program participants and staff.

(6A) LEGISLATIVE GOALS FOR NCACC

Assistant to the County Manager Brian Francis presented the proposed legislative goals to be submitted to the NCACC. The goals were:

North Carolina Association of County Commissioners
2011 Legislative Goals
Staff recommendation

1. Allow counties to post public notices on a county web site rather than compel the purchase of advertising in local newspapers.
2. Amend G.S. 132-8.2 to allow code enforcement departments to maintain records in digital format rather than paper or microfilm.
3. Restore State-Aid to counties for the Department of Social Services.
4. Allow lottery funding allocations to revert the statutorily prescribed method.
Commissioner Clarke questioned the support of the NCACC for Goal 4 - Allow lottery funding allocations to revert the statutorily prescribed method. Assistant Francis said he felt there would be unanimous support that the language revert that dictated how much be distributed to the counties. Assistant Francis said he suspects 49 counties would support Mecklenburg County to have the distribution formula revert and 50 other counties would be opposed.

Commissioner James asked for clarification about Goal 3 - Restore State-Aid to counties for the Department of Social Services and if this included funding for The Opportunity Project (TOPS). Assistant Francis said it did not. He said these were funds that have historically been paid to counties to administer social services.

Commissioner James asked about the status of a request to seek legislation to prohibit the displaying of personal information of law enforcement personnel on the POLARIS website, Name Suppression of POLARIS (Property Ownership Land Records Information System) Online Property Records.

Chairman Roberts said the Board decided not to pursue that for various reasons, which was addressed at a previous meeting.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the following legislative goals to be submitted to the North Carolina Association of County Commissioners (NCACC).

North Carolina Association of County Commissioners
2011 Legislative Goals

1. Allow counties to post public notices on a county web site rather than compel the purchase of advertising in local newspapers.
2. Amend G.S. 132-8.2 to allow code enforcement departments to maintain records in digital format rather than paper or microfilm.
3. Restore State-Aid to counties for the Department of Social Services.
4. Allow lottery funding allocations to revert the statutorily prescribed method.

Commissioner Murrey returned to the dais.

(6C) STATE BUDGET REPORT

Budget/Management Director Hyong Yi gave a report and an analysis on state budget impacts to Mecklenburg County.

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

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

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

Comments

Commissioner Clarke asked about the reduction in lottery funds which was addressed.
Commissioner Dunlap asked about the status of funding for Charlotte-Mecklenburg Schools (CMS). Director Yi said as of to date, there was no need to go back to CMS and ask them for funds.

Commissioner James asked about the list of Area Mental Health items that had impacts to service that do not have a known budget impact at this time. He asked why would the County transfer state funds and keep the programs, if there’s some unknown factors about what’s going to happen with Area Mental Health. He said the State may inform the County that’s it’s going to lose another million dollars because of other changes. Commissioner James asked why did staff move it all from County dollars to state dollars. Why wasn’t some of it put in reserve to cover some of the other factors. Director Yi said originally these services were state services and the State moved it off of their ledger. He said the County backed filled them because it was felt these were still important services. He said a dollar for dollar couldn’t be provided but the County Manager provided what he could. Director Yi said now that the State was restoring the funding, the County funding for that particular service was no longer required.

Director Yi addressed the items that do not have a known impact at this time.

Commissioner James asked about cuts to In-home Aid, which was addressed. Director Yi said he would check on that matter and report back.

Commissioner James asked how much was being used from fund balance in light of the State budget impacts. Director Yi said fund balance was not being used. Director Yi said the County was using reallocated funds from Area Mental Health, for about $4.5 million of it, and the balance was being made up, about $750,000 of it, from the $2 million state contingency fund that the County Manager recommended the Board set up as part of the this year’s budget.

Director Yi said the County was able to balance the budget and not touch any department or impact any service level from County funds. He said the County still had $1.25 million remaining, should something else come “down the road” from the State.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment.

(32) CRIMINAL JUSTICE ACTIVITIES UPDATE

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to defer receiving an update on the County’s Criminal Justice Activities until the September 21, 2010 meeting.

Note: Commissioner Clarke, Chairman of the Board’s Criminal Justice Committee, suggested this matter be deferred, in light of the lateness of the hour and where the Board was in addressing items on the agenda. He said this would be a very detailed report and deserved the Board’s full attention.

Chairman Roberts turned the gavel over to Vice-Chairman Cogdell.

CONSENT ITEMS

Motion was made by Commissioner Murrey, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 10, 12, 13, 14, 15, 17,
22, and 25 to be voted on separately:

(7) APPROVAL OF MINUTES


(8) TAX REFUNDS

Approve refunds in the amount of $50,104.20 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.

(9) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT

1) Approve the list of personal property, (Exhibit A), as surplus, and
2) Adopt a resolution authorizing sale of surplus personal property by public auction at 10:00 am on Saturday, September 25, 2010 at 3301 Rotary Drive, Charlotte, NC.

A list of the personal property, (Exhibit A), is on file with the Clerk to the Board.

Resolution recorded in full in Minute Book 45-A, Document # ______.

(11) DESTRUCTION OF DOCUMENTS (TAX ASSESSOR’S OFFICE)

Approve the disposal/destruction of tax assessment documents in accordance with North Carolina Records Retention and Disposition Schedule.

A list of the records is on file with the Clerk to the Board.

(16) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate additional federal revenue resulting from Cost Allocation reimbursements for the DSS retiree medical insurance in the amount of $297,820.

(18) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

(A) Approve, recognize, receive and appropriate Federal funds in the amount of $207,864 for the purpose of the Center for Prevention Resources (CPR) for the Western Region.

(B) Approve, recognize, receive and appropriate State service funds per annual state allocation letter in the amount of $4,537,170.

(C) Reduce Federal funding in the amount of $404,414 per annual state allocation letter.

(D) Approve, recognize, receive and appropriate State funds per annual state allocation letter in the amount of $25,339 for Local Management Entity Systems Management (LME) funds.
(19) **BUDGET AMENDMENT – LUESA (REVENUE DECREASE)**

1. Approve the reduction of NC Clean Water Management Trust Fund Grant for two stream restoration grants along Little Sugar Creek (LSC):
   
   (a) CWMTF Grant No. 2006A-404 LSC 7th Street to 3rd Street Stream Restoration Project: Reduce the original grant amount by $110,000 to $890,000 and our required match amount by $33,000 to $267,000.

   (b) CWMTF Grant No. 2007-404 LSC 3rd Street to Charlottetowne Avenue Stream Restoration Project: Reduce the original grant amount by $150,000 to $465,000 and our required match amount by $158,000 to $504,000.

2. Authorize the County Manager to amend contracts between the NC Clean Water Management Trust Fund and Mecklenburg County.

3. Approve the transfer of local match to the Storm Water Capital Reserve Fund.

(20) **INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate funds in the amount of $10,412 for Real Estate Services, $8,724 for Park and Recreation, $4,608 for Sheriff and $3,624 for Land Use and Environmental Services.

*Note: The County received insurance money based on claims for stolen and damaged items in the departments identified.*

(21) **HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION**

1. Accept the “Offer of Sale of Land” from Jeffrey Perry of 1800 Shannonhouse Drive (Parcel ID: 099-08-424) for $92,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

(23) **FIRE DISTRICT RESOLUTION / MAP**

Approve Mint Hill Fire District Map and Resolution.

*Resolution recorded in full in Minute Book 45-A, Document # ______.*

(24) **CONSERVATION EASEMENT**

Authorize the County Manager to execute a Permanent Conservation Easement to the State of North Carolina on approximately 57 acres in connection with the restoration of a portion of the upper tributary to Clarke Creek on Tax Parcel 027-161-03.

(26) **CMS LAND EXCHANGE – FRED BROWN ROAD ELEMENTARY SCHOOL SITE IN HUNTERSVILLE**
Decline the County’s statutory right of first refusal on a portion of CMS owned Tax Parcel #019-261-27 in Huntersville to be conveyed to SMB Auburn, LLC by Charlotte-Mecklenburg Schools.

(27) CHARLOTTE-MECKLENBURG SCHOOLS LEASE

Authorize Charlotte-Mecklenburg Board of Education to negotiate and execute a lease with Bissell Dabbs Biggers, LLC for office space.

(28) USDJ 2010 JUSTICE ASSISTANCE GRANT—SHERIFF’S OFFICE

Recognize, receive and appropriate funds from the U. S. Department of Justice for a Justice Assistance Grant in the amount of $232,310; and recognize, receive, and appropriate interest income earned on this grant during the term of this grant, in accordance with grant requirements.

(29) FIRST AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY

Adopt a resolution authorizing the County Manager to execute the First Amendment to the Agreement of Sale for three (3) parcels of land (+/- 11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Brooklyn Village LLC.

Resolution recorded in full in Minute Book 45-A, Document #_____.

(33) MEDIC FACILITY LEASE AMENDMENT

Authorize County Manager to execute Second Amendment to Lease Agreement between Mecklenburg EMS Agency (Medic) and The Realty Associates Fund IX, L.P., for Medic headquarters at Crosspoint Center in Charlotte, NC consenting to the amended Lease Agreement.

Note: Pursuant to the County’s creation of the Mecklenburg EMS Agency, Mecklenburg County, The Charlotte Mecklenburg Hospital Authority (CMHA), Presbyterian Health Services Corporation (PHSC), Medic and Crescent Resources entered into a Tri-Party Agreement in November 1997 to support Medic’s Lease from Crescent Resources of operational, dispatch, and office space for Medic. That Tri-Party Agreement provides that if the County takes over the responsibility for providing emergency medical services, the County would become the tenant under that Lease and therefore responsible for making lease payments. It also provides that the County is not bound by any amendments to the Lease unless it consents to the modifications. In November 2009, the BOCC approved the Amended and Restated Agreements which, among other things, formalized access to Medic’s Unreserved Fund Balance and released the Hospitals from guaranteeing Medic’s financial obligations, the County instead assuming that responsibility as guarantor. As a result of the Amended and Restated Agreement, the landlord (the successor in title to Crescent Resources) has agreed to execute a Second Amendment to Lease Agreement. One provision in the amended lease extends the base lease of Medic’s current facilities, but also provides the opportunity for Medic to increase its operational space by 34,600 sq. ft. through 2015 with a five (5) year extension option. The successor landlord in interest, The Realty Associates Fund IX, L.P., has also agreed to allow necessary renovations to the facilities to accommodate the increased space and operational demands. To take advantage of the extended lease with the renovation option it is necessary to execute an amended lease agreement with the current landlord. The County is being required by the Landlord to sign the Second Amendment to Lease to consent to the amendment and thereby affirm its obligation to take over as tenant in the event that the County takes over the
responsibility of providing emergency medical services during the term of the amended lease agreement.

**Amended Lease Agreement recorded in full in Minute Book 45-A, Document #_____.**

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

Chairman Roberts left the meeting and was absent for the remainder of the meeting.

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

(10) **THOMPSON CHILD & FAMILY FOCUS BONDS**

Commissioner Harold Cogdell, Jr. introduced the following resolution, the title of which appeared on the agenda of this meeting:

"APPROVAL IN PRINCIPLES OF SPECIAL PURPOSE PROJECT BONDS IN THE PRINCIPAL AMOUNT OF UP TO $11,560,000 FOR THE BENEFIT OF THOMPSON CHILD & FAMILY FOCUS"

**WHEREAS**, Thompson Child & Family Focus, a North Carolina nonprofit corporation (the “Borrower”) has requested The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the “Authority”) to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act (the “Act”) of a capital project through the issuance of the Authority’s special purpose project bonds; and

**WHEREAS**, the Borrower proposes that the proceeds of the bonds be used to (a) finance the construction and equipping of (i) an approximately 23,000 square foot child development facility located on an approximately 4.02 acre tract of land at 1645 Clanton Road, Charlotte, North Carolina and (ii) an approximately 16,000 square foot residential treatment facility located on the Borrower’s campus (which consists of approximately 40 acres) located at 6800 St. Peter’s Lane, Matthews, North Carolina (collectively, the “Project”); (b) refund all of the outstanding principal amount of the North Carolina Capital Facilities Finance Agency’s $3,550,000 Variable Rate Educational Facilities Revenue Bonds (Thompson Children’s Home), Series 2000 (the “2000 Bonds”), the proceeds of which were used to finance the cost of (i) the construction and equipping of an approximately 21,464 square foot administration building and (ii) the renovation and equipping of four residential cottages, consisting of a total of approximately 26,624 square feet, located on the Borrower’s campus at 6800 St. Peter’s Lane, Matthews, North Carolina; and (c) pay certain costs of issuance of the Bonds; and

**WHEREAS**, the Project constitutes a “special purpose project” under the Act; and

**WHEREAS**, on August 26, 2010, the Authority held a public hearing with respect to the issuance of its Special Purpose Project Revenue Bonds (Thompson Child & Family Focus Project), Series 2010 (the “Bonds”) in the principal amount of up to $11,560,000 to finance the Project and refund the 2000 Bonds, as evidenced by a certificate and summary of public hearing attached to this resolution as Exhibit A; and

**WHEREAS**, the Authority on August 26, 2010, approved the issuance of the Bonds which will be sold in a private placement directly to Branch Banking and Trust Company (the “Bank”); and

**WHEREAS**, the Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including Mecklenburg County (the “County”), or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the County, but are payable solely from the revenues and other funds provided for in a loan agreement between the Authority and the Borrower, including draws on the Letter of Credit; and

**WHEREAS**, under Sections 159C-4 and 159C-8 of the Act, and Section 147 of the Internal...
Revenue Code of 1986, as amended (the “Code”), the issuance of Bonds under the Act must be approved in principle by the governing body of the county in which a special purpose project to be financed under the Act is located; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County, meeting in regular session in Charlotte, North Carolina, on September 8, 2010, that:

1. The issuance by the Authority of its Special Purpose Project Revenue Bonds (Thompson Child & Family Focus Project), Series 2010 (the “Bonds”) in the principal amount of up to $11,560,000 to finance the Project is hereby approved in principle.
2. The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.
3. The issuance of the Bonds in the principal amount of $11,560,000 to refund existing bonds and to finance a special purpose project for Thompson Child & Family Focus is hereby approved for purposes of Section 159C-4 of the Act.
4. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE COUNTY.

Commissioner Dumont Clarke moved the passage of the foregoing resolution and Commissioner Bill James seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, and Vilma Leake

Nays: None

Note: Commissioner Leake removed this item from Consent for more clarity. Attorney Bethune addressed this matter.

Extract/Resolution recorded in full in Minute Book 45-A, Document #______.

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

Commissioner Murrey returned to the dais.

(12) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY2011 FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,415,682 for fiscal year 2011 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

Note: Commissioner Leake removed this item from Consent for more clarity. She asked were the agencies receiving the funding monitored. County Manager Jones said he would get that information and report back.

(13) BUDGET AMENDMENT – SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to recognize and appropriate for the Sheriff’s Special Revenue Fund, $116,114 from Inmate Commissary.
Note: All funds collected through jail commissary operations to be used for inmate education, inmate library and self-sufficiency programs, as well as supplies and equipment to support programs.

Note: Commissioner Leake removed this item from Consent for more clarity.

(14) BUDGET AMENDMENT – DSS – LOW INCOME ENERGY ASSISTANT PROGRAM (REVENUE INCREASE)

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate $248,130 of additional Federal revenue for the administration of the Crisis Intervention Program (Low Income Energy Assistance Program (LIEAP)/Crisis Intervention Program (CIP).

Note: Commissioner Leake removed this item for more public awareness.

(15) BUDGET AMENDMENT – DSS - FAMILY VIOLENCE PREVENTION (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate Family Violence Prevention Act Funds in the amount of $18,677.

Note: Commissioner Leake removed this item for more public awareness.

(17) BUDGET AMENDMENT – AREA MENTAL HEALTH – MECKCARES (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to

(A) Approve receipt of donated school supplies, goods, and other non-monetary items for Area Mental Health MeckCARES to be distributed to program participants.

Note: A) MeckCARES is a grant-funded initiative that is building a system of care partnership among local child-serving agencies, families and the community. The purpose is to improve outcomes for youth ages 10-21 who have severe emotional challenges, and their families.

(B) Approve, recognize, receive and appropriate cash donations in the amount of $1,150 to the MeckCARES program.

Note: B) To support youth and families in Mecklenburg County, MeckCARES has partnered with Starlight Skating Rink to encourage the community to participate in the 4th Annual MeckCARES Family FUN Day. This event allows families to enjoy a day of fun and recreation while learning about valuable children’s mental health resources—while providing back-to-school supplies and support for area families with items that help position a young person for academic success.

Note: Commissioner Leake removed this item for more public awareness. She also asked were there other agencies or programs that could be a part of this. County Manager Jones said he would follow-up with staff and report back.
(22) CAPITAL RESERVE REQUEST – PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to authorize and appropriate a capital expenditure of $75,000 from the Consolidated Aquatic Capital Reserve Account to fund the following: 1) Paint locker rooms at Mecklenburg County Aquatic Center (MCAC) - $12,338. 2) Remove floor islands and repair flooring in locker rooms at MCAC - $22,700. 3) Relocate suit dryer in both locker rooms at MCAC - $500. 4) Replace sink tops and install skirting, new plumbing and new mirrors in the locker rooms at MCAC - $32,962. 5) Install security cameras at Marion Diehl Pool - $6,500.

Note: Commissioner Leake removed this item from Consent for clarity. She asked if funds could be made available to help maintain some of the programs that were cut because of budget constraints. County Manager Jones explained that these funds were slated for a specific purpose.

(25) LEASE AGREEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to authorize the County Manager to negotiate and execute a lease with Charlotte East, LLC for office space for the Department of Social Services, Child Support Enforcement, and Community Corrections.

Note: Commissioner Leake removed this item from Consent for clarity. Attorney Bethune addressed this matter.

STAFF REPORTS AND REQUESTS

(30) ADMINISTRATIVE WAIVER – ROOM OCCUPANCY AND PREPARED FOOD & BEVERAGE TAXES

Finance Director Dena Diorio and Tax Collector Neal Dixon addressed the County’s current Room Occupancy and Prepared Food & Beverage Tax Ordinances.

Note: The Board of County Commissioners requested that a study be completed and a recommendation made to answer two questions regarding the administration of the Room Occupancy and Prepared Food & Beverage taxes.

The Board of County Commissioners (Board) asked the Finance Director and Tax Collector to answer two questions regarding the administrative waiver process:

1. When the ownership of a business transfers to a new owner, do the administrative waivers reset for that business?

2. Is it possible to create an administrative grace period by resetting the administrative waivers to zero for a business, even when there is no change in ownership, after a specified period of time following the third administrative waiver without delinquency?

Commissioner Leake left the dais and was away for the remainder of the meeting.

Tax Collector Dixon said the answer to the first question was that a buyer of a business was liable for the taxes of the former owner.
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The answer to the second question was that our current ordinances do not permit the three administrative waivers to be reset after a specified grace period; however, the Board may change the ordinances to establish a grace period that resets the waiver count after a specific period of time if it chooses to do so. Other than the statutes that affect liability following an ownership transfer, there are no prohibitive statutes that prevent the modification of the RO/PF&B ordinances to allow for this to be changed.

Tax Collector Dixon said staff was asking the Board to reaffirm the current Room Occupancy and Prepared Food & Beverage Tax Ordinances to maintain current administrative waivers for these taxes.

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

Comments

Commissioner Dunlap asked was there any way that the Board could establish some type of regulation or maybe place it on the County’s legislative agenda to make sure current owners notify potentially new owners of any tax liens. Attorney Bethune said the Board could ask the General Assembly to adopt a new law, but what Commissioner Dunlap was referring to was a normal due diligence that any business owner should be doing when they buy a business.

Commissioner Dunlap said what he was trying to do was to make it such that the obligation was on the owner of the business prior to the sale, so the Board doesn’t have to “deal with the problem.”

Attorney Bethune said he didn’t know if that would keep the Board from having to deal with the problem because the owner may or may not disclose that information. He said the Board could ask the General Assembly to adopt a law requiring business owners to disclose that information but if they don’t, “they’re long gone” and the new buyer still has the same problem.

Vice-Chairman Cogdell asked could this matter be discussed further when the Board addressed its State Legislative agenda. The response was yes.

Commissioner Clarke asked if someone forms a new entity and buys the assets, would they be liable for the taxes that the former owner owed. The response was yes.

Since a quorum was not present, no action could be taken.

Vice-Chairman Cogdell thanked staff for the presentation.

(31) BUY AMERICAN POLICY

General Manager John McGillicuddy addressed the County’s current Buy American Policy.

Note: On January 6, 2009, the Board asked the County Manager to research and provide recommendations regarding potential changes to the Board’s Buy American Policy, as well as additional work staff would undertake in record keeping and reporting that would be associated with the revised policy. Specifically, the County Manager was asked to consider if and how the following could be accomplished:

1. Expanding the existing policy to include allowable contracted services such as IT maintenance or phone assistance (e.g., technical support)
2. Include in the policy the definition of an American product as one that has at least 50% of its materials or labor costs from American sources
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3. Include in the policy a requirement that records be maintained that document purchase decisions when non-US-made products are selected over American-made products

General Manager McGillicuddy said staff was asking the Board to reaffirm the current policy and practice of giving preference in purchasing American-made supplies except when such preference would cost more than the lowest responsible bidder or when the quality of the supplies does not meet desired specifications.

Since a quorum was not present, no action could be taken.

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

Vice-Chairman Cogdell thanked General Manager McGillicuddy for the presentation.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 4-0 with Commissioners Clarke, Cogdell, Dunlap, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:05 p.m.

__________________________________________________________

Janice S. Paige, Clerk                          Jennifer Roberts, Chairman

__________________________________________________________

Harold Cogdell, Jr., Vice-Chairman
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 Wednesday, September 8, 2010.

**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-**

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

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

(1A) STAFF BRIEFINGS - NONE

(2A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY, C) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session:

- Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C.
- Mecklenburg County vs. Time Warner Cable
- Jack Stratton vs. Mecklenburg County

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion, B) Consult with Attorney and C) Personnel Matter.

*The Board went into Closed Session at 5:05 p.m. and came back into Open Session at 6:57 p.m.*

Commissioner Dunlap was present when the Board came back into Open Session. He entered 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 10, 12, 13, 14, 15, 17, 22, and 25.

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

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-FORMAL SESSION-

Commissioner Clarke was away from the dais when the Formal Session was called to order and until noted in the minutes.

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

Commissioner Clarke returned to the dais.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A1) NATIONAL ADULT DAY SERVICES WEEK

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating September 19-25, 2010 as National Adult Day Services Week in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Nate Huggins.

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

(1A2) SENIOR CENTER MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating September 2010 as Senior Center Month in Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Bob Shaffer, President of Charlotte Mecklenburg Senior Centers Board of Directors and Trena Palmer, Executive Director of Charlotte Mecklenburg Senior Centers.

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:
James Brock Kitchen, a disabled veteran, addressed the payment of his property tax and garnishment of his savings. Mr. Kitchen addressed his desire to apply for the tax exclusion program because of his disability. He said because of the Veterans Administration’s backlog, he was unable to provide the needed documentation at the time he wanted to apply. Thus, he was informed by the tax office that proof of permanent disability was a requirement. Mr. Kitchen said this was a problem because when he carried documentation regarding his disability, he still was not successful. Mr. Kitchen left a handout for the Board’s review regarding his situation.

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

Reggie Singleton, director of The Males Place Program addressed the mission and purpose of The Males Place and activities that the students were involved in. He also addressed an upcoming trip to Ghana, West Africa for the participants.

Blanche Penn introduced members of the Silver Fox Cheerleaders. She announced that the squad would be going to Raleigh, N.C. on September 30th to compete against other seniors. The Silver Fox ages run from 55 to 75.

Belinda Cauthen, Special Education teacher and consultant with G. B. Tubman Services, addressed an upcoming parental workshop on October 18th, 6:30 p.m. - 8:30 p.m. and on October 23, 11:00 a.m. - 2:00 p.m. at the Sugar Creek Recreation Center. The workshops are being sponsored by Winners Plus Incorporated and G. B. Tubman Services. This will be the first in a series of parent involvement workshops, entitled Understanding the System, the Federal Laws Governing Our Education System.

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

**(3A) APPOINTMENTS**

**AIR QUALITY COMMISSION**

The vote was taken on the following nominees for appointment to the Air Quality Commission:

Terry Lansdell          None
Curtis Watkins          Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Curtis Watkins to the Air Quality Commission to fill an unexpired term expiring August 31, 2012. Mr. Watson will serve as a General Public member.

*Note: He is replacing Tonisha Dawson.*

**BICYCLE COMMITTEE**

The vote was taken on the following nominees for appointment to the Bicycle Committee:

John Arciero            None
Thomas Crespo           None
Terry Lansdell          Commissioners Cooksey and James
Jane Wasilewski         Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts
Chairman Roberts announced the appointment of Jane Wasilewski to the Bicycle Committee to fill an unexpired term expiring March 6, 2012.

Note: She is replacing Kurt Robinson.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

The vote was taken on the following nominees for appointment to the Information Services & Technology Committee:

Edward Deason  Commissioner James
Tomeko Smith  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Tomeko Smith to the Information Services & Technology Committee to fill an unexpired term expiring February 28, 2012.

Note: She is replacing Jenifer Daniels.

PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

North Region 3
Kendel Bryant  Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts
Pamela Gordon

Chairman Roberts announced the appointment of Kendel Bryant to the Park and Recreation Commission as a North Region 3 representative for a three-year term expiring June 30, 2013.

Note: She is replacing Owen Furuseth.

Central Region 1
Beverly Lawston  Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey, and Roberts
Sheryl Smith

Chairman Roberts announced the reappointment of Beverly Lawston to the Park and Recreation Commission as a Central Region 1 representative for a three-year term expiring June 30, 2013.

South Region 1
Douglas Burnett  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Douglas Burnett to the Park and Recreation Commission as the South Region 1 representative for a three-year term expiring June 30, 2013.

Note: He is replacing John Barry.
Chairman Roberts announced the appointment of Elaine Powell to the Park and Recreation Commission as the North Region 1 representative for a three-year term expiring June 30, 2013.

Note: She is replacing Bradley Pearce.

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

**PUBLIC HEARINGS**

(4A) STREET NAME CHANGE – A PORTION OF CROSSHAVEN DRIVE TO SARANITA LANE

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to hear citizens’ comments on the proposed renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

*Note: Due to new construction in the Palisades subdivision, one portion of Crosshaven Drive has been cut off from the other. This poses a problem, since both portions of the road should not have the same name. It is proposed that one portion of the road be renamed to Saranita Lane. Renaming this portion of the road will help eliminate confusion in locating the properties in case of an emergency.*

The following persons appeared to speak in support of the street name change: Brenda and Mike Peters. The Peters said the change was needed so that emergency vehicles won’t get confused, as well as, service delivery vehicles. The Peters also referenced a development agreement that was signed agreeing to the name change.

**Commissioner Cooksey returned to the dais.**

The following person spoke in opposition to the street name change: Mary Little. Ms. Little asked the Board to defer renaming the street. Ms. Little said contrary to what the letter from the County said regarding this being necessary because of new construction, Palisades was in bankruptcy. Ms. Little said Palisades had not carried anything through with respect to the development agreement for this area. Ms. Little asked the Board to wait one-year or eighteen months before considering renaming the road. Ms. Little said the matter should be deferred until such time that additional development occurs. Ms. Little said the name Saranita Lane had something to do with the name of a development that was going to be built there, which has now gone away. She said the next developer may want to name it something else.

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing to hear citizens’ comments on the proposed renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

Commissioners Dunlap and Cooksey asked was this an urgent matter or could it be delayed as requested by Ms. Little.
Rhonda Buckner, Addressing/Land Records Manager, Mecklenburg County GIS addressed this issue. Ms. Buckner addressed the need for the name change as it related to emergency vehicles being able to locate residents. She also addressed the history of the road.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

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

(4B) NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011 funding.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

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

The completed forms will be held on file at the North Carolina Department of Transportation. For further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.

No one from the public appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program funding for fiscal year 2010-2011 and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011; and recognize, receive and appropriate grant funds when awarded.

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

Commissioner Leake asked about the County’s funding match and who would be overseeing the allocation of these funds, both of which were addressed by Chairman Roberts.

Commissioner Cooksey asked for clarification on the amount of funding that would be coming from the state and the certainty of these funds from the state. Director of Social Services Mary
Wilson and staff member Sue Hancharik addressed these matters.

**Commissioner Bentley returned to the dais.**

The vote was then taken on the motion made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011 and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2010-2011; and recognize, receive and appropriate grant funds when awarded.

**Certified Statement recorded in full in Minute Book 45-A, Document # _____.**

**Commissioner Clarke returned to the dais.**

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

**ADVISORY COMMITTEE REPORTS**

**(5A) HIV COUNCIL UPDATE**

The Board received a report from the Mecklenburg County HIV/AIDS Council (MCHAC). It’s 2009 Annual Report.

*Note: The Mecklenburg County HIV/AIDS Council is an advisory council created in 2005 by the Board to develop specific strategies and recommendations for a broad-based comprehensive community plan to eliminate HIV/AIDS in Mecklenburg County.*

Susan Garvey, a member of the Council, and Teresa Scheid, Ph.D. UNC-Charlotte gave the report. They were joined at the podium by Faye Marshall with Positive Connections and Deborah Warren with RAIN (Regional AIDS Interfaith Network).

**Commissioner Dunlap returned to the dais.**

The following was covered in the report:

- MCHAC Mission, Background, and Membership
- HIV/AIDS in Mecklenburg County
- HIV Disease Case Rates, 2005-08 Number of cases per 100,000
- The HIV/AIDS Population
- HIV/AIDS and African Americans
- Poverty and Poor Health
- The Impact of HIV/AIDS in Mecklenburg County
- Social and Economic Impacts of HIV/AIDS
- HIV Medications and Wait Lists
- MCHAC Accomplishments
- System Changes
- Services and Supports
- Problems with HIV Prevention and Care
- What Can the BOCC Do
  - Broader public awareness of the burden HIV/AIDS places on the community
  - Greater public awareness will help lessen stigma, and increase support for resources for both prevention efforts (to reduce the incidence of new HIV cases) as well as improving access to care for those living with HIV/AIDS.
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Dr. Scheid suggested the Board, in an effort to increase public awareness, recognize World AIDS Day, December 1st, by issuing a proclamation and/or recognizing HIV/AIDS Awareness Day later in the year. Dr. Scheid said the Council would also like to hold a Soul 2 Sole event on the steps of the Government Center. (Soul 2 Sole is an event to raise the community's awareness of HIV with a visual display of shoes, one pair for every newly reported case in the county.) She suggested the event be held on World AIDS Day.

She also suggested a link be placed on the County's website for persons to access information regarding HIV/AIDS.

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

Comments

Commissioner Murrey, chair of the Board's Health & Community Support Committee acknowledged the Committee's receipt of updates from the Council. Commissioner Murrey said the Committee was informed that Mecklenburg County continues to have one new diagnosis every day of someone with HIV. Commissioner Murrey said the good news, however, was that there were some very strong advocates working hard in the community to increase awareness, to try and reduce the stigma, and to try to work in new and innovative ways to address this disease. He thanked the Council for its work.

Commissioner Leake shared a handout with the Board regarding HIV and AIDS in America A Snapshot.

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

Commissioner Leake asked was this an epidemic. Dr. Scheid said yes, according to the definition of epidemic and the Center for Disease Control.

Commissioner Leake said the community needed to respond to this issue because it was an epidemic and a serious health issue.

Commissioner Leake said she was concerned about the grant funds received for addressing this issue. She requested the following information: 1) who’s accountable for those grant funds, 2) how were the funds being spent, 3) what impact has been made per the receipt of the funds, 4) how successful has Mecklenburg County been in addressing this issue, 5) how were the Ryan White funds being spent Part A and Part D, 6) how is information being disseminated to school aged children and to the community at large, 7) who were the employees involved in administering the grant funds, and 8) who’s received funding from the County via Ryan White.

Chairman Roberts told Dr. Scheid and others on the Council to count the County in with respect to holding a Soul 2 Sole event on December 1, 2010.

Commissioner Cogdell asked Dr. Scheid to elaborate more on the economic impact of HIV/AIDS and on how that number was calculated, which she did.

Commissioner Cooksey said the Board needed to understand how grant funds for HIV/AIDS were being spent to make sure they’re being spent in the best way possible. He requested a report from Health Director Wynn Mabry or who ever would be the appropriate person, regarding what grant dollars were coming through the County, how they’re being spent and were they being spent in the most appropriate way.

Chairman Roberts asked that an update be received at a future meeting regarding the Ryan White grant.
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Faye Marshall encouraged the Board to take this issue seriously and to assist the Council and other advocate groups, to increase the public’s awareness. She also addressed the need for services. Ms. Marshall said “our community is failing people that are living with HIV/AIDS.” She said there should not be any individuals who can’t get the medical care that they need when there were County dollars available for indigent care; as well as, persons who can’t get case management services. Ms. Marshall said there needed to be a community-wide strategic plan to combat this issue. She encouraged the Board to assist in this effort.

Note: The above is not inclusive of every comment.

MANAGER’S REPORT

(6B) ALCOHOLIC BEVERAGE CONTROL BOARD LEGISLATIVE CHANGES

The Board received a report from Alcoholic Beverage Control Board Chair Cleveland Edwards and Chief Executive Officer Paul Stroup regarding recent legislative changes applicable to Alcoholic Beverage Control Boards and actions the Board needed to take in response to those changes.

The report addressed:
- Accountability/Enforcement Reports
- ABC Board Financial Operations
- Compensation of General Manager
- Alcoholic Beverage Control Board Travel Policy
- Alcoholic Beverage Control Board Bonding Requirements
- Alcoholic Beverage Control Board Compensation

It was stated that action was needed by the Board of County Commissioners (the appointing authority) as it related to the Alcoholic Beverage Control Board’s travel policy, bonding requirements and compensation, effective October 1, 2010. Below is a summary of each.

ABC Board Travel Policy” Action Required
Pursuant to 18B-700(g2) the appointing authority must annually approve the travel policy for the ABC Board.

The ABC Board’s travel policy was revised in February, 2010. The ABC Board’s policy is similar to the travel policy of Mecklenburg County government - for example: Requiring travelers to use available discounts/conference rates; limiting air travel to coach rates only; excluding reimbursement for personal phone calls; and requiring submission of receipts and expense reports for all travel expenses.

In addition, the Board’s travel policy requires advance approval for travel in excess of $1000, the same as the County’s policy. Previously, the advance approval for such travel would have been given to the C.E.O. by the Board; however, consistent with the newly enacted language amending 18B-700, the ABC Board will now seek approval for travel in excess of $1000 from the County’s Finance Director.

The ABC Board is required to obtain formal approval of its travel policy from the Board of County Commissioners. Upon securing this approval from the BOCC, both the travel policy and the BOCC’s approval will be forwarded to the NC ABC Commission, as required.

The ABC Board requests that the BOCC approve its travel policy as presented. (Effective October 1, 2010.)

ABC Board Bonding Requirements” Action Required
The statutes require that board members and employees be bonded. As part of the recently passed legislation, a new requirement was added that “the bond shall be payable to the local board and shall be approved by the appointing authority for the local board.
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The ABC Board already has in place a blanket employee dishonesty bond in the amount of $65,000. Both board members and employees are covered. The appointing authority must approve this bond. (Effective October 1, 2010.)

**ABC Board Compensation**

**Action Required**

Pursuant to 18B-700(g), each board member shall receive compensation not to exceed $150 **per board meeting** (emphasis added) unless a different level is approved by the appointing authority.

The Board of County Commissioners approved monthly compensation amounts of $500 for Board members/$600 for Chairman, effective May 21, 1999.

Pursuant to 18B-700(g), each board member shall receive compensation not to exceed $150 **per board meeting** (emphasis added) unless a different level is approved by the appointing authority.

Workload for Mecklenburg ABC Board members is not limited to board meetings. Board members are often involved in committee meetings and other oversight throughout the course of the month. For this reason, members of the Mecklenburg ABC Board have historically been paid compensation on a monthly basis. Because in other communities ABC board members sometimes collected compensation without even meeting, the General Assembly crafted legislation requiring compensation on a per meeting basis.

The statute also requires that the appointing authority approve compensation greater than $150 per meeting. By adopting the recommended compensation plan, Mecklenburg ABC members will continue to receive the same compensation that they have received since 1999 as long as they continue to meet on a monthly basis.

The ABC Board requests that the BOCC approve a continuation of the existing compensation structure which provides board members with $500 per month and the board chair with $600 per month. (Effective October 1, 2010.)

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

Comments

**Commissioner Leake** asked Alcoholic Beverage Control Board CEO Stroupe what was his salary. *The response was $150,000.*

Commissioner Leake asked Mr. Stroupe if he received a bonus, along with his annual salary. *The response was no.*

Commissioner Leake said she would like a copy of the Alcoholic Beverage Control Board’s budget and information on things they’ve done to help the community.

**Commissioner Cooksey** asked for clarification regarding Alcoholic Beverage Control Board compensation and the difference between what was presented and the current compensation set by the Board in 1999. *County Attorney Bethune explained the difference, which had to do with compensation per meeting versus per month.*

**Commissioner Clarke** asked was it necessary for the Alcoholic Beverage Control Board to meet every month. *Mr. Edwards said yes and addressed why.*

Commissioner Clarke with respect to making appointments to the Alcoholic Beverage Control Board (ABC Board) asked Mr. Edwards if he thought it would be helpful if the ABC Board reviewed the applications of applicants and offer a recommendation to the Board. *Mr. Edwards said, personally, he would not want to get involved in the individual selection. He said the ABC Board should, however, communicate to the Board with respect to the needs and talents in order to “round out” the ABC Board. Thus, he would be comfortable in offering a recommendation with respect to the type of talent needed rather than recommending a specific individual.*
Commissioner Clarke said he appreciated Mr. Edwards’ response. He encouraged Mr. Edwards to have that discussion with fellow ABC Board members because their input would be helpful to the Board in the selection process.

This concluded the discussion.

*Note: The above is not inclusive of every comment but is a summary.*

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Murrey and Roberts voting yes and Commissioner Leake voting no, to approve, as outlined in the report, the Mecklenburg County Alcoholic Beverage Control Board’s (ABC Board): 1) Travel Policy, 2) the bond secured by the ABC Board, and 3) to set compensation for Mecklenburg ABC Board members at $500 per meeting, not to exceed $500 per month. Set compensation for the Board Chair at $600 per meeting, not to exceed $600 per month.

The Board thanked program participants and staff.

**(6D) THE OPPORTUNITY PROJECT (TOPS)**

The Board recognized employers and participants of “The Opportunity Project.” They were introduced by Director of Social Services Mary Wilson.

*Note: As a part of the American Recovery and Reinvestment Act, the Mecklenburg County Department of Social Services received $6,298,042 in TANF funds to employ 500 low-income people from February through September 30, 2010. Referred to locally as “The Opportunity Project,” the initiative has employed 415 citizens as of August 20, 2010.*

Director Wilson said the County was half way through the money but that the program was scheduled to end September 30, 2010. Director Wilson said staff was hopeful that Governor Perdue and the Mecklenburg Delegation will approve extending the program through the end of December. Director Wilson said there was enough money already allocated to the County that it would be able to keep 470 people employed through the end of the year.

**(6A) LEGISLATIVE GOALS FOR NCACC**

Assistant to the County Manager Brian Francis presented the proposed legislative goals to be submitted to the NCACC. The goals were:

North Carolina Association of County Commissioners  
2011 Legislative Goals  
Staff recommendation

1. Allow counties to post public notices on a county web site rather than compel the purchase of advertising in local newspapers.  
2. Amend G.S. 132-8.2 to allow code enforcement departments to maintain records in digital format rather than paper or microfilm.  
3. Restore State-Aid to counties for the Department of Social Services.  
4. Allow lottery funding allocations to revert the statutorily prescribed method.

Comments
Commissioner Clarke questioned the support of the NCACC for Goal 4 - Allow lottery funding allocations to revert the statutorily prescribed method. Assistant Francis said he felt there would be unanimous support that the language revert that dictated how much be distributed to the counties. Assistant Francis said he suspects 49 counties would support Mecklenburg County to have the distribution formula revert and 50 other counties would be opposed.

Commissioner James asked for clarification about Goal 3 - Restore State-Aid to counties for the Department of Social Services and if this included funding for The Opportunity Project (TOPS). Assistant Francis said it did not. He said these were funds that have historically been paid to counties to administer social services.

Commissioner James asked about the status of a request to seek legislation to prohibit the displaying of personal information of law enforcement personnel on the POLARIS website, Name Suppression of POLARIS (Property Ownership Land Records Information System) Online Property Records.

Chairman Roberts said the Board decided not to pursue that for various reasons, which was addressed at a previous meeting.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the following legislative goals to be submitted to the North Carolina Association of County Commissioners (NCACC).

North Carolina Association of County Commissioners
2011 Legislative Goals

1. Allow counties to post public notices on a county web site rather than compel the purchase of advertising in local newspapers.
2. Amend G.S. 132-8.2 to allow code enforcement departments to maintain records in digital format rather than paper or microfilm.
3. Restore State-Aid to counties for the Department of Social Services.
4. Allow lottery funding allocations to revert the statutorily prescribed method.

Commissioner Murrey returned to the dais.

(6C) STATE BUDGET REPORT

Budget/Management Director Hyong Yi gave a report and an analysis on state budget impacts to Mecklenburg County.

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

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

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

Comments

Commissioner Clarke asked about the reduction in lottery funds which was addressed.

Commissioner Dunlap asked about the status of funding for Charlotte-Mecklenburg Schools.
Director Yi said as of to date, there was no need to go back to CMS and ask them for funds.

Commissioner James asked about the list of Area Mental Health items that had impacts to service that do not have a known budget impact at this time. He asked why would the County transfer state funds and keep the programs, if there’s some unknown factors about what’s going to happen with Area Mental Health. He said the State may inform the County that’s it’s going to lose another million dollars because of other changes. Commissioner James asked why did staff move it all from County dollars to state dollars. Why wasn’t some of it put in reserve to cover some of the other factors. Director Yi said originally these services were state services and the State moved it off of their ledger. He said the County backed filled them because it was felt these were still important services. He said a dollar for dollar couldn’t be provided but the County Manager provided what he could. Director Yi said now that the State was restoring the funding, the County funding for that particular service was no longer required.

Director Yi addressed the items that do not have a known impact at this time.

Commissioner James asked about cuts to In-home Aid, which was addressed. Director Yi said he would check on that matter and report back.

Commissioner James asked how much was being used from fund balance in light of the State budget impacts. Director Yi said fund balance was not being used. Director Yi said the County was using reallocated funds from Area Mental Health, for about $4.5 million of it, and the balance was being made up, about $750,000 of it, from the $2 million state contingency fund that the County Manager recommended the Board set up as part of the this year’s budget.

Director Yi said the County was able to balance the budget and not touch any department or impact any service level from County funds. He said the County still had $1.25 million remaining, should something else come “down the road” from the State.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment.

(32) CRIMINAL JUSTICE ACTIVITIES UPDATE

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to defer receiving an update on the County’s Criminal Justice Activities until the September 21, 2010 meeting.

Note: Commissioner Clarke, Chairman of the Board’s Criminal Justice Committee, suggested this matter be deferred, in light of the lateness of the hour and where the Board was in addressing items on the agenda. He said this would be a very detailed report and deserved the Board’s full attention.

Chairman Roberts turned the gavel over to Vice-Chairman Cogdell.

CONSENT ITEMS

Motion was made by Commissioner Murrey, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 10, 12, 13, 14, 15, 17, 22, and 25 to be voted on separately:
(7) **APPROVAL OF MINUTES**


(8) **TAX REFUNDS**

Approve refunds in the amount of $50,104.20 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._

(9) **AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT**

1) Approve the list of personal property, (Exhibit A), as surplus, and

2) Adopt a resolution authorizing sale of surplus personal property by public auction at 10:00 am on Saturday, September 25, 2010 at 3301 Rotary Drive, Charlotte, NC.

_A list of the personal property, (Exhibit A), is on file with the Clerk to the Board._

Resolution recorded in full in Minute Book 45-A, Document #______.

(11) **DESTRUCTION OF DOCUMENTS (TAX ASSESSOR’S OFFICE)**

Approve the disposal/destruction of tax assessment documents in accordance with North Carolina Records Retention and Disposition Schedule.

_A list of the records is on file with the Clerk to the Board._

(16) **BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

Amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate additional federal revenue resulting from Cost Allocation reimbursements for the DSS retiree medical insurance in the amount of $297,820.

(18) **BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)**

(A) Approve, recognize, receive and appropriate Federal funds in the amount of $207,864 for the purpose of the Center for Prevention Resources (CPR) for the Western Region.

(B) Approve, recognize, receive and appropriate State service funds per annual state allocation letter in the amount of $4,537,170.

(C) Reduce Federal funding in the amount of $404,414 per annual state allocation letter.

(D) Approve, recognize, receive and appropriate State funds per annual state allocation letter in the amount of $25,339 for Local Management Entity Systems Management (LME) funds.
1. Approve the reduction of NC Clean Water Management Trust Fund Grant for two stream restoration grants along Little Sugar Creek (LSC):

(a) CWMTF Grant No. 2006A-404 LSC 7th Street to 3rd Street Stream Restoration Project: Reduce the original grant amount by $110,000 to $890,000 and our required match amount by $33,000 to $267,000.

(b) CWMTF Grant No. 2007-404 LSC 3rd Street to Charlottetowne Avenue Stream Restoration Project: Reduce the original grant amount by $150,000 to $465,000 and our required match amount by $158,000 to $504,000.

2. Authorize the County Manager to amend contracts between the NC Clean Water Management Trust Fund and Mecklenburg County.

3. Approve the transfer of local match to the Storm Water Capital Reserve Fund.

(20) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $10,412 for Real Estate Services, $8,724 for Park and Recreation, $4,608 for Sheriff and $3,624 for Land Use and Environmental Services.

Note: The County received insurance money based on claims for stolen and damaged items in the departments identified.

(21) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Jeffrey Perry of 1800 Shannonhouse Drive (Parcel ID: 099-08-424) for $92,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

(23) FIRE DISTRICT RESOLUTION / MAP

Approve Mint Hill Fire District Map and Resolution.

Resolution recorded in full in Minute Book 45-A, Document # _____.

(24) CONSERVATION EASEMENT

Authorize the County Manager to execute a Permanent Conservation Easement to the State of North Carolina on approximately 57 acres in connection with the restoration of a portion of the upper tributary to Clarke Creek on Tax Parcel 027-161-03.

(26) CMS LAND EXCHANGE – FRED BROWN ROAD ELEMENTARY SCHOOL SITE IN HUNTERSVILLE
Decline the County’s statutory right of first refusal on a portion of CMS owned Tax Parcel #019-261-27 in Huntersville to be conveyed to SMB Auburn, LLC by Charlotte-Mecklenburg Schools.

(27)  CHARLOTTE-MECKLENBURG SCHOOLS LEASE

Authorize Charlotte-Mecklenburg Board of Education to negotiate and execute a lease with Bissell Dabbs Biggers, LLC for office space.

(28)  USDJ 2010 JUSTICE ASSISTANCE GRANT—SHERIFF’S OFFICE

Recognize, receive and appropriate funds from the U. S. Department of Justice for a Justice Assistance Grant in the amount of $232,310; and recognize, receive, and appropriate interest income earned on this grant during the term of this grant, in accordance with grant requirements.

(29)  FIRST AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY

Adopt a resolution authorizing the County Manager to execute the First Amendment to the Agreement of Sale for three (3) parcels of land (+/- 11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Brooklyn Village LLC.

Resolution recorded in full in Minute Book 45-A, Document #______.

(33)  MEDIC FACILITY LEASE AMENDMENT

Authorize County Manager to execute Second Amendment to Lease Agreement between Mecklenburg EMS Agency (Medic) and The Realty Associates Fund IX, L.P., for Medic headquarters at Crosspoint Center in Charlotte, NC consenting to the amended Lease Agreement.

Note: Pursuant to the County’s creation of the Mecklenburg EMS Agency, Mecklenburg County, The Charlotte Mecklenburg Hospital Authority (CMHA), Presbyterian Health Services Corporation (PHSC), Medic and Crescent Resources entered into a Tri-Party Agreement in November 1997 to support Medic’s Lease from Crescent Resources of operational, dispatch, and office space for Medic. That Tri-Party Agreement provides that if the County takes over the responsibility for providing emergency medical services, the County would become the tenant under that Lease and therefore responsible for making lease payments. It also provides that the County is not bound by any amendments to the Lease unless it consents to the modifications. In November 2009, the BOCC approved the Amended and Restated Agreements which, among other things, formalized access to Medic’s Unreserved Fund Balance and released the Hospitals from guaranteeing Medic’s financial obligations, the County instead assuming that responsibility as guarantor. As a result of the Amended and Restated Agreement, the County instead assuming that responsibility as guarantor. As a result of the Amended and Restated Agreement, the landlord (the successor in title to Crescent Resources) has agreed to execute a Second Amendment to Lease Agreement. One provision in the amended lease extends the base lease of Medic’s current facilities, but also provides the opportunity for Medic to increase its operational space by 34,600 sq. ft. through 2015 with a five (5) year extension option. The successor landlord in interest, The Realty Associates Fund IX, L.P., has also agreed to allow necessary renovations to the facilities to accommodate the increased space and operational demands. To take advantage of the extended lease with the renovation option it is necessary to execute an amended lease agreement with the current landlord. The County is being required by the Landlord to sign the Second Amendment to Lease to consent to the amendment and thereby affirm its obligation to take over as tenant in the event that the County takes over the 
responsibility of providing emergency medical services during the term of the amended lease agreement.

Amended Lease Agreement recorded in full in Minute Book 45-A, Document #______.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Chairman Roberts left the meeting and was absent for the remainder of the meeting.

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

(10) THOMPSON CHILD & FAMILY FOCUS BONDS

Commissioner Harold Cogdell, Jr. introduced the following resolution, the title of which appeared on the agenda of this meeting:

APPROVAL IN PRINCIPLE OF SPECIAL PURPOSE PROJECT BONDS IN
THE PRINCIPAL AMOUNT OF UP TO $11,560,000 FOR THE BENEFIT
OF THOMPSON CHILD & FAMILY FOCUS

WHEREAS, Thompson Child & Family Focus, a North Carolina nonprofit corporation (the “Borrower”) has requested The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the “Authority”) to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act (the “Act”) of a capital project through the issuance of the Authority’s special purpose project bonds; and

WHEREAS, the Borrower proposes that the proceeds of the bonds be used to (a) finance the construction and equipping of (i) an approximately 23,000 square foot child development facility located on an approximately 4.02 acre tract of land at 1645 Clanton Road, Charlotte, North Carolina and (ii) an approximately 16,000 square foot residential treatment facility located on the Borrower’s campus (which consists of approximately 40 acres) located at 6800 St. Peter’s Lane, Matthews, North Carolina (collectively, the “Project”); (b) refund all of the outstanding principal amount of the North Carolina Capital Facilities Finance Agency’s $3,550,000 Variable Rate Educational Facilities Revenue Bonds (Thompson Children’s Home), Series 2000 (the “2000 Bonds”), the proceeds of which were used to finance the cost of (i) the construction and equipping of an approximately 21,464 square foot administration building and (ii) the renovation and equipping of four residential cottages, consisting of a total of approximately 26,624 square feet, located on the Borrower’s campus at 6800 St. Peter’s Lane, Matthews, North Carolina; and (c) pay certain costs of issuance of the Bonds; and

WHEREAS, the Project constitutes a “special purpose project” under the Act; and

WHEREAS, on August 26, 2010, the Authority held a public hearing with respect to the issuance of its Special Purpose Project Revenue Bonds (Thompson Child & Family Focus Project), Series 2010 (the “Bonds”) in the principal amount of up to $11,560,000 to finance the Project and refund the 2000 Bonds, as evidenced by a certificate and summary of public hearing attached to this resolution as Exhibit A; and

WHEREAS, the Authority on August 26, 2010, approved the issuance of the Bonds which will be sold in a private placement directly to Branch Banking and Trust Company (the “Bank”); and

WHEREAS, the Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including Mecklenburg County (the “County”), or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the County, but are payable solely from the revenues and other funds provided for in a loan agreement between the Authority and the Borrower, including draws on the Letter of Credit; and

WHEREAS, under Sections 159C-4 and 159C-8 of the Act, and Section 147 of the Internal
Revenue Code of 1986, as amended (the “Code”), the issuance of Bonds under the Act must be approved in principle by the governing body of the county in which a special purpose project to be financed under the Act is located; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County, meeting in regular session in Charlotte, North Carolina, on September 8, 2010, that:

1. The issuance by the Authority of its Special Purpose Project Revenue Bonds (Thompson Child & Family Focus Project), Series 2010 (the “Bonds”) in the principal amount of up to $11,560,000 to finance the Project is hereby approved in principle.
2. The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.
3. The issuance of the Bonds in the principal amount of $11,560,000 to refund existing bonds and to finance a special purpose project for Thompson Child & Family Focus is hereby approved for purposes of Section 159C-4 of the Act.
4. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE COUNTY.

Commissioner Dumont Clarke moved the passage of the foregoing resolution and Commissioner Bill James seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, and Vilma Leake

Nays: None

Note: Commissioner Leake removed this item from Consent for more clarity. Attorney Bethune addressed this matter.

Extract/Resolution recorded in full in Minute Book 45-A, Document #_____.

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

Commissioner Murrey returned to the dais.

(12) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY2011 FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,415,682 for fiscal year 2011 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

Note: Commissioner Leake removed this item from Consent for more clarity. She asked were the agencies receiving the funding monitored. County Manager Jones said he would get that information and report back.

(13) BUDGET AMENDMENT – SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to recognize and appropriate for the Sheriff’s Special Revenue Fund, $116,114 from Inmate Commissary.
Note: All funds collected through jail commissary operations to be used for inmate education, inmate library and self-sufficiency programs, as well as supplies and equipment to support programs.

Note: Commissioner Leake removed this item from Consent for more clarity.

(14) BUDGET AMENDMENT – DSS – LOW INCOME ENERGY ASSISTANT PROGRAM (REVENUE INCREASE)

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate $248,130 of additional Federal revenue for the administration of the Crisis Intervention Program (Low Income Energy Assistance Program (LIEAP)/Crisis Intervention Program (CIP).

Note: Commissioner Leake removed this item for more public awareness.

(15) BUDGET AMENDMENT – DSS - FAMILY VIOLENCE PREVENTION (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate Family Violence Prevention Act Funds in the amount of $18,677.

Note: Commissioner Leake removed this item for more public awareness.

(17) BUDGET AMENDMENT – AREA MENTAL HEALTH – MECKCARES (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to

(A) Approve receipt of donated school supplies, goods, and other non-monetary items for Area Mental Health MeckCARES to be distributed to program participants.

Note: A) MeckCARES is a grant-funded initiative that is building a system of care partnership among local child-serving agencies, families and the community. The purpose is to improve outcomes for youth ages 10-21 who have severe emotional challenges, and their families.

(B) Approve, recognize, receive and appropriate cash donations in the amount of $1,150 to the MeckCARES program.

Note: B) To support youth and families in Mecklenburg County, MeckCARES has partnered with Starlight Skating Rink to encourage the community to participate in the 4th Annual MeckCARES Family FUN Day. This event allows families to enjoy a day of fun and recreation while learning about valuable children’s mental health resources—while providing back-to-school supplies and support for area families with items that help position a young person for academic success.

Note: Commissioner Leake removed this item for more public awareness. She also asked were there other agencies or programs that could be a part of this. County Manager Jones said he would follow-up with staff and report back.
(22) CAPITAL RESERVE REQUEST – PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to authorize and appropriate a capital expenditure of $75,000 from the Consolidated Aquatic Capital Reserve Account to fund the following: 1) Paint locker rooms at Mecklenburg County Aquatic Center (MCAC) - $12,338. 2) Remove floor islands and repair flooring in locker rooms at MCAC – $22,700. 3) Relocate suit dryer in both locker rooms at MCAC - $500. 4) Replace sink tops and install skirting, new plumbing and new mirrors in the locker rooms at MCAC - $32,962. 5) Install security cameras at Marion Diehl Pool - $6,500.

Note: Commissioner Leake removed this item from Consent for clarity. She asked if funds could be made available to help maintain some of the programs that were cut because of budget constraints. County Manager Jones explained that these funds were slated for a specific purpose.

(25) LEASE AGREEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to authorize the County Manager to negotiate and execute a lease with Charlotte East, LLC for office space for the Department of Social Services, Child Support Enforcement, and Community Corrections.

Note: Commissioner Leake removed this item from Consent for clarity. Attorney Bethune addressed this matter.

STAFF REPORTS AND REQUESTS

(30) ADMINISTRATIVE WAIVER – ROOM OCCUPANCY AND PREPARED FOOD & BEVERAGE TAXES

Finance Director Dena Diorio and Tax Collector Neal Dixon addressed the County’s current Room Occupancy and Prepared Food & Beverage Tax Ordinances.

Note: The Board of County Commissioners requested that a study be completed and a recommendation made to answer two questions regarding the administration of the Room Occupancy and Prepared Food & Beverage taxes.

The Board of County Commissioners (Board) asked the Finance Director and Tax Collector to answer two questions regarding the administrative waiver process:

1. When the ownership of a business transfers to a new owner, do the administrative waivers reset for that business?

2. Is it possible to create an administrative grace period by resetting the administrative waivers to zero for a business, even when there is no change in ownership, after a specified period of time following the third administrative waiver without delinquency?

Commissioner Leake left the dais and was away for the remainder of the meeting.

Tax Collector Dixon said the answer to the first question was that a buyer of a business was liable for the taxes of the former owner.
The answer to the second question was that our current ordinances do not permit the three administrative waivers to be reset after a specified grace period; however, the Board may change the ordinances to establish a grace period that resets the waiver count after a specific period of time if it chooses to do so. Other than the statutes that affect liability following an ownership transfer, there are no prohibitive statutes that prevent the modification of the RO/PF&B ordinances to allow for this to be changed.

Tax Collector Dixon said staff was asking the Board to reaffirm the current Room Occupancy and Prepared Food & Beverage Tax Ordinances to maintain current administrative waivers for these taxes.

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

Comments

Commissioner Dunlap asked was there any way that the Board could establish some type of regulation or maybe place it on the County’s legislative agenda to make sure current owners notify potentially new owners of any tax liens. Attorney Bethune said the Board could ask the General Assembly to adopt a new law, but what Commissioner Dunlap was referring to was a normal due diligence that any business owner should be doing when they buy a business.

Commissioner Dunlap said what he was trying to do was to make it such that the obligation was on the owner of the business prior to the sale, so the Board doesn’t have to “deal with the problem.”

Attorney Bethune said he didn’t know if that would keep the Board from having to deal with the problem because the owner may or may not disclose that information. He said the Board could ask the General Assembly to adopt a law requiring business owners to disclose that information but if they don’t, “they’re long gone” and the new buyer still has the same problem.

Vice-Chairman Cogdell asked could this matter be discussed further when the Board addressed its State Legislative agenda. The response was yes.

Commissioner Clarke asked if someone forms a new entity and buys the assets, would they be liable for the taxes that the former owner owed. The response was yes.

Since a quorum was not present, no action could be taken.

Vice-Chairman Cogdell thanked staff for the presentation.

(31) BUY AMERICAN POLICY

General Manager John McGillicuddy addressed the County’s current Buy American Policy.

Note: On January 6, 2009, the Board asked the County Manager to research and provide recommendations regarding potential changes to the Board’s Buy American Policy, as well as additional work staff would undertake in record keeping and reporting that would be associated with the revised policy. Specifically, the County Manager was asked to consider if and how the following could be accomplished:

1. Expanding the existing policy to include allowable contracted services such as IT maintenance or phone assistance (e.g., technical support)
2. Include in the policy the definition of an American product as one that has at least 50% of its materials or labor costs from American sources
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3. Include in the policy a requirement that records be maintained that document purchase decisions when non-US-made products are selected over American-made products.

General Manager McGillicuddy said staff was asking the Board to reaffirm the current policy and practice of giving preference in purchasing American-made supplies except when such preference would cost more than the lowest responsible bidder or when the quality of the supplies does not meet desired specifications.

Since a quorum was not present, no action could be taken.

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

Vice-Chairman Cogdell thanked General Manager McGillicuddy for the presentation.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 4-0 with Commissioners Clarke, Cogdell, Dunlap, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:05 p.m.

Janice S. Paige, Clerk
Jennifer Roberts, Chairman
Harold Cogdell, Jr., Vice-Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, September 14, 2010.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Harold Cogdell, Jr., Neil Cooksey, George Dunlap Vilma Leake, and Daniel Murrey County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioners Karen Bentley, Dumont Clarke, and Bill James

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

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

(2) PIEDMONT NATURAL GAS PIPELINE EXPANSION PLAN

Marty Viser, Adam Long, and David Trusty with Piedmont Natural Gas addressed Piedmont Natural Gas’ Pipeline Expansion Plan. It was noted that the pipeline would route through Mecklenburg County and Cabarrus County.

Commissioner Leake entered the meeting.

Comments

Commissioner Cooksey asked once the route is determined, how would Piedmont Natural Gas obtain easements from the landowners. The response was that Piedmont Natural Gas would negotiate with the landowners for rights-of-way.

Commissioner Cooksey asked about the size of the easements. The response was that it varied but for a single pipeline, 50 feet was the normal practice.

Commissioner Cooksey asked would the County be involved if Piedmont Natural Gas had to obtain some easements through eminent domain. The response was no.

Commissioner Dunlap asked about safety measures, in light of recent pipeline explosions. The response was that Piedmont Natural Gas’ highest priority was safety for residents, its employees, the community, and the integrity of their system.

Chairman Roberts asked would the pipeline expansion go through any of the towns in Mecklenburg County and if so, has there been communication with those towns. The response was yes and the towns were Davidson and Huntersville.
Chairman Roberts thanked Piedmont Natural Gas officials for addressing this matter with the Board.

(1) FY10 EMPLOYEE CLIMATE SURVEY RESULTS

Strategic Planning Director Leslie Johnson addressed the FY10 Employee Climate Survey Results. The following was covered:

- Background
- Methodology
- Motivation & Satisfaction
- Economic Impact
- Employee Comments
- Relevant Research
- Communication, Human Resources & Technology
- Scorecard Results
- Conclusions

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

Comments

Commissioner Murrey asked were the top 10 sentiments noted in the presentation in rank order. The response was yes and no. They were bundled together, but pay was the most dominant, followed by the reduction in force (RIF) process and then lack of communication.

Commissioner Cogdell asked about the RIF process which was addressed.

Commissioner Cooksey asked if the County had programs that try to maximize the potential of employees to progress through the organization and into leadership roles; and if so, did the survey ask about those programs. The response was yes to both.

County Manager Jones addressed leadership programs that exist.

County Manager Jones addressed the issue of no merit pay increase for the last two years.

County Manager Jones said his goal for next year was to get merit pay reinstated.

County Manager Jones addressed his desire to have an Employee Appreciation Day in October.

County Manager Jones said he was considering having the event at the Whitewater Center. He said it would cost about $50,000 - $60,000 to put on the event, with the principle cost being transportation. County Manager Jones said a few corporate contributions had been received.

County Manager Jones said he would like to have the unanimous support of the Board with respect to holding the event.

No objection was expressed with respect to holding an Employee Appreciation Day event.

Commissioner Cooksey encouraged staff to not “discount” the value of giving employees a perception or a reality that they won’t always be doing the job they’re currently doing, that there’s potential for development and advancement in the organization.
SEPTEMBER 14, 2010

Commissioner Cooksey asked County Manager Jones to notify and include the Board in on the Employee Appreciation Day event and other employee recognition events that occur.

Commissioner Cogdell asked could staff benchmark the data shared against the private sector and others in the public sector, especially in light of the current economic times, which was addressed. It was noted that Mecklenburg County was one of the few government agencies that track data on an annual basis. It was also noted that there was no uniform methodology of collecting this data.

Commissioner Leake asked about the level of employees surveyed. The response was that every employee was surveyed.

Commissioner Leake asked what department had the highest absenteeism rate. The response was that not a part of the survey questions.

Commissioner Murrey asked was there any analysis by departments. It was noted that more specific details were available on-line.

Commissioner Murrey asked if staff followed up with departments to see if there’s been any change where the survey results indicate concern and was any of the data used in performance reviews of supervisors and managers. Director Johnson and General Manager John McGillicuddy addressed how the survey data was used.

Commissioner Dunlap said he wished staff would track policy changes to the point that they could be incorporated in the survey once those policies have been implemented. He noted as an example, the change that was made with respect to employee charitable campaign giving. He said it would be good to gauge how employees felt about the new process.

Commissioner Dunlap said his question to staff was what was learned from the survey relative to the responses to things that happened with the budget and the RIF, etc.

Commissioner Dunlap said what should have been learned was that we “dwelled too much” on what was going to happen. Commissioner Dunlap said when people are told there’s going to be a RIF, anxiety “builds” because of the unknown. He said that unknown may not be known until six months later.

Commissioner Dunlap asked was anything learned from that to the point that maybe it’s better to say in June someone will be rifted and that it would be effective July 1. Commissioner Dunlap said he didn’t know how humane that would be but that there was a lot of survey responses associated with the RIF process. Commissioner Dunlap said the question was how do you make it “more humane,” “more palatable,” such that there’s not “this anxiety and stress.”

County Manager Jones said what he learned from the last budget process was that “candor” creates stress.

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

Commissioner Dunlap asked County Manager Jones if he would inform employees in advance during next year’s budget process if circumstances were unfortunately the same. County Manager Jones said it was all about “timing” and that as soon as he knows what he believes to be the environment, he would share that information with employees.

Commissioner Leake asked about the evaluation of staff by departments where there have been major problems and where the monitoring of programs has not taken place. She asked who’s being held accountable. Further, what needs to be done to correct these types of problems and does this tie into the survey with respect to accountability.
County Manager Jones asked Commissioner Leake was she referring to an evaluation of an employee or was she referring to the monitoring of a program or service.

Commissioner Leake said she was referring to the staff and evaluating employees responsible for programs.

County Manager Jones said culturally in the organization it’s impressed upon supervisors who are conducting performance reviews that they do it in a way that is consistent with the data and that they treat each employee in a similar manner in the course of conducting the evaluation.

County Manager Jones said from time to time a higher level supervisor, when information is brought to his/her attention, will have to get involved in the process and correct any problems that they might see in any review that might be done; but he does not think that is the case normally. County Manager Jones said normally supervisors do a good job with following the protocol in terms of conducting reviews.

Commissioner Leake referenced the problem with the Giving Tree Program and recent problem in Area Mental Health. She asked where was the correction in this process, so that it won’t happen again.

County Manager Jones said in situations such as that, County Human Resources would get involved and provide guidance to departments around getting any special investigations that might have to occur.

County Manager Jones said if there are special investigations that occur and personnel actions are warranted, then personnel action is taken. He said in the situations cited, personnel action was taken.

Commissioner Leake said her concern was could this have been avoided.

General Manager John McGillicuddy said with respect to the Giving Tree Program, the issue there was compliance with internal controls. He said if the County had been managing internal controls, it would have been uncovered.

General Manager McGillicuddy said if an employee was doing something such as the misappropriation of funds, that person would be terminated. He said that would not be a review issue. He said if the internal controls indicate that someone has poor performance, then that would be considered as a part of their review and they would be instructed to improve their performance and do a performance improvement plan. He said if someone can’t perform their job then they can’t work for Mecklenburg County.

Commissioner Cogdell asked about the timeframe for conducting the survey. The response was April 19 – May 10, 2010.

Commissioner Cogdell said that timeframe was almost at the “peek” of uncertainty in County government.

Commissioner Cogdell asked when was the last time the County engaged in a reduction in force, prior to the last two years. County Manager Jones said he couldn’t recall.

Commissioner Cogdell said he asked the question to help put it in perspective that the County still has 61% of its employees that would recommend Mecklenburg County government as a good place to work. He said if you put this in context with when the survey was done, it’s not as “dire” as it may look at first glance.
Chairman Roberts asked the County Manager to notify and include Commissioners when employee recognition events take place as asked by Commissioner Cooksey earlier in the meeting. Chairman Roberts spoke of how valuable Mecklenburg County employees were.

This concluded the discussion. No action was taken or required.

Note: The above is not inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:57 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG BOARD OF COUNTY 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, September 21, 2010.

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 -

Commissioners Cogdell, Dunlap, and Leake 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) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION AND B) CONSULT WITH ATTORNEY

Motion was made by Commissioner James, seconded by Commissioner Murrey and carried 6-0 with Commissioners Bentley, Clarke, Cooksey, James, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:10 p.m.

Commissioners Cogdell, Dunlap, and Leake were present when the Board came back into Open Session. They entered 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 10, 11, 12, 13, 14, and 15.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Invocation was given by Commissioner Leake, 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

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

(1A1) BIG SWEEP DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating Saturday, October 2, 2010 as Big Sweep Day in Charlotte and Mecklenburg County.

Note: BIG SWEEP is an annual, statewide event held on the first Saturday in October that calls volunteers to action to remove trash and debris from creeks, lakes and rivers.

The proclamation was read by Commissioner Bentley and received by Water Quality Program Manager Rusty Rozzelle.

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

(1A2) SUBSTANCE ABUSE AND AWARENESS MONTH

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating October 2010 as Substance Abuse Awareness Month.

The proclamation was read by Commissioner Dunlap and received by Helen Harrell with Substance Abuse Prevention Services. She was joined at the podium by other Substance Abuse Prevention Services staff and representatives from the Substance Abuse Awareness Month Coalition and Mecklenburg County Provider Services Organization.

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

Commissioner Clarke returned to the dais.

(1A3) GOLD LEVEL FIT COMMUNITY

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt the “Gold Level Fit Community” proclamation from the North Carolina Health & Wellness Trust Fund Commission.

Note: Mecklenburg County was designated as a Gold Level Fit Community by the North Carolina Health & Wellness Trust Fund Commission in June 2010. Mecklenburg County is the first community, along with the Town of Cary, to ever achieve the Gold Level of this initiative.
Becoming a Gold Level Fit Community means that Mecklenburg County has the resources, partnerships and infrastructure to promote physical activity and proper nutrition in the state of North Carolina.

As part of the Designation, Gold Level Fit Community highway signs are to be posted at State-owned roads. Upon adoption of the proclamation, the North Carolina Health and Wellness Trust Fund Commission will have the signs made for Mecklenburg County at no cost to the County. The County will work with Charlotte & NC DOT to have the signs posted at State-owned roads where “Welcome to Mecklenburg” signs exist. Mecklenburg County first received a Fit Community Designation in 2007.

The proclamation was read by Commissioner Murrey and received by Health Director Wynn Mabry.

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:

Jeanie M. Welch on behalf of Charlotte East Community Partners addressed and extended an invitation to their 4th Annual Black Tie Gala to be held at the Charlotte Museum of History on October 16, 2010, 7:00 pm -10:00 pm. The event will benefit The Boys and Girls Club on Milton Road. Ms. Welch also addressed another upcoming event, Taste of the World, to be held October 7, 2010, 5:30 pm to 10:30 pm. She said this would be an opportunity to sample all of the ethnic restaurants in East Charlotte.

James Brock Kitchen addressed the property tax exemption program for disabled veterans. Mr. Kitchen said he qualified for the exemption, even though he was told by the Tax Office that he did not. Mr. Kitchen provided a handout to the Board regarding his concern.

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

Commissioner James said he would like to receive information clarifying the difference between permanently disabled and totally disabled.

(3A) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

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, 1) to reappoint Melissa McIntyre-Brandly and Constance Green-Johnson to the Adult Care Home Community Advisory Committee for a three-year term expiring September 30, 2013; 2) to nominate and appoint Cornelius Smith to the Adult Care Home Advisory Committee for a one-year term expiring September 30, 2011.

Note: He is replacing Donna Dunn.

Prior to the above vote, Commissioner Cogdell suggested information be shared with the Senior Centers and the Council on Aging regarding the need for persons to serve on the Adult Care Home Community Advisory Committee.
ALCOHOLIC BEVERAGE CONTROL BOARD

Commissioner Leake asked if the Board was going to follow the same interview process for filling this vacancy as it did for prior vacancies.

Chairman Roberts said the interview process that was put in place to address the most recent vacancies was done for those particular instances only. Chairman Roberts said this was a new vacant position and that the Board would follow the normal nominating process for filling this vacancy, unless the Board decided to do it differently.

Commissioner Leake questioned why the Board would not continue with the interview process as it did with filling the other vacancies. Commissioner Leake said the Board needed to be “fair, legal, and consistent” in the process followed.

Chairman Roberts asked Attorney Bethune was it not correct that the Board used the interview process for a specific time and specific appointments. Chairman Roberts said it was not for every appointment going forward. Attorney Bethune said the Board did not make a global policy in that regard.

Commissioner Dunlap, chairman of the Board’s Effective and Efficient Government Committee, informed the Board of a report was forthcoming regarding recommended changes in the appointment procedure for the ABC Board and others that receive compensation.

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 delay appointment consideration to the Alcoholic Beverage Control Board until after the Board received a report from the Effective and Efficient Government Committee regarding recommended changes in the appointment process.

CITIZEN’S TRANSIT ADVISORY GROUP

The following persons were nominated for appointment consideration to the Citizen’s Transit Advisory Group:

Sheila Etheridge by Commissioner Cogdell
Thomas Gilliam, III by Commissioner Murrey
Robert Watson by Commissioner James

Note: An appointment will occur on October 5, 2010.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and failed 5-4 with Commissioners Bentley, Clarke, Leake, Murrey, and Roberts voting no and Commissioners Cogdell, Cooksey, Dunlap, and James voting yes, to nominate and appoint John Shurley to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2011.

The following persons were nominated for appointment consideration to the Historic Landmarks Commission:

Clara Alina Bartlett by Commissioner Murrey
Robert Cameron by Commissioner Murrey
Zachary Deason by Commissioner Murrey
Stephen Fairley by Commissioner Murrey
Note: An appointment will occur on October 5, 2010.

Commissioner Murrey asked that staff find out why the Chairman of the Historic Landmarks Commission was recommending the appointment of John Shurley, an architect, versus one of the other architects that applied.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

The following persons were nominated for appointment consideration to the Mountain Island Lake Marine Commission:

Bryan Abernathy by Commissioner Bentley
Rhiannon Bowman by Commissioner Bentley
Thomas Brasse by Commissioner Dunlap
Benjamin Bringardner by Commissioner Bentley
Robert Keith by Commissioner Bentley
Cathy Roche by Commissioner Clarke
Trip Wheeler by Commissioner Bentley

Note: An appointment will occur on October 5, 2010.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Deborah Kennedy and Wanda Wilson to the Nursing Home Community Advisory Committee for a one-year term expiring September 30, 2011.

Note: They replace Shawanga Burrell and Eunice Chambers.

Chairman Roberts asked that the need for persons to serve on the Nursing Home Community Advisory Committee also be shared with the Senior Centers and the Council on Aging.

PERSONNEL COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Carrie Cook to the Personnel Commission for a three-year term expiring June 30, 2013.

Note: She is replacing William Wilder.

(4) PUBLIC HEARINGS – NONE
SEPTEMBER 21, 2010

ADVISORY COMMITTEE REPORTS

(5A) CITIZENS’ REVALUATION ADVISORY COMMITTEE REPORT – SET PUBLIC HEARING

The Board received a report from the Citizens’ Revaluation Advisory Committee for the Uniform Schedule of Values and Rules for the 2011 countywide reappraisal.

Thomas Derham, Chairman of the Citizen’s Revaluation Advisory Committee gave the report. He was introduced by Tax Assessor Garrett Alexander.

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

Tax Assessor Alexander presented the Uniform Schedules of Values, Standards and Rules for 2011 reappraisal and the Uniform Schedules of Values, Standards and Rules for 2011 reappraisal for Use Value.

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

Comments

Commissioner Clarke said looking ahead to 2011 that he would anticipate, based upon the Committee’s report and past experience, that there would be a significant number of appeals, residential and commercial. He said the commercial would probably have more impact on the tax base and what it would be ultimately set at.

Commissioner Clarke posed the question of what if it was June 2011 and the Board was going to set a tax rate, how would the Board be able to do that if the volume of appeals was enormous and it would take another six to eight months to complete them. Tax Assessor Alexander said staff uses a lot of historical data in trying to estimate the value that would be produced in the revaluation, as well as, what the appeals volume would be and the impact of the appeals process. Tax Assessor Alexander said staff was very knowledgeable and experienced and would be capable of providing the Board with estimates so that the Board would be able to set the tax rate prior to the time that the appeals process was completed.

Commissioner Clarke asked would that be based to some extent on the decisions made with respect to the first wave of appeals. Tax Assessor Alexander said yes. He said the appeals process would begin in April 2011. He said staff had experience in working through the appeals process and would be able to project as closely as possible what the valuations would be. He said staff was anticipating that they may see as many as 35,000 informal appeals and 8,000 appeals to the Board of Equalization and Review.

Tax Assessor Alexander said it was because of the anticipated number of appeals, that staff was seeking legislative authority from the General Assembly to increase the size of the Board of Equalization and Review.

Commissioner James referenced a letter in the Board’s agenda from the Committee dated September 8, 2008, which said “the committee has grave concerns, i.e. pending commercial real estate defaults, as they execute and implement their methodology of appraisal and valuation under Section 105-317. Again, the Committee’s comments reflect ....”

Commissioner James said he highlighted that portion of the Committee’s letter because of conversations with people regarding revaluation.

Commissioner James referenced past revaluations, which he said were not in “bad” economic times. He said commercial real estate went down and was adjusted and that in order to create
a revenue neutral rate, taxes went up on homeowners. Commissioner James asked was that a fair statement that when you adjust commercial property down, if you want to keep revenues the same, the residential “burden” was higher.

Tax Assessor Alexander said the purpose of the revaluation was to equalize all properties across the County. Tax Assessor Alexander said that equalization was not tied to the actual tax burden that property owners incur. He said that depends upon the tax rate that gets set following the revaluation. Tax Assessor Alexander said at this point, it was difficult for him to give the Board any real direct advice regarding how that burden would shift without seeing the final values. He said it may. He said with every revaluation some property values go up, some stay in that median range of equalization, and some go down.

Commissioner James said his past experience with respect to revaluation was that it resulted in the tax burden being shifted from commercial to residential. Commissioner James said the Board needed to know specifically, what’s occurring with commercial and residential properties. He said for example, if commercial drops 30% and residential drops 10%, then there would be a huge shift to residential property tax owners.

Commissioner James said that information was needed because if the Board uses a revenue neutral rate, most residents would have a tax increase. Thus, he thinks it’s important to “get out in front of this.”

Commissioner James said in past revaluations he received a summary of what the revenue neutral rate was by county commission district; also, the revenue neutral rate if commercial property was not included. He posed the question of how low would the Board have to set the rate, so that 50% or 75% of residential property owners don’t have to pay a tax increase.

Commissioner James said these were the types of things the Board needed to know and should receive in order to make a decision when it reaches that point.

Tax Assessor Alexander said a redistribution between residential and commercial could occur but to remember the market today was greater than the market in 2003. He said the last time staff looked at doing a revaluation that difference was 20% or better. He said right now based on staff’s analysis, it’s somewhere in the neighborhood of 12%. Tax Assessor Alexander said there had been a change and that it had been reflected in what staff had done. Further, staff was very aware of the advice from the Citizen’s Revaluation Advisory Committee.

Tax Assessor Alexander noted that the property tax was only one component that determines a revenue neutral rate, which was why the tax assessor doesn’t give the Board that information. He said it comes instead from the finance director after looking at all of the other revenues.

Tax Assessor Alexander said he would provide the Board with whatever level of detail it needed.

Commissioner James referenced an e-mail he sent to Tax Assessor Alexander listing the things he would like to receive.

Commissioner Dunlap asked for clarification on the appeals process, which was addressed.

Commissioner Cogdell asked for clarification on how information would be gathered, which was addressed.
Commissioner Cooksey asked for clarification on the breakdown in property value between the commercial sector and residential sector, which was addressed.

Commissioner Cooksey asked for clarification on the process for conducting revaluation, which was addressed.

Commissioner Leake asked how senior citizens could find out more about this process, especially those that may not have a computer to access information on-line. Tax Assessor Alexander addressed the communication plan.

Commissioner Leake said she would like to receive information regarding the Homestead Exemption Act.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to

1) Receive report from the Citizens' Revaluation Advisory Committee for the Uniform Schedule of Values and Rules for the 2011 countywide reappraisal.

2) Receive the Uniform Schedules of Values, Standards and Rules for 2011 reappraisal; and Uniform Schedules of Values, Standards and Rules for 2011 reappraisal for Use Value.

3) Set a public hearing on the Uniform Schedules of Values, Standards and Rules and Schedule and Procedures for Use Value Assessments for 2011 reappraisal for November 3, 2010 and direct the Clerk to publish the notice of public hearing.

MANAGER'S REPORT

(6A1) MECKLENBURG COUNTY VISION 2020

The Board received as information an update on the citizen input process of the visioning project, Mecklenburg County Vision 2020.

County Manager Jones gave the update.

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

Commissioner Leake asked about the 2010 Plan. County Manager Jones clarified that the current Vision was for 2015 and not 2010.

Commissioner Leake said she would like to receive a copy of the 2015 Plan and would like to know if those goals have been met.

Planning and Evaluation Director Leslie Johnson said probably within the next 30-45 days, available on-line would be information regarding progress on the scorecard results for the last fiscal year. Director Johnson said the 09 results were available and that she would get that information to Commissioner Leake. Further, that staff was doing the last finalization and due diligence on the performance for 2010 and that for the majority of the County's performance, based on 2009, green lights were achieved. She said there were some discussed at previous public policy workshops that staff may want to revisit targets and measures because they may not be realistic for what’s being anticipated over the next five- ten years.

Commissioner Cogdell asked for clarification regarding the three (3) “invitation only”
community dialogue meetings. He expressed concern for it being by “invitation only.”

Enterprise Manager Brian Cox addressed the intent of these particular community meetings and why it was by invitation only.

Commissioner Bentley asked about the distribution of the by “invitation only.” The response was that it was proportionate by the districts.

No action was taken or required.

(6A2) JOINT CAPITAL MASTER PLANNING CONCEPT

County Manager Jones with respect to joint capital master planning said this idea had come to the attention and interest of IBM. He said on October 31, 2010 there was going to be a team of IBM engineers and other IBM staff who would convene here in Charlotte to work with the County and its business partners, such as the Library, Park and Recreation, Central Piedmont Community College, Charlotte-Mecklenburg Schools, and the City of Charlotte. The purpose was to develop recommendations on how the County and its business partners could do joint capital master planning. County Manager Jones said it was an in-kind grant by IBM, no cost to the County. The project would end mid-to late November of this year. Staff was in the process of finalizing the details with IBM.

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke 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 10, 11, 12, 13, 14, and 15 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held September 8, 2010; Budget/Public Policy meeting held April 13, 2010; Special Meeting held April 26, 2010 and January 26, 2010.

(8) FOREST LAND AGREEMENT

Adopt “Agreement for the Protection, Development, and Improvement of Forest Land in Mecklenburg County.”

Agreement recorded in full in Minute Book 45-A, Document # ______.

(9) BUDGET AMENDMENT – GEOSPATIAL INFORMATION SYSTEMS (REVENUE INCREASE)

Recognize and appropriate $10,000 in deferred revenue from various sponsors for Geospatial Information Systems GIS Day.

Note: Mecklenburg County GIS has organized GIS Day for the past 10 years. GIS Day is an international event principally sponsored by the National Geographic Society, the Association of American Geographers, University Consortium for Geographic Information Science, the United States Geological Survey, the Library of Congress, Sun Microsystems, Hewlett-Packard, and the Environmental Systems Research Institute (ESRI). It is an educational outreach event to schools as well as a venue to train the public on GIS applications and to increase awareness about other
services offered by GIS. It is fully funded by sponsorships from vendors. Sponsors may make contributions in support of GIS Day at any time. These funds are placed in a deferred revenue account until such time that they are needed for the GIS Day event. The funds cover the cost of education, training, marketing and facility usage. This year’s event will be held at Spirit Square on November 17, 2010.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) CAPITAL RESERVE REQUEST – PARK AND RECREATION (REVOLUTION GOLF COURSE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve a capital reserve expenditure of $70,000 from funds accumulated in the consolidated golf capital reserve account to complete cart path paving at the Revolution Park Golf Course.

Commissioner Leake removed this item from Consent for clarity regarding the funding for this project, which was addressed by County Manager Jones.

(11) CAPITAL RESERVE REQUEST – PARK & RECREATION (FISHING PIER RENOVATION)

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize and appropriate expenditure of $12,000 from the McDowell Park Capital Reserve account to repair and resurface two existing fishing piers in McDowell Nature Preserve.

Commissioners Leake and Clarke removed this item from Consent for more public awareness.

(12) JCPC FUNDING – GANG RE-ENTRY AND INTERVENTION TEAM

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive, and appropriate a grant award of $851,977 from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County Juvenile Crime Prevention Council (JCPC) for the Gang of One Program.

Commissioners Leake and Clarke removed this item from Consent for more public awareness.

(13) JCPC FUNDING – GREENVILLE CENTER CULINARY ARTS PROGRAM

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell, to defer consideration to recognize, receive, and appropriate a grant award from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County Juvenile Crime Prevention Council (JCPC) for the Gang of One Program, until the October 5, 2010 meeting.

Note: This grant is associated with the Gang of One Greenville Center Culinary Arts Program.

Commissioner Clarke said he would like additional information regarding 1) How many persons would be served by this program., 2) Was Park & Recreation in agreement with this., and 3)
Was this the best use of these funds.

Commissioner Leake said she, too, would like to know the number to be served. She noted that culinary science was provided in high school.

Commissioner Leake said she spoke with several judges and others who expressed concern as to whether this was the best use for these funds.

Commissioner Leake said she also wanted to know if the Greenville Center was going to be rebuffed.

General Manager Michelle Lancaster said Park and Recreation was “on board” with this opportunity. Also, the culinary program would serve 100 persons. General Manager Lancaster said they were also planning to add computer technology and screen printing, which would involve more students.

General Manager Lancaster addressed the role of the Juvenile Crime Prevention Council and the application process that took place with respect to this program selection. General Manager Lancaster said it was her understanding that all members of the JCPC voted in support of this, except for one member.

Commissioner Clarke asked who would operate the program. General Manager Lancaster said The Gang of One, which was managed by Fran Cook, with the Charlotte-Mecklenburg Police Department.

Commissioner Clarke withdrew his motion after receiving the additional information.

Commissioner Cogdell said he heard from three district court judges who expressed concern that this was not “vetted” in a manner that considered all applications. Commissioner Cogdell said he was asked by the judges, at least two of them, to defer this matter and that the JCPC would revisit this issue. Commissioner Cogdell said he had no idea what all of that would entail.

Commissioner Cogdell said he also heard from judicial officials that only twenty children would be impacted.

Commissioner Cogdell said another concern raised was that a considerable amount of the funds was going to be used to up-fit the kitchen equipment at the Greenville Center.

General Manager Lancaster said she would need better direction in order to take this back to the JCPC. She said to her knowledge they followed the appropriate process. Thus, she’s not sure what they’re being asked to reconsider.

Commissioner Cogdell said he was not suggesting they didn’t follow the appropriate process. He said he was only saying if it was not going to be any harm in deferring this matter, that he was being told the JCPC would revisit that issue next week, if the matter was deferred.

Commissioner Cogdell said his motion was not to direct staff to take anything back to the JCPC. He said it was his understanding there would be others on the JCPC that would bring this matter back up at their meeting.

County Manager Jones said there didn’t appear to be an immediate deadline to accept the grant award. Thus, the matter could be deferred.

Commissioner Leake said she would like to know if they were only going to redesign the kitchen. She also wants to know would anything be done to the basketball courts, meeting rooms, & restrooms. She also wants to know the ages and gender of the children that would be
participating, the program hours, and start up date.

Commissioner Cooksey asked for clarification about the receipt of the grant without having a specific program in mind in advance. General Manager Lancaster addressed how the grant process worked.

Commissioner Cooksey said he would like to know the timeframe for the program and what would the participants have, in terms of job skills at the end of the program. What would be their eligibility or possibility of obtaining gainful employment.

Commissioner Murrey said he heard concerns from residents in the Greenville community about the closing of their recreation center and the impact of that on the youth in that area. He asked would this grant allow the recreation center to stay open or was it only for the use of the kitchen.

General Manager Lancaster said they would be offering some sports programs. Also, it was her understanding of the application, that they wanted to open in this location because of the need in the area.

Commissioner Cogdell, per comments made by Commissioners Cooksey and Murrey, said the impact this could have on keeping the center open and programming the center was “important and critical” information to consider, even if the recommendation was changed from the JCPC.

Commissioner Leake asked was the JCPC recommending the center be reopened and revitalized or was it just to provide a site for this program. General Manager Lancaster said it would a culinary center that also offered sports activities and computer technology and screen printing.

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

Commissioner Leake said she wanted to know what would happen to the facility at the end of the program.

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to defer consideration to recognize, receive, and appropriate a grant award from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County Juvenile Crime Prevention Council (JCPC) for the Gang of One Program, until the Board’s October 5, 2010 meeting.

Commissioners Leake and Clarke removed this item from Consent for more clarity.

Commissioner Murrey returned to the dais.

(14) ADMINISTRATIVE WAIVER – ROOM OCCUPANCY AND PREPARED FOOD & BEVERAGE TAXES

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to reaffirm the Room Occupancy and Prepared Food & Beverage Tax Ordinances to maintain current administrative waivers for these taxes.

Note: The Board requested that a study be completed and a recommendation made to answer two questions regarding the administration of the Room Occupancy and Prepared Food & Beverage taxes.

Commissioner Clarke removed this item from Consent to note that recommendations were
forthcoming from the Board’s Effective and Efficient Government Committee regarding the placement of certain items on the Board’s agenda. He noted that this agenda item (#14) and the next (#15) were not dealt with at the last meeting because by the time the Board reached these matters a quorum was not present.

(15) BUY AMERICAN POLICY

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes and Commissioner Bentley, Cooksey, James, and Leake, voting no, to reaffirm the current policy and practice of giving preference in purchasing American-made supplies except when such preference would cost more than the lowest responsible bidder or when the quality of the supplies does not meet desired specifications.

Note: The Board’s current Buy American Policy is as follows:

The Board of County Commissioners, the Director of Purchasing, and all County employees involved in making purchasing decisions for Mecklenburg County shall, in the purchase of or in contracting for goods, supplies, material or equipment give preference as far as may be practicable to such products manufactured or produced in the United States of America. Provided, however, that in giving such preference, no sacrifice or loss in price or quality shall be permitted; and provided further, that no preference shall be given to products manufactured or produced in the United States if giving such preference would violate any trade treaty which the United States is a signatory.

This policy was adopted on December 2, 1985.

Note: Prior to the above vote, Commissioners James and Cooksey noted their opposition to the current policy. They said their preference was option three which was: Revise policy to require that Requests for Proposal (RFPs) and other formal bidding processes include product specifications only for American-made supplies, based on the federal government’s (Buy American Act) definition. This would result in receiving bids only from vendors that provide American-made supplies.

STAFF REPORTS AND REQUESTS

(16) CRIMINAL JUSTICE ACTIVITIES UPDATE

General Manager Michelle Lancaster gave an update on the County’s Criminal Justice activities.

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

Comments

Chairman Roberts commented on the downward trend in the jail population. Chairman Roberts said she would like to know the impact of drug treatment court and mental health treatment court on the jail population. General Manager Lancaster addressed this.

Commissioner Murrey commented on jail expansion. He asked was it being taken off the table for financial reasons and because of the declining numbers in the jail population. General Manager Lancaster said it was primarily financial and the second was because of the numbers.

Commissioner Cooksey asked about the bail policy re-engineering and the pre-trial structuring
and the affect of these changes on the population of violent offenders that go back out into the community. He asked was the intent of this to identify the higher risk defendants and put more stringent bond requirements on them and allow misdemeanor defendants to get out, so they don’t have to serve time in jail and get out of the jail population. General Manager Lancaster said that was correct.

Commissioner Cooksey asked General Manager Lancaster to address whether people that were out on bond, committing violent crimes and was that type of data being tracked; also, was the new bond policy effective in keeping the people who need to be in jail, “in jail.”

Criminal Justice Planning Manager Tom Eberly said the bail policy had only been in effect for two months. He said right now they were tracking misdemeanor cases, which was why there’s not a lot of information in the report regarding felony cases. Mr. Eberly said going forward all of the data would be analyzed to obtain information regarding the recidivism rate and re-arrest rate for those cases.

Commissioner Cooksey asked for clarification on how the bond policy had changed. Mr. Eberly said now there was a greater emphasis on making sure that folks with higher risks remain in jail or be given a significant bond and those with low risks use alternative measures to jail.

Commissioner Cooksey asked what tool(s) was being used to determine high risk versus low risk. Mr. Eberly said a risk assessment tool that contained eight factors considered highly predictive of risks, developed by a consultant that was brought in. Mr. Eberly said after the risk assessment was completed that information was then shared with the courts to assist them in determining the bond.

Commissioner Cooksey said going forward, he would be interested in knowing whether or not we’re being successful in getting these defendants to show back up in court. He asked was that information being tracked. The response was yes.

Commissioner Cooksey asked how do veterans get involved with the veterans court operation recovery process, the selection process. General Manager Lancaster said she believed they self-identify. Also, they would be using the Mental Health court as a model because it’s believed there were many similarities between how Mental Health Court and Veterans Court would operate.

Commissioner Clarke asked General Manager Lancaster to address the history of how the County got to this point of having this type of report and why, starting with the formation of the Criminal Justice Advisory Group, which she did.

Commissioner Clarke asked was staff moving forward with renovations to the Arrest Processing Center. General Manager Lancaster said yes and that pay-go capital funding would be used for that project. General Manager Lancaster said the project would probably begin the beginning of next calendar year.

Commissioner Dunlap asked for an update on where the County was in implementing the other policies that would impact the jail population. General Manager Lancaster addressed this.

Commissioner Dunlap commented on the new bond policy. Commissioner Dunlap said he wanted to be sure the public understood that even with the new bond policy, there were still other bonding methods available to persons to get out of jail. He said a person could hire a bail bondsman, put up property, or pay a cash bond.

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

Commissioner Leake asked was the community safer because there were less people in jail.
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General Manager Lancaster addressed this and said according to Charlotte-Mecklenburg Police Department data, crime rates were down significantly over all areas and have been consistently for the past year.

This concluded the discussion. No action was taken or required.

General Manager Lancaster was thanked for her work in this area.

*Note: The above is not inclusive of every comment. It is a summary.*

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE**

**COMMISSION COMMENTS** – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

**ADJOURNMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:59 p.m.

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______________________________ ____________________________
Janice S. Paige, Clerk                Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at the CPCC-Harris Conference Center, 3216 Harris Campus Drive, Charlotte, NC. on Saturday, October 2, 2010.

ATTENDANCE

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

Absent: Commissioner Karen Bentley

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

The meeting was called to order by Chairman Roberts.

The purpose of the meeting was to hold the Board’s Strategic Planning Conference/2011 Capital Budget Retreat.

County Manager Jones gave opening remarks and then turned the meeting over to Budget/Management Director Hyong Yi.

It was noted that the purpose of the meeting would be to focus on the County’s capital budget process and policy issues that impact it.

County Manager Jones said the Board would:
- Receive an overview of both the operating and capital budgeting processes,
- Receive an overview of the County’s capital finance trends,
- Receive a briefing on current capital policies and recommended changes, and
- Provide direction on the policy recommendations.

Director Yi gave an overview of the process to be followed for today’s session.

Commissioner Dunlap entered the meeting.

OPERATING AND CAPITAL BUDGET OVERVIEW

Budget Manager Michael Bryant addressed Managing 4 Results (M4R) and the operating budget process.

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

Comments
Commissioner Clarke asked was the sales tax number adjusted for the Medicaid swap. The response was yes.

Commissioner Clarke asked Finance Director Dena Diorio to address the Medicaid swap, which she did.

Commissioner Murrey asked for clarification regarding the tax rate equivalent, which was addressed.

Commissioner James asked about the allocation of sales tax to schools, which was addressed.

Commissioner Dunlap asked was the Law Enforcement Service District an enterprise fund, since it was listed under Sources of Revenue. The response was yes.

Commissioner Dunlap asked about Public Art funding, which was addressed.

Chairman Roberts asked for clarification regarding the tax rate equivalent, specifically, the Public Library example addressed in the presentation, which was addressed.

Director Yi addressed the Capital Budget Process.

**Capital Budget Policy Recommendations**

**1** Capital Budget and Plan - Current County Practice
- Capital is done in silos- each department handles their own needs
- Project and funding approvals are handled in these silos

Recommendation
- Formalize a planning policy of 5-1
- 5 year Capital Improvement Plan
- 1 year Capital Budget
- Develop a unified County-wide master plan to guide the capital planning
- IBM Project

**2** Capital Priority Setting – Current County Practice
- Projects are prioritized by department in their order of preference
- Manager reprioritizes those projects (as needed)
- Projects are not prioritized across silos

Recommendation
- Adopt a priority setting methodology based on nine (9) evaluation criteria
- Transparent and documented methodology for identifying infrastructure priorities
- Proposed Evaluation Criteria:
  | Mandates/Contractual | Operating Budget Impact |
  | Safety               | Service Impact          |
  | Board Priority       | Economic Impact         |
  | Standards/Quality of Life | Financing Source    |
  | Joint Use            |                         |
(3) Community Capital Standards – Current County Practice

- The County has standards in several areas (Example: Park and Recreation, Public Library)
- We do not use these standards to determine priorities or projects
- Used at departmental level to determine need
- What role should standards play in determining capital needs?

Recommendation
- Update and adopt capital standards across all functional areas as a basis for determining need
- Standards should be based on national, state, community or best practice standards
- Set by functional experts and reviewed by the Citizens Capital Budget Advisory Committee
- Update standards regularly consistent with the 5-1 planning process

(4) Community Involvement – Current County Practice

- Citizen's Capital Budget Advisory Committee (CCBAC)
- 11 members serving 2 year terms with a maximum of 3 consecutive terms
- Has not met since County's been on a debt diet
- Does the Board want citizen involvement and what form(s) should it take?

Recommendation
- Continue involving citizens in the capital budget process through the CCBAC
- Charge
  - Provide input into capital standards
  - Determine whether project(s) meet standards
  - Report to the Board of County Commissioners on progress in meeting standards
  - Get input from the residents on standards

(5) Funding Limit Capacity (Funding Source Policy) - Current County Practice

- Available funds allocated among all requests
- Financing method based on expected capacity

Recommendation
- Fund projects with voter approved bonds up to 80% of projected capacity
- Pay-As-You-Go funding in accordance with debt policy
- Use non-voted debt (two-thirds bonds, lease purchase or COPs) for government facilities
- Minimize use of COPs

(6) $970M in Outstanding Authorization – Current County Practice

- No distinction in competing project priorities
- Available funds allocated among all requests
- Issue until authorization is exhausted

Recommendation
- Evaluate remaining projects based on the priority setting criteria
- Generate a project list by priority
- Adopt capital plan as allowed by capacity, including Pay-As-You-Go
- Consider de-authorizing amounts tied to low priority projects
1% for Art – Current County Practice

- 1% of all capital ordinance funds determined eligible are spent on public art
- There is no limit to the amount
- Eligible project is defined as any capital project paid for, in whole or in part, by the County
- Eligible project costs means the total amount appropriated for design and construction of an eligible project.

Recommendation

- Reconsider Public Art Ordinance such that:
  - 1% or $250,000 whichever is less, is provided for public art funding, and/or
- Provide option for BOCC to determine project exclusions, based on Manager’s recommendation

Director Yi said the process used in the past, will not work going forward, in light of the current economy. He said with respect to planning, departments were basically working in silos and that planning was happening at the operational level within the department and rises to the top often times at a point where the Board had very little ability to influence the outcome of that plan.

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

Comments

Commissioner Cooksey asked about Master Planning and the IBM project, which was addressed.

Commissioner Cooksey asked about departmental capital request and whether it was linked to the department’s goals. He also asked if departments have to justify their request and was there a formal process. General Manager John McGillicuddy said it varies and requests are developed and vetted at the department level.

Commissioner Cooksey said the Board needs to see more information with respect to justifying a request and how it links to departmental goals.

Commissioner Clarke addressed the Citizen’s Capital Budget Advisory Committee process.

Commissioner James addressed Charlotte-Mecklenburg Schools’ (CMS) Master Plan and Park and Recreation’s Master Plan. Commissioner James said the County could not afford to do everything in the respective plans. Commissioner James said the County doesn’t provide input with respect to affordability when plans are being developed, but that it should.

Commissioner Murrey asked how would the opportunity for private capital mixing with public capital, fit into this process. The response was that non-county investment partnerships was something that the Board would be discussing.

Commissioner Dunlap said the Board had control with respect to master planning because the Board controls the funding. Commissioner Dunlap said the Board doesn’t have the right to interject into the planning process.

Commissioner Cogdell reiterated Commissioner Murrey’s comments regarding private sector involvement in the planning process and being able to take advantage of opportunities for private sector partnerships to leverage County dollars.
Chairman Roberts said it was incumbent upon the Board in setting some of these policies to allow flexibility when there are forces out there beyond the County’s control or opportunities for private partnerships.

Chairman Roberts said it needs to be explained to the public, that just because it’s a plan, doesn’t mean the County has to stick to everything in the plan as it’s written, because the County can’t control all the factors that might be feeding into that plan.

Commissioner Clarke said there is considerable joint use planning by departments that takes place from the bottom up. Commissioner Clarke said it’s a mistake to give the impression that’s not occurring because there’s great collaboration amongst departments.

Staff acknowledged that Commissioner Clarke was correct.

General Manager McGillicuddy said the point staff was trying to make was that although there is considerable joint use planning, it’s primarily project based and what’s not really done is joint master planning.

Commissioner Cooksey said the Board can’t tell CMS what their number one priority should be, but that the Board should communicate to its stakeholders, what the Board feels it can afford from a capital perspective over the next five – ten years and that their master planning needs to fit within that framework.

Capital Finance Overview

Finance Director Dena Diorio gave a capital finance overview. The following was covered:

- Total Outstanding Debt by Fiscal Year
- History of Outstanding Debt – General Obligation Bonds and Certificates of Participation (COPs)
- Projection of Outstanding Debt - General Obligation Bonds and (COPs)
- History of COPs and Bonds Issued by Fiscal Year
- Cumulative COPs and Bonds Issued
- History of Pay as You Go Appropriations
- Cumulative Pay as You Go Funds Appropriated
- Capital Expenditures by Fiscal Year and Purpose
- Cumulative Capital Expenditures
- Actual Debt Service Expenditures by Fiscal Year
- Projected Debt Service Expenditures by Fiscal Year
- History of Debt Service Revenues by Source
- Projected Debt Service Revenue by Source
- History of Property Tax Required for Debt Service
- Projection of Property Tax Required for Debt Service
- Appropriated Fund Balance
- History of General Debt Service as % Operational Budget
- Projected General Debt Service as % Operational Budget

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

Comments

Commissioner Cogdell asked with respect to Projection of Outstanding Debt - General Obligation Bonds and (COPs), what assumptions were made with regard to the issuance of debt 2011 – 2015 to get to the number shown. The response was none that this is what will happen if the County does nothing else.
Chairman Roberts asked with respect to Projected General Debt Service as % Operational 
Budget, what were the assumptions for revenue with regard to this. *The response was that 
staff left the budget flat because it’s not known what the budget would look like in 2012 and 
you can’t predict on the out years, if the budget will go up or not.*

Chairman Roberts asked was it flat for property tax and sales tax and the response was yes.

Director Yi said if the economy picks up and more revenue comes in then the ratios would get 
better, but the budget is continuing to be cut because the economy is not coming around, 
which impacts the County’s ability to issue debt.

Director Diorio said the only way to build debt capacity is a growing budget because the debt 
service isn’t going to change. Thus, the only way to build capacity is to increase the operating 
budget.

Commissioner Clarke asked for clarification on Appropriated Fund Balance and was it to pay 
debt service. *The response was yes.*

Commissioner Murrey asked if it was known how transient the County’s population was. *The 
response was no.* Commissioner Murrey said knowing this would help him get a sense of the 
fairness of shifting more money to pay-go or saving, as opposed to taking out debt.

*The Board recessed at 10:30 a.m. and reconvened at 10:45 a.m.*

Libby Cable with the Lee Institute facilitated the Board’s review of staff’s recommendations. 
Director Yi and Finance Director Diorio addressed the recommendations. See below.

**Capital Budget Policy Recommendations**

(1) **Capital Budget and Plan**

Recommendation

- Formalize a planning policy of 5-1
  - 5 year Capital Improvement Plan
  - 1 year Capital Budget
- Develop a unified County-wide master plan to guide the capital planning
  - IBM Project

Comments

Commissioner Murrey said this capital improvement plan process would create an opportunity 
within those four years before the Board would get to that one year capital improvement 
budget for private capital to weigh in and offer opportunities to collaborate. He said it would 
also allow the County to pursue state or federal money to do some of the projects.

Commissioner Murrey said if the County states what its priorities are, it allows other entities to 
see if it matches their priorities, so there would be four years to create collaboration before 
the County would actually spend the money.

Board Action: It was the consensus of the Board to direct staff to move forward with 
recommendation #1 taking into consideration Board comments.
Note: Staff will report back at a future meeting with a formal policy for the Board to vote on.

(2) Capital Priority Setting

Recommendation

- Adopt a priority setting methodology based on nine (9) evaluation criteria
- Transparent and documented methodology for identifying infrastructure priorities

- Proposed Evaluation Criteria

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<th>Mandates/Contractual</th>
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<td>Standards/Quality of Life</td>
<td>Financing Source</td>
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<td>Joint Use</td>
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Comments

Commissioner Dunlap asked how do you deal with a situation where something may be ranked high but there may be something else ranked lower, but it has a higher board priority. He asked will the process provide for a tweaking of the rankings.

Director Yi asked if the Board was okay with having a set of criteria. The consensus was yes.

Chairman Roberts said there needs to be some flexibility, however, in light of unexpected changes or opportunities.

Chairman Roberts questioned safety as a criteria, but it was clarified that in this instance staff was talking about building safety and not public safety.

Chairman Roberts said criteria dealing with money should receive more points in this economy.

Commissioner James asked how would the criteria be applied to outside agencies and specifically would it be shared with Charlotte-Mecklenburg Schools in hopes that in preparing their evaluation of their projects these things would be taken into consideration. Director Diorio said the expectation is that anyone requesting capital funds from the County would go through this process.

Commissioner Cooksey said he felt staff was on the right track with this. He offered the following suggestions with respect to the criteria: 1) Budget Impact and Economic Impact should be rated higher. 2) Standards/Quality of Life could perhaps be combined with Service Impact to say for example, what is this project doing to improve the delivery of service to our customer base. He said Standards/Quality of Life and Service Impact may be trying to get at the same thing. 3) Joint Use-Just because it’s a joint use with another agency, is not a benefit in itself. It’s only a benefit when that collaboration brings down the total cost for all of the users. Commissioner Cooksey said the collaboration has to provide some efficiencies.

Commissioner Clarke said he supports having consistent criteria, but the downside of it is trying to make one size fit all, which may create problems.

Commissioner Clarke said Service Impact was probably ranked too low. He also suggested the word impact not be used. He said he thinks staff was trying to say was, to what extent a project was needed to deliver services to customers, which he feels is a much clearer statement of what that criteria is.
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Commissioner Clarke said what the Board was doing was sort of what the Citizen’s Capital Budget Advisory Committee does, which is coming up with a process for assessing projects. He asked was this something that’s being envisioned for the County Commission to take over instead. **Director Yi said what this process does is change the nature of the discussion whether it’s the Board, County staff or the CCBAC because now there will be one discussion of all the projects rather than in silos. He said this would also give the Board an objective basis for having that discussion.**

Commissioner Cogdell echoed Chairman Roberts’, Commissioner Cooksey’s and Clarke’s comments. Commissioner Cogdell suggested that since Standards/Quality of Life seems so subjective, that 10 points, should be placed on Economic Impact and Financing Source, five points each.

Commissioner Cogdell questioned having five as a mandatory minimum because a project should perhaps be assigned less.

Commissioner Murrey questioned the five minimum as well. Commissioner Murrey said to start with anything other than zero for any category is meaningless. He suggested having a continuum. Commissioner Murrey said the priority levels should not be lumped together. He said Level One should be 15, Level Two 13, Level Three 11.

Board Action: It was the consensus of the Board to direct staff to move forward with recommendation #2 taking into consideration Board comments.

Note: Staff will report back at a future meeting with a formal policy for the Board to officially vote on.

(3) Community Capital Standards

Recommendation

- Update and adopt capital standards across all functional areas as a basis for determining need
- Standards should be based on national, state, community or best practice standards
- Set by functional experts and reviewed by the Citizens Capital Budget Advisory Committee
- Update standards regularly consistent with the 5-1 planning process

Comments

**Commissioner James** said the standards should be developed in conjunction with what the County can afford.

**Commissioner Cooksey** said he would like to know what the standard is based on, a national source, etc. and how does what’s being proposed compare to the County’s current status. He said the question will be, what will it take to close that gap.

**Commissioner Cogdell** said he would like to know how the County compares to other jurisdictions.

**Commissioner Dunlap** said he concurred with Commissioner Cooksey’s comments.

**Commissioner James** said he doesn’t have a problem with having an aspirational standard with a realistic target.
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Board Action: It was the consensus of the Board to direct staff to move forward with recommendation #3 taking into consideration Board comments.

Note: Staff will report back at a future meeting with a formal policy for the Board to officially vote on.

The recessed at 12:05 p.m. and reconvened at 12:20 p.m.

(4) Community Involvement

Recommendation

- Continue involving citizens in the capital budget process through the CCBAC
- Charge
  - Provide input into capital standards
  - Determine whether project(s) meet standards
  - Report to the Board of County Commissioners on progress in meeting standards
  - Get input from the residents on standards

Comments

Commissioner Cooksey said he would like the CCBAC to be involved in reviewing the criteria and weighing, and that their input be obtained before the matter comes back to the Board.

Commissioner Clarke said the criteria should be set by the Board. He said getting the CCBAC input was okay but the ultimate decision would be that of the Board.

Commissioner Cooksey said he concurred with Commissioner Clarke.

Commissioner Clarke said in the material provided Wake County has a similar group like the CCBAC, but it’s appointed by the county manager. Commissioner Clarke said this was something the Board may want to consider doing. Also, that the group should perhaps be a little larger and that the Superintendent be allowed to recommend two people for appointment. Commissioner Clarke said this would de-politicize that process.

Commissioner Leake asked was there a specific time for the CCBAC to report back. The response was generally it’s in April.

Commissioner Leake asked that a timeframe be specified in the charge.

Commissioner Dunlap said he concurred with Commissioner Clarke with respect to perhaps having the members appointed by the County Manager.

Commissioner Dunlap said it should be made clear in the charge of any committee appointed by the Board, that they are “simply a recommending body” and do not make the final decision. He said often committees don’t understand this and they expect their recommendations to get approved.

Board Action: It was the consensus of the Board to direct staff to move forward with recommendation #4 taking into consideration Board comments.

(5) Funding Limit Capacity (Funding Source Policy) - Recommendation

- Fund projects with voter approved bonds up to 80% of projected capacity
- Pay-As-You-Go funding in accordance with debt policy
- Use non-voted debt (two-thirds bonds, lease purchase or COPs) for government facilities
Minimize use of COPs

Comments

**Commissioner Dunlap left the meeting and was absent for the remainder of the meeting.**

Commissioner Clarke said three cents was an adequate amount for pay-go. He said to go above that puts too much pressure on the operating budget. Commissioner Clarke said if it was amended to say that any increment would be added on to the existing tax rate, he might be okay with it.

Commissioner Clarke said he thinks what staff is trying to do is, take money out of the operating budget for pay-go. He said to continue to do that in an amount greater than three cents, isn’t the right thing to do.

Chairman Roberts concurred with Commissioner Clarke. She said three cents should be the floor and the ceiling.

Commissioner Murrey asked was it correct the only way 80% excess fund balance is going to increase is if more revenue is received in a given fiscal year then budgeted. Director Diorio said yes and also if less was spent.

Commissioner Clarke said this is a variable with respect to pay-go that should be determined by that set of circumstances.

Commissioner Murrey said he would like more information in order to determine if 80% is the right number. He said he’s concerned about going back to the public and saying we’re holding back 20% of capacity for our own discretion without their input. He said that may be a lot of discretion that the County would have available.

Commissioner Murrey said it needs to be kept in mind that the policy being developed isn’t just for the bad times, but the good times as well, and that if you get too strict on keeping it at a low number you may not be able to adequately fund infrastructure to maintain the County’s bond rating.

Commissioner Clarke suggested staff inform the Board what the projected capacity would be if you reduce the tax rate by 5% or 10% and what it would be if it remains flat, so that it’s understood, the interplay between adopting the operating budget and the capacity available for capital.

Commissioner Murrey said perhaps the policy should say 70-90%, 70% when times are good and 90% when times are lean.

Commissioner Cooksey said he would be okay with saying, use of COPs only for extraordinary circumstances.

Commissioner Murrey said there needed to be a definition of extraordinary.

Commissioner Clarke said not mentioned with respect to sources for pay-go was the appropriation of proceeds from all county land sales for capital projects. He suggested this be something staff looks at. Staff said it could prepare of list of surplus county property.
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Board Action: It was the consensus of the Board to direct staff to move forward with recommendation #5 taking into consideration Board’s comments.

(6) $970M in Outstanding Authorization

Recommendation
- Evaluate remaining projects based on the priority setting criteria
- Generate a project list by priority
- Adopt capital plan as allowed by capacity, including Pay-As-You-Go
- Consider de-authorizing amounts tied to low priority projects

Comments

Commissioner Cogdell said a plan needs to be developed for de-authorizing amounts tied to low priority projects.

Commissioner Clarke said he has concerns about de-authorizing projects that were approved by the voters.

Chairman Roberts said she was okay with de-authorizing COPs, but concurs with Commissioner Clarke when it comes to General Obligation bonds because there’s a link to public trust and transparency. Chairman Roberts said she would like to have that come up for discussion or a process of saying it just expired.

Commissioner Murrey said voters who voted for something previously may feel differently now. He said to simply let it expire, which is the alternative if the funds aren’t available to authorize it, is not having that public process. He said that’s not exposing it to the public. He said doing what has been suggested is more of a public process rather than not doing anything.

County Manager Jones said the issue of de-authorizing amounts tied to low priority projects is something the Board should seek citizen input on.

Chairman Roberts said this could also be something for the CCBAC to provide input on as well.

Commissioner Cooksey said the Board has a responsibility to look out for the public’s best interest and should explain to the public why the decision was being made to de-authorize. He said having some of those projects out there could impact the County’s bond rating.

Commissioner Clarke asked Director Diorio was Commissioner Cooksey correct in his statement about this impacting the County’s bond rating.

Director Diorio said the county was trying to do a lot of things to maintain its AAA bond rating. She said she could not say that if this authorization is left out there that it would impact the bond rating. However, if the County could take steps to try to strengthen its AAA bond rating, it should do so, and doing this would be one step that could be taken to do that. She said it would be considered a credit positive but it doesn’t jeopardize it just by being on there.

Board Action: It was the consensus of the Board to direct staff to move forward with recommendation #6 taking into consideration Board comments.

(7) 1% for Art - Recommendation

- Reconsider Public Art Ordinance such that:
  - 1% or $250,000 whichever is less, is provided for public art funding, and/or
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- Provide option for BOCC to determine project exclusions, based on Manager’s recommendation

Comments

Commissioner Cooksey said with respect to project exclusions, he would specifically say that public art is not needed at criminal detention facilities, parking facilities or any County office facility not routinely visited by the public, such as the Medical Examiners Office.

Commissioner Cooksey said he would also like to see in this policy leveraging with private sector sources for funding art projects.

Commissioner Clarke said this was a topic that probably deserves public input. He said a process needs to be put in place to receive public input.

Commissioner Murrey said he concurred with Commissioner Clarke’s comment regarding public input and Commissioner Cooksey’s regarding excluding public art from some facilities that aren’t routinely visited by the public. Commissioner Murrey said he’s okay with 1% but feels the placement of the artwork should not be restricted to the facility being built.

Commissioner Murrey said there is a danger in underfunding public art. He said standards should apply to public art and that it should be looked at in terms of where the County stands in terms of standards with others in the country and benchmarks. Commissioner Murrey said when businesses consider the region and when tourists come, art is something they look for. Commissioner Murrey said there needs to be a sense of what private art is out there and how does the County compare in total to others.

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

Commissioner Leake said her concern is the amount appropriated for public art in light of the current economy.

Commissioner Cogdell said there needs to be discussion concerning why the art has to be tied to a particular project. He feels that should be changed.

Chairman Roberts said flexibility needed to be built in with respect to the amount and where the art should be located. She also supports seeking public input.

Chairman Roberts said local content needs to be defined and discussed. She would also like to see more local and/or artist from N.C. selected.

Board Action: It was the consensus of the Board to direct staff to move forward with recommendation #7 taking into consideration Board comments.

Director Yi and County Manager Jones made closing remarks. It was noted that the Board’s next Strategic Planning Conference has been scheduled for January 26-28, 2011, location to be determined.

Note: The above is not inclusive of every comment. Staff will report back to the Board on all of these recommendations.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, James, Leake, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 1:55 p.m.
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MINUTES OF MECKLENBURG BOARD OF COUNTY COMMISSIONERS
MECKLENBURG COUNTY
NORTH CAROLINA

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 5, 2010.

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-

Chairman Roberts and Commissioners Bentley and James were absent when the meeting was called to order and until noted in the minutes.

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

(1A) STAFF BRIEFINGS - NONE

(2A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY, C) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced there would not be a need to go into Closed Session to Consult with Attorney or to discuss Business Location and Expansion.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Murrey voting yes, to go into Closed Session for the following purpose: C) Personnel Matter.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:03 p.m.

Chairman Roberts and Commissioners Bentley and James were present when the Board came back into Open Session. They entered 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 11, 12, 13, and 17.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Commissioner Murrey gave the Invocation, 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

(1A1) NATIONAL ARTS AND HUMANITIES MONTH

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 adopt a joint proclamation designating October 2010 as National Arts and Humanities Month in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Scott Provancher, president of the Arts and Science Council.

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:

Blanche Penn with Winners Plus Agency addressed an upcoming workshop entitled Let’s Walk the Talk, Families and Schools Working Together, Understanding the School System. The forum will take place on October 18, 2010, 6:30 p.m. – 8:00 p.m. and October 23, 2010, 11:00 a.m. - 2:00 p.m. at the Sugar Creek Recreation Center. Ms. Penn said October was Parent Involvement Month and that it was acknowledged by Governor Perdue in the form of a proclamation.

Jack Stratton addressed juvenile cases and associated documents used by the courts. Mr. Stratton referenced 7B-506 which he said reads, “no juvenile shall be held without a hearing to determine the need for continued non-secured custody.” Further, “at a hearing to determine the need for continued non-secured custody, the court shall receive testimony and all the burden shall be on the Department of Social Services to prove it.” Mr. Stratton said seven day hearings were not held in Mecklenburg County, despite the seven day hearing document that has his name on it. Mr. Stratton said the document that exists that says he consented to his children being held in custody was “fake.” He said his children have been held for ten years. Mr. Stratton said he never consented and he never had a hearing. Mr. Stratton said it was a “conspiracy.” Mr. Stratton showed the Board what he said was a cassette recording of the court hearing “proving” that all of the people he named “lied.” He said the court order he had was “fake.”

James Brock Kitchen addressed the property tax exemption program for disabled veterans. Mr. Kitchen said he qualified for the exemption, even though he was told by the Tax Office that he did not. Mr. Kitchen, who has since been granted the disability exemption, wants to be exempt for years, prior to being determined eligible. Mr. Kitchen provided a handout to the Board regarding his concern.

A copy of his handout is on file with the Clerk with the Board.
(3) APPOINTMENTS

CITIZEN’S TRANSIT ADVISORY GROUP

The vote was taken on the following nominees for appointment to the Citizen’s Transit Advisory Group:

Sheila Etheridge None
Thomas Gilliam Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
   Voting Ceased

Robert Watson

Chairman Roberts announced the appointment of Thomas Gilliam to the Citizen’s Transit Advisory Group to fill an unexpired term expiring June 30, 2011.

Note: He is replacing Robert Zuckerman.

HISTORIC LANDMARKS COMMISSION

The vote was taken on the following nominees for appointment to the Historic Landmarks Commission:

Sonya Young None
John Shurley (A) Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
   Voting Ceased

Clara Alina Bartlett (A)
Robert Cameron
Zachary Deason
Stephen Fairley
Lisa Johnson
Raymond McGill (A)
Michael Mulder
John Kenneth Pursley (A)
Michael Schubert

Chairman Roberts announced the appointment of John Shurley to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2011.

Note: He is replacing Richard Mattson.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

The vote was taken on the following nominees for appointment to the Mountain Island Lake Marine Commission:

Trip Wheeler None
Cathy Roche Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey, and Roberts
   Voting Ceased

Bryan Abernathy
Rhiannon Bowman
Chairman Roberts announced the appointment of Cathy Roche to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2013

Note: She is replacing Tim Bishop.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A1) LIBRARY FUNDING

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution directing the County Manager to execute an interlocal agreement with the Town of Cornelius related to its interlocal agreement with the Public Library of Charlotte and Mecklenburg County.

RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TOWN OF CORNELIUS

WHEREAS, Mecklenburg County (County) and the Town of Cornelius (Town) desire to enter into an interlocal agreement related to a separate interlocal agreement between the Town and the Public Library of Charlotte and Mecklenburg County (“PLCMC”); and

WHEREAS, more particularly, the Town will contribute $175,000 in cash to PLCMC or to the County for the benefit of the PLCMC in quarterly payments during the period of July 1, 2010 – June 30, 2011; and

WHEREAS, the existing Lease Agreement between the County and Town for the Westmoreland Athletic Complex Property shall be converted to deed ownership by the Town with certain reverter and use restrictions; and

WHEREAS, the Town shall receive a recorded option to purchase the Cornelius branch library building and associated land at then appraised fair market value should it cease to be used as a library branch for any reason; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that interlocal agreements between units of local government be ratified by resolution of the governing board of each unit and spread upon its minutes;

Now, therefore, be it RESOLVED by the Mecklenburg County Board of Commissioners that the attached Agreement is hereby approved and the County Manager, with the advice of legal counsel, is hereby authorized to (a) execute and deliver this Agreement in substantially the form presented and (b) execute and deliver such other documents, certificates, undertakings, agreements and other instruments as he may deem necessary or appropriate to effectuate the same; and (iii) that this resolution shall be spread upon the minutes.

Resolution recorded in full in Minute Book 45-A, Document # ______.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution directing the County Manager to execute an interlocal agreement with the Town of Mint Hill related to its interlocal agreement
with the Public Library of Charlotte and Mecklenburg County.

RESOLUTION AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TOWN OF MINT HILL

WHEREAS, Mecklenburg County (County) and the Town of Mint Hill (Town) desire to enter into an interlocal agreement related to a separate interlocal agreement between the Town and the Public Library of Charlotte and Mecklenburg County ("PLCMC"); and

WHEREAS, more particularly, the Town will contribute $175,000 in cash to PLCMC or to the County for the benefit of the PLCMC in quarterly payments during the period of July 1, 2010 – June 30, 2011; and

WHEREAS, the Town will receive either (i) reimbursement from the County in the amount of $175,000 or (ii) at the election of the Town, services or land from the County that may otherwise be paid for by the Town valued at $175,000, on or before July 1, 2018; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that interlocal agreements between units of local government be ratified by resolution of the governing board of each unit and spread upon its minutes;

Now, therefore, be it RESOLVED by the Mecklenburg County Board of Commissioners that the attached Agreement is hereby approved and the County Manager, with the advice of legal counsel, is hereby authorized to (a) execute and deliver this Agreement in substantially the form presented and (b) execute and deliver such other documents, certificates, undertakings, agreements and other instruments as he may deem necessary or appropriate to effectuate the same; and (iii) that this resolution shall be spread upon the minutes.

Resolution recorded in full in Minute Book 45-A, Document # ______.

Note: General Manager Bobbie Shields addressed this matter prior to the above votes.

(6A2) AQUATIC CENTER

County Manager Jones addressed the need for a capital expenditure for repairs at the Aquatic Center based on a facility maintenance assessment by Real Estate Services. County Manager Jones said the cost was about $2.2 million to replace the HVAC equipment and controls as well as $550,000 to replace the chiller and cooling tower.

County Manager Jones said he directed staff to use $2.75 million of undesignated pay-go funds to address the critical infrastructure issues at the Aquatic Center.

Budget/Management Director Hyong Yi briefed the Board on this matter.

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

Comments

Commissioner Murrey asked would there be other large capital maintenance items coming forth during this fiscal year. He also asked if staff maintained a record of when capital equipment would need to be replaced. Director of Real Estate Services Mark Hahn said yes staff keeps track of when capital equipment would need to be replaced. Director Hahn said there shouldn’t be any other major replacements forthcoming the magnitude of the Aquatic Center.

Commissioner Bentley asked about the $12 million in pay-go funds for Charlotte-Mecklenburg Schools noted in Director Yi’s presentation, specifically, whether any of the schools that may potentially be closed, included in the $12 million. Director Yi said he would get an answer for that question.

Commissioner Clarke asked how long would the Aquatic Center be closed while the repairs were being done. Director Hahn said the plan was for it to remain open during the repair work.
CONSENT ITEMS

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 approve the following item(s):

(7) APPROVAL OF MINUTES

1) Approve minutes of Regular meeting held September 21, 2010 and Closed Session held September 8, 2010.

2) Authorize the Clerk to amend the minutes of June 15, 2010 to correct the vote on Consent items from unanimous to 8-0.

3) Authorize the Clerk to amend the minutes of September 8, 2010 in order to place the following phrase in the correct location. “The Board thanked program participants and staff.”

(8) FLOOD HAZARD MITIGATION PLAN CONTRACT

Authorize the County Manager to negotiate and execute a contract with AECOM Technical Services of NC, Inc. to provide professional engineering services related to the risk assessment and flood hazard mitigation plan.

(9) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE – SET PUBLIC HEARING

1) Approve opening a public review and comment period beginning October 5, 2010 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO); and

2) Schedule a public hearing as a timed item for 6:30 pm on November 16, 2010 to receive public comment and to adopt the proposed revisions to MCAPCO.

(10) RELEASE OF REVERSIONARY DEED RESTRICTION

Approve extinguishing the automatic reversion deed restriction on approximately .019 acres of land conveyed in 1982 by Mecklenburg County to the State of North Carolina for UNC Charlotte use and authorize the County Manager to execute all necessary documents to extinguish the reverter on that .019 acre portion of the property.

(14) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

Note: These records comprise 5 boxes of old validated permits/documents dated January 1987 – June 1996.

(15) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE
Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Cluck ‘N Cup, LLC, owner of Cluck ‘N Cup restaurant.”

Note: Cluck ‘N Cup, LLC, owner of Cluck ‘N Cup restaurant (operated by Lynn Mussen), has submitted a proposal to lease one of the retail spaces attached to the Government District Parking Deck at 4th and McDowell Streets.

Resolution recorded in full in Minute Book 45-A, Document # ______.

(16) POSITION CHANGE REQUEST – AREA MENTAL HEALTH

Approve converting 1 full-time Case Coordinator position to 2 part-time Case Coordinator positions in the Area Mental Health Children’s Developmental Services program.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(11) RYAN WHITE PART A GRANT APPLICATION

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

1) Approve the submission of a grant application for $7,000,000 in Ryan White Part A funds covering the period of March 1, 2011 through February 28, 2012 from the U.S. Department of Health and Human Services, Health Resources and Services Administration under the Ryan White Treatment Modernization Act of 2006.

2) If awarded, recognize, receive and appropriate such funds.

3) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

Commissioner Leake removed this item from Consent for additional information.

Commissioner Leake said she would like to know if these funds were going to be held on the County’s Health Department side or the hospital side. County Manager Jones said the Health Department would be the lead agency and that they would be following the normal allocation process for distributing these funds.

Commissioner Leake said she would like to know how many grants have been received by the Health Department for Ryan White and how the funds have been allocated and spent for the last two years.

Commissioner Clarke returned to the dais.

(12) FAMILY PLANNING GRANT APPLICATIONS
Commissioner Leake removed Item 12 – Family Planning Grant Applications from Consent to ask about the change in the subject matter, the removal of Latino.

Commissioner Leake said she wanted to know how these funds were going to be used and spread out in the community at-large.

Commissioner Leake said she also wanted to know who would be monitoring this process.

County Manager Jones said the program would be managed and monitored by the Health Department under the leadership of Health Director Wynn Mabry.

Commissioner Bentley removed this item from Consent in order to ask the following questions:

- What’s meant by comprehensive pregnancy prevention services?
- What are the specifics regarding the administration of the funds?
- What specific drugs would be purchased by the grant dollars coming to the County?

General Manager Michelle Lancaster said she would get answers and report back.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey, to defer consideration of Item 12- Family Planning Grant Applications until the Board’s October 19, 2010 meeting in order to receive the additional information, per the questions asked.

County Manager Jones said the Board could move forward with approving the submission of the grants, but not recognize, receive and appropriate the funds; thus, if the grants are received, the matter would have to come back to the Board for final approval.

Commissioner Cogdell asked about the submission deadline.

General Manager Lancaster said it was her understanding that in order to meet the submission deadline, approval was needed at tonight’s meeting.

Chairman Roberts urged the Board not to defer, but to move forward with the submission of the grants.

Commissioner Cooksey removed this item from Consent to ask the following questions:

- Who is eligible to participate in the program?
- If it is specific to a particular ethnic group, what do you have to show to prove that you’re a member of that ethnic group?

Commissioner Cooksey said he has a problem with programs that were not for all citizens of the County.

General Manager Lancaster said the reason the subject line changed (the removal of Latino) was because these are two separate grant applications. She said one application was for Latinos and the other was not limited to Latinos.

Commissioner Cooksey asked also whether any of these funds would go towards providing abortions or providing abortion counseling.

The vote was then taken on the motion to defer as noted below.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and
Commissioners Bentley, Cooksey, and James voting yes, to defer consideration of Item 12 Family Planning Grant Applications until the Board’s October 19, 2010 meeting in order to receive additional information, per the questions asked.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap, to 1) approve the submission of a grant application for $125,000 per year for up to three years from the N.C. Department of Health and Human Services to support family planning services to the Latino population; and 2) approve the submission of a grant application for one-time $10,000 to purchase long-acting contraceptives.

Commissioner Murrey suggested the Board move forward with the submission of the grant applications with the contingency that if it’s determined the deadline was not between now and the Board’s next meeting, that the application would not be submitted until all of the questions raised have been answered and the opportunity for a second consideration was given.

Commissioner Leake said she would not accept Commissioner Murrey’s suggestion as a friendly amendment to her motion.

Substitute motion was made by Commissioner Murrey, seconded by Commissioner Dunlap to 1) approve the submission of a grant application for $125,000 per year for up to three years from the N.C. Department of Health and Human Services to support family planning services to the Latino population; and 2) approve the submission of a grant application for one-time $10,000 to purchase long-acting contraceptives, with the contingency that if it’s determined the submission deadline was not between now and the Board’s next meeting, that the application would not be submitted until all of the questions raised have been answered and the opportunity for a second consideration was given; however, if it is time-sensitive, then the submission of the applications would occur.

County Manager Jones said the applications were due by October 15th, which was before the Board’s next meeting.

Commissioner Murrey withdrew his motion.

The vote was then taken on the motion below.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap, and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to 1) approve the submission of a grant application for $125,000 per year for up to three years from the N.C. Department of Health and Human Services to support family planning services to the Latino population; and 2) approve the submission of a grant application for one-time $10,000 to purchase long-acting contraceptives.

(13) AGREEMENT AMENDMENT – BALLANTYNE DISTRICT PARK

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to amend the agreement with the YMCA to extend the deadlines for the completion of Phase III facilities at the Ballantyne District Park.

Note: The YMCA and Mecklenburg County are parties to a Land Development, Use and Maintenance Agreement dated October 12, 2000 (the “Original Agreement”) regarding Ballantyne Community Park on Community House Road. At the time of the Original Agreement, the YMCA committed to help develop specific recreation amenities on the maintained premises in three
Commissioner Leake removed this item from Consent for more clarity. Lee Jones with Park and Recreation addressed this joint effort. Commissioner Leake said if she wanted to utilize one of the shelters at this park, would she be paying the County or the YMCA. Mr. Jones said he would follow back up with an answer.

Chairman Roberts left the meeting and was absent for the remainder of the meeting.

Vice-Chairman Cogdell chaired the remainder of the meeting.

(17) BUDGET AMENDMENT – DSS

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to recognize, receive and appropriate $1,278,278 of additional Federal revenue for the Crisis Intervention Program (CIP).

Note: The Crisis Assistance Ministry is contracted by DSS to administer these funds by providing heating or cooling assistance to low-income households throughout Mecklenburg County.

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

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

STAFF REPORTS AND REQUESTS

(18) BUSINESS INVESTMENT PROGRAM GRANT: ABB, INC.

Motion was made by Commissioner Bentley, seconded by Commissioner Murrey and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Murrey voting yes and Commissioner James voting no, to adopt a resolution approving a Business Investment Program grant to ABB, Inc. for a total estimated amount between $4,299,512 to $5,305,953 and authorize the County Manager to negotiate and execute a contract.

Note: This project entails the opening of a new high voltage power cable manufacturing plant in Huntersville by ABB Inc., an international company with US headquarters in Cary, NC. The company is a leader in power and automation technologies and operates in 100 countries. The project will include a capital investment of between $84 and $100 million beginning in 2011. The investment will be in building improvements and new business personal property. It will create 100 new jobs over the first 3 years with a projected average annual salary of approximately $54,000. The County’s grant is equal to 75% of the taxes that will be paid by ABB over 10 years and will be subject to the County’s standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis shows a present value of net benefits to the County of between $1,149,185 and $1,435,355 over 10 years. Both the Town of Huntersville and the State of North Carolina will provide financial assistance to this project.

Economic Development Director John Allen addressed this matter prior to the above vote.

Resolution recorded in full in Minute Book 45-A Document # _______.

Commissioner Leake returned to the dais.
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(19A) EFFECTIVE & EFFICIENT GOVERNMENT COMMITTEE REPORTS
EFFICIENCY OF BOARD MEETINGS (COMMISSIONER DUNLAP)

Commissioner Dunlap, chairman of the Board’s Effective & Efficient Government Committee presented the Committee’s recommendations for meeting procedures/policy changes. He was assisted by General Manager John McGillicuddy.

Note: The other members of the Effective & Efficient Government Committee are Commissioners Clarke, Cooksey, and James.

The recommendations covered the following areas: Agenda Format, Proclamations, Public Appearance, and Advisory Board Appointment Procedures.

Agenda Format

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: *Amend the Agenda Format Policy to make Section 3 (Request removal of items from Consent) the first order of business during the 5:00 p.m. – 6:00 p.m. portion of the meeting, rather than the last order of business.*

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-1, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Murrey voting yes and Commissioner Leake voting no, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: *Amend the Agenda Format Policy to place Consent items at the end of the Agenda.*

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendations for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: *Amend the Agenda Format Policy to 1) place Proclamations under Consent and 2) delete Section on Commissioners’ Comments.*

*Policy recorded in full in Minute Book 45-A, Document # ______.*

Proclamations

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendations for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: *Amend the Resolutions and Proclamations Policy as follows:*

- Amend the existing policy to change the title of the policy to read Proclamations and Awards Policy, rather than Resolutions and Proclamations. Secondly, delete any reference to resolutions.
- Amend the existing policy to specify that proclamations to be considered by the Board...
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would be placed on the Board’s Regular meeting agenda under Consent, unless the Board votes by super majority (7 votes) to place it under the Awards/Recognition section of the agenda. Note: This decision would be made during the 5:00 p.m. – 6:00 p.m. session.

- Amend the existing policy to indicate that proclamations would be formally presented at the requestor’s event, upon request and upon the availability of a Board member and/or County staff member; or it may be mailed to or picked up by the requestor.

- Amend the existing policy to indicate that recognition of staff, advisory board chairs, and Order of the Hornet recipients would be done at a meeting of the Board’s discretion.

Policy recorded in full in Minute Book 45-A, Document # ______.

Public Appearance

Recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Public Appearance Policy to specify in the policy that requests for funding must be made at the Board’s annual budget public hearing and not at a Regular meeting.

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Public Appearance Policy to specify that four or more persons speaking on the same issue are considered a group and if less than four appear, they would receive 3 minutes each.

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Public Appearance Policy to specify that Board members will not engage in dialogue with public appearance speakers.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Public Appearance Policy to specify that handouts and/or tokens from speakers shall be given to the Clerk, who will distribute these items to the Board at the conclusion of the meeting.

Policy recorded in full in Minute Book 45-A, Document # ______.

Advisory Board Appointments

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to specify that once someone is appointed to an advisory board/committee their application for any other advisory board/committee will be removed from the file.
Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy 1) to clarify that a majority vote of the Board means five votes; 2) to clarify that a person who is eligible for re-appointment may be re-elected by unanimous vote of all members of the Board present at the dais at the time of the vote, provided at least a majority of the entire membership of the Board (five members) is present at the dais and votes on the re-appointment.

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to allow for the nomination and appointment of people at the same meeting by a unanimous vote of all members of the Board present at the dais at the time of the vote, provided at least a majority of the entire membership of the Board (five members) is present at the dais and votes on the re-appointment.

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy by adding that those applying for the following advisory boards will participate in an interview process by an ad hoc committee appointed in each instance by the Chairman: Alcoholic Beverage Control Board; Central Piedmont Community College Board of Trustees; Charlotte-Mecklenburg Planning Commission; Library Board of Trustees; Board of Equalization and Review; and Board of Motor Vehicle Review. Designated staff may serve as non-voting members. The ad hoc committee would be charged with bringing a recommendation(s) for appointment(s) back to the full board for consideration.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to specify that people appointed to an advisory board may serve a total of two consecutive terms regardless of how long they served in the first term. Those serving on Boards that have four or six year terms, however, would only serve one term, i.e. Industrial Facilities and Pollution Control Financing Authority (six-year term), Library Board of Trustees and the Central Piedmont Community College Board of Trustees (four-year term). Secondly, specify that anyone having served two consecutive terms or one year term, where applicable, must wait at least one year before applying to serve again on any advisory board.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried
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8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to specify that the attendance requirement is 75% with no excused absences.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to clarify that those appointed to the Planning Commission, Bicycle Committee, and the Charlotte Mecklenburg Coalition for Housing are to adhere to Charlotte City Council’s Attendance policy, since these are areas managed by the City of Charlotte. Also, amend the existing policy to clarify that people appointed to the Nursing Home Community Advisory Board and Adult Care Home Community Advisory Board must adhere to the attendance requirement mandated by statute for these boards.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to specify that the annual appointment schedule will be posted on-line for public access.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to change the length of time for applications to remain on file from two years to one year.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board’s Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Procedures for Advisory Board Appointments Policy to add under the Removal of Members From Advisory Boards with Cause section, C. Removal of Alcoholic Beverage Control Board Members With Cause.

Policy recorded in full in Minute Book 45-A, Document # ______.

Commissioner Cooksey suggested the Board’s Ethics Policy apply to members of the Board’s Advisory Boards, Committees, and Commissions, unless they have a policy in place already. It was the consensus of the Board to discuss this matter when the Board gets to Item 19b.

(20) REPORTING ILLEGAL IMMIGRANTS – DSS (COMMISSIONER JAMES)

Commissioner James asked the Board to consider instructing the Department of Social Services (DSS) to ignore State and Federal regulations and disclose to the Sheriff/ICE/Homeland Security the details of ANY individuals within their files who have been determined to be illegal under
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the SAVE program to determine whether or not they are a threat to national security, have a
criminal background, or associated with those that may be a security threat. This is to be
required even if this results in litigation with either the State of North Carolina or the Federal
Department of Agriculture; and 2) Establish procedures going forward to obtain the
fingerprints of any individual who applies to DSS that the SAVE system identifies as an illegal
alien (even if the applicant is on behalf of a third party). Effective January 11, 2011.

Commissioner James said his request was about “reporting” and not “deporting.”

Commissioner James said he felt the County had an “obligation” since September 11, 2001, “to
ensure and participate in the national security of our country.”

Commissioner James said what concerned him was that the County, the Department of Social
Services, has information on illegals that he felt should be provided to Homeland Security.

Commissioner Dunlap made the following motion since a motion had not been made by
Commissioner James.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to move on to
the next agenda item.

Substitute motion was made by Commissioner James, seconded by Commissioner Cooksey, to
send a letter to the Department of Homeland Security to obtain information about how the
County could privately report information concerning illegals from the Department of Social
Services SAVE system database to the Department of Homeland Security.

The following persons spoke in opposition to Commissioner James’ request and criticized him
personally for this and other matters he has said and/or brought before the Board as it relates
to minorities.

LaWana Mayfield, Roxana Bendezú, Hector Vacq, Ramon Guerra, Stacey Bonilla, German
DeCastro, Maggie Giraud, Maudia Melendez, Rev. Kojo Nanafambu, Anthony Campillo, and
Faith Neff.

No one appeared to speak in support of Commissioner James’ request.

Comments

Commissioner Cooksey said the immigration problem in the United States was “out of control.”
He said the federal government has let this problem be out of control for the past twenty or
twenty-five years. Commissioner Cooksey said there was not a more important responsibility of
our federal government than controlling its own borders.

Commissioner Cooksey said he saw Commissioner James’ motion as being a way to create a
dialogue with the Department of Homeland Security as to how Mecklenburg County can help
them do their job to enforce our border security and “make us all safer as a community.”

Commissioner James said what he wanted was assurance that Mecklenburg County has
reported to Homeland Security and that Homeland Security knows who’s in Mecklenburg
County. He said whatever Homeland Security decides, was their responsibility.

Commissioner Murrey said he was supportive of federal immigration reform. He said
corversation needs to be held on this subject, but that the way proposed by Commissioner
James was not the way to go about it.

Commissioner Murrey suggested immigration reform be placed on the Board’s federal
legislative agenda when the time was appropriate. He said this would provide the County with the opportunity to express to its representatives in Congress that Mecklenburg County was interested in national immigration reform being discussed and voted upon in Congress.

Vice-Chairman Cogdell said for years “our federal government has not addressed comprehensive immigration reform.” Vice-Chairman Cogdell said a comprehensive immigration reform bill was needed.

The vote was then taken on the substitute motion as follows.

Substitute Motion was made by Commissioner James, seconded by Commissioner Cooksey and failed 5-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting no and Commissioners Bentley, Cooksey, and James voting yes, to send a letter to the Department of Homeland Security to obtain information from the Department of Homeland Security regarding how Mecklenburg County could privately report information concerning illegals from the Department of Social Services’ SAVE system database to the Department of Homeland Security.

(19B) EFFECTIVE & EFFICIENT GOVERNMENT COMMITTEE REPORTS
ETHICS POLICY (COMMISSIONER DUNLAP)

Commissioner Dunlap, chairman of the Board’s Effective & Efficient Government Committee addressed and presented the Committee’s recommendation regarding a revised Code of Ethics for Mecklenburg County Officials. He was assisted by County Attorney Marvin Bethune.

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

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Leake voting yes, to approve proposed changes to the Mecklenburg County Code of Ethics and repeal the Board’s Code of Conduct.

Prior to the above vote Commissioner James said he would like a file maintained regarding questions and answers provided to Board members in response to questions they may have regarding gifts that may be received and whether the acceptance of that gift would be in violation of the policy. Attorney Bethune said a file of opinions could be maintained in the Deputy County Attorney’s office for reference.

Code of Ethics recorded in full in Minute Book 45-A, Document # _____.

Commissioner Murrey returned to the dais.

County Attorney Bethune addressed Commissioner Cooksey’s request that the Board’s Code of Ethics apply to persons serving on County Advisory Boards, Committees, and Commissions, unless they have a policy in place already.

It was noted that the Board currently had in place a resolution establishing a conflict of interest policy statement for members of County Boards, Agencies, Committees, and Commissions.

County Attorney Bethune said some of the wording in the resolution was consistent with the wording that was in the previous Code of Ethics, but was now inconsistent with the current Code of Ethics.

County Attorney Bethune suggested the Resolution Establishing a Conflict of Interest Policy
Statement for Members of County Boards, Agencies, Committees, and Commissions be referred to the Board’s Effective & Efficient Government Committee for review and a recommendation back to the Board.

It was the consensus of the Board to refer this matter to the Effective & Efficient Government Committee.

Attorney Bethune addressed the mandatory ethics training required by state law for members of governing boards during this calendar year (2010) and within one year of one’s election. Attorney Bethune said a webinar would be offered for Board members early December, which would satisfy calendar year 2010 and the within one year of one’s election requirement.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:07 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman

Harold Cogdell, Jr., Vice-Chairman
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MINUTES OF MECKLENBURG BOARD OF COUNTY COMMISSIONERS
NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 19, 2010.

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.

(1A) STAFF BRIEFINGS - NONE

(2A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) LAND ACQUISITION AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: +/- 149.7 acres, multiple tax parcels located along West Branch Rocky River in the uppermost northeastern corner of the County.

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 go into Closed Session for the following purposes: A) Business Location and Expansion, B) Land Acquisition and C) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:08 p.m.

(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 8, 10, 13, 15, and 16.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Invocation was given by Commissioner Murrey, 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 - NONE

AWARDS/RECOGNITION

(1B1) STORM WATER SERVICES VOLUNTEER RECOGNITION

The Board recognized and thanked volunteers involved in protecting and restoring water quality conditions in Charlotte-Mecklenburg. The volunteers were introduced by Rusty Rozzelle, Water Quality Program Manager.

(1B2) CUSTOMER SERVICE HEROES AND GERALD G. FOX EMPLOYEE OF THE YEAR AWARD

The Board recognized and thanked the County’s 2010 Customer Service Hero Award Winners. They were introduced by Blake Hart, Office of Strategic Organizational Improvement, Enterprise Analyst. The winners were:

- Service Quality: Tara Williams, DSS-Youth & Family Services
- Ethics: Jennifer Williams, Sheriff, Inmate Finance Specialist
- Timeliness: Jacqui Wolochwianski, CSS, Social Work
- Courtesy & Respect: Marsha Williams, Sheriff, Deputy
- Communications: Jeff Griffin, LUESA, Code Enforcement

The Board also recognized and thanked Danisa Concepcion from the Department of Social Services, winner of the 2010 Gerald G. Fox Employee of the Year Award. She received a $600 check from the Employer’s Associations, sponsor of the award, in recognition of this accomplishment.

(2) PUBLIC APPEARANCE

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

John Maye addressed the proposed school closings being considered by the Charlotte-Mecklenburg Board of Education. Mr. Maye said since the Board was the funding source for schools that this matter may eventually come before the Board. He asked the Board to consider the impact of the proposed school closings. He said in some instances it would result in 1) having empty buildings, 2) having structures that would lay dormant which would invite crime, and 3) it would cause a decrease in property values. He asked the Board to consider the ramifications of what’s happening with the schools and the recommendations from School Superintendent Dr. Peter Gorman and his staff to the Board of Education. Mr. Maye said he’d like to see Board members take a position on this issue.

Norbert Goode addressed the closing of the Belmont library. He addressed how youth in the Belmont neighborhood benefit from having a library in their neighborhood. Mr. Goode said he would prefer seeing books placed in a community center rather than sold to generate income. Mr. Goode said it concerned him when he sees a local government agency “showing itself in a poor light” in the news. Mr. Goode said he knows the Board works “hard” to correct those
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problems. He encouraged the Board to work “as hard as it can for good, clean government.”

Jack Stratton said he was a federal prosecutor and that he has a federal lawsuit filed “to get back the hundreds of millions of dollars that you’ve defrauded from the federal government over the last ten years, abusing the bodies of little children.” Mr. Stratton said the Board had “chosen not to investigate this and to conspire together to cover this up.” Mr. Stratton then proceeded to criticize County Attorney Bethune’s law firm and specifically Attorney Robert Adden. He informed County Attorney Bethune that his firm would be added to his lawsuit. Mr. Stratton said his allegations were “that this Board is in a conspiracy, a criminal conspiracy, with the juvenile court judges and your agents in the Department of Social Services.” Mr. Stratton referenced former judge Libby Miller and how she was no longer on the bench. According to Mr. Stratton, former judge Libby Miller said in her last political campaign, “Jack Stratton is the worst thing that ever happened to me.” Mr. Stratton went on to say to the Board, “I can assure you that I’m going to be the worst thing that ever happened to each one of you.” Further, that he’s alleging a Title 18, 242 conspiracy.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Andrea Arterburn to the Adult Care Home Community Advisory Committee for a one-year term expiring October 30, 2011.

Note: She is replacing Barbara Edwards.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Renee Barfield to the Criminal Justice Citizen’s Advisory Committee as the District 4 representative to fill an unexpired term expiring May 31, 2012.

Note: She is replacing Ezekiel Burns.

Commissioner Clarke nominated all District 5 applicants for appointment consideration to the Criminal Justice Citizen’s Advisory Committee: Gerard Carroll, Thomas Derham, John Fortson, Gloria Johnson, Jeffrey Johnson, Michale Knowles, Janet Lama, Kevin Leonard, James Mathis, III, Sean Mulhall, Charles Payne, Lloyd Scher, and Wells Van Pelt, Jr.

Note: An appointment will occur on November 3, 2010

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Lopa Thakkar to the Juvenile Crime Prevention Council as the Substance Abuse Professional representative for a two-year term expiring October 31, 2012.
ZONING BOARD OF ADJUSTMENT

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Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Michael Knotts to the Zoning Board of Adjustments (City of Charlotte) for a three-year term expiring September 30, 2013.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

(6A) LIBRARY TASK FORCE

County Manager Jones addressed the Library Task Force as it related to a proposed appropriation of up to $75,000 from contingency to support the Future of the Library Task Force.

Note: The Design Team process phase of the Future of the Library Task Force has been completed and the members of the Task Force have been selected. One of the deliverables provided by the Design Team was an estimated cost for the Task Force process, including project management, facilitation, communication, citizen involvement, and research costs. The total estimated budget is approximately $225,000 including expenses for the Design Team process phase. In July, the Library received a grant for $75,000 from the Community Catalyst Fund of the Foundation for the Carolinas (FFTC) to fund the Task Force. The Library plans to request additional funding in the amount of $75,000 (for a total of $150,000) from the FFTC based on the Design Team’s estimated budget. The remaining costs will be offset by Mecklenburg County and Charlotte Mecklenburg Library.

Comments

Commissioner Clarke asked would funds come from unrestricted contingency or the restricted contingency for public library services. The response was from the unrestricted contingency.

Commissioner Dunlap asked about past uses of the contingency fund. Commissioner Dunlap said he recalled some requests being turned down and that he was having a “hard time” trying to put this request in “perspective.”

County Manager Jones addressed past uses of the contingency fund.

Commissioner Dunlap said he had difficulty understanding the cost associated with this effort to come up with a solution. He asked would the Board receive an accounting of how the funds would be spent. The response was yes.

County Manager Jones said he asked James Woodward, Chancellor Emeritus at UNC Charlotte and chairman of the Task Force to come and address the Board at its November 3, 2010 meeting regarding the task force’s schedule and what they plan to look at. County Manager Jones said included in the process was periodic updates to the Board and the Library Board of Trustees and that there would be an extensive citizen involvement component.

Commissioner Murrey said he viewed this as “seed money” for potential savings going forward.
Commissioner Leake said she would like to see the task force’s budget.

Commissioner Leake asked who had the task force employed to do this work. The response was the Lee Institute, if funding is made available.

Commissioner Leake asked were other companies sought and if so, how many. The response was that discussions were held with other local meeting planners, however, who they were was not known at this point.

Commissioner Leake asked would additional funds be requested in addition to the $75,000. The response was that the Board was being asked to appropriate up to $75,000 and it’s not anticipated that additional funds would be requested.

Commissioner Leake asked how much was the Library Board being asked to contribute. The response was $7,500.

Commissioner Cogdell said he, too, would like to receive more specifics with respect to how the funds would be used.

Commissioner Cooksey said he would like more information regarding what the final work product was going to be.

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to defer until the Board’s November 3, 2010 meeting, consideration to approve appropriating up to $75,000 from contingency to support the Future of the Library Task Force.

(6B) MECKLENBURG OPEN DOOR REPLACEMENT

General Manager Michelle Lancaster addressed the Request for Information that was issued on September 17, 2010 to provide the continuum of services that Mecklenburg Open Door currently provides for the County.

It was noted the continuum of services included the following:

- The community support team
- Transitional residential services, which is a 38-bed unit for individuals who are returning to the community from Broughton Hospital.
- The recovery solutions program, which is the jail diversion initiative
- Permanent supportive housing, which includes Group Homes
- A walk-in clinic and telemedicine services
- Development of a twelve bed crisis stabilization unit that meets all state facility standards and will be focused on jail diversion

Five proposals were received:

- True Behavioral Health Care
- BWB Connections
- Psychotherapeutic Services
- RHA Health Services
- Monarch

Monarch was selected to begin services, hopefully, before or on December 1, 2010.

Monarch CEO, Dr. Peggy Terhune, Ph.D addressed the Board.

Dr. Terhune went over Monarch’s history/experience, budget, staff, and services.
Commissioner Murrey left the meeting and was absent for the remainder of the meeting.

Comments

Commissioner Clarke asked if Monarch had audited financial statements. The response was yes.

Commissioner Clarke asked who was Monarch’s outside auditor and where were they located. The response was that the current firm was Davidson, Holland, Whitesell, however, they change firms periodically. Davidson, Holland, Whitesell is located in Hickory, North Carolina.

Commissioner Clarke asked about the size of Monarch’s Board of Directors and the chair. The response was Monarch has an 18 member board, chaired by Angela Barbee, Bank Manager for First Citizens Bank in Albemarle, North Carolina.

Commissioner Clarke asked if Monarch planned to hire any of the employees of Mecklenburg Open Door. The response was yes because the people being served are critically important and current Mecklenburg Open Door employees have built relationships with their clients. Dr. Terhune said Monarch would be bringing in its own management team and other staff. She said Monarch would be providing significant oversight on a daily basis.

Commissioner Cogdell asked Dr. Terhune to address Monarch’s previous experience in this area with other local governments, which was done.

Commissioner Cogdell asked had Monarch been subjected to post payment review audits. The response was yes.

Commissioner Cogdell asked did staff request from Monarch findings of post payment review audits or any other audits by LME’s. Dr. Terhune said she didn’t think that was asked but that information was readily available. Further, that staff did ask had Monarch received any Type A deficiencies or had its license revoked or threatened and the response was no.

Commissioner Cogdell asked had Monarch ever had a service withdrawn. The response was no.

Commissioner Dunlap asked had Monarch ever partnered with other mental health agencies to deliver their services. The response was Monarch collaborates all the time because Monarch doesn’t provide every single service. Also, that Monarch has good relationships with other providers.

Commissioner Dunlap asked how Monarch manages the other agencies that it partners with, which was addressed.

Commissioner James referenced an alleged practice at Mecklenburg Open Door of advancing employees’ funds/employee loans. He asked what was Monarch’s policy with respect to advancing money to employees. The response was that Monarch doesn’t do this. Further, that they have a lot of financial controls. What they are considering is letting employees cash in some of their paid time off because when they leave Monarch, if they’re an hourly employee, they get a week paid time off. Thus, if they’re advanced time, the company really isn’t out of anything. Dr. Terhune said employees can also borrow against their retirement.

Commissioner James asked would criminal background checks and drug testing be done on employees transferring over to Monarch. The response was yes. Also, they would be run through the health care register, their references would be checked, and they’ll have to complete an application and sign it. Dr. Terhune said the only three things that would prevent them from being hired would be their criminal background check (a significant criminal record), if they’re on the health care registry, and/or a positive drug screening.
Commissioner James asked if Monarch used e-verify or something similar. The response was yes, ADP Screening and Selection Services.

Commissioner James asked if the contract award to transfer it to Monarch for the future or how does staff plan to address the issue of whether the County would continue to be in this business. General Manager Lancaster said this didn’t include the Shelter Plus Care program or Meck Promise.

Commissioner James asked whether the Board still have to make a decision regarding the Shelter Plus Care program. The response was yes. General Manager Lancaster said Area Mental Health staff was working on a draft agreement with the Charlotte Housing Authority.

Commissioner James asked how many Mecklenburg Open Door employees were a part of the Shelter Plus Care program. The response was that the County was now managing the Shelter Plus Care program.

Commissioner James said he would like to know how many of the employees that are transferred have outstanding employee loans because they would have a liability to someone.

Commissioner Leake asked about Board of Director terms, which was addressed.

Commissioner Leake asked where was Dr. Terhune’s office located. The response was in Albemarle.

Commissioner Leake asked if Monarch be operating an office in Mecklenburg County. The response was yes.

Commissioner Leake asked if Monarch’s staff diverse. The response was yes.

Commissioner Leake asked was it necessary for the Board to approve this contract award or was it the County Manager’s decision. The response was that the County Manager is authorized, through the budget ordinance, to sign contracts of this nature.

Commissioner Leake asked if the County Manager be the one held accountable if Monarch doesn’t fulfill their obligation. County Manager Jones said yes.

Commissioner Cooksey asked about the selection process for Monarch’s Board of Directors and where do they reside, which was addressed.

Commissioner Cooksey asked how much was the contract with Monarch going to cost. General Manager Lancaster said around $4 million.

Commissioner Cooksey asked was it a fixed price or does Monarch get paid on a per patient basis. General Manager Lancaster said she believed it was a combination of both. General Manager Lancaster said these types of things would be negotiated.

Commissioner Cogdell said he would have thought the evaluation process would have included asking for previous audits by regulatory agencies. General Manager Lancaster said Monarch provided audits from previous years but staff didn’t asked for the specific types of audits as referenced by Commissioner Cogdell.

This concluded the discussion. No action was necessary by the Board.
CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held October 5, 2010 and Closed Session held October 5, 2010.

(9) NC DIVISION OF WATER RESOURCES GRANT

Reject a Grant Award from the North Carolina Department of Environment and Natural Resources, Division of Water Resources for the Briar Creek Stream Restoration Project.

Note: On December 18, 2007, the Board of County Commissioners adopted a Resolution to approve a grant application for the amount of $667,000 to the N.C. Department of Environment and Natural Resources, Division of Water Resources. The purpose of the grant was to restore a 5,000 foot segment of Briar Creek between Randolph and Providence Roads, with an estimated total cost for the storm restoration work of approximately $1,000,000. By letter dated September 27, 2010, the State informed the County that it was awarding the County only $225,000 for construction of this stream restoration project. The project included the construction of a greenway trail and pedestrian bridge across Briar Creek, also with an estimated cost of approximately $1,000,000. The plan was to construct the greenway and pedestrian bridge at the same time as the stream restoration work as it is important that both portions be constructed simultaneously. Since there are no grants or County funds available to construct the greenway and pedestrian bridge portion of this combined project, and both portions of this project should be constructed simultaneously, County Storm Water staff recommended that the Board of County Commissioners reject the grant award for the Briar Creek stream restoration project.

(11) CONSERVATION DECLARATION AGREEMENT – US 521 LANDFILL (FOXHOLE)

Authorize the County Manager to negotiate and execute a Conservation Declaration Agreement with the Army Corps of Engineers – Wilmington Division for wetlands mitigation on portions of Tax Parcels # 223-061-03, 223-071-01, and 223-052-02.

(12) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Cluck ‘N Cup, LLC, Owner of Cluck ‘N Cup restaurant.”

Resolution recorded in full in Minute Book 45-A, Document #______.
OCTOBER 19, 2010

(14) STATE SECONDARY ROAD PROGRAM FY 2010 – 2011

A) Receive a report from the North Carolina Department of Transportation on the Secondary Road Program for Mecklenburg County for construction to be completed during FY 2010 – 2011.

B) Approve the State Secondary Road Program for FY 2010 – 2011 for Mecklenburg County.

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

(8) BUDGET AMENDMENT – STRUCTURED DAY PROGRAM (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate $39,078 in additional State funding for the Structured Day Program.

*Note: Funds will be used to expand housing options, educational and vocational assistance and psychiatric services for offenders as well as purchase bus passes for transportation. The Structured Day Program is a day reporting center for probationers residing in Mecklenburg County.*

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

(10) BUDGET AMENDMENT – HEALTH DEPARTMENT (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate additional revenue of $615,922 for the Health Department to reflect actual State and Federal allocations.

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

(13) ROBINSON VFD FIRE EQUIPMENT FINANCING

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to adopt a resolution to approve financing of fire equipment by Robinson VFD.

*Note: The Robinson Volunteer Fire & Rescue Department is seeking approval of financing for fire apparatus and equipment. The United States Internal Revenue Code requires that for such financing to be carried out on a tax exempt basis, the BOCC must first approve the financing. Adoption of this resolution will not make the County liable for repayment of the loan from BB&T to the Robinson Volunteer Fire and Rescue Department.*

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

*Resolution recorded in full in Minute Book 45-A, Document # ______.*
Commissioner Cogdell returned to the dais.

(15) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2010-2011 ADOPTED BUDGET

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 6-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting yes and Commissioners James and Leake voting no, to approve Charlotte-Mecklenburg Schools (CMS) Budget Amendments.

Note: The Board of Education requested approval of changes in the allocation of the County appropriation by purpose and/or function of the amount included in the Board of County Commissioners (BOCC) budget resolution on June 15, 2010. As part of the approved FY 2011 budget, the BOCC approved a total operating funding level of $302,250,000 for CMS. The previous allocations were established by County staff only as placeholders in the budget resolution, subject to revision by CMS. The County staff placeholders excluded $2,300,000 in fines & forfeitures. CMS amendments include the appropriation of fines & forfeitures, which is included in the FY11 Adopted Budget. The changes are the result of CMS adjustments and reductions required to adjust CMS’ expenditure level to the County appropriation of $302,250,000. These changes are only adjustments in the allocation of funds. No additional funds are being requested. These adjustments have been approved by the Board of Education. When the Board of Education’s approved budget varies by 10% or more within the purpose and/or function categories from the allocation placeholders in the budget resolution, the BOCC must approve the variance for it to occur.

Commissioner Leake removed this item from Consent for clarity purposes. She also requested a copy of CMS’ financial audit for fiscal years 2009 and 2010.

Budget/Management Director Hyong Yi said 2010 may not be available yet but that staff would provide the Board with the link to CMS’s financial audit which was on-line.

Commissioner Leake, chairman of the Board’s Education Liaison Ad Hoc Committee, noted for the record that she has attempted for the last two years to set up a meeting with representatives from the Board of Education but to no avail.

(16) AMENDMENT – PUBLIC APPEARANCE POLICY

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to amend the Public Appearance Policy to specify that requests for funding must be made at the Board’s annual budget public hearing and not at a Regular meeting.

Commissioner Leake removed this item from Consent for clarity purposes. Clerk to the Board Janice S. Paige explained the amendment.

Policy recorded in full in Minute Book 45-A, Document # _____.

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – General comments were made at this time by various
Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:26 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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 Wednesday, November 3, 2010.

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.

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 12, 13, and 19.

(2) STAFF BRIEFINGS - IBM JOINT CAPITAL MASTER PLANNING PILOT PROJECT TEAM

The Board met members of the IBM Joint Capital Master Planning Pilot project team.

County Manager Jones addressed the planning project and then introduced Matthew C. Thiemann, IBM Client Vice President, Financial Services Sector and Anne McNeill, IBM Corporate Community Relations, Program Manager. They both addressed the Board and expressed their delight in being able to assist the County in this manner. They then introduced the other members of the team.

Note: IBM will provide consulting services to analyze the issue of integrating capital master planning in Mecklenburg County and recommend a course of action. These services will be delivered by five IBM executives working full-time in Mecklenburg County for three weeks, from November 1, 2010 until November 19, 2010. At the conclusion of the three weeks of consulting, IBM will deliver a roadmap document with short and long-term recommendations for integrating capital master planning in Mecklenburg County.
Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session:

- Jack Stratton, on behalf of the United States of America, Plaintiff/Relator
  Versus Mecklenburg County, Richard Jacobsen, Tyrone Wade, Robert Adden in their personal and official capacities, Martha Curren, in her personal capacity, David Cayer, Yvonne Mims-Evans, Elizabeth Miller-Killegrew, Lisa Bell, Louis Trosch Jr., Hugh B. Lewis, Rickye-McCoy Mitchell, Regan Miller, Rebecca Thorne-Tin, Fritz Mercer, Resa Harris, Avril Sisk, in their personal capacities, Council For Children’s Rights, Brett Loftis, Defendants

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:27 p.m. and came back into Open Session at 6:05 p.m.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

(1A) INDUCTION INTO THE ORDER OF THE HORNET – PETER S. GILCHRIST, III

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct Peter S. Gilchrist, III into the Order of the Hornet.

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

Retiring Mecklenburg County District Attorney Peter S. Gilchrist, III has served as the District Attorney for the 26th Prosecutorial District (City of Charlotte & Mecklenburg County) for nine terms, a total of 36 years.

The following judges were present and expressed thanks and gratitude to District Attorney Gilchrist for his years of service. The honorable Judge Calvin Murphy, Judge Yvonne Mims-Evans, Judge Albert Diaz, Judge Charlotte Brown-Williams and U.S. Attorney Ann Thompkins.

District Attorney Gilchrist thanked the Board for bestowing this honor upon him. He was accompanied at the podium by his wife, Ann.
(2)  PUBLIC APPEARANCE

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

Robert Mussen, president and chairman of the Charlotte Zoological Park, LLC addressed how and why their organization was formed. He said Charlotte/Mecklenburg needed a zoo and addressed the benefits of having such a major attraction. He said Charlotte Zoological Park, LLC’s goal was to build a world class zoo in Mecklenburg County on 300 acres. He said they plan to fund the zoo through memberships, private donations through individuals and foundations, corporations, and through federal grants. Mr. Mussen said they were not asking the County for funding. He said the timing may not seem to be the best, but the cost of the land they’ve looked at was 50% less. Mr. Mussen said they were sharing this information with the Board as an FYI.

Charles Clark addressed Charlotte-Mecklenburg School (CMS) funding and the proposed school closings by the Board of Education. Mr. Clark suggested doing the following to address CMS funding needs:

- Place a 25 cent education tax on all game tickets for school games and professional games, i.e. football, basketball, & hockey
- Place a 25 cent tax on all alcohol sold in Mecklenburg County, i.e. beer, wine, & liquor.

Mr. Clark said doing this would provide more than enough money for schools and libraries.

(3A)  APPOINTMENTS

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

<table>
<thead>
<tr>
<th>Name</th>
<th>Commissioner/Board Members</th>
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<tbody>
<tr>
<td>Wells Van Pelt</td>
<td>None</td>
</tr>
<tr>
<td>Lloyd Scher</td>
<td>Commissioners Leake and Roberts</td>
</tr>
<tr>
<td>Charles Payne</td>
<td>None</td>
</tr>
<tr>
<td>Sean Mulhall</td>
<td>Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Murrey</td>
</tr>
<tr>
<td></td>
<td>Voting Ceased</td>
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Gerard Carroll
Thomas Derham
John Fortson
Gloria Johnson
Jeffrey Johnson
Michael Knowles
Janet Lama
Kevin Leonard
James Mathis, III

Chairman Roberts announced the appointment of Sean Mulhall to the Criminal Justice Citizen’s Advisory Committee as the District 5 representative to fill an unexpired term expiring May 31, 2012.

Note: He is replacing Bill Munson.
NOVEMBER 3, 2010

(3B) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Richard Deming to the Waste Management Advisory Board as recommended by Charlotte City Council to fill an unexpired term expiring May 18, 2013.

Note: He is replacing Gregory Scharlemann.

PUBLIC HEARINGS

(4A) UNIFORM SCHEDULES OF VALUES, STANDARDS AND RULES AND THE PRESENT-USE VALUE SCHEDULE FOR 2011 REAPPRaisal

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing on the Uniform Schedules of Values, Standards and Rules for the 2011 reappraisal.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Uniform Schedules of Values, Standards and Rules for the 2011 reappraisal.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing on the Uniform Schedules of Values, Standards and Rules for Present-Use Value for the 2011 reappraisal.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Uniform Schedules of Values, Standards and Rules for Present-Use Value for the 2011 reappraisal.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) LIBRARY TASK FORCE

County Manager Jones introduced Library Task Force Chairman James “Jim” Woodward.

Dr. Woodward addressed the Library Task Force’s formation and their funding request.

A report was provided to the Board entitled Recommendations For The Future Of The Library Task Force Presented By Future Of The Library Task Force Design Team.

A copy of the report is on file with the Clerk to the Board.
Chairman Roberts thanked Dr. Woodward for updating the Board on the status of the Task Force and for his leadership in this process.

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve appropriating up to $75,000 from contingency to support the Future of the Library Task Force.

Prior to the above vote, Commissioner Leake asked for clarification regarding the other funding sources for the Task Force’s work, which was addressed.

(68) IMPACT OF FY2010 BUDGET GEOGRAPHICALLY ON LIBRARY, RECREATION CENTER AND SCHOOL CLOSINGS

Budget/Management Director Hyong Yi addressed the impact of the FY 2010 budget geographically on library, recreation center and proposed school closings and hours of operation in City within a City neighborhoods as defined by the City of Charlotte.

A copy of the report/maps depicting this information is on file with the Clerk to the Board.

Comments

Commissioner Murrey said he requested this information out of concern for neighborhoods that could have already lost a library or recreation center and now face the possibility of losing a school in light of current discussions by the Board of Education.

Commissioner Murrey suggested that perhaps going forward forums could be held in those neighborhoods in order to find out what the impact has been, so that the County could determine how it could go about trying to address those neighborhood needs in the upcoming budget or possibly within this budget year.

Commissioner Clarke said he shared Commissioner Murrey’s concern. Commissioner Clarke said the information provided was a little incomplete because there were some instances where a neighborhood may lose its “neighborhood school” but the facility would remain but be used for other purposes.

Commissioner Clarke said the Board of Education’s focus has been on the schools and what can be saved. He said a lot of these decisions were going to have an enormous impact on neighborhoods in other ways.

Commissioner Clarke said he thinks there’s a “real distrust” in how this process has been handled by the Board of Education. He said he knows they’ve done their best but thinks the lost of “public confidence” in the process, leads him to think that perhaps the Board of Education should consider “shelving” this matter. Commissioner Clarke said he doesn’t think the full cost or savings versus the total impact on neighborhoods has been taken into account. Commissioner Clarke said if you consider the impact on neighborhoods, the savings is not “worth it.”

Commissioner Clarke said the “fairest” way to go about this matter of saving money is to “spread the pain” across the entire County and not have it so “disproportionately” impact threatened and transitioning neighborhoods.

Commissioner Cogdell said the data presented by Director Yi clearly shows those areas of the community that are being “hit hard.”
Commissioner Cogdell said there would be a cost associated with this. He said there would be a cost when a transitioning neighborhood because of decisions made, gets categorized into a “challenged” neighborhood; and a neighborhood that’s not “challenged” or in transition suddenly becomes a transitioning neighborhood. Commissioner Cogdell said there’s an overall community cost to that.

Commissioner Cogdell said “we sometimes struggle with the short term survivability without calculating the cost of the long term impact” of decisions.

Commissioner Cogdell said he hopes the Board of Education would be mindful of this as they move forward with the decisions they have to make.

Commissioner Cogdell said this data opens the door for all the public bodies within the county to have more collaboration, communication and more understanding. He said everyone has to stop looking at libraries and parks to the exclusion of neighborhoods and neighborhood impacts and infrastructure and quality of life. He said the “bigger picture” has to be looked at.

Commissioner Dunlap said the data presented clearly indicates why everyone should be concerned.

Commissioner Dunlap asked had this information been shared with the Board of Education. *The response was no that it was just completed this afternoon.*

Commissioner Dunlap said this information needed to be shared with the Board of Education.

Commissioner Dunlap said he was concerned because schools often have an impact on the value of homes and the stability of neighborhoods. Thus, when you close schools, the homes in those communities become less “desirable” because people can’t be assured that if they reside in that particular neighborhood that they are going to have a “home school” or that their children are going to have a good school in which to attend.

Commissioner Dunlap said a lot of the schools that were built were done so to help stabilize communities.

Commissioner Dunlap said when you consider the fact that these neighborhoods where these schools are located were already negatively impacted by the libraries that may or may not remain open or have limited hours or by other factors affecting that community, that this data needs to be shared with the Board of Education prior to them making a decision.

Commissioner Bentley said what would add benefit to this data from her perspective would be if staff could show the proximity to facilities (schools and recreation centers/parks) that would remain open. She said she omitted libraries since that’s still in transition.

Commissioner Leake said she, too, feels this data should be shared with the Board of Education. She said this way the Board of Education could look at the total impact on a community as they consider closing schools.

Commissioner Leake said per the data shared, it appears that these are the areas of the community that always get impacted by any major decisions in the community that would lend towards sending it into a “challenged” neighborhood. She said it “worries” her to see the same area of poverty impacted.

Commissioner Leake noted that she has tried for two years, as Chairman of the Board’s Education Liaison Ad Hoc Committee to schedule a meeting with Board of Education representatives but to no avail. Commissioner Leake asked Chairman Roberts when did she
Chairman Roberts said she asked members of the school board to attend tonight’s meeting in order to hear this conversation but because of a forum taking place regarding the closing of schools they were unable to be here.

Chairman Roberts said she has also asked the Board of Education if they could attend the Board’s meeting on November 16, 2010 and provide the Board with an understanding of some of the guiding principles the Board has read about, but have not had an opportunity to ask the Board of Education personally about.

Chairman Roberts said she has also requested, if possible, that the Board of Education delay some of their actions until they do have an opportunity to speak with the Board since the County was one of their major funders.

Chairman Roberts said with respect to the Board’s Education Liaison Committee that she made a formal request to the Chair of the Board of Education that this committee be activated. Also, that when the new Board of County Commissioners is sworn in, that the Board make appointments to the committee and let the Board of Education know that the Board wants to have regular communications through the Education Liaison Committee.

Commissioner Leake said she wanted the committee to meet as soon as possible.

Chairman Roberts said she would follow up with the Board of Education to make this happen before the Board of Education makes a decision.

Commissioner Leake requested a listing of the areas addressed in the information shared where schools, libraries and parks have been cut off and the district the facility falls in.

Commissioner James said when he looks at the data, what he noticed was that there was a lack of library and park and recreation facilities in his district. He said there were some but not many.

Commissioner James said he understands the concern about what CMS is doing, but he doesn’t view what CMS was doing to be any different then what the County did, with respect to the various budget cuts that were made.

Commissioner James said he felt Harding high school should not be closed but instead close Waddell high school and move Smith Academy into the Waddell facility.

Commissioner James said it seems “strange” to him that the Board would be “ringing its hands” about what the Board of Education is doing in reducing their expenses, when the Board did the “exact same thing, to the exact same areas” for parks and libraries.

Commissioner Murrey said what this data brings up to him is the recognition that the decisions the County and library board, and soon the Board of Education, have made collectively will have an impact on neighborhoods. Commissioner Murrey said the important thing to remember was, what’s the neighborhood’s perspective. What’s happening to the citizens in these neighborhoods as a result of what “we’ve all done.” He said each entity needs to bear some responsibility for that.

Commissioner Murrey said he doesn’t think it’s fair for the Board to go to the Board of Education at the end of an eight month process and tell them “you have to choose something different because now we have this information.” Commissioner Murrey said it would be nice if the Board of Education could do that, but he doesn’t expect them to do that. He said what he
expects them to do is to enter into a process with the Board that would allow the County Commission, the Library Board and the Board of Education to make decisions in the future that recognize the impact that its decisions have on neighborhoods going forward.

Commissioner Murrey said the Board of Education didn’t have control over the decisions the Board made and the Board doesn’t have control over the decisions the Board of Education make. Commissioner Murrey said he was simply advocating for the perspective of the neighborhood and for collaboration between the County Commission, Library Board, and Board of Education, to get to a better decision for neighborhoods in the future.

Commissioner Cogdell said there were two goals for the data shared. One was to produce the information and make it available for anyone that wants it and that it would be available prior to the Board of Education making a decision on November 9, 2010.

Commissioner Cogdell said he doesn’t feel this information would necessarily change the outcome of the decisions the Board of Education has to make, nor was it necessarily designed to change the outcome. Commissioner Cogdell said he was glad, however, that it was available for those Board of Education members that wish to take it into consideration.

Commissioner Cogdell said the second goal as it relates to this data was that it should be used as a model moving forward with the Board of Education, the Library Board, community colleges, and the City of Charlotte, in looking at where they’re putting infrastructure investment in neighborhoods; so that it can be looked at from a global perspective of collectively trying to ensure that resources were being put where we see the best return on that investment of public resources.

Commissioner Dunlap said one of the things he hopes this discussion would do is cause all of the local governmental entities to look at planning together collectively.

Commissioner Dunlap said each entity needs to know how the decision of one impacts the other.

Commissioner Dunlap said he asked if the Board of Education had this information because he felt they needed it. He said he does not want to get into trying to tell the Board of Education which schools to close.

Commissioner Bentley said what she would like to understand more was how do you track and quantify the impact of these decisions on neighborhoods.

County Manager Jones said he didn’t have a specific answer at this time but that the County should be able to develop a way to track that information.

County Manager Jones said the concern he had regarding closings was the cost of closing facilities. County Manager Jones said when a facility gets closed in a threatened neighborhood, there’s a theory that police use that’s called the “broken window theory” and its impact on crime and other behavior, “social deviant” behavior in a community.

County Manager Jones said the County needs to track these closings, so the County could clearly and early on define an alternative use for those facilities, so that they don’t remain unused such that they fall into a state of disrepair. County Manager Jones said the tracking would have to involve the County’s partners.

Chairman Roberts said there were a lot facilities that have been built in the community that were not listed on the data shown. Thus, it was not a question of what district has what and which doesn’t.
Chairman Roberts said it’s a question of “how do we use the most information, in the most useful, effective way, to plan in a way that we know the outcomes and know ahead of time what the result is going to be and are prepared to act in response to what’s going to happen.”

Chairman Roberts said she would recommend this data be shared with the Board of Education, the City of Charlotte, and all of the Town Boards and Councils and to let them know that the data doesn’t depict everything but it’s a good start to see where things stand.

This concluded the discussion. No action was taken or required.

(7) STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8a) FUNCTIONAL CONSOLIDATION OPPORTUNITIES (CHAIRMAN ROBERTS)

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell, to direct the County Manager to authorize staff to pursue functional consolidation opportunities with the City of Charlotte.

Chairman Roberts addressed this request.

Note: In April of this year, a letter was sent to members of the Board of County Commissioners and Charlotte City Council from the Mayor and Chairman Roberts regarding functional consolidation opportunities. This action is in response to that letter and to show the County’s support of moving forward with reviewing functional consolidation opportunities.

The areas to be considered would include: permitting; MEDIC and fire services; government television programming; and human resources and benefits programs. Charlotte City Council developed an approach in 1996 that has been used previously in considering functional consolidation opportunities that could be used as a guide for moving forward with this process.

A copy of the letter and process outline is on file with the Clerk to the Board.

Comments

Commissioner Leake asked for clarification.

Chairman Roberts said she was asking the Board to authorize the County staff to work with City of Charlotte staff to find efficiencies.

Commissioner Leake asked was there a timeline associated with this. Commissioner Leake said she felt there should be one.

Chairman Roberts said there was not a timeframe at this point but that it would be expected that staff would report back sometime within this fiscal year.

County Manager Jones said the Board needed to be aware that staff currently has some “fairly ambitious” work products already. He said to have this request added to staff’s current list of tasks, he would hope the Board would be amenable to staff coming back and saying timing is something that’s not good and/or that it’s been determined that the resources aren’t available at this time to undertake this.

County Manager Jones said he understood what Chairman Roberts was saying and the
importance of continuing to look at functional consolidation, but he would really like to be in a position to have the resources to put the time into it. County Manager Jones said he was concerned about staffs’ ability to complete and do well with what it already has on its plate.

County Manager Jones said he was not telling the Board not to approve this, but he would like to be able to have the discussion with the City around the resources and timing that’s going to be involved. Per those discussions, he would then come back and give the Board a better idea as to whether or not the capacity and ability is there to do this in this fiscal year.

Commissioner Murrey said he felt the process was a valuable one and one that needs to be on-going, but he understands the County Manager’s concern about resources. Yet, he doesn’t want staff to start out assuming that it’s not feasible at this time.

Commissioner Leake said she would like to know the number of staff reductions that have occurred in the County Manager’s Office.

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

Commissioner Leake asked Chairman Roberts what was her thought with respect to when this would be done.

Chairman Roberts said her feeling was that this was really to empower the County Manager to make that decision.

Chairman Roberts said the purpose was to show the County’s support for this effort and to authorize the County Manager, in his judgment and fitting it in with all of the other things that are incumbent upon him, to determine when it could be done. Chairman Roberts said she looked at it as an open-ended time commitment, considering everything that’s going on.

Commissioner Bentley asked was it correct that fire services was something the Board would be hearing about soon from the volunteer fire departments. The response was yes and that there would be a presentation to the Board in December.

The vote was then taken on the motion as noted below.

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Roberts voting yes and Commissioner Leake voting no, to direct the County Manager to authorize staff to pursue functional consolidation opportunities with the City of Charlotte.

Commissioner Murrey returned to the dais.

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held October 19, 2010; Special Meeting held May 25, 2010; and Closed Session held October 19, 2010 and September 8, 2010.
(10) POST JUDGMENT SERVICES CENTER TECHNOLOGY PROJECT

Recognize, receive, and appropriate $5,103 as a donation from Justice Initiatives, a non-profit agency, to complete the Post Judgment Services Center Technology Project.

(14) CAPITAL RESERVE REQUEST – AQUATIC CENTER

Authorize and appropriate a capital expenditure of $25,000 from the Consolidated Aquatic Capital Reserve Account to replace one of two scoreboards at the Mecklenburg County Aquatic Center.

(15) GIFT OF A MEMORIAL GARDEN – PARK AND RECREATION

Recognize and receive the gift of a Memorial Garden in honor of fallen Officer Sean Clark to be constructed at Blythe Landing.

Note: On October 12, 2010, a presentation was received by the Mecklenburg County Park & Recreation Commission from Pete Herrick (“Yankee Pete”), executive producer of the Ace & TJ Radio Show. The Mecklenburg County Park & Recreation Department (MCPR) has been working with Sherry Clark, widow of CMPD Officer Sean Clark, to create a memorial garden at Blythe Landing in Officer Clark’s honor. Pete Herrick has been spearheading the fundraising efforts. There is no cost to the County for construction. Maintenance of the memorial garden will be provided at no cost to Mecklenburg County by Morris Irrigation Nature and Turf (MINT) for a minimum of seven years.

(16) SELECTION OF SOLAR DEVELOPER AND INSTALLER

Approve the selection of Soltherm Energy, LLC for the installation of solar hot water systems on five County-funded buildings, the Kuralt Centre, the Medical Examiner’s Office, Jail North, CPCC Culinary Arts Building, and CMS Metro School.

(17) TAX REFUNDS

Approve refunds in the amount of $68,691 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.

(18) NC DIVISION OF EMERGENCY MANAGEMENT, PRE-DISASTER MITIGATION GRANT APPLICATION

Authorize the County Manager to submit a grant application in an amount up to $1,750,000 to the North Carolina Division of Emergency Management for the acquisition of flood-prone properties.

(20) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT


Note: In accordance with the Performance Agreement with the North Carolina Department of...
Health and Human Service, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the Board of County Commissioners' ad hoc reports as requested by the Board of County Commissioners.

## AREA MENTAL HEALTH AUTHORITY

### Statement of Revenues and Expenses

**FY 2011, For the period ending July 2010**

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,669,072</td>
<td>1,296,895</td>
<td>9.49</td>
</tr>
<tr>
<td>State and Federal</td>
<td>29,587,422</td>
<td>720,088</td>
<td>2.43</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>1,903</td>
<td>1.96</td>
</tr>
<tr>
<td>County</td>
<td>44,963,374</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>88,317,161</td>
<td>2,018,886</td>
<td>2.29</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>%</th>
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<tr>
<td>Children's Developmental Services</td>
<td>7,163,191</td>
<td>351,677</td>
<td>4.91</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
<td>12,762,238</td>
<td>122,489</td>
<td>0.96</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>6,390,258</td>
<td>42,804</td>
<td>0.67</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,422,801</td>
<td>408,670</td>
<td>3.04</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>8,596,537</td>
<td>525,029</td>
<td>6.11</td>
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<tr>
<td>BHC Randolph</td>
<td>22,887,539</td>
<td>0</td>
<td>0.00</td>
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<tr>
<td>Developmental Disabilities</td>
<td>17,094,597</td>
<td>185,534</td>
<td>1.09</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>88,317,161</td>
<td>1,636,203</td>
<td>1.85</td>
</tr>
</tbody>
</table>

**Net (Revenues - Expenditures)**: - 382,682

Note: Some revenue received in July 2010 was for FY2009/10 services and was adjusted in a later month.

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred.
### Statement of Revenues and Expenses

**FY 2011, For the period ending August 2010**

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Developmental Services</td>
<td>7,163,191</td>
<td>1,019,741</td>
<td>14.24%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>12,762,238</td>
<td>584,055</td>
<td>4.58%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>6,390,258</td>
<td>488,037</td>
<td>7.64%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,594,395</td>
<td>1,441,340</td>
<td>10.60%</td>
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<tr>
<td>Local Management Entity</td>
<td>8,596,537</td>
<td>1,014,659</td>
<td>11.80%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>16,923,003</td>
<td>1,023,078</td>
<td>6.05%</td>
</tr>
</tbody>
</table>

**Total Expenditures**

88,317,161

**Net (Revenues - Expenditures)**

0

1,626,479

100%

---

**Note:** All revenue received from outside sources plus County revenue covers total expenditures incurred.

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### (21) DESTRUCTION OF DOCUMENTS – OFFICE OF THE TAX COLLECTOR

Authorize the disposal/destruction of tax collections documents in accordance with the North Carolina Records Retention and Disposition Schedule.

**Office of the Tax Collector - Documents to be Destroyed**

- Proration correspondence 47 boxes
- Daily Activity Reports 217 boxes
- Cash receipts 18 boxes
- Transaction Adjust forms 14 boxes
- OPC Summary 3 boxes
- Mortgage Correspondence 7 boxes
- Returned Checks 3 boxes
- Elderly Exemptions Correspondence/applications 1 box
- Miscellaneous Taxpayer correspondence 6 boxes
- Privilege License Application/correspondence 15 boxes
- ROPFRV returns and correspondence 18 boxes

### (22) PRELIMINARY STREET LIGHTING ASSESSMENTS – SET PUBLIC HEARING

Adopt a resolution of the Preliminary Assessment Roll for the operating cost of street lights and set a public hearing on November 16, 2010 on Street Lighting Preliminary Assessment Roll for the Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks, and Spicewood Subdivisions.
Resolutions recorded in full in Minute Book 45-A Documents # _____, _____, _____, _____, _____, _____, and _____.

(23) PROCLAMATION – FAMILY CAREGIVERS MONTH

Adopt proclamation designating November 2010 as “Family Caregiver Month” in Mecklenburg County.

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

(24) PROCLAMATION – GIS DAY

Adopt a proclamation designating Wednesday, November 17, “GIS Day” in Mecklenburg County.

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

(25) PROCLAMATION – NATIONAL ADOPTION AWARENESS MONTH

Adopt a proclamation designating November 2010 as “National Adoption Awareness Month” in Mecklenburg County.

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

(26) IBM GRANT

Authorize the County Manager to negotiate and execute an agreement between IBM and Mecklenburg County regarding a grant of services.

Note: IBM will provide consulting services to analyze the issue of integrating capital master planning in Mecklenburg County and recommend a course of action. These services will be delivered by five IBM executives working full-time in Mecklenburg County for three weeks. IBM may also engage consultants from the American Planning Association to provide consulting services in connection with the Project. At the conclusion of the three weeks of consulting, IBM will deliver a roadmap document with short and long-term recommendations for integrating capital master planning in Mecklenburg County. The estimated end date for the project is on November 19, 2010. There is no cost to Mecklenburg County other than staff time to coordinate with the IBM team. Mecklenburg County is under no obligation to enter into future business with IBM regarding the proposed roadmap or for other products and/or services.

(27) AUTHORIZATION TO AWARD AND EXECUTE MULTI-YEAR SERVICE CONTRACTS

Approve Resolution authorizing the County Manager or his designee to award and execute service contracts that cross County fiscal years or extend into multiple fiscal years.

Note: This resolution will authorize the County Manager or his designee to award and execute service contracts that cross County fiscal years related to funds that have been approved and budgeted by the Board of County Commissioners.

Resolution recorded in full in Minute Book 45-A Document # ______.
Commissioners Cogdell and James left the meeting and were absent for the remainder of the meeting.

(11) **BUDGET AMENDMENT - COMMUNITY SUPPORT SERVICES DEPARTMENT (INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate $17,752 from FY2010 unspent funds from United Family Services for victims of domestic violence.

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

(12) **BUDGET AMENDMENT - AREA MENTAL HEALTH (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to

A) Recognize, receive and appropriate one-time State funds in the amount of $56,940 for individuals with traumatic brain injuries (TBI).

B) Recognize, receive and appropriate one-time Federal funds in the amount of $58,500 for the Center for Prevention Resources (CPR) for the Western Region.

*Note: These funds (B) will be used to provide the Strategic Prevention-State Incentive Grant (SPF-SIG) enhancement strategies for substance abuse prevention for the region and to support transition for Safe and Drug Free Schools.*

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

(13) **TRANSFER OF COUNTY FITNESS EQUIPMENT TO THE CHARLOTTE HOUSING AUTHORITY**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve the transfer of Park and Recreation Department identified fitness equipment to the Charlotte Housing Authority.

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

*A list of the equipment is on file with the Clerk to the Board.*

(19) **BULLETPROOF VEST PARTNERSHIP PROGRAM GRANT—SHERIFF’S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate $64,195 from the Office of Justice Programs’ Bureau of Justice Assistance Bulletproof Vest Partnership Program for vest replacement for Mecklenburg County Sheriff’s Office law enforcement officers.
NOVEMBER 3, 2010

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

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley 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 8:19 p.m.

____________________ ____________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, 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: Commissioner Harold Cogdell, Jr.

-INFORMAL SESSION-

Chairman Roberts and Commissioners Clarke and Dunlap were absent when the meeting was
called to order and until noted in the minutes.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 5-0
with Commissioners Bentley, Cooksey, James, Leake, and Murrey voting yes, to elect
Commissioner Murrey to serve as temporary chairman until the arrival of Chairman Roberts.

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

(2) STAFF BRIEFINGS - NONE

(3A, B) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION AND CONSULT
WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced there was no Consult with
Attorney matter to be discussed in Closed Session.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 5-0
with Commissioners Bentley, Cooksey, James, Leake, and Murrey voting yes, to go into Closed
Session for the following purpose: A) Business Location and Expansion.

The Board went into Closed Session at 5:09 p.m. and came back into Open Session at 5:25 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He entered the
meeting during Closed Session.

Chairman Roberts entered the meeting and assumed Chairmanship of the meeting.
1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 12, 15, 20, 21 and 26.

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

-FORMAL SESSION-

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

Prior to the start of the meeting, Chairman Roberts expressed condolences, on behalf of the Board, to the family of Rowe Motley. Mr. Motley was the first African-American to serve on the Mecklenburg Board of County Commissioners. He served from 1974-1976. Mr. Motley was also appointed to fill the 22nd District state Senate seat in 1980. He also served on the Charlotte-Mecklenburg Planning Commission, 1990-1998. Mr. Motley was considered a local and national African-American political leader who served as chairman of the National Black Democratic Committee. Mr. Motley passed away on November 12, 2010.

CITIZEN PARTICIPATION

AWARDS/RECOGNITION

(1A) ICMA'S 2010 CERTIFICATE OF DISTINCTION

The Board acknowledged the County’s receipt of the International City/County Management Association (ICMA) 2010 Certificate of Distinction for the County’s Managing for Results practices and recognized employee contributions to Mecklenburg County’s Managing for Results (M4R) performance management practices.

Leslie Johnson, Planning and Evaluation Director addressed the County’s Managing for Results (M4R) efforts.

Note: The County was one of 18 jurisdictions awarded a 2010 Certificate of Distinction from the International City/County Management Association (ICMA) for exceeding the standards established by its Center for Performance Measurement in the application of performance data in local government management. Certificate winners were recognized during the ICMA Annual Conference, October 17 – 20, 2010, in San Jose, California.

(1B) BOARD OF COMMISSIONERS PLAQUE PRESENTATION

County Manager Jones presented plaques to members of the 2008-2010 Board of County Commissioners: Karen Bentley, Dumont Clarke, Harold Cogdell, Jr. (who was absent), Neil Cooksey, George Dunlap, Bill James, Vilma D. Leake, Daniel Murrey and Jennifer Roberts.

(1C) PRESENTATION OF GAVAL

County Manager Jones presented the Gavel to the 2008-2010 Chairman of the Mecklenburg Board of County Commissioners, Jennifer Roberts.
Commissioner Murrey made remarks regarding his term in office and expressed appreciation to the citizens of Mecklenburg County for allowing him the opportunity to serve. Commissioner Murrey was elected to office as an at-large member in November 2008.

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

Tammy Hill, a concerned parent on behalf of Lincoln Heights Elementary School, expressed concern for the closing of Lincoln Heights and other schools in District 2. She questioned the use of the tax dollars for education and the fairness of the closings.

Ebony Braxton, Hillary Lacher and Nick Losito, students from Central Piedmont Community College (CPCC) enrolled in the advertising and graphic design program, presented Board members a copy of a book they prepared entitled *Cultivating A Chronicle II*. It’s a collection of essays from CPCC students regarding their thoughts about the future of design in Mecklenburg County. They thanked the Board for its support of the Advertising and Graphic Design program.

Betty Allen addressed a medical injury she experienced. She asked about someone by the name of Allen Elliott and asked if he worked for the courts or the defense attorney. Ms. Allen said she received a letter from Mr. Elliott saying he’d spoken with the defendant’s attorney, which she said was Carolinas Medical. She questioned whether this was appropriate. Ms. Allen spoke in opposition to a ruling she referred to as 9J in N. C. and said it should be repealed.

Robin Bradford said she was concerned for the level of education students were receiving in Charlotte-Mecklenburg. She asked the Board to convene a committee to address the Board of Education regarding the closing of schools, especially in Districts 2 and 3. Ms. Bradford said all children deserved a fair and equal education. She thanked Commissioner Leake for speaking at a recent Board of Education meeting regarding school closings.

John White addressed Charlotte-Mecklenburg Schools (CMS). Mr. White said all children should be afforded the same opportunities. Mr. White said the Board needed to be concerned about a “rumbling” that’s in the community. Mr. White said there were “major” churches in the community that have been “pounding” CMS’ process. He asked Commissioners to get involved with the process as it relates to CMS and school closings. Mr. White said he has been working with others to get the National Democratic Convention held here in Charlotte-Mecklenburg. Mr. White said he didn’t want this issue to “spiral out of control” and impact efforts being made to get the National Democratic Convention here. Mr. White said this was a situation (CMS issue) that was not “economically sound,” “sociologically not correct,” and was “sinfully and morally wrong.” He asked Board members to do what they could to mediate this situation to bring it to some type of satisfactory conclusion where everyone is satisfied. He thanked Commissioner Leake for speaking at a recent Board of Education meeting regarding school closings.

Kevin Jackson addressed Charlotte-Mecklenburg Schools (CMS). He thanked Commissioner Leake for speaking at a recent Board of Education meeting regarding school closings. He encouraged other Commissioners to “stand up for the children.” Mr. Jackson said all children need a “quality education.” He said there needed to be fairness throughout this CMS process. Mr. Jackson informed Board members that communities will remember those elected officials that “stood up for the children” at election time.
(3A) APPOINTMENTS

CITIZEN’S TRANSIT ADVISORY GROUP

Commissioner Cooksey nominated all applicants for appointment consideration to the Citizen’s Transit Advisory Group: Rodney Conklin, Sheila Etheridge, Rhonda Odom, and Robert Watson.

Note: An appointment will occur on December 7, 2010.

Commissioner Clarke entered the meeting.

ENGINEERS AND SURVEYORS SELECTION COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Murrey and failed 7-1 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cooksey voting no, to waive the Board’s term limit policy and allow Edward Elliott to serve another three-year term expiring September 30, 2013.

Note: It takes a unanimous vote to be reappointed.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, to defer consideration of this matter until the Board’s next meeting, December 7, 2010, in the hope of receiving additional applications.

Note: Currently there aren’t any applicants for this position. It was noted that staff has advertised several times but to no avail.

It was suggested that staff reach out to the engineering community directly to seek applicants.

Commissioner Cooksey withdrew his motion after further discussion regarding seeking additional applicants.

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to nominate Edward Elliott and to defer appointment consideration until the Board’s January nomination and appointment meeting; and in the interim direct staff to re-advertise and reach out to the engineering community directly in order to seek additional applications.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Franklin Freeman as the Non-Profit representative and Deborah Jackson as the Juvenile Defense Attorney to the Juvenile Crime Prevention Council for a two-year term expiring November 30, 2012.

Note: They are filling two vacant slots.
PERSONNEL COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Michael Giddens to the Personnel Commission for a three-year term expiring November 30, 2013 and Clarissa Henderson to fill an unexpired term expiring December 31, 2011.

Note: They are replacing RC Birmingham and Jerry Brown.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Jeremy O’Brien and Steven Pepper to the Waste Management Advisory Board for a three-year term expiring June 30, 2013 and Martin Sanford and Allison Warren for a three-year term expiring October 30, 2013.

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

PUBLIC HEARINGS

(4A) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on revisions to the Mecklenburg County Air Pollution Control Ordinance.

Commissioner Cooksey returned to the dais.

Bill Gupton with the Central Piedmont Sierra Club spoke in support of the proposed revisions. He shared a report entitled Air Modeling Report BMWNC Medical Waste Incinerator. A copy of the report is on file with the Clerk to the Board.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on revisions to the Mecklenburg County Air Pollution Control Ordinance and adopt revisions to the Mecklenburg County Air Pollution Control Ordinance.

Ordinance recorded in full in Minute Book 45-A Document # ______.

(4B) STREET LIGHTING FINAL ASSESSMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire
Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing on Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

No one appeared to speak.

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions and adopt the Final Assessment Resolution for Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

Resolutions recorded in full in Minute Book 45-A Documents # ______, _____, _____, _____, _____, _____, _____, _____ and ______.

(4C) RED CITY PROPERTIES, LLC TEFRA HEARING AND BONDS

Motion was made by Commissioner James, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to hold a public hearing on Approval In Principle Of Special Purpose Project For Red City Properties, LLC And The Financing Thereof With Recovery Zone Facility Bonds In The Principal Amount Of Up To $6,480,000.

Note: The Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including Mecklenburg County, or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the County, but are payable solely from the revenues and other funds provided by the Borrower.

Commissioner James asked for clarification of the request, which was addressed by County Attorney Bethune.

Commissioner James asked about a lawsuit between Bridge Tree and RedF, which was addressed by County Attorney Bethune.

Commissioner Clarke asked to be excused from voting on this matter to avoid a conflict of interest. He said he believed his law firm was representing the plaintiff in the lawsuit referenced by Commissioner James.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to excuse Commissioner Clarke from voting on this matter to avoid a conflict of interest.

Commissioner Cooksey said he had concerns regarding the lawsuit referenced by Commissioner James, if the allegations on either side were true. Commissioner Cooksey said he
felt the County was putting itself in a position of associating itself with one of the entities to that lawsuit, which he doesn’t feel is a good position to be in.

Commissioner Dunlap said he had concerns also, but based on the advice of the County Attorney, that the County would not be liable in anyway with respect to the lawsuit between the two parties, he would support the request.

No one appeared to speak.

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and carried 5-2 with Commissioners Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioners Bentley and Cooksey voting no, to close the public hearing and adopt the resolution of Approval In Principle Of Special Purpose Project For Red City Properties, LLC And The Financing Thereof With Recovery Zone Facility Bonds In The Principal Amount Of Up To $6,480,000 as noted below.

Commissioner Jennifer Roberts introduced the following resolution, the title of which was read:

APPROVAL IN PRINCIPLE OF SPECIAL PURPOSE PROJECT FOR RED CITY PROPERTIES, LLC AND THE FINANCING THEREOF WITH RECOVERY ZONE FACILITY BONDS IN THE PRINCIPAL AMOUNT OF UP TO $6,480,000

WHEREAS, The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the “Authority”) proposes to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the North Carolina General Statutes, as amended (the “Act”) of a “special purpose project,” the proceeds of which will be loaned to Red City Properties, LLC, a North Carolina limited liability company, or an affiliate or subsidiary thereof (the “Company”), to be used to finance the acquisition, renovation and equipping of an approximately 88,000 square foot office building (the “Project”), to be owned and operated by the Company, or an affiliated or related entity, in Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, on December 1, 2009, the Board of County Commissioners of Mecklenburg County declared the County a recovery zone for purposes of Section 1400U-1 through 1400U-3 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, under the Code, the Project constitutes “recovery zone property” because it is a depreciable property located in a recovery zone which is used in the active conduct of the Company’s trade or business; and

WHEREAS the Act and the Internal Revenue Code of 1986, as amended (the “Code”) require that the governing body of a county approve in principle any project to be financed under the Act after a public hearing; and

WHEREAS, the North Carolina Tax Reform Allocation Committee has reallocated $6,480,000 of recovery zone facility bond allocation to the Project; and

WHEREAS, this Board of Commissioners today has held a public hearing with respect to the advisability of the Project and the issuance of recovery zone facility bonds therefor, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the Authority intends to issue its Recovery Zone Facility Bond (Red City Properties Project), Series 2010 (the “Bond”) in the principal amount of up to $6,480,000 which is expected to be issued as a variable rate bond that is privately placed with Branch Banking and Trust Company; and
WHEREAS, Section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the Bond; and

WHEREAS, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed is located;

NOW, THEREFORE, the Board of Commissioners of Mecklenburg County, meeting in regular session in Charlotte, North Carolina, on November 16, 2010, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR MECKLENBURG COUNTY:

The proposed “special purpose project” consisting of the acquisition, renovation and equipping of an approximately 88,000 square foot office building (the “Project”), under the Code, to be owned and operated by Red City Properties, LLC, a North Carolina limited liability company, or an affiliated or related entity, and the issuance of recovery zone facility bonds in an amount not to exceed $6,480,000 therefor are hereby approved in principle.

The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.

The issuance of the Bond in the principal amount of $6,480,000 is hereby approved for purposes of Section 159C-4 of the Act.

THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY.

Commissioner George Dunlap moved the passage of the foregoing resolution and Commissioner Daniel Murrey seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners George Dunlap, Bill James, Vilma Leake, Daniel Murrey, and Jennifer Roberts

Nays: Commissioners Karen Bentley and Neil Cooksey

Not voting: Commissioner Dumont Clarke

Resolution recorded in full in Minute Book 45-A Document # ______.

5) ADVISORY COMMITTEE REPORTS – NONE

6) MANAGER’S REPORT – NONE

STAFF REPORTS AND REQUESTS

7A) BUSINESS INVESTMENT PROGRAM GRANT: SAERTEX USA

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 7-1 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes and Commissioner James voting no, to adopt a Resolution approving a Business Investment Program Grant to Saertex USA for a total estimated amount of up to $88,063 and authorize the County Manager to negotiate and execute a contract.

Note: Saertex USA is a manufacturer of carbon fiber fabrics. This project entails the expansion of its
existing facility in Huntersville by investing in a building expansion and new equipment. The project will include a capital investment of $8 million beginning in 2011. The investment will be in building improvements and new business personal property. It will create 140 new jobs over the first 3 years with a projected average annual salary of approximately $41,500.

The County’s grant is equal to 50% of the taxes that will be paid by Saertex USA over 3 years and will be subject to the County’s standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis shows a present value of net benefits to the County of $35,068 over 6 years.

Both the Town of Huntersville and the State of North Carolina will provide financial assistance to this project.

Economic Development Director John Allen addressed this matter, prior to the above vote.

Resolution recorded in full in Minute Book 45-A Document # ______.

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

(7B) UNIFORM SCHEDULES OF VALUES, STANDARDS AND RULES AND THE PRESENT-USE VALUE SCHEDULE FOR 2011 REAPPRAISAL

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt the final Uniform Schedules of Values, Standards and Rules, as set forth in Exhibit B-1, B-2 and C and direct the Clerk to the Board to publish notice of adoption as outlined in the Proposed Adoption Timetable.

Orders recorded in full in Minute Book 45-A, Documents # ______ and ______.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held November 3, 2010; Budget/Public Policy meeting held September 14, 2010; and Closed Session held November 3, 2010, October 19, 2010, and September 21, 2010.

(10) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $51,803 for Real Estate Services, $5,162 for Park and Recreation, $3,315 for Sheriff and $8,743 for Land Use and Environmental Services.

Note: The County received insurance money based on claims for stolen and damaged items in the departments identified.
(13) AREA MENTAL HEALTH FIRST QUARTER FY 2011 REPORT

Recognize and receive the First Quarter 2011 Area Mental Health Report.

FINANCIAL MANAGEMENT

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,669,072</td>
<td>2,893,538</td>
<td>21.17%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>29,970,786</td>
<td>7,533,083</td>
<td>25.13%</td>
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<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>3,888</td>
<td>4.00%</td>
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<tr>
<td>County</td>
<td>44,963,374</td>
<td>9,493,779</td>
<td>21.11%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>88,700,525</td>
<td>19,924,288</td>
<td>22.46%</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
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</thead>
<tbody>
<tr>
<td>Children’s Developmental Services</td>
<td>7,163,191</td>
<td>1,493,345</td>
<td>20.85%</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,145,602</td>
<td>1,402,777</td>
<td>10.67%</td>
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<tr>
<td>Adult Mental Health</td>
<td>6,390,258</td>
<td>1,074,661</td>
<td>16.82%</td>
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<tr>
<td>Adult Substance Abuse</td>
<td>13,594,395</td>
<td>2,649,122</td>
<td>19.49%</td>
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<tr>
<td>Local Management Entity</td>
<td>8,596,537</td>
<td>1,610,683</td>
<td>18.74%</td>
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<tr>
<td>BHC Randolph</td>
<td>22,887,539</td>
<td>9,418,263</td>
<td>41.15%</td>
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<td>Developmental Disabilities</td>
<td>16,923,003</td>
<td>2,275,437</td>
<td>13.45%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>88,700,525</td>
<td>19,924,288</td>
<td>22.46%</td>
</tr>
</tbody>
</table>

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the Board of Commissioners.

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

(14) DESTRUCTION OF DOCUMENTS—INTERNAL AUDIT

Authorize the destruction of internal audit documents in accordance with the North Carolina Records Retention and Disposition Schedule.

The records are:

- 1985 Agricultural Extension Workpapers
- 1984-2005 Area Mental Health Workpapers
- 1991-2005 Board of Elections Workpapers
- 1995-2003 BOCC Workpapers
- 1980-2002 Building Standards Workpapers
- 1985-2003 Community Development Workpapers
- 1986-1999 Community Support Services Workpapers
- 1982-2004 County Attorney Workpapers
<table>
<thead>
<tr>
<th>Year Range</th>
<th>Department</th>
<th>Workpapers</th>
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<tr>
<td>1979-1994</td>
<td>County Police</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1999-2005</td>
<td>Court Services</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1993</td>
<td>Data Processing</td>
<td>Workpapers</td>
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<tr>
<td>1982-1989</td>
<td>Elections</td>
<td>Workpapers</td>
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<td>1979-2003</td>
<td>Engineering</td>
<td>Workpapers</td>
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<td>1982-1992</td>
<td>Environmental Health</td>
<td>Workpapers</td>
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<tr>
<td>1983-2005</td>
<td>Finance</td>
<td>Workpapers</td>
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<tr>
<td>1982-2005</td>
<td>Fleet Management</td>
<td>Workpapers</td>
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<tr>
<td>1999-2005</td>
<td>General Services</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1980-2005</td>
<td>Health</td>
<td>Workpapers</td>
</tr>
<tr>
<td>2003</td>
<td>Tax Assessor</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1983-2004</td>
<td>Historic Landmarks</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1980-2005</td>
<td>Human Resources</td>
<td>Workpapers</td>
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<tr>
<td>1989-2004</td>
<td>Information Systems Technology</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1985</td>
<td>Insurance and Risk Management</td>
<td>Workpapers</td>
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<tr>
<td>1980-2004</td>
<td>Internal Audit</td>
<td>Miscellaneous</td>
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<td>2004</td>
<td>Library</td>
<td>Workpapers</td>
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<td>1983-2005</td>
<td>LUESA</td>
<td>Workpapers</td>
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<td>1986-2001</td>
<td>Manager’s Office</td>
<td>Workpapers</td>
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<tr>
<td>1980-1997</td>
<td>Medic</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1983-2004</td>
<td>Medical Examiner</td>
<td>Workpapers</td>
</tr>
<tr>
<td>2003</td>
<td>Office of Vital Records</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1980-2004</td>
<td>Outside Agency</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1981-2005</td>
<td>Park and Recreation</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1982-1989</td>
<td>Pre-Trial Release</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1994-2001</td>
<td>Public Service and Information</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1982</td>
<td>Purchasing</td>
<td>Workpapers</td>
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<tr>
<td>1980-1989</td>
<td>Radio Services</td>
<td>Workpapers</td>
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<td>2004-2005</td>
<td>Real Estate Services</td>
<td>Workpapers</td>
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<tr>
<td>1980-1998</td>
<td>Register of Deeds</td>
<td>Workpapers</td>
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<td>1980-1984</td>
<td>Security Services</td>
<td>Workpapers</td>
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<tr>
<td>1980-2002</td>
<td>Sheriff</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1980-2005</td>
<td>Social Services</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1980-2004</td>
<td>Tax Collections</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1982-2001</td>
<td>Veteran’s Service</td>
<td>Workpapers</td>
</tr>
<tr>
<td>1983</td>
<td>Women’s Commission</td>
<td>Workpapers</td>
</tr>
</tbody>
</table>

(16) **WAIVER OF RIGHT-OF-FIRST REFUSAL ON HUCKS ROAD PROPERTY**

Waiwe the County’s right of first refusal on a +/- 0.174 acre portion of Tax Parcel #027-161-02 on Hucks Road for a City of Charlotte sanitary sewer project.

(17) **GREENWAY DONATION – MALLARD CREEK**

Accept donation of Tax Parcel #051-065-94 (+/- 13.944 acres) from The Meadows at Houston Hills, LLC and Capital Land Partners, LLC on Mallard Creek.

*Note: Tax Parcel 051-065-94 is donated by The Meadows at Houston Hills, LLC and Capital Land Partners, LLC based on the approved subdivision plan for the Meadows at Houston Hills subdivision. This parcel will add to greenway assemblage along Mallard Creek, and is located in the North Park District.*

(18) **RENAISSANCE PARK GOLF COURSE MANAGEMENT AGREEMENT**

Approve an amendment to the management agreement to revise the capital improvements projects listing and funding source, re-prioritize the construction of an impact performance...
learning center, provide for the expansion of a 3-hole learning course to a 9-hole learning course at no cost to the County, and generate funds for the golf course capital reserve fund.

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

(19) BUDGET AMENDMENT – NC CLEAN WATER MANAGEMENT TRUST FUND (LUESA) (REVENUE INCREASE)

1. Recognize, receive and appropriate up to $250,000 in funds from the NC Clean Water Management Trust Fund for the Little Sugar Creek (LSC) Stream Restoration project at Cullman Avenue and East 36th Street.

2. Authorize the carry forward of unspent grant funds for subsequent years until completion of the project.

(22) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate TANF Domestic Violence funds in the amount of $28,042.

(23) BUDGET AMENDMENT – REGISTER OF DEEDS SPECIAL REVENUE FUND (INCREASE)

Recognize and appropriate $400,000 of fee revenue for automation and preservation enhancements in the Register of Deeds Special Revenue Fund.

(24) CONTRACT WITH MIDLAND VOLUNTEER FIRE AND RESCUE, INC.

Approve contract with Midland Volunteer Fire and Rescue, Inc. to provide fire coverage outside the six-mile response of the Mint Hill VFD with the FY 11 $3,500 payment coming from the unrestricted contingency fund.

(25) PROCLAMATION – HOMELESS AWARENESS MONTH

Adopt a joint proclamation designating November 2010, as “Homeless Awareness Month.”

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

(27) NONPROFIT AWARENESS MONTH

Adopt a proclamation designating November 2010, as “Nonprofit Awareness Month” in Mecklenburg County.

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

This Concluded Items Approved by Consent

Commissioner Dunlap left the dais and was away until noted in the minutes.
(11) GRANT APPLICATION – COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS (CDFI)/FINANCE ASSISTANCE AND HEALTHY FOOD FINANCING INITIATIVE

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 6-0 with Commissioners Bentley, Clarke, James, Leake, Murrey, and Roberts voting yes, to approve Mecklenburg County’s participation in the Charlotte-Mecklenburg Housing Partnership, Inc.’s $2 million CDFI Financial Assistance (FA) grant application to the U.S. Treasury Department for the Double Oaks Community Development project.

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

(12) GRANT APPLICATIONS – MECKLENBURG PARTNERSHIP FOR CHILDREN

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 6-0 with Commissioners Bentley, Clarke, James, Leake, Murrey, and Roberts voting yes, to

1) Approve the submission of a grant application for $299,003 to the Mecklenburg Partnership for Children (Smart Start) for the Child Care Health Coordination Program for FY 2012 due November 23, 2010.
2) Approve the submission of a grant application for $558,141 to the Mecklenburg Partnership for Children (Smart Start) for the Smart Start @ Home Program for FY 2012 due November 23, 2010
3) Approve the submission of a grant application for $97,470 to the Mecklenburg Partnership for Children (Smart Start) for the Pediatric Dental Program for FY 2012 due November 23, 2010.
4) Approve the submission of a grant application for $30,000 to the Mecklenburg Partnership for Children (Smart Start) for the Healthy Futures, Starting in the Kitchen Program for FY 2012 due November 23, 2010.
5) If awarded, recognize, receive and appropriate such funds.

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

Commissioner Dunlap returned to the dais.

(15) CAPITAL RESERVE REQUEST – SYNTHETIC TURF ATHLETIC FIELDS - PARK & RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize and appropriate expenditure of $75,000 from the “Synthetic Turf Field” Capital Reserve account to repair and improve the synthetic turf fields at Elon Park, William R. Davie Park, Revolution Park and Harrisburg Park.

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

(20) BUDGET AMENDMENT – PARK AND RECREATION (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate $1,800 received from Charlotte-Mecklenburg Schools (CMS) for the SW Nature Preserve program for the at-risk youth McClintock Elementary School’s
Commissioner Leake removed this item from Consent for more public awareness.

Commissioner Cooksey returned to the dais.

(21) BUDGET AMENDMENT – NC DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (REVENUE INCREASE)

Motion was made by Commissioner Murrey, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive, and appropriate a grant award of $339,765 from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County JCPC for the Gang of One Program.

Note: The Gang of One Program will use this grant for a program it plans to conduct out of the Greenville Recreation Center. This funding will provide the means to assist gang-involved juveniles served by the Gang Reentry and Intervention Team with job readiness skills for successful employment and implement a program to teach culinary arts to them, while providing a safe environment for learning and a foundation for a productive and fulfilled life. The objective is for the Gang of One Program of the Charlotte-Mecklenburg Police Department to assume the operation and maintenance of the Greenville Center and up-fit its kitchen to support a culinary program.

Commissioner Leake removed this item from Consent for more public awareness and to ask questions.

Fran Cook with the Gang of One addressed Commissioner Leake’s questions.

Chairman Roberts suggested the Gang of One make a presentation at a future meeting of the Board’s Criminal Justice Committee regarding their program.

(26) JOBBOOST SUBSIDIZED EMPLOYMENT PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve submitting a grant application for the Department of Social Services to operate a JobBoost Subsidized Employment program for active Work First participants.

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:00 p.m.
DECEMBER 6, 2010

MINUTES OF MECKLENBURG BOARD OF COUNTY COMMISSIONERS
NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Monday, December 6, 2010.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Vilma Leake and Jim Pendergraph
County Manager Harry L. Jones, Sr.
Deputy County Attorney Tyrone Wade
Clerk to the Board Janice S. Paige

Absent: None

____________________

CALL TO ORDER - SWEARING-IN CEREMONY

County Manager Harry L. Jones, Sr. called the Swearing-In Ceremony for the 2010-2012 Mecklenburg Board of County Commissioners to order.

County Manager Jones presided until the election of a temporary chairman.

INVOCATION

Rabbi Judith Schindler, Senior Rabbi, Temple Beth-El gave the Invocation.

PRESENTATION OF COLORS

The Mecklenburg County Sheriff’s Office Color Guard conducted the presentation of colors, which was followed by the Pledge of Allegiance to the Flag.

OATHS OF OFFICE, BOARD OF COUNTY COMMISSIONERS

The Oaths of Office were administered by the Honorable Rickyi McKoy-Mitchell, District Court Judge, 26th Judicial District, State of North Carolina, to the following persons who were elected to the Mecklenburg Board of County Commissioners in the general election held November 2, 2010 for a two-year term expiring Monday, December 3, 2012:

Jennifer Roberts, At-Large
Jim Pendergraph, At-Large
Harold Cogdell, Jr., At-Large
Karen Bentley, District 1
Vilma Leake, District 2
George Dunlap, District 3
Dumont Clarke, District 4
Neil Cooksey, District 5
Bill James, District 6
DECEMBER 6, 2010

Copies of the Oaths are on file with the Clerk to the Board.

**ELECTION OF TEMPORARY CHAIRMAN**

County Manager Jones called for nominations for the election of a Temporary Chairman.

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to nominate Commissioner Dumont Clarke for appointment as Temporary Chairman and to close nominations.

Motion was made by Commissioner Roberts seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to elect Commissioner Dumont Clarke, Temporary Chairman of the Mecklenburg Board of County Commissioners.

County Manager Jones turned the meeting over to Commissioner Clarke.

**ELECTION OF CHAIRMAN**

Acting Chairman Clarke called for nominations for the election of officers to the Mecklenburg Board of County Commissioners.

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and failed 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph and voting no and Commissioners Clarke, Dunlap, Leake, and Roberts voting yes, to elect Commissioner Jennifer Roberts Chairman of the Mecklenburg Board of County Commissioners and Commissioner Harold Cogdell, Jr. Vice Chairman of the Mecklenburg Board of County Commissioners for a one-year term expiring December 6, 2011.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey, to elect Commissioner Harold Cogdell, Jr. Chairman of the Mecklenburg County Board of Commissioners and Commissioner Jim Pendergraph Vice Chairman of the Mecklenburg Board of County Commissioners for a one-year term expiring December 6, 2011.

Commissioner Leake asked that the motion be separated and each position voted on separately.

Commissioner Bentley said she was not opposed to voting on the positions separately. Thus,

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey, to elect Commissioner Harold Cogdell, Jr. Chairman of the Mecklenburg Board of County Commissioners for a one-year term expiring December 6, 2011.

Commissioner Bentley addressed her nomination of Commissioner Cogdell. Commissioner Bentley said “having a leader with the ability to engage the Board in a bi-partisan manner will be extremely important.” Commissioner Bentley said she felt Commissioner Cogdell would do that and would identify the individual talents of each member of the Board and based on those talents, and “not party affiliation,” would make committee leadership assignments. She also addressed Commissioner Cogdell’s credentials.

Commissioner Dunlap spoke in opposition to motion. Commissioner Dunlap said he did not question Commissioner Cogdell’s ability to lead but that he has learned that “leadership is more than what you get from a book, more than your educational attainment.”

Commissioner Dunlap said there was a difference between “leadership and leverage.” He said
DECEMBER 6, 2010

“leverage is having the ability with your vote to make things happen because you control the vote.” He said “leadership is the art of working and compromising and talking to people to convince them that what you want to do is the right thing.”

Commissioner Dunlap said he did not think this Board had been “void of leadership.”

Commissioner Dunlap said he was troubled by how this was being done. Commissioner Dunlap said he asked himself under what circumstances could Commissioner Cogdell “legitimately” be made chairman and came up with the following: 1) If he was the top vote getter and based on protocol, Commissioner Cogdell would be chairman. 2) If he denounced the Democratic Party tonight and state that he was a Republican. Commissioner Dunlap said then the vote would be 5-4, five republicans and four democrats.

Commissioner Dunlap further stated, if that was so, under what set of circumstances would Commissioner Cogdell still be chairman, because he would still be the second highest vote getter. Commissioner Dunlap said under those circumstances, Commissioner Pendergraph would be the highest vote getter and entitled to the chairmanship. Commissioner Dunlap said “so under what set of circumstances does the third place vote getter becomes the chairman.”

Commissioner Dunlap said if Commissioner Cogdell was willing to denounce the Democratic Party and “declare that he is a republican” then he would vote for him to be chairman.

Commissioner Roberts said she appreciated the words that Commissioner Bentley spoke and that she agrees Commissioner Cogdell has been a “great” vice-chairman and “friend.” Commissioner Roberts said she supported Commissioner Cogdell in his campaigns and that she had placed him on strategic committees.

Commissioner Roberts said she appreciated Commissioner Cogdell’s interest in guiding this “great county.” Chairman Roberts said what she was surprised by, however, was that colleagues she had worked with for two years and some longer, that no one had approached her with concerns regarding her past leadership.

Commissioner Roberts said she would be happy to talk about what her leadership might be lacking and would be happy to work to be better. Commissioner Roberts said going forward, Board members need to have that ability to talk to each other as “adults.” Commissioner Roberts said the community expected that.

Commissioner Roberts said she was also concerned about this "attempt" to 1) go against “tradition," and 2) go against the “will of the voters.” Commissioner Roberts said there was a 6,000 vote difference.

Commissioner Roberts said the most important thing was to try and find a way forward in a difficult situation.

Commissioner Roberts said she was willing to vote for Commissioner Cogdell as chairman, if, another democrat was vice-chairman and that she would be happy to serve in the vice-chairman role.

Commissioner Roberts said it was not about her; that it was about having a policy to guide this county that was going to take care of the “least” of them and it would look through this difficult budget cycle with the values of fairness, inclusion, equality, and justice. Commissioner Roberts said in addition, it was about what the community needs, to move us forward and the will of the voters in electing a democratic majority.

Commissioner Cogdell said he didn’t think anyone would see anywhere publicly, comments from him about anything surrounding the leadership roles on this board for the next term.
Commissioner Cogdell said within the last 72 hours, he’d been disappointed because of allegations that have been made about some “dealing” that “supposedly” occurred.

Commissioner Cogdell said he wanted to make a “clear representation to the people of the community that, “that did not occur.”

Commissioner Cogdell said “what did occur was his unwillingness to immediately commit to the support of our past chairman, that he has found to be a very strong political ally, that he has been able to work with; resulted in communication from republican members of the Board, which he also found to add value and brings a different perspective to the conversation.” Commissioner Cogdell said the republican members of the board offered him the opportunity to serve as chairman and said they would “back him.”

Commissioner Cogdell said he was glad Commissioner Leake asked that the motion be separated because he planned to vote for Commissioner Jim Pendergraph as vice-chairman.

Commissioner Cogdell said he also planned to make a motion for the Board to consider Commissioner Roberts for chairman.

Commissioner Cogdell said it appeared that he was the swing vote on this because everything comes down to “partisan politics,” which was the “point he was trying to make in this whole example.”

Commissioner Cogdell said he was “tired of partisan politics,” because “what has happened is that people aren’t talking anymore.” Commissioner Cogdell said people see things “through the lens of their political party.” Commissioner Cogdell said no political party had a “monopoly” on good decisions. Commissioner Cogdell said good decisions have come from both parties given the set of facts and circumstances.

Commissioner Cogdell said if having leadership with a democrat as chair and a republican as vice-chairman, resulted in his stepping down as vice-chairman, that he was okay with that.

Commissioner Cogdell said it was never about him being chair or him supporting or not supporting someone. He said it’s been about “a message” that as a nation, “we’re falling behind and in a big way.” He said “we’re falling behind” because we allow those vocal few within parties to “control” everything we do because we feel so “beholding” to that vocal few that are “so angry that they can’t see something from a different perspective.”

Commissioner Cogdell said he was telling the Board and others in elected office that “we need to wake up.” Commissioner Cogdell said “we are missing an opportunity to move this nation, this state and this community ahead when everything comes down to a partisan vote and we don’t talk and we don’t work together.”

Commissioner Cogdell concluded by saying he did not plan on voting for himself to be chairman, which was the motion on the floor.

Commissioner Bentley thanked Commissioner Cogdell for his comments. Commissioner Bentley said the “story behind the story” was that she approached Commissioner Roberts several weeks ago about supporting Commissioner Pendergraph as vice-chairman and that Commissioner Roberts “dismissed it out of hand.” Commissioner Bentley said Commissioner Pendergraph had an “extremely” powerful showing” on November 2, 2010.

Commissioner Bentley said she felt the community wanted bi-partisan leadership and for the Board to work effectively together. Commissioner Bentley said bi-partisanship was needed going forward. Commissioner Bentley said if Commissioner Pendergraph had not had such a strong
showing, then she may not have approached Commissioner Roberts.

Commissioner Bentley said she felt Commissioner Pendergraph brought a tremendous amount of leadership experience to the Board, that the Board could really leverage.

Commissioner Bentley said she would withdraw her motion and support Commissioner Roberts as chairman, whom she respects, but her goal was to have bi-partisan leadership and if that can be accomplished, then she’ll be very pleased.

Commissioner Leake said it “grieves” her to see that people are “used” in the process of trying to make a statement. Commissioner Leake said “we will not change Washington and we probably won’t change Mecklenburg County” because “people are political.”

Commissioner Leake said “everything we do is political.” She said “the decision being made tonight was political and that we belonged to “political parties.”

Commissioner Leake said she was concerned that statements have been made and that if there were any problems, why wasn’t the chairman contacted.

*Note: The above is not inclusive of every comment.*

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts, voting yes, to elect Commissioner Jennifer Roberts as Chairman of the Mecklenburg Board of County Commissioners for a one-year term expiring December 6, 2011.

*Note: The chairman serves for one-year and at the end of that first year, the election of a chairman for the remaining year of the two-year term of office is considered again by the Board.*

Commissioner Clarke turned the meeting over to Chairman Roberts.

Chairman Roberts thanked the Board for its support.

**ELECTION OF VICE-CHAIRMAN**

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts, voting yes, to elect Commissioner Jim Pendergraph as Vice-Chairman of the Mecklenburg Board of County Commissioners for a one-year term expiring December 6, 2011.

*Note: The vice-chairman serves for one-year and at the end of that first year, the election of a vice-chairman for the remaining year of the two-year term of office is considered again by the Board.*

**REMARKS**

Commissioners made remarks in the following order:

Karen Bentley, District 1
George Dunlap, District 3
Dumont Clarke, District 4
Harold Cogdell, Jr., At-Large
Jim Pendergraph, At-Large
Vilma Leake, District 2
Neil Cooksey, District 5
Bill James, District 6
Jennifer Roberts, At-Large
ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:47 p.m.

Note: A reception followed in the Lobby of the Charlotte-Mecklenburg Government Center.

______________________________ ____________________________
Janice S. Paige, Clerk                     Jennifer Roberts, Chairman
DECEMBER 7, 2010

MINUTES OF MECKLENBURG BOARD OF COUNTY 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 7, 2010.

ATTENDANCE

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

Absent: None

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-INFORMAL SESSION-

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 12, 13, 19, 21, 25, 27, 28, and 29.

(2) STAFF BRIEFINGS - NONE

(3A) CLOSED SESSION – CONSULT WITH ATTORNEY

Attorney Bethune said there was no Consult with Attorney matter to be discussed in Closed Session.

Deputy County Attorney Tyrone Wade addressed Consent Item 31 – Settlement Agreement with Time Warner. He was assisted by Jeff Vince with Information Services and Technology. They addressed questions regarding the timetable and risks associated with the components of the agreement.

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

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1
-FORMAL SESSION-

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

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Blanche Penn with the Winners Plus Agency addressed an upcoming workshop for parents regarding understanding the school system, to be held December 14, 2010, 6:30 p.m. – 8:00 p.m. at the Charlotte-Mecklenburg Police Department, 601 East Trade Street.

Pastor Brenda Stevenson of New Outreach Christian Ministry addressed an upcoming breakfast and gift giving on Christmas day sponsored by her church to benefit those in need. Pastor Stevenson invited Commissioners to participate and to make donations towards this cause.

(3) APPOINTMENTS

CITIZEN’S TRANSIT ADVISORY GROUP

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to appoint Rhonda Odom to the Citizen’s Transit Advisory Group to fill an unexpired term expiring June 30, 2011.

Note: She is replacing Thomas Gillam, III.

Prior to the above vote, Commissioner Leake asked about the full membership of the Citizen’s Transit Advisory Group (CTAG), which was addressed by Sam Spencer, a member of CTAG.

The other nominees were: Rodney Conklin, Sheila Etheridge, and Robert (Rob) Watson.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) COUNTY MANAGER STRATEGIC MANAGEMENT PLAN

County Manager Jones presented his proposed Strategic Management Plan for fiscal year 2010-2011.
Organizational Vision
To be the best local government service provider.

Values & Guiding Principles
- **Ethics:** We work with integrity.
- **Customers:** We serve our customers with dignity and respect.
- **Employees:** We recognize employees as our most important resource.
- **Excellence:** We invest in learning and improving.
- **Teams:** We work as a team, respecting each other.
- **Accountability:** We focus on results.

Personal Philosophy
It is my privilege to serve.

- Complete assessment of Volunteer Fire Department (VFD) service delivery structure and funding options. (General Manager Bobbie Shields)
- Participate in the “Envision Charlotte” Program with a goal of 20% reduction in energy usage for program buildings. (General Manager Bobbie Shields)
- Develop and implement a compliance program (General Manager John McGillicuddy)
- Continue to implement financial management services structural and operational changes, including considering recommendations developed by Deloitte. (General Manager John McGillicuddy and Finance Director Dena Diorio)
- Finalize and implement changes to the capital investment planning and budgeting process. (Finance Director Dena Diorio)
- Recommend additional library services for consolidation within Mecklenburg County/library or for outsourcing. (General Manager John McGillicuddy)
- Develop implementation strategies for the county’s Consolidated Human Services Agency that results in greater sharing of resources and more formal functional consolidation of services. (General Manager Michelle Lancaster)
- Identify and implement additional shared services and/or internal consolidation of business support functions (e.g. Information and Technology Services, Human Resources, and Public Services and Information). (General Manager John McGillicuddy)
- Complete the Vision 2020 process to revisit the Board’s long-term vision for the community. (Planning and Evaluation Director Leslie Johnson)

**Commissioner Bentley** asked County Manager Jones which General Manager or other staff would work with him in the various areas of the County Manager’s Strategic Management Plan, which was addressed and is noted above by each area of the Management Plan.

**Commissioner Bentley** asked about the timeline for accomplishing each of the areas listed in the Management Plan. **County Manager Jones said he would provide that information.**

**Commissioner Clarke** asked what was included in the Consolidated Human Services Agency as referenced in the following Management Plan area: Develop implementation strategies for the County’s Consolidated Human Services Agency that results in greater sharing of resources and more formal functional consolidation of services. **County Manager Jones said this included Area Mental, the Health Department, and the Department of Social Services.**
Commissioner Cogdell referenced the following area of the Management Plan: Identify and implement additional shared services and/or internal consolidation of business support functions (e.g. Information and Technology Services, Human Resources, and Public Services and Information). He also referenced recent action taken by the Board directing staff to pursue functional consolidation opportunities with the City of Charlotte. Commissioner Cogdell said Charlotte City Council had received a recommendation from the Mayor’s Task Force recommending that Council also direct its staff to pursue this likewise with the County.

Commissioner Cogdell said in light of that, he would ask that the Board’s recent directive be added to this portion of the Manager’s Strategic Management Plan.

Commissioner Cogdell said staff should be looking at internal and external consolidation efforts.

County Manager Jones said not included in his Strategic Management Plan was discussion with Charlotte-Mecklenburg Schools regarding areas of functional consolidation. He said that discussion had taken place but was on hold at the present time.

County Manager Jones said with respect to working with the City of Charlotte staff, he would ask that the Board allow him to follow-up with City Manager Curt Walton regarding this issue. County Manager Jones said he would report back at the next meeting.

Commissioner Cogdell said it was acceptable to him that the County Manager be given an opportunity to speak with the City Manager of Charlotte, as well as, the Superintendent of Charlotte-Mecklenburg Schools.

Chairman Roberts said she was okay with giving the County Manager this opportunity as well. Chairman Roberts said the only areas not mentioned in the Manager’s Strategic Plan were Permitting, Fire, and Medic and that she would like those added, if it’s possible.

Commissioner Pendergraph asked about outsourcing and were there other areas being considered other than what’s listed in the Strategic Management Plan, which was addressed.

County Manager Jones said he has asked staff to compile a list of some of the efficiencies, outsourcing, and functional consolidation efforts that the County has done over the last several years.

Commissioner Leake asked for clarification on the following area of the Strategic Management Plan: Develop implementation strategies for the county’s Consolidated Human Services Agency that results in greater sharing of resources and more formal functional consolidation of services, which was addressed.

Commissioner James asked about discussions with Charlotte-Mecklenburg Schools (CMS) regarding efficiencies and was that related to the maintenance, which was addressed by General Manager John McGillicuddy.

Commissioner James asked about the status of the Law Enforcement Service District tax issue that was referred to a Board committee regarding pursuing legislation to allow the towns to take over this responsibility. Commissioner James said the deadline for notifying the City of Charlotte, if the County wanted to terminate the agreement, was April 30, 2011 and the deadline for submitting legislative items to staff was December 10, 2010. Commissioner James said he wanted to know what’s being done to get everything done within the timeframes.
Assistant to the County Manager Brian Francis and the County’s legislative liaison, said a legislative agenda would be presented at the Board’s next meeting (December 21) which will include a placeholder for Law Enforcement Service District.

Commissioner James said he would like the Board to develop a bi-partisan letter to send to the legislature to see if they’ll move this matter up on their agenda.

Commissioner Cooksey commented on doing things differently and referenced the Board’s discussion at its last Strategic Planning Conference where the focus was on the County’s capital budget. Commissioner Cooksey said he’d like to have a similar discussion focusing on the operating side. Commissioner Cooksey said he was not sure if that was one of the topics scheduled for discussion at the upcoming January Strategic Planning Conference or not but whenever it did place, he would like there to be a presentation regarding Zero Based Budgeting and whether that approach would be appropriate for Mecklenburg County.

County Manager Jones said staff would be discussing with the Board different ways of doing business at the upcoming January Strategic Planning Conference.

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to defer approval of the County Manager’s Strategic Management Plan until the December 21, 2010 meeting, in order to give him the opportunity to speak with the City Manager of Charlotte, as well as, the Superintendent of Charlotte-Mecklenburg Schools.

County Manager Jones informed the Board that the City of Charlotte would lease Greenville Center from the County for the Gang of One program, per the recent grant award received via the Juvenile Crime Prevention Council for its Culinary Program.

Commissioner Dunlap asked would the City of Charlotte be leasing the entire facility. The response was yes.

Commissioner Leake asked would the City be renovating the entire facility which she said was in dire need of repair. County Manager Jones said he would find out.

Commissioner Leake asked about the quality of the kitchen equipment to be installed in Greenville Center. County Manager Jones said he would find out.

STAFF REPORTS AND REQUESTS

(7A) ENVISION CHARLOTTE

The Board received an update on Envision Charlotte and the Smart Energy Now initial pilot project from Michael Smith, President and CEO Charlotte Center City Partners and Vincent Davis, Director of Smart Energy Now Community Partnerships, Duke Energy. They were introduced by Heidi Pruess.

Note: Center City Partners has embarked on a Center City 2020 Vision that includes measures for sustainability. Envision: Charlotte is a first-of-a-kind collaborative partnership among major employers, building owners and managers along with municipal and technology leaders. The purpose of Envision: Charlotte is to create the most environmentally sustainable urban core in the nation by connecting numerous environmental programs and initiatives, while linking to the Center City 2020 Vision.
A copy of the presentation is on file with the Clerk to the Board.

Comments

Chairman Roberts asked was there anywhere in the world where something like this was being done. The response was no.

Chairman Roberts expressed thanks to Duke Energy and Cisco for their investment in this project.

Commissioner Leake suggested Johnson C. Smith University and Queens University be contacted regarding their participation in this project.

Chairman Roberts mentioned Johnson and Wales also as a possible participant.

Commissioner Cogdell asked about the reduction of greenhouse gases, which was addressed.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) MECKLENBURG BOARD OF COUNTY COMMISSIONERS 2011 MEETING SCHEDULE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the Mecklenburg Board of County Commissioners 2011 Meeting Schedule.

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

Commissioner Cooksey returned to the dais.

(8B) RESOLUTION – SUPPORT OF NORTH CAROLINA’S CURRENT PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM (CHAIRMAN ROBERTS)

Chairman Roberts presented a resolution supporting North Carolina’s current public Alcoholic Beverage Control System (ABC system).

Note: The Mecklenburg County ABC Board has requested that the Board adopt a resolution supporting the continuance of the current ABC system to maintain the current ABC system “with local control and decision making.” It was noted that a change would also deprive local ABC system’s of their control of the revenues.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake, to adopt resolution in support of the continuance of North Carolina’s current public Alcoholic Beverage Control system.

Commissioners James, Cooksey, and Cogdell questioned whether the Board should support the resolution as presented.

Commissioner James said he was not opposed to looking at whether or not the ABC system should be privatized, but he would like the money to come back to the county that it’s from. Commissioner James said considering that “you’re faced with a huge budget deficit, selling the
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ABC stores to a chain for a ton of cash would either close the state budget hole or help us close ours or help Charlotte-Mecklenburg Schools close theirs. “

Commissioner James said although the ABC Board contribute some money to the County, a lot of it he said, they control themselves.

Commissioner James said if the resolution read that the Board would be opposed to selling if the money doesn’t come back to the County, then he would be supportive of that, but he was not supportive of the current wording which states opposition to selling it at all.

Commissioner James said the County could get more from selling it, in terms of a “bump” in revenue.

Commissioner Cooksey said he was not sure if the proposed resolution was about control or about revenue. He said if the issue was about control that there were very few states in the U. S. that have a state controlled alcohol distribution system like N.C. Commissioner Cooksey said the states that allow private distribution of alcohol in retail establishments seem to do an adequate job of controlling that distribution through licensing systems.

Commissioner Cooksey said anytime you have a system that’s controlled by government, such as the ABC System that it gives rise to “cronyism and favoritism”. He said if you open it up to private enterprise, “everyone is on an equal playing field and everyone is playing by the same rules.”

Commissioner Cooksey said if it’s about revenue, then he felt the people who want to privatize the ABC stores would be able to “fashion” some type of franchise agreement that would provide a stream of revenue to county government and state government and that revenue stream could be higher than what it currently was.

Commissioner Cooksey said he was opposed to taking privatization off the table for consideration. Commissioner Cooksey said the concept of privatization should be looked at to see if it makes sense for N.C. and if it’s determined that it doesn’t then the current system could be maintained.

Commissioner Cogdell echoed Commissioner Cooksey’s remarks. Commissioner Cogdell said he was not comfortable with supporting the resolution as presented because he doesn’t know what the alternative looks like.

Commissioner Clarke said a reason to support the proposed resolution was because the alternative was not known. Commissioner Clarke said he felt with the current system the Board has certainty now that the ABC Board would provide the County with about $2.5 million annually and that they support the Library and others as well. Commissioner Clarke said if the current system was abandoned of state control of the distribution and sale of alcohol, you would see significantly increased per capita consumption of alcohol, and you’d have a much more difficult system to police, requiring far more alcohol law enforcement resources. Commissioner Clarke said there would probably be more social problems that government has to pay for that would accompany the increased per capita consumption.

Commissioner Dunlap said if it were up to him he would keep the system as is. He said if it was privatized, he would be concerned about who the owners were and would all of the owners be “wealthy” people or would the “common” man have an opportunity to own an alcohol beverage store. Commissioner Dunlap said changing the system would mean putting it in the hands of the “rich.” Commissioner Dunlap said he didn’t think that would be something the Board would want to do if it was going to be “fair and equitable.”

Commissioner Bentley said she was not opposed to studying the issue to see if there was a
better way rather than saying to state no, we’re not interested in privatizing. Commissioner Bentley said the Board should not cut off the debate or the opportunity to study this issue of privatization more closely to see if it would or would not work.

Chairman Roberts said per the North Carolina Association of County Commissioners (NCACC), the trend that counties see around the state is that the state is taking revenue from counties and that one of the themes from the NCACC is that counties want more local control and not less.

Commissioner Bentley said she would support the proposed resolution if the portion about opposing privatization was deleted.

Commissioner Pendergraph said he would amend his motion to delete the wording regarding privatization.

Paul Stroup, Chief Executive Officer of the ABC Board addressed this issue. Mr. Stroup said the ABC Board could accept the deletion of the wording regarding privatization.

Mr. Stroup said the ABC System was working as it was designed to. He said you’re getting a lot of revenue from the sale of distilled spirits and it’s controlling consumption at the same time. Mr. Stroup said the system was not perfect, but what we have in Mecklenburg and Wake County, Greensboro, was the scale to be able to do things that create efficiencies and control at the same time. He said they have the money to 1) invest in training for their employees, 2) to ensure that the proper systems and controls were in place to ensure financial transparency and accuracy, 3) to fund alcohol education programs, prevention programs, and 4) money to run an effective system that returns operating profit margins of about 12%, net assets of about 35%, and about $11 million back to the community on average.

Mr. Stroup said the ABC Board was asking the Board to express to the state its support of the current system.

Commissioner Leake said she was not supportive of outsourcing. Commissioner Leake, who seconded Commissioner Pendergraph’s motion, said she was not agreeable to amending the motion to delete the portion regarding privatization.

Substitute motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Pendergraph, and Roberts voting yes and Commissioner Leake voting no, to amend the Now, Therefore, Be It Resolved portion of the resolution to read as follows:

**NOW, THEREFORE, BE IT RESOLVED, that the Mecklenburg Board of County Commissioners does hereby support the continuance of local control of Alcoholic Beverage sales, and opposes any efforts to diminish the local government revenue stream afforded from local ABC store profits.**

instead of as presented, which was

**NOW, THEREFORE, BE IT RESOLVED, that the Mecklenburg Board of County Commissioners does hereby support the continuance of the Alcoholic Beverage Control System, and opposes any efforts to privatize the Alcoholic Beverage Control system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.**

Resolution recorded in full in Minute Book 45-A Document #______.

Commissioner Leake asked that the ABC Board report back to the Board at a future meeting to give the Board an update on the operations of the ABC Board and local system.
Chairman Roberts asked Mr. Stroup to coordinate with staff regarding appearing at a future meeting.

Commissioner Leake asked about the status of filling the current vacancy on the ABC Board.

Commissioner Dunlap said the matter was deferred previously until after the Board received recommendations from the Board’s Effective and Efficient Government Committee.

Clerk to the Board Janice S. Paige said she would research the matter and move forward with getting the matter back on the Board’s agenda.

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held November 16, 2010; Special Meetings held May 27, 2010 and February 25 and 26, 2010 and Closed Session held November 16, 2010.

(10) FIRE DISTRICT RESOLUTION / MAP (HUNTERSVILLE)

Approve the Huntersville Resolution and Fire District Map.

Resolution recorded in full in Minute Book 45-A Document # ______.

(14) PURCHASE CONTRACT – LENCO BEARCAT ARMORED CAR – SHERIFF’S OFFICE

1) Approve the purchase of a Lenco BearCat Armored Car without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(f); and

2) Approve a contract with Lenco Armored Vehicles for the purchase of a BearCat in the amount of $309,920 from concealed carry revenue designated for law enforcement purposes.

(15) CONSERVATION DECLARATIONS ON COUNTY PROPERTY

(1) Authorize the County Manager to execute Conservation Declarations on the following County properties for stream restoration projects funded by NC Clean Water Management Trust Fund along Torrence Creek:

(a) Tax Parcel 01714577
(b) Tax Parcel 01714597
(c) Tax Parcel 01714598

(2) Authorize the County Manager to execute Conservation Declarations on the following twelve County properties for stream restoration project funded by NC Clean Water Management Trust Fund along McAlpine Creek:

(a) Tax Parcels 21309118-21309124
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(b) Tax Parcels 21309126-21309128
(c) Tax Parcel 31209133

(16) MEDIC CORNELIUS STATION – FUNDING FOR REPAIRS

Authorize the use of the Capital Reserve Fund for repairs at the MEDIC Cornelius Station, and recognize and appropriate insurance reimbursements related to the damage to the MEDIC Cornelius Station to the Capital Reserve Fund.

Note: On August 12, 2010 while returning to their station, a MEDIC crew was attempting to back the ambulance inside the building to an enclosed parking area. While attempting to enter the building, the right rear bumper of the ambulance contacted the corner of the building. The impact resulted in a partial collapse of the roof system and exterior walls.

(17) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Note: This action is necessary for the purchase of a single floodplain property under the Hazard Mitigation Program.

(18) CAPITAL RESERVE REQUEST – CONSOLIDATED AQUATICS - PARK & RECREATION

Authorize and appropriate a capital expenditure of $82,000 from the Consolidated Aquatic Capital Reserve Account to replace the large scoreboard at the Mecklenburg County Aquatic Center ($75,000), to replace pool facility signage at all aquatic facilities ($5,000) and replace the large umbrella canopy at the Double Oaks Pool ($2,000).

(20) CAPITAL RESERVE REQUEST – OUTDOOR RECREATION – PARK AND RECREATION

Authorize and appropriate a capital expenditure not to exceed $2,000 from the Outdoor Recreation Capital Reserve Account for repairs to segways at Latta Plantation Nature Preserve.

(22) LAND EXCHANGE - HABITAT FOR HUMANITY OF CHARLOTTE, INC.

Adopt a resolution of intent to exchange County-owned Tax Parcel 043-011-23 (+/- 0.344 acres) for the following seven parcels owned by Habitat for Humanity of Charlotte, Inc. (totaling +/- 13.456 acres) in the Reid Park neighborhood:

1. Tax Parcel #145-172-04, +/- 0.30 acres
2. Tax Parcel #145-172-10, +/- 8.163 acres
3. Tax Parcel #145-173-08, +/- 0.233 acres
4. Tax Parcel #145-173-11, +/- 0.79 acres
5. Tax Parcel #145-174-08, +/- 1.97 acres
6. Tax Parcel #145-186-04, +/- 1.2 acres
7. Tax Parcel #145-186-06, +/- 0.80 acres
Resolution recorded in full in Minute Book 45-A Document # ______.

(23) FY 11 MECKLENBURG COUNTY AQUATIC CENTER FEE INCREASES

Approve proposed fee increases for memberships only:

<table>
<thead>
<tr>
<th></th>
<th>Current Draft/Month*</th>
<th>New Draft/Month*</th>
<th>Amount Increase</th>
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<tr>
<td>Resident Youth</td>
<td>$20/25</td>
<td>$22/27</td>
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<tr>
<td>Resident Adult</td>
<td>$32/37</td>
<td>$36/41</td>
<td>$4</td>
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<tr>
<td>Resident Family</td>
<td>$44/49</td>
<td>$48/53</td>
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<tr>
<td>Senior/Disable</td>
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<tr>
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<tr>
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<td>$4</td>
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<td>$4</td>
</tr>
<tr>
<td>Non-Resident Senior/Disable</td>
<td>$23/28</td>
<td>$25/30</td>
<td>$2</td>
</tr>
<tr>
<td></td>
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<td>$38/43</td>
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</tr>
</tbody>
</table>

Draft is an automatic account draft from a financial institution that includes $5 off the monthly fee.

*Monthly fee is the cost of purchasing a one month membership.

(24) REVISIONS TO THE BUILDING-DEVELOPMENT ORDINANCE

Amend the Building-Development Ordinance, expanding Building Development Commission authority and responsibilities, allowing the use of qualified industry discipline representatives to administer Journeymen’s Program examinations.

Ordinance recorded in full in Minute Book 45-A Document # ______.

(26) BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)

Recognize, receive and appropriate $8,335 from The North Carolina Department of Health & Human Services for family planning services.

(30) GRANT SUBMISSION – IBM KIDSMArt EARLY LEARNING

Approve submitting a grant request for IBM’s KidSmart Early Learning program. If the grant is awarded, approve recognizing and receiving the grant donation.

(31) SETTLEMENT AGREEMENT

Receive as information settlement of the lawsuit captioned as Mecklenburg County vs. Time Warner Entertainment- Advance Newhouse Partnership.

Note: On September 8, 2010, the Board was briefed regarding proposed settlement terms of the Time Warner lawsuit. The terms of the proposed settlement were discussed and the board unanimously authorized the manager to settle the litigation with Time Warner under the terms specified and presented. Pursuant to N.C.G.S 143.318.11 the terms of the settlement are being
DECEMBER 7, 2010

reported to the Board to be received as information.

Settlement Agreement recorded in full in Minute Book 45-A, Document #______.

(32) BUDGET AMENDMENT-JOBOOOST SUBSIDIZED EMPLOYMENT PROGRAM-DSS (REVENUE INCREASE)

Amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate Federal revenue for the TANF JobBoost program in the amount of $382,800.

Note: The purpose of the program is to create 145 jobs for TANF-eligible individuals and provide work experience necessary to maintain long-term employment.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

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

(11) BUDGET AMENDMENT – SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to:

1) Recognize and appropriate for the Sheriff’s Special Revenue Fund, $90,958 from Inmate Commissary.

2) Recognize and appropriate for Sheriff’s Special Revenue Fund, $157,579 from Concealed Handgun Permit Fees.

3) Recognize and appropriate for Sheriff’s Special Revenue Fund, $40,000 from Vocational Facility Telephone Revenue.

Note: 1) All funds collected through Jail commissary operations will be used for inmate education, inmate library and self-sufficiency programs as well as supplies and equipment to support inmate programs. 2) All funds that are the Sheriff’s Office share resulting from the issuance of Concealed Carry Permits will be used for law enforcement purposes only. 3) All funds distributed to the Sheriff’s Office as a result of asset seizure by federal or state authorities will be used for law enforcement purposes only. 4) All funds received from five-percent of commissions from the inmate telephone system will be used for inmate vocational education programs.

Commissioner Leake removed this item from Consent for more clarification and public awareness. Rachel Vanhoy with the Sheriff’s Office addressed this matter.

Commissioner Clarke returned to the dais.

(12) SHERIFF’S SPECIAL REVENUE FUND – VOCATIONAL FACILITY

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and
DECEMBER 7, 2010

carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the revision to the Sheriff’s Office Special Revenue Fund Ordinance to restrict the use of the funds.

*Note: The Sheriff’s Office Special Revenue Fund is used to record funds from different sources. The funds are recognized, received and appropriated annually by the Board of County Commissioners. Under the new Government Accounting Standards Board (GASB) Statement 54, Special Revenue funds are required to account for revenues that are legally restricted to a specific use. The attached ordinance defines the specific uses of those funds. This revision will specifically: Increase the percent received from inmate telephone system from five-percent to 16.8 percent to be used for inmate vocational education programs based on renegotiation of the agreement."

Commissioner Leake removed this item from Consent for more clarification and public awareness. Rachel Vanhoy with the Sheriff’s Office addressed this matter.

Ordinance recorded in full in Minute Book 45-A Document #______.

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

(13) BUDGET AMENDMENT - SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Pendergraph and Roberts voting yes, to recognize and receive $50,000 from the Sheriff’s Vending Account to the General Fund and appropriate $50,000 from the General Fund for Sheriff-approved employee recognition and activities.

Commissioner Leake removed this item from Consent for more clarification and public awareness. Rachel Vanhoy with the Sheriff’s Office addressed this matter.

(19) BUDGET AMENDMENT – PARK AND RECREATION (REVENUE INCREASE)

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Pendergraph, and Roberts voting yes, to recognize and appropriate a $5,000 donation by Landscape Structures Inc. for the Designing Natural Play Areas professional workshop.

*Note: In partnership with CPCC Center for Sustainability, the County Park and Recreation Department will host a second “Designing Natural Play Areas” professional workshop and accompanying public showing of the documentary “Play Again.” Funding for this initiative comes from a $5,000 donation from Landscape Structures Inc. This action increases the revenue and offsetting expense budgets to conduct the event. The revenue account will be increased by $5,000 and the corresponding expense account will be increased by $5,000.*

Commissioner Leake removed this item from Consent for more public awareness. Jim Garges, director of Park and Recreation addressed this matter.

(21) BOULEVARD HOMES REVITALIZATION – EXTENSION OF BROOKSVALE STREET

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to execute documents to:
(1) Convey a portion of Tax Parcel 115-051-08 (+/-1.90 acres) to the City of Charlotte for right-of-way improvements associated with the extension of Brooksvale Street as part of revitalization plans for Boulevard Homes in west Charlotte; and

(2) Submit a Subdivision Application to the City of Charlotte’s Planning Department associated with the extension of Brooksvale Street (above referenced Right-of-Way).

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

**Commissioner Dunlap returned to the dais.**

(25) **HEALTH DEPARTMENT H1N1 AWARD**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate $5,000 from The North Carolina GlaxoSmithKline Foundation for the Health Department’s H1N1 efforts.

Commissioner Leake removed this item from Consent for more public awareness. Dr. Wynn Mabry, director of the Health Department addressed this matter.

(27) **BUDGET AMENDMENT – DEPARTMENT OF SOCIAL SERVICES**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate customer funds in the amount of $13,675.

*Note: The Senior Nutrition Program annually takes participants on a recreational field trip. This trip is paid for by the participants and organized by program staff. This request is to recognize the participants contributions to allow for payment of the trip cost.*

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

(28) **BUDGET AMENDMENT – DEPARTMENT OF SOCIAL SERVICES (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate Home and Community Care Block Grant funds in the amount of $41,829.

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

(29) **PURCHASE CONTRACT - LATEX-FREE SYNTHETIC GLOVES – SHERIFF’S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to approve a unit price contract for Latex-Free Synthetic Gloves from Aramsco, Inc. of Thorofare, NJ for a term of one-year with the option to renew up to four additional one-year terms. The annual expenditures for this contract is estimated to be $64,860.
Commissioner Leake removed this item from Consent for more clarification regarding the vendor selection. Rachel Vanhoy with the Sheriff’s Office addressed this matter.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:15 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, December 14, 2010.

ATTENDANCE

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

Absent: Commissioner Bill James

Commissioners Clarke and Cooksey 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.

(1) ECONOMIC BENEFITS OF PARK AND RECREATION –THE TRUST FOR PUBLIC LAND REPORT

Park and Recreation Director Jim Garges addressed the purpose of The Trust for Public Land report/study on the Economic Benefits of the Park and Recreation System of Mecklenburg County. He then introduced Peter Harnik, director of Center for City Park Excellence, who conducted the study.

Commissioner Cooksey entered the meeting.

Note: In 2009, the County requested that The Trust for Public Land conduct a study of the County’s park and recreation system. The report provides a description and estimate of the economic value of each of the seven attributes of parks in the County.

Mr. Harnick said there were seven areas of value with respect to the County’s park and recreation system. He addressed each of them.

• Property Value
• Tourism Value
• Direct Use Value
• Health Value
• Community Cohesion Value
• Reducing the Cost of Managing Urban Stormwater
• Air Pollution Removal Value
Comments

Commissioner Cooksey asked for clarification with respect to 2009 economic benefits of parks to property values and whether the numbers shown in the report took into account loss revenues for the County by not having this land in private sector hands. The response was no, because there’s really no real way of calculating that number. It was noted studies have shown, that if you have a good park, it adds more value to its surrounding area than you’re actually loosing in terms of the land value itself.

Commissioner Cooksey said he was not advocating the County sell all of its parks and put them in private hands but was trying to put some of the numbers into perspective.

Commissioner Cooksey said arguably, if more of this land was in private hands, then the County would get more tax revenues and the tax rate would be lower and citizens would have more money to spend with private entities.

Commissioner Cooksey asked for clarification with respect to tourism value, specifically the profit to citizenry and the 35% referenced, which was addressed.

Commissioner Cooksey asked about the role of The Trust for Public Land in this particular process and what was The Trust for Public Land doing with Park and Recreation in order to set aside land for future public use. Director Garges addressed this.

Attorney Bethune addressed past assistance from The Trust for Public Land.

Commissioner Dunlap asked was there a way to put a value on park land with respect to adding to the quality of life. The response was that’s the purpose of the study and what it addresses.

Commissioner Dunlap asked was it possible to do a cost benefit analysis that would tell the County how the value of parks would increase based on the amount of resources the County put into parks. Mr. Harnik said he was very interested in that topic. He said as they do more studies then, hopefully, as they go back to the initial cities and restudy them three or five years later, to see what has been done, not only in the parks, but around the parks and other aspects of development in the city, they would be able to see whether the return on investment had gone up or down. He said then they would be able to better answer Commissioner Dunlap’s question.

Commissioner Dunlap asked Mr. Harnik if they’ve used the same set of variables in all of their studies. The response was yes.

Commissioner Dunlap questioned some of the comparisons.

Mr. Harnik said areas were different. There’s no ideal system and the values may differ.

Commissioner Pendergraph asked what percentage of County residents actually uses the parks. Director Garges said that information was available and would be shared with the Board. He said the number was relatively high.

Commissioner Clarke entered the meeting.

Commissioner Pendergraph questioned the numbers shown in the report with respect to the number of persons visiting parks. Mr. Harnik addressed how the numbers were calculated. Mr. Harnik said those numbers could be provided.
Commissioner Bentley asked for clarification with respect to tourism value and the use of term “parks” in the statement that read overnight visitors in hotels who visited parks and came because of parks. She asked if it included recreation centers, baseball fields, walks in parks, etc. The response was that it included all parks and recreation centers, all public Park and Recreation facilities.

Commissioner Bentley said she’d like to see a breakout of the park activities visitors were taking advantage of while visiting.

Commissioner Bentley questioned the appropriateness of the sample size used. The response was that it was accurate plus or minus 3.5%, which was typical of what’s used.

Commissioner Cogdell addressed the economic development benefits of parks.

Commissioner Cogdell questioned the $841 million direct use value referenced in the report. The response was that $841 million was not exactly the same as $10 million in tax receipts but was the positive value people were receiving and that it would shift to something else that would be a material lost to them.

Chairman Roberts commented on air quality value. Chairman Roberts said the report didn’t appear to capture the health aspect as it relates to the number of reduced emergency room visits for cardiac problems, respiratory problems, etc, because of a higher air quality value. Mr. Harnik said he thought it did, but he would have to double check.

Chairman Roberts said there was a value to Access, which she addressed.

Chairman Roberts asked was U.S. National Whitewater Center included as a park facility. The response was yes.

Commissioner Dunlap asked if the location of parks impact the value. The response was this couldn’t be answered easily because it depends on what your goal is and that goal determines where you would locate a park.

Director Garges said when you look at the Parks Master Plan, it really has to do with accessibility and one’s ability to walk out of their door and go to a park easily within a particular radius. He said what Park and Recreation was trying to do was to have a park within six blocks of every resident. He said accessibility was the critical issue and that it didn’t make any difference where you were in the County, the question was, can I get to a park.

Commissioner Dunlap asked was this still a realistic goal in light of economic conditions.

Director Garges addressed the goal. He said the availability or possibility of getting the 6,000 acres was here. He said it becomes the question of can you garner the resources or dollars to do it through a variety of different ways. He said it doesn’t all have to be done by the County, but in conjunction with partners, such as The Trust for Public Land, the Catawba Lands Conservancy and private sector, working together to try and get those areas that have been identified.

Commissioner Leake asked that in future reports the term old people not be used and that instead the term seniors.

Chairman Roberts said she felt in some instances things were undercounted in the report. She said the methodology was very conservative and that there were quite a few things that could be measured further, that was not included.
Chairman Roberts thanked Mr. Garges and Mr. Harnik for the report.

No action was taken or required.

Note: The above is not inclusive of every comment.

(2) VOLUNTEER FIRE DEPARTMENTS

Director of Land Use and Environmental Services Agency Cary Saul and Fire Marshall Mark Auten addressed fire protection in the unincorporated areas.

The report addressed the following:

- Mecklenburg County Fire Service
- ESECG Assessment
- Recent Changes
- 2011 Funding
- Trend in Subsidy Funding
- Sustainable Funding
- Funding Options
  - Option One – Continue Subsidy Funding
  - Option Two – Create Fire Districts
- Fire Commission Recommendation
  - Six Service Districts
  - Each Town and their ETJ has a Service District
  - Cornelius, Davidson, Huntersville, Mint Hill, Pineville
  - Service District for the remainder of unincorporated Mecklenburg or Charlotte’s ETJ
- Funding mechanism will allow complete transition

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

Comments

Commissioner Dunlap, the Board’s liaison to the Fire Commission, said if the County contracts with the City of Charlotte the cost will be higher and with Service Districts it would cost less.

Commissioner Clarke asked if fire service districts were common in N. C. The response was yes.

Commissioner Clarke asked would the subsidy go up next year. The response was yes.

Commissioner Clarke said he felt the Board needed to move forward.

Commissioner Bentley said she understood the rationale for this and was supportive of the service districts.

Commissioner Cooksey asked how the City of Charlotte calculated its charge to the County, which was addressed.

Commissioner Cooksey asked about the transition plan which was addressed.

Commissioner Pendergraph said he was supportive but wished there was another alternative.

Commissioner Cogdell said the Board should move forward because he doubts the County would be able to negotiate a better rate with the City of Charlotte.
Chairman Roberts said she supported moving forward.

Chairman Roberts asked how would this fit in with the City of Charlotte’s interest in looking at a fire and medic relationship. *The response was that it was possible to have a combined medic/fire district, however, staff has not looked at that.*

Commissioner Clarke asked for clarification regarding the extraterritorial jurisdiction (ETJ), which was addressed.

Commissioner Clarke asked how annexation by the towns be handled under this concept, which was addressed.

It was noted that staff would come back to the Board in January with an item for consideration to move forward.

**It was the consensus of the Board for staff to move forward and report back to the Board.**

*Note: The above is not inclusive of every comment but is a summary.*

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**ADJOURNMENT**

Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:58 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Meeting Chamber Conference Room CH-14 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, December 21, 2010.

**ATTENDANCE**

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
George Dunlap, Bill James, Vilma Leake and
Jim Pendergraph
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioner Neil Cooksey

The meeting was called to order by Chairman Roberts.

The purpose of the meeting was for the Board to participate in an Ethics Training workshop for North Carolina Local Government Elected Officials via a Webinar through the University of North Carolina School of Government.

Note: Session Law 2009-403 requires the members of the governing boards of all cities, counties, local boards of education, unified governments, sanitary districts, and consolidated city-counties in North Carolina to receive a minimum of 2 hours of ethics education within 12 months of being elected or appointed to the board, and within 12 months of each subsequent re-election or reappointment.

Deputy County Attorney Tyrone Wade explained the format of the training, after which the webinar began.

The following topics were covered:
* Defining Ethics
* The Characteristics of an Ethical Person
* Citizen and Public Officials’ Expectations
* Legal versus Ethical Standards
* Your Public Life and Your Private Life
* Making Ethical Decisions
* Codes of Ethics
* Conflicts of Interest
* Conflicts of Interest in Contracting
* Misuse of Secret Information
* Gifts and Favors
* Conflicts of Interest in Voting

Note: The webinar was conducted and narrated by A. Fleming Bell, II and Eileen Youens with the North Carolina School of Government.

No formal action was required. At the conclusion of the training, Board members completed their
DECEMBER 21, 2010
Verification of Attendance forms and submitted them to the Clerk to the Board for filing.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 5:07 p.m.

______________________________ ____________________________
Janice S. Paige, Clerk                Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG BOARD OF COUNTY 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 21, 2010.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

-INFORMAL SESSION-

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 13, 14, 16, and 17.

(2) STAFF BRIEFINGS - NONE

(3A, B) CLOSED SESSION – CONSULT WITH ATTORNEY AND PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced there was no personnel matter to be discussed in Closed Session.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: A) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:55 p.m.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Commissioner Clarke gave the invocation, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

Note: Chairman Roberts, on behalf of the Board, took a moment of personal privilege to extend sympathy to the family of Pete Cunningham, former member of the North Carolina General Assembly, House of Representatives, District 107, Mecklenburg County, who passed away today, Tuesday, December 21, 2010.

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE - NONE

APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

Darryl Broome   by Commissioner James
Robert Burroughs  by Commissioner Cogdell
Huff Andrea   by Commissioners Cogdell and Leake
Jerry Hwang   by Commissioner Clarke
Betty Newsam   by Commissioners Cogdell and Leake
Thomas Porter  by Commissioner Leake
Don Reid   by Commissioner Leake
James Ross  by Commissioners Leake and James
Lloyd Scher  by Commissioner James
Brian Sisson   by Commissioner James
Emily Wu   by Commissioner Clarke

Note: An appointment will occur following interviews of the above nominees by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Alcoholic Beverage Control Board must undergo an interview process.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Aida Bertsch and Ulrich Bertsch to the Nursing Home Community Advisory Committee for a one-year term expiring December 31, 2011.

Note: They replace Alan Elam, Sr. and Delia Holder.
(3B) AUDIT REVIEW COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint the following Board and staff representatives to the Audit Review Committee: Commissioners Dumont Clarke (Chairman), George Dunlap, Karen Bentley, Bill James, and ex-officio, non-voting members County Manager Harry L. Jones, Sr. and General Manager John McGillicuddy.

Note: The term length is two years.

(3C) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint the following persons to the Waste Management Advisory Board as recommended by Charlotte City Council: Christopher Capellini to fill an unexpired term expiring November 4, 2012, Patrick Darrow for a three year term expiring September 30, 2013, and Jennifer White for a three year term expiring July 13, 2013.

Note: They replace Collette Alston, Walter Bauer, and Rodney Conklin.

(3D) APPOINTMENTS TO EXTERNAL BOARDS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to:

1) Appoint Chairman Roberts to serve on the N.C. Blumenthal Performing Arts Center (NCBPAC) Board of Trustees for a two-year term expiring December 3, 2012.


3) Appoint Commissioner Harold Cogdell, Jr. to the Charlotte-Mecklenburg Development Corporation for a two-year term expiring December 3, 2012.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) COUNTY MANAGER STRATEGIC MANAGEMENT PLAN

County Manager Jones addressed his Fiscal Year 2010-2011 Strategic Management Plan, which was originally presented on December 7, 2010, but approval was deferred.

Note: Each year, the County Manager provides to the Board a proposed Strategic Management Plan. This Plan serves as the annual work plan for the County Manager. The Plan establishes key strategic accountabilities for the County Manager that the Board uses as part of its annual performance evaluation of the County Manager.
County Manager Jones said, per the Board’s directive on December 7, 2010, he followed up with Charlotte City Manager Curt Walton regarding pursuing functional consolidation discussions in fiscal year 2010-2011 and per that discussion, to possibly add this to the County Manager’s 2010-2011 Strategic Management Plan. County Manager Jones said it was concluded that it would be better to defer those discussions until next fiscal year, so that both managers could concentrate their resources on what County Manager Jones refers to as change management initiatives that were underway.

County Manager Jones said the Strategic Management Plan before the Board was an ambitious list of activities. Further, that an additional item may be added once the Board receives the presentation from IBM regarding joint master planning.

County Manager Jones asked the Board to consider deferring adding the review of possible city/county functional consolidation issues until next fiscal year.

It was noted that timeline information had been added to the Strategic Management Plan, in response to Commissioner Bentley’s question at the December 7, 2010 meeting.

There was no objection to County Manager Jones’ request that city/county functional consolidation issues be deferred until next fiscal year, with respect to being placed on the Manager’s Strategic Management Plan.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the County Manager’s Strategic Management Plan for Fiscal Year 2010-2011 as noted below.

County Manager Strategic Management Plan
Fiscal Year 2010-2011

Organizational Vision
To be the best local government service provider.

Values & Guiding Principles
- Ethics: We work with integrity.
- Customers: We serve our customers with dignity and respect
- Employees: We recognize employees as our most important resource.
- Excellence: We invest in learning and improving.
- Teams: We work as a team, respecting each other.
- Accountability: We focus on results

Personal Philosophy
It is my privilege to serve.

- Complete assessment of VFD service delivery structure and funding options.
  - Board received the staff assessment, options and recommendations on December 14, 2010. At its first meeting in January, the Board will be asked to approve moving forward with the staff recommendation.

Contact: Bobbie Shields
DECEMBER 21, 2010

• Participate in the “Envision Charlotte” Program with a goal of 20% reduction in energy usage for program buildings.
  ➢ Participation is underway. The Board was briefed on Envision Charlotte at its December 7, 2010 meeting.

Contact: Bobbie Shields

• Develop and implement a compliance program.
  ➢ Staff recommendations provided to County Manager/Executive Team – February 2010
  ➢ Implementation – Immediately following approval by County Manager/Executive Team

Contact: John McGillicuddy

• Continue to implement financial management services structural and operational changes, including considering recommendations developed by Deloitte.
  ➢ Ongoing Implementation – There are many action steps to this reform, so this is ongoing and will continue through FY2011 and FY2012
  ➢ County Manager/Executive Team determine actions on Deloitte recommendations in January 2011

Contact: John McGillicuddy

• Finalize and implement changes to the capital investment planning and budgeting process.
  ➢ Finalize: Key decisions/direction will occur starting at the Board’s Strategic Planning Conference
  ➢ Implementation: Recommendations will be discussed/developed as part of the FY2012 budget process, culminating with the County Manager’s Recommended Budget and Board approval of the FY2012 budget

Contact: Hyong Yi and Dena Diorio

• Recommend additional library services for consolidation within Mecklenburg County/library or for outsourcing.
  ➢ County Manager and Library Director have received and agreed in principle to staff recommendations. BOCC/BOT Subcommittee meeting on recommendations is being scheduled and expected to occur within 30 days.

Contact: John McGillicuddy

• Develop implementation strategies for the county’s consolidated Human Services Agency (HAS) that results in greater sharing of resources and more formal functional consolidation of services.
  ➢ Merger of financial management functions within HSA departments to be initiated within 90 days; additional considerations in this area will occur as part of overall action steps for structural and operational changes in financial management services.

Contact: Michelle Lancaster
• Identify and implement additional shared services and /or internal consolidation of business support functions (e.g. Information and Technology Services, Human Resources, and Public Services and Information).
  ➢ Identify: Process design for this project was approved by the County Manager/Executive Team on December 1, 2010. Implementation of the process has begun and is expected to culminate in 15 weeks (April 2010) with recommendations to the County Manager/Executive Team.

Contact: John McGillicuddy

• Complete the Vision 2020 process to revisit the Board’s long-term vision for the community.
  ➢ Vision 2020 process is underway. Public and employee input will be provided to and discussed by the Board at its Strategic Planning Conference (SPC). Based on Board direction at the SPC, staff will provide the Board in March/April with recommendations on revision or renewal of long-term vision for the community.

Contact: Leslie Johnson and Brian Cox

(68) REPORT ON AREA MENTAL HEALTH/LME

General Manager Michelle Lancaster gave a report and recommendations regarding an assessment of Area Mental Health/LME. The report covered a review of Mecklenburg Open Door, the Shelter Plus Care grant, the HUD review, and the organizational review prepared by consultant Michael Moseley.

*Note:* The County Manager’s Office conducted an assessment of Mecklenburg County Area Mental Health/LME regarding its oversight and management of the HUD Shelter Plus Care grant and its sub-recipient vendor Mecklenburg Open Door. In addition, the assessment included a review of the LME leadership and operations as well as an assessment of financial management functions within the LME.

Report Highlights

Shelter Plus Care Grant

• A County grant that was administered by Mecklenburg Open Door that was reviewed by HUD and found to have significant compliance problems. Per those problems, the grant was brought in-house.
• The Office of the Inspector General for HUD came in and conducted an audit of the grant.
• Staff does not have the Inspector General’s final audit report. It should be received near the end of January.
• HUD has given the County, informally, all of the important recommendations that are going to be contained in the report and what the County should expect.
• The amount that the County will owe back to HUD is $465,000 for the Shelter Plus Care grant.
• The components of that payback are made up of two items, $11,000 and $14,000 items, unsupported charges that were reimbursed in the grant.
• Also, there’s $440,000 in administrative cost that also lack supporting documentation.
• It’s staff’s understanding from HUD that the County will receive a letter from HUD at the end of January and the County will have time to sit down and review and negotiate
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the County’s payback.
• Also, if the County can provide additional documentation, HUD will allow the County to do that.
• A list of examples was given of things HUD found wrong with the grant.
• Positive feedback was received with respect to the service component of the grant.
• County employees were not following the policies and procedures regarding the review and validation of invoices.
• Employees were not following policies and procedures regarding appropriate documentation.
• Staff will report back to the Board after it receives the report from HUD.
• Staff’s report will include recommendations with respect to what should be done going forward.
• All possible legal options will be considered, including all options in negotiating with HUD in order to get the amount owed to a number that the County could or could not support.

Mecklenburg Open Door

• The County no longer contracts with Mecklenburg Open Door, those services have been transferred to Monarch, Incorporated.
• Per the County’s assessment, there were numerous issues regarding the review and validation of supporting documentation for reimbursement requests.
• There was not good/solid documentation for things the county was paying for.
• There are several issues staff continues to work with Mecklenburg Open Door board members on, such as, records management and retention.
• Additional documentation has been requested with respect to vehicles, computers, and furniture, including the location of these items, property of the county.
• A response is expected from the Mecklenburg Open Door board in the next couple of weeks.
• Mecklenburg Open Door has identified several vehicles and pieces of furniture that have been returned to the county, but there are still some items outstanding.

Financial Review by County Finance

• Area Mental Health has very well written financial policies and procedures.
• It is being recommended that there be a significant amount of training for the financial staff with a focus on financial reporting and approval of documents and timeliness.
• It was found that there was a lack of following the policies and procedures.
• The review by finance is still on-going.

The Moseley Report

• Michael Moseley is the former Area Mental Health Director for the State of N. C.
• Mr. Moseley’s focus was to look at the organizational structure of Area Mental Health and management of the contracting process.
• The report provided eight recommendations which were reviewed.

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

County Manager Jones made the following comments.

• Mecklenburg County Area Mental Health has a very strong service culture.
• There are very few instances of areas where service delivery is lacking or where service performance oversight is deficient.
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- The County will continue to seek opportunities to improve service quality.
- The assessment revealed there's an urgent need to strengthen and enhance Area Mental Health’s capability and performance in compliance oversight.
- This will require fundamental reform in Area Mental Health beginning in two critical areas as identified in the Moseley Report, leadership and financial management.
- Today, the County Manager received and accepted the resignation of Area Mental Health/LME director Grayce Crockett, effective January 11, 2011.
- This resignation makes leadership change the first priority in Area Mental Health.
- Interim director Carlos Hernandez will remain in this position, overseeing the day to day operations with hands on oversight from General Manager Michelle Lancaster.
- Also, Area Mental Health legal counsel, Elizabeth Nurkin, will serve as interim deputy director to place greater emphasis on compliance oversight, particularly in contract monitoring and management of LME’s vendors.
- This combination of leadership will allow the county to move forward with all of the Moseley Report recommendations, which the County Manager fully supports.
- An outside consultant will probably have to be obtained to assist the county in making all of the changes recommended in the Moseley Report.
- The Moseley Report recommendations will be implemented before hiring a new director.
- It’s envisioned that the next Director will have a very strong business management background and skills.
- The other priority is to reorganize the financial management function within Area Mental Health.
- The County Manager has directed that all financial management functions within Area Mental Health, the Department of Social Services, the Health Department, and Community Support Services be merged to create one finance division serving all of these areas.
- The new finance division will be directed by Gail Murchison, current Deputy Finance Director for the County.
- Director Murchison will continue to report to County Finance Director Dena Diorio.

Comments

Chairman Roberts asked that the Moseley Report and the comments made regarding Mecklenburg Open Door be placed on-line. General Manager Lancaster said the Moseley Report was on-line but in a different location but that it would also be placed on-line as part of the agenda information. With respect to HUD’s report regarding the Shelter Plus Care grant, that report hasn’t been received yet. The comments made were based on staff verbal exchanges.

Commissioner Pendergraph asked for clarification regarding the administrative cost referenced by General Manager Lancaster, which was addressed.

Commissioner Pendergraph asked why was former director Crockett allowed to resign versus being terminated. County Attorney Bethune said that was not a matter that could be discussed in open session.

Commissioner Dunlap asked about the County’s plan of action to hopefully avoid paying the full reimbursement that’s been requested by HUD, which was addressed. It was noted that staff was trying to obtain needed documentation from Mecklenburg Open Door.

Commissioner Dunlap asked was it County staff or Mecklenburg Open Door staff that failed to follow policies and procedures. The response was County staff.
Commissioner Dunlap asked was any action taken towards County staff. The response was yes.

Commissioner James commented on the $465,000 owed to HUD and asked had consideration been given to seeing if Mecklenburg Open Door could be held liable via liability insurance they may have, including their board of directors. The response was that all options were being considered, including suing Mecklenburg Open Door.

Commissioner Bentley asked how many employees were not following policies and procedures. The response was one (1).

Commissioner Bentley asked was there a way of monitoring whether or not recommendations for improvement have been carried out which was addressed.

Commissioner Leake asked who was responsible for making sure things were being managed properly by Mecklenburg Open Door. The response was former director Grayce Crockett.

Commissioner Leake asked for clarification regarding comments made with respect to Area Mental Health’s current structure which was addressed.

Commissioner Leake asked how many years had the County contracted with Mecklenburg Open Door. The response was it’s been a long time, the specific number of years could not be recalled. Staff said it would find out and share that information with the Board.

Commissioner Leake asked when did the County recognize there were problems. The response was September of this year.

Commissioner Cogdell asked how many contracts did Area Mental Health have with outside vendors. The response was hundreds but the specific number could not be cited.

Commissioner Cogdell asked about Area Mental Health’s budget. The response was that $40 million of Area Mental Health’s budget was local dollars. The amount of flow through dollars could not be cited.

Commissioner Cogdell asked for clarification regarding the $465,000 that’s owed and the components of that, which was addressed.

Commissioner Cogdell asked for clarification on the new finance structure for Area Mental Health, the Department of Social Services, the Health Department, and Community Support Services, which was addressed.

Commissioner Clarke asked how long had the County been operating as a Local Management Entity (LME). The response was seven or eight years, the specific number of years could not be recalled.

Commissioner Clarke commented on how former Director Grayce Crockett had to transition the County’s Area Mental Health department from being a direct provider, to one that contracted services out via the LME.

Commissioner Clarke asked was it correct that since the County took over the Shelter Plus Care grant that it’s operating as it should. The response was yes.

Commissioner Clarke asked if the County had adequate or enough staff with the right skill sets to operate a LME. The response was staff will be looking at this.

Commissioner Clarke said “despite the obvious failure to ensure that employees who had the
Chairman Roberts asked about consultant Moseley’s background which was addressed.

(4A) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to hold a hearing on request by Palmetto Law Associates, LLP for reimbursement of overpayment of North Carolina excise tax in the amount of $1,026.00, which was denied by the County Manager because it did not meet the statutory timeframe for making a request.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close hearing and deny the request by Palmetto Law Associates, LLP for reimbursement of North Carolina excise tax in the amount of $1,026.00 on the grounds that it did not meet the statutory timeframe requirement for requesting a refund, which is within six months of paying the tax.

Note: Palmetto Law Associates, LLP filed a N.C. General Warranty Deed in Mecklenburg County on April 5, 2007 that should have been filed in Union County. A corrected deed was filed in Union County on September 27, 2010. The request was reviewed by the County Manager and denied, per the authority given to him in SL 2009-110, which states if the county manager finds that the refund requested is not due, the board of county commissioners must conduct a de novo hearing on a request for refund. The request for refund was denied because it failed to meet the timeframe specified in GS105-228-37(a), which states a request must be received within six months after the date the tax was paid. In this particular case, the tax was paid in Mecklenburg County on April 5, 2007. The deadline for submitting a request for reimbursement was October 5, 2007. The request for reimbursement was received on December 1, 2010, three years later. The statute doesn’t allow the Board to reverse the Manager’s decision when the denial is based on failure to meet the timeframe for submitting a request.

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: SPX CORPORATION

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt a Resolution approving a Business Investment Program Grant to SPX Corporation for a total estimated amount of up to $3,100,000 and authorize the County Manager to negotiate and execute a contract.

Note: SPX Corporation is a Charlotte-based Fortune 500 manufacturer that provides highly-engineered solutions to customers in three primary areas:

- Infrastructure for the global energy and power sector
- Process equipment for the food and beverage industry
- Diagnostic tools for the automotive industry

In Charlotte, SPX employs 255 people at its corporate headquarters in Ballantyne, but expects to
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add 180 new jobs within the next five years. To accommodate this growth, SPX plans to build a new 230,000 square-foot office building in Ballantyne, after initially considering sites in South Park and Lancaster County, SC. The project will include a capital investment of $65 million in real estate and business personal property, beginning in 2011. It will create 180 new jobs over the first five years with a projected average annual salary of approximately $82,000. The company will also invest $68 million in the acquisition of two new aircraft, which will be hangered in Charlotte. The County’s grant is equal to 50% of the taxes that will be paid by SPX over five years on the new facility investment and 90% over five years on the aircraft and will be subject to the County’s standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. The total estimated value of the County’s five-year, 50%/90% grant is estimated to be $3.1 million. A fiscal impact analysis shows a present value of net benefits to the County of $4,905,286 over 10 years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

John Allen, Economic Development Director presented this matter to the Board prior to the above vote.

Resolution recorded in full in Minute Book 45-A Document #______.

(7B) STATE LEGISLATIVE AGENDA

Brian Francis, Assistant to the County Manager, presented the County’s proposed Legislative Agenda for 2011. See below:

Note: Each year the Board of County Commissioners adopts a state legislative agenda that serves as the basis for the county’s advocacy efforts with the North Carolina General Assembly.

Mecklenburg County Proposed Legislative Agenda
2011

1. Increase the efficiency of the Board of Equalization and Review by granting Mecklenburg County authority authorized in the General Statutes but not allowed under current local legislation. This includes increasing the size of the board.
2. Seek legislation necessary to provide Mecklenburg County greater flexibility in the funding and administering of law enforcement in the unincorporated area.
3. Revise selected general statutes to allow State, County and Municipal government to hold electronic drawings as a permanent record.
4. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment.
5. Seek legislation necessary to implement the recommendations of the Library Task Force.
6. Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice.

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

7. Clarify S.L. 2010-158 to insure that secondary PSAPs that have inter-local agreements with Primary PSAPs are eligible for 911 funds and that decisions made by the 911 board are subject to the Administrative Procedures Act.
8. Extend the special provision from the 2009 and 2010 budgets providing that County Departments of Social Service can use up to 5% of Child Care Development Fund Block Grant funds for administration.

9. If a vehicle registration fee is passed, designate that revenue be used in part to fund air quality programs.

Comments

Motion was made by Commissioner James, seconded by Commissioner Cogdell, to approve including in Mecklenburg County’s 2011 Legislative Agenda, Items 1-8.

Commissioner Dunlap suggested adding a tenth item regarding a previous request to support Charlotte-Mecklenburg Board of Education’s request for local flexibility regarding staff spending and the school calendar.

Commissioners James and Cogdell accepted Commissioner Dunlap’s suggestion as a friendly amendment.

Commissioner Leake expressed concern for Item 6. Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice, which was addressed.

Commissioner Cogdell addressed the issue of counties financing and paying for the construction and maintenance of schools, yet counties have no ownership interest in schools.

Commissioner Cogdell asked was it true, there’s nothing to keep a school system from selling a school that has been closed and using those funds for its operational budget.

Assistant Francis said it was his understanding that if the Board of Education has property they wish to dispose of, the County has the right of first refusal to buy it from the Board of Education. If the County doesn’t wish to purchase it, then it can be sold on the open market.

County Attorney Bethune said he believed proceeds from the sale of property had to be used for capital purposes and couldn’t be used for operational purposes. County Attorney Bethune said he would check to be sure.

Commissioner Cogdell asked was it true that what the county gets was the right to buy it back, even if the county was still paying the debt on the construction of it. The response was yes, that’s possible.

Chairman Roberts asked was there a procedure for adding additional legislative items at a later date. Assistant Francis said yes, but it becomes more difficult the longer we go into the session.

Commissioner Cogdell said the issue he raised was complex, but one the Board needs to consider addressing at some point.

Assistant Francis said given the scope of the issue raised by Commissioner Cogdell, this was probably an item that’s better suited to be a statewide issue and advocated by the State Association of County Commissioners. Further, that the county was probably past the point in
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the Association’s process for this matter to be on the Association’s 2011 agenda. He said if it’s something the Board felt needed to be addressed in the next three-five years, then it should be ran through the Association’s process with the goal of doing it in a subsequent General Assembly. Assistant Francis said if it’s something the Board felt was urgent, then he would suggest putting it on as a placeholder, however, the prospect for success would be better long term than trying to do it in the short term.

Assistant Francis said another option would be to consider the General Assembly’s study bills process, where they direct committees of the General Assembly to look at issues that they want to take action on in the next session. Assistant Francis said this could be one that could be placed on the legislative agenda to urge the General Assembly to study the issue of ownership of school buildings and how school property is disposed of when it’s no longer used for its original purpose. He said this would allow the Board more time to study it at the local level in concert with the Board of Education, but would also raise the item to a statewide perspective.

Attorney Bethune said he would send the Board a memo regarding the issue of the Board of Education selling its assets. He suggested the Board wait until it received that information, which should assist the Board in framing the issue, before adding it to the legislative agenda.

It was the consensus of the Board to wait.

The vote was then taken on the motion as amended and noted below.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve including in Mecklenburg County’s 2011 Legislative Agenda the following legislative requests:

1. Increase the efficiency of the Board of Equalization and Review by granting Mecklenburg County authority authorized in the General Statutes but not allowed under current local legislation. This includes increasing the size of the board.
2. Seek legislation necessary to provide Mecklenburg County greater flexibility in the funding and administering of law enforcement in the unincorporated area.
3. Revise selected general statutes to allow State, County and Municipal government to hold electronic drawings as a permanent record.
4. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment.
5. Seek legislation necessary to implement the recommendations of the Library Task Force.
6. Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice.
7. Clarify S.L. 2010-158 to insure that secondary PSAPs that have inter-local agreements with Primary PSAPs are eligible for 911 funds and that decisions made by the 911 board are subject to the Administrative Procedures Act.
8. Extend the special provision from the 2009 and 2010 budgets providing that County Departments of Social Service can use up to 5% of Child Care Development Fund Block Grant funds for administration.
Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke, to approve including in Mecklenburg County’s 2011 Legislative Agenda the following legislative request:

Item 9. If a vehicle registration fee is passed, designate that revenue be used in full to fund air quality programs.

Commissioner James questioned the use of the revenue for air quality programs. Commissioner James said there were other higher priority uses for any extra revenue generated.

Commissioner Dunlap asked for clarification regarding Item 9 and whether this was something the county was promoting. Chairman Roberts said no, this was something that has been discussed by other counties.

Commissioner Dunlap said he hopes it doesn’t pass, but if it does, he’s okay with it being used for air quality programs.

Commissioner Pendergraph questioned whether the request was to use all of the funds for air quality programs or a portion of it. He said there was a difference in the wording on the background sheet.

Commissioner Cogdell said he would amend his motion to state it all be used for air quality programs. Commissioner Clarke, who seconded Commissioner Cogdell’s motion agreed to the amendment.

The vote was then taken on the motion as amended and noted below.

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and failed 4-3 with Commissioners Dunlap, James, Leake, and Pendergraph voting no, and Commissioners Clarke, Cogdell, and Roberts voting yes, to approve including in Mecklenburg County’s 2011 Legislative Agenda the following legislative request: 9. If a vehicle registration fee is passed, designate that revenue be used in full to fund air quality programs.

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 4-3 with Commissioners Clarke, Cogdell, Dunlap, and Roberts voting yes, and Commissioners James, Leake, and Pendergraph voting no, to approve including in Mecklenburg County’s 2011 Legislative Agenda the following legislative request: 9. If a vehicle registration fee is passed, designate that revenue be used in part to fund air quality programs.

Chairman Roberts gave an update on the North Carolina Association of County Commissioners legislative agenda, per her service on the Legislative Committee of the North Carolina
Association of County Commissioners (NCACC). It was noted that the NCACC won’t finalize their legislative agenda until mid-January. Also, that the general scope and focus of the NCACC and the general policy positions proposed for the County were aligned with one another.

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

Chairman Roberts suggested a 5th General Policy Position regarding supporting legislation that enables consolidation of services and/or programs for increased efficiency and service and improved service delivery.

County Attorney Bethune said the Board had some flexibility already with regard to consolidating services via Interlocal Cooperation Agreement provisions.

Assistant Francis said what Chairman Roberts was wanting could be covered under the general policy of supporting legislation that grants greater flexibility to counties, which was already on the County’s proposed list of positions.

Chairman Roberts acknowledged County Attorney Bethune’s comments and accepted Assistant Francis’s suggestion.

Assistant Francis then presented the following General Policy Positions for the Board’s consideration.

General Policy Positions

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve including in Mecklenburg County’s 2011 Legislative Agenda the following General Policy Positions:

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

Assistant Francis then presented the following Elected Officials Goals for the Board’s consideration:

1. Support an increase in the malt beverage tax to fund Substance Abuse programs. (Chairman Roberts, sponsor)
2. Provide flexibility to the Register of Deeds to reject documents suspected of being fraudulent. (Register of Deeds, David Granberry, sponsor)

Chairman Roberts addressed her request. No action was taken.
Register of Deeds David Granberry addressed his request.

Commissioner Clarke asked had the Register of Deeds Association taken a position on this.

Register of Deeds Granberry said he hadn’t been able to generate much interest from the association. Further, that what he’s proposing was a little different from what the association may have considered in the past.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve including in Mecklenburg County’s 2011 Legislative Agenda the following Elected Officials Goal submitted by Register of Deeds David Granberry: Provide flexibility to the Register of Deeds to reject documents suspected of being fraudulent.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) BOCC COMMITTEE ASSIGNMENTS (CHAIRMAN ROBERTS)

The Board received as information the BOCC committee assignments for 2010-2012 as assigned by the Chairman.

MECKLENBURG COUNTY COMMISSION LIAISON ASSIGNMENTS
As assigned by the Chairman of the Mecklenburg Board of County Commissioners 2010-2012

<table>
<thead>
<tr>
<th>Committee</th>
<th>Commissioner(s)</th>
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<tbody>
<tr>
<td>Arts and Science Council</td>
<td>Jennifer Roberts</td>
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<tr>
<td>Building Development Commission</td>
<td>Neil Cooksey</td>
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<tr>
<td>Capital Budget Advisory (2)</td>
<td>Harold Cogdell &amp; Neil Cooksey</td>
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<tr>
<td>Center City Partners</td>
<td>Jennifer Roberts</td>
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<tr>
<td>Centralina Council of Governments (1+1)</td>
<td>Jennifer Roberts &amp; Harold Cogdell (Alt.)</td>
</tr>
<tr>
<td>Charlotte Area Fund (2)</td>
<td>Jennifer Roberts &amp; Vilma Leake</td>
</tr>
<tr>
<td>Charlotte Chamber</td>
<td>Jennifer Roberts</td>
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<tr>
<td>Charlotte Mecklenburg Housing Partnership</td>
<td>Dumont Clarke</td>
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<tr>
<td>Charlotte Regional Partnership</td>
<td>Jennifer Roberts</td>
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<tr>
<td>Child Fatality Prevention Team</td>
<td>Jennifer Roberts &amp; Vilma Leake</td>
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<tr>
<td>Education Budget Advisory Comm.</td>
<td>Harold Cogdell</td>
</tr>
<tr>
<td>Marine Commission</td>
<td>Karen Bentley</td>
</tr>
<tr>
<td>Mecklenburg, Union Metropolitan Planning Organization (MUMPO) (1+1)</td>
<td>Dumont Clarke &amp; Harold Cogdell (Alt)</td>
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<tr>
<td>Metropolitan Transit Commission</td>
<td>Jennifer Roberts</td>
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<tr>
<td>Planning Liaison (3)</td>
<td>Neil Cooksey - Dumont Clarke &amp; Harold Cogdell</td>
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<tr>
<td>Smart Start</td>
<td>Jennifer Roberts</td>
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<td>Veterans Services</td>
<td>Jim Pendergraph</td>
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<td>Volunteer Firemen’s Association</td>
<td>George Dunlap</td>
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<tr>
<td>Women’s Advisory Committee</td>
<td>Vilma Leake</td>
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<tr>
<td>WTVI</td>
<td>George Dunlap</td>
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</tbody>
</table>

There was only one change to the above assignments. Commissioner Pendergraph will serve as the Board’s liaison to the Volunteer Firemen’s Association, instead of Commissioner Dunlap.
A copy of the updated list of Liaison Assignments is on file with the Clerk to the Board.

BOCC COMMITTEE ASSIGNMENTS 2010 - 2012

Criminal Justice Committee
Meeting Schedule: 1st Tuesday of the month – 3:00-5:00pm
This committee is responsible for making recommendations regarding the efficiency and effectiveness of the criminal justice system in Mecklenburg County.
Chairman: Jim Pendergraph
Members: Karen Bentley, Harold Cogdell, Dumont Clarke
Staff Support: Michelle Lancaster

Health & Community Support Committee
Meeting Schedule: 3rd Tuesday of the month – 3:00-5:00pm
This committee is responsible for making recommendations to improve the health and well being of Mecklenburg County residents with emphasis on children, seniors and families.
Chairman: Vilma Leake
Members: Karen Bentley, Harold Cogdell, Bill James
Staff Support: Michelle Lancaster

Effective & Efficient Government Committee
Meeting Schedule: 3rd Tuesday of the month – 3:00-5:00pm
This committee is responsible for making recommendations that support Mecklenburg County providing services in a highly effective, efficient and inclusive manner, and be accountable for results.
Chairman: George Dunlap
Members: Dumont Clarke, Neil Cooksey, Jim Pendergraph
Staff Support: John McGillicuddy

Economic Development Committee
Meeting Schedule: 2nd Tuesday of the month – 1:30-3:00 pm
This committee is responsible for making recommendations that contribute to business and job growth in Mecklenburg County.

Chairman: Harold Cogdell
Members: Neil Cooksey, George Dunlap, Karen Bentley
Staff Support: Bobbie Shields

Natural Resources Committee

Meeting Schedule: 1st Tuesday of the month – 3:00-5:00pm

This committee is responsible for making recommendations that support Mecklenburg County having a vibrant and diverse economy, while protecting its normal resources and enhancing the quality of life.

Chairman: Jennifer Roberts
Members: Neil Cooksey, Vilma Leake, Jim Pendergraph
Staff Support: Bobbie Shields

The Ad Hoc Committees are:

1. Education Liaison Committee

This committee is responsible for recommending processes and practices that foster positive communication and working relationships between elected and appointed officials of Mecklenburg County, Charlotte-Mecklenburg Schools and Central Piedmont Community College.

Chairman: Jennifer Roberts
County Members: Jim Pendergraph, Harold Cogdell, Jr., Vilma Leake
Staff Support: Harry Jones

2. Compensation Committee

This committee will review the compensation of the County Manager.

Chairman: Dumont Clarke
Members: George Dunlap, Bill James, Jennifer Roberts
Staff Support: Michelle Lancaster

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held December 7, 2010 and Special Meeting held December 6, 2010.
(10) DESTRUCTION OF DOCUMENTS – LUESA

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

Note: These records comprise:

• 3256 Dead Bonds (4/06/08 – 1/01/09)

Note: All persons, firms or corporations are required to post a surety or cash bond with LUESA. A dead bond is a bond that has been cancelled by the insurance company and/or by the principal if it is a cash bond. The account is closed and the bond is considered dead. The paperwork for a cash bond is returned to the customer or to the insurance company in the case of a surety bond.

(11) TAX REFUNDS

Approve refunds in the amount of $218,004.42 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 tax refund recipients is on file with the Clerk to the Board.

(12) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $4,687 for Real Estate Services, $46,133 for Park and Recreation, $3,918 for Sheriff’s Office and $1,388 for Health Department.

Note: All reimbursements are for stolen and damaged items.

(15) CAPITAL RESERVE REQUEST – PARK & RECREATION (PICNIC SHELTER, LATTA NATURE PRESERVE)

Appropriate expenditure of $48,000 from the Park & Recreation “Recreation Facility” Capital Reserve account to construct a picnic shelter / outdoor classroom at the Latta Nature Preserve.

(18) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

A) Recognize, receive and appropriate $27,077 in Medicaid funds for the Children’s Developmental Services program.

B) Approve the establishment of one full-time MH Licensed Clinician position in Children’s Developmental Services.

C) Recognize, receive and appropriate State funds in the amount of $12,000 for the First in Families project managed by Residential & Support Services, Inc.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(13) COUNTY-WIDE GREENWAY DONATIONS

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to accept donations of various tracts of land dedicated to the County for greenway purposes.

Note: A list of the tracts is on file with the Clerk to the Board.

Commissioner Leake removed this item from Consent for more public awareness and clarification. County Attorney Bethune addressed this matter.

(14) LAND EXCHANGE - HABITAT FOR HUMANITY OF CHARLOTTE, INC.

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to adopt a Resolution authorizing the exchange of County owned Tax Parcel 043-011-23 (+/- 0.344 acres) for the following seven parcels owned by Habitat for Humanity of Charlotte, Inc. (totaling +/- 13.456 acres) in the Reid Park neighborhood:

1. Tax Parcel #145-172-04, +/- 0.30 acres
2. Tax Parcel #145-172-10, +/- 8.163 acres
3. Tax Parcel #145-173-08, +/- 0.233 acres
4. Tax Parcel #145-173-11, +/- 0.79 acres
5. Tax Parcel #145-174-08, +/- 1.97 acres
6. Tax Parcel #145-186-04, +/- 1.2 acres
7. Tax Parcel #145-186-06, +/- 0.80 acres

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

Resolution recorded in full in Minute Book 45-A Document # ______.

Commissioner Clarke returned to the dais.

(16) HEALTH AND WELLNESS TRUST FUND GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate $300,000 from the Health and Wellness Trust Fund Commission over a two-year period beginning in July, 2010 for the Tobacco-Free Colleges Initiative Phase III.

Note: A list of the colleges is on file with the Clerk to the Board.

Commissioner Leake removed this item from Consent for more public awareness. She also asked that the Health Department consider adding Livingstone College to the list.

(17) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-0
with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize and receive Area Mental Health Monthly Financial Reports.

**Note:** In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

### AREA MENTAL HEALTH AUTHORITY
**Statement of Revenues and Expenses**
**FY 2011, For the period ending October 2010**

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,669,072</td>
<td>3,769,294</td>
<td>27.58%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>29,870,786</td>
<td>10,917,105</td>
<td>36.43%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>4,985</td>
<td>5.12%</td>
</tr>
<tr>
<td>County</td>
<td>44,963,374</td>
<td>8,453,445</td>
<td>18.80%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>88,700,525</strong></td>
<td><strong>23,144,829</strong></td>
<td><strong>26.09%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,163,191</td>
<td>1,979,084</td>
<td>27.63%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,645,602</td>
<td>1,821,984</td>
<td>13.35%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>6,390,258</td>
<td>1,417,541</td>
<td>22.18%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,594,395</td>
<td>3,534,594</td>
<td>26.00%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>8,596,537</td>
<td>2,205,363</td>
<td>25.65%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>22,887,539</td>
<td>9,418,263</td>
<td>41.15%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>16,423,003</td>
<td>2,768,000</td>
<td>16.85%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>88,700,525</strong></td>
<td><strong>23,144,829</strong></td>
<td><strong>26.09%</strong></td>
</tr>
</tbody>
</table>

**Net (Revenues - Expenditures)**

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
</tbody>
</table>

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

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

### ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:45 p.m.

______________________________  ____________________________
Janice S. Paige, Clerk         Jennifer Roberts, Chairman