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 4, 2011.

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

-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) 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, 14, and 15.

(2) STAFF BRIEFINGS - NONE

(3A, B) CLOSED SESSION – A) CONSULT WITH ATTORNEY AND B) PERSONNEL MATTER- ITEM WAS REMOVED FROM THE AGENDA

Prior to going into Closed Session, Deputy County Attorney Tyrone Wade announced the following Consult with Attorney matter to be discussed in Closed Session: Leon Gary Mayo v. Daniel Bailey et. al.

Note: Personnel Matter was removed from the agenda.

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, 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 5:16 p.m. and came back into Open Session at 5:23 p.m.
Commissioner Cogdell was present when the Board came back into Open Session. He entered the meeting during Closed Session.

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

AWARDS/RECOGNITION

(1A) INDUCTION INTO THE ORDER OF THE HORNET – DANIEL B. MURREY

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

Former Commissioner Murrey thanked the Board for this recognition.

(2) PUBLIC APPEARANCE

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

Deshauna McLamb addressed her disappointment with the “behavior” of some members of the Board. Ms. McLamb referenced an article she read in Creative Loafing in December 2010 that addressed a conversation between Commissioners Pendergraph, Bentley, and James. Ms. McLamb said the conversation was regarding Commissioner Cogdell’s desire for a certain position on the board and how the three commissioners would handle the matter. She said there were also comments made regarding illegal immigrants, African Americans, and gays, all of which she found to be upsetting. Ms. McLamb said she’d also heard that all of this was supposedly a joke and that if it was, it was “not funny.”

Chairman Roberts clarified that the article referenced by Ms. McLamb was fictional. Chairman Roberts said that conversation did not happen.

Bishop Tanya Rawls spoke in support of the resolution the Board would be addressing later in the meeting supporting “gay rights” in Mecklenburg County. Bishop Rawls said Commissioner James’ recent comments that referenced “law abiding, taxpaying homosexual members of this county, the military, and country as pedophiles and sexual predators, resounded far beyond the boundaries of Mecklenburg to a nation that is struggling to find her expanded welcome.”
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Bishop Rawls said she applauded the Board’s “willingness to resist any efforts or language that demonize or marginalize segments of our citizenry.”

Pastor Joseph Chambers said he wanted to applaud the four commissioners who made a clear effort against the resolution the Board would be considering later in the meeting. Pastor Chambers said he has always “stood for all people.” He shared with the Board a brochure entitled Hope for the Homosexual. Pastor Chambers said everyone has “sinned and come short of the glory of God” but that everyone has a “redeemer and a savior” that will “set us free from whatever sin might bind our life.” Pastor Chambers said it was not the business of the county commission to decide the “moral values” of the community. He said those moral values should be decided by the “house of God, by ministers of God and those that believe the bible.” He applauded the Board for considering the resolution, but hopes the Board would be “wise enough to say, we don’t set the moral values of our city, that should be our citizens, that should be our churches, that should be our ministers; and we will refrain trying to do so.”

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

Blanche Penn addressed the importance of every child getting a quality education.

Osiris Rain addressed the censure of Commissioner James. Mr. Rain said to censure Commissioner James under the present circumstances would be a breach of his civil liberties and a right to free speech and ultimately ineffective in solving the issue at hand. Mr. Rain said although Commissioner James may be within his rights, the argument that should be made is what if the “boundaries” of those rights were “overstepped and consequently violated the rights of those that his opinions were directed towards.” Mr. Rain said the argument that has been made by the Gay and Lesbian community at large is that Commissioner James’ opinions are “inflammatory and could cause bullying and intimidation, harassment, persecution and discriminatory treatment of an individual because of their sexual orientation.” Mr. Rain said Commissioner James’ remarks are no longer in the realm of opinion but are now in the “treacherous waters of slander.” Mr. Rain said Commissioner James should not be censured but should be asked to provide proof to the “factual merits of his opinions and if he is unable to do so to the satisfaction of public reason, a court of law, or to the appropriate authority in the context of his public position, then, and only then, should he be subject to censure, a public apology, and repeal of his statements or some other appropriate action of reparation for his offenses.”

Flip Benhiem with Operation Rescue and Operation Save America addressed sodomy and homosexuality. Mr. Benhiem said this was “plague upon society.”

Richard Pope spoke in support of Commissioner James’ recent comments regarding homosexuals. He encouraged Commissioner James to continue to stand up for what he believed. He criticized Chairman Roberts for her stance on this issue.

John Quillin said the community was made up of people from many different walks of life. Mr. Quillin said “one person does not get to decide who’s worthy enough to live here or enjoy the benefits of the community that we’ve all worked to build, while making escape goats out of the others.” Mr. Quillin said together “we all are a part of this community and the people we don’t necessarily like.” Mr. Quillin then asked everyone to stand and join him in singing the National Anthem, which was done.

Josh Carpenter said the “hate” speech delivered by Commissioner James fosters “bullying and must not be tolerated.” Mr. Carpenter said homosexuals do have an agenda, which is one of “equality” in the community, military, work place and in marriage. Mr. Carpenter said when persons use “derogatory and hateful speech such as homosexuals are predatory or perverts or should be illegalized, you’re talking about a real person and affecting the life of a real person.” Mr. Carpenter said he supported the forthcoming resolution but it should go a step further and
send a strong message that makes it clear that discrimination and hate speech will not go unnoticed.” He encouraged the Board to censure Commissioner James. He said Commissioner James’ behavior made national news and has brought embarrassment upon the county and city.

Larry Greene commended Commissioner Cogdell for “honoring his dignity and oath of office and providing us with our government of, by and for the people who have formed this government before a party affiliation and for eliminating partisanship in the decisions that govern us all.” Mr. Greene also addressed individual rights and the pursuit of happiness.

Richard Thomas with Mecklenburg LGBT Political Action Committee (Meck PAC) said Meck Pac was here to educate the Board and the community. He asked the Board when making decisions that affect “his life, his existence, his rights, his job, and his property,” that the Board have “command of the facts” first. He said the Board’s job as commissioners and leaders of the community was to serve and “empower all fellow citizens and not to disempower.” He also addressed the dangers of bullying.

Erik Darries spoke in opposition to Commissioner James’ recent remarks regarding homosexuals. He asked the Board to vote for Commissioner James’ censure. He addressed what it’s like to be a young “closeted” homosexual.

Ian Werner in response to Commissioner James’ recent remarks regarding homosexuals, called Commissioner James a “bigot and a marx.” He said Commissioner James was “hateful.” Mr. Werner said he supported the forthcoming resolution and encourage censure of Commissioner James.

Evan Costner said he supported the forthcoming resolution and encourage censure of Commissioner James.

William Grice thanked Commissioner James for his recent remarks regarding homosexuals.

Shane Windmeyer with Campus Pride, an organization that works with college students who are lesbian, gay, bi-sexual, and transgender, spoke in opposition to Commissioner James’ recent comments regarding homosexuals. He said Commissioner James should not be allowed to continue his “hateful rhetoric.” Mr. Windmeyer said Commissioner James’ hateful rhetoric will not go away until the Republican party of Mecklenburg County decides to put someone else in his seat. Mr. Windmeyer said he’s tired of Commissioner James being re-elected and tired of the County Commission allowing him to make these kinds of remarks. Mr. Windmeyer said “with our silence, we give permission.” Mr. Windmeyer said he supported the forthcoming resolution proposed by Commissioner Cogdell.

Rodolko G Esquivel, a resident of District Six said he supported Commissioner James. Mr. Esquivel said Chairman Roberts started this whole issue with her desire to send a letter to Senator Burr regarding the Don’t Ask, Don’t Tell Policy, “knowing the diversity” of the board on this subject. He spoke in opposition to any censure of Commissioner James. He said the Board should not be spending time on this type of issue.

Tim Bender addressed the need for love and referenced the bible. Mr. Bender said he supported Commissioner James for speaking the “truth” in terms of lifestyles, but that sexual predators can be of any sexual orientation. He said everyone should speak in love when communicating with others.

Daphne Stroup criticized Commissioner James for not looking up at the prior speakers or being a part of the process, when he’s paid to listen to constituents. Ms. Stroup said she wanted to speak regarding the Don’t Ask Don’t Tell Policy as someone who had served in the military. Ms. Stroup said she spent twenty years in the military and served with all types of people and that they didn’t ask each other what they were because they didn’t care. She said all they cared
about was the fact that they had raised their hands to serve our country and were willing to put their lives out there and do whatever it was they had to do to complete their mission. Ms. Stroup said she served proudly with everyone over the years. Ms. Stroup said Don’t Ask, Don’t Tell should be “a part of all of our lives and in all aspects of our lives.” Ms. Stroup said for some reason a different spin is being placed on this, which makes it seem as if some people are less than other people. She said that’s not true in the military she served in. Ms. Stroup said she hoped this doesn’t continue to be an issue for those serving in the military.

APPOINTMENTS

(3A) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley, to reappoint hospital nominated commissioners to the EMS Joint Agency Board for a three-year term (12/31/2010 – 12/31/2013): Suzanne H. Freeman, Dennis J. Phillips, Robert H. “Buck” Wiggins, Mark Billings, Paula R. Vincent, and Dr. Thomas N. Zweng.

Commissioner Leake asked for clarification regarding the appointment process for this board. Commissioner Leake said she’d also like to know how long these persons have served.

Chairman Roberts noted the following:

In 1996, the Mecklenburg Board of County Commissioners along with County management staff worked closely with EMS management and leaders in both the medical and business communities to address the needs of the County’s EMS department. The Amended and Restated Joint Undertaking Agreement, approved by the Board in November 2009, states the affairs of the Agency shall be governed by a seven (7) member Board of Commissioners which shall be appointed by the Mecklenburg County Board of Commissioners as follows:

a. Three (3) persons shall be Charlotte-Mecklenburg Hospital Authority (CMHA) employees nominated by the CMHA Chief Executive Officer; and
b. Three (3) persons shall be Novant Health Southern Piedmont Region (Presbyterian) employees nominated by the Presbyterian Chief Executive Officer; and
c. One (1) person shall be a County employee nominated by the County Manager.

Each Agency Commissioner shall be appointed for a term of three (3) years or until such Commissioner’s successor is nominated and appointed. There is no limit to the number of successive terms in which a Commissioner may serve. The County representative’s term continues through December, 2011.

Medic Director Joe Penner commented on the tenure of the members seeking reappointment but was not sure of the exact number of years. Director Penner also concurred with the notation made by Chairman Roberts regarding the way in which nominations and appointments are made.

Commissioner Clarke spoke in support of the nomination process for this board.

Commissioner Dunlap suggested the Board receive a briefing on why there are differences between the various boards when it comes to term limits.

Commissioner Cooksey asked for clarification regarding the medic system.

Attorney Bethune addressed the history of medic.

Commissioner Cooksey asked would the agreement have to be amended if the Board wanted to make changes in the current process. The response was yes.
Attorney Bethune said this was not an advisory board but rather a governing board for a governmental agency that’s basically operated primarily by the two hospitals with some input by the County.

County Manager Jones said staff would schedule a briefing on this matter, including the components of the Joint Undertaking Agreement.

Commissioner Cogdell encouraged the Board to move forward at this point and to discuss any desire for change at a future date.

Commissioner Bentley noted for the record that she was an employee of Novant Health (Presbyterian) and that according to the County Attorney, it was not a conflict of interest for her to vote on this matter because it’s not a vote on a contract.

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

The vote was then taken on the motion as noted below.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Pendergraph and Roberts voting yes, to reappoint hospital nominated commissioners to the EMS Joint Agency Board for a three-year term (12/31/2010 – 12/31/2013): Suzanne H. Freeman, Dennis J. Phillips, Robert H. “Buck” Wiggins, Mark Billings, Paula R. Vincent, and Dr. Thomas N. Zweng.

*Commissioner Leake returned to the dais.*

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT – NONE

STAFF REPORTS AND REQUESTS

(7A) FIRE PROTECTION SERVICES IN MECKLENBURG COUNTY – ITEM WAS REMOVED FROM THE AGENDA

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) DISTRICT TWO UPDATE (COMMISSIONER LEAKE)

The Board received a District Two update from Commissioner Leake. Commissioner Leake’s update addressed various events that had taken place in District Two. She also acknowledged the work of various constituents in District Two, including the work of those in the faith community. She also acknowledged the passing of individuals in District Two. She also addressed her interns. Commissioner Leake said a District Two community meeting would be held on January 20, 2010, hopefully at Southwest Middle School from 6:30 p.m. – 7:30 p.m. The focus of the meeting will be on tax revaluation. The meeting is being held jointly by Commissioner Leake and Vice-Chairman Pendergraph, commissioner At-Large.
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(8B) RESOLUTION HONORING, SUPPORTING AND PAYING TRIBUTE TO COMMUNITY VALUES THAT EMBRACE AND PROMOTE EQUALITY, DIVERSITY, TOLERANCE, INCLUSION, RESPECT AND CIVILITY (COMMISSIONER COGDELL)

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a resolution entitled Resolution Honoring, Supporting and Paying Tribute to Community Values that Embrace and Promote Equality, Diversity, Tolerance, Inclusion, Respect and Civility.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION HONORING, SUPPORTING AND PAYING TRIBUTE TO COMMUNITY VALUES THAT EMBRACE AND PROMOTE EQUALITY, DIVERSITY, TOLERANCE, INCLUSION, RESPECT AND CIVILITY.

WHEREAS, according to the US Census Bureau, the population of Mecklenburg County grew by 31.4% from April 1, 2000 to July 1, 2009; and

WHEREAS, According to 2009 US Census Bureau data, the population of Black, Hispanic or Latino, Asian and American Indian residents of Mecklenburg County account for almost fifty (50%) of the county’s population; and

WHEREAS, the Mecklenburg Board of County Commissioners recognizes that growth, prosperity and the desirability to reside in Mecklenburg County is constantly impacted by embracing the positive values and behaviors of compassion, equality, tolerance, civility, inclusiveness and respect; and

WHEREAS, the Mecklenburg Board of County Commissioners maintains an equal employment opportunity policy that requires that all decisions regarding the terms and conditions of employment including hiring, training, promoting, and terminating employees shall be made without discriminating on the basis of race, color, sex, religion or creed, national origin, ancestry, age, sexual orientation, veteran status, or disability as defined by applicable state and federal law; and

WHEREAS, the 2015 vision of the Mecklenburg Board of County Commissioners states that “We will have a local government that is highly effective, efficient, accountable and inclusive”; and

WHEREAS, this vision also states that “We will have respect for and will celebrate diversity of and promote equality of opportunity for all of our citizens”; and

WHEREAS, as recently as December 15, 2009, the Mecklenburg Board of County Commissioners approved a motion to offer employee benefits to same sex domestic partners; and

WHEREAS, on October 5, 2010, the Mecklenburg Board of County Commissioners adopted the Revised Code of Ethics for Mecklenburg County Officials; and

WHEREAS, Section 2 of the Revised Code of Ethics for Mecklenburg County Officials states that County Officials should “treat[ing] other County Officials and the public with respect and honor[ing] the opinions of others even when the board members disagree with those opinions”; and

WHEREAS, the Mecklenburg Board of County Commissioners acknowledges that inflammatory speech directed at each other, any person or group risk the incitement of violence and may contribute to undermining the safety of the public in Mecklenburg County; and

WHEREAS, the Mecklenburg Board of County Commissioners denounces the destructive values and behaviors of intolerance, discrimination, hate and prejudice; and

WHEREAS, the Mecklenburg Board of County Commissioners stands united in firm opposition to inflammatory speech that is designed to, or may reasonably result in bullying, intimidation, harassment, persecution or discriminatory treatment of any individual because of their race, color, sex, religion or creed, national origin, ancestry, age, sexual orientation, veteran status, or disability; and

WHEREAS, the Mecklenburg Board of County Commissioners acknowledges and appreciates that every person has worth and value equal to any other, and should be treated with the dignity that exemplifies this principle.

THEREFORE BE IT RESOLVED, that the Mecklenburg Board of County Commissioners affirms, proclaims and declares its public support for community values that embrace and promote equality, diversity, tolerance and inclusion; and stands united in firm opposition to inflammatory speech that may cause bullying, intimidation, harassment, persecution or
discriminatory treatment of any individual because of their race, color, sex, religion or creed, national origin, ancestry, age, sexual orientation, veteran status, or disability, not inconsistent herein with State and Federal law.

Resolution recorded in full in Minute Book 45-A, Document #_______.

Prior to the above vote, the following persons addressed the resolution:

Angel Chandler with the N.C. Chapter of Get Equal, a national LGBT Rights Organization spoke in support of the resolution. Ms. Chandler said Commissioner James’ comments were “slanderous” towards the LGBT community and could easily insight action and violence against gays and lesbians. Ms. Chandler said “hate speech” sends a direct message to the gay community that “you’re not accepted, you’re not welcomed, you’re not safe.” Ms. Chandler said there is a direct link between “hate speech and hate crimes and suicides.” She said the LGBT community was victims of hate crimes more than any other minority in this country. Ms. Chandler said the resolution was a start but isn’t enough. She said the Board was not censuring Commissioner James or holding him accountable. She said the Board was not banning “hate” speech but was only “saying you don’t want to be affiliated with his prejudice.” Ms. Chandler said the Board of County Commissioners should not be Commissioner James’ “personal stage or bully pulpit.”

Tracy Russ said he was not a “predator” but that there was a predator in the community and that it could be found living around the language of “hate, divisiveness, and bigotry.” He said this was a predator of “our community’s civility, tolerance, inclusion, hopes, and of our future.” Mr. Russ said the “language of hate and intolerance is not the language of progress.” He said our economy, competitiveness, our ability to draw the best and brightest from around the world rest on our ability to welcome difference, to demonstrate that rather than being a place of ignorance and shrill fear mongering, we’re a place where hopes and dreams can come alive for anyone.” He urged the Board to pass the resolution and move to stronger action. He urged the Board to not let the words of hate go unchallenged but that instead it “repudiate the predator in its midst.” He urged the Board to pass the resolution to send the message that “hate will not be tolerated, that we will not stand silent when bigotry is disguised as public discourse and that Mecklenburg County will live up to its highest ideals for the lives of all of its citizens.”

Martin Davis spoke in opposition to the resolution. He said Commissioner James was not trying to condemn anyone personally. Mr. Davis said he was not present to condemn anyone personally, especially children who “practice homosexuality.” Mr. Martin said he was personally responsible for the “murder of his own child.” Mr. Davis said he was present to let those who are practicing homosexuality know that the same people who told him that it was “perfectly fine to kill his unborn child, are telling you that it’s perfectly fine to practice homosexuality.” He said “they’re lying to you,” just like they lied to him. He addressed the health risk associated with homosexuality.

Phillip Hargett with MeckPAC spoke in support of the resolution. He said MeckPac would be happy to sit down with Board members and anyone in the community for an opportunity to get to know who they are.

Synde Reames with MeckPAC spoke in support of the resolution. She addressed the difference between facts and opinion. She said they’re constituents just like everyone else. She encouraged the Board to become educated.

Robert Dunn with MeckPAC spoke in support of the resolution. Ms. Dunn said she was always taught to “respect” everyone. She said “hate speech was horrible.” She said elected officials have to respect everyone in the community and not “pick and choose.”

Larry Greene addressed life, liberty, and the pursuit of happiness. Mr. Greene asked Commissioner James for a public apology and especially to Commissioner Leake for remarks Commissioner James made to her at a previous meeting. He also asked Commissioner James to resign from the Board, due to Commissioner James’ “continual dereliction of duty, as well as, intentional, willful, and with
malice, blatant violation of his oath of office.”

Commission Comments

Commissioner Cogdell addressed the Board’s Code of Ethics and its reference to the limited use of censorship. He said it talks about how censorship should be limited to behavior and not personal perspectives, viewpoints, or positions, not something that has been verbalized. Commissioner Cogdell said regardless of how one’s personal feelings may be on this issue, that what maintains civility within a society is the treatment of all people equally.

Commissioner Cooksey said he wanted the public to know that Commissioner James does not speak for him. Commissioner Cooksey said Commissioner James’ most recent comments “paint with too broad of a brush.” Commissioner Cooksey said “certainly there are homosexuals in our community that could be considered sexual predators, likewise, there are heterosexuals in our community that could have the same label.” Commissioner Cooksey said “our laws are sufficient to identify and punish those who would harm their fellow human beings in this way.” Commissioner Cooksey said everyone desires to be treated with “dignity and respect,” thus, he would support the resolution.

Commissioner Cooksey said he wanted the public to know that Chairman Roberts does not speak for him. Commissioner Cooksey said “this whole episode was prompted by an effort he believes of Chairman Roberts to speak on behalf of the Board on an issue that the county has no business weighing in on and that the chairman doesn’t have any business weighing in on without going back to the rest of the members of the board to get their opinions.

Commissioner Cooksey referenced a section of the Code of Ethics that address individual members of the board acting on behalf of the board. Commissioner Cooksey asked that Chairman Roberts keep that section of the Code of Ethics in mind.

Commissioner Clarke read an e-mail he received from a local therapist who said that “the great majority of sexual predators are heterosexual.” Commissioner Clarke said he would support the resolution, which he said speaks for itself.

Chairman Roberts said in response to comments made by Commissioner Cooksey that she wanted to clarify that she “in no way and by no means asked to write a letter from her perspective that was speaking for the whole board. Chairman Roberts said her letter was all from the “I” perspective and that she adheres to the Code of Ethics.

Chairman Roberts said the initial impulse to send a letter was in the spirit of bi-partisanship because Senator Burr crossed party lines to support the repeal of Don’t Ask, Don’t Tell and she wanted to say thank you.

Chairman Roberts said she would be supporting the resolution.

Commissioner Pendergraph said he’d received lots of phone calls from republicans in District Six outraged by Commissioner James’ comments and they asked that he support the resolution. Commissioner Pendergraph said he was “outraged” by the comments made by the first speaker accusing him and others of a taped conversation that was totally false and fabricated, which many took for the truth, when it was not.

Commissioner Pendergraph said his support of the resolution was to reiterate that the majority of the board “shuns behaviors of intolerance, discrimination, hate, and prejudice” and nothing more.

Commissioner Bentley said the resolution was neutral on sexual preference and declares to the community the beliefs of the Board around “prejudice, bigotry,” and how the Board members
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would seek to govern themselves and operate as a board. Commissioner Bentley said she would support the resolution on those merits.

Commissioner Bentley said the comments made by Commissioner James were “beyond reproach and out of line with the Republican party and her Christian faith.” Commissioner Bentley said passing a resolution as presented tonight would do nothing to change future behavior of board members, whether it’s Commissioner James or others sitting behind the dais, “only the electoral process can take care of that.”

Commissioner Dunlap addressed censure. Commissioner Dunlap said if the Board were to censure Commissioner James it would not change anything. He said what’s being sought is a “change of the heart.” Commissioner Dunlap said that’s something that comes about in a number of different ways. He said it was his faith, belief, his Christian belief, that people who have a changed heart don’t do certain things. Thus, this was something that “we would have to leave for every person who does or says something that is hateful or disrespectful to anyone else.”

Commissioner Dunlap said he received over 13,000 e-mails regarding this subject and that they came from all across the world.

Commissioner Dunlap said elected officials aren’t elected to govern other elected officials.

Commissioner Dunlap said the censure issue was talked about at the Board’s Effective and Efficient Government Committee. The conclusion was “we believe in free speech.” He said the Board can’t govern it or control it, which is why the Board probably won’t vote to censure anybody. Commissioner Dunlap said unfortunately people “hearts are heartened by experiences they may have had or by whatever they believe.”

Commissioner Dunlap said through this resolution the Board has taken the strongest action it can by offering this resolution and hopes the resolution would show the community and the world that the Board does not support hate speech directed towards any group of people.

Commissioner Leake said no censure would ever end this “public disrespect, embarrassment of Mecklenburg County and its citizens, non respect, non support of equity, inclusion, diversity, the continued inflammatory remarks about our citizens, our children, because of their race, color, sex, religion, and national origin, age, sexual orientation, or disability, by this County Commissioner.” Commissioner Leake said her support has always been for all people.

Commissioner Leake said she wanted the words, to provide safety, added to the resolution.

Commissioner Leake said an apology must be urged from this commissioner.

Commissioner Cogdell noted that safety was included as requested by Commissioner Leake.

Commissioner James said he was “amazed that those that talk about bullying, are really the ones that are the most intolerant of anyone that has any kind of opinion that they disagree with.”

Commissioner James said the resolution was fine, but the one issue he has with in the resolution is that it includes sexual orientation as a protective class, which he said was a legal issue.

Commissioner James said the resolution “doesn’t involve” him and “ultimately in material.” He said the resolution didn’t matter at all. Commissioner James said under N. C. law sexual orientation was not recognized. Commissioner James said “homosexuality is the only vice with a Pac.” Commissioner James said his faith and N.C. law defines that behavior as “perversity and
not diversity.” Commissioner James said there were other conflicting issues with the resolution and as an example he referenced an item from Lambda Legal entitled N. C. Supreme Court Takes Custody of Sons from Gay Father. Commissioner James asked that the article be included in the minutes. (See last page attached to minutes.)

Commissioner James also referenced the Board’s Policy on Sexuality Counseling for Children adopted in 2004. Mr. James said this policy requires that in counseling children that it’s consistent with federal and state laws and regulations. He said it was drafted because of concern that people would be counseled in homosexuality.

A copy of the policy referenced by Commissioner James is on file with the Clerk to the Board.

Commissioner James also referenced an article entitled DeMint: Sexually Active Unmarried Women and Gay Teachers Should Be Barred from Classrooms.

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


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

Commissioner James said per the information from the Department of Psychiatry in Saint Paul, Minnesota states 86% of the males who “preyed on children were homosexuals.” He stated further that according to the statistics, “roughly one quarter of the attacks, child molestations of children were done by roughly 2% of the population.” Commissioner James said for him this was an issue that needed to be addressed and one that Mecklenburg County could fix because it has the statistics. Commissioner James said he supports getting the facts.

Commissioner James said he did not think the resolution was “particularly significant” and that he really doesn’t have a problem with it “considering it won’t really accomplish anything.”

Commissioner James said the “crux” of the problem as he sees it is that for 14 years he’s said that if N.C. wanted to endorse the behavior, they should change the law, the Crime Against Nature law, the law that bans homosexual marriage, etc.

Commissioner James said it was “tad hypocritical” to be pushing for tolerance for a behavior that the law and courts have said is inappropriate.

Commissioner James said if the Board was serious about “standing up, particularly the liberals and the democrats for homosexual rights they would have done a whole lot more and for him this ultimately comes down to the democratic national convention.” He said this was “an attempt to put a nice, fancy, glossy, façade on something that kind of got out.”

Commissioner James said he believes the people of Mecklenburg County and N. C. don’t support homosexual rights because they believe “it’s wrong and immoral.”

This concluded the discussion. The vote was then taken on the motion as noted above.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

JANUARY 4, 2011
(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held December 21, 2010; Special Meeting held December 21, 2010; Closed Session held December 21, 2010.

(13) BUDGET AMENDMENT – DEPARTMENT OF SOCIAL SERVICES (REVENUE DECREASE)

Reduce the Department of Social Services FY2011 budget by $28,531 for the North Carolina Department of Transportation (NCDOT) Community Transportation Grant.

Note: Mecklenburg County Department of Social Services applied for and budgeted for the Community Transportation Grant in the amount of $289,126 for FY 2011. This grant covers capital needs in the amount of $29,325 and administrative needs in the amount of $259,801. NCDOT awarded the Grant in the amount of $260,595 to be utilized as follows: $6,125 for capital and $254,470 for administrative needs. The reduction also resulted in a reduced County match in the amount of $4,013.

(16) 2011 EPA REGION 4 - SOUTH EAST DIESEL COLLABORATIVE (SEDC) DIESEL GRANT APPLICATION

1) Approve submission of application by Mecklenburg County Air Quality to USEPA for up to $1,500,000 in grant funds.

2) Upon award of grant, recognize, receive and appropriate the grant award.

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

Note: Mecklenburg County Air Quality is applying to the EPA Region 4 Southeast Diesel Collaborative FY 2010-2011 Diesel Program for funds to be used to reduce air pollution in the 13-county EPA presumptive ozone nonattainment region through the County’s GRADE+ project. Applicable equipment can include on-road, non-road and stationary diesel engines and equipment.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(10) NC CLEAN WATER MANAGEMENT TRUST FUND GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to submit two stream restoration grant applications to the North Carolina Clean Water Management Trust Fund as follows:

1. Phase I of the Torrence Creek in the Huntersville Business Park in an amount of $478,900; and
2. Torrence Creek Tributary #1 from Gilead Road to I-77 in an amount of $800,000.

Commissioner Leake removed this item from Consent for more public awareness.
(11) **BUDGET AMENDMENT – LUESA (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate $3,605 from the Mecklenburg Soil and Water Conservation District for the purchase of trees.

Note: Mecklenburg County Storm Water Services, Water Quality Program has received $3,605 to purchase trees planted at the Kings Drive/Midtown stream restoration project site on Little Sugar Creek. Storm Water Services had already budgeted the $6,833 necessary for trees at this site during FY2011. The $3,605 received from Mecklenburg Soil and Water Conservation District for the trees will allow Storm Water Services to plant more trees in additional locations.

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

(12) **BUDGET AMENDMENT – DEPARTMENT OF SOCIAL SERVICES (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services FY11 budget to recognize, receive and appropriate additional North Carolina Department of Transportation Rural Operating Assistance Grant funding in the amount of $498,906.

Note: This funding is to provide transportation services for employment, the elderly, the disabled and citizens in rural areas of Mecklenburg County.

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

(14) **ISSUANCE OF WEAPONS AT RETIREMENT – SHERIFF’S OFFICE**

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

1) Authorize the Sheriff to award qualified Deputy Sheriffs, their badge and weapon upon retirement at no charge in accordance with G.S. 20-187.2; and

2) Authorize the Sheriff to award the surviving relatives of Deputy Sheriffs killed in the line of duty, the badge and weapon carried at the time of their death at no charge.

Note: G.S. 20-187.2 provides for the award of badges and service weapons of officers killed in the line of duty or upon retirement.

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

Commissioner Pendergraph addressed this matter. It was noted that persons in possession of the weapon must follow the same legal guidelines as anyone else that possesses a weapon.

(15) **BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap 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) Fiscal Year 2011 Adopted Budget to recognize, receive and appropriate $155,372 of additional Federal revenue for the Crisis Intervention Program (CIP).

Note: The North Carolina Division of Social Services allocated $155,372 additional funding to the Department of Social Services (DSS) for CIP. 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.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph 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 9:07 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 Wednesday, January 19, 2011.

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

-INFORMAL SESSION-

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

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

(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 10, 11, and 18.

(2) STAFF BRIEFINGS - NONE

(3A) 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:


Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.
The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 5:55 p.m.

Commissioners Clarke and Pendergraph were present when the Board came back into Open Session. They entered the meeting during Closed Session.

Commissioner Dunlap was absent when the Board came back into Open Session. He left the meeting during Closed Session.

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

Commissioner Dunlap returned to the meeting.

- FORMAL SESSION -

Commissioners Clarke and Cogdell were absent when this portion of the meeting was called to order and until noted in the minutes.

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.

Commissioner Clarke entered the meeting after the invocation.

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Martin Davis expressed opposition to articles written in the Charlotte Observer concerning homosexuals. Mr. Davis referred to the Charlotte Observer as homosexual advocates. Mr. Davis expressed support of Commissioner Bill James for his recent remarks regarding homosexuals.

(3A) NOMINATIONS/APPOINTMENTS

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Richard Kingsberry to the Citizen’s Capital Budget Advisory Committee for a two-year term expiring July 31, 2012.

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Floyd Jesgar and Chad Lacy to the Citizen’s Capital Budget Advisory Committee for two-year terms expiring July 31, 2012.

Note: They are replacing Thomas Fitch and Norm Gundel.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and failed
JANUARY 19, 2011

6-1 with Commissioners Bentley, Clarke, Cooksey, Leake, Pendergraph and Roberts voting yes and Commissioner Dunlap voting no, to waive the Board’s term limit policy and reappoint Cynthia Bush and Barney Stewart to serve two-year terms expiring July 31, 2012.

Note: It takes a unanimous vote for someone to be reappointed.

Prior to the previous vote, Commissioner Dunlap expressed concern for waiving the Board’s term limit policy.

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and carried 5-2 with Commissioners Bentley, Clarke, Cooksey, Pendergraph, and Roberts voting yes and Commissioners Dunlap and Leake voting no, to waive the Board’s term limit policy and any other applicable advisory board policy that would prohibit Cynthia Bush and Barney Stewart from being nominated for appointment to the Citizen’s Capital Budget Advisory Committee; and to nominate Cynthia Bush and Barney Stewart for appointment consideration to the Citizen’s Capital Budget Advisory Committee.

Note: Appointments will occur on February 1, 2011.

Commissioner Cogdell entered the meeting.

Commissioner Dunlap asked the Clerk to the Board to report back on the number of times waivers have been requested, as it relates to advisory board appointments and the results of those requests.

FIRE COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Brian Grinde and Bobby Reynolds to the Fire Commission for three-year terms expiring January 30, 2014.

Note: They are replacing Harley Cook and Thomas Glynn III.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Cooksey nominated all General Public applicants for appointment consideration to the Juvenile Crime Prevention Council: Tabitha Barwell, Stephanie Carter-Tyson, LaQuanda Coulote, Douglas Edwards, Sara Holland, Denetria Myles, and Queen Thompson.

Note: An appointment will occur on February 1, 2011.

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

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Kristie Chapman and Betty Leake to the Nursing Home Community Advisory Committee for a one-year term expiring January 31, 2012.

Note: They are replacing Cheryl Grice and Charles Jackson.
PERSONNEL COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Michael Mulder and Jonathan Tobe to the Personnel Commission for three-year terms expiring January 31, 2014.

WASTE MANAGEMENT ADVISORY BOARD

Commissioner Bentley nominated all applicants for appointment consideration to the Waste Management Advisory Board: Douglas Edwards, Christopher Hardin, William Harrison, Carlos Johnson, Jose Ramirez, Shawn Rogers, William Smith.

Note: An appointment will occur on February 1, 2011.

MINT HILL ZONING BOARD OF ADJUSTMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to appoint Mr. Ashley Jerman to the Mint Hill Board of Adjustment as the Extraterritorial Jurisdiction (ETJ) Alternate Member representative as recommended by the Town of Mint Hill Board of Commissioners for a three-year term expiring December 31, 2013.

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

WOMEN’S ADVISORY BOARD 2010 ANNUAL REPORT

The Board received as information the 2010 Annual Report from the Women’s Advisory Board.

Commissioner Cogdell returned to the dais.

Dr. Angelia Fryer, Chairperson of the Women’s Advisory Board gave the report. She was assisted by Vice-Chairperson Marjorie Tate. They were accompanied at the podium by other members of their board.

Note: The 2010 Report identifies key issues and recommendations affecting the status of women in Mecklenburg County.

It was noted that a forthcoming issue to be addressed by the Women’s Advisory Board was the issue of human trafficking. Dr. Fryer said this was an issue Chairman Roberts asked that research be done on. Commissioner Bentley expressed her desire to have this issue studied, as well.

Chairman Roberts, on behalf of the Board, thanked the Women’s Advisory Board for their report.

A copy of the report is on file with the Clerk to the Board.
(6A) CMS REPORT ON FY12 BUDGET OUTLOOK

The Board received a report from Charlotte-Mecklenburg Schools (CMS) regarding the budget outlook for FY12.

CMS Chief Finance Officer Sheila Shirley and Chief Operating Officer Hugh Hattbaugh gave the report. It was noted that the report being presented was staff’s recommendations to the Board of Education regarding possible budget reductions and that the Board of Education had not taken any action at this point.

Chairman Roberts, on behalf of the Board, thanked CMS staff for presenting the report.

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

(6D) LIBRARY BOARD OF TRUSTEES REPORT

The Board received a verbal report from the Board of Trustees of the Charlotte Mecklenburg Public Library regarding the state of Library.

Library Board Chairperson Robin Branstrom and Library Task Force Chairman Dr. Jim Woodward gave the report.

The following was noted by Chairperson Branstrom:

- Communication between the County and the Library Board of Trustees and its staff has improved over the last eight months.
- The Library Board has been working on a new business model for the future operation of the Library.
- The Library Board has built a new budget and a new way of delivering services with fewer resources.
- Volunteers have been used to extend hours.
- The Library Board has worked with the Future of the Library Task Force to create a new model for understanding what resources it takes to run the library system.
- The Library Board has made structural changes that will help them respond to the resignation of Charles Brown, Library Director.
- Vic Phillips will be brought on as interim CEO to help steer the Library Board through the planning process for the next fiscal year.
- The Library Board requests that the Board move the Library up to a higher level of priority in the coming fiscal year budget from Level 4 to Level 3.
- The Library Board asked that the Board and County staff consider library funding in FY 2012 that would allow the library to add back hours in “fragile” neighborhoods.

Dr. Woodward noted the following:

- The work of the Library Task Force is progressing well.
- The Task Force expects to make its report to the Library Board of Trustees and County Commission in March.
- There are five subcommittees working on various topics, for example, one subcommittee is reviewing the pros and cons of the library becoming a unit of the County.
- Another subcommittee is looking at alternate funding sources.
Some initial conclusions have been reached by the Task Force regarding the use of volunteers, fundraising, and having a uniform understanding of a starting point, as far as resources available for library operations.

Chairman Roberts, on behalf of the Board thanked Ms. Branstrom and Dr. Woodard for their report.

(6B) COUNTY BUDGET UPDATE

Budget/Management Director Hyong Yi informed the Board that staff would be providing budget updates on a regular basis as it did last fiscal year in preparation of the County Manager’s Recommended budget. Director Yi reminded the Board that its Strategic Planning Conference would take place January 26-28 at the Charlotte Museum of History.

(6C) FY2010 PERFORMANCE REPORT

The Board received as information the FY 2010 Performance Report.

Director of Planning and Evaluation Leslie Johnson gave the report.

Note: 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.

Chairman Roberts, on behalf of the Board, thanked Director Johnson for the report.

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

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: RED F MARKETING LLC

Economic Development Director John Allen addressed a proposed business investment program grant for Red F Marketing, LLC.

Note: RED F is a Charlotte-based full service advertising agency, focused on both general and multicultural markets. Its primary customers are Fortune 1000 companies, and it has been recognized five times by INC magazine as one of the fastest growing companies in America. Currently, RED F has 30 employees working in its Southpark headquarters, and an additional 27 in a web-design and programming office in China. RED F wants to purchase or build an office building that will serve as its new corporate headquarters and accommodate 60 new employees. The company has narrowed its search to the following two sites: Charlotte (Center City) and Lancaster County, SC. Taking into consideration the Board’s stated intent to make an economic development grant, the company subsequently decided to purchase a building in Uptown Charlotte, located at 222 S. Church Street, and place its new headquarters there. The project will include a capital investment of $3 million (excluding the purchase price of the building) beginning in 2011. The investment will be in building improvements and new business personal property. It will create 60 new jobs over the first three years with a projected average annual salary of approximately $45,000. Red F’s new building will be branded as the “Charlotte Center for Entrepreneurship” and will be the physical hub for entrepreneurship in the Charlotte region. The County’s grant is equal to 90% of the taxes that will be paid by RED F over three 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 community.
County of $16,911 over six years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to adopt a Resolution approving a Business Investment Program Grant to RED F Marketing LLC for a total estimated amount of up to $66,064 and authorize the County Manager to negotiate and execute a contract.

Commissioner Pendergraph asked for clarification regarding the process for offering business investment grants and on the City of Charlotte and the State’s participation, which was addressed.

Commissioner Pendergraph asked was Red F in some sort of legal battle with a former employee.

Attorney Bethune said information was shared with the Board regarding that matter at a previous meeting in Closed Session.

Commissioner Bentley asked Director Allen to remind the Board about how this matter was originally presented to the Board and was denied, but was approved at a subsequent meeting based on new information shared with the Board. Director Allen addressed this matter.

Commissioner Cogdell said what changed the Board’s consideration was the addition of 60 new jobs, above the original 60 for a total of 120 jobs; and that the additional new 60 jobs was a condition of the grant.

Director Allen said he didn’t think Red F was contractually obligated to create the 60 new jobs referenced by Commissioner Cogdell.

Commissioner Dunlap asked for clarification regarding 60 new additional jobs associated with this project.

Director Allen said at this point there was not a commitment for an additional 60 jobs. He said it was not his understanding that Red F would be obligated for the creation of additional jobs by the entrepreneurs in the Hub.

Commissioner Dunlap said he was supporting this because of the 60 new additional jobs, which he was under the impression had been committed, for a total of 120 jobs.

Commissioner Cogdell and Chairman Roberts spoke in support of moving forward with the grant, since the Board’s intent was expressed to the company.

Commissioner Dunlap asked County Attorney Bethune what would be the legal ramifications if the Board expressed its intent and then changes its mind.

Attorney Bethune said he was not aware of any case law in N. C. dealing with that. Attorney Bethune said the larger problem would be, what would companies in the future conclude when the Board states its intent.

Attorney Bethune said it’s possible that there would legal ramifications, but he’s not aware of any N.C. statute or case law indicating that there would be.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to defer consideration of a Resolution approving a Business Investment Program Grant to RED F Marketing LLC for a total estimated amount of up to $66,064 and authorize the County Manager to negotiate and execute a contract and in the interim that staff seek to commitmen
from Red F and make it a part of the clawback that 60 new additional jobs would be created for a total of 120 jobs.

Commissioner Clarke offered an amendment to the substitute motion, which was accepted by the makers of the substitute motion, to approve a Resolution approving a Business Investment Program Grant to RED F Marketing LLC for a total estimated amount of up to $66,064 and authorize the County Manager to negotiate and execute a contract, contingent upon the additional 60 new jobs being placed in the clawback.

The vote was then taken on the substitute motion as noted below.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 5-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, Commissioners Bentley, Cooksey, and Pendergraph voting no, to adopt a Resolution approving a Business Investment Program Grant to RED F Marketing LLC for a total estimated amount of up to $66,064 and authorize the County Manager to negotiate and execute a contract, contingent upon the additional 60 new jobs being placed in the clawback for a total of 120 jobs.

Resolution recorded in full in Minute Book 45-A Document # ______.

(7B) LOBLOLLY PINE PLANTATION MANAGEMENT – PARK AND RECREATION

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


B) Authorize the County Manager to enter into a contract with approved logging companies to timber the sites, and utilize resulting revenues to ensure sites are fully restored.

C) Recognize, receive and appropriate all revenues generated from the sale of the timber in the Capital Reserve fund for the exclusive use to restore and manage natural communities on County-owned land.

Michael Kirschman, Division Director, Nature Preserves & Natural Resources, Park & Recreation Department, Christopher Matthews and Christa Rogers addressed this matter, prior to the vote.

(7C) ADDITIONAL BUDGET/PUBLIC POLICY WORKSHOPS

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the scheduling of additional 2011 budget/public policy workshop on the following dates: February 22, March 22, April 26, and May 24.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) SELECTION OF NCACC VOTING DELEGATE
JANUARY 19, 2011

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to appoint County Manager Harry L. Jones, Sr. as the Board’s voting delegate for the North Carolina Association for County Commissioners (NCACC) 2011 Legislative Goals Conference to be held January 20-21, 2011 in Durham, N.C. (Durham County).

CONSENT ITEMS

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held January 4, 2011; Special Meeting held October 2, 2010; and Closed Session held January 4, 2011.

(12) FISCAL YEAR 2012 GOVERNOR’S CRIME COMMISSION GRANT PRE-APPLICATIONS

Approve the submittal of grant pre-application to the N.C. Department of Crime Control and Public Safety, Governor’s Crime Commission as listed below.

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Program Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander Youth Network</td>
<td>Multidimensional Treatment</td>
</tr>
<tr>
<td>Foster Care (MTFC)</td>
<td></td>
</tr>
</tbody>
</table>

(13) NCDOT COMMUNITY TRANSPORTATION GRANT – TRANSPORTATION ADVISORY BOARD (TAB)

Appoint the following persons as members to an Advisory Board for the NC Department of Transportation Community Transportation Grant.

I. **Public Human Service Agency** (Senior Services, DSS, Vocational Rehabilitation, Head Start, Shelter Workshop, Health Department, Veterans Admin, Smart Start, Mental Health, Housing Authority, HS Transit Users: 3-5)

   - Darryl Crenshaw, Mecklenburg County Veterans Services (Ex-Officio non-voting member)
   - Christopher White, LifeSpan Employment/Enrichment Services
   - Angela Schlootman, Centralina Council of Governments Area Agency on Aging
   - Melanie Wolfe, Disability Rights & Resources
   - Myra Green, Director Char-Meck Senior Center @ Shamrock
   - Sue Hancharik, Mecklenburg County DSS (Ex-Officio non-voting member)

II. **Transportation Providers** (Private transportation providers, Intercity bus providers, Ambulance Service, Regional Authority, Urban System, Faith based services, Volunteers: 1-2)

   - Vincent Brown, Assistant General Manager
JANUARY 19, 2011

Special Transportation Services (STS)
Charlotte Area Transit System (CATS)
• Laura Lynn Ceasar, CMG Express

III. Public and Business Sectors (Chamber of Commerce, Major employers, DBE Businesses, Hospital/Dialysis Ctr. staff, Non-profit organizations, Employment Transit Users, General Public Transit Users, Public Citizens: 4-5)

• Evelyn Newman, Individual Community Activist
• Stacy Wright, Community Care Services
• Sandra Peake, American Red Cross
• Bettye Mills, PALS Adult Day Care

IV. Government and Governmental Affiliates (MPO, RPO, Economic Development, Employment Security Commission, Job Link and/or Career Centers, Elected Officials, County Government staff, Community College: 3-5)

• Bob Cook, Metropolitan Planning
• Nate Huggins, Matthews Town Representative
• Jackie Gaston
  (Ex-Officio non-voting member)

Note: Annually, the Mecklenburg County Department of Social Services (DSS) submits a grant request to the North Carolina Department of Transportation Community Transportation Program. This grant provides funding for the administrative and capital requirements of the Department of Social Services’ Mecklenburg Transportation System (MTS) of the Services for Adults Division. The grant requires the appointment of an Advisory Board that will assist MTS in establishing short- and long-range goals, serve as a mechanism for community outreach and support, support initiatives and proposed services enhancements for increased ridership and cost-effective programs for human services, support MTS’s initiatives of exploring the concept of regionalism to improve economic development with neighboring community transportation systems, and make recommendations to the Board of County Commissioners and/or the NC Department of Transportation in support of MTS, among other things. The Community Transportation Grant requires that members of the Transportation Advisory Board (TAB) be members of the community who are actively engaged in human services transportation planning. The Grant also requires that Transportation Advisory Board members represent the following categories Public Human Service Agencies, Transportation Providers, Public Business Sectors, and Government and Governmental Affiliates. The individuals recommended for the Transportation Advisory Board in this request have been actively engaged in transportation planning for the aged and disabled community and have worked along with DSS staff through the Council on Aging Transportation Task Team and other planning efforts.

(14) LEASE – AIR QUALITY MONITORING STATION AT GARINGER HIGH SCHOOL

Authorize the County Manager to negotiate and execute a lease with Charlotte-Mecklenburg Board of Education for the continued operation of an air quality monitoring station at Garinger High School.

(15) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

Adopt a Resolution titled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to Sea Glass Holdings, LLC, a Quiznos Sub Franchisee.”

Resolution recorded in full in Minute Book 45-A Document # ______.

(16) CLEAN AIR ACT (CAA), SECTION 103, SPECIAL PURPOSE FEDERAL GRANT

A) Approve the submission of the County’s FY11 CAA Section 103, Special Purpose federal grant application in the amount of $198,170.
B) Upon award of grant, recognize, receive and appropriate the CAA Section 103 grant award.

(17) 2011 BOARD OF COUNTY COMMISSIONERS’ MEETING SCHEDULE – AMEND

Amend the Board of Commissioners’ 2011 Meeting Schedule to change the Tuesday, August 9, 2011 meeting to Tuesday, August 2, 2011 because of a conflict in scheduling with the Charlotte-Mecklenburg Board of Education.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) FARM TO FAMILY FAITH BASED NUTRITION PROGRAM GRANT APPLICATION

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

1. Approve the submission of a grant application for $100,000 over two years from the Women’s Impact Fund to bring farmer’s markets to identified “food desert” areas of the County.

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

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

(11) PARK AND RECREATION MOWING SERVICES CONTRACTS

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

A) Approve new Mowing Services Contracts for Park and Recreation with an annual cost of $168,669, with a five-year term estimated aggregate amount of $843,344; and

B) Approve an amendment to the remaining renewal terms of Contracts awarded in FY2008 to allow for one three-year renewal term to reduce administrative costs and requirements; and

C) Approve an amendment to the remaining renewal terms of Contracts awarded in FY2009 to allow for one four-year renewal term to reduce administrative costs and requirements.

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

(18) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to recognize, receive and appropriate $862,477 of additional Federal revenue for the Crisis Intervention Program (CIP).

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

Motion was made by Commissioner x, seconded by Commissioner y 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 10:27 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman

JANUARY 19, 2011
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at the Charlotte Museum of History located at 3500 Shamrock Drive, Charlotte, N.C. at 8:00 a.m. on Wednesday, January 26, 2011.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Vilma Leake and Jim Pendergraph
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: Commissioner Dumont Clarke

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

The purpose of the meeting was to hold the Board’s annual Strategic Planning Conference.

The meeting was called to order by Chairman Roberts.

Chairman Roberts called upon County Manager Jones to give opening remarks and to outline the agenda for the conference.

County Manager Jones addressed the key goals for the conference and expected deliverables at the conclusion of the conference.

He began, however, by giving the Board an overview of where things were with respect to the multi-year strategic path that was embarked upon per the adoption of the FY2011 budget. The components of the strategic path were:

- Reduce programs, services and personnel to match available funding
- Maintain long-term fiscal discipline
- Redesign and reshape Mecklenburg County government

County Manager Jones said this year’s Strategic Planning Conference was about more than preparing for the FY2012 budget. He said it was an “important checkpoint” in the multi-year strategic path to “invent our future and re-invent our organization.”

County Manager Jones said the most important goal and key deliverable was to identify the few critical factors that will lead to long-term success.

The other key deliverables of the conference noted were defining the following:

- A capital investment and financing model
- The County’s operating budget model
- A debt service fund model
Commissioner James asked County Manager Jones if he’d drawn any conclusion yet on the tax rate. The response was no.

County Manager Jones then turned the meeting over to Budget/Management Director Hyong Yi.

Director Yi outlined the process and agenda going forward. The agenda for today’s session would involve the following topics:

- National, State, and Local Economic Indicators
- Local Employment Market
- State Budget/County Impact
- Mecklenburg County Financial Indicators
- FY2012 Operating Budget Model

National, State, and Local Economic Indicators

John Connaughton, Professor of Economics at UNC-Charlotte and John Silvia, Chief Economist with Wells Fargo & Company addressed the national, state, and local economic indicators.

Highlights

Mr. Silvia noted the following with respect to the National economy:

- There was sustained economic growth currently, which would probably continue over the next 3-5 years.
- Economic growth for the next 2-3 years will be about 3 – 3.5%.
- Consumers are contributing to the overall economic growth.
- Individuals were getting jobs and more income, but the distribution of income was very skewed by education.
- Consumer spending was improving.
- The pace of consumer spending would be more modest than what it had been.
- Consumer durable spending, such as auto sales, continued to be very modest.
- With respect to investment spending, equipment and software spending had been solid.
- Commercial Real Estate was turning around.
- Residential real estate was still a challenge.
- Government spending was contributing to economic growth.
- Inflation in general was pretty modest right now.
- Corporate profit growth slowing down but was still positive.

Mr. Silvia said on the national level, and how that fits in with the County’s scheme of things, the County had a multi-year economic expansion on its hands, probably more modest in pace then what’s been seen in the past in terms of economic recovery. Further, that there would probably be a little less consumer spending on average, especially on durables, which would impact sales tax numbers. Also, that when you look at overall income growth that would be modest, as well.

As for residential investment, it’s a real structural change and one of the more significant driving factors for the County on a multi-year basis.

Further, if you’re not getting home price increases and not getting new construction, that meant the property tax revenue base wasn’t going anywhere.

Mr. Connaughton noted the following about the State and Local economy:
Things weren’t as glowing at the state level.
The state goal was to have 30,000 jobs created in 2010.
10,000 jobs were created in NC in 2010.
283,000 jobs were lost in the last two years, the majority was manufacturing and construction jobs which weren’t coming back.
There’s a disconnect at this point and time in this recovery between economic growth and job growth.
The jobs being created were in business and professional services, health and educational services.
Sales tax in N.C. was a real problem.
There’s been discussion about broadening the sales tax base, however, nothing concrete had happened.
Although the sales tax rate in N.C. was high, what’s taxed was a relatively small portion of the state’s economy, basically what’s taxed was retail sales.
It’s probably going to take 8 years to get back to where we were 3 years ago.

Mr. Silvia responded to questions that had been submitted to him regarding the local economy.

A copy of the questions and answers responses is on file with the Clerk to the Board.

They also addressed the impact of gas prices on the economy and the consumer.

Mr. Connaughton said one bright thing on the horizon was that if Duke Energy and Progress Energy merger took place. He said this could generate a lot of quality, high paying jobs.

Mr. Silvia emphasized the importance of education and students completing high school. He said students and parents should look at the unemployment rate by education, so they can see the difference it makes.

Comments

County Manager Jones asked Mr. Connaughton, if he still felt the unemployment rate in Mecklenburg County would be at 8% at the end of 2012. The response was no, that it might get to 9 or 8 1/2.

Mr. Connaughton said to get to an 8% unemployment rate, 60,000 jobs would have to be created in 2011 and in 2012.

Commissioner Bentley asked was manufacturing jobs not coming back because of technology. The response was yes.

Commissioner Bentley asked about consumer lending which was addressed. It was noted that banks were lending more but it would be a slow process to get back where things were prior to the recession.

Commissioner James commented on revaluation and asked were housing prices still dropping. The response was in general they were, but there were some areas where housing prices were going up.

Mr. Connaughton said you have to convince people that when you reset the tax rate it’s a revenue neutral rate. He said from a public trust standpoint it’s essential that in the first year of revaluation that it’s a revenue neutral rate.

Commissioner Leake asked how could the Board change the mindset of the community when it came to the importance of education.
Mr. Silvia said it had to be made clear to students and parents that in the 9th grade year they have to complete high school; that there’s no longer a job market for students that drop out of school. He said students have to be computer literate.

Mr. Silvia said consideration should be given to offering incentives for students to remain in school. He cited as an example, paying at-risk students and their parents $500.00 each, if the student stayed in school. He said he knew the County didn’t have the money to do this but that it would save money in the long run.

Chairman Roberts asked about the economy going forward.

Mr. Connaughton said he believed growth in the economy was going to be in the energy sector and healthcare sector.

Chairman Roberts thanked Mr. Connaughton and Mr. Silvia for coming and sharing their perspectives with the Board.

The Board recessed at 10:35 a.m. and reconvened at 10:50

Local Employment Market

Kenny Colbert, President, The Employer’s Association addressed the local market and how employers/employees were responding. The following was noted per a survey conducted by The Employer’s Association:

- 44.2% of companies surveyed said they would give merit or cost of living increases in 2010.
- 33.9% said they weren’t sure (since the survey a majority of the 33.9% have now said they would give merit or cost of living increases).
- 21.9% said they wouldn’t give increases.
- Pay freezes were being eliminated.
- Some pay cuts were still in place.
- Unfilled positions were starting to be filled.
- Benefit trends
- National statistics were also addressed with respect to jobs and pay.

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

Comments

Commissioner James asked was it known if there would be any changes to the State’s pension plan.

Mr. Colbert said he was not in a position to answer Commissioner James’ question. He noted, however, that per what he had read in the newspaper, public pensions were becoming the downfall of a number of states. Mr. Colbert said there had been discussion of the state’s pension plan, but he didn’t know the specifics of that discussion.

Commissioner James said he would like to know what the County’s options were with respect to participating in the State’s Retirement System. He said he’d also like to know if participation could be eliminated for new employees. Commissioner James said he wasn’t saying he would be in agreement with doing that, but he was interested in the County’s options.

Commissioner Cooksey said he would like an update on where the County stood with respect to Other Post Employment Benefits.
Commissioner James said he would like to know what the savings would be for the County, if the County were to eliminate retiree medical benefits.

Commissioner Dunlap said since the public sector typically pays less than the private sector, it was beneficial for the public sector to have certain benefits in order to be competitive.

Commissioner Dunlap asked how would it effect local governments if these types of benefits were reduced or eliminated in terms of having a competent workforce.

Mr. Colbert said he was concerned that the County was approaching its third year of not providing merit increases. He said at some point the County might begin to lose employees and/or employment with the County would no longer be attractive.

Mr. Colbert said they had not studied the County's pay directly as it related to the private sector, but there was literature available saying that public sector pay was fairly close now to private sector pay and that when you add in the pensions, public sector employees were above private sector employees.

Mr. Colbert said it was a plus for the County to still have its pension program.

Commissioner Dunlap said he would like to see comparative data regarding public sector vs. private sector pay. Commissioner Dunlap said there could be benefits that private sector employees have that public sector employees do not.

County Manager Jones noted in response to a question by Commissioner James, that last year the County eliminated retiree health benefits for new hires. County Manager Jones said it was not reduced for current employees because of legal restrictions.

Commissioner Cogdell asked was executive level pay being frozen. Mr. Colbert said they could provide that data.

Mr. Colbert said with respect to economic trends, that Charlotte could land the Democratic National Convention in 2012, which would be good for the local economy.

Mr. Colbert said he was concerned, however, that if the convention came to Charlotte/Mecklenburg County, the word “union” would be raised on a regular basis. Mr. Colbert said the Democratic Party and the unions were somewhat aligned.

He said the Board needed to be aware that Time Warner Cable Arena, the Convention Center, etc. that the Unions were going to be adamant that union labor be involved in the set up, the take down, concessions, and things of that nature. He said that happened in Denver in 2008.

Mr. Colbert said it concerned him because North Carolina was one of a few states that do not allow government employees to bargain collectively with their employer. Mr. Colbert said this might become an issue, if the convention came here.

This concluded the discussion. The above is a summary of the discussion. It is not inclusive of every comment.

State Budget/County Impact

Rebecca Troutman, Intergovernmental Relations Director, North Carolina Association of County Commissioners addressed the State's budget situation and how counties might be impacted and how counties had responded to the recession. The following was noted/covered:

- State General Fund Budget
2\textsuperscript{nd} year revenues reduced
• Resulting county impacts over biennium
• 2010-11 State budget status
• Process for 2011-12 State budget
• 2011-12 State budget
  o Less revenue availability
  o Additional spending pressures
  o It will take five years to get back to where things were in terms of recovering sales tax revenues.
• 2011-12 State budget
  o Revenue availability
  o Budget demands
  o Projected deficit
• Proposed cuts per various departments: Dept of Health & Human Services, Dept of Environment and Natural Resources, Dept of Corrections, Administrative Office of the Courts
• Fiscal Research Suggestions
• Proposed Top 5 Goals to NCACC Membership
• County Budget Woes Continue
• County Revenue Challenges Continue
• County Personnel Cuts Continue
• Fund Balance Challenges Continue
• 2010-11 State Budget – Where to Cut $3.7 billion
• County Legislative Hot Topics

\textit{A copy of the presentation is on file with the Clerk to the Board.}

Comments

\textbf{Commissioner Bentley} asked about Charlotte-Mecklenburg Schools receipt of additional stimulus funds, which was addressed.

\textbf{Commissioner James} commented on overall budget cuts on the State level. He said there needed to be a normal on the state level. Commissioner James said there’s no way the County could make up for the cuts CMS received from state.

\textbf{Commissioner Cooksey} asked how did Mecklenburg County’s budget cuts compare to other counties in the state, which he said was about 5%. \textit{Ms. Troutman said she had not done a specific analysis of that by percentages but that she could. Ms. Troutman said she felt 5\% was the average, but that Mecklenburg County had a greater percentage of layoffs and elimination of positions then other counties in the state.}

Commissioner Cooksey said he would like to see data regarding budget cuts on the state level for past years.

\textbf{Commissioner Dunlap} asked had an analysis been done on unintended consequences as a result of budget cuts, which was addressed.

\textbf{Commissioner Cogdell} asked how many counties have repaid their fund balance since it was used to help balance their budget. \textit{Ms. Troutman said she did not have that data.}

\textbf{Ms. Troutman} encouraged Board members to speak with their state legislators regarding proposed budget cuts and the impact of those cuts on the County. Ms. Troutman said the cuts were going to come in education and health and human services.
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This concluded the discussion. The above is a summary of the discussion. It is not inclusive of every comment.

The Board recessed at 12:15 p.m. and reconvened at 12:35 p.m.

Commissioner Bentley was absent when the meeting reconvened and until noted in the minutes.

Mecklenburg County Financial Indicators

Director Yi and Finance Director Dena Diorio addressed the impact of the recession on the County, the County’s FY2011 financial status, and considerations for FY2012 Budget. The following was covered:

- Property taxes
- Sales taxes
- Investment income
- Other revenues
- Expenditures
- Fund Balance

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

Comments

Commissioner Cogdell asked for clarification regarding sales taxes, which was addressed.

Commissioner Dunlap asked about debt service, which was addressed.

Commissioner James asked about excess fund balance, which was addressed.

Commissioner Pendergraph entered the meeting.

Director Yi said there would be no mid-year reductions at this point.

Director Yi addressed what was anticipated for 2012. The following was noted:

- The use of fund balance for debt service was not anticipated for next year, thus those funds would have to come from somewhere else.
- There would be lottery money that the County won’t receive in 2012 that was used in the past to help pay debt service; thus those funds would have to come from somewhere else.
- Reserves, Medical and Insurance, was something that would have to be addressed.
- Business Investment Grants was something that would have to be addressed because the anticipated amount needed for 2012 was more than what was currently budgeted.
- Retirement contributions was something that would have to be addressed. It’s anticipated that the State was going to ask for a rate increase.
- Indigent Care was something that would have to be addressed.
- Miscellaneous items, such as volunteer fire depending on what happens with this issue, 2015 NACO Conference planning process
- Other considerations: Other Post Employment Benefits, Employee Compensation, Fleet Reserves, Technology Reserves, and Capital reserves, debt service fund
- Unknowns: State Actions, Revaluation Impact

Comments

Chairman Roberts asked for clarification regarding lottery funds, which was addressed.
Commissioner Dunlap asked about revaluation, which was addressed.

It was noted that Tax Assessor Garrett Alexander would make a presentation to the Board on revaluation at the next Board meeting.

*The Board recessed at 1:45 p.m. and reconvened at 2:07 p.m.*

**Commissioner Bentley returned to the meeting.**

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

**FY2012 Operating Budget Model**

Director Yi addressed the County’s current operating budget model and alternatives. He was assisted in the presentation by County Manager Jones and General Manager John McGillicuddy. The following was covered:

- Managing for Results (M4R)
- Alternatives to M4R
- Implication of Alternatives

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

**Comments**

Commissioner Cooksey asked could the Board dedicate a specific percentage of the tax rate to Charlotte-Mecklenburg Schools and that would be the amount they would get. Director Yi said that had been discussed in the past. Director Yi said the Board could do that. He said staff would be putting forth to the Board the idea of setting aside a specific percentage of the tax rate for a debt service fund.

Commissioner Cogdell said he had a conversation with Director Yi regarding what the budget would look like if you allocated a percentage of the tax rate for CMS, the Library, and Debt Service, which would then force the Board to manage County government within what’s left. He said that would provide more certainty of funding.

Director Yi said that could provide more predictability in terms of how funding decisions were made and it would provide some certainty to some organizations or entities about what they could expect. However, what staff found per its limited research of counties in N. C. was that some counties did say that a certain percentage of their tax rate would go to the school system. There were those that say a certain percentage would go towards debt service.

Director Yi said when you set aside a certain percentage of the tax rate, for an entity, it might provide more stability, but you really just change the nature of the debate. He said rather than having all of the discussion and lobbying that came about with respect to allocations, it’s now moved from the actual dollar process, to the tax rate process. He said the lobbying would then be about increasing one’s percentage of the tax rate.

Director Yi said the other thing to keep in mind was that one Board couldn’t commit future Boards to follow that action or decision.

Chairman Roberts said her concern for setting aside a certain percentage of the tax rate for an entity was that it took away flexibility.

Chairman Roberts said she’d also received feedback that if you do it for one entity, you should do...
Director Yi said the County had made a big investment in Managing 4 Results as a mechanism for linking resources to results and that when you set aside a certain percentage of the tax rate for a particular entity, that somewhat breaks that relationship because allocations would be made regardless of the results that were found.

Commissioner Cooksey said for him, it took the politics out of it. He said basically what the County did now with respect to CMS, was allocate funds to CMS regardless of their results. He said it would let CMS know that this was the amount they're receiving and they would need to make their budget decisions around that.

Commissioner Cooksey said he wasn’t putting this on the table but wanted to bring the matter up as a means of looking at the budget from another perspective.

General Manager McGillicuddy said the M4R system was set up in order for the Board to make funding decisions about CMS based on performance. General Manager McGillicuddy said the County had on its Scorecard, goals that were associated directly with goals that CMS had set for literacy, etc. He said CMS does come before staff and present its performance data about how well they’re doing.

County Manager Jones said one of the pitfalls in the set percentage of the tax rate set aside was that its predicated on either stability and/or growth in the tax base.

Commissioner Dunlap said this discussion “begs the question” about whether or not the Board should be supporting tax authority for CMS. Commissioner Dunlap said this would put the decision up to CMS; and if they determine they don’t have the funds to meet their objectives, they would then go directly to the citizens. He said this would take the adversarial position between the County and CMS away.

Commissioner Bentley asked if it was possible to place contingencies on CMS funding, similar to what the County did with library funding. General Manager McGillicuddy said that would be something to follow-up with the County attorney about.

County Manager Jones said he would dedicate a future Budget/Public Policy meeting to discuss in more detail M4R.

This concluded the discussion.

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

There being no further business to come before the Board, the meeting was declared recessed at 3:25 p.m. until 8:00 a.m., January 27, 2011.

________________________________________________________
Janice S. Paige, Clerk                                         Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at the Charlotte Museum of History located at 3500 Shamrock Drive, Charlotte, N.C. at 8:00 a.m. on Thursday, January 27, 2011.

ATTENDANCE

Present:
Chairman Jennifer Roberts and Commissioners
Karen Bentley, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Vilma Leake and Jim Pendergraph
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent:
Commissioner Dumont Clarke

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

The purpose of the meeting was to continue the Board’s annual Strategic Planning Conference.

The meeting was called to order by Chairman Roberts.

Chairman Roberts called upon Budget/Management Director Hyong Yi. Director Yi outlined the agenda for the meeting. It was noted the topics for today would be: Critical Success Factors, Redistricting Process, and Federal Legislative Strategy.

CRITICAL SUCCESS FACTORS

Planning and Evaluation Director Leslie Johnson addressed Critical Success Factors. The following was covered:

- County Manager’s Budget Message
- Community & Employee Input
- Community & Corporate Scorecard Results
- Manager’s Critical Success Factors
  - Affordability
  - Sustainability
  - Jobs/Workforce & Economic Development
  - High School Graduation & Literacy
  - Service Investments & Delivery Model

Commissioner Cooksey entered the meeting.

- Fiscal Discipline
- Operational Excellence

Next Steps

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

Commissioner Bentley asked about continued communication with the public going forward, since the community forums were successful, and what would be the focus of Brian Cox and Sophia Hollingsworth, County staff involved in community engagement. General Manager John McGillicuddy said their primary function was to do outreach in the community based upon the plan that was put together called MeckConnect. The outreach would be to inform the community and to look at ways to engage the public in their local government. General Manager McGillicuddy said staff was working with “intact” groups, groups that already exist, because resources were not available to hold district meetings on a regular basis.

Commissioner Bentley asked would it be possible to link individual board communications with staff communications with respect to keeping the public informed. General Manager McGillicuddy said that was something staff could look into. General Manager McGillicuddy said it would be useful and good to know who commissioners were in touch with and have that added to the County’s data base.

Commissioner Leake asked wasn’t there a staff person that served as the liaison with the community. General Manager McGillicuddy said Sophia Hollingsworth was the Citizen Involvement Coordinator and her primary function was really staff driven focusing on staff going out into the community and partnering with others.

Commissioner James asked how many people participated from District 6 in the community forum. Director Johnson said she would get that information and report back.

Commissioner James asked how many people were on the County’s email list. Director Brian Cox said combined city and county probably around 30,000, because there’s some overlap. Further, that the list he was speaking of was persons who subscribe for updates for certain pieces of information via the website. Director Cox said Danny Diehl, Director of Public Service and Information would have information on public records requests.

Commissioner James said he’d like to receive a copy of the list.

General Manager McGillicuddy clarified that there was not one list “sitting” somewhere because persons subscribe to receive different pieces of information, thus, there would be multiple list. He said staff would have to compile the different lists.

Commissioner Cogdell asked was there a pie chart on how funding had been allocated by categories for the last five years, for example, how much had been allocated overall for health, social services, education, public safety, etc. Director Johnson said there was a pie chart done, that did something similar to what Commissioner Cogdell was referring to.

Director Yi said an annual snapshot was done based on the County’s four focus areas.

Libby Cable with the Lee Institute facilitated the discussion regarding the Board’s review of the Critical Success Factors.

- Critical Success Factors
  - Affordability
  - Sustainability
  - Jobs/Workforce & Economic Development
  - High School Graduation & Literacy
  - Service Investments & Delivery Model
Commissioner James said he supported having High School Graduation and Literacy as a goal, but it needed to be more specific. He said it should indicate what the expectation was with respect to what the rate should be. Commissioner James said currently there were no standards for high school graduation rates or literacy.

General Manager McGillicuddy said there were literacy goals on the County’s scorecard that match the goals of Charlotte-Mecklenburg Schools (CMS).

General Manager McGillicuddy said CMS had specific goals with respect to the graduation rate.

Commissioner James posed the question, should the County put “strings” on the money it allocates to CMS, so that CMS could be accountable or show the County that certain goals were met or not met.

Commissioner Leake referenced a measure used by the County some years ago, the High School Challenge, that outlined expectations of CMS. Commissioner Leake said she was not sure what else the County could do, other than to provide funding to CMS.

Commissioner Leake said the community has to hold the Board of Education accountable for outcomes.

Commissioner Cogdell said the framework for working with the critical success factors was “great.” He said the only thing he would add would be an “affordable” community.

Commissioner Cooksey addressed the interrelationship between Jobs/Workforce & Economic Development and High School Graduation & Literacy. Commissioner Cooksey said it was not enough just to have students graduate from high school with a diploma. He said they needed to graduate with skills that were applicable in today’s environment. Commissioner Cooksey said technical training should be a focus.

Commissioner Cooksey said college was great, but that college was not the answer for every student. He said other options should be available to these students, so that they could make their way in the world and make a living.

Commissioner Pendergraph addressed students that drop out of school and end up in jail.

Commissioner Pendergraph said the County could pour millions of dollars into CMS and still end up with the same results as far as the graduation rate.

Commissioner Pendergraph said experience had shown him, that a student’s home environment played a big role in how they turned out. Commissioner Pendergraph said children needed nurturing and attention focused on them. He said many of the students that drop out of school and especially those that end up in jail didn’t receive that nurturing and attention growing up.

Commissioner Pendergraph said there needed to be some way to remove children from unhealthy environments, until a parent could prove they could raise their children responsibly to help make them productive citizens.

Chairman Roberts said she felt what staff shared was a good framework as well, with respect to the critical success factors. Chairman Roberts said the frustration was that the County didn’t have control or influence over most of what was being measured.

Chairman Roberts asked where did the question of partnership, coordination, consolidation,
strategic integration fit into all of this. General Manager McGillicuddy said it would probably be seen when you look at the delivery model. He said they were interconnected.

Chairman Roberts said those things needed to be a high priority.

County Manager Jones encouraged the Board to look at the critical success factors from the perspective of, they could be used to influence the behaviors of other partners in the community to help the County achieve the broader goals or priorities set by the Board.

Commissioner Dunlap said he agreed with the list of critical success factors.

Commissioner Dunlap said a “marriage” between Central Piedmont Community College (CPCC) and CMS needed to be encouraged. He said the two entities needed to work out a way whereby, when students were identified or they identify themselves, they could select to have vocational training, which could take place on CPCC’s campus. He said this would give those students the skills set they needed in order to have meaningful employment.

Commissioner Dunlap said these were things that needed to be encouraged, rather than trying to control what the outcome would be based on a funding model, because “that won’t happen.”

Commissioner Leake addressed Phillip O. Berry high school and why it was built, which was to serve as a technical high school. Commissioner Leake said it had never been used for that purpose.

Commissioner Cogdell said unless things were done differently going forward, the trends would remain the same.

Commissioner Cogdell posed the question of whether the “true” core business of county government was that if you’re not directing your resources in one of the critical success factor areas, should County funding be provided to you. He said it would not be because that entity wasn’t providing value to the community. Commissioner Cogdell said that question would be posed to outside agencies and internally.

Commissioner James said he agreed with Commissioner Leake regarding why Phillip O. Berry was built and the fact that it was never utilized in that fashion.

Commissioner James said the problem with Bright Beginnings, was that a lot of times the children revert back by the time they enter third grade because of the environment they’re coming up in.

Commissioner James said having a 24-7 school would provide students that were in a negative environment, a stable environment.

Commissioner Cooksey said he agreed with Commissioner Leake regarding why Phillip O. Berry was built and the fact that it was never utilized in that fashion. Commissioner Cooksey said it was a “tragic waste” of resources.

Commissioner Cooksey said as a follow up to Commissioner Cogdell’s comments, the County should stop and realize that it can’t be “all things to all people” and funding the broad spectrum of services that the County did.

Commissioner Cooksey said there needed to be a focus on just three or four broad initiatives.

Commissioner Bentley suggested economic sustainability be a part of the sustainability critical success factor. Commissioner Bentley said the definition of sustainability needed to be broadened.

Commissioner Cogdell said the number of unskilled young people was a critical issue of concern. He suggested that as a critical success factor that a bullet point be established to combine to some
extent Jobs/Workforce & Economic Development, High School Graduation & Literacy, and maybe Sustainability, where a threshold question should be, resource allocations must have a direct, demonstrable relationship to promoting and enhancing a highly skilled workforce and raising the high school graduation rate. Commissioner Cogdell said if that didn’t exist, then the presumption should be, that entity would not receive County funding.

County Manager Jones said the County was in a very different environment then it had ever been in before. He said the County was at a point, that if you were going to have affordable and sustainable government, then you’ll have to be more narrowly focused to ensure that the resources were following, in a very narrow way, the services that you provide.

Commissioner Dunlap said he would be cautious about saying all allocations would be based on the critical success factors.

The Board recessed at 10:50 a.m. and reconvened at 11:10 a.m.

CROSSWALKING THE CRITICAL SUCCESS FACTORS TO THE BOARD PRIORITIES

Director Johnson addressed crosswalking the critical success factors to the Board’s priorities. This involved reviewing a priority strawman and identifying changes and listing issues for future discussion.

Comments

Commissioner Cooksey asked what was the difference between the program categories of Job training/Employment Assistance and CPCC Education Funding, which was addressed.

Commissioner Leake asked about the Education Support Services category, which was addressed.

Commissioner James asked if staff noticed any significant disparities between the groups that participated in the community survey. He asked if all the groups basically ranked things the same. Director Johnson said a disparities analysis was not done with every factor. She said generally the spread of the variation was not significant on the various items.

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

Board members were asked to address three program categories of their choice and indicate if they’d like to change the ranking of those items.

Commissioner James said he would move Economic Development, Transportation, and Greenway Development & Management, down.

Commissioner Cooksey said he would move Land Quality down, CPCC Education Funding up and Parks, Fields & Recreation Centers up.

Commissioner Pendergraph said he would move CPCC Education Funding, Jails and Detention Facilities, and Morgue and Medical Examiner up.

Chairman Roberts said she would move Child & Adolescent Mental Illness Prevention & Treatment, Child Abuse/Neglect Prevention & Protection, and CPCC Education Funding up.

Commissioner Dunlap said he would move CPCC Education Funding, Homelessness Services, and Parks, Fields & Recreation Centers up.

Commissioner Cogdell said he would move CPCC Education Funding, Homelessness Services and Regional Planning up.
Commissioner Leake said she would move CPCC Education Funding, Parks, Fields & Recreation Centers, and Adult Abuse/Neglect Prevention and Protection up.

The Board was asked to identify topics they would like discussed at future workshops. The following topics were shared:

**Topics**

- Commissioner Dunlap: Understanding CMS as a whole and how it operates (not policy)
- Commissioner Bentley returned to the meeting.
- Chairman Roberts: Update on functional consolidation Youth Programs and Opportunities for collaboration with respect to programs for youth
- Commissioner Pendergraph: Outsourcing in CMS and the County Recipients of social services and status of their eligibility
- Commissioner Leake: Jobs with respect to availability, training, and types Understanding the hospital component of the Health department
- Commissioner Cooksey: Possible collaboration between the County, CMS, and CPCC as it relates to job training and technical training
- Commissioner James: Department of Social Services removal of kids from “bad parents”
- Commissioner Cogdell: CPCC and CMS bridging the gap around workforce development What’s the Board’s role when it comes to economic development
- Commissioner Bentley: Indigent Care funding and amounts to the hospitals

Commissioner Dunlap asked about the status of a previous request regarding the advisory board appointment process, appointments made by the board as a whole and those made by the chairman. County Manager Jones said the Clerk to the Board was working on that matter.

**Note:** Commissioner Bentley’s three program categories that she would change the ranking for were as follows: Move Non-communicable Illness/Disease Prevention and Treatment and Land Quality down, and CPCC Education Funding up.

*The Board recessed at 12:05 p.m. and reconvened at 12:35 p.m.*

**REDISTRICTING PROCESS**

Assistant to the County Manager Brian Francis addressed the redistricting process. The following was covered:

- Timeline involved
- General Statutes for Board Composition
- Composition Options
- Number of Commissioners
- Length of Term/Concurrence of Terms
- Area Represented
- Election of Chair
- Process for Altering Board
- Process for Redrawing Districts
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• Federal Legislation and Court Rulings
• Options
  o Board Composition
  o Board Involvement
  o Whole Precincts
  o Board of Education
  o Incumbent Consideration
  o Partisan Make-up
  o Towns
  o Race
• Prioritization
• Next Steps

Comments

Commissioner Leake asked how long had the two-year term been in place for Mecklenburg County and what was the rationale. Assistant Francis said to his knowledge it had always been two-years and he did not know what the rationale was.

Commissioner Leake asked had there been any consideration for a four-year term. The response was yes, that it went to referendum years ago but it failed.

Chairman Roberts asked could the General Assembly overrule what the Board might do. The response was yes.

Commissioner Dunlap asked for clarification on the process for changing the term length, which was addressed.

Commissioner Cogdell asked could the resolution to put on the referendum the question of changing the term length, also, include a request for staggered terms. The response was yes, but it would have to be an all inclusive proposal, you wouldn’t have two separate questions.

Board Composition Option

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cooksey to select Option 3: Rule out change to composition; proceed with redrawing districts based on 6 districts and 3 at-large, two-year terms, chairman elected by the board, which means no change to what currently exist.

Substitute motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and failed 4-4 with Commissioners Bentley, Cooksey, Pendergraph, and Roberts voting no and Commissioners Cogdell, Dunlap, James, and Leake voting yes, to consider a future discussion of preparing a resolution for Board consideration to place a referendum on the ballot asking voters to support a staggered four-year term for the Board of County Commissioners.

The vote was then taken on the original motion and carried 6-2 with Commissioners Bentley, Cooksey, James, Leake, Pendergraph, and Roberts voting yes and Commissioners Cogdell and Dunlap voting no, to select Option 3: Rule out change to composition; proceed with redrawing districts based on 6 districts and 3 at-large, which means no change.

Chairman Roberts noted that even though the vote to consider having a four-year term failed, it could still be placed on a future agenda for discussion.

It was the consensus of the Board to discuss term length at a future meeting.

Commissioner Cooksey suggested there be a future discussion around district representatives
Board Involvement – Drawing District Lines Option

Chairman Roberts suggested a 4th option under Board Involvement, which was to have a committee of Board members.

Motion was made by Commissioner James, seconded by Commissioner Leake, to select Option 3: Committee of the whole – Board in its entirety handles redistricting itself.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell, to select Option 1: Independent Commission – Board appoints Commission – Commission has complete autonomy – Board considers Commission recommendation for up or down vote; and have each Commissioner appoint a member to the independent commission.

Commissioner Bentley offered a friendly amendment to Commissioner Cooksey’s substitute motion, which was accepted, to select Option 2: Advisory Committee – Board appoints Advisory Committee – Board provides policy guidance to committee – Board considers several alternatives recommended by the committee.

The vote was then taken on the substitute motion as amended and failed 4-4 with Commissioners Bentley, Cogdell, Cooksey, and Pendergraph voting yes and Commissioners Dunlap, James, Leake, and Roberts voting no, to select Option 2: Advisory Committee – Board appoints Advisory Committee – Board provides policy guidance to committee – Board considers several alternatives recommended by the committee.

The vote was then taken on the original motion and failed 6-2 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, and Pendergraph voting no and Commissioners Leake and Roberts voting yes, to select Option 3: Committee of the whole – Board in its entirety handles redistricting itself.

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to reconsider Option 2.

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Pendergraph, and Roberts voting yes and Commissioner Leake voting no, to select Option 2: Advisory Committee – Board appoints Advisory Committee – Board provides policy guidance to committee – Board considers several alternatives recommended by the committee; and have each Commissioner appoint a member to the advisory committee.

Whole Precincts

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to select Option 1: Do not divide precincts in drawing districts.

Board of Education

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to select Option 1: Work with Board of Education to draw the same districts for both bodies.

Incumbent Consideration
Motion was made by Commissioner James, seconded by Commissioner Pendergraph to select Option 1: Do not put multiple incumbents in the same district.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and failed 4-4 with Commissioners Bentley, Cooksey, Cogdell, and Pendergraph voting yes and Commissioners Dunlap, James, Leake, and Pendergraph voting no, to select Option 3: Ignore incumbency when drawing districts.

The vote was then taken on the original motion and failed 4-4 with Commissioners Bentley, Cooksey, Cogdell, and Pendergraph voting no and Commissioners Dunlap, James, Leake, and Roberts yes to select Option 1: Do not put multiple incumbents in the same district.

**Partisan Make-up**

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 6-2 with Commissioners Bentley, Cooksey, James, Leake, Pendergraph, and Roberts voting yes and Commissioners Cogdell and Dunlap voting no, to select Option 1: To the extent possible, draw districts that will likely elect a member from a certain party. Specify how many districts for each party. (3-3)

**Towns**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to select Option 1: Except for Charlotte, no municipality will be split between multiple districts and if possible keep the three northern towns together and three southern towns together.

**Race**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-1 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes and Commissioner Cooksey voting no, to select Option 1: Draw two districts that would be “minority-majority.”

The Board was then asked to prioritize the decisions made on foregoing components.

Commissioner James said his top two priorities were: Whole Precincts (Don’t split up precincts) and Towns (Don’t split the towns).

Commissioner Cooksey said his top two priorities were: Whole Precincts and Partisan Make-up.

Commissioner Leake said her top two priorities were: Whole Precincts and Race.

Commissioner Bentley said her top two priorities were: Whole Precincts and Towns.

Commissioner Pendergraph said his top two priorities were: Whole Precincts and Race.

Chairman Roberts said her top two priorities were: Whole Precincts and Race.

Commissioner Dunlap said his top two priorities were: Whole Precincts and Race.

The ranking results were as follows:

1. Whole Precincts
2. Race
3. Towns
4. Partisan Make-up
5. Board of Education

*The Board recessed at 2:30 p.m. and reconvened at 2:45 p.m.*
Commissioner James was absent when the Board reconvened and for the remainder of the meeting.

FEDERAL LEGISLATIVE STRATEGY

Assistant to the County Manager Brian Francis addressed the federal legislative strategy. The following was covered:

- Legislative Results
- Grant Results
- Strategy

Comments

Commissioner Cooksey asked how was the transition to The Ferguson Group going, which was addressed.

Commissioner Cooksey asked about the size of a matching fund if created that would be used to match grants received. The response was that the size or amount of funds to be used was something that would be discussed and determined during the budget process.

Commissioner Cogdell asked would it be possible to renegotiate the contract with the federal lobbyist rather than cancel it. The response was yes.

Commissioner Dunlap said he also felt the contract with the lobbyist should be renegotiated.

Commissioner Pendergraph asked whether any savings that might come about as a result of renegotiating The Ferguson Group contract, be placed in the match investment fund. County Manager Jones said it was possible and would be a matter of discussion during the budget process.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to direct staff to renegotiate the contract with The Ferguson Group to limit the scope of their service based on staff's recommendation of what's needed, with one service in particular to be eliminated, which would be the pursuit of earmark appropriations.

Commissioner Bentley asked about applying for grants and the receipt of grants, which was addressed.

This concluded the discussion.

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

A copy of the Strategic Planning Conference agenda is on file with the Clerk to the Board.

There being no further business to come before the Board, the meeting was declared recessed at 3:20 p.m. until 8:00 a.m., January 28, 2011.
ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, Harold Cogdell, Jr. Neil Cooksey, George Dunlap Vilma Leake and Jim Pendergraph 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 matters below were addressed.

(1) CAPITAL PLANNING TIMEFRAME

Budget/Management Director Hyong Yi addressed the Capital Planning Timeframe. The following was noted:

- Staff will develop an annual capital budget and in addition to that, staff will do five planning years out.
- This will allow the Board to have a view of six years, the current budget year and five years beyond that.
- The capital planning budget will be updated annually.
- This process is consistent with the IBM recommendations and with some of the things staff has said with respect to wanting to develop a master capital plan rather than having several plans for different parts of County construction.
- Having one master plan brings it all together.
- Staff will look at different phases, from submission, to evaluating and ranking projects, to how projects are funded and monitored.
- Staff will also report back to the County Manager and to the Board as to what happens now that it’s built and how we have done.

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

Comments

Commissioner Bentley asked had any thought been given to including at some level, the Citizens Capital Budget Advisory Committee. Director Yi said yes and that staff would be addressing some proposed changes with respect to the Citizens Capital Budget Advisory Committee later in the meeting.

(2) CAPITAL STANDARDS


Director Yi addressed Capital Standards. The following was noted.

- A lot of departments have capital standards.
- What’s being recommended is that capital standards be used consistently and that there be standards across the board.
- Currently these standards aren’t being used to develop priorities or projects, but that would be the plan and the intent moving forward.
- These standards are used at the department level, but the plan is to roll that up and use it at the “corporate” level to plan for what the needs are for various capital facilities.
- The standards haven’t been determined yet for any particular area.
- Staff would involve citizens in helping to determine what the standards should be.
- The standards would be based on not just what staff thinks is needed or the department, but on third party standards, national, state, and regional benchmarks.
- Staff wants to make sure the standards are consistent with what’s going on in the country and with what the best practices are.
- The role of the Citizens Capital Budget Advisory Committee would be to review the standards and let staff know if those standards are adequate for Mecklenburg County, or where we are falling short or where Mecklenburg County is exceeding the standards that we need for this community.

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

Comments - None

(3) CITIZENS CAPITAL BUDGET ADVISORY COMMITTEE

Budget/Management Director Hyong Yi addressed the Citizens Capital Budget Advisory Committee (CCBAC). The following was noted.

- Staff believes there is a role for citizens in the capital budget process.
- The Citizens Capital Budget Advisory Committee has been the mechanism for citizen involvement.
- There has not been anything, however, for the Citizens Capital Budget Advisory Committee to weigh in on for the last several years, since the County stopped building.
- The intent going forward is that as the County starts making changes with respect to how it does its capital planning, the role of the Citizens Capital Budget Advisory Committee would be needed.
- Staff recommends continuing to have a Citizens Capital Budget Advisory Committee.
- Staff recommends revising the Citizens Capital Budget Advisory Committee’s charge and how they’re constituted.
- The recommended charge is to have them look at the capital standards and weigh in on whether those standards are adequate for the community.
- They would be given the option and ability to seek input from different neighborhoods and communities to see what they need.
- They would be asked to look at the proposed list of projects and advise as to which of the projects would help us meet the standards that have been set for the community and which are not in line with the standards.
- They would be asked to report to the Board on an annual basis on what progress has been made in terms of meeting the standards that have been set for the community.
- The charge outlined is different from their current charge.
- Per previous feedback from the Board, it was suggested that the County Manager appoint members to the Citizens Capital Budget Advisory Board going forward, so this is being recommended.
It’s being recommended that the size of the committee be reduced from eleven members to seven, so that it would be more manageable.

The reduction in the size of the Committee would include the elimination of the two appointments by the Board of Education.

The length of terms would be two years.

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

Comments

Chairman Roberts asked about the size of the committee and whether reducing it posed any concern, if you only had, for example, five members to show up for a meeting. The response was no.

Commissioner Cogdell asked for a reminder of why it was suggested the County Manager make the appointments. The response was to remove the politics out of the appointment process.

Commissioner Cooksey said he wondered why also.

Commissioner Cogdell said he felt the Board should make the appointments and that the Board should perhaps be more deliberate going forward with respect to looking at skill sets.

Chairman Roberts asked County Manager Jones to comment with respect to the making appointments to the committee.

County Manager Jones said if the Board wanted to continue making the appointments, he had no objection. He said this recommendation was coming forth because staff thought this was a desire expressed by the Board in October.

Commissioner Dunlap said it’s possible the County Manager would look at specific skills sets, which Board members may or may not do.

Commissioner Pendergraph spoke in support of the Board continuing to make appointments to the CCBAC.

Commissioner Pendergraph suggested staff provide the Board with a list of specific skills sets needed, so that the Board could be mindful of that when making appointments.

Commissioner Cooksey spoke in support of the Board continuing to make appointments to the CCBAC. Commissioner Cooksey said he felt that would be the public’s preference as well.

Chairman Roberts reminded the Board that the reduction in the size of the Committee would eliminate the two members appointed by the Board of Education.

No objection was expressed.

Director Yi said staff was recommending this change because none of the County’s other partners were afforded this opportunity.

The consensus of the Board was to continue to have appointments to the Citizens Capital Budget Advisory Board made by the Board and not the County Manager. Secondly, that staff provide the Board with a list of the desired skills sets for serving on the Committee. Thirdly, the Board supports the elimination of two members appointed by the Charlotte-Mecklenburg Board of Education, thus all appointments would be made by the Board of County Commissioners.
Director Yi addressed the 1% for Public Art Policy. The following was noted.

- The history of the policy
- A review of the policy
- Recommended changes

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

Comments

Commissioner Dunlap asked if the County provided other funding to the Arts & Science Council. The response was yes, but that this was something different.

Chairman Roberts asked was there flexibility in the current Public Art Ordinance to allow the Board the option of not setting aside 1% for public art for a particular project, if it chose to do so. The response was no.

Chairman Roberts said she felt it was important to give the Board the option to opt out depending on the nature of the project.

Chairman Roberts said she was a little uncomfortable with the $250,000 recommended cap. She noted that there are some projects such as the greenway or other large projects that may require more than one piece of art and you may want to have the flexibility to go higher than $250,000.

Chairman Roberts said she would prefer having the flexibility to opt out and/or reduce the amount, if that was the desire of the Board and depending on the nature of the project.

Commissioner Cooksey suggested the Board give the County Manager guidance on the types of projects that it felt would not be eligible to receive public art funding and that those types of projects be referenced in the ordinance. He cited jails as an example.

Commissioner Cooksey said he was comfortable with the $250,000 cap, but would support the Board having flexibility to raise or lower that amount if it chose to do so.

Commissioner Cogdell asked if the artwork had to be placed at the facility that was built or could it be at a different location. The response was it has to be at the facility that was built.

Commissioner Cogdell said he would be inclined to lower the cap and amend the current ordinance to permit the Arts & Science Council to use the budget as deemed appropriate, including the discretion to use the funds at a facility that’s been built and/or for art classes in schools.

Director Yi said what Commissioner Cogdell was suggesting was not possible, because this was a capital fund; and for the funds to be used for art classes in public schools or somewhere else would be an operating expense.

Director Yi said these funds could only be used for capital expense.

Commissioner Cogdell suggested the Board consider giving more authority to the Arts & Science Council to determine what the priorities are for art needs in the community.
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Commissioner Cogdell asked was there anything legally prohibiting the Board from changing the ordinance to allow funds to be used in other ways, including contributing to Arts & Science Council capital campaigns. The response was that staff would have to check with the County Attorney.

Chairman Roberts said she would be uncomfortable with changing the current ordinance to achieve what Commissioner Cogdell referenced.

Commissioner Bentley said with respect to having an opt out provision, she recently spoke with the president of the Arts & Science Council Scott Provancher and that he was okay with the Board having an opt out provision.

Commissioner Bentley noted that Mr. Provancher was speaking for himself and not for the Arts & Science Council as a whole.

Commissioner Bentley said with respect to Commissioner Cogdell’s suggestion, that she wasn’t sure if it would be appropriate for the County to fund art, other than for County buildings.

Director Yi said if any changes were to occur with the Public Art Ordinance, it would require that a public hearing be held, prior to any changes being made.

Commissioner Dunlap said he was okay with the 1% remaining. He’s does not particularly like the cap and would prefer if you say 1%, “let it be 1%.” He likes the idea of the Board having the flexibility to opt out.

It was the consensus of the Board to change the Public Art Ordinance to give the Board the flexibility to opt out from including public art for a particular capital project if it desires to do so.

There was no consensus with respect to the $250,000 Cap. Thus, Director Yi said staff would provide the Board with two options that could be presented at the public hearing with respect to having a cap and/or the ability to increase the amount.

It was noted that the ordinance did not apply to schools. Thus, Commissioner Cooksey suggested that this be clarified since the ordinance states any public building paid for by the County, noting that the County builds schools.

Director Yi said staff would get clarification regarding Charlotte-Mecklenburg Schools and Central Piedmont Community College.

Director Yi said he’d spoken with his City counterpart regarding possible changes to the ordinance.

Commissioner Cogdell said he was okay with the 1% and the cap, but would like more information regarding what flexibility the Board has.

(5) CAPITAL PRIORITY SETTING

Finance Director Dena Diorio addressed Capital Priority setting. The following was noted.

- The current practice is to prioritize a project based on purpose.
- Currently capital is done in silos.
- Projects are not ranked against each other.
- Sometimes the County Manager will reprioritize projects.
Staff is recommending a new process, which would rank projects, one by one, taking into consideration that there will no longer be silos.

The new process would involve adopting a methodology for prioritizing capital projects based on a set of objective criteria.

The criteria are more data driven.

Seven criteria were developed: 1) Mandates & Contractual 2) Building Safety 3) Economic Outcome 4) Funding Source 5) Board Priority 6) Impact on the Operating Budget 7) Joint Use Savings.

In addition, it was decided that 5% of any available capacity should be used to fund land acquisition for open space because it was recognized that land acquisition under this model would probably never rise to the top and probably would not get funded on a consistent basis.

Director Diorio reviewed the criteria.

Director Diorio said what staff was seeking at this point was feedback from the Board.

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

Comments

Commissioner Dunlap said he sort of liked what staff presented.

Commissioner Dunlap asked for clarification on Funding Source, specifically as it related to private and public dollars that may not come from the County. *Director Diorio said staff would not make a judgment as to whether the funding was coming from a private investment or the City of Charlotte; that as long as it’s not general fund money, then it would be considered not county funded.*

Director Diorio explained how the test evaluation was done.

Commissioner Dunlap asked if the process precludes you from using Certificates of Participation (COPs) to fund projects that fall below the cut off line. *Director Diorio said staff would not recommend the Board take things out of sequence. Further, that the funding of projects was a separate discussion from the ranking of the criteria.*

Commissioner Cogdell asked for clarification on the Mandates Choice Matrix – No Program Choice/Funding Choice which was addressed.

Commissioner Cogdell questioned the number of points for this category and suggested that this type of category be an exception to the entire chart.

Commissioner Cogdell said it gives 20 points to a project that the County doesn’t have control over and would have to do anyway.

Director Yi addressed the Choice Matrix further.

Commissioner Cogdell said one of the reasons he questioned the 20 points for No Program Choice/Funding Choice was because he felt more points should be assigned to Joint Use Savings.

Commissioner Cogdell said he’d rather see the five points for Building Safety be given to Joint Use Savings.

Director Diorio said a project where you’re leveraging private dollars would theoretically pick
Director Diorio said if a project has value, it'll pick up points throughout the matrix and not just in one category.

**Commissioner Cooksey** asked for clarification on Economic Outcome which was addressed.

Commissioner Cooksey said he was tempted to suggest moving five points from Economic Outcome and adding it to Board Priority.

Director Diorio said the process was not perfect and that until staff uses it and works with it, staff won’t be able to determine where it needs to be refined or tweaked. Director Diorio said staff wants the opportunity to work with the process and to come back to the Board if changes are needed.

**Commissioner Cooksey** said he was okay with what staff presented.

**Commissioner Bentley** asked for clarification on performance contracting and how it fits in with the matrix. She used HVAC replacement at the Aquatic Center as an example. **Director Yi** said that type of project would not be funded out of the capital fund but rather through capital reserves.

Director Diorio said often those types of performance contracts are done out of operating dollars because you’re contracting with a company to make the improvement and the savings generated are used to make payments on that contract. Director Diorio said this is usually not a part of the capital project process.

**Chairman Roberts** referenced the ranking of schools and asked how the “dry run” matched up with Charlotte-Mecklenburg Schools priorities. She also asked had any thought been given to how the current atmosphere about closing schools, impacts any of the priorities. **Director Diorio** said the projects staff used in the exercise were staff generated, she said staff did not ask CMS for their priorities and rank them, so at this point, staff doesn’t know if they would match up or not.

Chairman Roberts asked wasn’t it correct that in the past CMS has given the County their list and the County gives them a certain amount and they make the decision as to where the money goes. *The response was yes.*

**Commissioner Dunlap** asked had there been an assessment of the value of excess land owned by CMS and consideration to asking them to sell the land and use it towards their capital projects. **County Manager Jones** said he was not aware of any assessment being done.

**Commissioner Dunlap** said it was something to think about, because it could mean, CMS could build a school with some of the value of the excess land and not have to come to the County for it.

**Commissioner Cogdell** commented on the grid used to evaluate projects. He suggested the language for Joint Use Savings which read, the extent to which project is a collaboration with other governmental entities and/or business partners (County, City, Towns, CMS, CPCC, Library) have added to it, if it doesn’t, the private sector. **Director Diorio** said it did not but that it could be added.

Commissioner Cogdell said he’d like to see Joint Use Savings go from 10 points to 20 points, Building Safety 0-15 points; and that the points for Priority Levels 5, 6, & 7 be adjusted.

**Commissioner Dunlap** said if the points were adjusted as suggested by Commissioner Cogdell,
potentially what could happen is that if someone who has private dollars knows that those private dollars can influence what project the County builds, that it skews the process.

Commissioner Cooksey said increasing the number of points for Joint Use Savings could serve as an incentive for an investor.

Commissioner Cooksey said if an analysis or inventory of excess CMS land is done, as mentioned by Commissioner Dunlap, that staff should also look at County property, in case there’s land the County has that no longer fits in the long term planning of the County and could be sold and those funds then used to fund capital projects.

Chairman Roberts said she would be okay with tweaking the points for Joint Use Savings some, but was not comfortable with giving it 10 additional points. Chairman Roberts said she would prefer the adjustments be made by staff and not the Board.

Chairman Roberts asked was it the will of the Board that the points for Joint Use Savings be adjusted.

Only Commissioners Cogdell, Cooksey, and Roberts felt that it should, so the consensus was to leave it as is.

Commissioner Dunlap noted that just because a project may not rank where one may think it should have, doesn’t mean the process doesn’t work.

Chairman Roberts said this was a good start.

Director Diorio said what was presented by staff was just an example.

Director Diorio said it should be kept in mind that affordability will be the driving factor about how much any of the projects on the list can be done.

Director Diorio said the way the process will work is that there’s a fairly extensive questionnaire that the departments and partners will complete for each project, which would then come back to a central CIP committee of staff to vet out.

Commissioner Cogdell continued to address the points for Joint Use Savings, noting that moving forward with certain joint use projects could actually save taxpayers dollars.

Commissioner Dunlap asked Director Diorio how did staff determine the number of points. Director Diorio said the points were weighted based on feedback staff received from the Board previously.

Director Diorio said the scale doesn’t have to be 100. She said if the Board wants to add more points to Joint Use Savings, the scale could be 120 points. Director Diorio said it should be kept in mind that no project will get every single point. She said that it’ll always be in a range.

Commissioner Bentley asked for clarification on joint use. Director Diorio said the way joint use was currently framed was that it includes joint use projects between the County and other governmental entities. She said Commissioner Cogdell suggested including the private sector.

It was the consensus of the Board to move forward with the capital priority setting process as presented by staff and to have further discussion once staff reports back with the results of the process.

This concluded the discussion. The above is not inclusive of every comment but is a summary.
The Board recessed at 10:25 a.m. and reconvened at 10:45 a.m.

(6) DEBT SERVICE FUND

Director Diorio addressed the Debt Service Fund. The following was covered.

- Bond Rating Overview
  - Highly Rated Credit Factors
  - Debt Profiles of AAA’s – National
  - Debt Profiles of AAA’s – N.C. Counties
  - Mecklenburg County Debt Ratios
  - Rating Surveillance

- Debt Service Fund
  - Objectives for Debt Service Fund
  - Projection of Outstanding Debt – GO Bonds & COPs
  - Projected Current Debt Service Expenditures by Fiscal Year
  - Projected Current Debt Service as % of General Fund Operating Expenditures
  - Property Tax Required for Debt Service
  - Summary of Proposed Fund
    - Dedicated revenues go into the fund
    - No appropriation of fund balance for debt service
    - Funded at 22 cents on the tax rate
    - Annual amount available for capital expenditures is known
    - Debt issuance is managed based on available capacity
    - Capacity is the difference between the debt service budget and 20% of the operating budget
    - Continue to reduce outstanding debt
    - Accumulate fund balance equal to 2 years other revenue
    - Excess fund balance diverts to pay-as-you-go
  - Model Assumptions
  - Proposed Revenue Sources Projected for FY12
  - Calculation of Debt Capacity
  - Proposed Debt Service Fund Capacity
  - Projected Debt Service with New Issues
  - Fund Balance
  - Advantages & Disadvantages

- Qualified School Construction Bonds

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

Comments

Commissioner Cooksey asked about Debt Service as a Percentage of Budget. Director Diorio explained that the County budgets its variable rate debt at a higher rate than it actually pays.

Commissioner Pendergraph asked why the County’s debt profile was so much higher in comparison to other N. C. counties. Director Diorio said the County had a lot of growth taking place at one time and a lot of money was spent.

County Manager Jones noted that Wake County about 12 years ago, did what staff was proposing the County do and that was, Wake County established a debt service fund; and they did not issue debt beyond the capacity that they established in that fund.

Chairman Roberts with respect to the Projected Debt Service chart, asked what was included in
Other Revenues, which was addressed.

Commissioner Bentley with respect to the Projected Debt Service chart asked where was fund balance, which was addressed.

Chairman Roberts with respect to Proposed Fund asked for clarification regarding capacity, which was addressed.

Commissioner Dunlap said if the County didn’t issue anymore debt and continued to pay the 20%, how long would it take the County to get out of debt, to a point where the County could just use pay-as-you-go to fund all of its projects. Director Diorio said it was hard to answer that question because the County has debt service that goes out for twenty more years. She said staff would have to figure that out, but it would take a very long time.

Commissioner Bentley asked what would be the implications from a rating perspective if the County decided to lower the 20% to 18%. Director Diorio said from a ratings standpoint it would be seen positively, but as you go through the model, it would “crowd out” your ability to issue any new debt.

Commissioner Cogdell with respect to Debt Service as percentage of budget, asked how long would it take the County to get where Forsyth County and Guildford County were, if no more debt was issued, which was addressed. Director Diorio said it was not easy to get that percentage down.

Commissioner Cogdell asked was it correct that since December 2008 the Board has not issued any debt that wasn’t for a project that was underway. The response was yes.

Commissioner Dunlap asked for clarification on debt capacity, which was addressed.

Chairman Roberts asked about pay-go and how it fits into the prioritization, which was addressed. Director Diorio said pay-go was just another funding source.

Commissioner Cooksey said it would be helpful to him if staff referred to this as debt fund balance to distinguish it from regular fund balance.

Director Diorio noted that when the rating agencies review this, they look at fund balance in total, there’s no distinction and that helps from a reserves perspective.

Commissioner Dunlap asked how does staff determine what “pots” of money make up the County’s reserves. Director Diorio said the County has general fund reserves, fund balance in the general fund, in the capital projects funds, and in special revenue funds.

Commissioner Pendergraph asked had there been any discussions regarding the construction of school facilities such that they would be built by a company and then leased back to the County. Director Diorio said the County has been approached by companies wanting to do that, but the problem with that is, their “cost of money” would never be as cheap as the County’s “cost of money.” She said a tax exempt issuer is always going to be able to borrow money for less.

Director Diorio said the County has never been able to get a deal where it was advantageous to the County from a cost perspective to do it.

Commissioner Dunlap said that’s the same reason Charlotte-Mecklenburg Schools has not done that as well.

Commissioner Dunlap asked what the benefit was of spending the Qualified School
Construction Bonds when CMS was closing schools, which was addressed.

Commissioner Dunlap asked could the Qualified School Construction Bonds be used for Central Piedmont Community College as well. The response was no.

Director Diorio said with respect to Qualified School Construction Bonds staff could seek the extension from the state on the first piece if it’s the desire of the Board.

Chairman Roberts said she felt the Board wants to see how the ranking turns out first.

The Board recessed at 12:10 p.m. and reconvened at 12:30 p.m.

(7) NON-PROFIT ORGANIZATION FUNDING STRATEGY

Director Yi addressed Non-Profit Organization (Outside Agencies) funding. The following was noted.

- Funding History of Outside Agencies
- Streamlining Funding
- Funding Strategy
- FY12 Process
- Next Steps

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

Comments

Commissioner Dunlap said he was okay with what staff was recommending. He suggested staff also remind and make OSA aware of other funding mechanisms, such as the County Employee Combined Charitable campaigns.

Commissioner Leake asked how the information would be disseminated to the public, which was addressed.

Commissioner Cogdell spoke in support of staff’s recommendations.

Director Yi said staff planned to seek input from others in the community experienced in grant management, such as United Way, Foundation of the Carolinas and professors at UNC-Charlotte that teach grants management.

Commissioner Leake asked staff to also check with Johnson C. Smith University. Director Yi said he would look at Johnson C. Smith as well.

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

Chairman Roberts asked if staff knew whether CMS or the City of Charlotte were considering doing something similar to what staff presented, since they give monies to some of the same OSA as the County. Director Yi said there have been conversations with the City of Charlotte to see where there are overlaps in funding and whether changes need to occur. Director Yi said those discussions will continue and that eventually staff will report back to the County Manager and to the Board. He said CMS was also included in those discussions.

It was the consensus of the Board for staff to move forward with developing what they have proposed and to report back to the Board once finalized.
This concluded the discussion.

Chairman Roberts thanked staff on behalf of the Board for all of its work.

County Manager Jones made closing remarks and thanked the Board for its participation.

County Manager Jones said he would be recommending in his recommended budget, the establishment of a debt service fund.

Note: None of the above is inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Bentley, 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 12:55 p.m.
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 1, 2011.

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 10 and 12.

(2) STAFF BRIEFINGS - NONE

(3A) CLOSED SESSION – CONSULT WITH ATTORNEY

There was no Consult with Attorney matters to be discussed in Closed Session.

-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

(1) AWARDS/RECOGNITION – NONE
PUBLIC APPEARANCE

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

Michelle Robinson addressed Charlotte-Mecklenburg Schools’ (CMS) budget. She asked the Board to make sure there’s some type of oversight or checks and balances with respect to any funds allocated to CMS by the County; and to place stipulations on any funds allocated to CMS. Ms. Robinson said CMS’ use of funds in the past has not always been well thought out on the part of CMS.

APPOINTMENTS

(3A) APPOINTMENTS

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE – ITEM WAS REMOVED FROM THE AGENDA

FIRE COMMISSION

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 reappoint Larry Irvin to the Fire Commission for a three-year term expiring January 30, 2014.

JUVENILE CRIME PREVENTION COUNCIL

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

Douglas Edwards  Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts

Tabitha Barwell
Stephanie Carter-Tyson
LaQuanda Coulote
Sara Holland
Denetria Myles
Queen Thompson

Chairman Roberts announced the appointment of Douglas Edwards to the Juvenile Crime Prevention Council to fill an unexpired term expiring June 30, 2011.

Note: He is replacing Emily Marroquin.

WASTE MANAGEMENT ADVISORY BOARD

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

William Harrison  Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts

Voting Ceased
Chairman Roberts announced the appointment of William Harrison to the Waste Management Advisory Board to fill an unexpired term expiring April 15, 2011.

*Note: He is replacing Gary Bies.*

(38) WASTE MANAGEMENT ADVISORY BOARD – CITY OF CHARLOTTE SLOT

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Mark Joyce to the Waste Management Advisory Board as recommended by the Charlotte City Council for a three year term expiring February 1, 2014.

*He is replacing Brett Rhinehardt.*

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) IBM RECOMMENDATIONS -- JOINT CAPITAL MASTER PLANNING

The Board received a report and recommendations from IBM regarding Joint Capital Master Planning.

*Note: Operating under a grant from IBM to Mecklenburg County, a team of five IBM executives worked full-time between November 1 – 19, 2010 to analyze the issue of integrating capital master planning in Mecklenburg County and recommend a course of action. The joint capital master planning process IMB proposed would analyze potential capital project investments within the framework of how these investments improve the quality of life in neighborhoods, and prioritize those projects based on the quantified ability of each project to increase property values in those neighborhoods.*

David Edwards with IBM gave the report.

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

Commissioner Clarke asked that the Board keep in mind, the next step in the process may involve obtaining consultants to help with the implementation process.

County Manager Jones said the immediate next step in the process would be concluding discussions with the towns and the City of Charlotte regarding their level of interest in this. He said staff would report back with a resolution for Board consideration approving this process.
for joint capital master planning. The Board would subsequently ask the towns and City of Charlotte to adopt a resolution as well.

General Manager Bobbie Shields addressed the timeframe involved. He said staff would report back to the Board with a resolution either March or April.

Chairman Roberts and County Manager Jones thanked IBM officials for their work.

(6B) BUDGET UPDATE

The Board received a budget update and other information on the condition of and outlook for the community from Budget/Management Director Hyong Yi.

Director Yi addressed the Board’s recent Strategic Planning Conference and Community Engagement.

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

Commissioner Leake requested a list of mandated and non-mandated services provided by the County.

Commissioner Clarke asked about the County’s FY2011 Status and the statement that said no mid-year reductions anticipated at this time. He also asked about sales tax collection numbers which was addressed.

Commissioner Clarke asked what was the basis for stating no mid-year reductions anticipated at this time. Director Yi said it was because of where the budget was set this year versus last year with respect to sales tax estimates. Director Yi said when you compare the projected budget for sales taxes with the actual collection, the County was a “little bit” ahead in terms of collection. Director Yi said last year this time the County was behind in its sales tax collection based on the projected sales taxes budget for that time.

Commissioner Clarke asked was the sales taxes budget for this year the same as last year. The response was no, it’s less.

Commissioner Dunlap said he agreed with the statement in the presentation that retaining top employees is tied to pay and benefits.

Commissioner Dunlap asked to what degree did technology replace employees as oppose to just reducing staff. Director Yi said he would have to research that.

Commissioner Leake asked in light of reductions in staff over the years, what impact has that had on the delivery of services. Director Yi said this was something staff plans to address in future updates.

Commissioner Leake said she would like to see the work distribution of each General Manager, who’s responsible for what.

STAFF REPORTS AND REQUESTS

(7A) REVALUATION UPDATE

The Board received a report from the Tax Assessor, Garrett Alexander regarding residential property valuation and the next steps in the reappraisal process. He was assisted by David
Vance of his staff.

Note: The octennial revaluation effective January 1, 2011 requires the notification of valuation for all real property in Mecklenburg County. Notices of value for residential value are expected to be mailed February 4, 2011.

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

Commissioner James asked for clarification regarding market valuation shifts which was addressed.

Commissioner James asked when staff reports back with updated numbers that they keep the numbers shown in the presentation and drop in what the final median number is.

Commissioner James inquired about appealing on-line, which was addressed. It was noted that a signed appeal request is required.

Commissioner James said once the commercial information is known, what he’s interested in seeing is the impact of tax increases and revenue neutral, for example, if you paid “x” tax rate, whatever revenue neutral is, how many people have their taxes go up, if you pick the next rate up by a penny, two pennies, etc. Commissioner James said he’d like the information broken down by regions or districts.

Commissioner Bentley asked for a review of the appeals process, which was explained.

Commissioner Bentley asked how staff viewed properties whose use may have changed since the last revaluation, for example, property that may have been designated as farmland, which was addressed.

Commissioner Pendergraph, along with other Commissioners, thanked Director Garrett and his staff for the fine job they did at explaining the revaluation process at community meetings throughout the county.

Commissioner Clarke asked about the appeals process and property owners that may have gone through refinancing, which was addressed.

Commissioner Leake asked about the Homestead Act, which was addressed.

(78) 2011 PRETRIAL SERVICES ELIGIBILITY POLICY

Tom Eberly, Criminal Justice Planning Manager addressed the proposed 2011 Pretrial Services Eligibility Policy.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to rescind Board Action of January 12, 2001 that authorized the Court Services Pretrial Release Policy and approve the 2011 Pretrial Services Eligibility Policy as recommended by the Pretrial Services Eligibility Committee, Criminal Justice Advisory Group, and BOCC Criminal Justice Committee.

(Note: Court Services Pretrial Release is now called Pretrial Services.)

Policy recorded in full in Minute Book 45-A, Document # _____.

5
Commissioner James returned to the dais.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) GRANT FUNDING FOR CMS

Commissioner Leake addressed grant funding for Charlotte Mecklenburg Schools as it relates to the Pre-K program.

Background: Educators, pediatricians, and child development specialists understand the value of pre-school, literacy based instruction, especially for children in underserved communities with few resources in the home. The Board of Education (BOE) is considering cutting more than half of the pre-school classrooms from the current CMS offerings. Many of those children who would lose this instruction reside in neighborhoods that have already been hit hard by school, library, and recreation center closings. The County sees the results of children who arrive at kindergarten with no knowledge of numbers or letters; they struggle to catch up, require teachers to spend extra time, and take an unusual amount of time adjusting to the discipline of a classroom setting. Too frequently they become the students who drop out of school early and end up in our criminal justice system. CMS K-3 classrooms are slated to lose teacher assistants all together in the coming budget cuts, which will make it harder for teachers to work with those students who are unprepared. This could lead to a downward spiral in academic achievement for many K-3 classrooms and beyond.

The BOE is scheduled to vote on whether to cut $10 million for pre-school classrooms on February 8. The BOCC understands that the BOE is responsible for prioritizing education spending and setting education policy, and may not be willing to accept funding with strings attached. This type of directed funding may be difficult to contract legally, and it may be the process is too cumbersome to enact. But in the event that CMS is mutually agreeable, and the documentation possible, the BOCC would offer to support the pre-K program, knowing its importance to young children who are innocent victims of scarce resources and difficult environments, in some of the most underserved communities in our county (many in District 2). This funding would be in addition to whatever amount the BOCC votes to give CMS for operational funding later during the June budget discussions.

Chairman Roberts briefed the Board on a meeting that she and Vice-Chairman Pendergraph had with the Chairman and Vice-Chairman of the Board of Education (BOE), along with the Superintendent with respect to this matter.

Chairman Roberts said CMS officials shared their prioritization of $100 million dollars of cuts they anticipate having to make because of what’s happening at the state level and with federal stimulus funding going away. Also, they’re assuming flat County funding.

Chairman Roberts said they were pleased that the Board would consider funding more education and look forward to more discussion.

Chairman Roberts said CMS officials said if they had to add back to their budget the priority would be to 1) decrease class size, 2) change weighted student staffing, 3) restore one support position in each school, 4) add teacher assistants, and 5) restore Bright Beginnings pre-k program.

Vice-Chairman Pendergraph said the BOE was very supportive of the Bright Beginnings program. He said the four priorities that come before Bright Beginnings will help with overall student achievement as well.
Commissioner Clarke asked had the Board of Education as a whole voted on the priority list that was shared. The response was no.

Commissioner Clarke suggested the Board defer this matter until it knows where the BOE stands with respect to their list of priorities.

Commissioner Leake was agreeable to his suggestion.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 7-1 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes and Commissioner Cogdell voting no, to defer until the first meeting in April, (April 5, 2011) consideration of instructing the County Manager to explore an agreement with Charlotte-Mecklenburg Schools (CMS) that would be a County grant of $10 million that would be used to fund pre-school programs for underserved children in Mecklenburg County. This directed funding from the Board of Commissioners (BOCC) would be in addition to the operational funding to be voted on later as part of the County’s annual budget.

Prior to the above vote, the following persons spoke in support of early childhood education and CMS’ Bright Beginnings program: Janet Singerman with Child Care Resources, Brett Loftis with Council for Children, Rich Lambert, professor at UNC-Charlotte, Cherisse Boyce Hollingsworth (parent).

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

CONSENT ITEMS

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, 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 January 19, 2011 and Closed Session held January 19, 2011.

(11) CAPITAL RESERVE REQUEST - WATERFRONT AREA REPLACEMENTS, MCDOWELL NATURE PRESERVE – PARK AND RECREATION

Authorize and appropriate expenditure of $57,850 from the Park & Recreation McDowell Capital Reserve account for waterfront area replacements at the McDowell Nature Preserve.

(13) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

1) Adopt a resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Sea Glass Holdings, a Quiznos Sub Franchisee.”

2) Recognize and appropriate $98,024 from the Government District Parking fees account to cover costs associated with leasing retail portions of the parking deck.

Resolution recorded in full in Minute Book 45-A Document # ______.

(14) SELECTION OF CRIMINAL JUSTICE DATA WAREHOUSE VENDOR
Approve the selection of Data First Technologies for the development and implementation of a criminal justice data warehouse.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) PROJECT SAFE NEIGHBORHOODS GRANT APPLICATION – COMMUNITY SUPPORT SERVICE DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to

1) Approve submission of a grant application in the amount of $33,501 for the Project SAFE Neighborhoods – Community Outreach & Media Engagement Project to the Governor’s Crime Commission, serving as fiscal agent for the U.S. Department of Justice.

2) Upon award of grant, recognize, receive, and appropriate the grant award.

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

Note: The Project SAFE Neighborhoods (PSN) grant managed by Community Support Services Department (CSS) staff provides funding for Media Outreach and Community Engagement to educate residents about gun violence and reduce gun violence in the community.

(12) ENGINEER SELECTION – AQUATIC CENTER HVAC REPLACEMENT – PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to negotiate a fee and execute a contract with Teeter Engineering for engineering services for the Aquatic Center HVAC Replacement.

Commissioner Leake removed this item from Consent for clarification regarding the selection process which was addressed by Attorney Bethune.

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, 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 9:30 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, February 8, 2011.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
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: Commissioners Neil Cooksey and Bill James

Commissioners Clarke and Cogdell 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) DELOITTE CONSULTING REPORT ON FINANCIAL BUSINESS PROCESSES

County Manager Jones gave introductory remarks regarding the Deloitte Consulting report on financial business processes.

Commissioners Cogdell and Clarke entered the meeting.

The following was noted:

• The business case developed by Deloitte identifies the potential for improving procurement and accounts payable processes and enhancing general accounting capabilities that would result in an annual cost savings between $13 - $20 million.
• Implementing Phase 1, which would focus on procurement, is projected to save $6 - $10 million.
• The County would pay a base fee to Deloitte with the majority of Deloitte’s payments being contingent upon achieving savings and other benefits projected in the business case.
• Deloitte is risking 80% of its fees on the County achieving the projected savings.
• Based on this business case and payment model, the County has negotiated an addendum to its current agreement with Deloitte to implement Phase 1.

County Manager Jones gave the history of how the County got to this point.

Christina Dorfhuber and Jerry O’Dwyer with Deloitte presented the report.

The following was covered:
• Project Scope
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- Approach for the Assessment
- Approach to Prioritizing Opportunities
- Summary of Recommendations and Business Case Outputs
- Phase One
- Potential Future Phases
- Performance Based Arrangement

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

Comments

Commissioner Clarke asked staff to give their perspective of what it was Deloitte was proposing to do.

Finance Director Dena Diorio commented. It was noted that as a result of this Finance would be able to automate a lot of its processes. She said on the procurement side, they'll be able to be a lot more strategic about what is bought and when it's bought. They'll also be able to look across the entire organization from this perspective, which currently is not possible.

Commissioner Clarke asked had staff talked with others that have gone through this type of process. The response was yes and that they were all pleased with the results.

Commissioner Leake asked how this would impact current staff, would jobs be lost.

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Commissioner Clarke asked had staff talked with others that have gone through this type of process. The response was yes and that they were all pleased with the results.
Chairman Roberts asked if staff was working with the Library and other groups with respect to this. The response was no.

It was the consensus of the Board that staff move forward.

Note: The above is not inclusive of every comment.

(2) REVENTURE PARK PROJECT UPDATE

Bruce Gledhill, Director, Solid Waste Services and Tom McKittrick, President, Forsite Development addressed the status of the proposed ReVenture Park Project.

Note: ReVenture Park is a proposed renewable energy industrial park to be located on the Clariant Corporation property in western Mecklenburg County. One proposed anchor project within the ReVenture Park is a 20 – megawatt Waste-to-Energy Facility. This Facility is being designed, and proposes to handle all of Mecklenburg County’s residential waste. On June 1, 2010, the Board of Commissioners approved an amendment to the County’s Ten-Year Solid Waste Management Plan incorporating the ReVenture Park project as a disposal option for the County’s residential waste. Since that date, all six Mecklenburg County municipalities have approved similar Plan amendments.

The following was addressed:

- Solid Waste System Goals
- Service Agreement Objectives
- How We Got Here
- Who is ReVenture
- Facility/Technologies Description
- Environmental Impact

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

Bill Gupton with the Central Piedmont Sierra Club presented the Sierra Club’s findings with respect to ReVenture. The following was addressed:

- Central Piedmont Sierra Club Position on the ReVenture Park
- ReVenture Financial Viability
- ReVenture Project Management
- ReVenture Disclosure
- ReVenture Impact – Public Health – Public Safety- Environmental- Jobs
- Incineration and Gasification
- How Does Waste To Energy Compare
- Areas of Support
- Recommendations

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

Comments

Chairman Roberts asked in light of comments made regarding Forsite’s debt, if Forsite Development went away “tomorrow” would that put the County at any risk. Director Gledhill said no.
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Director Gledhill clarified that the Memorandum of Understanding (MOU) that the County has is non-binding.

Chairman Roberts asked were any taxpayer dollars being committed for this project. Director Gledhill said the only County dollars associated with this, if the project were to move forward, was a tipping fee. He explained how the tipping fee currently works and how it would work if the ReVenture project moves forward.

Director Gledhill said if the County was to enter into a relationship with ReVenture and if their facility failed in any way, they would be responsible, at their own cost, for providing the County with landfill capacity.

Commissioner Dunlap asked would the proposed project’s pollutant emittants exceed what’s currently required by law. Director Gledhill said no.

Commissioner Dunlap asked if the County didn’t pay ReVenture or someone else for waste reduction or getting rid of the County’s solid waste, would the County still have the expense of doing that. Director Gledhill said the County was committed through 2028 by interlocal agreements to dispose of every ton of trash that the seven municipalities bring to the County.

Director Gledhill said the County has that obligation whether it goes with ReVenture or some other contracting party, or put the waste in the County’s Foxhole landfill.

Commissioner Dunlap asked would the cost of doing business with ReVenture exceed the County’s current cost. Director Gledhill said no, that it’s believed that the $25 per ton escalated at CPI (3%), the lesser of the two, is highly advantageous from a cost perspective.

Commissioner Bentley asked about the gasification process and the health issues cited by Mr. Gupton, which was addressed by Mr. McKittrick.

Mr. McKittrick said health issues were critical issues and have to be addressed. Mr. McKittrick said they plan to go above and beyond what’s required. He said it was not required for them to do continuous air monitoring under this type of permit, but they plan to do that. Mr. McKittrick said if they’re ever out of compliance with the permitted levels, the facility would shut down.

Mr. McKittrick said there would also be an on-going citizens advisory group that would meet monthly at the site reviewing data and emissions control.

Mr. McKittrick said they plan to have complete transparency with the community to ensure that nothing that they’re doing was harming the environment or health. He said they were willing to do whatever was needed to make sure this doesn’t cause any air emissions problems.

Mr. McKittrick said gasification was the “next big thing.” He said what they like about what they’re proposing was its simplicity, a straight forward design. He said the remainder of the plant was off the shelf proven technology.

Commissioner Bentley asked about the County’s role in the permitting process which was addressed by Air Quality Director Don Willard.

Commissioner Bentley acknowledged receipt of emails regarding potential conflicts of interest on the part of some ReVenture Advisory Council members. Director Gledhill said members always excused themselves when they felt there was a conflict.

Commissioner Pendergraph asked staff to address concerns regarding property values, which was addressed.
Mr. McKittrick said they were “100%” confident that what they’re doing would create an employment hub, and an energy hub that would increase property values.

Mr. McKittrick said he was willing to put together a property protection plan to address any concerns to make sure there’s a mechanism in place to give them absolute confidence that there’s no detraction from property values.

Commissioner Pendergraph asked was there another waste to energy facility that’s burning municipal waste in this same exact manner anywhere in the United States. Mr. McKittrick said no, not in this same exact manner.

Commissioner Pendergraph asked Mr. McKittrick how he knew the pollutants wouldn’t exceed the standards, when they don’t have any experience in this yet.

Mr. McKittrick said this gasifier exist and has been burning similar fuel to what they would be creating. He said testing has occurred to come up with the modeling. He said the inventor of the primary emissions control piece was guaranteeing that emissions don’t go out of compliance.

Commissioner Pendergraph asked how long would it take for the Board to be notified and residents in the area, if they were to become out of compliance. Director Willard said typically the emissions would not be visible, so if residents were to see something that would mean they were out of compliance and residents should make that known and the company should likewise start doing things to shut the facility down.

Director Willard said ReVenture has committed to putting in continuous monitoring devices.

Director Gledhill said the County would not only look for ReVenture to provide continuous emissions monitoring but also that they have a website available so that anyone could go online and see what the emissions monitoring was.

Commissioner Pendergraph said concern for traffic in the area had also been expressed. Mr. McKittrick said trucks entering the site would not be going through any neighborhoods. He addressed how the trucks would enter the site.

Commissioner Cogdell asked about the duration of the MOU. Director Gledhill said it had expired but discussions continue under the same terms.

Commissioner Cogdell asked if the County still had the opportunity to renew its contract with Republic. Director Gledhill said Republic had indicated that they would be willing to talk with the County regarding that, but they have not made a specific offer.

Commissioner Cogdell asked was the County required to indicate its intent to Republic.

Director Gledhill said there’s no specific requirement to give intent. He said the agreement just expires.

Director Gledhill said the County was quickly coming upon a date, however, where it has to know what it’s going to do with its waste in 2012. He said either the County would need to do substantial capital expansion of the Foxhole landfill, negotiate a new agreement with Republic, or have a firm and binding commitment with ReVenture to take it in 2012 with substantial financial and operational penalties if they don’t.

Director Gledhill said Board direction was needed now.
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Director Gledhill said per ReVenture, they would provide a facility to take the County’s solid waste on July 1, 2012, if the County proceeds with the project.

Director Gledhill said staff and the County Attorney have concerns about managing that risk and making sure they’re held accountable. He said all of those concerns haven’t been resolved yet.

Commissioner Cogdell asked when the Board would get feedback regarding whether or not those concerns have been addressed and receive a recommendation from staff. Director Gledhill said staff would report back in a couple of months because the clock was “ticking.”

Director Gledhill said some of the initial measures necessary to prepare capacity at the Foxhole landfill were being taken to make sure that capacity is available, if no other capacity is available to the County.

Commissioner Cogdell asked Mr. Gupton to clarify the Sierra Club’s opposition or concern. Mr. Gupton said they believe the incineration portion of the ReVenture project has too much risk, in terms of its emissions profile. Mr. Gupton said there were merits to the ReVenture project, but there were still a lot of unanswered questions and concern for public health and safety.

Mr. Gupton said gasification high temperature, low oxygen units have a poor track record in terms of performance.

Commissioner Clarke asked was any state of N.C. money involved in this project. Mr. McKittrick said no.

Commissioner Clarke asked why not use the Foxhole landfill. Director Gledhill said the Foxhole landfill was a great asset. He said it has years of capacity. Director Gledhill said the County would never site another landfill in Mecklenburg County.

Director Gledhill said if the County could find alternative capacity that would take that same waste and provide the County with recycling, waste reduction options associated with it, to increase the County’s recycling rate and still preserve the Foxhole landfill to be the County’s safeguard for the future, then that’s a good solution.

Commissioner Clarke asked for an estimate on how much it would cost to expand the Foxhole landfill. The response was $7 million - $8 million for the first phase, which is within its current footprint. He said Phase 1 does not expand the landfill, it’s just building the next phase out.

Commissioner Clarke asked about tipping fees. Director Gledhill said the Board would have to establish a tipping fee for residential waste at the Foxhole landfill. Director Gledhill said he would estimate the fee being close to what it currently was $25 - $26 a ton, which would be paid by the municipalities.

Commissioner Clarke asked would the cost be same with the ReVenture project. Director Gledhill said the unit cost per ton that the municipalities would pay would be about the same.

Commissioner Clarke asked how the two compared from a risk point of view. Director Gledhill said it depended upon the contract entered into with ReVenture. Director Gledhill said the primary purpose of that contract would be to manage that risk, so the County would have a sure solution and a fixed price.

Commissioner Clarke said he doesn’t see how you can eliminate the risk associated with a contract with ReVenture.

Commissioner Clarke said the only remedy would be specific performance. He said you can’t
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seek financial remedies. He said you’d have to have someone who could provide you with specific performance. Director Gledhill said he agreed.

Director Gledhill said the remedy being discussed was specific performance that would be required to contract with a back up landfill if their facility didn’t work.

Commissioner Clarke said he remained to be convinced that the County should move forward with this because of the risks, such as litigation risks and performance risks.

Commissioner Cogdell asked what the lifespan of the Foxhole landfill was. The response was about 18 years.

Commissioner Bentley asked about the Brownfield program, which was addressed.

Commissioner Dunlap asked about the Speedway landfill. Director Gledhill said there was plenty of capacity at the Speedway landfill, but the County doesn’t control that site. He said if they offer the County a continuation of a contract, which he thinks they would, the question was, at what price.

Chairman Roberts asked if staff felt Republic would be willing to do a year by year contract. The response was yes, at some financial penalty.

Chairman Roberts asked would that cost the County more. The response was yes.

Chairman Roberts asked Mr. Gupton if the Sierra Club was supporting landfills. The response was no. Mr. Gupton said in terms of capacity, if the County became aggressive in terms of putting in place very good education programs, incentives and disincentives, to encourage recycling and re-use, and got its waste stream up, to say increase it, three or four times, you reduce and save landfill capacity.

Mr. Gupton said their goal was to put as little as possible in the land by recapturing those natural resources.

Chairman Roberts said with respect to waste to energy, there was a right way to do it and a more risk way to do it. Chairman Roberts said if you do this the right way it makes sense from a job creation perspective and from a long term planning capital perspective.

Chairman Roberts said the County would need to monitor this very closely and carefully, the actual technology and whether the contract was being followed and to make sure the advisory board was keeping up with what was going on and to hold public hearings.

Mr. McKittrick said they would be willing to hold public hearings. Mr. McKittrick said they understand the County can’t incur any risk. He said their back stop was to partner with a landfill operator that’s willing to take that waste at the same tipping fee that’s negotiated with the County.

Mr. McKittrick said there were several private landfill operators interested in partnering with them to make this project a reality.

Mr. McKittrick said he felt all of the risks could be mitigated contractually.

Commissioner Cogdell requested feedback from the Waste Management Advisory Board and the County Manager’s Office on what happens in the short term and does the County need to be looking at a capital plan to get the Foxhole landfill ready for use. Director Gledhill said staff discussed this and would be reporting back.
Shannon Bennon with Sustaining Charlotte said an issue that had not been addressed was what would actually be burned, which he addressed briefly.

This concluded the discussion.

It was the consensus of the Board for staff to move forward cautiously and to report back to the Board.

Commissioner Clarke requested a list of the pros and cons of the three alternatives.

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

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, 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 6:03 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, February 15, 2011.

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

-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 17, 18, 19, 20, and 21.

Commissioner Pendergraph said he would request to be excused from voting on Item 18 - Maintenance Contracts-Government Facilities to avoid a conflict of interest. Commissioner Pendergraph acknowledged a relationship with The Keith Corporation.

(2) STAFF BRIEFINGS - NONE

(3A, B) CLOSED SESSION – PERSONNEL MATTER AND CONSULT WITH ATTORNEY

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes and Commissioner Pendergraph voting no, to go into Closed Session for the following purposes: A) Personnel Matter and B) Consult with Attorney.

Note: Prior to going into Closed Session Commissioner Bentley asked County Attorney Bethune to clarify Personnel Matter for purposes of going into Closed Session. County Attorney Bethune referenced the applicable statute.

Commissioner Pendergraph also questioned why the Board needed to go into Closed Session to discuss Personnel Matter.

County Attorney Bethune said he would advise the Board to go into Closed Session, hear the
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information and upon receipt of that information, then decide what the Board would like to release to the public.

The Board went into Closed Session at 5:12 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

(1) AWARDS/RECOGNITION - NONE

(2) PUBLIC APPEARANCE

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

Greg Kudasz addressed a website he owns called, realmeck.com. He said the site is an independent look at Mecklenburg County with special emphasis on current issues, such as tax revaluation. Mr. Kudasz complimented the Tax Assessor and his staff for the fine job that they do. He also complimented staff from the Elections Office and GIS. Employees specifically named were: Dick Pacetti, Kristin Mavromatis, James Metz, Scott Black, Karen Isley, and Joe Brown.

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

APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Anna Maria Medvid to the Adult Care Home Advisory Committee for a one-year term expiring February 28, 2012.

Note: She is replacing Andrea Arterburn.

Commissioner Cogdell returned to the dais.

AIR QUALITY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Peter McGrath to the Air Quality Commission as the attorney representative to fill an unexpired term expiring August 31, 2011.
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Note: He is replacing Randolph Perkins.

BICYCLE COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Jane Cacchione to the Bicycle Committee for a three-year term expiring March 31, 2014.

BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint JoAnne Allen, James Barnett, Damon Bidencope, Zanthia Hastings, Unithia McGruder, Jack Morgan and John Newitt to the Board of Equalization and Review for one-year terms expiring April 7, 2012. Secondly, to appoint James Barnett as chairman of the Board of Equalization and Review for the duration of his term.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to waive the Board’s appointment term policy and reappoint Russell Allen and William Hawkins to the Board of Equalization and Review for one-year terms expiring April 7, 2012.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Linda Ashendorf, Jessica Halvorsen and Jacqueline Levister to the Waste Management Advisory Board for three-year terms expiring March 31, 2014.

(3B) ALCOHOLIC BEVERAGE CONTROL BOARD

It was noted that persons nominated for appointment consideration to the Alcoholic Beverage Control Board were interviewed by an Ad Hoc Committee of the Board. Members of the Ad Hoc Committee were Commissioners Clarke, Pendergraph, Roberts, and Dunlap.

Chairman Roberts presented the committee’s recommendation for appointment. Jerry Hwang was the committee’s recommended candidate.

The vote was taken on the following nominees for appointment consideration to the Alcoholic Beverage Control Board to fill an unexpired term expiring June 30, 2012:

Jerry Hwang  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts

Voting Ceased

Daryl Broome
Robert Burroughs
Andrea Huff
Betty Newsam
Thomas Porter
Chairman Roberts announced the appointment of Jerry Hwang to the Alcoholic Beverage Control Board to fill an unexpired term expiring June 30, 2012.

Note: He is replacing James Polk, who is deceased.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) BUDGET UPDATE

Budget/Management Director Hyong Yi gave a budget update. The following was covered:

FY12 Revenue Assumptions
FY12 Projected Revenues
FY12 Expense Assumptions
FY12 Projected Expenses
Known Cost Increases
Known Cost Reductions
FY12 Baseline Budget
Wildcards

Conclusions

- Actions taken as part of the FY11 budget process have stabilized our financial situation
  - Establishing a new baseline for revenue
  - Cutting expenses consistent with expected revenue
- The initial budgetary position for FY12 is much improved from FY11 ($0.5 million gap vs. $95.0 million gap)
- Much work remains to be done to develop the Manager’s Recommended Budget
- Mindset of targeted investments and not across the board reductions.

Next Steps

It was noted that numbers will change between now and the County Manager’s Recommended Budget.

County Manager Jones informed the Board there may be some additional cost associated with planning for the Democratic National Convention. County Manager Jones said he did not know what those would be at this point and that they may be more capital related.

Comments

Commissioner James said he disagreed that revenue neutral should include a 1% growth factor. Commissioner James said he thinks it’s easier when you’re doing a revaluation that when you say revenue neutral, you use revenue neutral. He said he did, however, understand staff’s logic for including it.
Chairman Roberts asked if the legal requirement that a revenue neutral rate be shown, indicate also that growth be shown. Director Yi said he would check and report back to the Board.

Commissioner Clarke asked about paying down debt, which was addressed.

Commissioner Cooksey asked about known cost increases, specifically health and dental, which was addressed. Commissioner Cooksey suggested staff look at ways of doing things to help drive the cost down. He suggested staff consider some of the suggestions made by Commissioner Bentley in the past with respect to the County’s medical plan.

Chairman Roberts asked about state funding and fund balance, which were addressed.

Commissioner Clarke asked if staff could predict at this time if the County would end the fiscal year with a surplus and if so, how much. The response was based on what’s known to date, the projection is $5 million.

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: GEO PLASTICS

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 6-3 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes and Commissioner Bentley, James, and Pendergraph voting no, to adopt a resolution approving a Business Investment Program Grant to GEO Plastics for a total estimated amount of up to $67,935 and authorize the County Manager to negotiate and execute a contract.

Note: GEO Plastics, based in Los Angeles, California is a manufacturer of plastic products primarily used for the collection, storage and transport of hazardous fluids, such as oil and gas. The company also makes molded plastic wheels for roll-out containers, and specializes in custom, injection molding plastic components. This project entails the establishment of an East Coast manufacturing operation in Charlotte. The project will include a capital investment of $3 million beginning in 2011. The investment will be in building improvements and new business personal property. It will create 30 new jobs over the first three years with a projected average annual salary of approximately $40,000. The County’s grant is equal to 90% of the taxes that will be paid by GEO Plastics over three 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 $3,124 over six years. The City of Charlotte will also provide financial assistance to this project.

John Allen, Director of Economic Development presented this matter to the Board.

Resolution recorded in full in Minute Book 45-A Document #______.

(7B) 2010 MECKLENBURG COUNTY COMMUNITY ASSESSMENT

Dr. Wynn Mabry, Health Director, presented the 2010 Mecklenburg County Community Assessment report. The Board received the report in its capacity as the Board of Health.

Note: Every four years, the Mecklenburg County Health Department and Mecklenburg Healthy Carolinians conduct an extensive examination of the community to monitor and evaluate key health indicators such as infant mortality, communicable disease rates and STD infections known as the Community Health Assessment. Findings are used by the Health Department for
strategic planning and by Healthy Carolinians to develop or endorse collaborative community action addressing identified priority issues.

Dr. Mabry addressed the following topics:
• Chronic Disease Prevention through Healthy Choices
• Access to Care
• Healthy Environment-Healthy Places Supporting Healthy Choices
• Substance Abuse Prevention
• Violence Prevention
• Injury Prevention
• Mental Health
• Responsible Sexual Behavior, and
• Maternal Child Health.

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

Comments

Commissioner Dunlap asked about the following areas, all of which were addressed: mortality rates for racial/ethnic groups, the increase in the syphilis rates, infant mortality rates, and teenage suicide.

Commissioner Dunlap asked to what degree is the Health Department partnering with groups that represent the minority populations affected by the areas addressed in the report to help educate them on these issues. He asked if they were partnering with, for example, fraternities, sororities, churches, the Latin American Chamber, or Hispanic groups. The response was yes, partnering was taking place. Dr. Mabry elaborated on some of the efforts taking.

Commissioner Dunlap suggested the Health Department, send letters to organizations, inviting them to attend a particular event and that they be specifically asked to send a certain number of representatives. He said he felt that approach would receive a better response.

Commissioner Bentley addressed the importance of healthy choices and how this is an individual responsibility.

Commissioner Leake addressed educating the community.

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

(7C) ADVISORY BOARD APPOINTMENT PROCEDURES POLICY REVISION

Motion was made by Commissioner Clarke, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve revisions to the Board’s Appointment Procedures Policy.

Note: Appointment Policy Summary of Proposed Changes

1) Title Change from Procedures for Advisory Board Appointments to Board Appointment Policy
2) Purpose statement was added as an introduction to the policy.
3) Advisory was deleted throughout the policy wherever it read advisory board. It now reads board.
4) Membership Terms was amended to allow persons appointed to fill an unexpired term to serve two full consecutive terms following the completion of the unexpired term.
5) Attendance Requirement was amended to clarify that persons serving on boards established by legislation or interlocal agreements would comply with the attendance requirements outlined in the legislation or interlocal agreement establishing them, which in some instances is different.
6) **Removal of Members from Boards** was amended to clarify that removal of persons serving on boards established by legislation or interlocal agreements would be done in compliance with the legislation establishing them.

7) **Administrative Procedures** was amended to clarify that minutes of boards established by legislation or interlocal agreements shall be maintained in accordance with the legislation or interlocal agreement establishing them.

8) **Minor wording changes** for purposes of clarity and consistency.

*Policy recorded in full in Minute Book 45-A, Document # ______.*

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

**COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE**

**CONSENT ITEMS**

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

9) **APPROVAL OF MINUTES**

Approve minutes of Regular meeting held February 1, 2011.

10) **PROCLAMATION – TEEN DATING VIOLENCE AWARENESS MONTH**

Adopt a proclamation designating February, 2011, as "Teen Dating Violence Month."

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

11) **PROCLAMATION – GREAT AMERICAN CLEAN UP FOR KEEP MECKLENBURG BEAUTIFUL**

Adopt a Proclamation designating March 1 through May 31 in Mecklenburg County as the ‘Great American Clean up.’

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

12) **TAX REFUNDS**

Approve refunds in the amount of $202,667.25 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

*A list of the refund recipients is on file with the Clerk to the Board.*

13) **PURCHASE CONTRACTS – WHEEL LOADERS – LUESA**

Authorize the County Manager to negotiate and execute unit price contracts for the purchase of three wheel loaders for a total amount of $407,400 to the following lowest responsible bidder:

ASC Construction Equipment USA, INC $135,800 per unit
(14) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records comprise:
- 2 boxes of Closed Housing and Junk Vehicle case files (2004 and older)

(15) AGREEMENT WITH UNCC – NAMING OF TOBY CREEK GREENWAY

Approve Amendment 1.0 to the Memorandum of Understanding dated August 27, 2009, concerning the naming of Toby Creek Greenway, and authorize the County Manager to execute the Amendment.

Note: A Memorandum of Understanding between Mecklenburg County and the University of North Carolina at Charlotte (UNCC), dated August 27, 2009, was entered into to allow the construction of two miles of greenway across the UNCC campus. Work is moving forward to follow the agreement to abandon existing easements and create a new easement for the greenway. This amendment adds details related to assurance of continued maintenance, and creates a mechanism for naming this section of the greenway that will provide a role for UNCC in that process, since this section of the greenway runs through the UNCC campus.

Amendment recorded in full in Minute Book 45-A, Document # _______.

(16) AREA MENTAL HEALTH SECOND QUARTER FY 2011 REPORT

Recognize and receive the Second Quarter 2011 Area Mental Health Report.

Note: FINANCIAL MANAGEMENT

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<td><strong>40.45%</strong></td>
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</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.

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

(22) BUDGET AMENDMENT – LUESA (REVENUE INCREASE)

1. Recognize, receive and appropriate $2,372,758 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.

2. Authorize the County Manager to execute a contract with the NC Department of Crime Control and Public Safety, Division of Emergency Management for a Pre-Disaster Mitigation Grant.

3. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

4. Actions 1, 2 and 3 are contingent upon and shall be effective upon, notice of receipt of FEMA 2010 PDM grant funds.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(17) HOME AND COMMUNITY CARE GRANT ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to

1) Approve the Home and Community Care Block Grant for Older Adults Advisory Committee amended By-Laws; Article III, Section 5, Terms.

2) Approve the following membership roster to the Home and Community Care Block Grant for Older Adults Advisory Committee.

2011-12 Roster
(Rev. 01/31/11)

Mary Wilson Department of Social Services or her designee (Committee Co-Chair), Debora Sparks (Committee Co-Chair) Executive Director Council of Aging, Corsha Caughman Charlotte Housing Authority, Darrell Cunningham Social Services) 2012, Joyce D. Freeman Executive Director Loving Touch Adult Day Health Care Ctr., Inc., Maryann Gilmore, Darryl Crenshaw Interim Division Director Veterans Services, Jacqueline GlennMeck. County Health Department, Mary Anne Hammond, Carlos Hernandez Interim Director Mecklenburg County Area Mental Health, John Highfill, John Duty, Dahn Jenkins, Executive Director Levine Senior Center. Ms. Ann Newman, Ms. Evelyn Newman, Edna Richmond, Bill Scott, Ms. Gayla Woody Program
Administrator Centralina Area Agency on Aging.

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

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 2011-2012.

New members are recommended by current committee members to meet the composition requirements as outlined in Article III, Section 3 of the by-laws and are approved by a majority vote of the members. Perpetual members are recommended by their agency directors.

The Advisory Committee voted to approve changes to the by-laws including the following:

1. The term for Advisory Committee members was changed from two years to three years. This allows for membership to be staggered while retaining experienced membership.
2. Appointments will be from July 1 to June 30 to coincide with the fiscal year. Previous appointments coincided with the calendar year. This allows all members to have some experience on the Advisory Committee before participating in the funding process.

Changes to the by-laws require approval from the Board of County Commissioners.

(18) MAINTENANCE CONTRACTS – GOVERNMENT FACILITIES

Commissioner Pendergraph asked to be excused from voting on Item 18 Maintenance Contracts-Government Facilities to avoid a conflict of interest.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to excuse Commissioner Pendergraph from voting on Item 18 Maintenance Contracts-Government Facilities to avoid a conflict of interest.

It was noted that Commissioner Pendergraph is associated with The Keith Corporation.

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

Commissioner Cogdell returned to the dais.

Commissioner Cooksey returned to the dais.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to

1) Authorize the County Manager to negotiate and execute a five-year, three-month service contract with NorthMarq Real Estate Services, LLC (NorthMarq) in the amount of $8,104,077 (maximum) for government facility maintenance; and

2) Authorize the County Manager to negotiate and execute a five-year, three-month service contract with The Keith Corporation in the amount of $797,926 (maximum) for government facility maintenance.
FEBRUARY 15, 2011

Note: Commissioner Cogdell left the dais while questions were being asked regarding Item 18 and was not present at the time of the vote.

Matthew Stiene with Real Estate Services addressed this matter.

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

Commissioner Cogdell was away from the dais until noted in the minutes.

Commissioner Pendergraph returned to the dais.

(19) BUDGET AMENDMENT – DSS (REVENUE DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to reduce the budget by $366,000 in state revenue for the Smart Start Childcare Subsidy Program.

Note: The North Carolina Partnership for Children is reducing its current year budget by 2.7% across the state. The requested reduction and impact to Mecklenburg County’s Smart Start budget is $366,000. Child Care Resources Inc. (CCRI) is contracted by DSS to administer these funds and reports that this reduction will not result in the termination of any children currently receiving Smart Start childcare subsidy. However, to mitigate the impact of this funding reduction, CCRI will not be able to fill subsidy slots that occur through attrition. Ultimately, this will result in fewer children receiving the Smart Start childcare subsidy. There are no County funds in the Smart Start childcare budget.

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

(20) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reduce Medicaid funds in the amount of $3,854,000 due to changes implemented by the North Carolina Division of Medical Assistance (DMA).

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

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

(21) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate federal funds for the renewal of the following single-year Housing and Urban Development (HUD) grants:

1) Shelter Plus Care: Grant for $1,408,188 for the grant year 3/6/2011-3/5/2012.

2) Shelter Plus Care: Grant for $294,336 for the grant year 3/7/2011-6/6/2012.

Note: These grants are a renewal of current grants from the U.S. Department of Housing and
Urban Development. The goals of the programs are to provide rental subsidies for consumers who are homeless and disabled.

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

Commissioner Cooksey asked was this the grant involving Mecklenburg Open Door and that staff address the current status of this grant. General Manager Michelle Lancaster addressed Commissioner Cooksey's questions. It was noted that this program was now being administered in-house. General Manager Lancaster said staff was working with the Charlotte Housing Authority to move this program into their purview, effective probably July of this year. General Manager Lancaster said she was comfortable with how the program was being managed currently.

Note: Commissioner Leake took a point of personal privilege to acknowledge February as “Teen Dating Violence Month,” and Black History Month. She also acknowledged March 1 through May 31 in Mecklenburg County as the ‘Great American Clean up.’

(3A, B) CLOSED SESSION – PERSONNEL MATTER AND CONSULT WITH ATTORNEY

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Personnel Matter and B) Consult with Attorney.

The Board went into Closed Session at 8:30 p.m. and came back into Open Session at 10:45 p.m.

Commissioners Cogdell and James were present when the Board came back into Open Session.

Commissioner Clarke was absent when the Board came back into Open Session and until noted in the minutes.

County Manager Jones made remarks regarding his failure to communicate information to the Board regarding the negotiated resignation of former Area Mental Health Director Grayce Crockett.

Commissioner Clarke returned to the dais.

County Manager Jones apologized to the Board and to the public for the receipt of any information that may have been perceived as “incorrect or misleading.”

County Manager Jones said he made another “lapse in judgment” regarding the release of some protected information concerning Commissioner Pendergraph. County Manager Jones acknowledged that earlier today and also during Closed Session, he apologized to Commissioner Pendergraph and that his apology was accepted.

County Manager Jones said he’s committed to working with the Board around “redefining our expectations and improving on our communication as we go forward.”

County Manager Jones, again, apologized for not communicating with the Board as he said he’d done in the past.

Chairman Roberts acknowledged a public statement prepared by the Board regarding the matter of the negotiated resignation of former Area Mental Health Director Grayce Crockett. Chairman Roberts said the statement would be shared with the media and the public, and also placed on-
Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes to approve the following statement:

**STATEMENT OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

February 15, 2011

The Board has reviewed the actions of County Manager Harry Jones regarding the terms and conditions of former Area Mental Health Grayce Crockett’s resignation, including the payment of a negotiated amount to Ms. Crockett totaling $99,329.18. This involved a thorough review of County policy and the authority provided by the Board of County Commissioners to the County Manager. The Board also received and reviewed information on other negotiated resignations of County employees in recent years.

Based on this review, the Board believes the following:

1. The County Manager made a reasoned and sound decision in the best interests of Mecklenburg County taxpayers and had the authority to do so without prior Board approval.
2. The County Manager should have informed the Board in advance or immediately thereafter about the terms and conditions of Ms. Crockett’s negotiated resignation, including the amount paid to her in excess of what she was entitled to receive in accrued vacation and sick benefits, and the reasons he decided the payment was in the best interests of the County and taxpayers.
3. The County is limited by privacy laws regarding the amount and type of information that can be released to the public.
4. Although the information publicly released involving Grayce Crockett’s negotiated resignation was technically correct and was released in a good faith attempt to comply with North Carolina law, it provided a misleading impression to the Board and the public.
5. The County Manager erred by not timely correcting this misimpression.
6. The County Manager made a mistake by not informing the Board in advance or immediately afterwards about the terms and conditions of Grayce Crockett’s resignation. The County Manager understands and acknowledges this mistake.
7. The County Manager seriously erred when he released information from Commissioner Pendergraph’s personnel file that included some information protected by North Carolina privacy laws, although he did so without malice.
8. The County Manager understands and acknowledges he made a mistake when he released the protected information from Commissioner Pendergraph’s personnel file. The County Manager has apologized to Commissioner Pendergraph and Commissioner Pendergraph has accepted his apology.
9. The additional amounts of accrued vacation paid to Commissioner Pendergraph at the time of his retirement were for benefits he earned during his service as Mecklenburg County Sheriff.
10. The County Manager must improve communication with the Board on personnel and matters of public interest.
11. The Board will work with the County Manager to establish clear expectations for how similar matters will be handled in the future.

The Board will put this statement in the County Manager’s personnel file and intends to take all of the above into consideration when conducting the County Manager’s annual performance evaluation later this calendar year.
ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell 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 10:55 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 Room CH-14 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, February 22, 2011.

ATTENDANCE

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

Absent: Commissioners Bill James and Vilma Leake

Commissioners Bentley 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) COMMUNITY SERVICE GRANTS

Budget/Management Director Hyong Yi addressed Community Service Grants and the FY2012 Request for Proposals. The following was covered:

- The target areas selected for the request for proposals and Critical Success Factors
- Meetings with community nonprofit experts

Commissioner Cooksey entered the meeting.

- Request for Proposals (RFP) process and Timeline

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

Comments

Commissioner Dunlap asked where do organizations (non-profit) that have typically received funding that aren’t mandated and aren’t the usual type of outside agency, i.e. the Library, WTVI, where do they fall in this process.

Director Yi said the Library and WTVI already exist, but that if they’re looking for new funding or enhanced funding, it would not be outside one of the four target areas. He said if they’re looking to make investments, it needs to be tied to one of the critical success factors.

Director Yi said WTVI and the Library have not been treated as non-profits but as separate
budget line items.

County Manager Jones said staff would be using the criteria that Director Yi explained and as a result, there may be agencies that have been funded in the past, that may not be recommended for funding in the forthcoming budget recommendation. He said the ultimate decision, however, would be that of the Board, whether to accept the criteria staff has used and fund those agencies at the amount staff recommends or not do so and continue funding the outside agencies that the County is currently funding.

Commissioner Clarke asked should Board members participate on the RFP review panel, which would allow them to receive information ahead of time rather than later.

Director Yi said he would not recommend Board members participate because it may have an undue influence on whatever the outcome may be.

Commissioner Clarke said the Board needs as much information as possible and as soon as possible regarding what the outside agencies do and how well they do it and how they fit into the County’s criteria.

Commissioner Clarke noted that in the past, the Board has spent a great deal of time on outside agencies, which he said was just a fraction of the budget. He suggested staff try to get the Board as much information as possible regarding the outside agencies, as far in advance as it can.

Chairman Roberts asked for clarification regarding the sustainability Critical Success Factor, which was addressed.

Chairman Roberts echoed Commissioner Clarke’s comments as well, regarding receiving as much information as possible regarding outside agencies.

(2) BOARD PRIORITIZATION PROCESS

Director of Planning and Evaluation Leslie Johnson addressed the Board prioritization process and explained the prioritization exercise.

The Board went through the FY2012 Priority Level Strawman which was based on community survey data, critical success factors, and initial Board reactions per its Strategic Planning Conference.

A copy of the FY2012 Priority Level Strawman is on file with the Clerk to the Board.

Comments

Commissioner Clarke suggested in future Priority Level Strawman charts that staff show the total amount of dollars and percentage of total county budget spent the last fiscal year for the various priority levels. Also, with respect to program categories, that if it’s possible, he’d like to be able to click on a program category and have all of the services underneath show up.

Commissioner Pendergraph suggested showing what’s mandated within the program categories.

The Board began the prioritization exercise.

Note: The Chairman is allowed to make motions when it’s a straw voting process, such as the prioritization exercise.
The following actions were taken with respect to the FY2012 Priority Level Strawman that resulted in changes:

**Commissioner Bentley entered the meeting.**

**Economic Development** was moved from Priority Level One to Priority Level Two, per a motion made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 5-2 with only Commissioners Cogdell and Dunlap voting no.

**Air Quality** was moved from Priority Level Three to Priority Level Four, per a motion made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 4-3 with only Commissioners Clarke, Cogdell, and Roberts voting no.

**Land Quality** was moved from Priority Level Three to Priority Level Four, per a motion made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried.

**Child Abuse/Neglect Prevention and Protection** was moved from Priority Level Four to Priority Level Two, per a motion made by Chairman Roberts, seconded by Commissioner Clarke and unanimously carried.

**Homeless Services** was moved from Priority Level Four to Priority Level Three, per a motion made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried.

**Jails and Detention Facilities** was moved from Priority Level Four to Priority Level Three, per a motion by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried.

**Greenway Development & Management** was moved from Priority Level Five to Priority Level Four, per a motion by Commissioner Cooksey, seconded by Commissioner Clarke and unanimously carried.

**Parks, Fields & Recreation Centers** was moved from Priority Level Five to Priority Level Four, per a motion made by Commissioner Cooksey, seconded by Commissioner Clarke and unanimously carried.

**Recreation & Leisure Programs** was moved from Priority Level Five to Priority Level Four, per a motion made by Commissioners Cooksey, seconded by Commissioner Clarke and unanimously carried.

**Building Safety** was moved from Priority Level Six to Priority Level Five, per a motion made by Chairman Roberts, seconded by Commissioner Pendergraph and carried 6-1 with only Commissioner Clarke voting no.

**Aging In Place** was moved from Priority Level Four to Priority Level Five, per a motion made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 5-2 with only Commissioners Clarke and Dunlap voting no.

**Non-Communicable Illness/Disease Prevention and Treatment** was moved from Priority Level Two to Priority Level Three, per a motion by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried.

**Land Quality** was moved from Priority Level Four to Priority Level Five, per a motion made by Commissioner Cooksey, seconded by Commissioner Dunlap and unanimously carried.
Morgue and Medical Examiner was moved from Priority Level Five to Priority Level Six, per a motion made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried.

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 unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Pendergraph, and Roberts voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 5:28 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, March 1, 2011.

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

- 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, 13, 15, 16, and 18.

(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 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.

County Attorney Bethune informed the Board that the Court of Appeals, today, March 1, 2011, handed down a decision in the fifth of the Jerry Reese lawsuits and that as they had on the previous four lawsuits, affirmed the dismissal of the case by the Trial Court. County Attorney Bethune said he would send the Board a copy of the opinion.

Commissioner Cooksey asked was this the last of the lawsuits. County Attorney Bethune said yes.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously
carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph 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 5:16 p.m. and came back into Open Session at 6:03 p.m.

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

- FORMAL SESSION -

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.

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Chris Driggs spoke in opposition to the ReVenture project and addressed potential water contamination issues.

A copy of a handout from Mr. Driggs is on file with the Clerk to the Board.

Mary McCray addressed “National Educators Association’s Read Across America,” a national celebration of Dr. Seuss’s 107th birthday on March 2, 2011 that promotes reading and adult involvement in the education of our community’s students.

APPOINTMENTS

(3A) CENTRALINA ECONOMIC DEVELOPMENT COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Commissioner George Dunlap as the Board’s public sector representative to the Centralina Economic Development Commission and Ron Leeper as the Board’s private sector representative for two year terms.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) BUDGET UPDATE
The Board received budget updates from Finance Director Dena Diorio and Budget/Management Director Hyong Yi.

The following topics were addressed:

- Total Revenues
- Property Tax
- Sales Tax
- Investment Income
- Governor’s Budget

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

(6B) CIAA TICKET DISTRIBUTION

The Board addressed the distribution of CIAA tickets provided to the County by the Charlotte Regional Visitors Authority (CRVA).

Motion was made by Commissioner Clarke, seconded by Commissioner James, to 1) amend the County’s Code of Ethics Policy, Section 1. Standards of Conduct (f) Gifts, to insert the following words: “including a gift made to the County by a third person or entity;” 2) that the Board make a finding that the receipt, or that it could reasonably be inferred that the receipt by a County Commissioner or members of this board of any tickets to attend the CIAA Tournament that the Charlotte Regional Visitors Authority (CRVA) gave to the County, that could be expected to influence him or her in the performance of their officials duty; therefore the receipt of such tickets by County Commissioners would violate the Code of Ethics as amended by part one of this motion; 3) that the Board direct the County Manager to appoint a member of his staff, to act, without interference from anyone else, to distribute any CIAA tickets received by the County from the Charlotte Regional Visitors Authority (CRVA) on a first come, first serve basis to County employees only, without discrimination, with no County employee to receive tickets with a value in excess of the dollar amount acceptable to receive in the current Code of Ethics that’s applicable to all employees.

Commissioner Dunlap said the rule should apply to any tickets received for any event from an organization that receives or could potentially receive funding from the County.

Commissioner Clarke said he was not proposing putting the words CIAA in the Code of Ethics. Commissioner Clarke said he was only proposing that since the Board votes annually to give to the CRVA for the CIAA, that the Board makes a finding that to receive these tickets might or that it could be inferred to influence a board member’s decision.

Commissioner Clarke said he was amenable to accepting Commissioner Dunlap’s recommendation that the motion be changed to include in the finding, tickets as well for any other events and not just the CIAA. Commissioner James accepted this as well.

Commissioner Bentley asked the County Manager to give an overview of the contract with the CRVA with respect to the CIAA Tournament, which he addressed.

County Manager Jones also addressed his distribution of CIAA tickets in the past.

Commissioner Dunlap asked if the County provided any other funding to the CRVA for events. The response was yes, for Nextel (NASCAR event). It was noted also that in the past funds have been provided for the ESPN Bass Fishing event and also the Final Four.

After further discussion, Commissioner Clarke amended the second part of his motion to read as follows: that the board finds that it could be reasonably inferred that the receipt by a
MARCH 1, 2011

County Commissioner of any tickets to attend any sporting event or other events supported financially by the County could be expected to influence him or her in the performance of his or her official duties.

After further discussion, County Attorney Bethune brought to the Board’s attention that the second part of Commissioner Clarke’s motion was more stringent than the Board’s current policy because it would prohibit the receipt of any tickets regardless of the value. Thus, if approved the Board would need to amend its current policy.

County Attorney Bethune suggested the Board only act upon parts one and three of Commissioner Clarke’s motion and refer the matter addressed in part two, to the Board’s Effective and Efficient Government Committee for further review.

Substitute Motion was made by Commissioner Cogdell seconded by Commissioner Bentley and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Pendergraph and Roberts voting yes and Commissioners Clarke, Dunlap, and Leake voting no, to direct the County Manager to return tickets received from the Charlotte Regional Visitors Authority (CRVA) for the CIAA Tournament. Secondly, that the matter of receiving tickets for events be referred to the Board’s Effective and Efficient Government Committee for review.

STAFF REPORTS AND REQUESTS

(7A) RESOLUTION TO MODIFY 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, Pendergraph and Roberts voting yes and Commissioners Clarke, Dunlap, and Leake voting no, to direct the County Manager to return tickets received from the Charlotte Regional Visitors Authority (CRVA) for the CIAA Tournament. Secondly, that the matter of receiving tickets for events be referred to the Board’s Effective and Efficient Government Committee for review.

Resolution recorded in full in Minute Book 45-A Document #______.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) UPDATE FROM COMMISSIONER DUNLAP ON RECENT EVENTS (COMMISSIONER DUNLAP)

Commissioner Dunlap said “over the course of the last weeks much has been said about the actions of the County Commission with regard to the County Manager.”

Commissioner Dunlap said he wanted to update the community and address some of these issues as he sees them and to respond to some of the “allegations” that have been made by some of his fellow commissioners.

Commissioner Dunlap said he would be speaking for himself and no one else.

Commissioner Dunlap then proceeded to make his remarks.

In his remarks, Commissioner Dunlap addressed the editorial staff at The Charlotte Observer, actions by Commissioner James, the release of Commissioner Pendergraph’s (former Sheriff) “payout” upon retirement, the agreement the Board agreed upon with respect to the resignation of former Area Mental Health Director Grayce Crockett and the release of information from Commissioner Pendergraph’s (former Sheriff) personnel file, and the settlement of lawsuits in the Sheriff’s Office in the past.
Note: The above is a summary of topics addressed.

At the conclusion of his remarks, Commissioner Dunlap asked that the County Manager provide Board members “every dollar” spent to fight or to defend or to pay people who were sued at the Sheriff’s Office; and for every lawsuit that the County might have had to pay money as a result of information that was improperly leaked by members of this County Commission. He said this was being requested in the spirit of transparency and being accountable.

Chairman Roberts made the following statement once Commissioner Dunlap concluded: “I just want to remind folks at this dais that we are, under our Code of Ethics, bound to treat other county officials and the public with respect and honor the opinions of others, even when we disagree.” She asked that board members keep that in mind and to remember “that we are doing the people’s business here in Mecklenburg County; that we are working together as a board; that it takes five members of this board to vote to act on behalf of the County.” Chairman Roberts said she would hope that fellow commissioners would “try to work toward that respect.”

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke 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 February 15, 2011 and Closed Session held February 15, 2011.

(10) PROCLAMATION – SOCIAL WORK APPRECIATION MONTH

Adopt a proclamation designating March 2011 as “Social Work Appreciation Month” in Mecklenburg County.

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

(12) GRANT APPLICATION – COMMUNITY WASTE REDUCTION AND RECYCLING

1) Approve the submission of a grant application for $20,000 to the N.C. Department of Environment and Natural Resources (NCDENR) under the 2011 Community Waste Reduction and Recycling Grant Program.

2) Recognize, receive, and appropriate the amount awarded from NCDENR when the award is received.

(14) BUDGET AMENDMENT – LUESA (REVENUE INCREASE)

1. Recognize, receive, and appropriate $1,056,724 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.

2. Authorize the County Manager to execute a contract with the NC Department of Crime Control and Public Safety, Division of Emergency Management for a Pre-Disaster Mitigation...
Grant.

3. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

(17) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT

1) Approve the attached list (Exhibit A) as surplus, and

2) Adopt a Resolution authorizing sale of surplus personal property by public auction at 10 a.m. on Saturday, April 9, 2011 at 3301 Rotary Drive, Charlotte, NC.

Resolution recorded in full in Minute Book 45-A Document # ______.

(19) SET PUBLIC HEARING – NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION

1) Schedule a public hearing on March 15, 2011 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 2011-2012.

2) Authorize the Clerk to the Board to publish Notice of Intent to hold public hearing.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Cooksey 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.

(11) GRANT APPLICATION – THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to:

1) Approve the submission of a grant application for funding in the amount of $400,000 over two years to the United States Department of Justice, (OVW), for the Grant to provide services for children and youth exposed to domestic violence.

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

Commissioner Leake removed this item from Consent for more public awareness. She also asked when the funding would be available. County Manager Jones said he would find that out.

(20) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to recognize, receive and appropriate $550,000 of additional Federal revenue for the Crisis Intervention
Program (CIP).

Note: These funds will be used to provide heating or cooling assistance to low-income households throughout Mecklenburg County.

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

(13) GRANT APPLICATION – RYAN WHITE PART D

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:

1) Approve the submission of a grant application for $435,000 in Ryan White Part D funds covering the period of August 1, 2011 through July 31, 2012 from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA). Application is due March 11, 2011.

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.

Note: The administration of the Ryan White Part D program was transferred to the Health Department when the Metrolina AIDS Project closed its office in the spring of 2010. These funds provide clinical care and supportive services for women, children and youth infected with HIV/AIDS. The current program provides services to approximately 200 women and 20 children/youth in a nine-county region through a network of six providers.

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake said she’d like to know who the Health Department’s administrator was over the Ryan White grant.

Commissioners Cooksey and Pendergraph returned to the dais.

(15) RECOMBINATION OF COUNTY-OWNED PROPERTY

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Pendergraph, and Roberts voting yes and Commissioner Leake voting no, to authorize the County Manager to execute documents to:

1) Submit a Recombination Application for County-owned parcels 081-083-01 through 081-083-09 and 081-082-04 through 081-082-07; and

2) Support Duke Energy’s abandonment of 13th Street and N. Myers Street right-of-way that adjoins County-owned property.

Commissioner Leake removed this item from Consent for more public awareness and for clarity. County Manager Jones and County Attorney Bethune explained what this matter was about.

Commissioner Leake said she’d like to know if the residents in this area have been informed of the closing.

(16) AD VALOREM TAX ADVERTISEMENT
MARCH 1, 2011

Motion was made by Commissioner Leake but died for lack of a second, to not approve the advertisement of delinquent 2010 real estate and personal taxes in the Charlotte Observer.

Note: The advertisement is a notification to taxpayers of outstanding tax balances. This action is required by NCGS 105-369(a).

Commissioner Leake removed this item from Consent for more public awareness and for clarification regarding where this information must be advertised. County Attorney Bethune said it’s required that it be published in a newspaper of “general circulation.”

Commissioner Leake said she would recommend using the Charlotte Post and the County’s website.

Chairman Roberts noted that until the proposed legislation in the General Assembly passes, requesting that the County be allowed to publish this information on-line and not in the newspaper, that the County was required to publish the information in a newspaper of “general circulation.”

County Attorney Bethune said the Charlotte Observer and Mecklenburg Times qualify as newspapers of “general circulation,” but he wasn’t sure about the Charlotte Post.

Commissioner Cogdell asked about the total cost of the advertisement.

Tax Collector Neal Dixon said the estimate was $80,000 - $100,000. He said the cost is added to the person’s tax bill.

Commissioner Dunlap asked that for future reference, staff bring back to the Board what it would cost to advertise in other newspapers as well.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Clarke and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Pendergraph, and Roberts voting yes and Commissioner Leake voting no, to approve ordering the advertisement of delinquent 2010 real estate and personal taxes.

(18) RENAMING REQUEST FOR THE REVOLUTION PARK GOLF COURSE

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to approve renaming the Revolution Park Golf Course to the Dr. Charles L. Sifford Golf Course at Revolution Park.

Note: Mecklenburg County Park and Recreation Department received a renaming request to name the 9-hole golf course located at 1225 Remount Road to the Charles L. Sifford Golf Course at Revolution Park. The renaming request was endorsed by the Consolidated Golf Advisory Council on December 2, 2010, the Central Region Advisory Council on January 24, 2011 and the Park and Recreation Commission on February 8, 2011 in accordance with the required three (3) public readings. The renaming request is also supported by Park and Recreation Department staff and the Revolution Park Neighborhood Association. It was noted that Dr. Sifford was one of three African Americans (James Black & Curtis Sifford) who played the Revolution Park Golf Course and went on to become Professional Golf Association (PGA) players.

Commissioners Cogdell and Leake removed this item from Consent for more public awareness.

James Alsop with Park and Recreation addressed this request.
ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell 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 9:33 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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 3:30 p.m. on Wednesday, March 9, 2011.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Dumont Clarke, Harold Cogdell, Jr. George Dunlap, Vilma Leake and Jim Pendergraph County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioners Karen Bentley, Neil Cooksey and Bill James

Note: The meeting was scheduled to start at 3:30 p.m. but did not begin until 4:01 p.m., because of a prior meeting that was scheduled for 3:00 p.m. The 3:00 p.m. meeting did not end until 4:01 p.m.

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

(1) HOUSE BILL 63 ─ FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT

County Manager Jones addressed House Bill 63 - An Act To Provide That No Business, Commercial Enterprise, Or Employer Shall Prohibit The Transportation Or Storage Of A Firearm Or Ammunition When The Firearm And Ammunition Are Locked Out Of Sight In A Motor Vehicle, To Provide That A Business, Commercial Enterprise, Or Employer Is Liable To Anyone Injured As A Result Of An Unlawful Prohibition, To Provide That A Person May Bring A Civil Action To Enforce The Right To Transport And Store A Firearm And Ammunition In A Locked Motor Vehicle On The Property Of A Business, Commercial Enterprise, Or Employer, And To Provide That A Business, Commercial Enterprise, Or Employer Is Not Civilly Liable For Damages Resulting From Another Person's Actions Involving A Firearm Transported Or Stored In A Locked Vehicle In A Manner That Complies With State Law.

The following was noted:

• House Bill 63 provides that employers must allow employees to have firearms secured in their vehicles on employer-owned parking lots while at work.
• If an employer attempted to ban firearms from its parking lots, it cannot terminate an employee for violating that policy.
• An employer would be civilly liable if an employee was injured, incurred damage or was killed as a result of an employer imposing a ban on firearms in its parking lot.
• One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.”
• This legislation would pre-empt County-established policy.
• Staff recommends the Board oppose H63.
(2) HOUSE BILL 111 – HANDGUN PERMIT VALID IN PARKS AND RESTAURANTS

County Manager Jones addressed House Bill 111 - An Act To Allow Persons With Concealed Handgun Permits To Protect Themselves And Their Families In Restaurants And To Allow A Concealed Handgun Permittee To Carry A Handgun In A Park. The following was noted:

- Under current law, local governments may prohibit the carrying of concealed weapons in local government buildings, their appurtenant structures and parks.
- H111 would remove “parks” from the law so that local governments could no longer prohibit concealed weapons in parks.
- One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.”
- This legislation would pre-empt County-established policy.
- Staff recommends that the Board oppose H111.

County Manager Jones said a letter would be prepared for the Chairman’s signature opposing House Bill 63 and House Bill 111, if that was the will of the Board.

Comments

Commissioner Cogdell asked for an overview of the bill, however, no one was present that could provide that information.

Commissioner Dunlap said he didn’t recall the Board taking a position on bills outside of the approval of its legislative agenda.

Chairman Roberts said the Board has taken positions on bills in the past, but not that often.

Commissioner Leake inquired as to why this was being brought to the Board. County Manager Jones said Park and Recreation has concerns about the bill because it takes away and/or restricts the County’s flexibility with respect to regulating firearms on County property.

Commissioner Pendergraph said this was not something the Board should be debating. He said it was a state law.

Commissioner Pendergraph asked was it currently prohibited under County policy to have a firearm locked in one’s vehicle, on County property if you have a concealed carry permit. The response was yes.

Commissioner Pendergraph said the County’s policy may be out of date and perhaps the County should consider changing its policy to allow it to be locked in one’s vehicle, if they have a concealed carry permit.

Commissioner Cogdell asked had other counties taken a position. County Manager Jones said he was not aware of any but couldn’t say for sure.

County Manager Jones suggested the Board defer this matter until its meeting on Tuesday, March 15, 2011 since the County Attorney was not present to provide further clarity.

Commissioner Clarke asked would there not be another opportunity for the Board to consider this because he would like more time to think about it. Commissioner Clarke said he was concerned that the state was trying to tell employers what they can do on their own property.

Commissioner Cogdell said the Board needed to be careful about taking a position.
Chairman Roberts said she would be interested in the North Carolina Association of County Commissioners take on this. Also, that she’d like to hear from the Director of Park and Recreation.

Commissioner Clarke questioned staff’s opposition. County Manage Jones said the bills would take away County flexibility.

Chairman Roberts said she was concerned about parks. She doesn’t feel one size fits all.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to delay taking any action with respect to HB 63 and HB 111 until the Board can consult with the County Attorney regarding this matter.

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

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried 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 4:33 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MARCH 9, 2011

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS
MECKLENBURG COUNTY
NORTH CAROLINA

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 Wednesday, March 9, 2011.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Dumont Clarke, Harold Cogdell, Jr. George Dunlap, Vilma Leake and Jim Pendergraph County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioners Karen Bentley, Neil Cooksey and Bill James

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

(1) HOUSE BILL 63 – FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT

County Manager Jones addressed House Bill 63 - An Act To Provide That No Business, Commercial Enterprise, Or Employer Shall Prohibit The Transportation Or Storage Of A Firearm Or Ammunition When The Firearm And Ammunition Are Locked Out Of Sight In A Motor Vehicle, To Provide That A Business, Commercial Enterprise, Or Employer Is Liable To Anyone Injured As A Result Of An Unlawful Prohibition, To Provide That A Person May Bring A Civil Action To Enforce The Right To Transport And Store A Firearm And Ammunition In A Locked Motor Vehicle On The Property Of A Business, Commercial Enterprise, Or Employer, And To Provide That A Business, Commercial Enterprise, Or Employer Is Not Civilly Liable For Damages Resulting From Another Person’s Actions Involving A Firearm Transported Or Stored In A Locked Vehicle In A Manner That Complies With State Law.

The following was noted:

- House Bill 63 provides that employers must allow employees to have firearms secured in their vehicles on employer-owned parking lots while at work.
- If an employer attempted to ban firearms from its parking lots, it cannot terminate an employee for violating that policy.
- An employer would be civilly liable if an employee was injured, incurred damage or was killed as a result of an employer imposing a ban on firearms in its parking lot.
- One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.”
- This legislation would pre-empt County-established policy.
- Staff recommends the Board oppose H63.

(2) HOUSE BILL 111 – HANDGUN PERMIT VALID IN PARKS AND RESTAURANTS
County Manager Jones addressed House Bill 111 - An Act To Allow Persons With Concealed Handgun Permits To Protect Themselves And Their Families In Restaurants And To Allow A Concealed Handgun Permittee To Carry A Handgun In A Park. The following was noted:

- Under current law, local governments may prohibit the carrying of concealed weapons in local government buildings, their appurtenant structures and parks.
- H111 would remove “parks” from the law so that local governments could no longer prohibit concealed weapons in parks.
- One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.”
- This legislation would pre-empt County-established policy.
- Staff recommends that the Board oppose H111.

County Manager Jones said a letter would be prepared for the Chairman’s signature opposing House Bill 63 and House Bill 111, if that was the will of the Board.

Comments

Commissioner Cogdell asked for an overview of the bill, however, no one was present that could provide that information.

Commissioner Dunlap said he didn’t recall the Board taking a position on bills outside of the approval of its legislative agenda.

Chairman Roberts said the Board has taken positions on bills in the past, but not that often.

Commissioner Leake inquired as to why this was being brought to the Board. County Manager Jones said Park and Recreation has concerns about the bill because it takes away and/or restricts the County’s flexibility with respect to regulating firearms on County property.

Commissioner Pendergraph said this was not something the Board should be debating. He said it was a state law.

Commissioner Pendergraph asked was it currently prohibited under County policy to have a firearm locked in one’s vehicle, on County property if you have a concealed carry permit. The response was yes.

Commissioner Pendergraph said the County’s policy may be out of date and perhaps the County should consider changing its policy to allow it to be locked in one’s vehicle, if they have a concealed carry permit.

Commissioner Cogdell asked had other counties taken a position. County Manager Jones said he was not aware of any but couldn’t say for sure.

County Manager Jones suggested the Board defer this matter until its meeting on Tuesday, March 15, 2011 since the County Attorney was not present to provide further clarity.

Commissioner Clarke asked would there not be another opportunity for the Board to consider this because he would like more time to think about it. Commissioner Clarke said he was concerned that the state was trying to tell employers what they can do on their own property.

Commissioner Cogdell said the Board needed to be careful about taking a position.

Chairman Roberts said she would be interested in the North Carolina Association of County Commissioners take on this. Also, that she’d like to hear from the Director of Park and
Recreation.

Commissioner Clarke questioned staff’s opposition. County Manager Jones said the bills would take away County flexibility.

Chairman Roberts said she was concerned about parks. She doesn’t feel one size fits all.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to delay taking any action with respect to HB 63 and HB 111 until the Board can consult with the County Attorney regarding this matter.

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

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried 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 4:33 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MARCH 9, 2011

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS
MECKLENBURG COUNTY
NORTH CAROLINA

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 Wednesday, March 9, 2011.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Dumont Clarke, Harold Cogdell, Jr. George Dunlap, Vilma Leake and Jim Pendergraph County Manager Harry L. Jones, Sr. Clerk to the Board Janice S. Paige

Absent: Commissioners Karen Bentley, Neil Cooksey and Bill James

Note: Also present was Charlotte City Councilman Warren Cooksey.

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 matter below was addressed.

(1) CHARLOTTE CROSSROADS-GET REAL 2011 CITIZEN INVOLVEMENT

The Board received a report from Crossroads Charlotte on “Get Real 2011,” a citizen involvement initiative.

Tracy Russ, Executive Director of Crossroads Charlotte gave the report. The following was noted:

Commissioner Cogdell entered the meeting.

- “Get Real 2011” is a non-partisan, non-profit effort that invites residents to engage in dialogue about the future of Charlotte and Mecklenburg County. Mecklenburg County is one of approximately 50 organizations participating with Crossroads Charlotte in “Get Real 2011.”
- Information gathered during the “Get Real 2011” sessions throughout the county will be provided to the CMS Board of Education, Charlotte City Council, and Mecklenburg Board of County Commissioners.
- The goals of the project
- Workshops held
- Workshop agenda
- Initial findings on priorities
  - K-12 Education
  - Crime/Public Safety
  - Economic Development/Job Creation
- The project ends Friday, March 11, 2011
Comments

Commissioner Dunlap addressed the importance of demographic data.

Commissioner Leake asked was this a duplicate effort since there were other organizations that have done similar studies, such as the Community Building Initiative and the League of Women Voters. Mr. Russ said there were efforts and organizations that have posed questions like these before but what had not been done was the integration of values discussion, choices, and budget priorities in one place. He said what they’ve also tried to give people was information that allows them to participate more fully in budget decisions moving forward, meaning who does what, when, and who’s responsible for what and the elected bodies.

Commissioner Leake asked were political parties delved into during this process. The response was no.

County Manager Jones asked about the involvement of the Towns. The response was that there was not enough time or resources to involve the Towns at this point.

Commissioner Leake asked about the cost of the project. Mr. Russ said he would have a definite answer in a few weeks but probably around $60,000, which would include salaries.

Charlotte City Councilman Warren Cooksey asked if it was known whether participates took their priorities and concerns into account when they voted for candidates. Mr. Russ said that specific question was not asked. He said they did ask people to think about what they’re level of involvement has been and how they could increase that level of involvement, not just in elections but in budget hearings, workshops, etc.

Chairman Roberts thanked Mr. Russ for his report.

A copy of handouts regarding “Get Real 2011” is on file with the Clerk to the Board.

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

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and unanimously carried 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 4:01 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, March 15, 2011.

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

-INFORMAL SESSION-

Commissioners Bentley and Cogdell 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) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 15, 19, 20, 21, 22, and 23.

(2) STAFF BRIEFINGS - NONE

(3A, B, C) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), BUSINESS LOCATION AND EXPANSION AND CONSULT WITH ATTORNEY

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Pendergraph 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), B) Business Location and Expansion and C) Consult with Attorney.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:00 p.m.
Commissioners Bentley and Cogdell were present when the Board came back into Open Session. They entered the meeting during Closed Session.

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

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-FORMAL SESSION-

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.

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Laurie Knudsen, president of the Charlotte Regional Realtors Association addressed Realtors Care Day scheduled to take place on April 8, 2011.

APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

The following persons were nominated for appointment consideration to the Board of Equalization and Review:

Derrick Bellamy by Commissioner Cooksey
Parker Black by Commissioner Bentley
Douglas Boone by Commissioner Pendergraph
John Deas by Commissioner Cogdell
Robert Flowe by Commissioner James
Joyce Francois by Commissioner Cogdell
Kenneth Friedman by Commissioner James
David Guilford by Commissioner Cogdell
Bruce Hamlett by Commissioner Cogdell
Keith Horton by Commissioner Clarke
Harvey Jeffers by Commissioner Cogdell
Gregory Lee by Commissioner Dunlap
Denise Presley by Commissioner Cogdell
Alfred Tucker by Commissioner Cogdell

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 Board of Equalization and Review must undergo an interview process.

Commissioners Leake and Clarke volunteered to serve on the ad hoc committee.
MARCH 15, 2011

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Damon Bidencoppe as Vice-Chairman of the Board of Equalization and Review for the duration of his term.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Harold (Hal) Hester to serve on the Building Development Commission as the Plumbing, Heating and Cooling Contractors Association representative to fill an unexpired term expiring January 30, 2013.

Note: He is replacing Barry Hanson.

Motion was made by Commissioner Clarke, but died for lack of a second, to waive the Board's attendance policy and allow Will Caulder to continue to serve on the Building Development Commission as the Plumbing, Heating and Cooling Contractors Association representative for the remainder of his term.

Commissioner Dunlap suggested the Board ask the Plumbing, Heating and Cooling Contractors Association to recommend another representative to serve on their behalf, since Mr. Caulder failed to meet the attendance requirement.

It was noted that the Plumbing, Heating and Cooling Contractors Association was recommending Mr. Caulder, despite his failure to meet the attendance requirement.

Director of Code Enforcement Jim Bartl spoke in support of Mr. Caulder’s reappointment. He said Mr. Caulder was a valuable member and prior to this past year, never had an attendance problem.

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, to defer for a month consideration of waiving the Board’s attendance policy to allow Will Caulder to continue to serve on the Building Development Commission as the Plumbing, Heating and Cooling Contractors Association representative for the remainder of his term. Secondly, in the interim that Mr. Caulder provides the Board additional information with respect to his absences.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The following persons were nominated for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee:

<table>
<thead>
<tr>
<th>Person</th>
<th>Nominated By</th>
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<tbody>
<tr>
<td>Bolyn McClung</td>
<td>Commissioner Dunlap</td>
</tr>
<tr>
<td>Bill Schreiner</td>
<td>Commissioner Cogdell</td>
</tr>
<tr>
<td>Andrew Smith</td>
<td>Commissioner Cogdell</td>
</tr>
<tr>
<td>Glenn Thomas</td>
<td>Commissioner Leake</td>
</tr>
<tr>
<td>Doug Wilson</td>
<td>Commissioner Leake</td>
</tr>
</tbody>
</table>

Note: An appointment will occur on April 5, 2011.
MARCH 15, 2011

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to defer for a month consideration of waiving the Board’s attendance policy to allow James Henry to continue to serve on the Criminal Justice Citizen’s Advisory Committee for the remainder of his term. Secondly, in the interim that Mr. Henry provides the Board additional information with respect to his absences.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Edward Deason and Wendy Jamison to the Information Services & Technology Committee to fill unexpired terms expiring February 28, 2012.

Note: They are replacing Marcia Land and Craig Richardville.

PUBLIC HEARINGS

(4A) NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open a public hearing on the Mecklenburg County Department of Social Services submittal of 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.

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

No one appeared to speak.
Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2010-2011 and grant 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 (Community Transportation Program Resolution); and to recognize, receive and appropriate grant funds when awarded.

Resolution recorded in full in Minute Book 45, Document # _____.

Commissioner Clarke returned to the dais.

ADVISORY COMMITTEE REPORTS

(5A) DOMESTIC VIOLENCE ADVISORY BOARD 2010 ANNUAL REPORT

The Board received the Domestic Violence Advisory Board 2010 annual report.

Joe Marinello, Chairman, and members Julie Owens, LiMia Bowen and Elizabeth Trosch presented the report.

Note: The Domestic Violence Advisory Board has been charged with reporting to the Board of County Commissioners about the state of domestic violence in the community.

Report Highlights:

- The problem in 2010 appears to be rising.
- The adult services for victims and treatment programs for perpetrators appear to be falling.
- Services to children and teens exposed to or experiencing domestic violence was addressed.
- Abuser intervention services was addressed.
- Positive news in 2010 was shared.
- Recommendations were offered:
  1. Continue DV on Priority Scorecard and funding to update DV data warehouse.
  2. Continue funding shelter for DV – current shelter and hotel shelter.
  3. Continue to support new shelter
  4. Continue partnership for alternative payment through community service for NOVA
  5. Sheriff’s Department allocate more resources to serve added protection orders.
  6. Police ensure primary perpetrators are arrested. Perhaps DV/J could provide leadership for more training for officers in this volatile, difficult situation.
  7. CMS seek partners to provide programs to prevent and counsel dating violence.
  8. Appoint liaison from City Council to DVAB
  9. Continue to seek funding for: DV Coordinator for city/county/private services, supervised visitation center for child exchanges, and North Meck remote access to Magistrate.

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

Comments
Chairman Roberts, on behalf of the Board, thanked the Domestic Violence Advisory Board for its work.

Commissioner Bentley asked representatives to address the role of a victim’s advocate, which was done.

Commissioner Bentley also addressed the need for a Magistrate in North Mecklenburg, which was echoed by Commissioner Cogdell.

Commissioner Leake expressed concern for middle school students.

Commissioner Cogdell asked about the NOVA program, which was addressed.

Commissioner Pendergraph addressed the schedule of Magistrates.

**MANAGER’S REPORT**

**(6A) BUDGET UPDATE**

The Board received budget updates from Budget/Management Director Hyong Yi and Director of Planning and Evaluation Leslie Johnson.

The following topics were addressed:

- Vision 2020 Survey County Funding Priorities
- Get Real 2011 Public Funding Priorities
- Vision 2020 Survey Top Issues for County to Address
- Community Service Grants
- Fuel Projections
- Employment/Unemployment Trends

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

Comments

Commissioner Dunlap asked was the methodology used in conducting the Get Real 2011 Survey and the County’s Vision 2020 Survey different. The response was yes. Director Johnson addressed the differences.

Commissioner Cooksey commented on the survey results with respect to workforce development and jobs. Commissioner Cooksey said Central Piedmont Community College (CPCC) plays a major role in this area, but that he noticed the County’s survey and the Get Real survey results showed CPCC far down on the list of funding priorities. He asked Director Johnson to comment on this, which she did.

Commissioner Bentley asked Director Johnson to comment on what staff’s hope was with respect to how the survey data would be used in the Board’s decision-making process, which she did.

Commissioner Cooksey asked if staff knew the number of employed Mecklenburg county residents to date, since the information shared was as of the end of calendar year 2010. The response was no, but staff would try to find out.

**(6C) CENSUS UPDATE**
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Assistant to the County Manager Brian Francis gave an update on the Census, specifically, updated population figures by Board of County Commission districts.

It was noted that per the census, Mecklenburg County has approximately 920,000 residents and remains the largest county, by population, in the state of N.C.

It was noted also that the Board’s redistricting committee had held its first meeting and would be reporting back to the Board.

*A copy of the district information is on file with the Clerk to the Board.*

Comments

Commissioner Leake asked what would be done with respect to the two smallest districts, 4 & 5. Assistant Francis said he was not sure what the recommendation of the Redistricting Committee would be, but that at the simplest of levels you’d have to add precincts to Districts 4 & 5 and take precincts away from Districts 1, 3 & 6 in order to make them the appropriate size. Further, that since neither Districts 4 or 5 connect with District 1, you can’t just take precincts from District 1 and put them into 4 or 5.

Chairman Roberts said it’ll result in lots of lines changing.

Commissioner Bentley asked about the timeline for the redistricting committee. Assistant Francis said the Board has to have maps adopted in time for filing for next year’s election, which would be January 2012. He said the goal was to have a recommendation for the Board in August.

County Attorney Bethune clarified that in order for the maps to be effective, the resolution changing the districts has to be adopted more than 150 days before the date of the N.C. primary, which is in May. Thus, it would have to be done before January 2012.

Commissioner Cogdell asked about the guidelines for the redistricting committee, specifically, whether they would factor in protecting current incumbents that are district representatives; and would that come back to the Board for consideration, since the Board was split on this issue 4-4 at the Strategic Planning Conference. Assistant Francis said the Redistricting Committee discussed that topic and plan to take that into consideration and may come back to the Board for further clarification.

(6B) COMPLIANCE PROGRAM

County Manager Jones and General Manager John McGillicuddy addressed a proposed Compliance Program, including the structure and program governance.

*Note: Proposed Policy Statement*

It is the policy of the Mecklenburg Board of County Commissioners that Mecklenburg County government be in compliance with all federal, state and local laws and regulations, contractual obligations, as well as policies established by the Board and the County Manager, including the Board’s Code of Ethics (“Code of Ethics”). Compliance is the responsibility of every Mecklenburg County employee.

*Proposed Purpose*

Mecklenburg County’s Compliance Program is established to implement the Policy Statement above by operating a strategic and organization-wide system ensuring regulatory and ethical
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compliance in providing quality service and public stewardship. The purpose also includes ensuring each employee understands his or her responsibility as a Mecklenburg County employee and acts accordingly. Each employee has an obligation to know and abide by the laws, rules, regulations, policies and procedures that relate to their job. Each employee has an obligation to:

- Uphold Mecklenburg County’s Vision, Mission and Values & Guiding Principles
- Be familiar with Mecklenburg County’s Board’s Code of Ethics as well as all other Board and County Manager policies
- Report known or suspected violation of the Code of Ethics, laws, regulations or any other Mecklenburg County policy and procedure using the chain of command
- Provide solutions to ensure compliance and/or prevent violations of laws, regulations, policy or procedures
- Participate in investigations concerning compliance matters as needed and in collaboration with other County departments and agencies as appropriate

Comments

Commissioner Cooksey asked with respect to investigations under the program, to what extent would the Deputy Compliance Officer be involved in conducting the investigations.

County Manager Jones said he envisioned the Deputy Compliance Officer and the Chief Compliance Officer being the coordinators of the investigation function. He said the County would continue to follow its current protocol.

Commissioner Cooksey said based on some of the investigations the County has had in the past, the investigation seemed to be disbursed and that there was not a single person who was accountable. Thus, he hopes that this individual would be accountable for making sure the investigation was conducted properly.

County Manager Jones said it’s not that the County has not been engaged in compliance, but what staff found was that there has been inconsistency and moving it to a more centralized approach would allow the County to do a better job.

Commissioner Cooksey asked for clarification with respect to the Chief Compliance Officer and the Deputy Compliance Officer having direct access to report to the Board in any instance where the County Manager does not keep the Board informed of compliance issues brought to the County Manager’s attention in an appropriate and timely manner. He asked how would that process work. Commissioner Cooksey said it may be good to specify that process in the program guidelines.

County Manager Jones said he envisioned that if this needed to be done, that they would go to the Chairman of the Board and request a meeting with the full Board or a committee of the Board.

Commissioner Cooksey recommended that be outlined in the program guidelines.

Commissioner Cooksey with respect to the governance committee asked would it be appropriate to have a representative from the public to serve on that committee. He said it may be good to have someone that’s an expert in ethics or has had some experience in these areas. Commissioner Cooksey acknowledged, however, that it may not be appropriate, in light of potential confidentiality issues.

County Manager Jones said he had not considered that but would give it thought.

County Attorney Bethune said there may be some circumstances where this would not be a problem but also circumstances where it may for reasons of confidentiality.
General Manager McGillicuddy said primarily the governance committee was intended to be those leaders in the organization, senior management, who are in fact, responsible for compliance in various areas. He said they currently seek input from outside sources in a variety of ways.

Commissioner Cooksey asked if staff envisioned that the governance committee would periodically make presentations to the Audit Committee. The response was yes, to the Audit Committee and the Board.

Commissioner Cooksey said he thought this was a step in the right direction.

Commissioner Dunlap referenced the Responsibilities and Accountabilities section of the program document, specifically, the County Employees section where it stated employees are responsible for informing themselves about the County’s compliance program and the organization’s expectations for their ethical behavior ....

Commissioner Dunlap suggested employees be required to sign something verifying that they received knowledge of or participated in training on a particular subject matter.

Commissioner Dunlap referenced the Responsibilities and Accountabilities section of the program document, specifically, the County Employees section where it stated employees are responsible for their compliance and are responsible for reporting suspected violations of the Code of Ethics and/or other pertinent accountabilities associated with the compliance.

Commissioner Dunlap suggested there be some consequences for knowing that something was going on and not disclosing it.

Commissioner Dunlap said employees who disclose information (whistle blower) should be assured that there are no consequences for bringing information forward.

Commissioner Cogdell questioned whether the Deputy Compliance Officer should be hired by and report to the Board or hired by and report to the County Manager. He said there needed to be clarity on how the reporting would work.

County Manager Jones said compliance has always been the responsibility of management. He said as Manager, he wants the Board to hold him accountable and that compliance was a management responsibility.

County Manager Jones said the Board through this process would be briefed and kept abreast.

County Manager Jones said this process was about moving compliance to a centralized function.

County Manager Jones said he would not recommend this person be a direct report to the Board, but have it structured as it’s being proposed, under the auspices of management.

Commissioner Pendergraph questioned why this position had to be an attorney.

County Manager Jones said staff found that the most prevalent person in this type of position was an attorney housed in the attorney’s office.

Commissioner Pendergraph asked who would be the hiring authority. The response was the County Manager.
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Commissioner Pendergraph suggested the person hired co-report to the County Manager and the Board.

County Manager Jones reminded the Board that Mecklenburg County has a council-manager form of government and addressed what that meant. County Manager Jones said the Board has to have confidence in him in order for this program to be successful.

General Manager McGillicuddy said one of the values of having any attorney serve in this position was in the area of contract development and contract management which is a role for an attorney, particularly in County as an organization. He said having this under the attorney’s office was prevalent because ultimately what’s going on with compliance was risk assessment, which ultimately focuses on what are the legal risks of various activities or things that we don’t do.

General Manager McGillicuddy said when you look at compliance from the big picture, it’s about risk management associated with complying with laws and other regulations.

General Manager McGillicuddy said a big component for the County’s improvement in compliance was contract development, contract management, and contract monitoring, a significant role for the deputy compliance officer.

General Manager McGillicuddy said the market rate for a compliance officer that’s not an attorney was comparable to that of a senior attorney.

Commissioner James questioned whether the deputy compliance officer should be an attorney or a CPA. He addressed the advantages of having a CPA.

Commissioner Dunlap suggested Board members with additional concerns about this process speak with the County Manager directly between now and when this matter comes back to the Board.

Commissioner Cogdell suggested the Board consider at some point how the County was structured with respect to those employees appointed by the Board. He noted that Charlotte City Council has three employees that they appoint, the City Manager, City Clerk, and City Attorney.

Commissioner Clarke suggested the Board exercise oversight responsibility for this function through the Audit Review Committee.

Commissioner Clarke questioned whether the County should have a separate code of conduct for employees only. General Manager McGillicuddy said the Board’s Code of Ethics applies also to employees. He said a code of conduct was included in the County’s Human Resources Policy.

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to defer consideration of the Mecklenburg County Compliance Program and authorizing one full-time position to serve as Deputy Compliance Officer in the Attorney’s Office, for at least a month, in order to give the Board and the County Manager time to consider the questions raised.

STAFF REPORTS AND REQUESTS

(7A) FUNDING OF FIRE PROTECTION SERVICES IN MECKLENBURG COUNTY
Director of Code Enforcement Jim Bartl, Director of LUESA Cary Saul and General Manager Bobbie Shields addressed funding fire protection services in Mecklenburg County.

Note: Staff proposes a new funding vehicle for delivery of fire protection services throughout the unincorporated areas of Mecklenburg County and the remaining ETJs of the Towns. Staff suggests that as urban growth in the County continues, and VFD expenses rise, the current funding strategy is unsustainable. Under the authority granted to the Board of Commissioners under N.C.G.S. 153A-301 et seq., staff proposes that the Board create Fire Protection Service Districts in Mecklenburg County as follows:

- Five Town ETJ service districts – one each for the ETJs of the following Towns: Cornelius, Davidson, Huntersville, Mint Hill and Pineville.
- A sixth service district for the City of Charlotte’s ETJ.

These districts would be created to fund the full cost of providing fire protection service, to all residents of the service district, with the cost burden carried by all service district property owners, through the service district tax. The County would use the funds raised by the Fire Protection Service District property taxes to contract with the Volunteer Fire Department related to a specific Fire Protection Service District, to provide fire protection services for that ETJ area.

Comments

Commissioner Pendergraph asked Mr. Bartl if he felt the fire commission really understood how much additional cost this would be for those in the unincorporated area. Director Bartl said the Board would be setting a tax limit of up to 15 cents but that doesn’t mean the tax would be 15 cents, it could be less. He said the Fire Commission does understand the cost but that they may look at it differently from the perspective that the cost is already there.

Commissioner James said his preference would be for some type of fee based service and that the towns or the City of Charlotte be in control of it. He said the area the County was talking about was very small. Commissioner James said he didn’t feel a tax was the way to go.

Commissioner Bentley said she has received considerable pushback from persons in the Cornelius-Huntersville area regarding staff’s proposal. She said it puts a high tax burden on these residents. Commissioner Bentley asked if other models were considered.

County Attorney Bethune said the alternatives were: 1) the Board can continue to do what it’s currently doing, which is taxing everyone in the entire county and use it to support volunteer fire departments, 2) use the type of service district outlined by staff, or 3) a slightly different fire district that is similar in effect where there’s a separate tax rate but it’s actually created in a different manner and is much more complex.

County Attorney Bethune said if the Board was going to do anything other than to fund it out of the general county budget, what staff presented was really the only viable alternative under current state law.

County Attorney Bethune said there’s no law in N.C. for a fee based process. He said it’s tax based. Thus, it’s either out of the entire tax rate or you levy a separate tax on the people in those areas. County Attorney Bethune said there were two ways to levy a separate tax and what staff proposed was the preferred way. He said there was another rural fire district mechanism that requires referenda and is very complicated and not used that much.

Commissioner Bentley asked was it necessary for the Board to take action by FY12.

Director Bartl said the proposal was asking the Board to authorize staff to continue to work on this issue with a goal of having service districts set up for FY13.
Commissioner Bentley asked about the engagement of the towns in this process, which was addressed.

Commissioner Bentley asked about the status of past discussions by staff regarding combining police and fire in a service district, which was addressed.

Commissioner Dunlap said currently every resident of Mecklenburg County was being doubled taxed for fire service. Commissioner Dunlap said the Board’s alternatives were to either accept staff’s proposal or accept the fact that the City of Charlotte will provide services for those in the unincorporated area at the same rate that residents within the City of Charlotte pay, which he said was substantially higher than what’s currently taking place.

Commissioner Cogdell asked about conversations between County and City of Charlotte staff regarding providing fire services in this area. General Manager Bobbie Shields said it would be the same rate as they charged to the residents within the City of Charlotte, which was about 12 cents.

Commissioner Cogdell asked for clarification on the 15 cents in staff’s proposal. Director Bartl said the 15 cents delineates a path that you take to create the service district.

Commissioner Cogdell said the towns and the City of Charlotte have the right to charge the County some fair rate for what it cost them to provide this service. Commissioner Cogdell said there were also services that the County provides to the towns and the City of Charlotte. Commissioner Cogdell asked for those services, that the County provides, for example, property tax collection, does the County have flexibility in raising rates. The response was yes.

County Attorney Bethune addressed the tax collection contracts with the towns and the City of Charlotte.

Commissioner Cogdell asked was staff looking at what it was costing the County annually to provide services to the towns and the City of Charlotte to make sure the County was charging a fair and reasonable market rate. County Manager Jones said staff had not conducted an analysis of that in the last several years.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Clarke and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to authorize staff to prepare a detailed proposal for the creation and initiation of six Fire Protection Service Districts in Mecklenburg County with funding to begin in the FY13 budget.

(7B) DOUBLE OAKS SYNTHETIC TAX INCREMENT GRANT REQUEST FROM CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve a Synthetic Tax Increment Grant, in concept, for the Charlotte-Mecklenburg Housing Partnership for a maximum amount of $1,300,000 and authorize the County Manager to negotiate a contract to be brought back to the Board for its approval.

John Allen presented this matter to the Board. He was assisted by Lee Cochran from the Housing Partnership.

(7C) BUSINESS INVESTMENT PROGRAM GRANT: BLUESTAR SILICONES USA CORP.
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Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt Resolution approving a Business Investment Program Grant to Bluestar Silicones USA Corp. for a maximum amount of $185,980 and authorize the County Manager to negotiate and execute a contract.

Note: Bluestar Silicones USA Corp. (Bluestar) is a French manufacturer of silicone-based adhesives for a wide range of industries including paper (e.g. labels), energy (e.g. solar panel assembly) and medical (e.g. dental impressions). Bluestar is based in Lyon, France and is owned by China National BlueStar. Bluestar plans to consolidate its two U.S. manufacturing operations, located in Ventura, Ca and Rock Hill, SC, into one facility located in the Charlotte region. The project will include a capital investment of between $9.5 and $11.8 million beginning in 2011. The investment will be in building improvements and new business personal property. It will create 125 new jobs over the first three years with a projected average annual salary of approximately $62,040. The County’s grant is equal to 90% of the taxes that will be paid by Bluestar over three 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 $208,280 for a $9.5 million investment, and $219,049 for an $11.8 million investment, over six years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

Director of Economic Development John Allen addressed this matter, prior to the above vote.

Resolution recorded in full in Minute Book 45-A Document # ______.

(7D) HOUSE BILL 63 – FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT AND

(7E) HOUSE BILL 111 – HANDGUN PERMIT VALID IN PARKS AND RESTAURANTS.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes and Chairman Roberts voting no, to take no action with respect to (7D) HOUSE BILL 63 – FIREARM IN LOCKED MOTOR VEHICLE/PARKING LOT AND (7E) HOUSE BILL 111 – HANDGUN PERMIT VALID IN PARKS AND RESTAURANTS.

Note: House Bill 63 provides that employers must allow employees to have firearms secured in their vehicles on employer-owned parking lots while at work. If an employer attempted to ban firearms from its parking lots, it cannot terminate an employee for violating that policy. Further, an employer would be civilly liable if an employee was injured, incurred damage or was killed as a result of an employee imposing a ban on firearms in its parking lot. One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.” As this legislation would pre-empt County-established policy, staff recommended that the Board of County Commissioners oppose H63.

House Bill 111 - Under current law, local governments may prohibit the carrying of concealed weapons in local government buildings, their appurtenant structures and parks. H111 would remove “parks” from the law so that local governments could no longer prohibit concealed weapons in parks. One of the guiding principles the Board has provided to staff is to “oppose legislation that restricts county flexibility.” As this legislation would pre-empt County-established policy, staff recommended that the Board of County Commissioners oppose H111.
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) CODE OF ETHICS – EFFECTIVE & EFFICIENT GOVERNMENT COMMITTEE
(COMMISSIONER DUNLAP)

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve changes to the Code of Ethics to include content regarding not accepting tickets to events that receive financial support from the County.

Note: Major changes: Section (f) Gifts.

Gifts. No County Official shall directly or indirectly solicit any gift, or accept or receive any gift, including a gift made to the County by a third party or entity, having a value of one hundred dollars ($100.00) or more or gifts ….

A gift of one or more tickets to attend a cultural or sporting event that is supported directly or indirectly in any way by an appropriation of money from the County (an “Event”) creates the appearance of influence, regardless of the value thereof. No County Official may, therefore, solicit or receive any tickets to an Event if the County has in its most recently adopted budget included an appropriation that directly or indirectly supports the Event or the venue in which the Event is to be held (the “Venue”). Furthermore, no County Official may solicit or receive any tickets to an Event if the County Official knows or has reason to know that the sponsors or promoters of the Event or the Venue are seeking, or intend to seek, financial support from the County for the Event or the Venue. A County Official who pays to the person or entity providing them, including but not limited to the County, the face value of the tickets to attend an Event shall not be in violation of this ban on receiving a gift of tickets to attend an Event that is supported directly or indirectly in any way by an appropriation of money from the County.

Provided, however, a cultural or sporting event being operated, promoted or sponsored by a County department or by the Charlotte-Mecklenburg Schools, CPCC or the Public Library is not an “Event” under this Code of Ethics. These entities are generally considered major business partners with Mecklenburg County and have such a long history of funding by and fundamental connection to the purpose of County government that acceptance of tickets to cultural or sporting events operated, promoted or sponsored by these entities should not be considered by a reasonable person as affecting the funding decisions of County Officials.

Commissioner Dunlap, chairman of the Board’s Effective and Efficient Government Committee presented this matter to the Board.

Revised Code of Ethics recorded in full in Minute Book 45-A, Document # ______.

(8B) BOARD PROCEDURE FOR COMMISSIONER REPORTS AND REQUESTS (COMMISSIONER COOKSEY)

Commissioner Cooksey asked that his item, Board Procedure for Commissioner Reports and Requests, be moved to the April 5, 2011 meeting, because of the lateness of the hour.
CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake 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 March 1, 2011 and Closed Session held March 1, 2011.

(10) INSURANCE REIMBURSEMENT – 4TH STREET PARKING DECK REPAIRS

Recognize, receive and appropriate insurance reimbursements in the amount of $25,970 to the Real Estate Services, Buildings and Grounds Division, Operational Fund to pay for repairs to the 4th Street Parking Deck.

(11) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $19,834 for Real Estate Services, $29,259 for Park and Recreation and $12,065 for Sheriff’s Office.

Note: All reimbursements are for stolen and damaged items.

(12) TAX REFUNDS

Approve refunds in the amount of $59,897.08 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.

(13) STATE BOARD OF ELECTIONS GRANT FUNDS FOR ADDITIONAL ONE-STOP VOTING LOCATIONS

Recognize, receive and appropriate grant funds in the amount of $59,942 from State Board of Elections to pay for additional one-stop voting locations.

(14) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE

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

Note: The revisions to MCAPCO are in response to State certification requirements and the United States Environmental Protection Agency (USEPA) grant requirements.

Ordinance recorded in full in Minute Book 45-A Document # ______.

(16) GRANT APPLICATION – POSTAL MODEL FOR MEDICAL COUNTERMEASURES – HEALTH DEPARTMENT
MARCH 15, 2011

1) Approve the submission of a grant application for $50,000 to the U.S. Department of Health and Human Services, Office of Preparedness and Emergency Operation covering the period of June 1, 2011 through May 31, 2012.

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

3) Approve the creation of a new part-time Health Program Coordinator/Supervisor position to administer this grant.

(17) 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 designate Catherine Stutts as a Review Officer.

Resolution recorded in full in Minute Book 45-A Document #______.

(18) EXCEPTION TO NC GENERAL STATUTE 159-32 DAILY DEPOSITS

Approve exception to daily deposit requirement pursuant to NC General Statute 159-32.

Note: NC General Statute 159-32 requires that “each officer and employee of a local government or public authority shall deposit his collections and receipts daily.” Statute 159-32 also provides for an exception to this requirement - “If the governing board gives its approval, deposits shall be required only when the monies on hand amount to as much as two hundred fifty dollars ($250.00), but in any event a deposit shall be made on the last business day of the month.”

BOCC approval is requested to allow an exception to the daily deposit requirement, pursuant to Statute 159-32, when the monies on hand amount to as much as $250.00, except on the last business day of the month. This request results from an analysis of the County’s deposit patterns and the related cost of armored deposit pickup service.

Currently, the County takes in funds at 60 different locations. At many of these locations, the amounts collected over the course of a day are very small. In some cases, the amount of the daily deposit is less than the cost of the armored pickup service. Any funds not deposited on the day of receipt are secured in a locked safe.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Motion was made by Commissioner Leake, 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 items:

(15) MI-CONNECTION INTERLOCAL AGREEMENT

Adopt Resolution Approving Second Amendment to the Cable Television System Interlocal Agreement for the Joint Operation of a Cable Television System

Note: The County entered into the Cable Television System Interlocal Agreement for the Joint Operation of a Cable Television System among the Towns of Mooresville, Davidson, Cornelius,
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and Mecklenburg County, which resulted in the purchase of the cable television system being operated by Adelphia in those Towns and the ETJ areas of those Towns. The County is not involved in the operations of the MI-Connection Cable System and has no operational or financial responsibility, or any liability associated with its operations.

Resolution recorded in full in Minute Book 45-A Document # ______.

(19)   BUDGET AMENDMENT – HEALTH DEPARTMENT (REVENUE INCREASE)

Recognize, receive and appropriate additional revenue of $137,511 to reflect actual state and federal allocations received by the Health Department.

Note: This funding includes funds for immunization efforts, tobacco prevention, family planning and Women Infant and Children services.

(20)   ARCHITECT/ENGINEERING SELECTION – JAIL CENTRAL ARREST PROCESSING CENTER RENOVATION

Authorize the County Manager to negotiate a fee and execute a contract with Moseley Architects, for Architectural/Engineering Services for the Jail Central Arrest Processing Center Renovation and in the event negotiations with this firm are unsuccessful, approve negotiations with the second-ranked firm (Carter Goble Lee).

(21)   RESOLUTION - BALFOUR BEATTY/RODGE BUILDERS AS CONSTRUCTION MANAGER AT RISK - JAIL CENTRAL ARREST PROCESSING RENOVATION

Exempt Mecklenburg County from the qualified-based process for selecting a Construction Manager at Risk for the Jail Central Arrest Processing Renovation under North Carolina G.S. 143-64.31 as authorized by G.S. 143-64.32(b).

Adopt a resolution confirming the use of Balfour Beatty/Rodgers Builders as the Construction Manager at Risk for this subpart of the larger jail project for which they were previously selected.

Resolution recorded in full in Minute Book 45-A Document # ______.

(22)   INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL ANNUAL MEETING SPONSORSHIP

Approve Mecklenburg County's $10,000 sponsorship of the International Economic Development Council Annual Meeting in 2011.

Note: The International Economic Development Council will hold its annual conference in Charlotte in October, 2011. The conference is expected to bring more than 1,400 economic developers, consultants and real estate professionals from around the world to Charlotte resulting in an economic impact of more than $1.4 million.

(23)   RENAMING TOBY CREEK GREENWAY – UNC CHARLOTTE SECTION

Approve renaming the UNC Charlotte Section of Toby Creek Greenway (Hwy 49 – Mallard Creek Greenway) the Ruth G. Shaw Trail of Toby Creek Greenway.
Note: This request recognizes Ruth G. Shaw’s life-long commitment to service and leadership, including leadership with UNCC and the Carolina Thread Trail.

ADJOURNMENT

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, that there being no further business to come before the Board that the meeting be adjourned at 10:57 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman
The purpose of the meeting was for the Board to meet jointly with the Library Board of Trustees for the purpose of receiving the Future of the Library Task Force Final Report and to take action as may be deemed appropriate.

The meeting was opened by Dr. Jim Woodward, chairman of the Library Task Force. Dr. Woodward invited Chairman Roberts and Robin Brainstrom, chairman of the Library Board of Trustees to give a few opening remarks.

Chairman Roberts and Brainstrom expressed thanks and gratitude to Dr. Woodward, county staff, Library Task Force members and the Foundation for the Carolinas for their dedication and hard work with the Library Task Force Final Report.

Dr. Woodward presented key observations and recommendations from each chapter of the final report as follows:

❖ Chapter I  Introduction

Quick Facts included library budget information, sites and hours of operation.

❖ Chapter II  Status of the Library Before Funding Reductions

- Relative to libraries in peer communities, was the Charlotte-Mecklenburg Library overfunded prior to budget reductions?
- Relative to libraries in peer communities, was the Charlotte-Mecklenburg Library overbuilt prior to budget reductions?
- For this chapter and throughout the report, two sets of peer communities will be used.
- The most comprehensive collection of data derives from an annual survey conducted by the Public Library Association.
- The most recent report of the results of this annual survey was issued in the late spring of 2010 and presents data for FY 2008-2009.
- Data for 987 public libraries were reported, including 56 in the population group 500,000 to 999,999. With a population of 890,515 in the Legal Service Area, the Charlotte-Mecklenburg Library is included in this group of 56 public libraries.
- Hence, the other 55 libraries form one set of peer libraries for the Charlotte-Mecklenburg Library.
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- Because the data in the annual PLA Reports will generally lag by two years, a smaller group of peer communities was needed for which current year information could be obtained.
- Question to the Charlotte Chamber: What cities does Charlotte most frequently “compete” with?
- What counties are used by Mecklenburg County for performance comparison on the County’s evaluation scorecard?
- Resulted in an unduplicated list of 13 peer communities.

Conclusions:
- The Charlotte-Mecklenburg Library was not overfunded, nor was it underfunded, prior to the budget reductions.
- The Charlotte-Mecklenburg Library was not overbuilt, nor was it underbuilt, prior to the budget reductions.
- With funding, number of branches, and total square footage, it was about “in the middle of the pack.”

**Chapter III  Library Funding Trends in Recent Years in Peer Communities**

- The UNC Charlotte Urban Institute was retained to collect and present information about governmental revenue and library funding in the 13 peer communities for FY2007-2008 through FY2010-2011.
- After considering the changes in general fund revenues in the 13 peer communities, the Task Force concludes that the Charlotte-Mecklenburg Library received, in a relative sense, the greatest decrease in local government funding for FY2008-2009 to FY 2010-2011 and over the single year from FY2009-2010 to FY2010-2011.
- Except for the Dallas Public Library, the Charlotte-Mecklenburg Library received a much greater percentage reduction than any of the other libraries.
- This may have occurred because the strategic and operational goals of the Charlotte-Mecklenburg Library are not properly aligned with those of the County.

**Chapter IV  What Does the Community Think about the Library?**

- In January 2011, MarketWise conducted surveys on behalf of the Future of the Library Task Force

**Key Findings**
- 87% of those who participated in the telephone surveys believe that the Library is very or extremely important to the community.
- Regarding funding cuts, 48% believe funding of the Library should increase and 6% believe it should decrease.
- No statistical difference in the % that choose each of the following options:
  - a. Not closing more branches. Keep the current branches which are within 3 miles of most residents and reduce operating hours even more, or
  - b. Close more branches, as long as the remaining branches are within 5 miles of most residents and operating hours are increased.

- 77% agree that Library branches should remain open in economically challenged areas, even if it means closing the branch closes to them.

**Chapter V  A Model for Considering Alternatives**

- Approximately 74% of the operating budget of the Library is spent for personnel compensation.
- The number of staff available determines the number of sites that can be operated and the hours those sites can be open to the public.
- At the current funding level, the Task Force does not believe the existing distribution of staff represents the most efficient utilization of this limited resource.
• A staffing model was developed to be utilized along with the existing financial model.
• The Library delivers Basic Library Services through SERVICE POINTS.
• A small branch will normally have one Service Point. A regional library will have two or three. The Main Library has five.
• For the current “modified” single shift of 32 to 37 hours a week, on average 5 FTE are required to staff a single Service Point.
• To return to a regular double shift of 66 to 71 hours a week, an additional 3 FTE would be needed.

Chapter VI Future Funding of the Library
• To provide Basic Library Services, the Task Force recommends that the Library be funded on a per capita basis, with the target derived from a comparison with a peer group of communities.
• For the near term, that peer group is the thirteen communities identified earlier.
• For FY 2011-2012, the Task Force recommends that the Library be funded at the mean or median of that group, that is, at $27.89 to 28.66 per capita.
• Adjusting for the maintenance and security expenses assumed by the County, the funding currently provided to the Library is $25.84.
• If the Task Force’s recommendation is accepted, the Library’s funding would be increased by $1.8 to $2.5 million.
• Longer term, the Task Force recommends that the County consider a fundamental change to the budgeting process whereby the funding of Quality of Life Assets be reviewed as a separate and distinct budget category.

Chapter VII Operational Recommendations for the Library
• The Task Force believes that the current distribution of staff across the library system is an inefficient utilization of this limited resource.
• Should additional staffing not become available through the recommended increases in funding, the Task Force recommends that the staffing currently available be redistributed according to the following priorities:
• Hours at the regional libraries should be increased by adding 2 FTE staff per Service Point.
• Branches located in the challenged neighborhoods, areas of the County where economic and educational attainment are low, should continue to operate at the current 32 hours per week, that is, at a “modified” single shift.
• The remaining FTE staffing should be allocated to branches based on distance to the nearest regional library and branch utilization.
• Recommendations related to Programming, Volunteer and Fundraising are also given in this Chapter.

Chapter VIII Center City Library Sites: Current Operations and Recommendations
• It is the view of the Task Force that there is more space in Main Library than is needed for the functions that should be carried out in the Center City and that there is an opportunity to achieve financial savings by relocating or reorganizing some of those functions.
• The Task Force recommends that the Board of Trustees appoint a committee of engaged community members to explore possibilities for the facility.
• The Task Force views ImaginOn as a particularly valuable, but unique, community asset.
• The Library manages the facility and utilizes approximately 40,000 square feet of its 105,000 square feet to provide library services for children.
• The Children’s Theatre of Charlotte also utilizes the facility and contributes approximately $500,000 annually to its operations.
• Because ImaginOn is unique among libraries, the Task Force recommends that the funding requirements be separately presented and considered each year.
• The Task Force concludes by observing that strong, central Library presence in Center City Charlotte remains very important.

❖ Chapter IX  Library/County Relationship
• If the Library is to properly serve the citizens of Mecklenburg County, it is essential that there be a close working relationship between the Library and the County, especially on issues of strategic importance.
• The Task force makes a number of recommendations for improving that relationship, stressing that both the Library and the County have responsibilities for achieving the desired outcome.
• The Task Force further recommends that the Foundation for The Carolinas Board of Directors appoint a committee of five persons in July 2012 to evaluate the progress that has been made.
• Should that committee find that satisfactory improvements have not been made, it should make a judgment as to why that is so and report its findings to the boards of the Library and the County, along with recommendations about what needs to be done.
• If the committee determines that a change in governance structure is needed, the Task Force provides certain characteristics that structure should incorporate.

❖ Chapter X  The Library of the Future
• If the recommendations presented in this report are adopted, the Task Force is confident that the Library will use the funding currently available to provide Basic Library Services to the citizens of Mecklenburg in the most effective and efficient manner possible.
• Ultimately, it is the responsibility of the Board of Trustees and the Board of County Commissioners to determine what those services should be and to ensure that funding is available to provide those services.
• Once the recommendations presented in this report have been acted on, the two boards should jointly oversee the development of a new strategic plan for the Library, which can subsequently be formally embraced by both bodies.

A copy of the entire report is on file in the Office of the Clerk to the Board.

After Dr. Woodward’s presentation, the Board asked questions and made comments on the findings in the report.

Library Board of Trustees chair, Robin Brainstorm suggested that a subcommittee be formed consisting of three County Commissioners and three Library Board Trustees to meet and report back to the Board in April with next steps.

No formal action was required.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 8:05 p.m.

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Janice S. Paige, Clerk to the Board  Jennifer Roberts, Chairman
MARCH 22, 2011

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS
MECKLENBURG COUNTY
NORTH CAROLINA

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Budget/Public Policy Session in Conference Room CH-14 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, March 22, 2011.

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 Cooksey and Cogdell 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 matter below was addressed.

(1) URBAN PARKS AND AAA BASEBALL

General Manager Bobbie Shields addressed urban parks and AAA Baseball and associated agreements where applicable.

The parks addressed were First Ward, Second Ward, Third Ward, Fourth Ward and Romare Bearden Park.

Commissioner Cooksey entered the meeting.

General Manager Shields said the goal was to have an urban park in each ward.

General Manager Shields said the site for the proposed baseball stadium was not associated with the land swap. He said the land swap was in reference to land exchanges associated with the urban park.

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

Comments

Commissioner Dunlap with respect to First Ward Park (south of 8th Street) Agreements with Levine Properties, asked what would be the benefit of having the developer build the park for the County. The response was that it was related to the developer’s desire to build out to develop that location.
General Manager Shields said the developer has a plan for a major capital investment in that location and the thought was that it’s better from a marketing perspective to have a nice large urban park at that location.

Commissioner Cooksey with respect to First and Second Ward Parks Agreement w/ Board of Education, asked about the timelines associated with the agreement, which was addressed.

Commissioner Cooksey asked about the plan use of the Berewick-Dixie River Elementary School property, which was addressed.

Commissioner Bentley requested the current assessed value of the Charlotte-Mecklenburg Schools (CMS) Board of Education Center.

Commissioner Cogdell entered the meeting.

Commissioner Bentley asked for clarification regarding the transaction involving the Berewick-Dixie River Elementary School property, which was addressed.

Commissioner Bentley asked about the asbestos in the Board of Education Center and what impact does that have on the County. The response was the County knew asbestos was in the building but not that it was a problem. Also, the County is responsible for abatement of the asbestos once the building is turned over to the County.

County Attorney Marvin Bethune said the County’s obligation to abate the asbestos was not for the benefit of CMS, but for Brooklyn Village. He said after CMS turns the property over to the County, the County would remove the asbestos and turn the vacant building over to Brooklyn Village, LLC and they’ll demolish it.

It was explained that the asbestos has to be removed before the building could be demolished.

Commissioner Dunlap with respect to Second Ward Park: Agreement w/ City of Charlotte asked for clarification regarding the debt service associated with this, which was addressed. It was noted that the debt service referenced was the City of Charlotte’s, not the County’s.

Commissioner Dunlap with respect to Second Ward Park Agreement w/ Brooklyn Village, LLC, questioned whether the County was “cheating” CMS if the County pays CMS $13.75 million for the Education Center property and then the County sells a portion of that property to someone else for $18 million. The response was no. It was clarified that the property the County would be selling was not just the CMS property, but property that was obtained from the City of Charlotte also (Marshall Park), as well as additional property.

Commissioner Cooksey with respect to AAA Baseball-Development Agreement asked how long it would take to repay the $8 million synthetic TIF. General Manager Shields said he believed it was set up to be paid for in whatever time it would take. There wasn’t a term.

Commissioner Cooksey asked was it set up that a certain amount would be paid annually. General Manager Shields said he believed it was 90% of the taxes paid, for however long it takes to repay it back.

Commissioner Cooksey asked was there an estimate on how long it may take. The response was around four or five years, originally.

Commissioner Cooksey asked was there a timeframe associated with the AAA Baseball-Development Agreement. The response was that it’s tied to the lease agreement, which was addressed.
Commissioner Dunlap with respect to the Baseball Lease Agreement asked was it correct the Knights could develop the retail, generate the revenue as a result of that, as long as they pay the taxes on the improvements. The response was yes, they would have to pay taxes on the improvements.

Commissioner Dunlap asked since the County still owns the property, would the lease for the buildings or whatever, run concurrent with the 100 year lease. The response was that there’s a provision in the agreement about commercial interests.

General Manager Shields said if the stadium is built and for whatever reason, is abandoned, then falls back to the County’s ownership, there’s a provision where the County would honor those lease agreements for any commercial/retail establishment that might be in place.

General Manager Shields said if the Knights decide against building the baseball stadium as agreed, which is tied to the September 2011 substantial completion, they are obligated to reimburse the County for legal fees associated with the pending lawsuit. Also, the County may recover liquidated damages or cancel the lease for what’s called non-relocate default.

General Manager Shields said the Knights are required to play their home games in the stadium, and if they do not, or if for some reason they decide to sell the team, relocate the team, then the County could recover part of the TIF payment.

Commissioner Cooksey asked if the lease agreement provides for a rental rate. The response was yes, $1.00.

Commissioner Cooksey asked about the tax value of the Knights interest in the stadium and how would it work if the Knights owned the leasehold improvements and the land. County Attorney Bethune said the Knights would be taxed the same way the Panthers are taxed, because the stadium is on land owned by the City of Charlotte. He said each year their tax rate is based on three components, personal property, real property, and the leasehold estate.

Commissioner Bentley asked for clarification with respect to the stadium being “substantially complete” by September 2011. Dan Rajkowski, General Manager with the Knights said that this has been a “lengthy” process. Mr. Rajkowski gave a summary of the history of the proposed project.

Mr. Rajkowski said since the resolve of the lawsuit last fall that was tied to the Knights lease, the Knights have been gearing the project back up, i.e. re-pricing the project in a different pricing environment, sitting down with the banking industry that supported the project, looking at how they can better price down the project. He said they were still dealing with challenges, but they’ve been reengaging their teams, such as construction management, architects, sponsors, community leaders, etc. to get the process going again.

Mr. Rajkowski said the Knights organization has spent a lot of time, energy and money to relocate its business to N. C. and with that, has come some “pain” with finances, but the goal is to bring the team to N.C., the business, and the jobs as soon as they “possibly” can.

Commissioner Clarke asked how long it would take to construct the stadium. The response was 18 – 22 months barring any environmental issues.

Commissioner Clarke asked about the term of the Knights current lease. The response was it expires December 2013.

Commissioner Bentley asked how would the Board deal with the provision that the stadium must be substantially complete by September 2011. General Manager Shields said at some point the Board would have to hear from the Knights about what their issues are. He said they
MARCH 22, 2011

might request an extension and if they do so, then it would be up to the Board to decide if it wants to grant an extension. General Manager Shields said the Knights still have a “legitimate” lease until September 2011.

Commissioner Cooksey asked Mr. Rajkowski if he had a sense for how much more time the Knights would need if an extension is requested. Commissioner Cooksey said his preference would be not to tie it to “substantially complete” as much as set some “milestones.” He noted as an example, a milestone that would say by a certain date they would have a commitment to financing or will start construction by a certain date; so that if it doesn’t look like it’s going to happen the County could go on and do something else.

Mr. Rajkowski said the hope is that in the “very near future” they want to come back and be able to present at least as much definitive information as they can at that point, to make those types of decisions. He said construction timelines and financing was tied predominantly to the revenues generated from the team. He said there’s owner equity in this as a part of the financing model. He said the financing model has changed “significantly,” but with it, a lot of it is driven by revenues generated by the team, i.e. naming rights, founding sponsorships, club seats and suites.

Commissioner Cooksey said the Board would need to see some specifics before it could consider any extension. He said the Board will need to know if this is going to come to “fruition.”

Commissioner Cogdell asked Mr. Rajkowski would it be of benefit to the Knights if the Board were to say come back in 90-120 days with some very specific tangibles about what their financing package looks like.

Commissioner Cogdell said he concurred with Commissioner Cooksey that the Board needs some assurances, that if the County continues to be a part of this, that the County will see some progress taking place.

Mr. Rajkowski said it would be of benefit and that it was a reasonable expectation.

Commissioner Dunlap asked Mr. Rajkowski would it be beneficial to the development of this total concept, if that portion of the agreement was modified, if, in fact, the County was satisfied with the timelines and it gets to a certain stage where “it’s known for a fact” things are going to happen.

Mr. Rajkowski said you’d have to go back to the philosophy of the development. He said the development aspect was a second element to the baseball stadium. Mr. Rajkowski said the thought process at that time was mixed-use.

Mr. Rajkowski said this was something that would need to be looked at. He said they saw the development component as a benefit to help them fund a privately funded ballpark and help them get through and be able to utilize that development to create a more energetic atmosphere at this location.

General Manager Shields said the County would be “hard pressed” to allow one entity to come in and do the commercial and retail development, absent the baseball stadium.

General Manager Shields said there were a lot of developers very interested in developing this site.

Commissioner Dunlap said if the agreement with the Knights were to end, what benefit would that be to the County. General Manager Shields said he could not think of any benefit that would be to the County to cancel the lease.
General Manager Shields said at the present time the County doesn’t have any plans for disposing of that property; nor, is now a good time to dispose of the property. He said there’s no urgency or real driver for the County to cancel the lease at this point.

Commissioner Clarke concurred also that the County needs some “reasonable” assurances.

Commissioner Clarke said the County needs to inform the Knights of what its standard is going to be for evaluating what they come back with.

Commissioner Clarke proposed that the Knights provide the Board with something that would place the Board in a position to say that the Board thinks it’s reasonably possible that the Knights will be able to finance the stadium; get their financing and start their construction within two years, 2013.

Commissioner Clarke said if the Knights could get construction started by September or the fall of 2013, then they could finish up and within five years they could open. Commissioner Clarke said he could not see the County going beyond five years.

Commissioner Clarke suggested the Knights work with the Board’s Economic Development Committee on this to help guide them through the process.

Commissioner Cooksey asked if the County was putting out any other funds to support this other than the TIF. The response was no.

Commissioner Cooksey asked had the concept of the stadium changed since it was originally proposed. Mr. Rajkowski said it was essentially the same stadium with some modifications. He said the main modification involved the number of seats. He said originally the seat capacity was up to 11,300, which included an upper deck in the left field corner but that has been since pulled out.

Commissioner Cooksey asked about the estimated cost of the stadium. The response was $54+ million.

Commissioner Cogdell also suggested this matter be referred to the Board’s Economic Development Committee so that they can vet it out more and give guidance on what type of assurances the County would be looking for; and come back to the full board with a recommendation at a later date.

It was the consensus of the Board that the matter of the Baseball Lease Agreement be referred to the Board’s Economic Development Committee for further review and a recommendation back to the full Board.

Commissioner Dunlap asked would the stadium be designed in such a way that capacity could be increased. Mr. Rajkowski said it is expandable, but he’d have to get back to the Board on to what extent.

ROMARE BEARDEN PARK

Finance Director Dena Diorio addressed the “debt-diet” decision, the status of Park Bonds, and the project prioritizing timetable.

Commissioner Dunlap asked whether the Romare Bearden Park project and the baseball stadium were linked. The response was no.
Commissioner Cooksey asked if the design of the park and the stadium linked. The response was that they’ll work to make sure their compatible, but from a construction perspective they’re not tied to each other. General Manager Shields said there’s an infrastructure piece that the County would have to provide, especially around Mint Street, if the County proceeds with Romare Bearden Park.

Park and Recreation Director James Garges addressed Romare Bearden’s Birthday Celebration and the desired construction schedule.

Director Garges said staff believes between March – April they can start getting the building ready for demolition and some permitting taken care of; May – June complete the demolition. He said there’s also some roadway and infrastructure work that has to be done. Further, that between August – October the bids could be ready and the contracts, in order to start construction, which should take about 11 months. Thus, the park would be finished sometime in September 2012. Director Garges said $11 million was needed for the park.

Director Garges said all of this was on a tight timeframe but was doable.

Director Garges said the park needs to be a true public/private partnership.

Comments

Commissioner Cogdell asked why this project was being considered outside of the capital planning evaluation process. Director Garges said the County has an issue with the bank that if they want to, they have the option to buy back a portion of the park land. He said if they were to do that, it would significantly impact the park.

General Manager Shields said this particular park project was unique in that it has been vetted through the whole Park and Recreation process and was set to go until the economy took a downward turn.

Commissioner Clarke asked Mr. Rajkowski if it would help the Knights financing efforts if the Board were to move forward with the park. The response was that it may.

Commissioner Clarke asked when could construction start if the Board decided at its first meeting in May to move forward. Director Garges said staff would be ready to go.

Commissioner Clarke asked Finance Director Diorio with respect to the prioritization process is credit being given for essentially being ready to go. The response was no, but there is consideration for leveraging private dollars.

Commissioner Cooksey asked about the cost of the park. The response was $11 million.

Commissioner Cooksey asked were any of the sponsors locked in. The response was not yet.

Commissioner Cooksey asked if there was a plan to market sponsorships, which was addressed.

Commissioner Cooksey asked Director Diorio how would the $11 million that’s needed impact the County’s debt, if the Board were to approve appropriating the $11 million. Director Diorio said this project is in the 2004 bond package, not all of it, but part of it. Director Diorio said the County was short about $3-4 million to get the project done but that the authorization was there. Director Diorio said if the project is to be started sooner rather than later, then funds need to be committed now. She said this was not a project that would put the County over any of its debt ratios.
Commissioner Cooksey asked about the status of the capital project ranking process. Director Diorio said staff anticipates reporting back to the Board late June or mid-July.

Commissioner Cooksey said if the Board moves forward with this project in May, then it would not go through the capital project ranking process. The response was that’s correct.

General Manager Shields said the next step for staff, unless there’s objection from the Board, would be to pursue getting partnerships, consistent with the Balanced Scorecard goal of 20% leveraging, for funding the park and to subsequently report back to the Board regarding any interests expressed.

Chairman Roberts noted the history behind the park, particularly the communities’ interests in getting this park.

Commissioner Cogdell said he was reluctant to support moving forward at this point because the project was being taken out of the capital project ranking process.

Chairman Roberts suggested the Romare Bearden matter be referred to the Board’s Natural Resources Committee and placed on their April 5th agenda to go over some of the options as it relates to moving forward with the park; and to report back to the full Board at the Board’s Regular meeting scheduled for April 5, 2011.

Commissioner Clarke suggested the Board vote on the issue of moving forward at its April meeting.

Commissioner Cooksey said if it’s being done because it’s a project the County has been working on and has invested in and is at risk of losing a part of the site, then he would consider moving forward, but if it’s being done because of the Democratic National Convention coming to Charlotte, then he’s not supportive of moving forward at this time.

Commissioner Cooksey said he would like there to be a discussion at the Board’s Natural Resources Committee meeting regarding the option that the bank has (RBC), when it’s exercisable and under what conditions and how much they have to pay to get the property back.

It was the consensus of the Board to refer the Romare Bearden Park matter to the Board’s Natural Resources Committee for further review and discussion of the options available to the County and that the Committee report back to the full Board with a recommendation.

This concluded the discussion.

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 5:40 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, April 5, 2011.

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-

Commissioners Clarke, Cooksey and James 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)  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, 17, 20, 21, and 22.

(2A)  STAFF BRIEFINGS - TEAM BUILDING PROPOSAL – CHAIRMAN JENNIFER ROBERTS

The Board received a briefing from Mike Whitehead, with Whitehead Associates, Inc. and The Center for Intentional Leadership regarding a team building/team development workshop that he would like to provide to the Board.

Commissioners James and Clarke entered the meeting.

Mr. Whitehead said what he was proposing was not the typical team building workshop that most people were accustomed to. Mr. Whitehead said the focus would be on the working relationships and climate of the board. It would be a one day retreat, the objective of which would be to “create a high-performing commission body that is genuinely aligned and committed to its vision, mission and values-and which serves its citizens at the highest level. A respectful, transparent environment, open dialogue and stronger relationships within the commission will have a considerable positive impact on the city and its citizens.”

Mr. Whitehead reviewed the focus areas, outcomes, components of the process, and the agreement between his company and the County.
Mr. Whitehead said he would provide his services pro-bono as a public service, contingent on members agreeing to participate fully. He said certain expenses, however, would be billed to the County.

Comments

Chairman Roberts spoke in support of the offer. Chairman Roberts said if the Board decided to move forward, a decision would need to be made regarding whether or not the County Manager and his executive team should also participate.

Commissioner Clarke said he didn’t doubt that this would be useful for the Board but questioned whether members have the time to commit to this at the present time. Commissioner Clarke said he would not.

Commissioners Pendergraph and Bentley concurred with Commissioner Clarke regarding Board members being available to participate.

Commissioner Cogdell said perhaps the Board should consider this after the budget process.

Commissioner James spoke in opposition of the proposal. Commissioner James said he failed to see the value of doing this. Commissioner James said the things that the Board has experienced in carrying out its duties, was typical for politicians.

Commissioner Leake questioned some of the comments made regarding why this was needed.

Commissioner Dunlap said he was not opposed.

Commissioner Clarke suggested the Board take no action and that Board members be allowed more time to think about this.

It was the consensus of the Board, not to take any action at this time.

Chairman Roberts thanked Mr. Whitehead for his presentation and offer.

Mr. Whitehead said whenever the Board was ready, his offer still stood.

(3A) 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: Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, R.B.C. Corporation, 300 South Church Street, LLC; Jerry Alan Reese vs. Mecklenburg County and Brooklyn Village LLC.; and Measurement, Inc. vs. Mecklenburg County.

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:49 p.m. and came back into Open Session at 5:55 p.m.

Chairman Roberts was absent when the Board came back into Open Session. She left the meeting during Closed Session and was absent until noted in the minutes.
Vice-Chairman Pendergraph presided until noted in the minutes.

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

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- 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.

Note: Three-year old Jayla Jacobs lead the Board in the Pledge of Allegiance. She’s the daughter of Frank & Kim Jacobs. She was invited by Commissioner Leake.

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Chairman Roberts returned to the meeting and presided for the remainder of the meeting.

Pamela Lue-hing of Legacy Partners, LLC, Alicia Verdun of Verdun Consulting, Kim Jacobs of Daily Balance with Kim Jacobs (a talk show) and United Maintenance Services, and Yvonne McJetters of Healing, Hope, Hands & Heart Outreach Ministries, Inc. appeared on behalf of the Small Business Consortium. It was noted by Ms. Lue-hing that the Small Business Consortium was established by Commissioner Leake as a way to bridge the gap between City and County contractual opportunities and small businesses. Further, that the purpose of the Consortium was to educate, collaborate, and communicate those opportunities. They each addressed their respective business and encouraged other small businesses to become a part of the consortium.

Copies of their business literature is on file with the Clerk to the Board.

Michelle O’Reilly said she was appearing in response to a proposed grant for Bright Beginnings that the Board discussed in February. She presented a petition with 1,671 signatures, in support of funding Bright Beginnings.

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

APPOINTMENTS

(3A) APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to appoint the following nominees to the Board of Equalization and Review for three-year terms expiring April 7, 2014: Parker Black, David Guilford, Keith Horton, Harvey
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Jeffers, Gregory Lee, and Alfred Tucker; and appoint John Deas to fill an unexpired term expiring April 7, 2012.

Note: Mr. Deas is replacing Jack Morgan.

Note: The appointments were made based on the recommendation received from the Board’s Ad Hoc Appointment Committee.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

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

Bolyn McClung
Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts
Voting Ceased
Bill Schreiner
Andrew Smith
Doug Wilson

Chairman Roberts announced the appointment of Bolyn McClung to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring July 2, 2011.

Note: He is replacing Owen Sutkowski.

ENGINEERS AND SURVEYORS SELECTION COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Edward Elliott to the Engineers and Surveyors Selection Committee for a three-year term expiring September 30, 2013.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) BUDGET UPDATE

The Board received updates from Finance Director Dena Diorio and Budget/Management Director Hyong Yi. The following was topics were covered:

- Total Revenues
- Property Tax
- Sales Tax
- Investment Income

Director Diorio said revenues were coming in as expected and that to date staff doesn’t anticipate any issues between now and the end of the fiscal year.
Comments

Commissioner Leake asked about the impact of the CIAA Tournament held in February. Director Diorio said it would be May before the County finds out the impact of the tournament on sales tax. Director Diorio clarified that the sales tax report would only show the amount of sales tax received by the County. She said the report is not broken out by a specific event. Thus, you won’t be able to tell the specific impact of the tournament on sales tax.

Director Yi addressed

- Reducing Expenses Consistent with New Revenue Levels
- Redesigning and Reshaping Mecklenburg County

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

(6B) PRESBYTERIAN HEALTHCARE – COMMUNITY INVOLVEMENT

The Board received an overview of Presbyterian Healthcare and their Financial Assistance programs for the uninsured and their community involvement. Mark Billings, President and CEO gave the overview. He was assisted by Jim Tobalski Senior Vice-President.

Mr. Billings informed the Board that whatever is earmarked for Presbyterian by the County for indigent care, Presbyterian will return 50% of that back to the County to use at its discretion.

Mr. Billings said Presbyterian feels it should be at risk also for some of the cuts the County has spoken about.

Mr. Billings thanked the Board for allowing Presbyterian the opportunity to come and share.

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

Comments

Commissioner Pendergraph asked about the formula for indigent care with respect to Presbyterian Healthcare.

General Manager Michelle Lancaster said the amount the County paid for indigent care this fiscal year was $16,850,000 and of that Presbyterian HealthCare probably received about a $1 million.

Commissioner Pendergraph asked when was the formula developed. The response was 1994.

Commissioner Pendergraph asked why was there such a big difference between what’s received by Presbyterian Healthcare and Carolinas Medical Center. General Manager Lancaster said the formula was complicated, but it’s based on the percentage of money that’s spent toward the indigent with the community clinics, and Carolinas Healthcare getting the first piece of that formula. She said theirs was a larger investment in community clinics.

Commissioner Leake requested the 10 zip codes that receive services via the Presbyterian Community Care Cruiser and the schedule for going into those neighborhoods. Mr. Billings said he would provide that information.
Commissioner Leake asked why there was a $3 parking fee at Presbyterian Healthcare’s downtown facility, when there’s no fee charged at the other locations. Mr. Billings said he would go back and take a look at the parking issue, but he believes it’s a deterrent to keep people who work somewhere else from parking there and taking spots from patients.

Commissioner Cogdell requested data on the number of indigent emergency room patients seen by Presbyterian Healthcare.

Commissioner Clarke asked about Presbyterian Healthcare’s sources of revenue, which was addressed.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

Chairman Roberts on behalf of the Board thanked Presbyterian officials for coming and making a presentation to the Board.

STAFF REPORTS AND REQUESTS

(7A) SOLID WASTE DISPOSAL OPTIONS

The Board received an update from Director of Land Use & Environmental Services Cary Saul on solid waste disposal options.

Note: All residential solid waste collected by the County and its Solid Waste Interlocal Agreement partners is currently disposed in the Republic Speedway Landfill located in Concord, Cabarrus County. The Term of the current contract between the County and the Speedway Landfill ends on June 30, 2012. No final decisions have been made on providing disposal capacity for the approximate 370,000 tons of residential solid waste handled annually after that date, but multiple disposal options remain.

As amended by the BOCC on June 1, 2010, the Mecklenburg County Ten-Year Solid Waste Management Plan 2009-2019 includes three options for the long-term disposal of the County’s residential solid waste. The first of these is the County-owned Foxhole Landfill, permitted to receive municipal solid waste (MSW), including residential waste, but currently only receiving construction and demolition waste (C&D). The second option is a new multi-year contract with the Republic Speedway Landfill. Finally, there is the ReVenture Project, currently in development and seeking a long-term (20-year) contract with Mecklenburg County for the receipt of the residential waste that the County controls through the Solid Waste Interlocal Agreements with the seven (7) municipalities in the County.

Director Saul said discussion had taken place between staff and BFI Landfill about a one-year extension to the County’s current agreement with them, since the deployment of the ReVenture Project was taking longer than anticipated.

Per Director Saul, BFI said they would be glad to discuss extending the existing contract for five years under similar terms and a one-year term extension under different terms than currently exist. To date, staff has not received a concrete proposal and will continue discussions.

Per Director Saul, in order for ReVenture to submit a complete application to the State for the processing facility for the waste, they have to designate where the residue and by-pass waste for that facility would be landfilled. ReVenture has been working with private landfills to get a long term deal for where the waste would go, but they’ve not been successful. Thus, ReVenture was asking the County if it would authorize them to state that the Foxhole Landfill would be a potential disposal point for the ReVenture Project.
Director Saul said this authorization would not bind the County to using the Foxhole landfill. He said in order for the ReVenture project to go forward, ReVenture would have to come back to the County with a detailed agreement for the County to contract with them for the disposal of their waste.

Comments

Commissioner James questioned why there hadn’t been any discussion with the Foxhole landfill advisory group regarding this matter.

Director Saul said discussion had not occurred yet because the County was under a tight time schedule for making a decision. He said a meeting is held with the advisory group quarterly and that the next meeting was scheduled for April 25. At that time, these matters would be discussed. There would also be a presentation by ReVenture. It was noted that the advisory group has received the same information that’s being presented to the Board.

Commissioner James shared concerns expressed to him from members of the Foxhole advisory group.

Director Saul said the agreement with GRACE (the advisory group) says the County would continue to work on long term and cost effective alternatives for municipal solid waste disposal through the private sector for the period following the termination of the BFI contract.

Director Saul said pursuing the ReVenture Project was doing exactly what the County told GRACE that it would do under the agreement. He said the County was trying to pursue long term disposal options which would allow the County to minimize the amount of waste to be put in the Foxhole landfill.

Commissioner James questioned why the County was paying for the evaluation study and not ReVenture. Director Saul said it would be better for the County to contract with an independent consultant rather than have the project developer pay for a consultant’s recommendation regarding their own project.

Commissioner Cooksey about the amount of residential waste currently being landfilled and what it would be if the ReVenture Project moved forward, which was addressed.

Commissioner Cooksey asked about the cost difference for the County currently versus what it would be if the ReVenture Project moved forward, which was addressed.

Commissioner Cooksey asked about recycling proceeds, which was addressed.

Commissioner Clarke asked what happens if the County doesn’t do the three actions being requested. Director Saul the Board would be telling Republic Landfill that the County doesn’t want to use the Foxhole Landfill or enter into an agreement with ReVenture, and therefore, would want Republic to give the County the best price they can as the only alternative for disposing of the County’s solid waste.

Commissioner Dunlap asked for clarification on the County’s agreement with the neighborhood group that was in place, at that time, regarding the Foxhole landfill which was addressed.

Commissioner Pendergraph asked about capacity at Republic’s landfill, which was addressed.

Commissioner Pendergraph asked about the timeframe for conducting the technical study. Director Saul said staff believed a report would be back earlier fall.

Commissioner Pendergraph asked would the fall be too late to act upon Actions 1 & 3, if Action2, the technical evaluation study, came back favorable. Director Saul said there’s no way
to have a landfill expansion ready on July 1, 2012 if the Board waits until the fall. Director Saul said staff would like to begin construction on the cell at the Foxhole landfill this summer.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap, to

1) Adopt a Capital Project Ordinance in the amount of $15 million authorizing the funding, construction and equipment acquisition for Phase 2 of LUESA Solid Waste’s Foxhole Landfill.

2) Authorize and appropriate $100,000 from the Solid Waste Enterprise Fund Balance to the FY 2011 Operating Budget for the purpose of performing an expert technical evaluation of the ReVenture Project.

3) Authorize the developer of the ReVenture Project to include the County’s Foxhole Landfill as the receiving landfill for residuals and by-pass waste in their Solid Waste Permit Application.

Commissioner Cogdell asked for clarification on Action 1 with respect to it being a capital project and was it under contemplation by the same group that’s doing the capital prioritization. The response was that it was in the 2009 CIP, all except for the equipment.

Commissioner Cogdell asked was it correct that had the issuance of bonds in 2009 not been delayed it would have covered some portion of Phase 2. Finance Director Diorio said this project was included in the 2009 CIP, but it was always anticipated that the project would be funded and considered a fee funded project out of the Solid Waste fund.

Director Diorio said this project would not have any impact on the County’s debt position and would not be used to calculate any of the County’s debt ratios. She said it was specific to the Enterprise fund and is treated differently from general obligation bonds.

Commissioner Cogdell asked what would be the impact on the ReVenture Project if the Board didn’t take action on Actions 1 & 3. Director Saul said they could proceed without Action 1 but not Action 3, because they have to designate a disposal site for residue in their permit application, otherwise the state will consider it deficient and would not process it.

Commissioner Cogdell asked was the County ReVenture’s only viable option. Director Saul said the County was the option they’re considering because ReVenture has been unable to work out a deal with any other private sector landfill providers in the area.

Director Saul said the reason ReVenture can’t work out a deal with a private sector landfill was because the private landfill looses tonnage if that project moves forward.

Commissioner Bentley said ReVenture should not take part in the selection of a private technical consultant, nor should they contribute towards the cost of that study. She said it should be strictly independent of ReVenture.

Commissioner Bentley said she agreed with Commissioner James that the residents in the Foxhole landfill area should be given an opportunity for input. Director Saul said staff planned to review all of the options with the neighborhood group at the quarterly meeting scheduled for April 25. They will also have ReVenture to discuss their project.

Commissioner Bentley asked if the Board approved Action 1 and the meeting with the neighborhood isn’t until April 25, wouldn’t that make their input null and void. Director Saul said no.

Director Saul said the action that would make their opinion null and void would be if the group opposed it and two months from now staff came back with a contract with ReVenture and the
Board approved it. Director Saul said waste would not go to the Foxhole landfill from ReVenture if the Board doesn’t approve the ReVenture Project.

Director Saul said he was not asking the Board to support or approve the ReVenture Project tonight, but was asking that the Board not “kill it.”

Commissioner Bentley asked if all of this moves forward and ReVenture was approved, when would ReVenture be operational. Director Saul said on the processing facility, he would anticipate a year to a year and a half, but on the gasification plant, he doesn’t know.

Tom McKettrick with Forsite Development addressed the scheduling of the ReVenture Project. He said the fuel facility would probably be available July 2013. He said they anticipate having the waste-to-energy facility operational at the end of 2013.

Commissioner James said he felt ReVenture should pay for the study because from the County’s perspective it should be treated as a plan review. Secondly, he doesn’t think Action 1 was appropriate at this point because the County has not had discussions with the residents in the Foxhole landfill area.

The following persons spoke to this matter:

Bill Gupton on behalf of himself and not the Sierra Club, expressed concern for residents of the Foxhole landfill area not having an opportunity to provide input, prior to this matter being on the Board’s agenda. Mr. Gupton said this matter was not discussed at the last meeting of the Waste Management Advisory Board. Mr. Gupton said he was disappointed in the entire process. He referenced concerns expressed by the Waste Management Advisory Board. He urged the Board to delay taking action on Action 1 and to hold a public hearing in order to give the residents in the Foxhole landfill area an opportunity for input.

A copy of a handout from Mr. Gupton is on file with the Clerk to the Board.

Chris Diggs said the ReVenture solid waste option should be denied for the following reasons:

- ReVenture has inadequate experience, knowledge, and expertise in waste-to-energy.
- There are significant risks associated the proposed technologies.
- The ReVenture type facility does not exist in the U.S.

He asked the Board to put the community’s health and welfare as its top priority and deny ReVenture as a solid waste option.

Commissioner Cogdell clarified for the public that these actions do not impact the County’s operational budget. Thus, it’s not a matter of the County deciding to invest in a landfill in lieu of funding something else that’s important and critical to the community.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell, to

1) Adopt a Capital Project Ordinance in the amount of $15 million authorizing the funding, construction and equipment acquisition for Phase 2 of LUESA Solid Waste’s Foxhole Landfill.

2) Authorize and appropriate $100,000 from the Solid Waste Enterprise Fund Balance to the FY 2011 Operating Budget for the purpose of performing an expert technical evaluation of the ReVenture Project.

3) Authorize the developer of the ReVenture Project to include the County’s Foxhole Landfill as the receiving landfill for residuals and by-pass waste in their Solid Waste Permit Application.
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4) Ask ReVenture to contribute $50,000 towards the cost of the technical study as a good faith payment in exchange for the County approving Actions 1, 2, & 3, to help offset the County’s cost and become a partner with the County in this process for the technical evaluation.

Note: Commissioner Cooksey said if the County did the study and decided that the ReVenture Project was not viable going forward, the County would be out of $100,000, which is what the study would cost. He said ReVenture should share in the risk of going forward.

Commissioner Cooksey said the County wouldn’t be giving up any right with respect to who to select for the study and would retain full discretion as to who got selected.

Chairman Roberts said the County’s solid waste experts were advising the Board to keep the County’s options open.

Chairman Roberts said the County should pay for the study because of the tremendous amount of concern that has been expressed regarding the ReVenture Project and to avoid any conflicts of interest.

Commissioner Leake asked Mr. McKittrick to respond to comments made regarding ReVenture’s inexperience and its ability to make this happen successfully, which he did.

Mr. McKittrick said they appreciated all of the public input that’s been received and expected for a project of this nature. He said they have secured their project financing partners for the entire project. Mr. McKittrick said they’ve put together a very sound team to ensure that the project moves forward in an environmentally sensitive way and in a way that minimizes risk for Mecklenburg County.

The vote was taken on the Substitute motion as follows:

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and failed 7-2 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting no and Commissioners Cogdell and Cooksey voting yes, to

1) Adopt a Capital Project Ordinance in the amount of $15 million authorizing the funding, construction and equipment acquisition for Phase 2 of LUESA Solid Waste’s Foxhole Landfill.

2) Authorize and appropriate $100,000 from the Solid Waste Enterprise Fund Balance to the FY 2011 Operating Budget for the purpose of performing an expert technical evaluation of the ReVenture Project.

3) Authorize the developer of the ReVenture Project to include the County’s Foxhole Landfill as the receiving landfill for residuals and by-pass waste in their Solid Waste Permit Application.

4) Ask ReVenture to contribute $50,000 towards the cost of the technical study as a good faith payment in exchange for the County approving Actions 1, 2, & 3, to help offset the County’s cost and become a partner with the County in this process for the technical evaluation.

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

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap, and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to

1) Adopt a Capital Project Ordinance in the amount of $15 million authorizing the funding, construction and equipment acquisition for Phase 2 of LUESA Solid Waste’s Foxhole Landfill.
2) Authorize and appropriate $100,000 from the Solid Waste Enterprise Fund Balance to the FY 2011 Operating Budget for the purpose of performing an expert technical evaluation of the ReVenture Project.

3) Authorize the developer of the ReVenture Project to include the County’s Foxhole Landfill as the receiving landfill for residuals and by-pass waste in their Solid Waste Permit Application.

*Ordinance recorded in full in Minute Book 45-A Document #_________.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(8A) ROMARE BEARDEN PARK – (NATURAL RESOURCES COMMITTEE)**

Chairman Roberts acknowledged the Board’s Natural Resources Committee’s discussion of Romare Bearden Park.

*Note: At its March 22, 2011 meeting, the Board referred to the Natural Resources Committee further discussion and consideration of the proposed Romare Bearden Park.*

Chairman Roberts said the recommendation of the Committee was to approve $2.5 million from Pay-Go that exist for the current fiscal year, to begin grading and site work preparation on Romare Bearden Park; with the anticipation of having discussion about the additional expense from a bond issue that might take place in the summer.

Chairman Roberts said because of time constraints related to agreements with the original folks the County purchased the property from, the County has to have substantial completion of site preparation by October 8, 2011. Chairman Roberts said that’s why this matter was before the Board.

The following persons spoke in support of moving forward with Romare Bearden Park: Ryan Johnston with Partners for Parks, Rob Brisley, chair of the Park and Recreation Commission, and Ed Schweitzer with Partners for Parks.

Chairman Roberts gave an overview of the committee’s discussion.

Park and Recreation Director Jim Garges addressed the park.

Commissioner James addressed the park and asked that his comments regarding the history of the park be included in the minutes as noted below.

“About 10+ years ago, Becky Carney and I worked together to acquire roughly eight acres of land, which was between the old federal courthouse (the back of it) and Panthers Stadium. Those eight acres were supposed to be Third Ward Park. Since that land was acquired, this process has been mishandled and manhandled and mangled by Uptown, most unrecognizable. I don’t know how you would describe the process that has occurred, which is a good example of how when powerful people, at a whim, decide they want to do something, they do it. Originally we paid, rough numbers, about $25 million to Wachovia to buy the land. Wachovia wasn’t all that keen on selling and we almost had to foreclose to take it by eminent domain, basically, not foreclosure. We acquired the park, but before we could actually get the park the Charlotte Center City Partners and Uptown, working with the City of Charlotte tried to take the land for Time Warner arena, even though we had already expressed a desire that we were going to use it for a park and even though we had told Wachovia we were going to buy it. Thankfully, the very night that the referendum for the arena failed, the Board agreed to pursue taking by eminent domain, if necessary, the property; and because the referendum failed, the property was “safe.” Then in comes the Knights and they decide that they kind of like that land we’d just purchased from Wachovia. So, they basically set up
a process to see if they could acquire a part of it and we set up a baseball committee and we had meeting after meeting. The County Commission designated that Memorial Stadium should be used for an Uptown ball park for the Knights, if they determined that they wanted to. Then the Board of County Commissioners realizing that the Knights were suppose to go to Memorial Stadium, approved some 2004 bonds. Now the 2004 bonds were for the original eight acres that go between the back of the old federal courthouse and Panthers stadium, not for this current dream that’s before us. But, we go to the voters and we put in the ballot initiative, we promise we would not use this for baseball. Course, we weren’t telling the truth as it turned out. So after the bond passes the Center City Partners decided to move the park; and working with Parks Helms and others on this board, they decided that the park didn’t have the right look and that it wasn’t designed properly. The next thing we find is, coincidentally, that baseball picks up four acres that we had purchased from Wachovia, more or less. We ended up having to buy $19 million worth of land from Massachusetts Mutual. What started out as an 8 acre park turned in to a three acre park and after Mass Mutual people bought it, 5.7 some odd acres. Right now everybody around this knows that the Knights don’t have a pot to you know what in and that they’re about to be in default on this agreement. There’s already discussion about whether we should give them a break. Maybe we should extend it. In the mean time, we have one square city block of nothing. If we cancel the baseball agreement we could acquire that land and create a Romare Bearden Park that is closer to probably 11 acres, maybe 12. It wouldn’t cost us that much more money because we already own the land. Land, by the way, being worth $10 million, if the appraisals are to be believed.”

“Here’s the deal. I don’t mind that we’re spending $2.5 million to start the park. The truth is Becky Carney and I, like I pointed out, are the ones that started and made the motions to acquire this park in the first place, 10 years ago. But what is offensive is the fact that this park has been so abused by the political process and by people in positions of power that aren’t even elected. So we have a plan for the park. A plan, by the way, that Third Ward neighborhood people approved. The original plan, they approved. Then, we came back with a revised plan and that’s when all this other Mass Mutual junk showed up and cost us an extra $19 million.”

“I think we’re going to be making big mistake, if we build the park without trying to get back that square city block. I don’t’ expect this Board to do it, because I have always had concerns about the influence between the Charlotte Center City Partners, the grand soviet of Charlotte and political influence. However, I would be remised and not do my job as an elected official if I did not express concern that we are about to give the public, I think bad information; and by not canceling the baseball agreement for cause, which we clearly will have and not recapturing that square city block, we’re creating less of a park than we could have. Also, not to be persnickety, but it wasn’t Valerie Woodard that first mentioned Romare Bearden. It was Ruth Samuelson, a republican, who by the way, owns a Romare Bearden print, an original. She came up with the idea and while it might be nice to give Commissioner Woodard credit, she’s not the one that came up with it, originally. Nonetheless, I think the bigger concern, however, is eliminating the baseball agreement and recapturing the land so that the park can be 11 or 12 acres, not 5.7 something.”

Commissioner Clarke said he would like to add something to the history that Commissioner James noted. Commissioner Clarke said he was just coming on the Board when that land purchase was made and that it was a pretty rushed decision. Commissioner Clarke said the Board later had a consultant to come in and to look at this. Commissioner Clarke said he felt at that time, that putting the park where the baseball stadium would go was the wrong place for it. He said the Consultant came back and said this was a great opportunity to get the park located to where it should be, which is now where the County is preparing to put it.

Commissioner Cogdell said he wanted to make sure that there’s a legitimate reason to take action on construction of this park separate and apart from the capital prioritization process and not have this project go through the process.

Director Garges addressed why this project was coming before the Board.
County Attorney Bethune explained how the purchase took place. He said R.B. C. Corporation, a subsidiary originally of First Union, then Wachovia and now Wells Fargo, sold the County a portion of the land, which roughly equates to 50%. In that agreement, the County had to agree that if the park was not substantially started by the third anniversary, they had a right to buy it back.

Attorney Bethune said the trigger was that the demolition and the grading had to be substantially completed by October 8, 2011. Attorney Bethune said if the County doesn’t hit that trigger, they have the right to buy it back at the same price the County paid them for the land.

Commissioner Cogdell asked had there been any discussion with them regarding their intention.

Attorney Bethune said he received a phone call from someone with Wachovia wanting know where the document was that allowed them to do that, which is the only thing he’s aware of.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap, to approve allocating $2.2 million from Pay-Go that exist for the current fiscal year, to begin grading, demolition and site work preparation on Romare Bearden Park.

Commissioner Cooksey asked had staff talked to Wachovia about getting an extension of time. Attorney Bethune said he has not been asked by the Board to do that.

Commissioner Clarke asked Director Garges to comment on the funding of the remainder of the park, which he did.

Commissioner Cooksey asked about the timeframe for completion of the preparation work. Director Garges said things need to begin right away.

Commissioner Cooksey said he had concerns also about this project not going through the capital prioritization process.

Commissioner Cooksey said contact should be made with Wachovia to see if the County could get an extension and if so, then this project should go through the prioritization process.

Chairman Roberts said she had not spoken with anyone at the bank but she has heard from persons in real estate that there have been inquires about the land. Chairman Roberts said the County may be on the verge of losing it, if something isn’t done.

Substitute Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph, to defer taking action until the Board’s April 19, 2011 meeting and direct the County Attorney to contact R.B.C. Corporation to inquire about the possibility of an extension.

Commissioner Dunlap asked Director Garges how would this impact the project. Director Garges said if the County received an extension, then there wouldn’t be an issue about the lost of the property and when the project’s approved you just move ahead.

Director Garges said he couldn’t say with certainty that a two week delay would or would not impact the timeframe for completion of the prep work. He said the County needs to get started as soon as it can.

Commissioner Cogdell requested a list all pending capital projects in either the 2004 – 2008 bond packages. He would like to see where those projects are within the County.

The vote was then taken on the Substitute as follows:
Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, and Pendergraph voting yes, and Commissioners Dunlap, Leake, and Roberts voting no, to defer taking action until the Board’s April 19, 2011 meeting and direct the County Attorney to contact R.B.C. Corporation to inquire about the possibility of an extension.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley 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 March 15, 2011.

(15) TAX REFUNDS

Approve refunds in the amount of $92,364.17 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.

(16) NOTICE OF AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Instruct the Clerk to the Board to publish a notice of proposed amendments to the Mecklenburg County Groundwater Well Regulations to be considered by the Board on April 19, 2011.

(18) LAND CONVEYANCE TO CITY OF CHARLOTTE

Approve conveyance of a portion of Tax Parcel 231-042-13 (1,387 SF) to the City of Charlotte to facilitate the McKee Road Sidewalk Project.

(19) PROCLAMATION – FAIR HOUSING MONTH

Adopt a joint proclamation designating April 2011 as “Fair Housing Month” in Charlotte Mecklenburg County.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) CAPITAL RESERVE REQUEST – CONSOLIDATED AQUATICS

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to authorize and appropriate a capital expenditure of $19,000 from the Consolidated Aquatics Capital Reserve Account to replace the diving board and diving board stand at the Cordelia Neighborhood Pool ($15,000) and
resurface two diving boards at the Mecklenburg County Aquatic Center ($4,000).

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

(11) **WTVI STUDIO BROADCAST REPAIR REQUEST**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve appropriation of up to $44,100 from Unrestricted Contingency to fund WTVI’s equipment request.

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

(12) **BUDGET AMENDMENT – SHERIFF’S OFFICE (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to recognize and appropriate for the Sheriff’s Special Revenue Fund, $120,495 from Inmate Commissary. Secondly, recognize and appropriate for Sheriff’s Special Revenue Fund, $40,000 from Vocational Facility Telephone Revenue.

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

(13) **BUDGET AMENDMENT – LIBRARY (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to recognize and appropriate $700,000 from funds provided by the City of Charlotte for Library operations.

*Note:* *The City of Charlotte approved providing up to $1,400,000 to support Library operations in Fiscal Year 2011. The first half of the City’s appropriation was received in July 2010. The remainder is being provided based upon the County’s release of funds in restricted contingency to the Library.*

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

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

(14) **ENGINEER SELECTION – AMERICAN LEGION MEMORIAL STADIUM**

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to negotiate a fee and execute a contract with Clark Nexsen Architecture and Engineering, Inc. for architectural/engineering design services for the assessment and repairs to American Legion Memorial Stadium. In the event negotiations with this firm are unsuccessful, the Selection Committee recommends a new Request for Qualifications be advertised and the interview process repeated.

Commissioner Leake removed this item from Consent for more public awareness.
Commissioner Cogdell returned to the dais.

(17) ARTS & SCIENCE COUNCIL CULTURAL ACCESS GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve submission of two applications for an Arts and Science Council Cultural Access Grant. Recognize, receive and appropriate funds for grants, if approved by the Arts and Science Council.

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

(20) PROCLAMATION – CHILD ABUSE AWARENESS AND PREVENTION MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt proclamation designating April 2011 as “Child Abuse Awareness and Prevention” month in Mecklenburg County.

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

(21) PROCLAMATION – CONNECT A MILLION MINDS WEEK

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt proclamation designating April 4-8, 2011 “Connect A Million Minds Week” in Mecklenburg County.

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

(22) PROCLAMATION – MINORITY HEALTH MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating April 2011 as “Planting Seeds of Wellness for Minority Health Month” in Mecklenburg County.

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

(3A) CLOSED SESSION – CONSULT WITH ATTORNEY

Motion was made by Commissioner Clarke seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session to Consult with Attorney with respect to Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, R.B.C. Corporation, 300 South Church Street, LLC; Jerry Alan Reese vs. Mecklenburg County and Brooklyn Village LLC.

The Board went into Closed Session at 10:36 p.m. and came back into Open Session at 10:50 p.m.

Commissioner Dunlap left the meeting and was absent for the remainder of the meeting.
The Board then proceeded back to the Meeting Chamber.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:51 p.m.

____________________
Janice S. Paige, Clerk

______________________________ ____________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 12, 2011.

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. Clerk to the Board Janice S. Paige

Absent: None

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.

(1) MANAGING FOR RESULTS (M4R)

The Board received a presentation from Planning and Evaluation Director Leslie Johnson and Business Process Management Manager Charles Rutherford on Managing For Results (M4R). The presentation addressed the following:

- Accountability

Commissioner Leake entered the meeting.

- Business Process Management
- Performance Management

Commissioner Cogdell entered the meeting.

Commissioner Dunlap entered the meeting.

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

Comments

Commissioner Cooksey asked for clarification regarding enterprise-wide measures, which was addressed.
Commissioner Bentley asked whether the Six Sigma component addressed could be applicable to the Library with respect to their staffing model, even though it’s not a County department. Director Johnson said staff could take a look at the Library’s staffing model if directed by the Board to do so and in collaboration and agreement with the Library Board of Trustees. She noted that this would be a huge project.

Commissioner Bentley said this was something the Board may want to consider doing on the backdrop of the Future of the Library Task Force work.

General Manager John McGillicuddy said currently the County didn’t have the staff resources to review the Library system and that it would require obtaining outside resources to do it.

Commissioner Cooksey said it was important that the Board had a clear understanding of M4R and the effects of this effort, so that information could be communicated to constituents. Commissioner Cooksey said constituents would want to know the County was continuously trying to improve and reinvent itself.

Commissioner Cooksey said it would be good if staff could provide periodic reports regarding programs that had been reviewed and what the findings were.

Commissioner Leake asked was this something that would be applicable to Charlotte-Mecklenburg Schools. Director Johnson said yes, but the capacity was not there to do it and like with the Library, it would have to be done in partnership and agreement with Charlotte-Mecklenburg Schools.

Commissioner Leake asked had the Health Department been reviewed using this process. The response was no, not yet.

Commissioner Dunlap asked whether program review was being done on County departments only or also agencies funded by the County. Director Johnson said program review was done on County funded services, which include outside agencies, but that the business process improvement component was only being done for county services.

Commissioner Cogdell echoed Commissioner Cooksey’s remarks concerning receiving periodic reports. He suggested the reports not just identify the process improvement, but that it also provides background as to what it was previous, so the community would understand what the recommended changes were and how the cost saving number(s) was derived.

Chairman Roberts asked was relevance with respect to program review, the proper area where you look at the broader community to see who else may be providing the same or a similar service, and if the County didn’t provide it, who would. Director Johnson said yes.

This concluded the discussion on the above topic.

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

(2) FEE CHANGES

Budget/Management Director Hyong Yi addressed proposed 2012 Fee Changes for the Health Department, Park and Recreation, and Land Use and Environmental Services.

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

Comments
Commissioner Cooksey asked about swimming pool fees, which was addressed.

Commissioner Dunlap asked if the requested fee changes were going to make the service pay for itself or was that not the expectation. Director Yi said in some cases yes, some cases no.

Commissioner Dunlap questioned the difference in copying charges. It was explained that the charges associated with getting copies of vital records were set by the state.

Commissioner Leake asked how the fees were used which was addressed.

Commissioner Leake asked about restaurant fees and how and where were inspections conducted, which was addressed.

This concluded the discussion on the above topic.

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

(3) REVENUE NEUTRAL CALCULATIONS

Budget/Management Director Hyong Yi addressed the County’s Revenue-Neutral Tax Rate Calculation. The following was covered in the presentation:

- Legal Requirements
- Calculation Methodology
- County Tax Rate Calculation
- Special District Tax Rate Calculation

Comments

Commissioner Cooksey asked for clarification on FY12 Projected Total Valuation, which was addressed.

Chairman Roberts asked about the impact if the estimated total valuation was off by billion dollars, which was addressed.

Commissioner James asked about the growth factor, which was addressed.

County Manager Jones informed the Board that another revenue neutral calculation would need to be done with respect to the Law Enforcement Service District, which he said was a little more complicated than what’s being shared today.

Commissioner Cogdell asked for data on the total number of properties in the County broken down based on a 0-10% valuation increase, 10%-20% valuation increase, 20%-30% valuation increase and corresponding decreases in that same range.

Commissioner Bentley requested data on total assessed value by districts.

Commissioner Cogdell as a follow up to Commissioner Bentley’s data request, asked that it also be broken out by residential and commercial.

Commissioner Clarke asked for clarification on the total revenue portion of the presentation, specifically, Non-County Revenues, which was addressed.

Commissioner Cooksey requested data on what the average percentage increase for residential property owners and commercial property owners broken down by districts.
Commissioner Pendergraph asked was it legal to ask taxpayers if they’d like to pay more taxes to help fund more schools, libraries, or some other cause that they’re interested in. County Manager Jones said he would find out.

This concluded the discussion on the above topic.

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner James 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 4:51 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, April 19, 2011.

ATTENDANCE

Present:  
Vice-Chairman Jim Pendergraph and Commissioners  
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.,  
Neil Cooksey, George Dunlap, Bill James and Vilma Leake  
General Manager Bobbie Shields  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

Absent:  
Chairman Jennifer Roberts

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-INFORMAL SESSION-

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 Jim Pendergraph, 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 10, 11, 12, 15, and 16.

Commissioner Dunlap questioned whether Item 12 Charlotte-Mecklenburg Schools Vacant School Facilities was appropriate at this time.

Commissioner Clarke entered the meeting.

County Attorney Bethune addressed how the County’s statutory right of first refusal worked. He said the Board could defer this matter, if it wanted to, and ask Charlotte-Mecklenburg Schools to bring these facilities to the Board on a case by case basis.

Commissioner Cogdell asked was there any debt on the facilities listed by Charlotte-Mecklenburg Schools. Finance Director Dena Diorio said she didn’t think so.

General Manager Bobbie Shields said the County had no need for any of the facilities listed by Charlotte-Mecklenburg Schools in Item 12.

(2) STAFF BRIEFINGS - NONE
Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, R.B.C. Corporation, 300 South Church Street, LLC.

**Commissioner Cogdell left the meeting and was absent until noted in the minutes.**

It was noted that the Board would not have a Business Location and Expansion matter to be discussed in Closed Session.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

*The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 5:35 p.m.*

**Commissioner Cogdell was present when the Board came back into Open Session. He returned to the meeting during Closed Session.**

Commissioner Leake asked with respect to Item (6b) Human Services Agency Finance Division, whether she could get the gender, race, and longevity of those that may lose their job because of a reduction in force (RIF).

General Manager John McGillicuddy said the only thing that could be made available would be years of service and the number of employees impacted. He said that information, however, would not be available until after the RIF occurred.

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

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**-FORMAL SESSION-**

Commissioner Cogdell 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**

(1) **AWARDS/RECOGNITION – NONE**

(88) **DISTRICT TWO UPDATE (COMMISSIONER LEAKE)**

The Board received a District Two update from Commissioner Leake, which consisted of the following:

1. Recognition of West Charlotte High School Basketball Team for winning the State championship. The principal, coach and team members were present. They thanked the Board for recognizing their accomplishment.
2. A presentation from Links, Inc. regarding their childhood obesity initiative. Eddyce Hobson made the presentation. She was accompanied at the podium by Carlenia Ivory, Angelia Fryer, Nancy Stroud, and Ida Reed.

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

3. A presentation from Darryl Bego regarding Fran’s Kids Summer Enrichment Program, “The Step Up!” The program involves the following components: Skills Training Empowering Parents, Summer Testing Enrichment Program, and a Secondary Transition Education Plan. He was accompanied by William Perkins and Fran Witherspoon.

A copy of his remarks and information regarding the program is on file with the Clerk to the Board.

Vice-Chairman Pendergraph took a point of personal privilege and acknowledged Mecklenburg County Tax Collector Neal Dixon’s receipt of the Tax Collector of the Year Award for North Carolina.

(2) PUBLIC APPEARANCE

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

Coach Willie Gripper appeared to inform the Board and public of things that were going on with the Charlotte Boxing Academy. He said he wanted to make the community aware of the Charlotte Boxing Academy and the difference it’s making in the lives of youth. Coach Gripper noted that program participants recently won Regional Championships held in Wilmington, NC. and would be going to Palm Beach, Florida for more competitions.

(8C) AUDIT REVIEW COMMITTEE AND INTERNAL AUDIT DEPARTMENT CHARTERS

(COMMISSIONER CLARKE)

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to approve the charter for the Audit Review Committee (ARC) as recommended by the ARC.

A copy of the Charter is on file with the Clerk to the Board in Minute Book 45-A, Document # ______.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to approve the charter for the Internal Audit Department, as recommended by the County Manager and the Audit Review Committee (ARC).

A copy of the Charter is on file with the Clerk to the Board in Minute Book 45-A, Document # ______.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to approve revisions to the Resolution Establishing an Audit Review Committee consistent with recommended changes to the ARC Charter.

Resolution recorded in full in Minute Book 45-A, Document # ______.
APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to allow Will Caulder to continue to serve the remainder of his term on the Building Development Commission as the Mecklenburg General Contractor’s Association representative, expiring July 31, 2011.

Note: Mr. Caulder was removed because of attendance, however, he provided the Board an explanation regarding the reason for his absences.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to reappoint Myra Byarm, Carol Logan, Anthony Scheer, Mark Sumwalt and Karen Worrell to the Criminal Justice Citizen’s Advisory Committee for a three-year term expiring May 31, 2014.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to allow James Henry to continue to serve the remainder of his term on the Criminal Justice Citizen’s Advisory Committee as the District Two representative, expiring May 31, 2012.

Note: Mr. Henry was removed because of attendance, however, he provided the Board an explanation regarding the reason for his absences.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to nominate and appoint Mike Hill to the Information Services and Technology Committee to fill an unexpired term expiring February 28, 2012.

Note: He is replacing Dennis Hill.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Clarke nominated all applicants for appointment consideration to the Juvenile Crime Prevention Council: Tabitha Barwell, Stephanie Carter-Tyson, LaQuanda Coulote, Chris Ferguson, and Sara Holland.

Note: An appointment will occur on May 3, 2011.

LIBRARY BOARD OF TRUSTEES
Motion was made by Commissioner Clarke, seconded by Commissioner James, to nominate and appoint Ed Williams to the Library Board of Trustees to fill an unexpired term expiring December 31, 2012.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Bentley to nominate Ed Williams for appointment consideration to the Library Board of Trustees and that the Board follows its interview process, even though Mr. Williams was the only applicant.

After further discussion, Commissioner Clarke withdrew his motion and instead nominated Ed Williams. Likewise, Commissioner Dunlap withdrew his substitute motion.

Note: An appointment will occur following an interview of the above nominee by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Library Board of Trustees must undergo an interview process.

The appointment will occur on May 3, 2011.

PERSONNEL COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to nominate and appoint Daniella Williams to the Personnel Commission to fill an unexpired term expiring June 30, 2011 and a three-year term effective July 1, 2011 expiring June 30, 2014.

WASTE MANAGEMENT ADVISORY BOARD

Commissioner Clarke nominated all applicants for appointment consideration to the Waste Management Advisory Board: Christopher Hardin, Carlos Johnson, Jose Ramirez, Shawn Rogers, and William Smith.

Note: Appointments will occur on May 3, 2011.

WOMEN’S ADVISORY BOARD

Commissioner Leake noted that the two advisory board members scheduled to be replaced on the Women’s Advisory Board were not aware that they could ask the Board to allow them to continue serving. Commissioner Leake said both individuals had illness in their family which caused them to not meet the attendance requirement. Commissioner Leake spoke in support of these individuals being given an opportunity to serve.

Commissioner Dunlap nominated all applicants for appointment consideration to the Women’s Advisory Board: Robyn Codrington, Vickie Evans, Faith Fickling, Sandra Johnson, Heather McCullough, Yvonne McJetters, Kathleen Odom, Sybil Richardson, Daniella Williams, and the individuals noted by Commissioner Leake, Donna Hughes and Natheley McElrath.

It was the consensus of the Board that staff request a letter from Ms. Hughes and Ms. McElrath explaining their absence and their commitment going forward and that it be included in the Board’s appointment packet on May 3, 2011.

Note: Appointments will occur on May 3, 2011.
APRIL 19, 2011

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) BUDGET UPDATE

Budget/Management Director Hyong Yi presented the budget calendar leading up to the Board’s adoption of a budget for FY2011-2012.

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

(6B) HUMAN SERVICES AGENCY FINANCE DIVISION

The Board received a report on the reorganization of financial management functions of the consolidated human services agency.

Note: In December 2010, County Manager Harry Jones announced an initiative to merge the financial management functions within the County’s consolidated human services agency (Area Mental Health, Community Support Services, Public Health and Social Services) into a single entity serving all of these areas. The primary purpose of the initiative is to achieve greater consistency in compliance with financial management policies and procedures throughout the consolidated human service agency departments.

General Manager John McGillicuddy, Director of Finance Dena R. Diorio, and Deputy Finance Director Gail Murchison gave the report.

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

Comments

Commissioner Cooksey asked about the working relationships with the respective departments with the finance division being at a different site, which was addressed by Deputy Finance Director Murchison.

Commissioner Cooksey asked about contract management under this structure, which was addressed by Deputy Finance Director Murchison.

Commissioner Bentley asked how would the proposed compliance officer position interrelate under this structure. General Manager McGillicuddy addressed how that would work.

Commissioner Leake asked about other counties that had this model. Deputy Finance Director Murchison said Wake County was the only other N. C. county that had a consolidated human services structure.

Commissioner Leake asked about counties outside of N.C. Deputy Finance Director Murchison said staff did not look outside of N.C. because the laws in other states were different than those in N.C.

Commissioner Leake requested information on employees that would be impacted as a result of the new structure, particularly, where those employees were now and where they would be after the new structure goes into effect. She also wants to know the years of service of those
impacted. Commissioner Leake said she’d been advised by staff already that the race and gender of those impacted could not be provided.

Finance Director Diorio said after the reduction in force occurred, staff could then provide the years of service of those impacted.

This concluded the presentation. No action was necessary.

(7) STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) ROMARE BEARDEN PARK

General Manager Bobbie Shields addressed Romare Bearden Park.

Note: On April 5, 2011, the Board voted to delay action on Romare Bearden Park until April 19 and directed the County Manager to meet with representatives from R.B.C. Corporation (a subsidiary of Wells Fargo) to ask them if they would give the County more time before exercising their option to repurchase a portion of the site designated for the proposed Romare Bearden Park. That meeting occurred on April 12, 2011. R.B.C representatives reminded County staff that they sold the property at their cost because they would like to see a public park at that location. In general, they will agree to a one-year extension but will retain the option to repurchase the property if the County has not executed the park construction contract by October 8, 2012. Additionally, they would require that if the contract is terminated between October 8, 2012 and October 8, 2014, or the work under the contract is not proceeding in a commercially reasonable manner between October 8, 2012 and October 8, 2014, they would, upon proper notice, have the right to exercise the option prior to October 8, 2014. The previous requirement that the existing buildings must be demolished and grading “substantially” completed was changed to better define when they may exercise their repurchase option. The new repurchase option is linked to the Construction Contract execution date generally shown as milestone number 16 on the attached draft construction schedule. In order to meet the terms of the proposed amended Agreement, the funding decision must be made by January 2012. This amendment would allow enough time for the proposed Romare Bearden Park to be prioritized along with other capital projects.

The following persons spoke in support of moving forward with Romare Bearden Park: Ruth Sloane, Christopher Seiger, and Matt McGlothlin.

Comments

Commissioner James asked if staff only asked for a one year extension.

General Manager Shields said staff asked them to drop the requirement entirely but the response was that they would give the County an extension but only for one year. General Manager Shields said staff was told that they would only give a one year extension because they want to see the park built.

Commissioner Cooksey encouraged Park and Recreation staff and Partners for Parks to put together a capital campaign in order to get private dollars to help move the building of the park forward.

Commissioner Cooksey said the extension does provide the Board with a little more time, such that it may be January before the Board would have to take action.
Commissioner Clarke said he wanted to note that the Board may have to make a funding decision before January 2012 because of the schedule it’s faced with.

Commissioner Cogdell addressed the importance of this project going through the capital prioritization process.

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

Commissioner Dunlap referenced the list of capital projects provided by staff and noted that there may be things on that list that may come off, in light of current circumstances.

Commissioner Dunlap addressed the benefits of the park.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake and Pendergraph voting yes, to authorize the County Manager to execute an amendment to the Option to Repurchase Agreement between R.B.C. Corporation and Mecklenburg County.

Commissioner Cooksey returned to the meeting.

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held April 5, 2011.

(13) PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES

Authorize the County Manager to negotiate and execute a contract with Wildlands Engineering to provide professional engineering services.

Note: This action is necessary to provide engineering services for a stream restoration and enhancement project along Torrence Creek located in the Huntersville Business Park between McCoy Road and Reese Boulevard.

(14) AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Amend the Mecklenburg County Groundwater Well Regulations

Note: The Health Department proposes amending the Mecklenburg County Groundwater Well Regulations in response to a review of the regulations by the North Carolina Private Well Branch. The proposed amendment will clarify the grout emplacement of bentonite slurry grout, maintenance of monitoring wells and revise the regulations for artesian wells to coincide with the artesian well requirements of 15A NCAC 2C .0100. Specifically water supply wells that flow under natural artesian pressure shall be properly constructed, equipped and operated to prevent the unnecessary discharge of water. Flow shall be completely stopped unless the discharge is for beneficial use. The amendments would modify the Groundwater Well Regulations to align the requirements for well construction standards for water supply wells with that of the North Carolina Well construction standards. Amendments to the Mecklenburg County Groundwater Well Regulations have been drafted for the Board’s consideration.
(15) DONATION – CONSTRUCTION OF PARKING LOT AT FOUR-MILE CREEK GREENWAY
Recognize, receive and appropriate up to $20,000, a donation from Lat Purser & Associates to offset the cost to construct a trailhead parking lot for Four-Mile Creek Greenway.

(17) PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES
Authorize the County Manager to negotiate and execute a contract with Kimley-Horn and Associates, Inc. to provide professional engineering services.

Note: This action is necessary to provide engineering services for a stream restoration and enhancement project along Torrence Creek-Tributary #1 located in Huntersville between I-77 and Bradford Hill Lane.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) PROCLAMATION – CHARLOTTE-MECKLENBURG SENIOR GAMES
Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to adopt a joint proclamation designating April 18 - June 11, 2011 as “Charlotte-Mecklenburg Senior Games” in Charlotte and Mecklenburg County.

Vice-Chairman Pendergraph and Commissioner Leake removed this item from Consent for more public awareness.

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

(11) GRANT APPLICATION – U.S. DEPARTMENT OF LABOR, VETERAN’S EMPLOYMENT AND TRAINING SERVICE AWARD
Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to approve the submission of a grant application for funding in the amount of $7,000 for a grant from the U.S. Department of Labor, Veterans’ Employment and Training Service award; and if awarded, recognize, receive and appropriate such funds.

Note: The requested funding would support a one-day event on October 11, 2011 at the Grady Cole Center to provide homeless veterans with aid, comfort, and connections with employment, housing, and medical resources.

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

(12) CHARLOTTE-MECKLENBURG SCHOOLS VACANT SCHOOL FACILITIES
Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 7-1
with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Pendergraph voting yes and Commissioner Leake voting no, to decline the County’s statutory right of first refusal to lease the following CMS School Facilities:

1) Amay James Pre-K Center
2) Davidson IB Middle School
3) Double Oaks Pre-K Center
4) Midwood High School
5) Pawtuckett Elementary School
6) Plaza Road Pre-K Center
7) Sedgefield Elementary School (Old school site)
8) Smith Middle School
9) Tryon Hills Pre-K Center
10) Wilmore Elementary School
11) Wilson Middle School

Note: As a result of a comprehensive district review in the fall 2010, Charlotte-Mecklenburg Schools decided to close eleven school buildings for the 2011-2012 school year. CMS expects that the closure of these facilities will streamline the district’s operations and reduce operating costs. CMS plans to lease the vacant buildings, and is currently accepting proposals from interested parties. Pursuant to North Carolina GS 115C-518, the local board of county commissioners for the location of the property shall be afforded the first opportunity to obtain property that is no longer needed by the local board of education. The County’s Real Estate Services Department has determined that there is no County use for the school buildings that will be vacated. By declining the right of first refusal, CMS will be allowed to proceed with leasing the above listed school facilities.

Commissioner Leake removed this item from Consent, in order to express her opposition.

(16) WAIVER OF COMPENSATION FOR APPOINTED BOARDS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to adopt a Resolution entitled “Resolution Authorizing Waiver Of Compensation” which will allow persons appointed to boards that have compensation to waive receiving compensation.

Commissioner Leake removed this item from Consent for clarification. County Attorney Bethune addressed the origin of this matter.

Resolution recorded in full in minute Book 45-A Document # ________.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:53 p.m.
ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Harold Cogdell, Jr., Dumont Clarke
George Dunlap, Bill James, Vilma Leake, and
Jim Pendergraph
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: Commissioner Neil Cooksey

 Commissioners James 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.

(1) PROGRAM REVIEW BRIEFING

Leslie Johnson, Planning and Evaluation Director presented the FY2011 Program Review Performance Assessment Ratings. The presentation covered the following:

- Evaluation Criteria
- Program Review Framework
- Selection Criteria
- Services Reviewed
- Highlight Results

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

Comments

Commissioner Pendergraph asked about Court Services Coordination, specifically Court Set, Drug Court, District Attorney Support Staff, Public Defender Support Personnel, and Court System Planning, the results for which said Results Not Demonstrated. Commissioner Pendergraph asked how did staff come up with the percentages shown for each.

Director Johnson said in the majority of the cases, there were no performance measures or industry standards for these areas, thus there was no basis for staff to do a review and the areas were categorized as Results Not Demonstrated. Director Johnson said in some instances there were efficiency scores, because there was enough information to do some comparison to
other staffing models.

Director Johnson said with respect to Court Set, the performance was good, but the efficiency piece was low, which impacted the overall service rating.

Commissioner Pendergraph said if you didn’t know the specifics as to why the service ratings for these areas were red, one would think that these areas weren’t doing well, when in reality that’s not the case. He said what occurred was that these areas couldn’t be properly reviewed because they lacked measures for that to be done. Commissioner Pendergraph said perhaps when there’s no data available, that should be a different category.

Director Johnson said these areas were reviewed in the past and encouraged to come up with performance measures, but they chose not to.

Director Johnson said she understood Commissioner Pendergraph’s concern and that there was an opportunity, if so directed by the Board, that in instances where there was no data available that they be categorized in a different color.

Commissioner Dunlap asked what was the process for addressing deficiencies within the courts. Director Johnson said staff shared with the courts the County’s expectations. She explained how the program review process worked.

District Attorney Andrew Murrey said the results shown was a reflection of the previous administration. District Attorney Murrey said when you look at the County’s criteria there’s not a lot by which to measure the District Attorney’s Office. He said a lot of the subsets weren’t applicable for the District Attorney’s Office, thus the results would be skewed. He said the measures weren’t there for the District Attorney’s Office to get into a higher level.

District Attorney Murrey said he wasn’t a part of this process when it was initiated, but this was something that needed to be addressed.

It was noted that there might not be any industry standards, but there were standards regarding how many cases an attorney should handle and in Mecklenburg County, they exceeded those standards.

Commissioner Pendergraph asked for clarification about Legal Services of Southern Piedmont-Immigrant Justice, which was addressed.

Commissioner Cogdell asked how do you define timely disposition of cases, which was addressed. Commissioner Cogdell said there were many factors that came into play that impacted the disposition of cases.

Commissioner Cogdell asked if staff ever looked at the funding ratio for Mecklenburg’s Trial Court Administrators Office, District Attorney’s Office, and Public Defenders Office based on a state average, which was addressed by Todd Nuccio, Trial Court Administrator.

Mr. Nuccio said Mecklenburg County received less than it should from the state when you look at the total percentage of filings and Mecklenburg County’s population, etc.

District Attorney Murrey said when you look at the state’s disposition rate of cases and even though Mecklenburg County was underfunded, Mecklenburg County was in the top 10 percent for disposing cases within a timely manner compared to other counties in the state.

Commissioner Leake said she’s often heard concerns from constituents regarding court cases not starting on time as scheduled.
Commissioner Leake asked what were funds allocated to the courts used for. General Manager Michelle Lancaster said over 90% of the funds go towards salaries. She said a breakdown would be provided.

Commissioner Clarke asked what would be the impact on Mecklenburg County’s court system if the state eliminated funding for all trial court administrators. Director Johnson said it would probably “cripple” the system and performance would probably degrade.

Commissioner Clarke asked about the potential of the elimination of drug court funding by the state and asked was staff factoring that into the Sheriff’s Office budget. Todd Nuccio said the state decided to put that funding back into the budget for one year and that it would be reviewed and revisited next budget year.

Commissioner Clarke asked about the state’s proposed cuts to the court system and the impact it would have on the District Attorney’s Office. The response from the District Attorney was that it would have a tremendous impact. He said the trial court administrator’s position was critical.

Commissioner Clarke encouraged the Board to use whatever efforts it could to encourage the state not to eliminate funding for trial court administrators.

Commissioner Cogdell said if the House budget passed, it would have a substantial negative impact on Mecklenburg County’s court system. Commissioner Cogdell encouraged Board members to communicate with members of the Legislative Delegation to let them know the significant impact state cuts to the judicial system would have on Mecklenburg County.

(2) EMPLOYEE COMPENSATION

Human Resources Director Chris Peek addressed FY 12 Employee Compensation. The following was covered in the presentation:

- Market Rates
- Merit Increase (Pay for Performance)
- 401k/457 Match
- Sick & Vacation Policies
- Health Insurance

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

Comments

Commissioner Pendergraph questioned the fairness of the County’s Sick & Vacation Leave Policies to “hard working and good” employees that retire mid-year and don’t receive compensation for all of the time they’ve accrued. Commissioner Pendergraph said he felt if you earned it, you should receive compensation for it. Commissioner Pendergraph said this was something the Board needed to discuss at a later date.

Commissioner Dunlap concurred with Commissioner Pendergraph.

Director Peek said his understanding of what Commissioner Pendergraph was referring to was an amendment to the County’s policy that would allow someone upon their retirement to be paid for all of their accrued vacation up to the date of their retirement, even if they retire mid-year.
Commissioner Clarke asked for clarification on payment of sick leave upon retirement and what was the rationale for doing this. Director Peek said it was done as an incentive, in the hope that employees would not abuse their sick time and would view it as a future investment; that if you came to work and not abuse your sick leave and you would be building some equity when you chose to retire or leave the organization.

Commissioner James said one of the weaknesses in the County’s Sick Leave Policy was that it’s been in place for a long time. He said the County policy wasn’t viewed as being for sickness, but a benefit. He said the private sector didn’t look at it sick leave in that manner.

Commissioner James said per his experience, it would be better to limit it to 90 days and rolling it into a long term disability process, which would make it less “irritating” to the public. Commissioner James said the public viewed getting paid for sick leave in an unfavorable manner.

Commissioner James said he wasn’t saying the policy needed to be changed, but that it’s something to think about.

Commissioner Bentley asked what percentage of employees received an Exemplary rating, Successful, and Needs Improvement. Director Peek said the majority were in the middle, but that he would provide the Board with a specific answer at a later date. He did not have those numbers with him.

Commissioner Bentley asked if staff looked at any private sector policies with respect to Sick & Vacation Leave policies in the survey that was conducted. The response was no, only other government entities.

Commissioner Bentley asked about the employee wellness program and whether outcomes were being tracked. The response was yes, measures were in place.

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

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

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 5:06 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, May 3, 2011.

ATTENDANCE

Present:
Vice-Chairman Jim Pendergraph and Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
George Dunlap and Vilma Leake
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:
Chairman Jennifer Roberts and Commissioners Neil Cooksey and Bill James

-INFORMAL SESSION-

The meeting was called to order by Vice-Chairman Pendergraph, 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 10, 11, 12, 14, 15, 16, 18, 23, 25, and 27.

(2) STAFF BRIEFINGS – NONE

(3A, B) CLOSED SESSION - PERSONNEL MATTER AND CONSULT WITH ATTORNEY - NONE

There was not a need to go into Closed Session because the Personnel Matter was removed and there were no Consult with Attorney matters to be discussed.

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

-FORMAL SESSION-

Commissioner Dunlap 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

(1) AWARDS/RECOGNITION – NONE
PUBLIC APPEARANCE

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

Judy Lewis, Kenneth E. Greenberg and Christopher White spoke on behalf of the Metrolina Provider Network. It was noted the Metrolina Provider Network comprises of agencies that provide services to persons with developmental disabilities and mental illness. They addressed the LME waiver (1915 BC Waiver) issue and expressed concern for the impact of this on persons with developmental disabilities and mental illness. They also expressed the Network’s desire to continue to work with the County’s LME and to keep communication open.

A copy of a handout regarding the Metrolina Provider Network is on file with the Clerk to the Board.

MANAGER’S REPORT

FUNCTIONAL CONSOLIDATION WITH CHARLOTTE-MECKLENBURG PUBLIC LIBRARY

The Board received a report on Library CEO and County Manager agreement on functional consolidation of Public Library functions within Mecklenburg County.

Note: During the FY11 budget process, the Board of County Commissioners (BOCC) established a contingency for providing funding to the Charlotte Mecklenburg Public Library. Part of this contingency called for “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
- Human Resources
- Information Technology
- Capital Projects Management
- Public Information/Communications

On November 19, 2010, a Functional Consolidation Steering Committee provided recommendations to the County Manager and Library Director.

The County Manager and Library CEO agreed to the following:

1. Consistent with the Committee’s recommendations, continue to operate financial management functions separate, as they are currently operated.
2. Consistent with the Committee’s recommendations, consolidate Public Library Human Resources within the County’s Human Resources Department.
3. Consistent with the Committee’s recommendations, consolidate several Public Library IT functions within the County’s Information Services & Technology Department (IST). These functions are: helpdesk/desktop support; network, server & telecommunications; a portion of applications support and development, and IT project management.
4. Consistent with the Committee’s recommendations, consolidate Capital Projects Management within the County’s Real Estate Services Department.
5. Do not consolidate the Public Library Communications/Marketing within Mecklenburg County Public Service & Information. Instead, build and enhance an intentional alliance/collaboration of mutual resource sharing and support.

Consolidation of these functions will result in the elimination of two Public Library positions, an annual savings of approximately $137,500, and the transfer of 10 Public Library positions to Mecklenburg County (two in Human Resources; eight in IST). Although full implementation will
require a transition period that varies by function, the consolidation will be effective July 1, 2011.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to approve the County Manager’s and Library CEO recommendations with respect to functional consolidation of Public Library functions within Mecklenburg County as noted below. Effective July 1, 2011.

- Consistent with the Committee’s recommendations, continue to operate financial management functions separate, as they are currently operated.
- Consistent with the Committee’s recommendations, consolidate Public Library Human Resources within the County’s Human Resources Department.
- Consistent with the Committee’s recommendations, consolidate several Public Library IT functions within the County’s Information Services & Technology Department (IST). These functions are: helpdesk/desktop support; network, server & telecommunications; a portion of applications support and development, and IT project management.
- Consistent with the Committee’s recommendations, consolidate Capital Projects Management within the County’s Real Estate Services Department.
- Do not consolidate the Public Library Communications/Marketing within Mecklenburg County Public Service & Information. Instead, build and enhance an intentional alliance/collaboration of mutual resource sharing and support.

County Attorney Bethune said at a forthcoming meeting, the Board would be asked to adopt a resolution approving an interlocal agreement to accomplish this.

A copy of the Steering Committee Report for Recommended Consolidation Options for the Charlotte Mecklenburg Library is on file with the Clerk to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) LIBRARY TASK FORCE WORKGROUP (COGDELL, BENTLEY, CLARKE)

Commissioner Bentley addressed the Library Task Force Workgroup. She was assisted by Library CEO, Vic Phillips.

Note: The purpose of the workgroup was to review the recommendations presented by the Future of the Library Task Force and to determine whether to forward them as proposed or modified to the Board of County Commissioners (BOCC) and Board of Trustees (BOT) for approval and implementation. It was the unanimous recommendation of the workgroup members that the BOCC and the BOT each approve the Task Force recommendations, as modified and that the County Manager and the CEO of the Library be directed to begin the process of implementing these recommendations as soon as practicable.

The members of the Library Task Force Workgroup were Commissioners Cogdell, Bentley and Clarke, Library Board of Trustees Molly Griffin, Bob Sink, and Darrel Williams.

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to approve the Future of the Library Task Force recommendations, as modified and described below as recommended by the Library Task Force Workgroup. Secondly, that the County Manager and the CEO of the Library be directed to begin the process of implementing these recommendations as soon as practicable.
Chapter 6 Funding

Regarding the short term funding recommendations, the members agreed that the method, peer group and per capita analyses were sound. They felt, however, that the per capita range presented in the report should be used as a goal or benchmark for the County during budget deliberations. Therefore, they recommend that this Task Force recommendation be approved with the following change in wording at the top of page 52 of the Task Force report:

In the shaded box that summarizes the short term funding recommendation, the beginning sentence should be “Mecklenburg County’s goal for Fiscal Year 2012 should be to provide funding of the Charlotte Mecklenburg Library in the range of $27.89 to $28.66 per capita.”

Regarding the long term funding recommendations in this chapter, the members recommend taking no action at this time.

Chapter 7 Operations

After considerable discussion regarding the recommendations on improving the efficiency of the Library system, the members agreed that, should funding adequate to keep all Library branches open not be available in the FY2012 County budget, the Library’s prioritization of resources should be as follows:

- First, restore additional operating hours at regional libraries as recommended by the Task Force.
- Second, evaluate the remaining branches based on
  - the economic and educational attainment of the surrounding community,
  - the distance to the nearest regional library,
  - all usage measures for the branch, and
  - other relevant factors as determined by the BOT in consultation with the BOCC.

If FY2012 funding shortfalls require consideration of any branch closings, the workgroup agreed to reconvene and discuss how to apply this prioritization process.

Chapter 7 Programming

The members approved the Programming recommendations made by the Task Force, along with encouraging the BOT to consider alignment with the County’s Critical Success Factors, as well as Target Areas for community services, in future programming plans.

Chapter 7 Volunteers

The members approved the Volunteer recommendations made by the Task Force.

Chapter 7 Development

The members approved the Development and Fundraising recommendations made by the Task Force.
Chapter 8 Main Library/ImaginOn
The members approved the recommendations made by the Task Force regarding the Main Library and ImaginOn, with one wording change. The last sentence on page 68 of the report, which continues on the top of page 69, is replaced with the following: “The Director of Libraries and the County Manager should appoint a 7-member committee (made up of citizens with skills to analyze issues facing Main and open to exploring possibilities), supported by the staff of the County and the Library.”

Chapter 9 Governance
The member approved the recommendations made by the Task Force regarding governance and the Library-County relationship.

Note: Commissioner Leake expressed thanks to Library Director Charles Brown for all that he has done for the Charlotte-Mecklenburg Public Library system.

MANAGER’S REPORT

(6A) BUDGET UPDATE
Finance Director Dena Diorio and Budget/Management Director Hyong Yi gave a budget update. The following was covered:

- Total Revenues
- Property Tax
- Sales Tax
- Investment Income
- Law Enforcement Service District Revenue Neutral Calculation
- Law Enforcement Service District Tax Rate
- Law Enforcement Service District (LESD) Bill Update

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

(6B) COMPLIANCE PROGRAM
County Manager Jones informed the Board that no action was needed at this time regarding the Compliance Program, that it would be addressed as part of the budget process.

(6C) CAROLINAS HEALTHCARE SYSTEM – COMMUNITY INVOLVEMENT
The Board received an overview from Carolinas HealthCare System (CHS) regarding their community involvement.

Chief Executive Officer Michael Tarwater gave the overview.

In closing, Mr. Tarwater addressed why CHS receives more support than Presbyterian. Mr. Tarwater said all CHS and Presbyterian hospitals in Mecklenburg were eligible to participate in the County’s Indigent Care funding. Mr. Tarwater said the funding formula requires that any organization, at a minimum, provide 3% of net patient revenue before any funds can be received from the County. He said for CHS that represents $47.3 million and for Novant (Presbyterian) $24.7 million. Thus, the reason CHS receives, “what some have said a disproportionate” amount of the funding, was because CHS was providing a “disproportionate”
MAY 3, 2011

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

Comments

Commissioner Dunlap said per conversations he’s had with other medical providers that operate free clinics, there appears to be a dispute regarding who is “really” taking care of the uninsured and underinsured. Commissioner Dunlap said the position of those he’s talked with is that persons in need of medical care that have some form of insurance were often being seen by the hospitals, either CHS or Presbyterian but those without any insurance were being sent to the free clinics.

Commissioner Dunlap asked CHS what percentage of uninsured patients they treat.

Mr. Tarwater said he could not speak for Presbyterian but that he disagreed with the comments that have been shared with Commissioner Dunlap by other health care providers that CHS was not treating many uninsured patients. Mr. Tarwater said he’d provide the Board with the numbers as it relates to their care of the indigent.

Commissioner Dunlap asked for clarification with respect to the differences in uninsured and underinsured costs as a percentage of total cost, which was addressed.

Commissioner Cogdell asked was it possible to receive a breakdown with respect to the differences in uninsured and underinsured costs as a percentage of total cost separately for each, rather than combined as shown in the presentation. The response was yes.

Commissioner Cogdell said he, too, has heard from other providers that primarily CHS was basically treating the underinsured and few uninsured. Executive Vice-President and Chief Financial Officer Greg Gombar addressed the issue of Medicaid and qualifying persons for Medicaid.

Commissioner Leake asked for comment on President Obama’s Health Care Plan. Mr. Tarwater said health care needs to be reformed, however, the concern for the President’s plan was that there were a lot of things that have been left undecided, thus, “the jury is still out” on whether the Plan will “do what it was set out to do.”

Commissioner Leake asked about the amount of funds received by CHS from the County and the use of those funds, which was addressed.

Commissioner Dunlap asked about CHS’ relationship with the free clinics, which was addressed by Assistant Vice-President, Clinical Support Kristin Wade.

Commissioner Clarke asked about economies of scale as it relates to operating multiple clinics that serve the underinsured and uninsured, which was addressed.

Commissioner Clarke asked CHS to comment on the increase in health care cost and what they’re doing to try and control those costs, which was addressed.

Vice-Chairman Pendergraph thanked Mr. Tarwater for his report.

Mr. Tarwater thanked the Board for what it does and for the opportunity to present.
(3A) APPOINTMENTS

JUVENILE CRIME PREVENTION COUNCIL

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

**Round One**
- Tabitha Barwell: None
- Stephanie Carter-Tyson: Commissioner Cogdell
- LaQuanda Coulote: None
- Chris Ferguson: Commissioners Bentley and Dunlap
- Sara Holland: Commissioner Leake

**Round Two**
- Tabitha Barwell: None
- Stephanie Carter-Tyson: None
- LaQuanda Coulote: None
- Chris Ferguson: Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph

Voting Ceased

Sara Holland

Vice-Chairman Pendergraph announced the appointment of Chris Ferguson to the Juvenile Crime Prevention Council as a General Public representative to fill an unexpired term expiring June 30, 2011 and a three-year term effective July 1, 2011 expiring June 30, 2014.

*Note: He is replacing Marc Thompkins.*

**LIBRARY BOARD OF TRUSTEES**

Commissioner Bentley presented the Board’s Ad Hoc Committee’s recommendation for appointment to the Library Board of Trustees, which was for Ed Williams.

The vote was taken on the following nominee for appointment to the Library Board of Trustees:

- Ed Williams: Commissioners Bentley, Clarke, Cogdell, Dunlap, and Pendergraph

Vice-Chairman Pendergraph announced the appointment of Ed Williams to the Library Board of Trustees to fill an unexpired term expiring December 31, 2012.

*Note: He is replacing Belva Greenage.*

**WASTE MANAGEMENT ADVISORY BOARD**
The vote was taken on the following nominees for appointment to the Waste Management Advisory Board:

Christopher Hardin  Commissioners Bentley, Clarke, Cogdell, Dunlap, and Pendergraph
Carlos Johnson  None
Jose Ramirez  Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph

Voting Ceased

Shawn Rogers
William Smith

Vice-Chairman Pendergraph announced the appointments of Christopher Hardin to the Waste Management Advisory Board to fill an unexpired term expiring February 28, 2012 and Jose Ramirez to fill an unexpired term expiring March 31, 2014.

Note: They replace Jessica Halvorsen and Corine Thomas.

WOMEN’S ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

Robyn Codrington  None
Vickie Evans  None
Faith Fickling  None
Donna Hughes  Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph
Sandra Johnson  None
Heather McCullough  None
Yvonne McJetters  Commissioners Clarke, Cogdell, Dunlap, Leake, and Pendergraph

Voting Ceased

Kathleen Odom
Sybil Richardson

Vice-Chairman Pendergraph announced the appointments of Donna Hughes and Yvonne McJetters to the Women’s Advisory Board to fill unexpired terms expiring April 30, 2012.

Note: Ms. McJetters replaced Natheley McElrath and Ms. Hughes was appointed to continue the remainder of her term.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(7) STAFF REPORTS AND REQUESTS – NONE

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to approve the following item(s):
APPROVAL OF MINUTES

Approve minutes of Regular meeting held April 19, 2011; Budget/Public Policy meetings held February 8, 2011, December 14, 2010; Closed Sessions held March 15, 2011 and March 1, 2011.

PROCLAMATION – FOSTER CARE AWARENESS MONTH

Adopt a Proclamation designating May 2011 as Foster Care Awareness Month in Mecklenburg County.

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

SET PUBLIC HEARING – STORM WATER FEE (CITY’S MINOR SYSTEM RATES)

Set a public hearing on May 17, 2011 on proposed changes in the minor system component of the City’s Storm Water fee.

BUDGET AMENDMENT – STORM WATER FUND BALANCE APPROPRIATION

Appropriate $370,000 from Storm Water Fund Balance for American Recovery and Reinvestment Act (ARRA) loan repayment.

Note: The American Recovery and Reinvestment Act (ARRA) of 2009 provided additional funding to the Torrence Creek Restoration project in the form of a $2.6 million loan from the North Carolina Clean Water State Revolving Fund (Federal Stimulus funding). The Board of County Commissioners approved acceptance of the loan on September 15, 2009.

Fifty percent of the loan is forgiven and the balance is to be re-paid over 20 years at 0% interest. The principal will be paid out of general Storm Water operational funds. Originally, the first repayment was scheduled for May of 2010, and the amount of $370,000 was budgeted in the FY10 Storm Water operating budget. When the payment was not made, due to a change in the payment schedule, the budgeted payment of $370,000 reverted back to Storm Water fund balance. The first payment is now scheduled to be made in May 2011. Staff is requesting that those funds be re-appropriated from the Storm Water Fund Balance so this payment can be made.

The loan funded the restoration of approximately three miles of Torrance Creek in Huntersville. Torrence Creek is located in the McDowell Creek watershed (which drains to Mountain Lake upstream of the CMU drinking water intake) and this three-mile section of creek was identified in the McDowell Creek Watershed Master plan as one of the most degraded sections of the watershed. The project will reduce sediment (a major pollutant) and improve aquatic habitat.

BUDGET AMENDMENT – STORM WATER FUND BALANCE APPROPRIATION

Appropriate $198,732 in Storm Water fixed fee funds from the Storm Water Fund Balance until such time as all funds are expended.

Note: The Storm Water Interlocal Agreement between the City of Charlotte and County for the operation of the storm water system in Mecklenburg County indicates that the fixed and administrative cost component of the storm water fee shall be used to pay administrative expenses, including but not limited to the cost of producing bills and collecting fees and operating customer service functions.

The City of Charlotte has reimbursed Storm Water Services $198,732 for the year-end reconciliation for fiscal year 2010. In fiscal year 2010, the fixed fee revenues collected exceeded the operating cost. These funds have been received but have not been appropriated. Storm Water staff is requesting these funds be appropriated to ensure they are available for use as specified in the Interlocal Agreement.
(21) AREA MENTAL HEALTH THIRD QUARTER FY 2011 REPORT

Recognize and receive the Third Quarter 2011 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>13,696,149</td>
<td>5,860,616</td>
<td>42.79%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,256,321</td>
<td>21,533,754</td>
<td>62.86%</td>
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<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>40,042</td>
<td>41.16%</td>
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<tr>
<td>County</td>
<td>40,498,282</td>
<td>27,100,229</td>
<td>66.92%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>88,548,045</strong></td>
<td><strong>54,534,641</strong></td>
<td><strong>61.59%</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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<tr>
<td>Children's Developmental Services</td>
<td>7,154,020</td>
<td>4,678,100</td>
<td>65.39%</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,384,613</td>
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</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,020,441</td>
<td>2,954,881</td>
<td>42.09%</td>
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<tr>
<td>Adult Substance Abuse</td>
<td>14,356,683</td>
<td>9,687,572</td>
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<td>Local Management Entity</td>
<td>8,621,876</td>
<td>5,433,890</td>
<td>63.02%</td>
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<tr>
<td>BHC Randolph</td>
<td>22,832,539</td>
<td>18,687,259</td>
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<td>Developmental Disabilities</td>
<td>15,177,873</td>
<td>6,759,648</td>
<td>44.54%</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>88,548,045</strong></td>
<td><strong>54,534,641</strong></td>
<td><strong>61.59%</strong></td>
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<tr>
<td><strong>Net (Revenues - Expenditures)</strong></td>
<td>0</td>
<td>0</td>
<td>100%</td>
</tr>
</tbody>
</table>

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

(22) GRANT APPLICATION – DISPLACED HOMEMAKER

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 (New Beginnings) Program in the amount of $63,181 ($13,248 from “Displaced Homemaker State Funds” and $47,283 from “Divorce Filing Fees” and County matching funds of $2650.); and if awarded, recognize, receive and appropriate grant funds.

(24) EQUIPMENT DONATION FROM CHARLOTTE-MECKLENBURG LIBRARY
Authorize the director of the Information Services and Technology Department (IST) to accept technology equipment donated to the County by the Charlotte-Mecklenburg Library. This authority shall remain in effect until rescinded by the Board.

Note: Charlotte-Mecklenburg Library has 61 PCs taken out of service from Mountain Island Lake, Cornelius and Davidson library locations because the PCs are being replaced with grant-funded PCs. The equipment is listed for disposal due to obsolescence. This request is to approve accepting this equipment as a donation to the County and to authorize the County’s Information Services & Technology director to accept any future technology equipment donated by the Charlotte-Mecklenburg Library. Mecklenburg County will use the equipment for spare parts and will then dispose of surplus equipment per the County’s service agreement with eCycle Secure. This action also avoids the disposal cost that would be incurred by the Library to dispose of the PCs.

(26) REPORT OF SETTLEMENT OF LAWSUIT

Receive as information that Mecklenburg County, a political subdivision of the State of North Carolina v. Schenkel & Shultz, Inc., HDR Architecture, Inc., Kallmann McKinnel & Wood Architects, Inc., and Schenkel Shultz/HDR/Kallmann McKinnel & Wood Architects Inc., a Joint Venture, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 10-CVS-16383 was settled ONLY with defendant, Schenkel and Shultz, Inc.

A copy of the Settlement Agreement is recorded in Minute Book 45-A, Document # ______.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Pendergraph voting yes, to defer consideration of Items 14, 15, and 16 until the Board’s May 17, 2011 meeting.

(14) AMENDMENT – LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE – LAND DEVELOPMENT

(15) AMENDMENT – LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE

(16) AMENDMENT – MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE

(10) PROCLAMATION – MENTAL HEALTH MONTH AND NATIONAL CHILDREN’S MENTAL HEALTH AWARENESS DAY

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Pendergraph voting yes, to adopt a Proclamation designating May 2011 as Mental Health Month and May 3, 2011 as National Children’s Mental Health Awareness Day.

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

A copy of the proclamation is on file with the Clerk to the Board.
(11) **PROCLAMATION – DRUG COURT MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Pendergraph voting yes, to adopt a Proclamation designating May 2011 as Drug Court Month in Mecklenburg County.

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

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

(12) **PROCLAMATION – OLDER AMERICANS MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Pendergraph voting yes, to adopt a Proclamation designating May 2011 as Older Americans Month in Mecklenburg County.

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

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

(18) **BUDGET AMENDMENT – COMMUNITY SUPPORT SERVICES (REVENUE DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Pendergraph voting yes, to reduce the Community Support Services FY 2011 revenue for New Options for Violent Actions (NOVA) and associated budget in the amount of $25,000 due to the decline in client enrollment and client inability to pay associated fee for service.

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

(23) **HEALTH DEPARTMENT FY 2012 FEE SCHEDULE**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Pendergraph voting yes, to approve the annual Health Department FY 2012 Fee Schedule.

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

*A copy of the fee schedule is recorded in Minute Book 45-A, Document # _____.*

(27) **FY2012 FEE INCREASE – PARK AND RECREATION**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Pendergraph voting yes, to:

A) Approve the athletic field rental rate of $17.00 per hour and a lighting fee of $25.00 per hour.

B) Approve and appropriate $8.00 per hour of the lighting fee to be deposited in the Synthetic
Turf Field Capital Reserve Account for the acquisition, installation and replacement of lights on athletic fields.

*A copy of the fee schedule is recorded in Minute Book 45-A, Document #______.*

(25) **EQUIPMENT DONATION FROM THE KEITH CORPORATION / KEITH & KEITH CORRECTIONS**

Vice-Chairman Pendergraph asked to be excused from participating in consideration of Item 25 Equipment Donation From The Keith Corporation / Keith & Keith Corrections, to avoid a conflict of interest. Vice-Chairman Pendergraph acknowledged he does consulting work for the Keith Corporation.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to excuse Vice-Chairman Pendergraph from participating in consideration of Item 25 Equipment Donation From The Keith Corporation / Keith & Keith Corrections to avoid a conflict of interest.

**Vice-Chairman Pendergraph left the dais and was away until noted in the minutes.**

Commissioner Cogdell assumed chairmanship of the meeting.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Leake voting yes, to authorize the director of the Information Services and Technology Department (IST) to accept technology equipment donated to the County by The Keith Corporation/ Keith & Keith Corrections (KKC).

*Note: The Keith Corporation, a building services contractor for the County, is donating three HP Elite Book 8440P laptops with serial numbers CND02011XJ, CND0221SH1 and CND02521BW. This equipment will be used by KKC staff to provide facility maintenance services to the County. Donating the equipment to the County transfers ownership to the County and enables the equipment to integrate with the County’s network and also enables County staff to support the equipment (e.g., maintenance). During and after the term of the County’s contract with KKC, Mecklenburg County may redeploy and/or dispose of these PCs as deemed appropriate by IST staff.*

**ADJOURNMENT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Leake voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:00 p.m.

*Note: Vice-Chairman Pendergraph returned to the dais.*

______________________________ __________________________
Janice S. Paige, Clerk Jim Pendergraph, Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 10, 2011.

ATTENDANCE

Present:
Chairman Jennifer Roberts and Commissioners
Karen Bentley, 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:
Commissioner Dumont Clarke

____________________

Commissioner Cooksey 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) BOCC TERM DISCUSSION

Assistant to the County Manager Brian Francis addressed County Commission term lengths and the process for changing it.

Commissioner Cooksey entered the meeting.

Assistant Francis said staff would report back in August with a proposed resolution to alter the Board’s term length if that was the direction of the Board.

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

Comments

Chairman Roberts said she supported keeping the current two-year term.

Commissioner Dunlap said he did not have a preference with respect to term length.

Commissioner Cogdell said he favored a four-year term.

Commissioner Leake said she favored a four-year term.

Commissioner James said he didn’t have a preference, but that the length of the Board’s term should be the decision of the voters.
Commissioner Cooksey said he was okay with the two-year term. He said the only way he could support a four year term was if the system was such that district candidates were nominated at the district level and elected county-wide. Commissioner Cooksey said that would provide more competition in the district races and would require both parties to field candidates in each district and require people to have views that reflect the entire county as oppose to a particular district.

Commissioner Cooksey said the issue that needed to be discussed was the filing requirement, because it’s so early for the County Commission, February of the election year.

Commissioner Dunlap said voters should decide.

Commissioner Pendergraph said he favored the two year term, but that it should be the decision of the voters.

Commissioner Cogdell said he, too, felt it should be the decision of voters.

Commissioner Cooksey said the Board should come to an agreement on whether it supported a two-year vs. four year term before going to the voters.

Chairman Roberts said she had not heard any constituents indicate a preference a four-year term. Chairman Roberts said a two-year term was more responsive in an area like Mecklenburg County with a growing and changing population.

Commissioner Cooksey said he agreed with the Chairman that in an area like Mecklenburg County, a two-year term was more responsive.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and failed 5-3 with Commissioners Bentley, Cooksey, James, Pendergraph, and Roberts voting no and Commissioners Dunlap, Cogdell, and Leake voting yes, to direct staff to bring back a resolution for Board consideration to place a referendum on the ballot to change the term length of the County Commission from two-years to four-years.

This concluded the discussion on the above topic.

(2) RESERVES (FLEET, CAPITAL, & TECHNOLOGY)

Budget/Management Director Hyong Yi addressed Reserves, for fleet, capital, and technology.

The following was covered:

- Business Imperatives Reserves Purpose & Strategy
- FY12 Reserves
  - Capital
  - Technology
  - Fleet
- Reserves Funding

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

Comments

Commissioner Leake asked how much did the County pay to be housed in the Charlotte-Mecklenburg Government Center. It was explained that the County owned 40% of the building and the City 60%. The County agreed to pay its portion of the debt for the building.
County Manager Jones said last year the County paid the City of Charlotte $847,737 and the estimate for this year was $700,244.

Commissioner Leake said she'd like to know when the County’s obligation for its portion of the debt would be completed.

Commissioner Leake asked was it not correct that the Amay James Recreation Center was closed. The response was yes.

Commissioner Leake asked was it possible that Amay James Recreation Center could reopen. Director Yi said that would be the decision of the Park and Recreation Director and the County Manager.

Commissioner Leake asked about the status of the Valerie Woodard Center, which was addressed by Mark Hahn, Director of Real Estate Services.

Commissioner Pendergraph asked about vehicle maintenance savings since the City of Charlotte took over fleet maintenance. General Manager John McGillicuddy said the savings had been about $1 million over the last three years.

Commissioner Pendergraph asked if a better deal could be gained by contracting with someone else. General Manager McGillicuddy said fleet maintenance was something that would be studied in the Deloitte outsourcing project.

Commissioner James said if the County was not going to use Amay James Recreation Center, then perhaps it should be leased out or sold.

Commissioner James said if the County was going to renovate the Hal Marshall Center, then a decision needed to be made as to whether the County was going to keep the facility.

Commissioner James said the County should not be putting a lot of money in a facility that’s not being used.

County Manager Jones addressed the need to keep the Hal Marshall Center open.

Commissioner Bentley asked about the status of the Performance Contract which was addressed by Mark Hahn, Director of Real Estate Services.

Commissioner Cogdell asked for clarification on projects by priority which was addressed.

Commissioner Cooksey asked about priority setting, immediate need, general need, high risk and low risk which was addressed.

Commissioner Leake asked about small repairs to facilities and the use of small businesses. Commissioner Leake asked for a listing of small businesses that had bid on small jobs for the last two years.

This concluded the discussion on the above topic.

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
MAY 10, 2011

5:10 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, May 17, 2011.

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

- INFORMAL SESSION -

Commissioner Cooksey 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) 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, 20, 21, and 23.

Commissioner Dunlap asked that Item 23 Proclamation – Law Enforcement Week be removed from Consent and placed under the Awards/Recognition section of the agenda. It was the consensus of the Board to do so.

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

(2) STAFF BRIEFINGS - NONE

(3A, B) CLOSED SESSION - PERSONNEL MATTER AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the Board would not need to go into Closed Session to Consult with Attorney.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: A) Personnel Matter.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 5:33 p.m.
Commissioner Clarke was present when the Board came back into Open Session. He returned to the meeting during Closed Session.

Commissioner Cooksey entered the meeting.

Note: The following is being noted because this was the issue Commissioner Leake thought was appropriate for Closed Session but it was not.

Commissioner Leake asked Commissioner James why he made a negative statement in an email with respect to General Manager Bobbie Shields, saying that he was being insubordinate.

Commissioner James said he made the statement because that’s how he felt, at the time. Commissioner James said he was frustrated with the entire baseball issue and General Manager Shields’ inability to resolve the baseball issue and get answers to his questions.

Chairman Roberts encouraged Board members to contact the County Manager if they have an issue concerning staff.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake to recess the meeting until 6:00 p.m.

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

AWARDS/RECOGNITION

(1A) INDUCTION INTO THE ORDER OF THE HORNET – CHARLES L. SIFFORD

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to induct Dr. Charles L. Sifford into the Order of the Hornet.

Note: Dr. Sifford in 2004 became the first African American inducted into the World Golf Hall of Fame. Dr. Sifford was the first African American to earn the PGA Tour Card. He also won the National Negro Open six times. Dr. Sifford began his golf career at the age of 13 by working as a caddy at Carolina Country Club in West Charlotte. “In the late 1930’s, golf courses in Charlotte did not allow African Americans to play, so Dr. Sifford would sneak in and play on days the Carolina Country Club course was closed, helping him to master the game to the point that he could shoot par.” On May 3, 2011, the Mecklenburg County Revolution Park Golf Course was renamed to the Dr. Charles L. Sifford Golf Course in honor of Dr. Sifford.

Dr. Sifford thanked the Board for this recognition.

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. 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.

(23) PROCLAMATION – LAW ENFORCEMENT WEEK

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating May 15-21, 2011 as Law Enforcement Week in Mecklenburg County.

The Board recognized local enforcement agencies and the families of deceased officers.

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.

APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and failed 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes and Commissioners Cooksey and Leake voting no, to reappoint Angeles Ortega-Moore to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2014.

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

Angeles Ortega-Moore  by Commissioner Dunlap
James Ross           by Commissioner Leake
John Rumball         by Commissioner Cooksey

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.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

The following persons were nominated for appointment consideration to the Central Piedmont Community College Board of Trustees:

Danmon Gregory        by Commissioner Cooksey
James Gulley          by Commissioner Cooksey
Wendy Jamison         by Commissioner Cooksey
Wilhelmenia Rembert   by Commissioner Cogdell
MAY 17, 2011

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 Central Piedmont Community College Board of Trustees must undergo an interview process.

CITIZEN’S TRANSIT ADVISORY GROUP

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, to reappoint Rhonda Odom to the Citizen’s Transit Advisory Group for a two-year term expiring June 30, 2013.

Commissioner Cooksey nominated the following persons for appointment consideration to the Citizen’s Transit Advisory Group: Rodney Conklin, Danmon Gregory, and Robert Watson.

Note: An appointment will occur on June 7, 2011.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Antonia Childs to the Criminal Justice Citizen’s Advisory Committee as the Faith representative to fill an unexpired term expiring May 31, 2011 and a three-year term effective June 1, 2011 expiring May 31, 2014.

Note: She is replacing Jerry (Geraldine) Mudge.

JURY COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Gail Gibson to the Jury Commission for a two-year term expiring June 30, 2013.

PERSONNEL COMMISSION

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, to reappoint Charles Loring and Eric Zion to the Personnel Commission for three-year terms expiring June 30, 2014.

Note: Commissioner Bentley asked for clarification regarding the role and effectiveness of the Personnel Commission. Director of Human Resources Chris Peek addressed the question.

Commissioner Bentley suggested staff consider bringing forth a recommendation to make the qualifications for serving more specific to the skill sets actually needed for the committee. It was noted the current qualifications statement was pretty broad.

PLANNING COMMISSION
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 reappoint Steven Firestone and Nina Lipton to the Planning Commission for three-year terms expiring June 30, 2014.

PUBLIC BROADCASTING AUTHORITY

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Lawrence Seitlin to the Public Broadcasting Authority for a three-year term expiring June 30, 2014.

Commissioner Cooksey nominated the following persons for appointment consideration the Public Broadcasting Authority: Tabitha Barwell, Dee Dixon, and Jonathan Pullin.

Note: Appointments will occur on June 7, 2011.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Michelle Lucas-Webb to the Region F Aging Advisory Committee for a one-year term expiring June 30, 2012 and Clarissy Knox for a two year term expiring June 30, 2013.

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

PUBLIC HEARINGS

(4A) STORM WATER FEE – CITY OF CHARLOTTE’S MINOR SYSTEM RATES

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, 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 of Charlotte.

No one appeared to speak.

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to the close public hearing on a proposed increase in the City of Charlotte’s storm water fee for the minor system inside the City of Charlotte.

Commissioner Cooksey returned to the dais.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT
County Manager Jones presented his FY2011-2012 Recommended Budget. He was assisted in his presentation by Budget/Management Director Hyong Yi.

Highlights
- FY2011-2012 Recommended Budget is $1.3 billion.
- 2.9% more than the current year’s adopted budget, an increase of $39.4 million
- It includes significant increases in funding for both Charlotte-Mecklenburg Schools and Central Piedmont Community College, though not at the levels requested
- It includes funding employee pay raises based on performance
- It includes restoring the 5% match to employee contributions to their deferred compensation accounts
- Funds will not be appropriated from fund balance to balance the budget
- It includes a funding increase for the Public Library to keep branches open and expand hours at regional libraries
- It calls for ending 100% of the taxpayers’ subsidy for indigent care being provided by Carolinas Healthcare System and Presbyterian Novant Health Care System
- It recommends phasing out the County’s subsidy for Carolinas HealthCare System’s operation of the CMC Randolph/Behavioral Health Center
- It proposes a tax rate of 82.49 cents, a decrease of 1.38 cents from the current property tax rate and is 3.66 cents higher than the revenue neutral tax rate of 78.83 cents

A copy of the County Manager’s FY2011-2012 Recommended Budget is on file with the Clerk to the Board.

A copy of the County Manager’s remarks is on file with the Clerk to the Board.

Comments

Commissioner Cooksey requested, if possible, that the Board be provided the straw voting spreadsheet in advance.

Commissioner Cooksey asked for clarification with respect to Carolinas HealthCare System’s (CHS) indigent care funding and the County’s contract with CHS for the operation of CMC Randolph/Behavioral Health Center, which was addressed.

Commissioner Cooksey asked for clarification with respect to the ½ cent sales tax and the 1/4 – cent sales tax, which was addressed by Finance Director Dena Diorio.

Commissioner Dunlap inquired about the information CHS CEO Michael Tarwater said he would provide on the number of indigent patients cared for by CHS. County Manager Jones said staff would follow up with CHS.

Commissioner Dunlap expressed concern for indigent care and the distribution of funds to CHS clinics only. He suggested the Board look at some type of distribution level that includes other free health care clinics as well.

Commissioner Dunlap said if the County Manager did not recommend reducing the property tax rate and the County was to receive all of the funds generated from the revaluation, how many additional dollars would the County have to distribute to various agencies that the County funds. Director Yi said probably $15-$16 million.

Commissioner James asked how much was estimated to be lost in lottery funds. Director Yi said about $10.2 million.
Commissioner James asked for clarification regarding the proposed allocation to Charlotte-Mecklenburg Schools which was addressed.

Commissioner James asked about outside agencies and court funding, which was addressed.

Commissioner Cogdell requested additional information from the County Manager on how he arrived at the conclusion that eliminating the County’s subsidy “will not reduce access to health care...”

Commissioner Leake asked for clarification regarding the funding of school nurses, which was addressed. It was noted the funding of school nurses appears in the Health Department’s budget and not Charlotte-Mecklenburg Schools’ budget.

Chairman Roberts encouraged Board members to send any additional questions they may have to Director Yi.

(6B) COMPLIANCE PROGRAM

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the Mecklenburg County Compliance Program.

Note: Commissioner Leake asked that it be noted in the record that she inquired about staff assistance to the Board. County Manager Jones said that’s addressed in his recommended budget for FY12.

Commissioner Cooksey asked County Manager Jones to comment on how he sees the Board interacting with the Compliance program and the governance committee for the program and how will the Board be kept informed. County Manager Jones referenced the annual workplan that the Compliance Officer would develop and share with the Board and the Audit Review Committee. He said periodic reports would be made to the Board.

Commissioner Cooksey suggested the Board receive an annual briefing at a Budget/Public Policy meeting regarding the status of the Compliance Program. Also, that once the program is set up, that the Compliance Officer give an initial report to the Audit Review Committee, to make sure the office is on the right track.

County Manager Jones said for transparency purposes, he would recommend that the annual presentation from the Compliance Officer take place at a Regular televised meeting.

Commissioner Cogdell also expressed a desire to have on-going updates.

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

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: ELECTROLUX AB

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt a resolution approving a Business Investment Program Grant to Electrolux AB for a total estimated amount of up to $407,189 and authorize the
County Manager to negotiate and execute a contract.

Note: This project involves the consolidation of Electrolux’s engineering operations and employees into one engineering center. Currently, the engineering positions are in several locations across the United States. The project will include a capital investment of $14 to $20 million. The investment will consist of a new 55,000 square foot building, the upfit of an adjacent 40,000 square foot leased building and new business personal property. It will create 200 new jobs, roughly 120 of which are expected to be filled by relocating employees, with the remaining 80 filled from local hires. The projected average annual salary for the new jobs will be approximately $94,000.

The County’s grant is equal to 50% of the taxes that will be paid by Electrolux over five 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 $2,242,296 over ten years, based on an investment of $20 million.

Economic Development Director John Allen presented this matter to the Board.

Resolution recorded in full in Minute Book 45-A Document # _____.

Commissioner Dunlap returned to the dais.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) OUTSOURCING ASSESSMENT – CMS, CPCC (COMMISSIONER PENDERGRAPH)

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, Pendergraph and Roberts voting yes and Commissioner Dunlap voting no, to direct the County Manager to request from Charlotte-Mecklenburg Schools (CMS), Central Piedmont Community College (CPCC) and other County-funded agencies (excluding non-profit outside agency organizations) an assessment from independent contractors or vendors regarding potential savings with outsourcing.

Prior to the above vote:

Commissioner Leake said she would like to know from CMS if Teach for America, was a form of outsourcing.

Commissioner Cooksey suggested the County Manager in his conversations with CMS and CPCC, share Deloitte’s work with the County.

Chairman Roberts said the spirit of the motion was to seek and share information. Commissioner Pendergraph concurred.

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

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):
(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held May 3, 2011.

(13) REIMBURSEMENT – NEVIN PARK ENTRANCE REPAIR COSTS

Recognize, receive and appropriate $8,175 from the City of Charlotte for reimbursement to repair the irrigation system at the Nevin Park main entrance.

(14) GOLF COURSE MANAGEMENT AGREEMENTS & JUNIOR GOLF SURCHARGES

A) Authorize the County Manager to amend golf course management agreements to designate the County as recipient of the golf fee surcharge ($0.25 per paid 18-hole round green fees) effective July 1, 2011.

B) Recognize, receive and appropriate surcharges for the purpose of funding the County’s junior golf program and improving related facilities and amenities.

C) Approve the surcharge allocation of $0.10 (of each surcharge) for youth golf programs and related recreation activities, and the remaining $0.15 (of each surcharge) for the golf course capital reserve account to improve youth-related golf facilities and amenities.

D) Approve the carry forward of unspent “program” funds on June 30, of each year to the following fiscal year.

(16) NECK ROAD RIGHT-OF-WAY ABANDONMENT

Authorize the County Manager to file a Right-of-Way Abandonment petition with the North Carolina Department of Transportation requesting closure of a portion of Neck Road along Tax Parcels 013-041-01 and 013-181-13 in Huntersville and accept the residual property into adjacent Mecklenburg County-owned properties.

(19) 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 45-A Document # _____.*

(22) PROCLAMATION – UNITED SERVICE ORGANIZATIONS – WITH GREAT HONOR DAY

Adopt a Proclamation designating June 1, 2011 as United Service Organizations – With Great Honor Day in Mecklenburg County.

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**
Joe Padilla, Executive Director of the Real Estate & Building Industry Coalition (REBIC) addressed the proposed amendment to the Land Use & Environmental Services Fee Ordinance as it relates to Land Development.

Mr. Padilla asked the Board to defer amending the ordinance to allow REBIC an opportunity to meet with staff to discuss other possible options for a more cost effective and equitable fee system.

Director of Storm Water Services Dave Canaan addressed the need for the proposed fee change.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to amend the LUESA Fee Ordinance to reflect new and revised fees for Land Development.

Substitute Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and carried 5-2 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, and Pendergraph voting yes and Commissioners Leake and Roberts voting no, to defer taking action to amend the LUESA Fee Ordinance to reflect new and revised fees for Land Development, until the Board’s June 7, 2011 meeting, to allow for conversation between staff and the Real Estate & Building Industry Coalition (REBIC).

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend LUESA Fee Ordinance to recapture added service cost from customers not using fully electronic permitting when such services are available.

Ordinance recorded in full in Minute Book 45-A Document # _____.

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate insurance reimbursement funds in the amount of $14,725 for Real Estate Services, $20,534 for Park and Recreation, $3,038 for Tax Collector and $5,339 for Sheriff’s Office.

Note: All reimbursements are for stolen and damaged items.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate insurance reimbursement funds in the amount of $14,725 for Real Estate Services, $20,534 for Park and Recreation, $3,038 for Tax Collector and $5,339 for Sheriff’s Office.

Note: All reimbursements are for stolen and damaged items.

Commissioner Leake removed this item from Consent for more public awareness.
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 recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,274,043 for Fiscal Year 2012 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

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

Commissioner Leake removed this item from Consent for more public awareness and better clarity. Brandi Weathers addressed this issue.

(12) AGREEMENT WITH ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to:

1. Authorize the County Manager to negotiate and execute an agreement with the Administrative Office of the Courts (AOC) for the AOC to fund the cost of converting a conference room in the Courthouse into a training room.

2. Recognize, receive and appropriate up to $50,000 in the Capital Reserve fund for the construction of the training room.

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

(15) BUDGET AMENDMENT – DSS (REVENUE DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to reduce the budget by $224,809 in State revenue for the Childcare Subsidy Program.

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

(20) GRANT APPLICATION – U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to:

1) Approve the submission of a grant application for funding in the amount of $400,000 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA): 2011 Adult Treatment Court Collaboratives grant.

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

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

(21) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)
MAY 17, 2011

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to approve, recognize, receive and appropriate Federal funds in the amount of $30,253 for the purpose of supporting the Reconnecting Youth Initiative.

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

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, 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 9:43 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 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 19, 2011.

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 Clerk to the Board Tonette F. Spears

Absent: None

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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-

Vice-Chairman Pendergraph called the meeting to order.

Chairman Roberts was not present when the meeting was called to order.

Invocation was given by Commissioner Cooksey, which was followed by the Pledge of Allegiance to the Flag.

Vice-Chairman Pendergraph said the purpose of the meeting was to receive citizen input on the County Manager’s FY11-12 Recommended Budget. Vice-Chairman Pendergraph outlined the rules and procedures for conducting the public hearing.

FY11-12 BUDGET PUBLIC HEARING

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to open the public hearing to receive comments on the County Manager’s FY11-12 Recommended Budget.

The following persons spoke and asked the Board to support funding for their respective organization and/or cause:

1. Nancy Hudson, Denise Howard and Dr. Greg Underwood on behalf of Charlotte Community Health Clinic;

Chairman Roberts entered the meeting and assumed chairmanship of the meeting.

2. Chef Ron Ahlert and Dee Taylor on behalf of Community Culinary School of Charlotte;

3. Bill McCoy, Maarten Pennink and Debora Sparks on behalf of Council on Aging.
4. Sue Goodman, Beverly Irby, Dr. Dawkins, Roger Garner and Renee Jones on behalf of **C.W. Williams Health Center**;

* A copy of the C.W. Williams Health Center presentation is on file with the Clerk to the Board. *

5. Molly Shaw, Mario Yates and Summer Barber on behalf of **Communities In Schools**;

6. Rick Phillips on behalf of **Charlotte-Mecklenburg Libraries**;

**Chairman Roberts left the dais and was away until noted in the minutes. Vice-Chairman Pendergraph presided in her absence.**

7. John Davis, Shanekeque Allison and Dana Carpenter representing Friends of CharMeck Library on behalf of **Charlotte-Mecklenburg Libraries**;

8. Elise Staschio, Debbie Ribonstein and Doug Swain representing MeckFuture on behalf of **Charlotte-Mecklenburg Schools**;

9. Pamela Grundy representing Shamrock Gardens PTA on behalf of **Charlotte-Mecklenburg Schools**;

10. Erica Ellis-Stewart on behalf of **Charlotte-Mecklenburg Schools**;

11. Lawrence Shaheen, Jr, spoke in opposition to the **County Manager’s FY11-12 Recommended Budget**;

12. Susan Furtney and Melissa Lovett on behalf of **Physicians Reach Out and Low Cost Clinic**;

13. Katrina Ross on behalf of **Levine Senior Center**;

* A copy of literature distributed by Levine Senior Center is on file with the Clerk to the Board. *

14. Lloyd Scher on behalf of **Charlotte-Mecklenburg Schools**;

**Chairman Roberts returned to the dais and resumed chairmanship of the meeting.**

15. Rona Karacaova on behalf of **Charlotte-Mecklenburg Schools**;

16. Sara Gates on behalf of **Charlotte-Mecklenburg Libraries**;

17. Ann Marie Lloyd spoke in opposition to a **property tax increase**;

18. Charles Haughey representing League of Women Voters on behalf of **Charlotte-Mecklenburg Schools**;

19. Rob Brisley on behalf of the **Park and Recreation Department**;

20. Kevin Strawn on behalf of **Charlotte-Mecklenburg Schools**;

21. Stephanie Ward on behalf of **Charlotte-Mecklenburg Schools**;

22. Mecklenburg County employees, Carol Hickey, Bobby Cobb, Camallous Reid, Sonia Smith, Dorothy Alexander, Jose Pena, Mandy Chong and Amy Michelone in support of the County Manager’s recommended budget which includes **employee merit pay increases**;

23. Lisa Williamson on behalf of **Charlotte-Mecklenburg Schools**;

24. Joni Trobich representing Mecklenburg PTA Council on behalf of **Charlotte-Mecklenburg Schools**;
25. Bob Deaton asked questions about the 2011 property revaluation;
26. Jeff Sinn on behalf of Charlotte-Mecklenburg Schools;
27. Phil Kline on behalf of United Family Services;
28. Ann Marie Obrikat on behalf of Council on Aging;
29. Elaine Powell on behalf of the Park and Recreation Department;
30. William Sykes spoke in opposition to the 2011 property revaluation;
31. Kenneth Kneidel on behalf of the Park and Recreation Department;
32. Dennis Peterson spoke in opposition to the County Manager’s FY 11-12 Recommended Budget;
33. Katie Iverson, on behalf of Charlotte-Mecklenburg Schools;
34. Lori Giang, Mark Stevens and Susan on behalf of MedAssist;
35. Jay Privette spoke in opposition to a tax increase;
36. Chris Moore spoke in opposition to a proposed quarter cent sales tax referendum;
37. Brett Loftis representing Council for Children’s Rights spoke on behalf of Charlotte-Mecklenburg Schools;
38. Dr. Jessica Sacks on behalf of Bright Beginnings;
39. John Maye representing Save Our Schools Initiative on behalf of Charlotte-Mecklenburg Schools;
40. Kelly Stevens on behalf of Charlotte-Mecklenburg Schools;
41. Mary McCray on behalf of Charlotte-Mecklenburg Schools;
42. Pamela Hemphill and Marjorie Tate on behalf of Charlotte-Mecklenburg Schools and Bright Beginnings;
43. Ralphine Caldwell on behalf of The Housing Partnership:

A copy of The Housing Partnership presentation is on file with the Clerk to the Board.
44. Mara Browder spoke in opposition to a tax increase;
45. Patti Iannitti on behalf of Charlotte-Mecklenburg Schools;
46. Mike Love, spoke in opposition to a tax increase;
47. Randolph Frierson on behalf of Charlotte-Mecklenburg Schools;
48. Mecklenburg County employee, Colleen Damon spoke in support of the County Manager’s Recommended Budget as it relates to merit increases for employees;
49. Roy Parker spoke in opposition to a tax increase;
50. George Young in favor of a revenue neutral tax rate;
51. Larry Brackett spoke in opposition to the County Manager’s FY 11-12 Recommended Budget.
This concluded the public hearing with 77 speakers.

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and unanimously with Commissioners Bentley, Clarke, Cooksey, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the County Manager’s FY 11-12 Recommended Budget.

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Janice S. Paige, Clerk        Harold Cogdell, Jr., Chairman
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.
Clerk to the Board Janice S. Paige

Absent: None

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) CHARLOTTE–MECKLENBURG SCHOOLS BUDGET REQUEST

Board of Education Chairman Eric Davis, School Superintendent Dr. Peter Gorman, and Finance Officer Shelia Shirley presented Charlotte-Mecklenburg Schools’ 2011-12 Proposed Budget Request. The following was covered in the presentation:

Academic Accomplishments

Commissioner Cogdell entered the meeting.

- Summary of Reductions 07-08 through 2010-11
- Privatization-Managed Competition- Outsourcing-Consolidation Update
- 2011-12 Proposed Budget

Comments

Commissioner Pendergraph asked about outsourcing Child Nutrition Services. Board of Education Chairman Davis said Child Nutrition services would be explored by the Board of Education’s Privatization Advisory Committee, along with transportation services.

Chairman Davis said both of these areas would require assistance from the state legislature to redirect any of those savings into the classroom. He said child nutrition services funds currently go back into the enterprise fund for child nutrition.

Commissioner Pendergraph asked for clarification on the Per Pupil Trend-Total Dollars information, which was addressed.
Commissioner Pendergraph questioned the need for Teacher Assistants, which was addressed by Dr. Gorman.

Commissioner James asked for clarification on the Prioritized Budget Reductions, specifically teacher positions, which was addressed.

Commissioner James asked for clarification on the replacement of American Recovery and Reinvestment Act (ARRA) funding, which was addressed.

Commissioner James asked for clarification on Bright Beginnings, which was addressed.

Commissioner Cooksey asked about the following, which were addressed.

Impact of charging students for AP Testing – Response: The number of students taking the test went down. Commissioner Cooksey asked to see the numbers.

- Current view of state funding – Response: It will probably be a month before something was known. It’s not expected to be any better than what CMS had estimated.
- Status of the Privatization Advisory Committee – Response: The Board of Education was in the process of making appointments to the committee, which should be concluded by the end of June. It would probably take the committee six months to do its work.
- Fund Balance – Response: Yes CMS had a fund balance. It has ranged from a couple million to $15 – $20 million.
- Drivers of Fund Balance – Response: CMS did not have guidelines like the County. There really was no guidance for school districts about what the level of fund balance should be. Their guidance was around how the funds were to be used, which was driven by 1) the funds should only be used for items that were one-time in nature, 2) set aside funding for emergency situations. CMS does not have the debt service requirement like the County.
- Restoration of positions for the Critical Funding – Response: Those were positions that CMS was planning to cut, but were asking the County to allow them to avoid making those cuts.

Commissioner Cooksey said the whole budgeting process was “backwards” in his opinion.

Commissioner Cooksey said what should be occurring would be for the County and the state to have its funding set, so that CMS would have an idea of what the situation looked like.

Commissioner Bentley noted that in addition to operating dollars, the County provides CMS with debt service funds, replacement of lottery funds, and capital replacement funds. Commissioner Bentley said when you add all of that together under CMS’ proposal, it’s a little over $488 million and under the County Manager’s recommended budget, it’s about $462 million. Commissioner Bentley said that needed to be kept in perspective.

Commissioner Bentley asked about the following, which was addressed.

- How involved was the Board of Education in the development of the budget and were budget workshops held and how many. Response: The process started in October and it was outlined what occurred following that.
- Use of Stimulus funds, which was addressed.
- Is there data available showing the correlation between operating dollars and student achievement? Response: They would report back on this.

Commissioner Leake expressed concern for Bright Beginnings and the closing of schools.

Commissioner Leake asked about the following, which was addressed.
• If the Magnet School program was closed, how much could be saved? **Response: They would report back on this.**
• Clarification regarding an enterprise fund, which was addressed.
• Where are GATES funds being used, which was addressed.
• National Certified Teachers funding, which was addressed.
• How many of the Achievement Zones have been closed and what’s the cost of those zones and are parents going to these areas, which was addressed.

**Commissioner Dunlap** asked for clarification on ARRA funding, which was addressed.

Commissioner Dunlap asked for clarification on prioritization in Tier 4, which was addressed.

Commissioner Dunlap asked about Reserves and why they’re not used for operational funding, which was addressed. *It was noted that the reserves were for emergency purposes, so CMS wouldn’t have to come to the County or it’s used for a one-time need.*

**Commissioner Cogdell** asked for clarification on the Percentage of Schools Making Expected or High Growth on ABCs, which was addressed.

Commissioner Cogdell asked whether CMS had looked at other districts to see how the County’s funding compared to other school districts in the state. **The response was yes.**

**Commissioner Clarke** commented on the achievements made by CMS and the importance of communicating those achievements to the public. Board of Education Chairman Davis said the challenge with dealing with the public’s perception of CMS was that “we live in a divided community” that can’t agree on the definition of a successful school system. Chairman Davis said for some, a successful school system was one that constantly spends less money, year after year on students, fiscal responsibility. He said for others, it was being an integrated school system because that leads to a better education for students; and for others a school system that produces more graduates, more students on grade level, and greater academic programs.

Chairman Davis said as partners in education, (the Board of Education and the County Commission) the challenge was to find common ground on the different perceptions.

**Commissioner Clarke** said he agreed and applauded CMS’ efforts.

Commissioner Clarke asked had CMS received a response from its email that was sent to Mecklenburg State delegation elected from Mecklenburg County on May 19, asking them to not go through with the proposed cuts in state funding to CMS state budget. **The response was not yet.**

**Chairman Davis** said the picture from Raleigh was not hopeful.

**Commissioner Clarke** said when you look at the trend for state funding to CMS, it was very concerning because it appears the state was taking a lesser role, in light of the fact that CMS was a state funded system, with a County supplement.

**Commissioner Dunlap** asked what if the County funds what CMS anticipates the state won’t fund and it turns out that the state funds some of that, would the County receive a rebate or what would CMS do with those funds. *Dr. Gorman said his recommendation to the Board of Education would be to go to the bottom of Tier 4 from last year, which was class size increases at the high school level. The funds would be used to go back to the bottom of the tiers from last year to bring teachers back.*

**Chairman Roberts** asked about School Resource Officers and Per Pupil Funding trend dollars,
which were addressed.

Chairman Roberts thanked Chairman Davis and his staff for their presentation.

This concluded the discussion.

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

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

(2) CENTRAL PIEDMONT COMMUNITY COLLEGE BUDGET REQUEST

Dr. Tony Zeiss, President of Central Piedmont Community College (CPCC), Dr. Kathy Drumm, Vice-President, and Michael Moss, Vice President of Finance and Administrative Services presented CPCC’s 2011-12 Budget Request. The following was covered:

• CPCC’s Values and Challenges
• CPCC’s Missions

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

• CPCC Full Time Equivalent Actual & Projections
• Critical Needs
• Operating Budget Request ($29,311,768)
• County Funding Trend
• County Funding Gap
• Total Funding Cuts Over Three Years
• Capital Reserve Projects Overview
• Capital Construction Needs

Note: A copy of CPCC’s 2010 Performance Report was also distributed.

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

Comments

Commissioner Clarke asked was construction related fields still a major component of CPCC’s curriculum. The response was there’s a construction institute at the Harper Campus and that the current demand was in the areas of construction management skills and welding.

Dr. Zeiss said enrollment in the construction area had leveled off, since construction jobs had leveled off.

Commissioner Clarke asked had CPCC changed its business model in light of the drastic slow down of the construction industry. The response was yes, they make adjustments to what’s being offered based on where the jobs were.

Commissioner Clarke asked about enrollment increases, which was addressed.

Commissioner Cooksey asked about CPCC’s Business Model and how the state budget was going to impact CPCC, which was addressed.

Commissioner Cooksey asked about capital needs, which was addressed.
Commissioner Cooksey said he would like to know, going forward, what the operating costs were for the various capital needs.

County Manager Jones asked had CPCC ever considered leasing space. The response was there was one leased space that’s adjacent to an existing campus. It was noted that having leased space not adjacent to an existing campus poses problems, such as operational and transportation problems, which was why CPCC hadn’t considered leasing to any great degree.

Commissioner Dunlap commented on CPCC’s budget request and the percentage increase from last year. Commissioner Dunlap asked was there an expectation that the County go back and re-fund those things that were cut three years ago. Dr. Zeiss said that was the hope, plus the inflationary cost, but that CPCC did not expect the County to do it in one year.

Commissioner Dunlap commented that there were a lot of students that do not plan to go to college, but still needed some type of skills. Commissioner Dunlap said since CPCC had facilities that CMS didn’t have, and based on some past conversations, what was the status of discussions around establishing a partnership with CMS whereby CPCC could provide the trade skills and training for CMS students. Dr. Zeiss said CPCC had started a series of career academies where students go to their area high school in the morning and in the afternoon go to CPCC.

Dr. Zeiss said there was a law enforcement academy, construction trades academy, motor sports/automotive academy, and they’re trying to develop an energy academy for energy related jobs.

Commissioner Bentley asked what was the County’s percentage of CPCC’s teacher supplement. The response was 8%, which was a drop from 12% in the past.

Commissioner Bentley asked what was the County’s percentage for CMS teacher supplement. Staff said they would report back with an answer.

Commissioner Bentley asked how much had CPCC saved from outsourcing. The response was in the area of security about 30% and those funds were used to obtain more security officers time in order to increase security levels.

Commissioner Bentley asked was the decision to outsource made by Dr. Zeiss or was it the decision of the Board of Trustees. Dr. Zeiss said matters of that nature were taken to the Board of Trustees.

Commissioner Leake commented on Phillip O. Berry High School and the purpose of it when it was built, which she said was to prepare students to be job ready with certain skill sets. She said that had not happened, which was CMS’ responsibility.

This concluded the discussion.

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

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, 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 5:55 p.m.
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 Wednesday, June 1, 2011. 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 Jim Pendergraph
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None

FY 2011 - 2012 BUDGET DELIBERATION

The meeting was called to order by Chairman Roberts.

Chairman Roberts said the purpose of the meeting was to begin the Board’s deliberation on
the County Manager’s FY11-12 Recommended Budget.

Chairman Roberts turned the meeting over to County Manager Jones, who then called on
Budget/Management Director Hyong Yi.

The first matter of business, however, was to go into Closed Session to Consult with Attorney.

CLOSED SESSION

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and
unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Pendergraph, and Roberts voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 5:07 p.m. and came back into Open Session at 5:37 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 is
allowed to make motions.

STRAW VOTES

SALES TAX ADJUSTMENT

Motion was made by Commissioner Pendergraph and carried 6-3 with Commissioners Bentley,
Cooksey, Dunlap, James, Pendergraph, and Roberts voting yes and Commissioners Clarke, Cogdell,
and Leake voting no, to amend the County Manager’s Recommended FY11-12 Budget by adding
$3 million to sales tax, which would result in a decrease in Debt Service (NDP) by $1 million, and the $3 million actually being a $2 million adjustment.

CHARLOTTE MECKLENBURG SCHOOLS OPERATIONS FUNDING

Motion was made by Chairman Roberts and failed 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, and Pendergraph voting no and Commissioners Dunlap and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing Charlotte Mecklenburg Schools Operations funding by $14 million.

Motion was made by Chairman Roberts and failed 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, and Pendergraph voting no and Commissioners Dunlap and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing Charlotte Mecklenburg Schools Operations funding by $38 million.

Motion was made by Commissioner Bentley and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, Cooksey, James and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by decreasing Charlotte Mecklenburg Schools Operations funding by $10,687,041.

Motion was made by Commissioner Dunlap and failed 6-3 with Commissioners Bentley, Clarke, Cooksey, James, Leake and Pendergraph voting no and Commissioners Cogdell, Dunlap, and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by decreasing Charlotte Mecklenburg Schools Operations funding by $1,661,000.

COUNTY MANAGER’S RECOMMENDED BUDGET

Motion was made by Commissioner Clarke, but no action was taken, to approve the County Manager’s Recommended Budget for FY2011-2012 as presented. (Note: Action was not taken, since other Commissioners indicated that they had additional suggested amendments.)

CENTRAL PIEDMONT COMMUNITY COLLEGE

Motion was made by Commissioner Dunlap and failed 6-3 Commissioners Bentley, Clarke, Cooksey, James, Leake and Pendergraph voting no, and Commissioners Dunlap, Cogdell, and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing Central Piedmont Community College Operations funding by $1 million.

Commissioner Leake left the meeting and was absent until noted in the minutes.

100 BLACK MEN OF CHARLOTTE MENTORING (OSA)

Motion was made by Commissioner Pendergraph and failed 4-4 with Commissioners Bentley, Cooksey, James, and Pendergraph voting yes and Commissioners Clarke, Cogdell, Dunlap, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by deleting funding for the 100 Black Men of Charlotte Mentoring (OSA).

Commissioner Leake returned to the meeting.
JUNE 1, 2011

ARTS & SCIENCE COUNCIL NATIONAL CENTER FOR ARTS & TECHNOLOGY (OSA)

Motion was made by Commissioner Cooksey and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by deleting funding for Arts & Science Council National Center for Arts & Technology (OSA).

Motion was made by Commissioner Cogdell and carried 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph voting yes and Commissioners Clarke, Dunlap, Leake, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for Arts & Science Council National Center for Arts & Technology (OSA) by $300,000.

YMCA STARFISH ACADEMY (OSA)

Motion was made by Commissioner Pendergraph carried 5-4 with Commissioners Bentley, Cooksey, James, Leake, and Pendergraph voting yes and Commissioners Clarke, Cogdell, Dunlap, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for YMCA STARFISH ACADEMY (OSA) by $78,000.

EMPLOYMENT SERVICE RESOURCE CENTER (CSS)

Motion was made by Commissioner Bentley and failed 5-4 with Commissioners Clarke, Cooksey, Dunlap, Leake, and Roberts voting no, and Commissioners Bentley, Cogdell, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by decreasing Employment Service Resource Center (CSS) funding by $45,330.

Commissioner Pendergraph asked that the Board delete funding for the following Outside Agency Programs: Community Culinary School, Senior Centers-Job Training, The Center for Community Transitions LifeWorks, Urban League of Central Carolinas-Job Training, and the Latin American Coalition. The Board voted on each program separately as noted below.

COMMUNITY CULINARY SCHOOL (OSA)

Motion was made by Commissioner Pendergraph and carried 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph voting yes and Commissioners Clarke, Dunlap, Leake, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by deleting the funding for Community Culinary School (OSA).

Commissioner Pendergraph left the meeting and was absent until noted in the minutes.

Note: The Board moved forward with voting on Commissioner Pendergraph’s motions in his absence.

SENIOR CENTERS JOB TRAINING (OSA)

Motion was made by Commissioner Pendergraph and failed 5-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, to amend the County Manager’s Recommended FY11-12 Budget by deleting the funding for Senior Centers – Job Training (OSA).

Commissioner Pendergraph returned to the meeting.

THE CENTER FOR COMMUNITY TRANSITIONS LIFEWORKS

3
Motion was made by Commissioner Pendergraph and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no, and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by deleting the funding for The Center for Community Transitions LifeWorks.

URBAN LEAGUE OF CENTRAL CAROLINAS-JOB TRAINING

Motion was made by Commissioner Pendergraph and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no, and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by deleting the funding for Urban League of Central Carolinas-Job Training.

LATIN AMERICAN COALITION

Motion was made by Commissioner Pendergraph and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no, and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by deleting the funding for Latin American Coalition.

CRVA CIAA TOURNAMENT (OSA)

Motion was made by Commissioner Pendergraph and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no, and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by deleting the funding for CRVA CIAA Tournament.

NEXTEL NASCAR ALLSTAR EVENT

Motion was made by Commissioner Pendergraph and carried 7-2 with Commissioners Bentley, Cogdell, Cooksey, Leake, James, Pendergraph and Roberts voting yes and Commissioners Clarke and Dunlap voting no, to amend the County Manager’s Recommended FY11-12 Budget by deleting the funding for Nextel NASCAR Allstar Event.

COMMUNICABLE DISEASE (HLT)

Motion was made by Commissioner Pendergraph and carried 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph voting yes and Commissioners Clarke, Dunlap, Leake, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for Communicable Disease (HLT) by $80,964.

CHILDCARE SERVICES (DSS)

Motion was made by Commissioner Bentley to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for Childcare Services (DSS) by $326,357, but was withdrawn after receiving additional information regarding the program.

GENERAL ASSISTANCE (DSS)

Motion was made by Commissioner Pendergraph and carried 5-4 with Commissioners Bentley,
JUNE 1, 2011

Cogdell, Cooksey, James, and Pendergraph voting yes and Commissioners Clarke, Dunlap, Leake, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for the Department of Social Services by $2 million with the location of the reductions being left to the County Manager’s discretion.

Note: Commissioner Cogdell’s initially said he wanted to reduce funding for General Assistance, but as indicated in the above motion, he changed it to the Department of Social Services budget as a whole.

MEDASSIST OF MECKLENBURG (OSA)

Motion was made by Commissioner Dunlap and carried 5-4 with Commissioners Bentley, Clarke, Dunlap, Leake, and Roberts voting yes and Commissioners Cogdell, Cooksey, James and Pendergraph voting no, to amend the County Manager’s Recommended FY11-12 Budget by increasing funding for MEDASSIST of Mecklenburg (OSA) by $87,500.

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

INDIGENT CARE (HSP)

Motion was made by Commissioner Clarke and failed 7-1 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting no and Commissioner Clarke voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing funding for Indigent Care by $5.35 million.

Note: Commissioner Clarke said he made the above motion because he felt the County should phase out funding for indigent care, rather than all at once.

Commissioner Cooksey returned.

PUBLIC ASSISTANCE (DSS)

Motion was made by Commissioner Pendergraph to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for Public Assistance (DSS) by $2,656,839, but was withdrawn after receiving additional information regarding the program.

OTHER POST EMPLOYMENT BENEFITS (HRS)

Motion was made by Commissioner Pendergraph and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for Other Post Employment Benefits (HRS) by $2 million.

EMPLOYEE LEARNING SERVICES (HRS)

Motion was made by Commissioner Pendergraph and carried 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph voting yes and Commissioners Clarke, Dunlap, Leake, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for Employee Learning Services (HRS) by $2 million.

401K/457B CONTRIBUTION (NDP)

Motion was made by Commissioner Bentley and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no, with Commissioners Bentley, Cooksey, James, and
Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for 401K/457B Contribution by $2.5 million.

Motion was made by Commissioner Clarke and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Pendergraph, and Roberts voting yes, and Commissioners Dunlap and Leake voting no, to amend the County Manager’s Recommended FY11-12 Budget by decreasing funding for 401K/457B Contribution by $1.8 million.

DETENTION SERVICES (SHF)

Motion was made by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by reducing funding for Detention Services by $2 million.

Note: Commissioner Pendergraph said he was made the above motion as a result of Sheriff Bailey being able to successfully negotiate an agreement with the Federal Government regarding the housing of federal inmates, which resulted in a savings in County dollars. Thanks was expressed to Sheriff Bailey.

Note: Director Yi informed the Board that per action taken with respect to the 401K/457B Contribution, that an adjustment would be made likewise for Library employees, in order to be consistent with what’s done for County employees.

Note: Commissioner James requested that in preparation for FY13 budget, that information be provided regarding options for reducing the County’s contribution to Retiree Medical Insurance.

COMMISSIONERS

Motion was made by Commissioner Cooksey to decrease funding for Commissioners by $46,086 but was withdrawn after further discussion.

EMPLOYEE RESOURCE MANAGEMENT CATEGORY

Motion was made by Commissioner Cogdell and carried 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, and Pendergraph voting yes and Commissioners Clarke, Dunlap, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by reducing funding for the Employee Resource Management Category by 1% with the County Manager having the discretion as to where the reductions should take place.

RESERVES - TECHNOLOGY, CAPITAL, VEHICLE

Motion was made by Commissioner Cooksey and carried 8-1 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes and Commissioner Clarke voting no, to amend the County Manager’s Recommended FY11-12 Budget by reducing funding for the Reserves (Technology, Capital, and Vehicle) by $2.75 million with the County Manager having the discretion as to where the reductions should take place.

LEGAL SERVICES (SHF)

Motion was made by Commissioner Cooksey and carried 7-2 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Pendergraph, and Roberts voting yes and Commissioners Clarke and Leake voting no, to amend the County Manager’s Recommended FY11-12 Budget by reducing
Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and failed 5-4, with Commissioners Bentley, Cogdell, James, Pendergraph, and Roberts voting no and Commissioners Clarke, Cooksey, Dunlap, and Leake voting yes, to recess the meeting until Thursday, June 2, 2011 at 4:00 (dinner) – 5:00 p.m. (budget deliberation).

PUBLIC INFORMATION (LIB)

Motion was made by Commissioner Pendergraph and failed 6-3 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting no and Commissioners Leake, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by reducing funding for Public Information (LIB) by $197,396.

DV VICTIM SERVICES (CSS)

Motion was made by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing funding for DV Victim Services (CSS) by $15,000.

HOMELESS SUPPORT SERVICES

Motion was made by Commissioner Bentley to amend the County Manager’s Recommended FY11-12 Budget by reducing funding for Homeless Support Services by $426,936 but was withdrawn after receiving additional information regarding the program.

DETENTION SERVICES

Motion was made by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing funding for Detention Services by $130,000.

RECESS

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, that the meeting be recessed at 10:03 p.m. and reconvened at 4:00 p.m. (dinner) and 5:00 p.m. (budget deliberations) on Thursday, June 2, 2011 in the same location.
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 2, 2011. 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 Jim Pendergraph
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None

FY 2011 - 2012 BUDGET DELIBERATION

The meeting was called to order by Chairman Roberts.

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

Chairman Roberts said the purpose of the meeting was to continue the Board's deliberation on the County Manager’s FY11-12 Recommended Budget.

Director Yi gave an overview of the budget session held Wednesday, June 1, 2011.

Commissioner Dunlap entered the meeting.

Director Yi asked the Board to consider placing $500,000 back in Reserves, in order to complete some much needed capital projects (HVAC).

Director Yi asked the Board to confirm its action from the first session with respect to the reduction in the Employee Resource Management Category of 1% with the County Manager having the discretion as to where the reductions should take place.

Commissioner Cogdell, the maker of that motion, said that was the intent and the Board concurred.
STRAW VOTES

Note: During the Straw Votes process, seconds are not necessary for a motion to be considered. Also, the Chairman is allowed to make motions.

EMPLOYEE RESOURCE MANAGEMENT CATEGORY

Motion was made by Commissioner Dunlap and failed 8-1 with Commissioners Bentley, Clarke, Cooksey, Cogdell, James, Leake, Pendergraph, and Roberts voting no, and Commissioner Dunlap voting yes, to direct the County Manager to exclude Unrestricted Contingency, which falls under the Employee Resource Management Category, when considering potential cuts to this category.

COMMUNICABLE DISEASE

Director Yi asked the Board to reconsider its action from the first budget session by restoring the funding that was removed from Communicable Disease in the amount of $80,964. Director Yi explained that staff mistakenly provided incorrect information at the previous session regarding the impact of this reduction.

Motion was made by Commissioner Bentley and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, and Commissioner Cooksey voting no, to place $80,964 back into the Communicable Disease line item.

PUBLIC LIBRARY SERVICES

Motion was made by Commissioner Bentley to amend the County Manager’s Recommended FY11-12 Budget by decreasing Public Library Services by $1 million and placing that $1 million in Restricted Contingency to be released for Public Library Services upon the Board’s and the County Manager’s acceptance of the Library’s organizational restructuring plan, particularly, of its top management, but was withdrawn after receiving additional information from Library officials and feedback from the County Manager.

CAPITAL RESERVE (NDP)

Motion was made by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James and Pendergraph voting no, to amend the County Manager’s Recommended FY11-12 Budget by increasing Capital Reserves by $500,000.

CAROLINA HEALTHCARE SYSTEMS CONTRACT (HLT)

Motion was made by Commissioner Pendergraph and carried 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, and Pendergraph voting yes and Commissioners Clarke, Dunlap, and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by decreasing the Carolina Healthcare Systems Contract (HLT) by $500,000.

Note: Originally the amount was $1,499,016 but was amended to $500,000.

Note: Commissioner Cogdell asked prior to the above vote, whether any consideration had been given to providing this service in-house and/or with other healthcare providers. The response was no.
CW WILLIAMS HEALTHCARE FOR HOMELESS INITIATIVE (OSA)

Motion was made by Commissioner Leake and carried 6-3 Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Roberts voting yes and Commissioners Cooksey, James, and Pendergraph voting no, to amend the County Manager’s Recommended FY11-12 Budget by increasing CW Williams Healthcare for Homeless Initiative funding by $110,000.

Note: Originally the amount requested was $2000, however, Commissioner Cogdell offered a friendly amendment to change it to $110,000, which Commissioner Leake accepted.

CHARLOTTE COMMUNITY HEALTH CLINIC

Motion was made by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Leake voting yes and Commissioners Pendergraph and Roberts voting no, to amend the County Manager’s Recommended FY11-12 Budget by increasing Charlotte Community Health Clinic funding by $100,000.

ADULT SUBSTANCE ABUSE TREATMENT

Motion was made by Commissioner Pendergraph to amend the County Manager’s Recommended FY11-12 Budget by reducing funding for Adult Substance Abuse Treatment by 20%, but was withdrawn after receiving additional information regarding the impact of the reduction.

DRUG TREATMENT COURT (CJS)

Motion was made by Commissioner Cogdell 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 County Manager’s Recommended FY11-12 Budget by increasing Drug Treatment Court (CJS) funding by $623,000.

Note: Originally the amount requested was $500,000 but Commissioner Dunlap offered a friendly amendment to change it to $623,000, which Commissioner Cogdell accepted.

PARK OPERATIONS (PRK)

Motion was made by Commissioner Leake and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, and Commissioners Cooksey, James, and Pendergraph voting no, to amend the County Manager’s Recommended FY11-12 Budget by increasing Park Operations funding by $2 million, to be used in areas to be determined by the Director of Park and Recreation.

WTVI

Motion was made by Commissioner Dunlap and failed 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, and Pendergraph voting no and Commissioners Clarke, Dunlap, and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by adding funding for WTVI in the amount of $500,000 for maintenance of equipment.
CENTRAL PIEDMONT COMMUNITY COLLEGE OPERATIONS FUNDING

Motion was made by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing funding for Central Piedmont Community College Operations by $500,000.

CHARLOTTE MECKLENBURG SCHOOLS OPERATIONAL FUNDING

Motion was made by Commissioner Bentley and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no, with Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to amend the County Manager’s Recommended FY11-12 Budget by decreasing Charlotte Mecklenburg Schools Operational Funding by $10,687,041.

Motion was made by Commissioner Cogdell and failed 6-3 with Commissioners Bentley, Clarke, Cooksey, Dunlap, and Pendergraph voting no, and Commissioners Cogdell, Dunlap, and Roberts voting yes, to amend the County Manager’s Recommended FY11-12 Budget by increasing Charlotte Mecklenburg Schools Operational Funding by $4 million.

CHARLOTTE MECKLENBURG COUNCIL ON AGING

Motion was made by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, and Commissioners Bentley, Cooksey, James, and Pendergraph voting no, to amend the County Manager’s Recommended FY11-12 Budget by funding the Charlotte Mecklenburg Council on Aging FY 2012 in the amount of $60,000 and FY2013 in the amount of 30,000, which would be a phase out of their funding.

PREVENTION/WELLNESS (HLT) AIDS EDUCATION

Motion was made by Commissioner Leake and carried 6-3 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, and Commissioners Bentley, James, and Pendergraph voting no, to amend the County Manager’s Recommended FY11-12 Budget by increasing funding for AIDS education via the Health Department Prevention/Wellness in the amount of $10,000.

BUDGET ORDINANCE DIRECTIVE

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 6-3 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, and Roberts voting yes and Commissioners Clarke, Cooksey, and Dunlap voting no, to direct staff to prepare a budget ordinance for the Board’s consideration on June 7, 2011 based on actions taken on June 1st and June 2nd, 2011 which would result in a tax rate of 81.66 cents.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley 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 8:48 p.m.

Janice S. Paige, Clerk
Jennifer Roberts, Chairman
JUNE 7, 2011

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, June 7, 2011.

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

- 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 15, 17, 18, 19, 20, 21, 22, 27, 29, 31, 33, and 34.

(2) STAFF BRIEFINGS - BALLANTYNE TAX INCREMENT GRANT

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to receive a request from Bissell Companies for a Tax Increment Grant for transportation upgrades in and around Ballantyne Corporate Center and refer to the Board’s Economic Development Committee for further study, refinement and recommendation to the Board.

Note: This project involves the construction of various road improvements in the Ballantyne area to allow for additional development planned in Ballantyne Corporate Center, and to improve traffic flow in the area. The work includes improvements to Ballantyne Commons Parkway, John J. Delaney Drive and connecting two segments of North Community House Road via a new bridge over I-485. The total cost is estimated to be $11 million, which would be paid for by Bissell Companies. The request is for the City and County to provide a Tax Increment Grant to Bissell to reimburse the cost of the work.

Ned Curran, President of Bissell Companies, presented the request. He was introduced by Economic Development Director John Allen.

A copy of the proposal is on file with the Clerk to the Board.
JUNE 7, 2011

Comments prior to the above vote:

Commissioner James asked Mr. Curran when would Bissell like a response back from the County. The response was September.

Commissioner James said he'd like to know more about the rate of return, if it's reasonable and should it be included in the calculation.

Commissioner Clarke asked Mr. Curran what kind of development do they expect the road improvements to stimulate, which was addressed.

Commissioner Clarke asked was there more land to be developed. The response was yes.

Commissioner Cooksey asked for clarification regarding the TIF, which was addressed.

Commissioner Cooksey said he'd like the Economic Development Committee to take a look at the proforma.

(3A, B) CLOSED SESSION – LAND ACQUISITION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Property located at 1727 Providence Road (Tax Parcel 15512301)
- Trina Armstrong v. Mecklenburg County.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph 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 5:45 p.m. and came back into Open Session at 5:59 p.m.

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

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

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Sheila Neisler extended an invitation to the Board and the public to participate in 20th Anniversary Celebration of The Roasting Company, June 19-25, 2011. 20% of the Roasting Company’s dinner sales will go to the Harvest Center of Charlotte. The Harvest Center of
Charlotte is a faith-based non-profit which serves low income families, at-risk youth and homeless individuals in the community.

Jeanie Welch extended an invitation to the Board and the public to participate in the Annual Hickory Grove Independence Day parade and celebration, Monday, July 4, 2011.

Bob Deaton addressed revaluation. Mr. Deaton read a letter that was provided to the Board from him dated June 6, 2011. In the letter, Mr. Deaton questioned the adoption of next year’s budget when many property owners have not gone through the appeals process. Mr. Deaton also requested records pertaining to the inspection of his home for revaluation purposes.

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

**APPOINTMENTS**

(3A) **NOMINATIONS/APPOINTMENTS**

**ALCOHOLIC BEVERAGE CONTROL BOARD**

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 reappoint Angeles Ortega-Moore to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2014 as recommended by the Board’s Ad Hoc Appointment Committee.

*Note: The other nominees were James Ross and John Rumball.*

**CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to appoint Wilhelmenia Rembert to the Central Piedmont Community College Board of Trustees for a four-year term expiring June 30, 2015 as recommended by the Board’s Ad Hoc Appointment Committee.

*Note: She is replacing Roni-Marzetta Jones.*

*Note: The other nominees were Danmon Gregory and Wendy Jamison. James Gulley was nominated but asked that his name be removed from consideration.*

**CITIZEN’S TRANSIT ADVISORY GROUP**

The vote was taken on the following nominees for appointment to the Citizen’s Transit Advisory Group:

Robert Watson

Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts

*Voting Ceased*

Rodney Conklin

Danmon Gregory

Chairman Roberts announced the appointment of Robert Watson to the Citizen’s Transit Advisory Group for a two-year term expiring June 30, 2013.
PUBLIC BROADCASTING AUTHORITY

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 appoint Dee Dixon to the Public Broadcasting Authority to fill an unexpired term expiring June 30, 2011 and a three-year term effective July 1, 2011 expiring June 30, 2014 and Jonathan Pullin for a three-year term expiring June 30, 2014.

Note: They replace Mike Boggs and Hattie Leeper.

Note: The other nominee was Tabitha Barwell.

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

(3B) BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Robert Flowe to the Board of Equalization and Review for a three-year term expiring June 30, 2014 as recommended by the Board’s Ad Hoc Appointment Committee.

Note: He is replacing Gregory Lee.

Commissioner Cooksey returned to the dais.

(4) PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

(5A) CHARLOTTE-MECKLENBURG COALITION FOR HOUSING

The Board received a report on the progress of the Charlotte-Mecklenburg Coalition for Housing and its FY12 strategic plan.

Mike Rizer, Chair of the Charlotte-Mecklenburg Coalition of Housing, gave the report.

Note: The Charlotte-Mecklenburg Coalition for Housing has been charged with reporting to the Board of Commissioners the progress made in implementing the Charlotte-Mecklenburg Ten Year Plan to End and Prevent Homelessness.

Chairman Roberts thanked Mr. Rizer for the report.

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

MANAGER’S REPORT

(6A) AMENDMENT – LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE – LAND DEVELOPMENT
Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the LUESA Fee Ordinance to reflect new and revised fees for Land Development.

Dave Canaan, Director of Storm Water Management addressed this matter, prior to the above vote.

*Ordinance recorded in full in Minute Book 45-A Document #______.*

### (6B) OPERATING BUDGET AND WORK PROGRAM FOR FY 2011-2012

County Manager Jones and Budget/Management Director Hyong Yi presented the proposed operating budget and work program for FY 2011-2012 based on the straw votes taken by the Board on June 1 and 2, 2011. 

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2011-2012 and Work Program, which reflects a property tax rate of 81.66 cents per one hundred dollars of assessed valuation of taxable property and a Law Enforcement Service District tax rate of 18.66 cents.

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, to increase funding in the FY11-12 budget for the YMCA Starfish Academy in the amount of $78,000. Secondly, to reduce funding in the FY11-12 budget for the Sheriff’s Office by $78,000.

*Note: Commissioner Bentley said the above motion would not change the budget ordinance prepared by staff.*

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, Cooksey, James, and Pendergraph voting yes, to defer adoption of the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2011-2012 and Work Program until the June 21, 2011 meeting; and that the County Manager be directed to come back to the Board with a revenue neutral budget with a tax rate of 78.83 cents.

The vote was then taken on the original motion as noted below.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Pendergraph voting no, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2011-2012 and Work Program, which reflects a property tax rate of 81.66 cents per one hundred dollars of assessed valuation of taxable property and a Law Enforcement Service District tax rate of 18.66 cents.

### (6C) OUTSOURCING ASSESSMENT – CMS, CPCC, PUBLIC LIBRARY

The Board received information, via the County Manager, from CMS, CPCC and the Public Library in response to the request made by the Board regarding outsourcing.

*A copy of the report is on file with the Clerk to the Board.*
(6D) CITY/COUNTY COOPERATION AND ASSISTANCE AGREEMENT ABOUT DEMOCRATIC NATIONAL CONVENTION

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a resolution approving the Cooperation and Assistance Agreement with the City of Charlotte about Code Enforcement expedited review, inspection and approval of construction work at Time Warner Cable Arena preparing it for the Democratic National Convention and authorizing its execution.

Dan Murrey, former County Commissioner, addressed the request, prior to the above vote.

Note: The City has entered into agreements for the Democratic National Convention (DNC) to use the Time Warner Cable Arena. One of those agreements provides that the City will expedite the review and approval process for all permits, variances, licenses and approvals required in connection with the construction work at the Arena so as to permit the construction work to be completed in accordance with the schedules and deadlines set forth in or contemplated by the agreements. The Cooperation and Assistance Agreement does not require that the County provide any funds to support this work, or that any of the normal fees charged by the Code Enforcement Department be waived, it merely agrees to cooperate in assisting the City in meeting deadlines for work to be performed by the Code Enforcement Department in enforcing the Building Code and to provide such reasonable assistance, consistent with budgeted funds, as may be needed from time to time to enable the City to meet its other obligations under the DNC Agreement where such assistance is needed with respect to issues where the County has some authority or responsibility.

Resolution recorded in full in Minute Book 45-A Document # ________.

(6E) RESOLUTION CONCERNING SB578

Assistant to the County Manager Brian Francis addressed SB 578, “An Act to Facilitate the Transfer of Beds From a State Psychiatric Hospital to a Community Facility Within Certain LMES.”

Note: The act states: The Secretary of the Department of Health and Human Services may transfer beds from a State psychiatric hospital to a community facility pursuant to the State Medical Facilities Plan Policy PSY-1 without a written memorandum of agreement between the local management entity serving the county where the beds are to be located and the facility submitting the proposal if all of the following conditions are met.....

The Charlotte Hospital Authority wants to build a facility in Mecklenburg County.

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 adopt a resolution opposing SB 578, “An Act to Facilitate the Transfer of Beds From a State Psychiatric Hospital to a Community Facility Within Certain LMES.”

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION OPPOSING SB 578

WHEREAS, The Charlotte-Mecklenburg Hospital Authority is seeking the approval of forty four (44) new psychiatric hospital beds for the construction of a new facility in Mecklenburg County; and

WHEREAS, With respect to the residential facilities for the mentally ill, the General Assembly of
North Carolina has found “That the proliferation of residential treatment facilities results in costly duplication and underuse of facilities and may result in lower quality service” (GS 122C-23.1(3)); and

WHEREAS, The General Assembly of North Carolina has further found “That it is necessary to protect the general welfare and lives, health, and property of the people of the State for the local management entity (LME) to verify that additional beds are needed in the LME’s catchment area before new residential treatment facilities are licensed” (GS 122C-23.1(5)); and

WHEREAS, The Mecklenburg County Board of Commissioners has assumed the duties of the Area Mental Health, Developmental Disabilities, and Substance Abuse Area Board under a consolidated Human Services Board, and therefore is also the LME for Mecklenburg County; and

WHEREAS, Mecklenburg County has requested additional information from the Charlotte-Mecklenburg Hospital Authority in order to meet its statutory obligation to evaluate The Charlotte-Mecklenburg Hospital Authority’s application for a license for the proposed new facility; and

WHEREAS, as of the date of this Resolution, The Charlotte-Mecklenburg Hospital Authority has not provided the requested information; and

WHEREAS, The Charlotte-Mecklenburg Hospital Authority has sought legislative authority to receive permission to build additional psychiatric beds without approval from Mecklenburg County; and

WHEREAS, The Mecklenburg Board of County Commissioners believes that in the best interest of meeting the psychiatric treatment needs of the residents of Mecklenburg County, full transparency and good faith communication from all involved parties must occur prior to the authorization of additional psychiatric beds; now therefore, be it

RESOLVED that the Mecklenburg Board of County Commissioners opposes Senate Bill 578 (Edition 2) and any other legislation that repeals the provisions of 122C-23.1, or otherwise authorizes issuance of a license for the additional 44 psychiatric beds without support from Mecklenburg County; and be it

FURTHER RESOLVED that a copy of this resolution be sent to the Speaker of the North Carolina House of Representatives, the President Pro Tempore of the Senate, the Mecklenburg County legislative delegation, and the bill sponsor.

Resolution recorded in full in Minute Book 45-A, Document # ______.

STAFF REPORTS AND REQUESTS

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

(7A) SOLID WASTE DISPOSAL OPTIONS

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

1) Rescind authorization for the Developer of the ReVenture Project to include the County’s Foxhole Landfill as the receiving landfill for residuals and by-pass waste in their Solid Waste Permit Application.

2) Rescind authorization to appropriate $100,000 from the Solid Waste Enterprise Fund Balance to the FY 2011 Operating Budget for the purpose of performing an expert technical evaluation of the ReVenture Project.

3) Confirm staff recommendation to discontinue negotiations with the developer of the ReVenture Project for its use as a long-term disposal option for the County’s residential waste.
JUNE 7, 2011

4) Confirm staff recommendation to continue negotiations with the Republic Speedway Landfill for a multi-year extension to the current landfill agreement.

Director of Solid Waste Bruce Gledhill addressed this matter prior to the above vote.

Comments prior to the above vote:

Commissioner Clarke said the action taken by the Board, should not be interpreted as the Board’s intent to forever take the Foxhole landfill off the table for future consideration for the disposal of municipal solid waste.

Director Gledhill concurred with Commissioner Clarke’s statement. He said there may come a need at some point in the future for the County to direct residential solid waste to the Foxhole landfill.

Commissioner Clarke said staff should make sure the public is aware of this fact and that it should be stated in a public document.

Commissioner Pendergraph said he concurred with Commissioner Clarke.

Commissioner James said the residents in the area of the Foxhole landfill need to be kept involved and informed.

(3A) CLOSED SESSION LAND ACQUISITION HAZARD MITIGATION PROGRAM-FLOODPLAIN ACQUISITION & LEASE – DORE ACADEMY

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

1. Accept the “Offer of Sale and Agreement of Purchase and Sale of Real Estate” from Dore Academy, Inc., owner of property at 1727 Providence Road (Tax Parcel 15512301) for $1,525,000. A condition of the sale is that the facility be leased to Dore Academy and that they maintain at least $2 million of commercial general liability insurance.

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 45-A, Document #______.*

(8) COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s).

(9) APPROVAL OF MINUTES

(10) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate insurance reimbursement funds in the amount of $761 for Real Estate Services and $1,991 for Park and Recreation.

Note: All reimbursements are for stolen and damaged items.

(11) TAX REFUNDS

Approve refunds in the amount of $614,597.46 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) REPORT OF SETTLEMENT OF LAWSUIT

Receive as information that CLIFTON G. SETTLEMYER and DAWN D. BALLenger, ELI BAXTER SPRINGS, IV, and the HISTORIC ELIZABETH NEIGHBORHOOD FOUNDATION, INC (Plaintiffs) vs. MECKLENBURG COUNTY, THE CITY OF CHARLOTTE, and THE TRUSTEES OF CENTRAL PIEDMONT COMMUNITY COLLEGE (Defendants) has been settled by Consent Judgment.

The Consent Judgment and Memorandum of Understanding is recorded in Minute Book 45-A, Documents # _____ & _____.

(13) RESOLUTION/MAP APPROVAL – CHARLOTTE RURAL FIRE DISTRICT

Approve Charlotte Rural Fire District Map and Resolution.

Resolution recorded in full in Minute Book 45-A Document # ________.

(14) SET PUBLIC HEARING – STORM WATER FEE – TOWN OF DAVIDSON’S MINOR SYSTEM RATES

Set a public hearing for 6:30 p.m. on June 21, 2011 on proposed changes in the Minor System component of the Town of Davidson’s Storm Water fee.

(16) SET PUBLIC HEARING – ABANDONMENT OF RIGHT-OF-WAY FOR FORMER FAYETTE ROAD

Set a public hearing for July 12, 2011 to hear citizens comments with respect to the abandonment of the right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950); and adopt a Resolution declaring intent to abandon.

Resolution recorded in full in Minute Book 45-A Document # ________.
(23) **AQUATIC CENTER HVAC REPLACEMENT – EQUIPMENT PURCHASE**

Award a contract to Hahn Mason in the amount of $472,920 for dehumidification equipment for the Heating, Ventilation, and Air Conditioning (HVAC) replacement at the Mecklenburg County Aquatic Center.

(24) **CONSOLIDATED AQUATICS CAPITAL RESERVE REQUEST – PARK AND RECREATION**

Authorize and appropriate a capital expenditure of $41,800 from the Consolidated Aquatics Capital Reserve Account to fund the following:

1) Replace the diving board and diving stand at the Cordelia Pool - $15,000.

2) Replace two pool vacuum systems with poles and battery rechargers at the Double Oaks and Cordelia Pools - $3,400.

3) Replace five televisions at Ray’s Splash Planet in the lobby, classroom, and fitness areas – $4,000.

4) Install window tinting at the front of Ray’s Splash Planet - $5,000.

5) Replace the elliptical fitness machine at the Mecklenburg County Aquatic Center - $4,400.

6) Resurface two diving boards at the Mecklenburg County Aquatic Center - $4,000.

7) Replace the electronic starting system component and two touch pads at the Mecklenburg County Aquatic Center - $6,000.

(25) **GRANT APPLICATION – CATAWBA-WATEREE HABITAT ENHANCEMENT – PARK AND RECREATION**

1) Approve submission of application for two Catawba-Wateree Habitat Enhancement Grants.

2) Recognize, receive and appropriate funds if grants are awarded.

*Note: The Park and Recreation Department will be submitting two grant applications. The first is to provide funds to assist with potential land purchases in the Mountain Island Lake/Catawba River area for wildlife habitat and watershed protection. The second application would fund the purchase of habitat management equipment to better manage natural areas within county nature preserve properties adjacent to the Catawba River and to control invasive species.*

(26) **CAROLINA THREAD TRAIL GRANT – PARK AND RECREATION**

Recognize, receive and appropriate $35,000 from a Carolina Thread Trail grant for construction of a natural surface trail and associated amenities at the West Branch Nature Preserve.

(28) **CONTRACT EXTENSION – COUNTYWIDE RADIO EQUIPMENT**

Approve a contract extension with Motorola Solutions, Inc. from May 16, 2011 through November 30, 2011, for unit price purchases of Radio Equipment in an estimated amount of $635,000.
(30) SOLE SOURCE PURCHASE – PHASE II DISTRICT ATTORNEY OFFICE EXPANSION

Authorize the County to specify equipment and services from Delta (HVAC) Heating Ventilating and Air Conditioning Controls as a sole source purchase to complete the Phase II DA Expansion and interface with the current Delta Controls at the Mecklenburg County Historic Courthouse as authorized by G.S. 143-129 (e)(6)(iii).

(32) SOLE SOURCE PURCHASE – STORM WATER SERVICES – WATER QUALITY PROGRAM

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.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(15) SET PUBLIC HEARING – STREET NAME CHANGE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to set a public hearing for 6:30 p.m. on June 21, 2011 to hear comments from citizens on the request to change the name of a section of Dixie River Road and Sandhaven Way to Shopton Road.

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

(17) CARRY FORWARD OF FUNDS – CHILD SUPPORT ENFORCEMENT FILES MANAGEMENT AND DOCUMENT IMAGING PROJECT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the carry forward to FY12 of funds remaining at June 30, 2010 for completion of the files management and document imaging project in the Child Support Enforcement Division.

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

(18) CARRY FORWARD OF FUNDS – LUESA – OXFORDSHIRE PHASE 3 & 4

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to carry forward remaining funds for subdivision improvements to Oxfordshire Phase 3, Maps 1 & 2 and Phase 4, Map 1 from FY11 to FY12.

Note: Funds have been received due to the default of a bond obligation for completion of the Town of Mint Hill’s subdivision requirements in Oxfordshire Phase 3, Maps 1 & 2 and Phase 4, Map 1. Letters of credit were provided by H C Grimmer Development Company, LLC for completion of these improvements in 2004. Mecklenburg County staff determined the
developer was in default of the bond obligation due to the work not being completed. The funds received by the County will be used to complete the subdivision improvements required by the Town’s Subdivision Ordinance.

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

(19) CARRY FORWARD OF FUNDS – LUESA – CROSSWIND VILLAGE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to carry forward remaining funds for subdivision improvements to Crosswinds Village Phase 2, Map 1 from FY11 to FY12.

Note: Funds have been received due to the default of a bond obligation for completion of subdivision requirements in Crosswinds Village 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. Mecklenburg County staff determined the developer was in default of the bond obligation due to work not being completed. The funds received by the County will be used to complete the subdivision improvements required by the Town’s Subdivision Ordinance.

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

(20) CARRY FORWARD OF FUNDS – UNSPENT VENDING FUNDS – SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve a carry forward and appropriation to FY2012 the balance remaining (not to exceed $50K) from vending machine revenue (Sheriff’s Office) at June 30, 2011.

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

(21) CARRY FORWARD OF FUNDS – 2011 REVALUATION

Motion was made by Commissioner Cogdell seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the carry forward to FY12 approximately $430,000 revaluation funds remaining at June 30, 2011.

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

(22) INTERLOCAL AGREEMENT WITH THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY

Motion was made by Commissioner Leake seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt Resolution approving an Interlocal Agreement with the Public Library of Charlotte and Mecklenburg County.

Note: Prior to the beginning of Fiscal Year 2011, the Library and the County agreed that the County would provide facility maintenance and security services for the Library. Beginning June 30, 2010, the County Real Estate Services Department commenced providing such services to
MECKLENBURG COUNTY
BOARD OF COMMISSIONERS

RESOLUTION APPROVING THE
INTERLOCAL AGREEMENT
WITH THE PUBLIC LIBRARY OF CHARLOTTE AND
MECKLENBURG COUNTY

WHEREAS, N. C. General Statute 160A-460, et seq., authorizes units of local government to jointly exercise any function which they have been granted the power to exercise alone, or 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 contracts and agreements to specify the details of these undertakings; and

WHEREAS, THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY (hereinafter “Library”), a body corporate created by the North Carolina General Assembly, and MECKLENBURG COUNTY (hereinafter “County”), a political subdivision of the State of North Carolina, have negotiated an Interlocal Agreement effective June 30, 2010 for the provision of Facility Maintenance and Security Services as more particularly described in the Interlocal Agreement; and

WHEREAS, the Library and the County previously agreed that the County would provide Facility Maintenance and Security Services for the Library, which the County has been providing to the Library; and

WHEREAS, in order to formalize this relationship, the Library and the County will need to enter into an Interlocal Agreement pursuant to N.C.G.S. 160A-461; NOW, THEREFORE, BE IT

RESOLVED by the Mecklenburg Board of County Commissioners, in regular session duly assembled, that the Interlocal Agreement between the Library and the County is hereby approved and that the Chairman of the Board of County Commissioners is hereby authorized to execute the Interlocal Agreement with the Library in substantially the form attached to this Resolution, and that this Resolution shall be made a part of the minutes of the Board of Commissioners.

Resolution recorded in full in Minute Book 45-A Document # ________.

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

(27) AUTHORIZE COUNTY MANAGER TO EXERCISE LEASE OPTION – SHERIFF’S OFFICE

Motion was made by Commissioner Leake seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to exercise five-year lease option to the lease agreement with the Mecklenburg County ABC Board.

Note: The Mecklenburg County Sheriff’s Office has housed its Field Operations division at the Mecklenburg County ABC Board offices at 3333 North Tryon Street since 2000. The Sheriff’s Office occupies 4,247 square feet in this facility. The contract has expired and the Sheriff’s Office wishes to exercise the lease option effective July 1, 2011.

Commissioner Leake removed this item from Consent for more public awareness.
(29) RELEASE OF UNCC REVERSIONARY DEED RESTRICTION

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to execute a document extinguishing the automatic reversionary deed restriction on an approximately .43 acre portion of Tax Parcel 049-301-23, a parcel conveyed by Mecklenburg County to the State of North Carolina in 1982.

Note: Duke Energy has requested a utility easement across Tax Parcel 049-301-23, a parcel on W.T. Harris Boulevard, to provide a back-up power supply to Carolina Healthcare System’s University Hospital. The parcel across which the easement has been requested is one on which the County has a reversionary interest in the event that the property is not needed and used by UNCC for the institution. The reverter clause was included in a 1982 deed. Release of the reverter on the approximately .43 acre parcel shown in the attached survey will allow UNCC to grant the easement without triggering the reverter.

Commissioner Leake removed this item from Consent for more clarity.

(31) SOLE SOURCE PURCHASE – ELECTION SYSTEMS AND SOFTWARE, INC. – BOARD OF ELECTIONS

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the purchase of RTAL paper and supplies from Election Systems and Software, Inc. without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6)

Commissioner Leake removed this item from Consent for more clarity.

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

(33) TOBY CREEK GREENWAY – PHASE 2 – GRANT CONTRACTS

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to:

1) Recognize, receive and appropriate $1,810,000 in grant funds.

2) Authorize the County Manager to execute three grant contracts for the design and construction of Toby Creek Greenway, Phase 2 for a total amount of $1,810,000.

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

Director of Park and Recreation Jim Garges addressed this matter prior to the above vote.

(34) PROCLAMATION – QUEEN CHARLOTTE JUBILEE WEEK

Motion was made by Commissioner Leake seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to adopt a Proclamation designating June 12, 2011 as Queen Charlotte Jubilee Week.

A copy of the proclamation is on file with the Clerk to the Board.
Chairman Roberts removed this item from Consent for more public awareness.

*Commissioner Dunlap returned to the dais.*

**ADJOURNMENT**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, 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 9:06 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, June 21, 2011.

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 -

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) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 15 and 16.

(2A) STAFF BRIEFINGS - MECKLENBURG COUNTY 457 PLAN

The Board received information regarding the County’s 457 deferred compensation plan.

Finance Director Dena Diorio provided the information. The following was noted:

- Recently it was discovered that an error had been made in setting up the County’s employer match for the 457 Plan back in 2001, which resulted in FICA withholdings not being taken out.
- The County has two deferred compensation plans, 401K and 457. The 401K Plan does not require FICA tax withholdings be taken out, but the 457 Plan does. The plans were set up at the same time, with respect to the County’s employer match, and both were set up under the 401K Plan guidelines and they should not have been.
- Since 2001 approximately $6.2 million in employer match has been contributed to the 457 Plan.
- Staff has engaged an attorney at Womble, Carlye to advise the County as to the steps that need to be taken to remedy the situation.
• Letters will be sent to all affected employees and retirees notifying them of the situation.
• It appears that nearly 1000 employees are affected, current and former employees and retirees.
• Staff is still gathering information.
• Any amounts due for the past three years and fall within the statute of limitations, can be corrected through the filing of amended 941 Returns and W-2s.
• For years beyond the three year statute of limitations, the error cannot be corrected through this method.
• When FICA taxes have not been properly withheld, the amounts deferred, including income on those amounts are subject to FICA when they come available, which is when a distribution occurs.
• In terms of next steps, for the past three years, the County is going to calculate the FICA due on the employer match and file amended 941 Returns and amended W-2s.
• The County will “likely” pay both portions of the FICA for the employer and the employee that is owed and will include that amount as wages to the employees in 2011.
• For retirees that have taken distributions from the Plan within the last three years, amended 941 Returns and W-2s will need to be issued for those individuals.
• The filing of the amended 941 Returns and W-2s must occur prior to July 31, 2011.
• It’s staff’s understanding, that there will be no penalties or interest assessed to the County for failure to file.
• For the years prior to 2009, strategies are still being developed.
• The employer match resumes on July 1, 2011 and FICA taxes will be paid.

Commissioner James asked for clarification on what occurred. **Director Diorio said employees with the 457 Plan did not pay taxes on the employer match.**

Commissioner James asked was the approximate amount per year for an individual employee known. **Director Diorio said FICA was a straight percentage.**

Director Diorio said what staff knows currently, not taking into consideration those employees that may have maxed out, that for the $6.2 million contributed for the employer match, which would equate to about $944,000 for all years in FICA taxes, which is based on doing a straight percentage across the board, not analyzing by individual employees.

Director Diorio emphasized that the $944,000 was an estimate.

Commissioner James said if employees and retirees file amended returns, they will be subject to an audit, starting with the new date they file their returns.

Director Diorio said the remedy says for the years prior to the last three, the FICA becomes due when the funds become available, meaning when someone takes a distribution from the plan. Director Diorio said this means that over time when someone takes a distribution from their 457 Plan, they have to pay the FICA tax on the employer match at that time. They’ll get a 1099 or 1098 that will have FICA on the base amount of the employer match, plus whatever earnings they have earned on that employer match.

Commissioner Clarke asked if the problem occurred because of the software used. **Director Diorio said it appears what occurred was that when the employer match was set up, both plans were treated the same, when they should not have been treated the same. They both were set up as 401Ks.**
Commissioner Clarke asked if the County used a payroll service. Director Diorio said no, County payroll has always been done in-house. She said the plan was not set up correctly in the payroll system to do the proper deductions.

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

(3A) CLOSED SESSION - CONSULT WITH ATTORNEY

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:37 p.m. and came back into Open Session at 5:49 p.m.

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

AWARDS/RECOGNITION

(1A) RECOGNITION OF MALLARD CREEK AND NEWELL VOLUNTEER FIRE AND RESCUE, INC.

The Board recognized the retiring Mallard Creek and Newell Volunteer Fire Departments after a combined service of more than 120 years to the citizens of Mecklenburg County.

Note: The Mallard Creek and Newell Volunteer Fire Departments are dissolving and retiring their fire and rescue services to the residents of Mecklenburg County as of June 30, 2011. These Departments and all their dedicated fire officers and firefighters have more than 120 years of combined service and have volunteered thousands of hours protecting the residents of their respective communities. They have provided outstanding fire and rescue services to this county. As they prepare to respond to their last alarm, it is appropriate for the Board of County Commissioners to recognize these brave firefighters of the Mallard Creek and Newell Volunteer Fire Departments.

Mark Auten, Fire Marshal presented the chiefs and members of the respective fire departments.

The Mallard Creek Fire Department was chartered in 1953 and was organized out of the Derita VFD in order to better serve the Mallard Creek Community.

The Newell Volunteer Fire Department has faithfully provided fire and rescue services to the citizens of Mecklenburg County for over 60 years. Newell was chartered in 1949 and organized in 1950.

Commissioners expressed thanks and appreciation for the service given.

(2) PUBLIC APPEARANCE - NONE
APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

Commissioner Cogdell entered the meeting.

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Tommie Blakeney, Dietrich Brown, John Kral and Eric Little to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2012.

Commissioner Dunlap nominated Charles Roberts for appointment consideration to the Board of Motor Vehicle Review.

Note: An appointment will occur following an interview of the above nominee by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Board of Motor Vehicle Review must undergo an interview process.

CHARLOTTE MECKLENBURG COALITION FOR HOUSING

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Frank Cantrell to the Charlotte Mecklenburg Coalition for Housing as the Law Enforcement representative for a three-year term expiring June 30, 2014.

CHARLOTTE MECKLENBURG COMMUNITY RELATIONS COMMITTEE

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 reappoint Stefanie Austin, Tyyawdi Baker, Henry Black, Tonya Curry, Gwendolyn High and Bolyn McClung to the Charlotte Mecklenburg Community Relations Committee for three-year terms expiring July 2, 2014.

Commissioner James nominated all applicants for appointment consideration to the Charlotte Mecklenburg Community Relations Committee: Jaye Alexander, Toria Boldware, Janet Lama, Edward Mattison, Shay Merritt, Damon Miller, Omar Saxton, Bill Schreiner, Andrew Smith, Doug Wilson, and Shari Wright-Harley

Note: Appointments will occur on July 12, 2011.

CMUD ADVISORY COMMITTEE

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 reappoint Erica Van Tassel to the CMUD Advisory Committee as the Civil Engineer representative for a three-year term expiring June 30, 2014.

HISTORIC LANDMARKS COMMISSION
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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 reappoint Louis Asbury and John Shurley to the Historic Landmarks Commission for three-year terms expiring July 31, 2014.

The following persons were nominated for appointment consideration to the Historic Landmarks Commission:

John Kenneth Pursley  by Commissioner Clarke
Sonya Young   by Commissioner Dunlap

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 nominate and appoint John Kenneth Pursley to the Historic Landmarks Commission for a three-year term expiring July 31, 2014 and Sonya Young to fill an unexpired term expiring July 31, 2012.

JUVENILE CRIME PREVENTION COUNCIL

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 reappoint Douglas Edwards, Susan McCarter, Simona Mitchell-Kelly, Pamela Morris and Richard Zaleskie to the Juvenile Crime Prevention Council as General Public representatives and Laura Johnson as the Business representative for two-year terms expiring June 30, 2013.

Commissioner James nominated all applicants for appointment consideration to the Juvenile Crime Prevention Council: Tabitha Barwell, Stephanie Carter-Tyson, and Sara Holland.

Note: An appointment will occur on July 12, 2011.

PARK AND RECREATION COMMISSION

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 reappoint Robert Brisley to the Park and Recreation Commission as the South Region 3 representative and Ed Barnhart as the South Region 2 representative for three-year terms expiring June 30, 2014.

STORM WATER ADVISORY COMMITTEE

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 reappoint Paula Martin to the Storm Water Advisory Committee for a three-year term expiring June 30, 2014 as the County’s Environmental representative.

PUBLIC HEARINGS

(4A)  STORM WATER FEE –TOWN OF DAVIDSON’S MINOR SYSTEM RATES

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 open a public hearing to hear comments related to a proposed change in the Town of Davidson’s minor system rates inside the Town.

No one appeared to speak.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing related to a proposed change in the Town of Davidson’s minor system rates inside the Town; and adopt a Resolution authorizing setting the minor system cost component of the storm water service charges to be levied within the Town of Davidson.

*Resolution recorded in full in Minute Book 45-A Document #______.*

(4B) STREET NAME CHANGE – CHANGE A SECTION OF DIXIE RIVER ROAD AND SANDHAVEN WAY TO SHOPTON ROAD

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open a public hearing to hear comments on the proposed renaming of a section of Dixie River Road and Sandhaven Way to Shopton Road.

No one appeared to speak.

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 close the public hearing on the proposed renaming of a section of Dixie River Road and Sandhaven Way to Shopton Road and approve the renaming of a section of Dixie River Road and Sandhaven Way to Shopton Road.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) CAPITAL PROJECTS PRIORITIZATION; REPEAL OF JAIL FACILITIES CAPITAL PROJECT ORDINANCE

The Board received information regarding the Capital Projects Prioritization process.

Finance Director Dena Diorio gave the report.

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

Comments

Commissioner Dunlap asked about the recommendation for Charlotte-Mecklenburg Schools (CMS), specifically for Pineville Elementary replacement, Newell Elementary renovations, and Bain Elementary replacement.

Commissioner Dunlap said he’d like to receive a history of major renovations and replacements for the schools he referenced. Commissioner Dunlap said his concern was that if you can build a new school for $13 million, why renovate a school for $11 million.
Commissioner Dunlap posed the question of perhaps using the remaining 2004 Park & Recreation Bond Authorization of $3.6 million that staff recommends let lapse, be used for other projects.

Commissioner Bentley questioned how Stumptown Elementary went from a previous CMS ranking of three or four, to 26. She requested an explanation from CMS.

Director Diorio said the CMS projects listed were new priorities based on renovations of existing facilities. Director Diorio said there was nothing on the CMS list that represented growth.

Director Diorio said CMS has taken their growth projects and put them as lower priorities. She said the projects listed represented CMS’ current priorities.

Director Diorio said when she spoke with CMS officials and shared with them the schools that ranked the highest; they indicated to her that those listed were their top priorities.

Commissioner James asked about the ranking process and whether CMS was given an amount to work within. Director Diorio said the projects were not ranked based on how much someone gets, but rather, each project was ranked based on its merit, in accordance with the ranking criteria approved by the Board.

Commissioner Dunlap asked if the process the Board set in place change the order and the ranking that CMS had for these schools. Director Diorio said yes, the rankings were based on the Board’s criteria.

Commissioner Dunlap said that concerned him. He said he liked the fact the County has a process but what has occurred is that the County is now saying to CMS, “we don’t like your priority ranking, we have a different priority, which may or may not fit CMS’ needs based on where they need to build schools, i.e. Stumptown.”

Commissioner Dunlap said if the County sees where there’s a flaw in the process, it should take the necessary steps to correct it.

Commissioner Dunlap questioned why the County would make schools that CMS has said were a lower priority, a higher priority. Director Diorio said the County was not doing that. She said the schools that ranked highest for CMS on the list, were the schools that CMS told County staff was their top priorities. Director Diorio said CMS moved Stumptown on its own.

Director Diorio clarified that CMS changed their rankings before they submitted their request to the County. She said CMS changed their rankings based on the fact that renovations were more critical to them now than growth.

Commissioner Dunlap said he thought the County’s ranking process had changed CMS’ priority ranking based on Director Diorio’s earlier comment. Director Diorio said no and that she may have misstated earlier.

Director Diorio said the rankings, priorities, and criteria were not flawed. She said the amount of money the County has was limited. She said if the County had more money to spend it could go “deeper” on the list. Director Diorio said staff feels the criteria works.

Commissioner Cogdell thanked staff for its work.

Commissioner James asked when Board approval was needed. Director Diorio said this was being brought to the Board as information because these projects have already been approved.
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in prior referendums. She said staff was sharing the process used and would proceed based on the results of the process. She said staff will come back at some point and have the Board approved the bonds.

Commissioner Pendergraph asked how did Romare Bearden Park rank #5. Shawn Phillips of Finance said Romare Bearden ranked high because of the economic outcome, the funding that was included with it.

Commissioner Bentley asked what was the obligation to Park and Recreation for finding private funding. Park and Recreation Director Jim Garges said it would be more correct to talk about the economic impact of the park.

Director Garges said the original plan was to try and leverage all capital money to the 20% level. He said there’s no guarantee that there will be any money from the private sector for the Romare Bearden Park. He said that doesn’t mean, staff hasn’t asked or won’t ask. He said if the Board authorized the project at $11 million, which is the request for it, that’s what the project will go forward at. He said if the “challenge” is that the Board doesn’t want to give $11 million, but a lesser amount and the rest be raised, then that’s another process, that staff would have to go through.

Chairman Roberts asked Director Garges was he saying that part of the economic impact, was not just the leveraging in the capital spending, but also in the economic impact generated by the placement of the park or the activity around the park. Director Garges said that was correct. He said the economic impact was not related to private donations, but rather it’s related to the dollars that a park would generate once it’s completed.

This concluded the discussion. The above is not inclusive of every comment, but is a summary.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to receive information regarding the Capital Projects Prioritization and approve repealing Capital Project Ordinance: “Jail Facilities – 2008.”

(6B) INTERLOCAL AGREEMENT WITH CHARLOTTE MECKLENBURG HOSPITAL AUTHORITY

County Manager Jones gave the Board an update regarding the Interlocal Agreement between the County and the Charlotte Mecklenburg Hospital Authority.

The following was noted:

- The County opposed the passage of SB 578 “An Act to Facilitate the Transfer of Beds From a State Psychiatric Hospital to a Community Facility Within Certain LMES.”
- SB 578 was introduced at the insistence of the Charlotte Mecklenburg Hospital Authority.
- The purpose of SB 578 was to circumvent the County’s authority by eliminating Mecklenburg County from the state’s approval process and authorizing the transfer of 44 psychiatric beds from the license from the state’s Broughton hospital to the license of the Hospital Authority’s Mercy Hospital for a new facility in Huntersville.
- The Hospital Authority did not inform the County of this bill, the County learned from others.
- Despite the County’s opposition to the bill (SB578) and efforts to negotiate a resolution of the 44 bed transfer with the Hospital Authority in lieu of the legislation, the bill was adopted last week by the General Assembly.
- The County had made it clear to the Hospital Authority, that the County was not opposing the bed transfer, however, to be able to assess bed need and assess the adequacy of community support services for these beds, and to meet other state
requirements for execution of a required agreement with the state, the County needed
to receive and analyze industry standard behavioral health data and other information
from the Hospital Authority.

- The Hospital Authority refused to provide the information requested by the County
  and instead chose to seek this legislation without the County’s knowledge or consent.
- The County had also requested data and other information to gain a better
  understanding of how significant County tax dollars were being spent by the Hospital
  Authority in its operation of the Carolinas Medical Center’s Randolph facility and
  whether the opening of this new facility in Huntersville by the Hospital Authority would
  have an adverse financial impact on the County’s subsidy of the deficit cost incurred by
  the Hospital Authority for providing hospital based psychiatric services at CMC-
  Randolph.
- Under the County’s existing interlocal agreement with the Hospital Authority, the
  County pays the deficit cost related to the Hospital Authority’s providing of
  comprehensive hospital based psychiatric services.
- Some data and other information are now being “slowly” given to the County by the
  Hospital Authority’s General Counsel.
- The Hospital Authority has prohibited its staff from communicating directly with County
  staff and is funneling all communications through its General Counsel.
- The Hospital Authority instructed the County in a May 20, 2011 letter from its CEO
  Michael Tarwater that the County may only communicate with the Hospital Authority’s
  General Counsel on matters related to the County contract.

County Manager Jones said he doesn’t believe that communicating only through attorneys is
the best or most efficient way to administer a $60 million contract. County Manager Jones said
he has expressed this to the Hospital Authority’s CEO.

County Manager Jones said in a subsequent letter to Mr. Tarwater, on behalf of the County, he
gave the Hospital Authority notice of its breach of the interlocal agreement between the
Hospital Authority and the County resulting from the Hospital Authority’s failure to fulfill the
County’s request for data and information and for its chronic failure to provide the County
other information as required by the interlocal agreement. Further, that the letter also
provides that the County is withholding payment of funds to the Hospital Authority until the
Hospital Authority complies with the outstanding data and information request, to the
County’s satisfaction under the interlocal agreement.

County Manager Jones said it was not the County’s intention to “impulse” the integrity of the
Hospital Authority or any of its employees in any way, as was recently suggested by the
Hospital Authority’s management according to an article in the Charlotte Observer.

County Manager Jones said the Hospital Authority has provided “excellent and valued service
to this community, but the County is disappointed that the Hospital Authority has not been
more open and responsive to the County’s request for information.” County Manager Jones
said the County can’t administer its contracts and assess community needs without relevant
data and information and on-going communication with its partners.

County Manager Jones said with all that has transpired over the past few months between the
County and the Hospital Authority, the County should now assess and perhaps redefine the
current relationship under the interlocal agreement. County Manager Jones said the County
should reconsider the current interlocal agreement, also in light of the state’s concept of the
administration of behavioral health Medicaid funds by mental health local management
entities (LMEs) through the waiver program.

County Manager Jones said Mecklenburg County will likely soon be in the role of managing
Medicaid funding for hospital based psychiatric services, which could be “problematic” if the
current contract with the Hospital Authority also requires the County to subsidize funding of
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these same services.

County Manager Jones said as a next step in assessing the interlocal agreement, he was recommending that the Board schedule a Special Meeting on July 12, 2011 at 3:00 p.m. He said the purpose of the meeting will be to ensure the Board has the information it needs regarding the current provisions of the interlocal agreement and to discuss options for reconsidering the agreement. Staff will also discuss options for transitioning from the interlocal agreement, whereby County staff would operate all aspects of the Health department, as well as as process for determining the appropriate roll for the County, if any, in providing a subsidy for hospital based psychiatric services.

Comments

Commissioner James referenced the two options mentioned in emails that have gone back and forth, that he said CHS rejected. Option 1, the County would give CHS the building and pay them $20 million; Option 2, the County would keep the building and pay CHS $750.00 per patient day.

Commissioner James asked County Manager Jones about the format of the July 12th meeting and if he planned to invite CHS, CEO, Michael Tarwater to the meeting.

County Manager Jones said it would be an open meeting and that Mr. Tarwater and any of the County’s other community partners were welcome to attend.

County Manager Jones said the meeting would consist of staff briefing the Board on information that has been requested of the Charlotte Mecklenburg Hospital Authority and why that information is important, as well as, what the plans are for moving forward, if the Board agrees that the County needs to rethink the agreement with the Hospital Authority. He said moving forward could include establishing a blue ribbon committee.

County Manager Jones said he viewed the meeting as being one of a staff presentation to the Board, more so then it being partner involvement in that process.

Commissioner James asked when was the next payment due to CHS. General Manager Michelle Lancaster said the psychiatric payments are made on a monthly basis and would probably be due in about 2½ weeks.

General Manager Lancaster said the County would continue to withhold payment until the Hospital Authority provides the information the County has requested with respect to the psychiatric side of the contract.

Chairman Roberts spoke in support of a blue ribbon committee.

Chairman Roberts informed the Board that the chairman of the Hospital Authority has asked that she and Vice-Chairman Pendergraph meet with him to have a conversation about the “bigger picture” and moving forward.

Chairman Roberts asked the County Manager and the Board were they comfortable with that meeting taking place.

It was the consensus of the Board that the Chairman and Vice-chairman not meet with Hospital Authority officials, in light of what has transpired over the last few weeks and in light of the fact that a previous meeting was held, which ended as a result of Hospital Authority officials leaving the meeting abruptly. Further, that the Board needs to first hear from staff on July 12th before any more meetings are held.
Commissioner Leake said she would like to know the names of those serving on the Hospital Authority, how long they’ve served, and the salaries of those persons who are key persons for the County.

Commissioner Pendergraph suggested the Hospital Authority be invited to the Board’s Special meeting on July 12, 2011.

Commissioner Cogdell asked that a specific invitation be sent to the Hospital Authority welcoming their attendance at the July 12, 2011 Special meeting and giving them an opportunity to respond at that meeting after the Board has had an opportunity to respond to the information received from staff.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

Commissioners Bentley and Pendergraph left the dais and were away until noted in the minutes.

STAFF REPORTS AND REQUESTS

(7A) DRUG TREATMENT COURT POSITIONS

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to approve establishing thirteen (13) county positions for the continued operation of Drug Treatment Court.

Commissioners Bentley and Pendergraph returned the dais.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8C) WOMEN’S EQUALITY DAY FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-2 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes and Commissioners Bentley and Pendergraph voting no, to appropriate $1,500 from FY2010-2011 Unrestricted Contingency to fund the Women’s Equality Day event to be held in August 2011.

Dr. Angelia Fryer, chairman of the Women’s Advisory Board addressed the request, prior to the above vote.

(8A) SELECTION OF NACO VOTING DELEGATE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to select Commissioner Leake as the Board’s voting delegate for the 2011 National Association of Counties (NACo) Annual Conference to be held July 15-19, 2011 in Portland, Oregon.

(8B) ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS – CHARLOTTE KNIGHTS
Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to approve the recommendations from the Economic Development Committee for amendment of agreements with the Charlotte Knights and direct County staff to prepare an agenda item for the July 12, 2011 meeting to begin the formal process of approving amendments, and authorize the County Manager to negotiate revised agreements for Board consideration.

Economic Development Committee Recommendation for Amendment of Agreements with Charlotte Knights
June 21, 2011

- August 2011 – County amends Lease and Development and Economic Grant Agreement (Agreement) with the following Milestones:
  - August 31, 2011 - Knights deposit $100,000 towards its obligation to pay County legal fees as provided in Section 13.5 of the Agreement into an escrow account.
  - March 31, 2012 – Knights provide evidence of 2 Founding Level Sponsors or deposit another $100,000 into escrow towards its obligation to pay County legal fees as provided in Section 13.5 of the Agreement.
  - June 30, 2012 – Knights submit stadium Project Financing plan in accordance with Article VII of the Agreement.
  - October 1, 2012 – Construction must begin on new stadium.
  - 2014 baseball season - Knights play home games in new stadium.
  - Within two weeks of first home game in 2014 played in the new stadium – Escrowed funds returned to Knights by County.

- Knights agree not to seek County funds for stadium construction.

- Knights retain parking revenues and assume responsibility to pay any future County legal fees as provided in Section 13.5 of the Agreement.

- Failure of the Knights to meet any Milestone is an event of default that enables County to terminate the Lease, at which time money in escrow would be paid to the County, and the Knights would pay the County the balance of the County’s legal fees as provided in Section 13.5 of the Agreement.

Note: Jerry Reese spoke in opposition to the above motion. Mr. Reese said the lease with the Charlotte Knights should be terminated. Mr. Reese said if the lease is not terminated as of September 5, 2011, he plans to take the following actions:

- Through an extensive social media initiative, he will provide the public with the same detailed and impeachable data that the Board has received regarding the size and scope of Charlotte Carolinas baseball market.
- Since prior action of the Board presently render it impossible to locate a major league baseball stadium complex uptown, he will pursue the development of the stadium complex in one of three suburban locations: York County near Ballantyne, Cabarrus County near the Speedway, and Cabarrus County in the Concord-Kannapolis Corridor.
- Any official action to extend or modify the lease with the Charlotte Knights will be challenged in court.
- The Board, the Knights, and anyone who might consider being involved with this “ill advised” project “are hereby fore-warned and put on notice.”

Also, prior to the above vote, Commissioner Bentley asked for clarification of “evidence” as referenced in the March 31, 2012 bullet. County Attorney Bethune said that was something that would have to be negotiated.
County Attorney Bethune said the Board would have to approve whatever comes about as a result of negotiations. County Attorney Bethune said what the Board has at this point was a conceptual document.

Commissioner Bentley asked for clarification with respect to the Knights Project Financing plan, which County Attorney Bethune addressed.

Commissioner James asked if the Knights had audited financial statements.

Dan Rajkowski, General Manager with the Knights said the Lease agreement the Knights have with the County don’t require that the Knights provide that information, but they do have them for their operating club.

Commissioner James asked was the Knights audited financials done by a CPA. The response was yes.

Commissioner James asked Mr. Rajkowski how much money did the Knights make last year. Mr. Rajkowski said didn’t think that was relevant to the matter before the Board.

Commissioner James said he wanted to know because he wants to make sure the Knights will be able to cover a $30-$40 million loan. Mr. Rajkowski said they would.

Commissioner James asked if the Knights should be providing their financials to the County, including their audited financial statements.

This concluded the discussion prior to the above vote. It’s not inclusive of every comment but is a summary.

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

(8D) REVIEW OF REVALUATION PROCESS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley, to direct the County Manager to request that the State Department of Revenue, Real Estate Division, assess the revaluation process used in Mecklenburg County to assure property owners that the process has been done accurately, correctly, and in accordance with the law.

Commissioner Pendergraph addressed a review of the revaluation process. The following was noted: There have been many questions about the revaluation process and about changes in values that homeowners have received during the 2011 revaluation. This type of assessment of a revaluation process is done frequently by the State at the request of counties, and should take about a month. Further, that this review could help discover any issues that there might be or could help re-assure citizens of the integrity of the process.

Commissioner Pendergraph said he doesn’t think the state would charge for this.

Commissioner Pendergraph said this request was not a negative reflection on the Tax Assessor’s Office. The intent was to give taxpayers another level of confidence in the process. Commissioner Pendergraph said he has every confidence in the Tax Assessor and his staff.

After further discussion regarding the timing of this request, Commissioner Bentley made the following motion:

Substitute motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and
carried 5-2 with Commissioners Bentley, Cogdell, Dunlap, Pendergraph and Roberts voting yes and Commissioners Clarke and Leake voting no, to defer taking action on a review of the County's revaluation process until there's been an opportunity to confer with the tax assessor regarding the timing of this request and that the matter be brought back to the Board the first meeting in September, 2011.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, 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 June 7, 2011.

(10) TAX REFUNDS

Approve refunds in the amount of $1,875.17 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.

(11) STORM WATER FEE – RESOLUTION ADOPTING THE 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.

Resolution recorded in full in Minute Book 45-A Document #______.

(12) BUILDING-DEVELOPMENT ORDINANCE AND LAND USE AND ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

1. Amend the Building-Development Ordinance to align with current State Codes and Statutes.

2. Amend the LUESA Fee Ordinance to align with process revisions on temporary utilities.

Note: Since all Commissioners were not present, this matter will be brought back to the Board for a Second Reading at the July 12, 2011 meeting.

(13) CARRY FORWARD OF FUNDS – AREA MENTAL HEALTH

Authorize carry forward of unspent State crisis service program funds estimated to be $2,434,123 at June 30, 2011.

(14) YMCA OF GREATER CHARLOTTE / MCPRD PARTNERSHIP

1) Approve an updated master plan concept for Park Road Park.
2) Approve resolution declaring intent to enter into a lease agreement with the YMCA of Greater Charlotte to construct a joint use indoor shelter at Park Road Park.

3) Authorize the County Manager to seek approval of the Charlotte City Council for the County to enter into the lease agreement.

Note: The YMCA and the Mecklenburg County Park and Recreation Department desire to enter into an agreement to construct an indoor shelter at Park Road Park. The need for this shelter was previously identified in the 2008 Mecklenburg County Park and Recreation 10-Year Master Plan. This proposed multi-use facility will provide health, wellness and recreational support to children and much needed space for community gatherings and rental events in the South Charlotte and South Boulevard corridor communities.

Note: County Attorney Bethune informed the Board that although the action includes the adoption of a resolution, it was not included as part of the agenda material. He said the actual resolution would be brought back to the Board at a later date.

(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Amend the Department of Social Services (DSS) FY12 budget to recognize, receive and appropriate Federal revenue for the TANF Job Boost program in the amount of $1,320,000.

(18) OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST

Approve Other Post-Employment Benefits (OPEB) Trust Document.

Note: When the Government Accounting Standards Board (GASB) guidance on the funding of OPEB liabilities was implemented in 2007, the County opted to join the State Treasurer’s OPEB fund through which the funds were invested on our behalf. The fund was initially opened as an irrevocable trust and funds deposited were credited towards the government unit’s OPEB liability. After further discussion with the GASB, the State Treasurer’s Office has determined that the original structure was not the appropriate approach. The current structure would require all government units to perform actuarial valuations at the same time using the same methodology. This would result in onerous reporting requirements for the participating government units.

As a result, the General Assembly recreated the fund as an investment fund. Therefore, participating units must establish their own irrevocable trusts which must be approved and executed by June 30, 2011. The County’s funds will still be invested in the State Treasurer’s OPEB Investment Fund pursuant to that investment policy.

The County’s irrevocable trust names the County Manager, the Finance Director and Human Resources Director as Trustees. The Trustees’ primary responsibility is to direct the investment of the funds, monitor the performance of the funds and perform the necessary administrative and accounting of the trust.

Agreement recorded in full in Minute Book 45-A Document #______.

(19) CARRY FORWARD OF FUNDS - CHILD SUPPORT ENFORCEMENT FILES MANAGEMENT AND DOCUMENT IMAGING PROJECT

1) Rescind action taken on June 7, 2011 to carry forward to FY12 of funds remaining at June 30,
2010 for completion of the files management project; and

2) Approve the carry forward to FY12 of funds remaining at June 30, 2011 for completion of the files management project.

Note: The Board was asked to rescind the action taken on June 7, 2011, because of a date error.

(20) CARRY FORWARD OF FUNDS: COURT SYSTEM PLANNING PROFESSIONAL FEES

Carry forward remaining funds as of June 30, 2011 to FY12 for the County’s agreement to support the court system.

Note: This action item was requesting authorization from the Board to carry forward FY11 funds appropriated to Court System Planning (MGR) for professional service fees to FY12. The funding is used for providing support services, primarily staffing, to the court system through agreements with the Administrative Office of the Courts and the local state criminal justice agencies. By carrying the funds forward, the SJS will be able to fulfill the County’s obligations. This action item provides for a carry forward of approximately $600,000.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(15) CAPITAL RESERVE REQUEST – CONSOLIDATED GOLF – PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate to the consolidated golf capital reserve account the sum of $27,000 from the City of Charlotte.

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

(16) HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN - DSS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the Home and Community Care Block Grant funding plan for FY 2012.

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

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, 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 9:37 p.m.
JUNE 21, 2011

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, June 21, 2011.

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-

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) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 15 and 16.

(2A) STAFF BRIEFINGS - MECKLENBURG COUNTY 457 PLAN

The Board received information regarding the County’s 457 deferred compensation plan.

Finance Director Dena Diorio provided the information. The following was noted:

- Recently it was discovered that an error had been made in setting up the County’s employer match for the 457 Plan back in 2001, which resulted in FICA withholdings not being taken out.
- The County has two deferred compensation plans, 401K and 457. The 401K Plan does not require FICA tax withholdings be taken out, but the 457 Plan does. The plans were set up at the same time, with respect to the County’s employer match, and both were set up under the 401K Plan guidelines and they should not have been.
- Since 2001 approximately $6.2 million in employer match has been contributed to the 457 Plan.
- Staff has engaged an attorney at Womble, Carlyle to advise the County as to the steps that need to be taken to remedy the situation.
• Letters will be sent to all affected employees and retirees notifying them of the situation.
• It appears that nearly 1000 employees are affected, current and former employees and retirees.
• Staff is still gathering information.
• Any amounts due for the past three years and fall within the statute of limitations, can be corrected through the filing of amended 941 Returns and W-2s.
• For years beyond the three year statute of limitations, the error cannot be corrected through this method.
• When FICA taxes have not been properly withheld, the amounts deferred, including income on those amounts are subject to FICA when they come available, which is when a distribution occurs.
• In terms of next steps, for the past three years, the County is going to calculate the FICA due on the employer match and file amended 941 Returns and amended W-2s.
• The County will “likely” pay both portions of the FICA for the employer and the employee that is owed and will include that amount as wages to the employees in 2011.
• For retirees that have taken distributions from the Plan within the last three years, amended 941 Returns and W-2s will need to be issued for those individuals.
• The filing of the amended 941 Returns and W-2s must occur prior to July 31, 2011.
• It’s staff’s understanding, that there will be no penalties or interest assessed to the County for failure to file.
• For the years prior to 2009, strategies are still being developed.
• The employer match resumes on July 1, 2011 and FICA taxes will be paid.

Commissioner James asked for clarification on what occurred. **Director Diorio said employees with the 457 Plan did not pay taxes on the employer match.**

Commissioner James asked was the approximate amount per year for an individual employee known. **Director Diorio said FICA was a straight percentage.**

Director Diorio said what staff knows currently, not taking into consideration those employees that may have maxed out, that for the $6.2 million contributed for the employer match, which would equate to about $944,000 for all years in FICA taxes, which is based on doing a straight percentage across the board, not analyzing by individual employees.

Director Diorio emphasized that the $944,000 was an estimate.

Commissioner James said if employees and retirees file amended returns, they will be subject to an audit, starting with the new date they file their returns.

Director Diorio said the remedy says for the years prior to the last three, the FICA becomes due when the funds become available, meaning when someone takes a distribution from the plan. Director Diorio said this means that over time when someone takes a distribution from their 457 Plan, they have to pay the FICA tax on the employer match at that time. They’ll get a 1099 or 1098 that will have FICA on the base amount of the employer match, plus whatever earnings they have earned on that employer match.

**Commissioner Clarke asked if the problem occurred because of the software used. Director Diorio said it appears what occurred was that when the employer match was set up, both plans were treated the same, when they should not have been treated the same. They both were set up as 401Ks.**
Commissioner Clarke asked if the County used a payroll service. Director Diorio said no, County payroll has always been done in-house. She said the plan was not set up correctly in the payroll system to do the proper deductions.

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

(3A) CLOSED SESSION - CONSULT WITH ATTORNEY

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:37 p.m. and came back into Open Session at 5:49 p.m.

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

AWARDS/RECOGNITION

(1A) RECOGNITION OF MALLARD CREEK AND NEWELL VOLUNTEER FIRE AND RESCUE, INC.

The Board recognized the retiring Mallard Creek and Newell Volunteer Fire Departments after a combined service of more than 120 years to the citizens of Mecklenburg County.

Note: The Mallard Creek and Newell Volunteer Fire Departments are dissolving and retiring their fire and rescue services to the residents of Mecklenburg County as of June 30, 2011. These Departments and all their dedicated fire officers and firefighters have more than 120 years of combined service and have volunteered thousands of hours protecting the residents of their respective communities. They have provided outstanding fire and rescue services to this county. As they prepare to respond to their last alarm, it is appropriate for the Board of County Commissioners to recognize these brave firefighters of the Mallard Creek and Newell Volunteer Fire Departments.

Mark Auten, Fire Marshal presented the chiefs and members of the respective fire departments.

The Mallard Creek Fire Department was chartered in 1953 and was organized out of the Derita VFD in order to better serve the Mallard Creek Community.

The Newell Volunteer Fire Department has faithfully provided fire and rescue services to the citizens of Mecklenburg County for over 60 years. Newell was chartered in 1949 and organized in 1950.

Commissioners expressed thanks and appreciation for the service given.

(2) PUBLIC APPEARANCE - NONE
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APPOINTMENTS

(3A) NOMINATIONS/APPOINTMENTS

Commissioner Cogdell entered the meeting.

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Tommie Blakeney, Dietrich Brown, John Kral and Eric Little to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2012.

Commissioner Dunlap nominated Charles Roberts for appointment consideration to the Board of Motor Vehicle Review.

Note: An appointment will occur following an interview of the above nominee by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Board of Motor Vehicle Review must undergo an interview process.

CHARLOTTE MECKLENBURG COALITION FOR HOUSING

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Frank Cantrell to the Charlotte Mecklenburg Coalition for Housing as the Law Enforcement representative for a three-year term expiring June 30, 2014.

CHARLOTTE MECKLENBURG COMMUNITY RELATIONS COMMITTEE

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 reappoint Stefanie Austin, Tyayawdi Baker, Henry Black, Tonya Curry, Gwendolyn High and Bolyn McClung to the Charlotte Mecklenburg Community Relations Committee for three-year terms expiring July 2, 2014.

Commissioner James nominated all applicants for appointment consideration to the Charlotte Mecklenburg Community Relations Committee: Jaye Alexander, Toria Boldware, Janet Lama, Edward Mattison, Shay Merritt, Damon Miller, Omar Saxton, Bill Schreiner, Andrew Smith, Doug Wilson, and Shari Wright-Harley

Note: Appointments will occur on July 12, 2011.

CMUD ADVISORY COMMITTEE

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 reappoint Erica Van Tassel to the CMUD Advisory Committee as the Civil Engineer representative for a three-year term expiring June 30, 2014.

HISTORIC LANDMARKS COMMISSION
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 reappoint Louis Asbury and John Shurley to the Historic Landmarks Commission for three-year terms expiring July 31, 2014.

The following persons were nominated for appointment consideration to the Historic Landmarks Commission:

John Kenneth Pursley by Commissioner Clarke
Sonya Young by Commissioner Dunlap

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 nominate and appoint John Kenneth Pursley to the Historic Landmarks Commission for a three-year term expiring July 31, 2014 and Sonya Young to fill an unexpired term expiring July 31, 2012.

JUVENILE CRIME PREVENTION COUNCIL

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 reappoint Douglas Edwards, Susan McCarter, Simona Mitchell-Kelly, Pamela Morris and Richard Zaleskie to the Juvenile Crime Prevention Council as General Public representatives and Laura Johnson as the Business representative for two-year terms expiring June 30, 2013.

Commissioner James nominated all applicants for appointment consideration to the Juvenile Crime Prevention Council: Tabitha Barwell, Stephanie Carter-Tyson, and Sara Holland.

Note: An appointment will occur on July 12, 2011.

PARK AND RECREATION COMMISSION

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 reappoint Robert Brisley to the Park and Recreation Commission as the South Region 3 representative and Ed Barnhart as the South Region 2 representative for three-year terms expiring June 30, 2014.

STORM WATER ADVISORY COMMITTEE

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 reappoint Paula Martin to the Storm Water Advisory Committee for a three-year term expiring June 30, 2014 as the County’s Environmental representative.

PUBLIC HEARINGS

(4A) STORM WATER FEE –TOWN OF DAVIDSON’S MINOR SYSTEM RATES

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 open a public hearing to hear comments related to a proposed change in the Town of Davidson’s minor system rates inside the Town.

No one appeared to speak.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing related to a proposed change in the Town of Davidson’s minor system rates inside the Town; and adopt a Resolution authorizing setting the minor system cost component of the storm water service charges to be levied within the Town of Davidson.

*Resolution recorded in full in Minute Book 45-A Document #______.*

(4B) STREET NAME CHANGE – CHANGE A SECTION OF DIXIE RIVER ROAD AND SANDHAVEN WAY TO SHOPTON ROAD

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open a public hearing to hear comments on the proposed renaming of a section of Dixie River Road and Sandhaven Way to Shopton Road.

No one appeared to speak.

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 close the public hearing on the proposed renaming of a section of Dixie River Road and Sandhaven Way to Shopton Road and approve the renaming of a section of Dixie River Road and Sandhaven Way to Shopton Road.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) CAPITAL PROJECTS PRIORITIZATION; REPEAL OF JAIL FACILITIES CAPITAL PROJECT ORDINANCE

The Board received information regarding the Capital Projects Prioritization process.

Finance Director Dena Diorio gave the report.

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

Comments

Commissioner Dunlap asked about the recommendation for Charlotte-Mecklenburg Schools (CMS), specifically for Pineville Elementary replacement, Newell Elementary renovations, and Bain Elementary replacement.

Commissioner Dunlap said he’d like to receive a history of major renovations and replacements for the schools he referenced. Commissioner Dunlap said his concern was that if you can build a new school for $13 million, why renovate a school for $11 million.
Commissioner Dunlap posed the question of perhaps using the remaining 2004 Park & Recreation Bond Authorization of $3.6 million that staff recommends let lapse, be used for other projects.

Commissioner Bentley questioned how Stumptown Elementary went from a previous CMS ranking of three or four, to 26. She requested an explanation from CMS.

Director Diorio said the CMS projects listed were new priorities based on renovations of existing facilities. Director Diorio said there was nothing on the CMS list that represented growth.

Director Diorio said CMS has taken their growth projects and put them as lower priorities. She said the projects listed represented CMS’ current priorities.

Director Diorio said when she spoke with CMS officials and shared with them the schools that ranked the highest; they indicated to her that those listed were their top priorities.

Commissioner James asked about the ranking process and whether CMS was given an amount to work within. Director Diorio said the projects were not ranked based on how much someone gets, but rather, each project was ranked based on its merit, in accordance with the ranking criteria approved by the Board.

Commissioner Dunlap asked if the process the Board set in place change the order and the ranking that CMS had for these schools. Director Diorio said yes, the rankings were based on the Board’s criteria.

Commissioner Dunlap said that concerned him. He said he liked the fact the County has a process but what has occurred is that the County is now saying to CMS, “we don’t like your priority ranking, we have a different priority, which may or may not fit CMS’ needs based on where they need to build schools, i.e. Stumptown.”

Commissioner Dunlap said if the County sees where there’s a flaw in the process, it should take the necessary steps to correct it.

Commissioner Dunlap questioned why the County would make schools that CMS has said were a lower priority, a higher priority. Director Diorio said the County was not doing that. She said the schools that ranked highest for CMS on the list, were the schools that CMS told County staff was their top priorities. Director Diorio said CMS moved Stumptown on its own.

Director Diorio clarified that CMS changed their rankings before they submitted their request to the County. She said CMS changed their rankings based on the fact that renovations were more critical to them now than growth.

Commissioner Dunlap said he thought the County’s ranking process had changed CMS’ priority ranking based on Director Diorio’s earlier comment. Director Diorio said no and that she may have misstated earlier.

Director Diorio said the rankings, priorities, and criteria were not flawed. She said the amount of money the County has was limited. She said if the County had more money to spend it could go “deeper” on the list. Director Diorio said staff feels the criteria works.

Commissioner Cogdell thanked staff for its work.

Commissioner James asked when Board approval was needed. Director Diorio said this was being brought to the Board as information because these projects have already been approved
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in prior referendums. She said staff was sharing the process used and would proceed based on the results of the process. She said staff will come back at some point and have the Board approved the bonds.

Commissioner Pendergraph asked how did Romare Bearden Park rank #5. Shawn Phillips of Finance said Romare Bearden ranked high because of the economic outcome, the funding that was included with it.

Commissioner Bentley asked what was the obligation to Park and Recreation for finding private funding. Park and Recreation Director Jim Garges said it would be more correct to talk about the economic impact of the park.

Director Garges said the original plan was to try and leverage all capital money to the 20% level. He said there’s no guarantee that there will be any money from the private sector for the Romare Bearden Park. He said that doesn’t mean, staff hasn’t asked or won’t ask. He said if the Board authorized the project at $11 million, which is the request for it, that’s what the project will go forward at. He said if the “challenge” is that the Board doesn’t want to give $11 million, but a lesser amount and the rest be raised, then that’s another process, that staff would have to go through.

Chairman Roberts asked Director Garges was he saying that part of the economic impact, was not just the leveraging in the capital spending, but also in the economic impact generated by the placement of the park or the activity around the park. Director Garges said that was correct. He said the economic impact was not related to private donations, but rather it’s related to the dollars that a park would generate once it’s completed.

This concluded the discussion. The above is not inclusive of every comment, but is a summary.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to receive information regarding the Capital Projects Prioritization and approve repealing Capital Project Ordinance: “Jail Facilities – 2008.”

(6B) INTERLOCAL AGREEMENT WITH CHARLOTTE MECKLENBURG HOSPITAL AUTHORITY

County Manager Jones gave the Board an update regarding the Interlocal Agreement between the County and the Charlotte Mecklenburg Hospital Authority.

The following was noted:

- The County opposed the passage of SB 578 “An Act to Facilitate the Transfer of Beds From a State Psychiatric Hospital to a Community Facility Within Certain LMEs.”
- SB 578 was introduced at the insistence of the Charlotte Mecklenburg Hospital Authority.
- The purpose of SB 578 was to circumvent the County’s authority by eliminating Mecklenburg County from the state’s approval process and authorizing the transfer of 44 psychiatric beds from the license from the state’s Broughton hospital to the license of the Hospital Authority’s Mercy Hospital for a new facility in Huntersville.
- The Hospital Authority did not inform the County of this bill, the County learned from others.
- Despite the County’s opposition to the bill (SB578) and efforts to negotiate a resolution of the 44 bed transfer with the Hospital Authority in lieu of the legislation, the bill was adopted last week by the General Assembly.
- The County had made it clear to the Hospital Authority, that the County was not opposing the bed transfer, however, to be able to assess bed need and assess the adequacy of community support services for these beds, and to meet other state
requirements for execution of a required agreement with the state, the County needed to receive and analyze industry standard behavioral health data and other information from the Hospital Authority.

- The Hospital Authority refused to provide the information requested by the County and instead chose to seek this legislation without the County’s knowledge or consent.
- The County had also requested data and other information to gain a better understanding of how significant County tax dollars were being spent by the Hospital Authority in its operation of the Carolinas Medical Center’s Randolph facility and whether the opening of this new facility in Huntersville by the Hospital Authority would have an adverse financial impact on the County’s subsidy of the deficit cost incurred by the Hospital Authority for providing hospital based psychiatric services at CMC-Randolph.
- Under the County’s existing interlocal agreement with the Hospital Authority, the County pays the deficit cost related to the Hospital Authority’s providing of comprehensive hospital based psychiatric services.
- Some data and other information are now being “slowly” given to the County by the Hospital Authority’s General Counsel.
- The Hospital Authority has prohibited its staff from communicating directly with County staff and is funneling all communications through its General Counsel.
- The Hospital Authority instructed the County in a May 20, 2011 letter from its CEO Michael Tarwater that the County may only communicate with the Hospital Authority’s General Counsel on matters related to the County contract.

County Manager Jones said he doesn’t believe that communicating only through attorneys is the best or most efficient way to administer a $60 million contract. County Manager Jones said he has expressed this to the Hospital Authority’s CEO.

County Manager Jones said in a subsequent letter to Mr. Tarwater, on behalf of the County, he gave the Hospital Authority notice of its breach of the interlocal agreement between the Hospital Authority and the County resulting from the Hospital Authority’s failure to fulfill the County’s request for data and information and for its chronic failure to provide the County other information as required by the interlocal agreement. Further, that the letter also provides that the County is withholding payment of funds to the Hospital Authority until the Hospital Authority complies with the outstanding data and information request, to the County’s satisfaction under the interlocal agreement.

County Manager Jones said it was not the County’s intention to “impune” the integrity of the Hospital Authority or any of its employees in any way, as was recently suggested by the Hospital Authority’s management according to an article in the Charlotte Observer.

County Manager Jones said the Hospital Authority has provided “excellent and valued service to this community, but the County is disappointed that the Hospital Authority has not been more open and responsive to the County’s request for information.” County Manager Jones said the County can’t administer its contracts and assess community needs without relevant data and information and on-going communication with its partners.

County Manager Jones said with all that has transpired over the past few months between the County and the Hospital Authority, the County should now assess and perhaps redefine the current relationship under the interlocal agreement. County Manager Jones said the County should reconsider the current interlocal agreement, also in light of the state’s concept of the administration of behavioral health Medicaid funds by mental health local management entities (LMEs) through the waiver program.

County Manager Jones said Mecklenburg County will likely soon be in the role of managing Medicaid funding for hospital based psychiatric services, which could be “problematic” if the current contract with the Hospital Authority also requires the County to subsidize funding of
these same services.

County Manager Jones said as a next step in assessing the interlocal agreement, he was recommending that the Board schedule a Special Meeting on July 12, 2011 at 3:00 p.m. He said the purpose of the meeting will be to ensure the Board has the information it needs regarding the current provisions of the interlocal agreement and to discuss options for reconsidering the agreement. Staff will also discuss options for transitioning from the interlocal agreement, whereby County staff would operate all aspects of the Health department, as well as a process for determining the appropriate roll for the County, if any, in providing a subsidy for hospital based psychiatric services.

Comments

Commissioner James referenced the two options mentioned in emails that have gone back and forth, that he said CHS rejected. Option 1, the County would give CHS the building and pay them $20 million; Option 2, the County would keep the building and pay CHS $750.00 per patient day.

Commissioner James asked County Manager Jones about the format of the July 12th meeting and if he planned to invite CHS, CEO, Michael Tarwater to the meeting.

County Manager Jones said it would be an open meeting and that Mr. Tarwater and any of the County’s other community partners were welcome to attend.

County Manager Jones said the meeting would consist of staff briefing the Board on information that has been requested of the Charlotte Mecklenburg Hospital Authority and why that information is important, as well as, what the plans are for moving forward, if the Board agrees that the County needs to rethink the agreement with the Hospital Authority. He said moving forward could include establishing a blue ribbon committee.

County Manager Jones said he viewed the meeting as being one of a staff presentation to the Board, more so then it being partner involvement in that process.

Commissioner James asked when was the next payment due to CHS. General Manager Michelle Lancaster said the psychiatric payments are made on a monthly basis and would probably be due in about 2 ½ weeks.

General Manager Lancaster said the County would continue to withhold payment until the Hospital Authority provides the information the County has requested with respect to the psychiatric side of the contract.

Chairman Roberts spoke in support of a blue ribbon committee.

Chairman Roberts informed the Board that the chairman of the Hospital Authority has asked that she and Vice-Chairman Pendergraph meet with him to have a conversation about the “bigger picture” and moving forward.

Chairman Roberts asked the County Manager and the Board were they comfortable with that meeting taking place.

It was the consensus of the Board that the Chairman and Vice-chairman not meet with Hospital Authority officials, in light of what has transpired over the last few weeks and in light of the fact that a previous meeting was held, which ended as a result of Hospital Authority officials leaving the meeting abruptly. Further, that the Board needs to first hear from staff on July 12th before any more meetings are held.
Commissioner Leake said she would like to know the names of those serving on the Hospital Authority, how long they've served, and the salaries of those persons who are key persons for the County.

Commissioner Pendergraph suggested the Hospital Authority be invited to the Board's Special meeting on July 12, 2011.

Commissioner Cogdell asked that a specific invitation be sent to the Hospital Authority welcoming their attendance at the July 12, 2011 Special meeting and giving them an opportunity to respond at that meeting after the Board has had an opportunity to respond to the information received from staff.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

Commissioners Bentley and Pendergraph left the dais and were away until noted in the minutes.

STAFF REPORTS AND REQUESTS

(7A) DRUG TREATMENT COURT POSITIONS

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to approve establishing thirteen (13) county positions for the continued operation of Drug Treatment Court.

Commissioners Bentley and Pendergraph returned the dais.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8C) WOMEN’S EQUALITY DAY FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-2 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes and Commissioners Bentley and Pendergraph voting no, to appropriate and carry-forward to FY2012, $1,500 from FY2010-2011 Unrestricted Contingency to Community Support Services, to fund the Women’s Equality Day event to be held in August 2011.

Dr. Angelia Fryer, chairman of the Women’s Advisory Board addressed the request, prior to the above vote.

(8A) SELECTION OF NACO VOTING DELEGATE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to select Commissioner Leake as the Board’s voting delegate for the 2011 National Association of Counties (NACo) Annual Conference to be held July 15-19, 2011 in Portland, Oregon.
Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to approve the recommendations from the Economic Development Committee for amendment of agreements with the Charlotte Knights and direct County staff to prepare an agenda item for the July 12, 2011 meeting to begin the formal process of approving amendments, and authorize the County Manager to negotiate revised agreements for Board consideration.

Economic Development Committee Recommendation for Amendment of Agreements with Charlotte Knights
June 21, 2011

- August 2011 – County amends Lease and Development and Economic Grant Agreement (Agreement) with following Milestones:
  - August 31, 2011 - Knights deposit $100,000 towards its obligation to pay County legal fees as provided in Section 13.5 of the Agreement into an escrow account.
  - March 31, 2012 – Knights provide evidence of 2 Founding Level Sponsors or deposit another $100,000 into escrow towards its obligation to pay County legal fees as provided in Section 13.5 of the Agreement.
  - June 30, 2012 – Knights submit stadium Project Financing plan in accordance with Article VII of the Agreement.
  - October 1, 2012 – Construction must begin on new stadium.
  - 2014 baseball season - Knights play home games in new stadium.
  - Within two weeks of first home game in 2014 played in the new stadium – Escrowed funds returned to Knights by County.

- Knights agree not to seek County funds for stadium construction.
- Knights retain parking revenues and assume responsibility to pay any future County legal fees as provided in Section 13.5 of the Agreement.
- Failure of the Knights to meet any Milestone is an event of default that enables County to terminate the Lease, at which time money in escrow would be paid to the County, and the Knights would pay the County the balance of the County’s legal fees as provided in Section 13.5 of the Agreement.

Note: Jerry Reese spoke in opposition to the above motion. Mr. Reese said the lease with the Charlotte Knights should be terminated. Mr. Reese said if the lease is not terminated as of September 5, 2011, he plans to take the following actions:

- Through an extensive social media initiative, he will provide the public with the same detailed and impeachable data that the Board has received regarding the size and scope of Charlotte Carolinas baseball market.
- Since prior action of the Board presently render it impossible to locate a major league baseball stadium complex uptown, he will pursue the development of the stadium complex in one of three suburban locations: York County near Ballantyne, Cabarrus County near the Speedway, and Cabarrus County in the Concord-Kannapolis Corridor.
- Any official action to extend or modify the lease with the Charlotte Knights will be challenged in court.
- The Board, the Knights, and anyone who might consider being involved with this “ill advised” project “are hereby fore-warned and put on notice.”
Also, prior to the above vote, Commissioner Bentley asked for clarification of “evidence” as referenced in the March 31, 2012 bullet. County Attorney Bethune said that was something that would have to be negotiated.

County Attorney Bethune said the Board would have to approve whatever comes about as a result of negotiations. County Attorney Bethune said what the Board has at this point was a conceptual document.

Commissioner Bentley asked for clarification with respect to the Knights Project Financing plan, which County Attorney Bethune addressed.

Commissioner James asked if the Knights had audited financial statements.

Dan Rajkowski, General Manager with the Knights said the Lease agreement the Knights have with the County don’t require that the Knights provide that information, but they do have them for their operating club.

Commissioner James asked was the Knights audited financials done by a CPA. The response was yes.

Commissioner James asked Mr. Rajkowski how much money did the Knights make last year. Mr. Rajkowski said didn’t think that was relevant to the matter before the Board.

Commissioner James said he wanted to know because he wants to make sure the Knights will be able to cover a $30-$40 million loan. Mr. Rajkowski said they would.

Commissioner James asked was the Knights audited financials done by a CPA. The response was yes.

Commissioner James asked Mr. Rajkowski how much money did the Knights make last year. Mr. Rajkowski said didn’t think that was relevant to the matter before the Board.

Commissioner James said he wanted to know because he wants to make sure the Knights will be able to cover a $30-$40 million loan. Mr. Rajkowski said they would.

Commissioner James said he felt the Knights should be providing their financials to the County, including their audited financial statements.

This concluded the discussion prior to the above vote. It’s not inclusive of every comment but is a summary.

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

(8D) REVIEW OF REVALUATION PROCESS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley, to direct the County Manager to request that the State Department of Revenue, Real Estate Division, assess the revaluation process used in Mecklenburg County to assure property owners that the process has been done accurately, correctly, and in accordance with the law.

Commissioner Pendergraph addressed a review of the revaluation process. The following was noted: There have been many questions about the revaluation process and about changes in values that homeowners have received during the 2011 revaluation. This type of assessment of a revaluation process is done frequently by the State at the request of counties, and should take about a month. Further, that this review could help discover any issues that there might be or could help re-assure citizens of the integrity of the process.

Commissioner Pendergraph said he doesn’t think the state would charge for this.

Commissioner Pendergraph said this request was not a negative reflection on the Tax Assessor’s Office. The intent was to give taxpayers another level of confidence in the process. Commissioner Pendergraph said he has every confidence in the Tax Assessor and his staff.

After further discussion regarding the timing of this request, Commissioner Bentley made the
following motion:

Substitute motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 5-2 with Commissioners Bentley, Cogdell, Dunlap, Pendergraph and Roberts voting yes and Commissioners Clarke and Leake voting no, to defer taking action on a review of the County’s revaluation process until there’s been an opportunity to confer with the tax assessor regarding the timing of this request and that the matter be brought back to the Board the first meeting in September, 2011.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, 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 June 7, 2011.

(10) TAX REFUNDS

Approve refunds in the amount of $1,875.17 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.

(11) STORM WATER FEE – RESOLUTION ADOPTING THE 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.

Resolution recorded in full in Minute Book 45-A Document #______.

(12) BUILDING-DEVELOPMENT ORDINANCE AND LAND USE AND ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS

1. Amend the Building-Development Ordinance to align with current State Codes and Statutes.

2. Amend the LUESA Fee Ordinance to align with process revisions on temporary utilities.

Note: Since all Commissioners were not present, this matter will be brought back to the Board for a Second Reading at the July 12, 2011 meeting.

(13) CARRY FORWARD OF FUNDS – AREA MENTAL HEALTH

Authorize carry forward of unspent State crisis service program funds estimated to be $2,434,123 at June 30, 2011.

(14) YMCA OF GREATER CHARLOTTE / MCPPD PARTNERSHIP
1) Approve an updated master plan concept for Park Road Park.

2) Approve resolution declaring intent to enter into a lease agreement with the YMCA of Greater Charlotte to construct a joint use indoor shelter at Park Road Park.

3) Authorize the County Manager to seek approval of the Charlotte City Council for the County to enter into the lease agreement.

Note: The YMCA and the Mecklenburg County Park and Recreation Department desire to enter into an agreement to construct an indoor shelter at Park Road Park. The need for this shelter was previously identified in the 2008 Mecklenburg County Park and Recreation 10-Year Master Plan. This proposed multi-use facility will provide health, wellness and recreational support to children and much needed space for community gatherings and rental events in the South Charlotte and South Boulevard corridor communities.

Note: County Attorney Bethune informed the Board that although the action includes the adoption of a resolution, it was not included as a part of the agenda material. He said the actual resolution would be brought back to the Board at a later date.

(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Amend the Department of Social Services (DSS) FY12 budget to recognize, receive and appropriate Federal revenue for the TANF Job Boost program in the amount of $1,320,000.

(18) OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST

Approve Other Post-Employment Benefits (OPEB) Trust Document.

Note: When the Government Accounting Standards Board (GASB) guidance on the funding of OPEB liabilities was implemented in 2007, the County opted to join the State Treasurer’s OPEB fund through which the funds were invested on our behalf. The fund was initially opened as an irrevocable trust and funds deposited were credited towards the government unit’s OPEB liability. After further discussion with the GASB, the State Treasurer’s Office has determined that the original structure was not the appropriate approach. The current structure would require all government units to perform actuarial valuations at the same time using the same methodology. This would result in onerous reporting requirements for the participating government units.

As a result, the General Assembly recreated the fund as an investment fund. Therefore, participating units must establish their own irrevocable trusts which must be approved and executed by June 30, 2011. The County’s funds will still be invested in the State Treasurer’s OPEB Investment Fund pursuant to that investment policy.

The County’s irrevocable trust names the County Manager, the Finance Director and Human Resources Director as Trustees. The Trustees’ primary responsibility is to direct the investment of the funds, monitor the performance of the funds and perform the necessary administrative and accounting of the trust.

Agreement recorded in full in Minute Book 45-A Document #______.

(19) CARRY FORWARD OF FUNDS - CHILD SUPPORT ENFORCEMENT FILES MANAGEMENT AND
DOCUMENT IMAGING PROJECT

1) Rescind action taken on June 7, 2011 to carry forward to FY12 of funds remaining at June 30, 2010 for completion of the files management project; and

2) Approve the carry forward to FY12 of funds remaining at June 30, 2011 for completion of the files management project.

Note: The Board was asked to rescind the action taken on June 7, 2011, because of a date error.

(20) CARRY FORWARD OF FUNDS: COURT SYSTEM PLANNING PROFESSIONAL FEES

Carry forward remaining funds as of June 30, 2011 to FY12 for the County’s agreement to support the court system.

Note: This action item was requesting authorization from the Board to carry forward FY11 funds appropriated to Court System Planning (MGR) for professional service fees to FY12. The funding is used for providing support services, primarily staffing, to the court system through agreements with the Administrative Office of the Courts and the local state criminal justice agencies. By carrying the funds forward, the SJS will be able to fulfill the County’s obligations. This action item provides for a carry forward of approximately $600,000.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(15) CAPITAL RESERVE REQUEST – CONSOLIDATED GOLF – PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate to the consolidated golf capital reserve account the sum of $27,000 from the City of Charlotte.

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

(16) HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN - DSS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the Home and Community Care Block Grant funding plan for FY 2012.

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

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, 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 9:37 p.m.
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, July 12, 2011.

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

____________________

-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 15, 17, 18, 21, 22, and 23.

(2A) STAFF BRIEFINGS – NONE

Commissioners Clarke and Cooksey left the meeting and were absent until noted in the minutes.

(3A, B) CLOSED SESSION - LAND ACQUISITION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

• Land parcel 20501309 located at 314 Main Street Pineville, NC

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph 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 5:35 p.m. and came back into Open Session at 5:37 p.m.

Commissioners Clarke and Cooksey were present when the Board came back into Open Session. They entered during Closed Session.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

AWARDS/RECOGNITION

(1A)  2011 NACO ACHIEVEMENT AWARDS

The Board recognized County departments and their respective employees that received 2011 National Association of Counties Achievement Awards. The employees were from Park and Recreation and GIS.

Note: The annual Achievement Award Program was begun by the National Association of Counties in 1970 to recognize innovative programs that modernize county government and increase services to residents. The Achievement Awards are non-competitive. Each application is judged on its own merits and not against other applications received. Awards are given in 21 different categories including children and youth, criminal justice, county administration, environmental protection, information technology, health, and many more. Mecklenburg County received 20 Achievement Awards.

Note: Ten winners were recognized tonight. The others will be recognized at the Board’s August 2, 2011 meeting.

A description of each winning program 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:

Autumn Dyson, a youth, and Antoinette Thornton, founder, addressed the work of the Youth Employment & Career Center and invited the community’s youth to participate with the Center. Ms. Thornton said the Center was interested in partnering with other non-profits to provide programs and services that are needed in the community for youth.

(3A)  APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Charles Rogers to the Board of Motor Vehicle

*He replaces Bruce Hamlett.*

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

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

- **Jaye Alexander** Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts
- **Toria Boldware** Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts
- **Janet Lama** Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts
- **Edward Mattison** None
- **Shay Merritt** Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts
- **Damon Miller** Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Pendergraph
- **Omar Saxton** None
- **Bill Schreiner** Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Pendergraph
- **Douglas Wilson** Commissioners James, Leake, and Roberts

Voting Ceased

Shari Wright-Harley

Chairman Roberts announced the appointments of Jaye Alexander, Toria Boldware, Janet Lama, Shay Merritt, and Damon Miller to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring July 2, 2014 and Bill Schreiner to fill an unexpired term expiring September 30, 2011 and a three-year term effective November 1, 2011 expiring September 30, 2014.

*They replace Nathaniel Anderson, Jr., Lori Fletcher, Andrea Huff, Patrick Rivenbark, Katherine Satchwill and Amad Shakur.*

JUVENILE CRIME PREVENTION COUNCIL

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

- **Tabitha Barwell** Commissioner Leake
- **Stephanie Carter-Tyson** Commissioners Cogdell, James, and Roberts
- **Sara Holland** Commissioners Bentley, Clarke, Cooksey, Dunlap, and Pendergraph

Chairman Roberts announced the appointment of Sara Holland to the Juvenile Crime Prevention Council as a General Public representative for a two-year expiring June 30, 2013.

*She replaces Jeff Hood.*

(3B) NOMINATIONS/APPOINTMENTS
ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Patricia Fletcher to the Adult Care Home Advisory Committee for a three-year term expiring July 31, 2014.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Ellen Blaine and Shawn Greenwood to the Adult Care Home Advisory Committee for a one-year term expiring July 31, 2012.

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, Pendergraph and Roberts voting yes, to reappoint Jonathan Wood to the Building Development Commission as the American Society of Landscape Architects representative for a three-year term expiring July 31, 2014.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Robert Belisle to the Building Development Commission as the Professional Engineers of N. C. representative for a three-year term expiring July 31, 2014.

He replaces David Shultz.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to 1) exercise the exception provision of the Appointment Policy – Membership Terms, Section 4-A, which states Except in extraordinary circumstances or where otherwise restricted by legislative authority creating or authorizing the creation of a board, it shall be the policy of the Board that terms of membership shall be staggered and that members serve not more than two full consecutive terms. In light of the fact that the Home Builders Association recommended Elliot Mann be reappointed and since there are no eligible applicants for this slot, this qualifies as an extraordinary circumstance. 2) To reappoint Elliot Mann to the Building Development Commission as the Home Builders Association of Charlotte representative for a three-year term expiring July 31, 2014.

Commissioner James nominated all General Public applicants for appointment consideration to the Building Development Commission: Robert Clark, Timothy West, and Aaron Whitecotton.

Note: An appointment will occur on August 2, 2011.

CMUD ADVISORY COMMITTEE

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 nominate and appoint Frank McMahan to the CMUD Advisory Committee as the Civil Engineer representative for a three-year term expiring June 30, 2014.
He replaces Erica Van Tassel.

GROUNDWATER ADVISORY COMMITTEE

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 nominate and appoint Michael Armour to the Groundwater Advisory Committee as the Environmental Consultant representative and Stephen Taylor as the Well Contractor representative for three-year terms expiring July 31, 2014.

They replace William Miller and Thomas Witner.

PUBLIC ARTS COMMISSION

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 nominate and appoint Manoj Kesavan to the Public Arts Commission as the Education representative for a three-year term expiring June 30, 2014.

He replaces Dawn Blobaum.

WOMEN’S ADVISORY BOARD

Commissioner Cooksey nominated all applicants for appointment consideration to the Women’s Advisory Board: Robyn Codrington, Jaime Daniell, Vickie Evans, Faith Fickling, Sandra Johnson, and Heather McCullough.

Note: An appointment will occur on August 2, 2011.

(3C) BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Charles Roberts as Chairman of the Board of Motor Vehicle Review as recommended by Tax Assessor Garret Alexander for the duration of his term on the Board of Motor Vehicle Review.

(3D) TOWN OF HUNTERSVILLE PLANNING BOARD

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Art Van Wingerden 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 three-year term from July 1, 2011 to June 30, 2014.

Commissioner Pendergraph left the dais and was away until noted in the minutes.
PUBLIC HEARINGS

(4A) ABANDONMENT OF RIGHT-OF-WAY FOR FORMER FAYETTE ROAD

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to open a public hearing to hear comments from citizens on the abandonment of right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950).

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to close the public hearing on the abandonment of right-of-way for former Fayette Road and approve the Order to abandon the right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950).

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

Commissioner Pendergraph returned to the dais.

ADVISORY COMMITTEE REPORTS

(5A) DOMESTIC VIOLENCE FATALITY REVIEW INTERIM REPORT

The Board received a presentation from the Domestic Violence Fatality Review Team. Helen Lipman with Community Support Services and Jane Harper, Chair of the Domestic Violence Fatality Review Team gave the report.

Note: Session Law 2009 -52, which authorized Mecklenburg County to establish a Domestic Violence (DV) Fatality Prevention and Protection Review Team, modeled after the North Carolina Child Fatality Prevention Team, requires an interim report to the Board of County Commissioners.

The following was covered:

- Common Factors in Cases Reviewed
- Potential Avenues for Intervention
- Law Enforcement, Courts and Community Safety
- Recommendations for Agencies
  - Law Enforcement: Police
  - Law Enforcement: Magistrate’s Office
  - The Courts
  - Social Services
  - Health Care Providers
  - Domestic Violence and other Health and Human Services Agencies
- Recommendations for the Public, Family, Friends, and Co-Workers
- Team Accomplishments in First Year

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

Commissioner Clarke returned to the dais.
Chairman Roberts thanked the presenters for the report.

STAFF REPORTS AND REQUESTS

(7A) LEGISLATIVE REVIEW

The Board received a report on the 2011 General Assembly. Assistant to the County Manager Brian Francis gave the report. Each of the items below were addressed.

2011 Long Session: Adjournment Report

Legislative Agenda Items

Policy Items

1) Expand the Board of Equalization and Review - S 55 was ratified as SL 2011-1 on February 24, 2011.

2) Allow Mecklenburg County to enter into leases of greater than 10 years for energy efficiency equipment – H 266 was ratified on June 16, 2011 as SL 2011-150.

3) Provide Mecklenburg County greater flexibility in the funding and administering of law enforcement service districts - H 280 was chaptered as SL 2011-100 on May 31, 2011.

4) Amend the general statutes to allow electronic drawings to be held as permanent records – S 148, the Technical Corrections bill, includes this agenda item in Section 13. It was chaptered as SL 2011-326 on June 27, 2011.

5) Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice – We worked closely with the NC Association of County Commissioners and NC League of Municipalities on this agenda item. As a coalition, we attempted various different versions of statewide legislation and then made an effort to come to a compromise on local bills but were unsuccessful.

6) Clarify SL 2010-158 to insure that secondary PSAPs are eligible for 911 funds – We continue to work with Speaker Tillis’ office and the NC League of Municipalities on this issue, and intend to pursue legislation in the short session.

Appropriations Items

1) Extend the special provision from the 2009 and 2010 budgets providing County DSS the ability to use up to 5% of Child Care Development Fund Block Grant funds for administration H 200 (the budget) authorizes 4% for administration and the Governor’s budget provided for 3%. According to legislative staff, 4% is the highest amount that can be authorized in this budget without additional direct appropriation to the County.

Pending additional action

1) Seek legislation necessary to implement the recommendations of the Library Task Force. – The Task Force did not produce recommendations that required legislation.

2) If a vehicle registration fee is passed, designate that revenue be used to fund air quality
programs. – No legislation was approved this session to authorize a vehicle registration fee.

3) Provide flexibility to the Register of Deeds to reject documents suspected of being fraudulent. – We provided language for the legislation containing all of the interim studies, but that bill, the Studies Act, was not approved by the end of session. We will work with the NC Association of Registers of Deeds during the interim to develop a solution to this issue and then pursue legislation during the short session.

Support Items

1) Support the request of the Charlotte Mecklenburg Board of Education for local flexibility regarding staff spending and the school calendar.

H 546, a local act to give CMS the flexibility to implement alternative salary plans, was approved by the House this session but was not addressed by the Senate. It remains in Senate Rules and is eligible for action during the short session.

Additional Critical Issues

S 578 – Sen. Fletcher Hartsell (R-Cabarrus) – An Act to Facilitate the Transfer of Beds from a State Psychiatric Hospital to a Community Facility Within Certain LMEs – SL 2011-275.

This is the legislation sought by Carolinas Healthcare to circumvent the County’s role in the CON process relative to the new psychiatric hospital in Huntersville. Despite a vigorous opposition effort, especially during the last two weeks of session, the legislative leadership made the decision to allow the bill to proceed.

Bills of Direct Impact to Mecklenburg County


This bill severely limits new local government entrants in the broadband internet business and contains a defined service area for existing systems, including MI-Connection.


This bill requires Cornelius, Davidson and Huntersville to give 51% of the portion of prepared food and beverage taxes received from the City of Charlotte to the Lake Norman Convention and Visitors Bureau.

S 131 – Sen. Dan Clodfelter (D-Mecklenburg) - An Act to Authorize Expanded Methods of Collecting Fines, Fees, Costs, and Restitution from Offenders not Sentenced to Supervised Probation or Active Time and to Permit the County in Which the Collection Assistance Fee is Collected to Retain the Fee, Providing the Fee is Collected by a Collections Program Funded by the County Government – SL 2011-323.

MANAGER’S REPORT

(6A) CAPITAL PROJECT ORDINANCES FOR FY 2012 CAPITAL IMPROVEMENT PROJECTS (CIP)

Finance Director Dena Diorio presented capital project ordinances for FY 2012 capital improvement projects (CIP).

The persons below spoke in support of moving forward with the building of Stumptown Elementary School, to relieve the overcrowding at Torrence Creek Elementary School in Huntersville. The speakers said they supported the recommendation proposed by Commissioner Bentley and Chairman Roberts at a recent community meeting, wherein the Board would be asked to approve a capital project ordinance for Stumptown Elementary in April 2012 rather than in June 2012 in order to meet Charlotte-Mecklenburg Schools (CMS) construction schedule for Stumptown Elementary. It was noted that per information received from CMS, they would be ready to begin construction for Stumptown in April of 2012 with an expected delivery date of August 2013. The speakers expressed opposition to the results of the County’s capital project ranking process, which they said resulted in Stumptown Elementary being ranked lower than it originally was according to a CMS list.

The speakers were: Carrie Keste, Shannon Vecchiarello, David Kobuszewski, Lisa Schwany, and Carrie Burton.

Comments

Commissioner Bentley said she was committed to doing everything she could to make sure Stumptown Elementary was ready to open in the fall of 2013.

Commissioner Bentley asked County Attorney Bethune was it possible for the Board to approve a capital project ordinance for Stumptown Elementary, prior to the FY 12 budget season, in anticipation of funding, so that CMS could start the work for construction. The response was yes.

Commissioner Bentley asked how early could the matter be brought before the Board for action. The response was there’s no restriction with respect to the timing.

Commissioner Bentley asked Finance Director Diorio to comment on her dialogue with CMS regarding the time they’ll need in order to get Stumptown Elementary open.

Director Diorio said per CMS, in order to meet the August 2013 delivery date for Stumptown Elementary, they would need to start construction in May of 2012. She said it’s about a 15 month construction timeframe.

Director Diorio said even if the project was moved up the list today, CMS still would not be able to start the project until May 2012.

Commissioner Bentley asked Director Diorio to comment on how this would be presented to the Board for consideration, in light of it being moved up over other Round Two projects, would it be presented as a single project or would the ordinance(s) cover all Round Two projects. Director Diorio said what staff would want to do, would be to submit all of the capital project ordinances at the same time as the County Manager would present his recommended budget.

Director Diorio said since the Stumptown Elementary project has some time constraints on it, her recommendation would be to move one capital project ordinance forward for Stumptown Elementary in order to get the project started within the timeframe that’s needed in order to
meet the August 2013 delivery date.

Director Diorio said all Round Two projects would move forward, but there were specific time constraints associated with the Stumptown Elementary project.

Commissioner Bentley asked was it correct that moving forward with Stumptown Elementary was a timing issue and not in any way “leap frogging” other projects. Director Diorio said that was correct.

Chairman Roberts asked were there any other projects in Round Two that would require that kind of time constraint. Director Diorio said no one else had communicated any time constraints to her.

Chairman Roberts said with respect to the capital ranking process, the County gave the criteria to its partners and they filled out the information on safety, economic impact, federal/state mandates, etc. Director Diorio said that was correct.

Director Diorio said the process was started in January 2010. She said it was a year long project that staff worked to revamp the entire capital budget and planning process. Director Diorio said all of the County’s partners were at the table with the County for that entire time. Thus, the partners knew what the County was planning and were a part of the discussion and came to the meetings.

Director Diorio said there really shouldn’t be any surprise about where things ended up.

Chairman Roberts asked was it correct the County gave CMS the list and asked them to rank how they would prioritize based on the criteria. Director Diorio said CMS filled out the forms and projects were ranked based on the information CMS provided to the County.

Chairman Roberts said it’s been misconstrued that the County was changing CMS’ priorities. Chairman Roberts said the County let CMS calculate based on criteria that should be important to everyone. Chairman Roberts said CMS did their own evaluation and that they assigned the values to their projects.

Commissioner Dunlap asked was it correct to assume that the priority ranking of projects under the process this year would be the same next year. County Manager Jones said yes.

Commissioner Bentley asked wasn’t it a three-year plan. Director Diorio said yes.

Director Diorio said there was not a plan to re-rank the projects. Director Diorio explained how the process was conducted and worked.

Director Diorio said staff would go through the list of projects based on the rankings that currently exist.

Commissioner Dunlap asked was it correct that if any new projects came up, they would either go to the bottom of the list or wait for a new three-year cycle. Director Diorio said staff doesn’t anticipate any new projects coming up because what’s been said is that the County would work towards getting through the $770 million of authorized and unissued debt that the County has out there.

Director Diorio said if a project came up, it’s going to be a project that’s completely unanticipated and absolutely urgent. She said aside from that, there would be no request of departments or partners to submit any new projects for consideration.

Commissioner Dunlap asked was there any consideration to change the ranking process.
Director Diorio said only if the Board directs staff to do so. Director Diorio said staff’s position was to see the process through, since this was the first year it’s been done this way. Staff wants to see how it works and if there’s an opportunity to change it, it’ll be changed at a later date.

Director Diorio said she would not recommend changing the existing list.

Director Diorio said if the Board wanted to change the process, her recommendation would be that it be done with respect to those projects that have yet to be ranked and that would start after July 1, 2013. Those projects would then be put at the bottom of the list and done accordingly.

Commissioner Dunlap said he raised the question to make sure there aren’t any more surprises. Commissioner Dunlap said he wanted it to be a fair process and that from this point on the Board should follow the list as outlined by staff when it was presented.

Director Diorio reminded the Board that First Ward Park ranked very high, but it couldn’t be executed within the first year, so it was moved down. Director Diorio said when staff comes back next year and First Ward Park was still not ready to be done, it would be moved down again. Further, that staff would not anticipate moving anything above anything else.

Commissioner Leake addressed the history of Torrence Creek and overcrowding and common concerns in the district overall. She also addressed the closing of schools by CMS.

Commissioner Cooksey asked what circumstances would cause the Board to move something into the list that may not have been their originally.

Director Diorio said she could not imagine a situation where something would be moved into the list, unless there was a contractual commitment out there that she’s not aware of.

Director Diorio said staff included every project that it was aware of on the list.

Commissioner Cooksey asked if that meant the capital project list was “fixed” for the next three years. Director Diorio said yes, that would be her recommendation to the Board.

Commissioner Cooksey asked was there any “lessons learned” from going through the process. Director Diorio said she would encourage the County’s partners that worked with staff to make sure that they’re communicating back out to their boards.

Director Diorio said what happened in this instance was that in some cases, partners’ staff did not communicate out to their board, what process the County was going through. She said when it was “all said and done”, the expectation was that the County was going to give people a blank capital project ordinance and that they were going to be able to use that to build whatever they wanted.

Director Diorio said it wasn’t until the County said “sorry,” we’re not doing it that way anymore that people got concerned.

Director Diorio said she felt strongly that the County worked in conjunction with all of its partners throughout the process. She said it’s “fairly telling that there’s really only one entity who say they didn’t understand.” Director Diorio said everyone else seemed to have known the direction the County was headed.

Director Diorio said she would encourage everyone to make sure they’re reporting back to the people they work for to make sure that they’re communicating what the County was doing, so that everyone understands. Director Diorio said had they done that, she thinks the County would have heard back about issues around priorities and maybe there would have been an
opportunity to incorporate that, but County staff never received the feedback. Thus, staff did not know that was going to be an issue for people.

Director Diorio said it wasn’t that staff didn’t want to include Stumptown, but that no one told them it was important.

Commissioner Cooksey asked was it staff expectation that some time next spring, staff would anticipate coming back to the Board and asking for the adoption of a capital project ordinance that would include Stumptown Elementary. Director Diorio said staff would bring that capital project ordinance first, so that it would meet the timeframe. The others would be brought to the Board when the County Manager presented his recommended budget and have them approved when the budget was adopted.

Commissioner Cooksey asked would adopting the Stumptown Elementary capital project ordinance in March or April of 2012 have any impact on the County's debt ceiling that's been set up for FY2012. Director Diorio said it wouldn’t because the debt for the project would not be issued until the next fiscal year but that the County has enough cash on hand so that if, CMS did start and have invoices to pay, they could be paid.

Commissioner Cogdell requested another copy of the Round Two list of projects.

Commissioner Cogdell said he wanted the process to be very open and transparent. He said everyone needed to know what the Round Two projects were. He asked staff to make sure everyone was being treated fairly in the process.

Commissioner James said it was important that the County be fair in the process. He said the County has a limited amount of funds and for the first time the County was determining that it was going to be fair with everyone and have a list.

Commissioner James said his hope was that the County would have one list and one time when it did the capital project amendment for the second phase. Commissioner James said he was a little concerned if only one school was done and not the others, because he’s “afraid” it'll relieve CMS of their responsibility, “once again to actually make sure they're okay with it.”

Commissioner James said Stumptown Elementary probably needed to be started a head of time, so that amendment would be done next spring. Commissioner James said there may be other schools, however, that were on the list.

Commissioner James said he wanted to make sure that the process followed was the same for everyone.

Commissioner Cooksey with respect to the Park and Recreation capital project ordinance said he had a concern about the disconnect between moving forward with the Romare Bearden Park and what he suspected the Board was going to do with respect to the baseball stadium.

Commissioner Cooksey said he’s concerned about what happens to the land that’s slated for the baseball stadium if the Knights aren’t able to follow through with their stated desire to build a baseball stadium uptown.

Commissioner Cooksey said he was a huge supporter of building a new park in Third Ward, but felt there should be a master plan for a park that encompasses both the current Romare Bearden Park and the land that’s underneath the baseball stadium. Commissioner Cooksey said he was concerned that if the Board moves forward with the project, and if the “rug” gets pulled out from under the County with respect to the baseball stadium, then the County would have two disconnected parks or a park with a vacant piece of land next to it. Commissioner Cooksey said he had not seen a contingency plan if the Knights don’t build the stadium.
This concluded the discussion. The above is not inclusive of every comment regarding this item but is a summary.

Note: The actions below will provide budgetary authority for the projects identified in the fiscal year 2012 CIP and the funding sources as presented at June 21, 2011 Board of Commissioners meeting.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the FY2012 Authorization School Facilities Approved November 6, 2007 Referendum capital project ordinance.

Note: For the following projects:
- McClintock Middle Replacement
- Fire Alarms @ 13 Schools
- Alexander Graham Middle Renovations
- Pineville Elementary Replacement
- Newell Elementary Renovations
- Bain Elementary Replacement
- South Mecklenburg High (demolition)

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months’ school term as required by Section 2 of Article IX of the North Carolina Constitution, $69,020,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes and Commissioner Cooksey voting no, to adopt the FY2012 Authorization Park & Recreation Approved November 2, 2004 Referendum capital project ordinance.

Note: For the following projects:
- Romare Bearden Park
  - Clarks Creek and I-485 Crossing Greenway
  - Memorial Stadium Repairs
  - Four Mile Creek Greenway
  - Matthews SportsPlex
  - Four Mile Creek Greenway
  - Land Acquisitions

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, $32,400,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the FY2012 Authorization Community College Approved November 8, 2005 Referendum capital project ordinance.

Note: For the following projects:
- Taylor Hall Renovation
- Harper Campus Renovation

including the acquisition and construction of new facilities, the improvement and expansion of existing
facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, $16,000,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the FY2012 Authorization Community College Approved November 6, 2007 Referendum capital project ordinance.

Note: For the following projects:

Section 1. That for the purpose of providing funds, together with any other available funds Van Every Building Replacement including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, $25,000,000 is hereby appropriated.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the FY2012 Authorization Government Facilities capital project ordinance.

Note: For the following projects:

Section 1. That for the purpose of providing funds, together with any other available funds, for constructing and renovating government facilities including those projects described below, and including the acquisition and installation of necessary machinery and equipment and the acquisition of land or rights-in-land required therefor, $14,000,000 is hereby appropriated.

Johnson C. Smith University Track Resurfacing  
Arrest Processing Renovation  
District Attorney Expansion

Ordinances recorded in full in Minute Book Documents #_____ , ______, ______, ______ and ______.

(6B) CAROLINAS HEALTHCARE SYSTEM (CHS) AUTHORITY INTERLOCAL AGREEMENT

County Manager Jones presented a request to the Board to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013.

County Manager Jones said this would not preclude an earlier termination of the Agreement for breach or earlier by negotiated mutual consent. He said the termination would dissolve all components of the current agreement, including the deficit funding of CMC-Randolph and all obligations with respect to public health, effective June 30, 2013.

Note: Ending the existing Interlocal Agreement means that effective July 1, 2013 the County would reconstitute the operations of the Health Department and operate it just like the 99 other counties in North Carolina, and like the County did for close to 100 years before the first contract with the Hospital Authority in 1995, and would no longer fund the deficit of the CMC-Randolph psychiatric hospital. In addition, with termination of the Interlocal Agreement, the County must determine its future role, if any, in subsidizing comprehensive hospital based psychiatric services.

Comments
Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph, to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013.

Substitute Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey, to direct the County Attorney to contact the General Counsel for the Charlotte Hospital Authority and propose that the Charlotte Hospital Authority and the County engage the services of a professional mediator and attempt to resolve the disputes over the contract; to see if a mutually acceptable agreement could be reached on modified terms and conditions of the contract. In addition, that the County be authorized to pay up to one half of the expenses of the mediator.

Commissioner Clarke said he felt this was a better alternative, however, it would not preclude the County from subsequently terminating the contract within the timeframe that the County Manager recommended it be terminated.

Commissioner Clarke said through the process of mediation the County may be able to restructure the agreement in a way that was satisfactory to both parties and in the long term best interest of the citizens of Mecklenburg County.

Commissioner Clarke said he was motivated in large part by the Board’s role in providing public health services in the community. Commissioner Clarke said he felt the arrangement in place was very beneficial to the County and its citizens; and he’d like to find a way to preserve that.

Commissioner Cooksey addressed the history of the agreement, noting that it was entered into in 1995. Commissioner Cooksey said at the time it was entered into, it served a purpose to address problems that the County Commission and the predecessor to Carolinas HealthCare System (CHS) sought to address at that time. Commissioner Cooksey said a lot of things had happened and a lot of changes had occurred in the community since that time and that the needs of both parties were marketably different.

Commissioner Cooksey used the analogy of “Humpty Dumpty” and said where the County was now, was that the pieces were going to have to be picked up and put back together again, in order to provide the services that were previously performed under this CHS contract; such as public health and providing in-patient care for people with behavioral issues.

Commissioner Cooksey said he wasn’t sure what the best “fix” for it was but he’s not prepared to say at this time that CHS wasn’t a part of that solution.

Commissioner Cooksey it would be worthwhile to engage the County Manager to speak to CHS over a period of 60-90 days to see whether or not the County could develop a new agreement, a new relationship with CHS that “makes sense for our current economic times and current situation.”

Commissioner Cooksey said he would recommend the existing contract be torn up and that the County start all over. Commissioner Cooksey said it’s been 16 years since the agreement was entered into and that it’s time to take a “fresh look” at it.

Commissioner Cooksey offered a friendly amendment to Commissioner Clarke’s motion, which was to give the County Manager a period of 90 days to conduct the mediation and if he’s not successful in revamping the agreement with CHS within that time, then bring the motion back for the Board to terminate the contract.

Commissioner Clarke accepted Commissioner Cooksey’s friendly amendment to his substitute motion.
County Attorney Bethune asked for clarification of the substitute motion because it originally asked that staff mediate the disputes, which sounded like what staff needed to do was try and figure out if there’s a breach or not; can we get rid of the breach because that’s the dispute.

County Attorney Bethune said in addition there’s the larger policy issue of what’s the nature of the Board’s desire relative to continuing the funding of indigent psychiatric services, which was a type of policy dispute and not a dispute within the context of the contract. Also, what’s the future of the best way to provide public health service, which was sort of tangential to the dispute right now within the contract.

County Attorney Bethune said Commissioner Cooksey didn’t really talk about mediation for purposes of resolving disputes, as much as it was having a mediator to help the parties try to negotiate a different contract going forward.

County Attorney Bethune said these were two different approaches to the situation, per what Commissioner Clarke said and what Commissioner Cooksey said.

County Attorney Bethune said he needed clarity on what the goal was for mediation.

Commissioner Cooksey said his thought was that there were disputes between the County and CHS; and that there’s a likelihood those disputes would somehow manifest themselves in actual litigation between the parties. Thus, it’s in both parties interest to avoid that by reaching some type of mutual settlement.

Commissioner Cooksey said he guess in his amendment he “jumped over” the part about talking about the disputes and went straight to the settlement, in terms of what he thought it should look like. Commissioner Cooksey said he understood you have to go through the first part to get to the second part.

Commissioner Clarke said he didn’t sense any difference between what he and Commissioner Cooksey were saying.

Commissioner Clarke said the purpose would be to resolve disputes and see if the parties could reach an agreement on amended terms and conditions of the agreement.

Commissioner Clarke said you can go into mediation to try and resolve disputes about an existing agreement and that part of the process of resolving them could be to come back with essentially a new agreement that would be recommended to the Board.

Commissioner Clarke said it was quite clear that the Board had said that agreement should not include any appropriation to any hospital for indigent in-patient care.

Commissioner Clarke said if the Board disagreed with what the staff of the two parties said was mutually acceptable, then the Board could reject it, as could their board.

Chairman Roberts asked Commissioner Clarke was his focus on the existing contract and information sharing and some of the other things that have come to light, or was he also talking about a letter the County Manager sent and a letter that CHS sent, each giving a different perspective on how to terminate parts of the agreement going forward; and was he trying to align those.

Commissioner Clarke explained the purpose of a mediation.

Commissioner Leake said she was concerned about taxpayer dollars and noted the amount of CHS’ unrestricted reserves.
Commissioner Leake said she was interested in the number of County residents being served by CHS and the percentage of those individuals that were not county residents.

Commissioner Leake said she wasn’t sure if there could be any reconciliation in light of what had already transpired.

Commissioner Leake said she was also concerned about who worked for the County versus who worked for the hospital side of the Health Department and the mobility of people on which side when it came to promotions.

Commissioner Leake said in light of the fact that CHS officials left a meeting that was held with the Chairman and Vice-Chairman before it was over and their failure to attend today’s Special Meeting, she’s not sure if they’re “really” interested in sitting down to talk with the County to negotiate in any way.

Commissioner Leake asked Chairman Roberts was it correct that her husband worked in the law firm with CHS’ lawyer and whether that was a conflict for the Chairman.

Chairman Roberts said her husband did work in the same firm and that she made that public to the Charlotte Observer and all Board members.

Chairman Roberts said her husband worked at McGuire Woods, as well as Larry Dagenhart, who was not the attorney for the hospital but for the board of the hospital. Chairman Roberts said she was not even aware that he was until about a month ago.

Chairman Roberts said no information flow would occur between her husband and Mr. Dagenhart. Chairman Roberts said she previously cleared it with the County Attorney that this would not be a conflict.

Commissioner Pendergraph said it didn’t matter how much money CHS had or the County. He said the “bottom line” was the County has a contract with CHS and CHS has failed to meet a part of the contract by failing to answer “reasonable” questions that have been posed to them over many years.

Commissioner Pendergraph said per the Board’s earlier Special meeting, he asked the County Manager if the County had the answers to the questions, the “reasonable” questions, such as “What are you doing with the money the County is giving you every year?”

Commissioner Pendergraph said the County doesn’t know what they’re doing with the money. He said the County just writes them a “big check” every year.

Commissioner Pendergraph said he understood the substitute motion with respect to mediation, but that the refusal to answer “reasonable” questions without any “reasonable” explanation for that, other than, they just don’t respond, he’s not sure what mediating was going to do.

Commissioner Pendergraph said the “ball” has been in their court since day one, to respond to the questions that have been asked about the money the County gives to them and how it is spent. Commissioner Pendergraph said CHS refused and failed to respond and now the County was left with the County Manager, who’s responsibility it is to handle contracts for all County operations; and the way he sees it, is that when you have failed to meet your end of the contract, then it’s the County Manager’s job to “call your hand on it.”

Commissioner Pendergraph said he would not support the substitute motion.
Commissioner Dunlap said it would be good if mediation could occur, but he’d like to do it a little differently and the only way to do it would be to support the County Manager’s recommendation.

Commissioner Dunlap said he’d like to vote to end the contract and then see if staff could mediate and negotiate after that point. Commissioner Dunlap said because at that point CHS would have a reason to negotiate if they were “really” interested.

Commissioner Dunlap said he concurred with Commissioner Pendergraph’s comments with respect to the County receiving answers to “reasonable” questions.

Commissioner Dunlap said the County was “holding every agency that does business with the County accountable, but we want to hold out one and say it’s okay let’s negotiate.”

Commissioner Dunlap said that was unfair to everyone else.

Commissioner Dunlap said for him this was an issue of fairness.

Commissioner Dunlap said he’d love to see the County work something out with CHS, but not at the risk of allowing them to continue to have unanswered questions that have been raised over an extended period of time.

Commissioner Cogdell amended his motion as follows: to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013. Secondly, to direct the County Manager to send written notice to the Charlotte Mecklenburg Hospital Authority of the County’s willingness to mediate this issue and our willingness to pay 50% of the professional mediation fees for a third party mediator, if they were willing to sit down at the table and mediate with the County or enter into some type of mediation with the County.

County Attorney Bethune asked was it correct that mediation could deal with 1) the question of what the County says is a breach now, because there’s still 22 months left on the contract; 2) a potential earlier termination than 2013; 3) a potential amendment; and/or a lot of different things that the parties decide would be the best thing going forward.

It was the consensus of the Board that County Attorney Bethune’s assumptions were correct.

Commissioner Pendergraph questioned the need for the amendment. Commissioner Pendergraph said he was sure that the representative from CHS that was present at the meeting would inform, CHS that the County was willing to mediate. Secondly, he questioned why would the County want to incur any cost for a mediator when CHS knows what the County wants already.

Commissioner Cogdell said “sometimes we can operate off of frustration or emotion and we may end up paying a whole lot more.” He said there may be certain parts of the agreement that were salvageable. He said there may be certain parts that continue to make sense, that continue to serve a legitimate public interest and fiscally makes sense. He said there may be parts of the agreement that don’t make any sense to the County and the County walks away from the mediation with certain components of this contract being either self-performed in-house or performed by other health care providers.

Commissioner Cogdell said it’s possible that an agreement may not be reached, but it’s worth having an objective third party being involved in the discussions. He said to date discussions have mainly been between the County Manager, Mr. Tarwater, and their respective staff.
Commissioner Cogdell said the County was not waiving its rights. He said the County was still sending the notice of termination.

Commissioner Pendergraph after hearing Commissioner Cogdell’s explanation, seconded the amendment.

Commissioner Clarke in light of the amended original motion, withdrew his substitute motion. Commissioner Cooksey, the seconder, concurred.

County Manager Jones asked for clarification on what the Board’s expectation of him would be. He said he would assume that even in mediation, the County would continue to assert that a breach exists, while the County was simultaneously mediating to the extent to which the County believed it exists.

County Manager Jones said he raised that question because there’s another question regarding what the Board’s expectations of the County Manager around continual contract management.

County Manager Jones said he didn’t want to manage a contract and to find “tomorrow or the next day,” that another breach existed and then to be accused in this process of not negotiating in good faith.

County Manager Jones said if it’s the Board’s expectation that he continue managing the contract with CHS, then he’s going to continue to do that.

Commissioner Cogdell asked the County Manager what would he have done otherwise, if the Board approved the action he recommended without any direction regarding mediation, what would he have done.

County Manager Jones said the termination date would be effective July 1, 2013 and he would continue to manage the contract.

Commissioner Cogdell said the intent of the motion would not change that.

Commissioner Dunlap said the questions raised still need to be answered and that’s a part of the management responsibility that the Board expects the County Manager to exhibit.

It was the consensus of the Board that Commissioners Cogdell and Dunlap were correct.

Commissioner Clarke said it should be kept in mind that the County can’t force the Charlotte Mecklenburg Hospital Authority to agree to mediation. He said if the Hospital Authority doesn’t agree with what the Board has directed staff to do, then the County Manager’s recommendation stands.

Commissioner Bentley said for purposes of full disclosure, she wanted to make it known that she worked for a competing healthcare system, Novant Presbyterian.

Commissioner Bentley said per her consultation with the County Attorney, she doesn’t have to excuse herself from voting on this matter legally, however, personally she felt she should. Thus, Commissioner Bentley asked to be excused from voting on this matter, to avoid any conflicts of interest.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to excuse Commissioner Bentley from voting on the matter concerning the Interlocal Agreement with the Charlotte Mecklenburg Hospital Authority.
Commissioner Bentley left the dais and was away until noted in the minutes.

Commissioner James asked for clarification with respect to Commissioners not being a part of the mediation. Chairman Roberts said the Board would not be involved.

Commissioner James said there’s the issue of the breach or breaches, which was the lack of information; also the fact that the County was terminating the agreement because the County wanted to get out of the psychiatric hospital business and because the County was going to be managing it and there’s going to be conflict under the new law.

Commissioner James said the County had already eliminated the original indigent care. Thus, the reason to terminate the contract was largely based on the conflict and the fact that the County was going to phase out the Hospital Authority in some form or fashion. Commissioner James said that only left one piece, the health department.

Commissioner James said in light of that, the only “real” reason to go to mediation would be to determine whether or not the County wants to resolve some sort of agreement with CHS regarding the health department.

Commissioner James said he didn’t know why the County would go to mediation regarding the psychiatric hospital since it’s been concluded, per information received from staff that there’s a conflict because the County was going to have to assume those responsibilities.

Commissioner James said the County needed to be “crystal” clear regarding its position.

Commissioner James said the Board needs to conclude that it expects the breaches to be resolved; the psychiatric hospital would be closed because of the conflict with the Medicaid provision; but that the County was willing to talk about this regarding how to continue the health department.

Commissioner James said he didn’t know how to put these matters into a motion but that not putting them in the motion leaves the impression that “we’re cancelling the agreement but maybe we will have a good discussion with them about the psychiatric hospital.

Commissioner James said if the County was going to do the mediation that it had to be on the terms that the County Manager outlined.

Commissioner James asked if the things he mentioned needed to be in the motion.

Chairman Roberts said she felt that it was clear with respect to the Board’s desires along those lines.

Chairman Roberts said the County Manager needed to have flexibility.

Chairman Roberts said there was concern in the community about continuity of care and about patients and their continued access to care, the treatment, availability and affordability.

Chairman Roberts said that’s something the County was committed to having the least disruption as possible going forward.

Chairman Roberts said whatever the end contract looks like, whomever the County’s partners continue to be going forward, the County wants the least disruption possible. The County wants to continue to support treatment options for all the residents of Mecklenburg County.
Chairman Roberts said that goes for public health and the clinics the County operates, school nurses, and all of the things the County does in public health, infectious diseases, etc. Chairman Roberts said this goes for behavior health as well.

Chairman Roberts said the County would continue to work in substance abuse, developmental disabilities, and mental health. She said these were all parts of that area.

Chairman Roberts said the County Manager had talked about a process for bringing the community in going forward with the establishment of a blue ribbon task force.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to provide written notice of termination of the existing Interlocal Agreement to the Charlotte Mecklenburg Hospital Authority, which would end the agreement by June 30, 2013. Secondly, to direct the County Manager to send written notice to the Charlotte Mecklenburg Hospital Authority of the County’s willingness to mediate this issue and our willingness to pay 50% of the professional mediation fees for a third party mediator if they are willing to sit down at the table and mediate with the County or enter into some type of mediation with the County.

Commissioner Bentley returned to the dais.

(6C) REVIEW OF REVALUATION PROCESS

County Manager Jones referenced the Board’s deferral of taking action on a review of the County’s revaluation process by the State Department of Revenue until there’s been an opportunity to confer with the tax assessor regarding the timing of this request and that the matter be brought back to the Board the first meeting in September, 2011.

County Manager Jones said contact was made with the State Department of Revenue and staff was informed that conducting a detailed assessment would take more resources than the state had available. Also, that Mr. Baker of the State Department of Revenue questioned whether it would be appropriate for his staff to conduct such an assessment because of their responsibility to work with the Property Tax Commission on appeals from Mecklenburg County that reach that point in the appeals process.

County Manager Jones said Mr. Baker did offer to come and speak to the Board regarding Mecklenburg County’s revaluation sales ratio data and would provide the Board an objective, quantifiable analysis to compare Mecklenburg County’s revaluation with other North Carolina counties that conducted revaluations this year, as well as, with the best practice standards.

County Manager Jones said as stated in a recent Board Bulletin, he was willing to write a letter to Mr. Baker on behalf of the Board inviting him to attend the September 7, 2011 Board meeting.

County Manager Jones said if there was no objection from the Board, he would move forward with sending a letter to Mr. Baker.

There was no objection from the Board.
Prior to moving on in the agenda, Commissioner Leake asked about appointments to the Charlotte Mecklenburg Hospital Authority by the Chairman.

County Attorney Bethune explained how the process worked, which he said was outlined by State law.

Commissioner Leake asked that in the future, the Chairman notify the Board of those appointments.

(3A) CLOSED SESSION LAND ACQUISITION PROPERTY ACQUISITION – HISTORIC LANDMARKS COMMISSION

Motion was by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve the Historic Landmarks Commission purchase of the building and land parcel 20501309 located at 314 Main Street Pineville, NC for $400,000 for historic preservation and resale, and recognize and appropriate up to $415,000 for the purchase.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) BASEBALL STADIUM GRANT AGREEMENT AND LEASE AMENDMENTS (KNIGHTS BASEBALL, LLC)

Motion was by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes and Commissioners Cooksey and James voting no, to adopt a resolution authorizing the Clerk to the Board to publish a notice of intent to amend the Development and Economic Grant Agreement and Lease between Mecklenburg County and Knights Baseball, LLC with respect to the development, operation and maintenance of a baseball stadium on County land located in Third Ward.

Prior to the above vote, Commissioner Cooksey said he felt this was a “bad deal” for the County. Commissioner Cooksey said because the Knights have failed to meet their “end of the bargain,” which was to substantially complete the stadium by September 2011, that the County had a chance to “fundamentally” reopen the “deal.”

Commissioner Cooksey said he felt the County was not doing anything to make the deal better for the County.

Commissioner Cooksey said his concerns about the deal were as follows: 1) the County has been asking the Knights for about 18 months for a detailed financial plan and financial information about their ability to finance the stadium and to make the project work and that it has not been forthcoming.

Commissioner Cooksey said in some ways he could understand that because the Knights don’t have anyone willing to tell them that they’ll finance the deal, thus they don’t have anything to share with the County.

Commissioner Cooksey said the agreement the County has “struck” with the Knights sort of compounds that problem by not specifying what it is they’re suppose to bring back to the County when they do present their financing package.
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Commissioner Cooksey said because it’s not very specific, he feels the County will get “stonewalled” at that time and the County will end up getting into a “contest” with the Knights over whether or not they’ve supplied us with sufficient information to convince the County that they have financing for the project.

2) He’s concerned that there’s really no requirement for the Knights to do anything after they build the initial stadium.

Commissioner Cooksey said this was a fifty year deal and that after about seven or eight years the stadium will not look like a “shiny new thing” and will start to show some “wear and tear.” Commissioner Cooksey said he didn’t feel the County had any kind of leverage to get the Knights to put any more money into the stadium to keep it up to date. Commissioner Cooksey said he would not want an “eye sore” right in the middle of downtown.

3) The Knights are tying up a “critical” piece of property in downtown for fifty years. Further, that the County is only requiring the Knights to pay the County a $1 per year. Commissioner Cooksey said given the lack of financial information from Knights, the County isn’t sure if the Knights can pay the $1 per year, but he assumes they can.

Commissioner Cooksey said the question was whether or not the County wants to commit this key piece of property downtown for fifty years for that price.

4) This is the wrong use for this property.

Commissioner Cooksey said this was a project that’s only going to be used 80 - 100 nights a year by the baseball team, that for the most part it’ll sit empty.

Commissioner Cooksey said he would rather see this parcel used as a park where citizens could enjoy it 365 days a year, a “signature” park.

Commissioner Cooksey said he didn’t think the baseball stadium would spur the economic development that’s been stated.

Commissioner Cooksey said he sees this park being paid for by the money that’s been appropriated for the Romare Bearden Park, some of the money the County was committing to go to the Knights as part of the development grant, through private contributions, and selling naming rights to some of the signature pieces of the park.

Resolution recorded in full in Minute Book _____ Document # _____.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell 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 June 21, 2011, Special Meeting held March 9, 2011 and Closed Sessions held June 7, 2011 and June 1, 2011.

(10) TAX REFUNDS

Approve refunds in the amount of $20,252.18 to be made by the Finance Department as
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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.

(11) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $13,670 for Real Estate Services, $93,222 for Park and Recreation and $1,142 for Information and Services Technology.

Note: All reimbursements are for stolen and damaged items.

(12) BUILDING-DEVELOPMENT ORDINANCE AND LAND USE AND ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – SECOND READING

Amend the Building-Development Ordinance to align with current State Codes and Statutes; and amend the LUESA Fee Ordinance to align with process revisions on temporary utilities.

Ordinances recorded in full in Minute Book Document # _____ and _____.

(13) CONSERVATION DECLARATIONS ON COUNTY PROPERTY

Authorize the County Manager to execute Conservation Declarations on the following County-owned parcels for mitigation credit for the Torrence Creek Stream Restoration Project:

01747550, 01747131, 01747131, 01747177, 01747171, 01510104, 01510515, 01510499, 01510498, 01532132, 01510484, 01529301, 01530299, 01510499, 01535245, 01535199, 01509104, 01538197, 01715808.

(14) HUD SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT

Approve 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 allow staff time that supports mutual County and Grant activities to be counted as leveraged match.

Resolution recorded in full in Minute Book _____, Document # _____.

(16) BUDGET AMENDMENT – LUESA (REVENUE INCREASE) FEMA SEVERE REPETITIVE LOSS GRANT APPROVAL

1. Recognize, receive, and appropriate $218,027 in Hazard Mitigation Funds from the NC Department of Crime Control and Public Safety, Division of Emergency Management.

2. Recognize, receive, and appropriate $24,225 in matching funds from property owner Robert Agnelli.

3. Authorize the County Manager to execute a contract with the NC Department of Crime
Control and Public Safety, Division of Emergency Management for a Severe Repetitive Loss Grant.

4. Authorize the County Manager to sign an agreement with the property owner with respect to the work to be performed on the property.

5. Authorize the carry forward of unspent grant and matching funds to subsequent years until completion of the project.

(19) AQUATIC CENTER HVAC REPLACEMENT – CONSTRUCTION CONTRACT

Award a Contract to Superior Mechanical Systems, Inc. in the amount of $2,243,500 for the construction of the Heating, Ventilation, and Air Conditioning (HVAC) replacement at the Mecklenburg County Aquatic Center.

(20) MASTER SERVICE AGREEMENT CONTRACT

Authorize the County Manager to negotiate and execute a Master Service Agreement contract with Imaging Solutions and Services, Inc. (ISSI), to provide Enterprise Document Management System products and services for a period of five years with the option for two additional one-year extensions.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(15) BUDGET AMENDMENT – SHERIFF’S OFFICE (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 1) recognize and appropriate $102,000 from inmate commissary for the Sheriff’s Special Revenue Fund. 2) Recognize and appropriate $65,810 from vocational facility telephone revenue for Sheriff’s Special Revenue Fund.

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

(17) BUDGET AMENDMENT – DSS (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 FY 2012 Budget to recognize, receive and appropriate $100,000 for the Parent Partner Program.

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

(18) BUDGET AMENDMENT – DSS (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) FY12 budget to recognize, receive and appropriate Family Violence Prevention Act Funds in the amount of $20,000.

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

(21) ELECTRONIC FILES MANAGEMENT – CHILD SUPPORT ENFORCEMENT

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 authorize the County Manager to negotiate and execute a contract with Imaging Solutions and Services, Inc. under the Master Service Agreement to provide Enterprise Document Management System products and services for Child Support Enforcement.

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

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

(22) COMMUNITY TRANSFORMATION GRANT APPLICATION – HEALTH DEPARTMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Pendergraph and Roberts voting yes and Commissioner Leake voting no, to

1) Approve the submission of a grant application for $1.65 million per year for five years to the Centers for Disease Control (CDC).

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

Note: In partnership with community stakeholders, the Health Department will address five strategic directions selected from the CDC recommendations: Tobacco Free Living; Active Living and Healthy Eating; Use of High Impact Quality Clinical Prevention Services to address high blood pressure; Social and Emotional Wellness; and Healthy and Safe Physical Environment. At least 50% of the funds will be distributed to agencies outside of the Health Department as required by the CDC. No County match is required.

Commissioner Leake removed this item from Consent for more information. Commissioner Leake said she wanted to know who wrote the grant. She said she had other questions that she wanted Health Director Mabry to answer, such as, who the stakeholders were; what was the process for selecting the stakeholders; what County departments were involved in this.

County Manager Jones asked Commissioner Leake to provide him with her questions and he would work to get them answered.

Commissioner Dunlap returned to the dais.

(23) SELECTION OF NACO ALTERNATE VOTING DELEGATE

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to select Nyki Hardy as the County’s Alternate voting delegate for the 2011 National Association of Counties (NACo) Annual Conference to be held July 15-19, 2011 in Portland, Oregon.
Commissioner Leake removed this item from Consent to state that she did plan to attend the conference the entire time. It was explained that an alternative was needed for voting delegate credential purposes.

ADJOURNMENT

Motion was made by Commissioner Cogdell, 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 9:54 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 Special Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, July 12, 2011.

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

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 Chairman Roberts.

The purpose of the meeting was to discuss Mecklenburg County’s contractual relationship with the Charlotte Mecklenburg Hospital Authority.

Chairman Roberts called on County Manager Jones to present this matter to the Board. He was assisted in the presentation by General Manager Michelle Lancaster and Chief Compliance Officer Deputy County Attorney Tyrone Wade.

County Manager Jones noted the following handouts that were provided to the Board as information:

- List of Carolinas Healthcare System (CHS) Board of Commissioners and date of appointment
- Letter from the County Manager to Michael Tarwater, Chief Executive Officer, Carolinas Healthcare System dated July 11, 2011
- Letter from County Attorney Marvin A. Bethune to Caroline T. Wilson, Senior Associate General Counsel, Charlotte-Mecklenburg Hospital Authority dated July 11, 2011 – Re: CDW Data Run & Pre-Competency Evaluations
- Email exchange between General Manager Michelle Lancaster and Greg Gombar, Chief Financial Officer, Carolinas Healthcare System dated March 4, 2011
- Letter from County Attorney Marvin A. Bethune to Caroline T. Wilson, Senior Associate General Counsel, Charlotte-Mecklenburg Hospital Authority dated July 11, 2011 – Re: Pre-Competency Evaluations
- Email exchange between General Manager Michelle Lancaster and Greg Gombar, Chief Financial Officer, Carolinas Healthcare System dated July 1, 2011
- Email exchange between Dr. Elizabeth Petteron-Vita, Mecklenburg County Area Mental Health and Carlos Hernandez, Interim Director of Area Mental Health dated June 30, 2011 – Subject: Pre-competency Evaluations
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- Email exchange between Dr. Elizabeth Peterson-Vita, Mecklenburg County Area Mental Health and Tom Gettelman, Carolinas Healthcare System dated April 26, 2011 – Subject: Pre-Competency Evaluations
- Letter from County Attorney Marvin A. Bethune to Caroline T. Wilson, Senior Associate General Counsel, Charlotte-Mecklenburg Hospital Authority dated July 7, 2011 – Re: Carolinas Medical Center-Randolph/CDW Data Run
- Email exchange between General Manager Michelle Lancaster and Michael Tarwater, Chief Executive Officer, Carolinas Healthcare System dated July 7, 2011 – Subject: July 12 Public Policy Workshop Invitation
- Email exchange between General Manager Michelle Lancaster and Michael Tarwater, Chief Executive Officer, Carolinas Healthcare System dated July 6, 2011 – Subject: July 12 Public Policy Workshop Invitation
- Information on the expansion of the 1915(b)(c) Medicaid Waiver for Mental Health, Developmental Disabilities, and Substance Abuse Services
- Letter from Finance Director Dena Diorio to Greg Gombar, Chief Financial Officer, Carolinas Healthcare System dated May 18, 2011 regarding CMC Randolph
- Letter from Carlos Hernandez, Interim Director of Area Mental Health Director to Laura Thomas, President, CMC-Randolph dated June 29, 2011 regarding Utilization Data
- Memorandum from County Manager Jones to the Board of County Commissioners dated July 7, 2011 – Re: Carolinas HealthCare System
- Letter to Chairman Roberts from Larry Dagenhart, General Counsel for Charlotte-Mecklenburg Hospital Authority dated July 5, 2011
- Letter from County Manager Jones to Michael Tarwater, Chief Executive Officer, Carolinas Healthcare System dated June 3, 2011
- Issues for the Board’s consideration

**Copies of the handouts are on file with the Clerk to the Board.**

County Manager Jones said at tonight’s Regular Board meeting, he would ask the Board to authorize him to give notice of termination to the Charlotte-Mecklenburg Hospital Authority effective June 30, 2013 of the Restated Consolidated Shared Programs Joint Undertaking Agreement between Mecklenburg County and the Charlotte-Mecklenburg Hospital Authority dated November 2, 2000.

County Manager Jones noted the following:

- Termination would be pursuant to Section 4b of the agreement.
- Section 4b allows termination by either party upon a 14 month notice.
- Termination of the agreement would mean effective July 1, 2013, Mecklenburg County would no longer have responsibility to subsidize in any way the Charlotte-Mecklenburg Hospital Authority’s deficits related to their providing comprehensive hospital-based psychiatric services.
- The County would no longer have the responsibility to pay the Charlotte-Mecklenburg Hospital Authority to manage and provide most health department services.
- The County would have to manage and provide for all health department services as it did for close to 100 years prior to 1995; or contract with others to provide some, or all of the services.
- No county in North Carolina has contracted with a local hospital system for the management and operation of its health department like Mecklenburg County.
- For reasons of public policy, there should be a closer nexus between the manager of public health services, in the County’s case, CHS, and the public health policy makers, in the County’s case, the Board of County Commissioners.
- The County could terminate the agreement right now for cause, however, that’s not the recommendation.
- The Charlotte-Mecklenburg Hospital Authority, which does business as Carolinas HealthCare System, was in breach of the agreement with the County.
On June 3, 2011, the County Manager wrote Michael Tarwater, Chief Executive Officer, Carolinas Healthcare System regarding their breach of the agreement for failure to provide the County with certain data and information required by the terms of the agreement. The breach continues with new contract violations occurring on July 8th and 10th related to their failure to submit state consumer data warehouse information and pioneer information as required by the agreement.

Unrelated to the first breach, another notice of breach was sent to Mr. Tarwater from the County Manager on July 11, 2011 regarding CHS’ “failure and refusal” to provide pre-competency psychological evaluations for DSS-Adult Protective Services as required by the agreement.

If the contract breaches aren’t resolved soon, it is likely the County Manager will ask the Board to terminate the agreement sooner than June 30, 2013.

The County Manager does not intend to authorize payments to CHS for hospital-based psychiatric services until the breaches are “cured.”

Commissioner Bentley entered the meeting.

General Manager Michelle Lancaster addressed facts surrounding the breach. The following was noted:

- The 2000 agreement requires the County to pay the Charlotte-Mecklenburg Hospital Authority’s operating deficit.
- The County requested information regarding utilization of the facility, patients average length of stay and other items related to cost and capacity.
- Per a hospital authority consultant, non-Mecklenburg County residential utilization of the facility appears to be higher than the national average.
- The County believes the facility could be taking on a regional usage, perhaps to the “detriment” of Mecklenburg County taxpayers.
- Recently the Charlotte-Mecklenburg Hospital Authority provided some information through its attorney, in response to requests made in March.
- The information received raised even more questions for the County.
- Some of the information received from the Charlotte-Mecklenburg Hospital Authority isn’t understandable without more detailed explanation.
- The agreement specifically provides that by the 8th of the month, the Charlotte-Mecklenburg Hospital Authority is to provide the County with consumer data warehouse information and by the 10th of the month County billing data.

- The consumer data warehouse and pioneer data are North Carolina data requirements.
- The Hospital Authority in the past has refused to provide the County with this information.
- Recently the Hospital Authority did catch up one year’s worth of data, however, they’ve been late for the month of July.
- The Hospital Authority has IT difficulties fulfilling the state/county contract requirements.
- All other County behavioral health contractors provide this data to the County on a daily basis.
- They have not provided psychological evaluations for DSS-Adult Protective Services matters as required by the agreement.
- There were financial questions the County asked and some of the responses have been incomplete, not thorough, and some questions haven’t been answered.
- Some of these same types of questions were asked in the past, dating back to 1999.

County Manager Jones acknowledged that an invitation was extended to both local hospitals, Carolinas HealthCare System and Novant Presbyterian, to attend today’s meeting. County Manager Jones said Carolinas Healthcare System declined to attend, but that Novant Presbyterian’s CEO Mark Billings was present.

Prior to calling upon Chief Compliance Office Tyrone Wade, County Manager Jones said the County
could not administer its contracts and assess community needs without relevant data and information and on-going direct communications with its partners. “In fulfilling its fiduciary responsibilities, the County expects all of its contractors to provide full cooperation, answers to questions, and timely responses to requests for information as a condition of doing business with the County.”

County Manager Jones said “compliance rules either apply to all County contractors or they apply to none of them.” He said they “cannot, nor should not, be applied selectively.”

Chief Compliance Officer Tyrone Wade addressed contract compliance issues. The following was noted:

- His concern was the integrity of the data received, which is then submitted to the state.
- Per review of the contract, CHS was required to provide the data as requested by the County.
- Per dialogue with staff, the County has requested the consumer data warehouse information consistently but has been met with resistance from CHS.
- CHS has never provided all the required consumer data warehouse information, but rather pieces of that information has been provided to varying degrees, but never all of the required information.
- As a result of that, the County has had to resort to other measures to secure some of the additional information.
- From a compliance perspective, the County should be concerned when a vendor refuses to comply with the terms of the agreement.
- CHS is not in compliance with the terms of the contract and the commitment they’ve made.

County Manager Jones noted for the record that this was his first time hearing Chief Compliance Officer Wade’s findings and concerns.

Comments

Commissioner Cooksey asked how much of the information requested by the County was state required. Chief Compliance Officer Wade said it was his understanding that there was a 57 question form from the state that has to be completed. He said it’s all state required information.

Commissioner Cooksey asked whose responsibility was it to complete the form. Chief Compliance Officer Wade said the County submits the information to the state but the information is captured from the provider of the service.

Commissioner Cooksey asked was CHS, an entity of local government, subject to the open records law. County Attorney Bethune said he was not sure, but that CHS has never stated they weren’t providing the information because it was protected information.

Commissioner Cooksey asked was it that CHS isn’t able to provide the information. Chief Compliance Officer Wade said it was his understanding that they haven’t been able to make some of the changes needed to update their computer system to capture the data.

County Manager Jones said an additional reason for termination was because it was not a core business of county government in North Carolina to provide or defic it fund hospital-based psychiatric services. He said the cost to Mecklenburg County totals approximately two cents of its current tax rate and was escalating.

County Manager Jones said most North Carolina counties do not subsidize these services at all and the one’s that do, do so to a significantly less extent than Mecklenburg County.
County Manager Jones said Mecklenburg County could no longer afford the current arrangement.

County Manager Jones said for the public policy reasons that staff has stated, he believed it was in the best interest of the County to terminate the joint undertaking agreement effective June 30, 2013. Further, that an additional reason for terminating the contract effective June 30, 2013 was because Mecklenburg County will, no later than July 1, 2013, (the N.C. Division of Health and Human Services would prefer the County to begin in January 2013), assume the state’s role of managing Medicaid funding for mental health, substance abuse and developmental disabilities services in Mecklenburg County. County Manager Jones said this could be problematic if the current contract with the Hospital Authority also required the County to subsidize the funding of these very services.

County Manager Jones said the changing role would come about through what was known as a federal 1915 (b) (c) Medicaid Waiver and as a result of this Mecklenburg County would be thrust in a role with greater regulatory and oversight responsibilities. Thus, the County would need to avoid the potential for creating conflicts in its role as a Local Management Entity (LME) on the one hand and a contract manager on the other.

General Manager Lancaster addressed the County’s role as a result of the Medicaid Waiver and as a LME. It was noted that this change would require additional staff. The initial estimate is 100+ new staff. General Manager Lancaster said thought was being given to using the CMC-Randolph location to house the additional employees if it’s not going to continue to be used in the manner that it’s currently being used.

Chairman Roberts asked with respect to the potential conflict as a result of the Medicaid Waiver and being an LME, if that meant beginning January 2013 the County couldn’t have contracts with any comparable provider or anyone who might be managing Medicaid. Carlos Hernandez, Interim Area Mental Health Director responded and noted that the County would have a fee for service arrangement with providers for in-patient care.

Chairman Roberts asked if there was a CHS representative present. One person was present, a Government Relations Specialist who was assigned to attend and take notes.

Commissioner Cogdell asked if it was correct that any contract management function creates an inherent conflict when the County gets into the Medicaid Waiver/LME. General Manager Lancaster said if deficit funding was provided it would.

Commissioner Bentley asked staff to address the approval process used for Novant Presbyterian to obtain additional beds and that of CHS. General Manager Lancaster responded. It was noted that last year the County became aware that money was available from the state that could pay for additional in patient capacity (eight beds) in Mecklenburg County. CHS was approached by former Area Mental Health Director Grayce Crockett and General Manager Lancaster regarding this and they declined the offer.

Commissioner Bentley asked when this was. The response was July or August of 2010.

General Manager Lancaster said former Director Crockett then asked if she could approach Novant Presbyterian regarding the additional beds, which she was authorized to do. Novant Presbyterian accepted the offer and the agreement is in its final stages of being finalized.

Commissioner Bentley asked staff to comment on the events that occurred and resulted in CHS’ request for 44 additional beds. General Manager Lancaster said CHS approached the County in March, 2011 to sign off on an agreement for the transfer of 44-beds. They were informed by the County Manager and General Manager Lancaster that they were not in a position to sign the agreement until they understood the impact those beds would have on the behavioral health center given the relationship the County has with the total cost contract. General Manager Lancaster said
over the next several months CHS sought special legislation during the past legislative session and they were granted not to have an agreement between their hospital system and Mecklenburg County for those beds to be transferred. General Manager Lancaster said CHS was now going through the normal Certificate of Need process, which was the next step.

Commissioner Bentley asked what type of turnaround CHS was looking for when they approached the County back in March. County Manager Jones said they wanted it by the next day because of a meeting they were having.

County Manager Jones said they also attempted to get Chairman Roberts’ approval and when that failed, he would assume that’s when they decided to go to the General Assembly.

**Commissioner Dunlap entered the meeting.**

Chairman Roberts asked about the Needs Assessment that was completed in December 2010.

General Manager Lancaster said the Assessment basically indicated that if nothing changes in the way the continuum works for area mental health that there would be a need for considerable beds in the community over the next 15 to 20 years.

General Manager Lancaster said staff never disputed the need for beds. She said the focus for the County was on the financial relationship the County has with respect to the Behavioral Health Center and the answers the County had been seeking regarding that financial relationship.

General Manager Lancaster said aside from bed need the assessment mentioned numerous things about efficiency of the operations, average length of stay and re-admission rates.

General Manager Lancaster said when she read the report, she didn’t “automatically go to, we’ve got to have new beds.” She said her thoughts went to “what can we do different with the beds we have “and were there things that could be done to eliminate such an enormous need for in-patient capacity in the community.

Chairman Roberts asked was the assessment an internal study. General Manager Lancaster said it was a CHS study.

Commissioner Bentley asked County Manager Jones to comment on his vision for a Blue-Ribbon Committee, which he did.

County Manager Jones said the 1915(b) (c) Medicaid Waiver changed his original recommendation of a three-year phase out.

Commissioner Bentley asked whether interest been expressed by either of the hospitals about participating on a Blue-Ribbon Committee. County Manager Jones said Novant Presbyterian indicated its assistance to Mecklenburg County in any way to assist in any transition the County may have to undertake.

County Manager Jones said he had not received that same type of “commitment or desire” from CHS.

Commissioner James asked for clarification regarding the 1915 (b) (c) Medicaid Waiver and the County’s LME role, which was addressed by General Manager Lancaster and Interim Director Hernandez.

Commissioner James asked what the cost estimate was for the additional staff that would be needed. Staff said they would have to get back with that figure.
Commissioner Cogdell asked about risks involved with the new LME. General Manager Lancaster said counties going forward would not take on any risks for managing the Medicaid Waiver.

Commissioner Cooksey asked about the future of the Randolph facility. He questioned whether the facility should be used for office space if there’s a shortage of beds. General Manager Lancaster explained that any decision the Board made would not eliminate beds.

General Manager Lancaster said the beds aren’t owned by the County and that the County was not a hospital provider. She said the County owned the building that happens to have hospital beds in it.

General Manager Lancaster said the beds were licensed to CHS. She said CHS could move those beds to any of their facilities. Further, that they can’t give the beds back to the County, if the County didn’t want them; further that the County was not in the hospital business.

Commissioner Cooksey asked if using the building as office space was the best use of the facility based on its current design and what it’s presently being used for. General Manager Lancaster said at least half, if not more, of it was office space.

Commissioner Cooksey asked what the options were for CHS. General Manager Lancaster said that question would have to be answered by CHS.

Commissioner Leake asked were the patients local residents or out of county. General Manager Lancaster said the number of out of county clients range from 18%-23% usage. She said the greatest percentage was Mecklenburg County residents.

Commissioner Leake asked was the County financing out of county residents. County Manager Jones said staff couldn’t answer that question specifically because staff has not been able to get the information from CHS to conduct that type of evaluation.

County Manager Jones in response to Commissioner Cooksey’s question said the County would have to take CHS on their word that they’ll continue to provide those 66 beds under their license.

Commissioner Cooksey said in his opinion the Randolph facility should continue to be used as a behavioral health center and that perhaps something could be worked out with CHS for their continued use of the facility, where they would pay the County enough money to help pay the capital cost on that facility going forward.

Commissioner Dunlap asked was it correct that if CHS has the license for the beds, then they control who gets the bed. The response was yes.

Commissioner Dunlap asked if CHS decided to move those beds from the current facility, could the County offer that space to another institution that could offer beds for mental health.

County Manager Jones said he would expect that if that space became available that there would be other entities coming to the County to use the facility in the manner for which it’s being used.

Commissioner Cogdell with respect to the consumer data warehouse information that’s been requested, asked how confident was staff in determining what the deficit number was. County Manager Jones said staff did not know what the “true” deficit was and wouldn’t know until the information was received.

County Manager Jones said the County was paying $20 million for a deficit, but didn’t know if it should be paying less or not.

Commissioner Cogdell asked how confident staff was that there was a deficit. County Manager
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Jones said that was a good question. He said there may not be a deficit. He said it was a difficult question to answer, but he would assume that there would be a deficit in the operation of that facility, but without the ability to do the analytics, it’s difficult to answer.

County Manager Jones said it would be the best of “all worlds” if the County could have cooperation, so that there could be “full accounting” to the public about how its money was being spent and whether or not the funding that the County was using was being spent in a fashion that made the best business sense in terms of support of the agreement that the County had around paying for deficit funding.

Health Department

Health Director Dr. Wynn Mabry addressed the transfer of public health services to CHS in 1995 and what the proposed termination of the contract might mean for the Health Department. Dr. Mabry noted that he would be speaking to the Board as the Board of Health. The following was noted:

- The Health Department has been successful during the 16 year partnership with CHS.
- Performance has not been an issue.
- It’s uncertain if the contract has saved the County money because a cost analysis has never been done to determine that.
- There’s speculation that in some areas it saved the County money and in some areas it did not.
- If the contract is terminated by either party, the current CHS Health Department staff would probably transition to County employment. However, the County has to be careful, when reflecting back on past history, specifically in 1995, when less than 5% of those eligible to transition to CHS, did not.
- Health Department staff perceived this situation somewhat in a negative manner due to a lack of feedback and information about how the process was progressing and why some things were happening.
- In 1995 the transition was viewed differently because there was “trust and confidence” with respect to the risk that was being taking, but there was a willingness to try a new and innovative process on the part of both parties.
- CHS Health Department staff feels they’re the victims, because they’ve done nothing wrong and that by every criteria they’re successful.
- CHS Health Department staff feels that if they haven’t done anything wrong, why do they “deserve this dramatic change in their professional lives.”
- As Health Director he’s dealing with a staff that’s somewhat “confused, frustrated, and some were even angry about the situation."
- It was something that as good leaders can be managed and will take a joint leadership commitment to do so.
- There was some concern that CHS and Novant Presbyterian markets may be more attractive to some employees.
- The key factor in successfully transitioning the CHS Health Department staff will be the retention of the CHS senior and middle level managers.
- The County will need to do everything it can to preserve the leadership that staff has trust and confidence in.
- The transition to County operations will be challenging.
- It will take an expert transition team to help explore many of the questions that can’t be answered at this time.
- Human Resources representatives who understand the local medical market and the salary and benefit differentials will be needed.
- Information Technology experts will be needed who understand medical systems because there will be many systems that will need to be converted from CHS’ system to the County’s.
• Real Estate staff is needed that understands that most of the medical supplies, equipment, and furniture have been a part of the CHS system.
• A new clinical lab will be needed because the CHS lab is part of their main laboratory system.
• Multiple medical information systems will need to be converted to County operations.
• The County’s pediatric dental clinic may have to be relocated because it’s currently embedded in CHS’ Biddle Point Clinic.
• The County will have to get into buying new stocks of drugs and medical equipment and probably at a higher rate than with CHS.
• Clinical pharmacies would have to be reestablished.
• The challenges are not insurmountable, but they have to be met with a spirit of cooperation with CHS.
• The County can maintain or rebuild the Mecklenburg County Health Department capacity in the future to successfully provide the ten essential services that the County has been told it does quite well.
• This transition can be done but it’s not just a “flip of the switch.”
• Time will be needed to thoughtfully implement a transition plan and will require a transition team.
• The transition team will need to include specialists in the following areas: HR, IT, real estate and logistics.
• Once a transition plan is developed, the Board will be asked to provide resources to implement the plan.
• As staff goes through this transition, be reminded that the Health Department was already getting committed to having a primary role in supporting the Democratic National Convention in September 2012, here in Charlotte/Mecklenburg County.

Comments

Chairman Roberts said per Dr. Mabry’s comments, it sounded like there would be a lot of expense on the County’s part. Chairman Roberts posed the question to Dr. Mabry that if the Health Department services portion of the contract was a separate contract with CHS, was there any “compelling” reason to end the Health Department services relationship with CHS. Dr. Mabry said there were no performance problems and that there were no major concerns as far as the staff stability, its performance, quality of care, or customer service.

Chairman Roberts asked had there been any discussion regarding having a separate contract and/or a separate timeline for Health Department services. Dr. Mabry said this was something perhaps the Blue-Ribbon panel could help answer.

County Manager Jones said for the last six years there’s been about an 80% increase in expenditures on the Health Department side of the contract.

County Manager Jones said Dr. Mabry shared a number of issues, however, the point he (County Manager) has tried to make, is that it’s not different from the issues that the County dealt with in 1995.

County Manager Jones said staff would be very methodological, deliberate and analytical in presenting the Board a “sound” transition plan.

Commissioner Dunlap said he had concern about the idea of trying to salvage pieces of the contract. He said either the County was going to try and salvage it as it is or leave it alone.

Commissioner Dunlap said if the County got further down the road in a few years and there’s only one piece, then it might begin to question whether CHS was really billing the County for what it should be billed for or were they trying to “catch up” on some of the money that was lost.
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Commissioner Dunlap said you either work to salvage the contractual relationship that you have or you dissolve it and look for another way to do it.

Commissioner Dunlap said he was not concerned about being able to get persons to work for the County’s Health Department.

Commissioner Pendergraph said he couldn’t understand why since 1999 the County hasn’t been receiving information that’s been requested. He asked was the information and/or questions requested, “hard questions.” County Manager Jones said not in staff’s opinion.

Commissioner Pendergraph said there had to be a reason that hadn’t been heard yet as to why CHS won’t respond. Commissioner Pendergraph asked had CHS just refused, said they don’t capture that data, their information system can’t provide the information, or they just don’t respond.

County Manager Jones said the answer was all of the things Commissioner Pendergraph mentioned.

County Manager Jones said on March 14, 2011, he, along with Finance Director Dena Diorio and General Manager Michelle Lancaster met with principles from CHS and was told the “relationship felt different.”

County Manager Jones said his response to that was “it is different because now we’re asking the questions twice.” County Manager Jones said “we’re in an atmosphere and environment where the Board of County Commissioners has said to him, as County Manager, that their expectation of him as Manager was that he was going to manage contracts and the County was going to have a culture of “compliance.”

County Manager Jones said he believed the relationship for “too long,” and maybe he was guilty, as well as other staff, but that staff was not as “persistent” as it was today about holding CHS accountable for the terms set forth in the contract.

County Manager Jones said he didn’t like being in this position, but had “no other choice” than to make the recommendation he was making, because it was clear to him that CHS had an “adamant” refusal, “to date,” to provide the information required under the contract.

Commissioner Pendergraph asked County Manager Jones if he had any opinion as to why they’re refusing to give the information.

County Manager Jones said he works from the following premise, “relationships are built on trust and cooperation and if you’re in a relationship and all of a sudden someone gets silent on you and they refuse to give some information or their behavior changes, I have not used these words publicly, but I become suspicious that there’s something you don’t want me to know.” County Manager Jones said that might be more “personal than professional” but that’s his opinion.

Commissioner Clarke said it did feel like a different atmosphere. He said it felt a little like “a civil trial with only one party presenting the evidence and no cross examination of the witnesses.”

Commissioner Clarke asked would it be worth considering, instead of terminating the contract, giving notice that the County intends to terminate it, proposing that we engage in mediation over the dispute.

Commissioner Clarke said he would suggest that if the Hospital Authority was willing to do that, that the cost be shared for the professional mediation and that the parties start by exploring the possibilities.
Commissioner Clarke said he believed there were parts of the contract that it would be in the best interest of the citizens of Mecklenburg County for the County to retain.

Commissioner Clarke said it would not be unreasonable to completely renegotiate as part of the mediation, the amount the County pays as a subsidy. Commissioner Clarke said he realized, however, there were complications now because of the conflict of interest issue and that it may not be possible to do so.

Commissioner Clarke said he would at least like to suggest mediation as an alternative to the termination.

Commissioner Clarke asked was it “reasonably possible” that termination of this contract, if the Board voted to give notice of termination, that rather than the County taking on the performance of all services currently being done through the contract, would the County contract the with the other half of the healthcare monopoly that exists within the county, that being Novant Presbyterian.

County Manager Jones said with respect to health care that the Board could decide to take it back and run it, or it could contract all or a portion of it with another entity. He said if Presbyterian/Novant would be interested in that arrangement, then that would be an option for the County.

County Manager Jones with respect to Commissioner Clarke’s proposal regarding mediation said the proposal may be complicated by the requirements that were being imposed upon the County as an LME effective 2013, either January or July.

County Manager Jones said it’s a real conflict to be an LME and simultaneously serve as a contract manager.

County Manager Jones said the other concern he had was that while you’re in this proposed mediation, what then would be the Board’s expectation of the County Manager and staff around contract management.

County Manager Jones said if “we continue the relationship as it currently is and the behavior on the part of CHS remains as it is”, he has “strong belief” that in August or September, he would be back to the Board, saying the County needed to terminate even earlier than 2013 for breach.

County Manager Jones said to mediate and to continue services with CHS, puts him and the Board in a position that could cause some to conclude that the County was being selective in its compliance efforts.

County Manager Jones said there were other contracts that the County would continue to manage and that he felt the Board expects of him that if there’s a non-compliance issue, that the County would deal with the remedies set forth in those contracts.

Commissioner Clarke said even if the County Manager’s recommendation was approved, the County would still have a contract with CHS through two years from now and that staff would still have to monitor compliance with that contract. He said this would continue, despite the mediation.

Commissioner Clarke said he was not suggesting the Board direct the County Manager to go in and come back with an agreement. He said he was suggesting the County Manager should try, with the assistance of a professional mediator.

County Manager Jones said CHS had already proposed getting out of the relationship. County
Manager Jones said they've sent a proposal supporting the elimination of the indigent care funding, a proposal to get out of the hospital and public health, next year. Further, CHS sent a proposal to go beyond three years for indigent care. Thus, the County was already at a point where CHS had said they wanted to end the relationship.

County Manager Jones said his proposal to do it in 2013, puts the County in a better position to end the contract in 2013 because of the complications associated with the Medicaid Waiver.

County Manager Jones said he had no choice but to recommend to the Board what he has recommended. County Manager Jones said it had been a valuable relationship and that CHS provided a valuable service to the community.

County Manager Jones said the County should not, however, treat CHS any differently. County Manager Jones said what if the County decided to terminate the contract and then Presbyterian said it wanted to come forth and operate the Health Department, he said the Board would not expect him to hold them to any lesser standard, than the County was currently holding CHS.

County Manager Jones said the difficulty staff was having was that the County has a number of contracts with agencies that provide healthcare services or other services in the community that the County will hold accountable and expect answers to its questions.

Commissioner Dunlap said the County Manager’s last statement regarding contracts the County had with other agencies, made it little clearer for him. Commissioner Dunlap said he “pretty much” agreed with the County Manager’s assessment.

Commissioner Dunlap said what caused him concern was that the County wants to hear something from CHS but hasn’t and he understands it’s their right not to respond.

Commissioner Dunlap said the County probably hadn’t heard from CHS because if there was a possibility of some future litigation, they wouldn’t want to come in a public forum and make statements.

Commissioner Dunlap said he agreed with the County Manager that if the County doesn’t hold CHS accountable, then you can’t expect that the County was going to hold everyone else accountable and the others not be concerned about that. Commissioner Dunlap said everyone has to be treated the same.

Commissioner James asked with respect to the Blue Ribbon Committee and the County Manager’s forthcoming recommendation, was it correct that the committee would not be about whether to have a contract, but about the other issues, such as how should the County handle the Health Department issues and other issues related to getting out of the contract and moving forward.

County Manager Jones said the Committee would address how to provide psychiatric services going forward in the community.

Commissioner Cogdell said there was an offer on the table from CHS that had four parts. He said the first part of the offer the Board had already taken action on and CHS had agreed and that’s the termination of indigent care funding. County Manager Jones said that was correct.

Commissioner Cogdell said the second part was the difference in the County Manager’s recommendation in what’s being offered, the $7.5 million, that the County Manager was recommending was a $7.5 million less in a reduction in funding for CMC-Randolph over the next three years from what CHS is offering.

County Manager Jones said the $7.5 million savings results from termination in 2013 as opposed to termination in 2014.
Commissioner Cogdell asked was it correct that ultimately the recommendation was consistent with what CHS offered with the exception of the $7.5 million.

General Manager Lancaster said there were other differences. She said some of the nuances of this were that the contract the County has now contains requirements, the things that staff have talked about regarding non-compliance, that CHS doesn’t represent in their offer. Thus, the way County staff sees it, those compliance efforts would not be there going forward.

General Manager Lancaster said this was “a different deal.” She said the County would be paying for mental health services with no information.

Commissioner Cogdell said that sounded like what’s occurring now. General Manager Lancaster said but under the current contract the County could get out of the agreement immediately under the terms of breach if the Board chose to do so, but with what CHS proposed the County would not have that benefit.

Commissioner Cogdell said “in fairness” to CHS, their legal counsel has stated CHS did not agree with staff’s interpretation as to whether or not the County has the right to discontinue funding.

Commissioner Cogdell said the way he saw it, the County Manager’s recommendation was to phase out the agreement and CHS’s was to phase out the agreement, except CHS’ recommendation was to phase it out without any understanding of continuing to provide information that the County has requested. General Manager Lancaster said the County would be a “funder” only.

County Manager Jones said his recommendation was a phase out only because of the termination requirement of fourteen months notice to occur at the end of the fiscal year. County Manager Jones said, had the County been in this position in March of this year, he would have been to the Board to say let’s terminate before April 30 and the date for termination proposed would have been July 2012, but because we’re in the current fiscal year the next end of the fiscal year availability would be 2013.

Commissioner Cogdell asked for clarification of the offer with respect to the CMC-Randolph facility.

County Manager Jones said his reaction to CHS’ proposal was to reject it. County Manager Jones said now CHS wants to lease the facility for a year. He said he had previously offered to them that he would go to the Board and recommend they be allowed to get the facility for a $1 per year. County Manager Jones said that was predicated upon CHS assuming full cost for the funding of the deficit. He said the County would get out of it and CHS would get the facility.

County Manager Jones said what CHS was proposing now was to continue a funding relationship with the County continuing to pay CHS and also give them a valuable asset of $20 million or so.

County Manager Jones said as a “responsible” manager, he would not recommend that to the Board.

Commissioner Cogdell said his only reservation with supporting the County Manager’s recommendation was that he felt Commissioner Clarke’s suggestion was reasonable, but asked was there any way his suggestion could be for one specific provision, which would be around the Health Department; whether or not a mediator would be appropriate to look at the existing agreement to determine whether or not any modifications can be agreed to before “we throw the baby out with the bath water.”

County Manager Jones asked Commissioner Cogdell was he proposing giving CHS notice to terminate the agreement for deficit funding for the psychiatric hospital.
General Manager Lancaster said that wasn’t possible but to let staff discuss it.

County Attorney Bethune said the County couldn’t terminate parts of the contract. He said it’s all or nothing with respect to termination. County Attorney Bethune said that didn’t mean, however, that the County couldn’t enter into a new agreement, to do something different with respect to public health.

Commissioner Pendergraph asked would the Board be having this meeting and these discussions if the information requested had been provided. County Manager Jones said no.

Commissioner Pendergraph said he was not sure mediation would help, unless it uncovered the bottom line reason for the refusal to provide the information requested.

Commissioner Cooksey said what the County had was an agreement entered into in 1995, that may have worked in 1995 for the needs of the County at that time, but there’s little relationship as to what the needs are today. Commissioner Cooksey said both CHS and the County have now recognized that agreement needs to go away. Commissioner Cooksey said that doesn’t mean when you look at the services that are covered by that agreement today, that there’s not some continuing relationship between CHS and the County going forward. Commissioner Cooksey said that should be the purpose of the mediation. He said the County would go ahead and move down the path of terminating this agreement, which both parties seem to be set on a course to do, but that time be spent over the next two – three months talking about how that relationship might look going forward and whether or not it includes servicing the Health Department or if it includes some relationship with respect to Mental Health.

Commissioner Cooksey said he was not adverse to the mediation idea, nor was he adverse to making it clear to CHS that if an understanding can’t be reached regarding what a “new deal” would look like within say 90 days, then he would be okay with moving forward with the County Manager’s recommendation.

Commissioner Leake said her concern was the amount of money that has been provided.

Commissioner Leake said the County’s relationship with CHS was at a point similar to that of a married couple that decided to divorce and was now faced with the decision of who gets what.

Commissioner Leake said she felt the relationship between the County and CHS was solvable using her marriage analogy, meaning the two should go their separate ways.

Commissioner Leake said she wanted to make sure the residents of Mecklenburg County were served as they should be. She also wants to make sure this issue is communicated in a way that the average residents understand it.

Commissioner Leake said the Board should follow the advice of staff.

Commissioner Leake said she was concerned about having double standards. She said all agencies should be treated the same.

Chairman Roberts said this was a big decision and a big change. Chairman Roberts said the County wants to be sure that access and care and health of the community do not suffer. She thanked everyone for their dialogue.

County Manager Jones said that concluded his report but asked the Board to consider the following question: Are the taxpayers getting the “biggest bang for its bucks” with the expenditure of the funds that are currently being applied to CHS?
The Board allowed Mark Billings, President/CEO of Presbyterian Novant to make remarks.

Mr. Billings said he understood the Board had a “tough” decision to make and that he would not weigh in on that, but that Presbyterian/Novant would support whatever the Board chose to do.

Mr. Billings said Behavioral Health was not only a delicate issue but a “thorny” issue. He said subject matter experts needed to be at the table. He urged the Board to consider the Blue Ribbon committee that County Manager Jones suggested. He said Presbyterian Novant would participate on the committee and if the committee comes to fruition that the same counterparts from the other system should also be at the table. He said meaningful dialogue needed to occur to take care of those folks in the community that often don’t have a voice.

Mr. Billings asked the Board to take a look at behavioral health in the community as a whole. He said their leadership team was willing to participate to help make wise decisions going forward.

Commissioner Cogdell acknowledged that there were other healthcare providers in the community that would also need to be a part of that committee.

This concluded the discussion.

ADJOURNMENT

There being no further business to come before the Board, the meeting was declared adjourned at 5:20 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 2, 2011.

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-

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) 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, 13, 14, 15, 24, 26, and 27.

(2) STAFF BRIEFINGS - NONE

(3A, B, C) CLOSED SESSION – A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1), B) LAND ACQUISITION AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

- Abersham Property – Tax Parcels: 003-331-03 through 003-331-48, 003-331-50 through 000-331-66, 003-041-07, 003-333X-01,003-041-03; and PID #4664-44-7309 (in Iredell County)
- Netherby Subdivision Property - Tax Parcels 221-032-33, 221-491-01, 221-032-33
- Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph 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), B) Land Acquisition and C) Consult with Attorney.

The Board went into Closed Session at 5:13 p.m. and came back into Open Session at 6:05 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He entered the meeting during Closed Session.

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

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

AWARDS/RECOGNITION

(1A) 2011 NACO ACHIEVEMENT AWARDS

The Board recognized County departments and their respective employees that received 2011 National Association of Counties Achievement Awards. The employees were from Information Services and Technology, Social Services, Community Support Services and LUESA.

Note: The annual Achievement Award Program was begun by the National Association of Counties in 1970 to recognize innovative programs that modernize county government and increase services to residents. The Achievement Awards are non-competitive. Each application is judged on its own merits and not against other applications received. Awards are given in 21 different categories including children and youth, criminal justice, county administration, environmental protection, information technology, health, and many more. Mecklenburg County received 20 Achievement Awards.

Note: Others were recognized at the Board’s July 12, 2011 meeting.

A description of each winning program is on file with the Clerk to the Board.

Commissioner Clarke entered the meeting.

(26) PROCLAMATION – WOMEN’S EQUALITY DAY – 2011

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating August 26, 2011 as Women’s Equality Day in Mecklenburg County.

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:

J. R. Collins addressed revaluation and the impact on property he owns.

(3A) APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION

The vote was taken on the following nominees for appointment to the Building Development Commission:

Robert Clark  Commissioner James
Timothy West  Commissioners Bentley, Cogdell, Dunlap, Leake, Pendergraph and Roberts

Voting Ceased

Aaron Whitecotton

Chairman Roberts announced the appointment of Timothy West to the Building Development Commission as a General Public representative for a three-year term expiring July 31, 2014.

He replaces Buford Lovett.

WOMEN’S ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

Round One

Robyn Codrington  Chairman Roberts
Jaime Daniell  Commissioners Bentley and James
Vickie Evans  Commissioners Clarke and Roberts
Faith Fickling  Commissioners Bentley, Cogdell, Dunlap, and James
Sandra Johnson  Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts
Heather McCullough  Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts

Round Two

Robyn Codrington  Chairman Roberts
Jaime Daniell  Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Pendergraph, and Roberts
Vickie Evans  Commissioners Bentley and Pendergraph
Faith Fickling  Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Roberts

Chairman Roberts announced the appointment of Sandra Johnson and Heather McCullough to the Women’s Advisory Board to fill unexpired terms expiring April 30, 2012, Jaime Daniell to fill an unexpired term expiring November 30, 2012 and Faith Fickling to fill an unexpired term expiring June 30, 2013.

They replace Brenda Adams, Laura Everett, Sally McMillen and Marjorie Tate.
AUGUST 2, 2011

(3B) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Frances Huntley-Christopher to the Adult Care Home Advisory Committee for a one-year term expiring August 31, 2012.

AIR QUALITY COMMISSION

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 reappoint Peter McGrath to the Air Quality Commission as the Attorney representative for a three-year term expiring August 31, 2014.

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Emily Anderson as the Environmental representative, Karim Kheireddine as the Scientist representative and Terry Lansdell as the Transportation representative to the Air Quality Commission for three year terms expiring August 31, 2014.

They replace Mary Barker, Todd Glasier and Gordon Miller.

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

Colvin Edwards  by Commissioner Pendergraph
James Ross   by Commissioner Leake
John Rumball   by Commissioner Pendergraph
Lloyd Scher   by Commissioner Pendergraph
Elton Shoemaker  by Commissioner Pendergraph
Cornelius Smith  by Commissioner Pendergraph
Jennifer Stanton  by Commissioner Pendergraph

Note: An appointment will occur following an interview 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.

LIBRARY BOARD OF TRUSTEES

The following person was nominated by Commissioner James for appointment consideration to the Library Board of Trustees: Gloria Kelley.

Note: An appointment will occur following an interview of the above nominee by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Library Board of Trustees must undergo an interview process.
PERSONNEL COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Sherryl Baker to the Personnel Commission for a three-year term expiring August 30, 2014.

WASTE MANAGEMENT ADVISORY BOARD

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 reappoint Angela Haigler to the Waste Management Advisory Board for a three-year term expiring August 31, 2014.

The following persons were nominated for appointment consideration to the Waste Management Advisory Board by Commissioner Bentley: Joe Howarth, Carlos Johnson, Shawn Rogers, and William Smith.

Note: An appointment will occur on September 7, 2011.

PUBLIC HEARINGS

(4A) ENERGY SAVINGS CONTRACT – INSTALLMENT FINANCING

The Chairman announced that this was the hour, day and place fixed for a public hearing held pursuant to Sections 160A-20(g) of the North Carolina General Statutes, as amended, for the purpose of considering whether the Board of Commissioners for the County (the “Board”) should approve an installment financing contract under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed $7,000,000 for the purpose of acquiring and installing energy savings equipment in the County’s jail facilities (Jail Central and Jail North) and under which the County would secure the repayment by it of moneys advanced pursuant to such contract by granting a lien on all or a portion of the property subject to the contract.

The Chairman announced that the notice of the public hearing was published in The Charlotte Observer at least 10 days before the date of the hearing.

Motion was made by Commissioner Harold Cogdell, seconded by Commissioner Karen Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to open the public hearing.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed installment financing contract or who responded in writing to the notice of public hearing, are as follows:

No one appeared to speak.

After the Board had heard all persons who had requested to be heard, Commissioner Bill James moved that the public hearing be closed. The motion was seconded by Commissioner Jim Pendergraph and was unanimously adopted with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes.
Note: Matt Stiene with Real Estate Services addressed this matter.

Commissioner Leake asked about the number of jobs associated with this matter, particularly local hires. Mr. Stiene said he would get that information and report back.

Extracts of the proceedings recorded in full in Minute Book _____, Document # ______.

ADVISORY COMMITTEE REPORTS

(5A) COMMUNITY CHILD FATALITY PREVENTION AND PROTECTION TEAM 2010 ANNUAL REPORT

The Board received the Community Child Fatality Team Annual Report as mandated by North Carolina State statute 7B-1406.

Candace Wilson, Community Chairperson and Brett Loftis, executive director Council for Children’s Rights gave the report.

Note: The Mecklenburg County Community Child Fatality Prevention and Protection Team (CFPPT) is mandated to present this report each year to inform the Board of County Commissioners about causes of death among all infants and children in the county, and ways the team and partner agencies are working to prevent future deaths.

The following was covered:

- Child Fatality Prevention and Protection Team composition and mission
- Child Mortality Rate
- Demographics of Child Deaths, 2009
- Age Breakdown of Child Deaths, 2009
- Mecklenburg’s Infant Mortality Rate
- Causes of Infant Deaths 2009
- Improving Birth Outcomes
- Dangers of Unsafe Sleep Practices
- Total Death Children Ages 1-17
- Trends in Child Deaths, Ages 1-17 Mecklenburg County
- Reducing Injury Related Child Deaths

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

Comments

Commissioner Pendergraph addressed Reducing Injury Related Child Deaths. He encouraged the Team to add to its Upcoming Advocacy list, texting and cell phone use while driving. Commissioner Pendergraph said a lot of accidents occur as a result of these activities.

Commissioner Leake said she was concerned about the number of African American children that have died based on the statistic in the report. Commissioner Leake said she would have liked to have known the gender breakdown.

Commissioner Leake said she was concerned about teen pregnancy and early births.

Commissioner Leake asked was bullying a part of this process under suicide. Mr. Loftis said bullying was discussed on the local and state level, but because suicide numbers were such a small subset, it was hard to get good trend data.
Commissioner Leake said the public needed to be aware of this information. Commissioner Leake asked would this be a crisis situation for the community. Mr. Loftis said there needed to be a greater sense of urgency when it comes to preventing infant mortality and child abuse deaths and preventing some of the things that could easily be prevented through appropriate pre-natal care, and parenting support and others.

Commissioner Leake said she would classify this issue as a crisis for the community and something that we need to get a handle on.

Commissioner Cogdell said he, too, felt this was an issue that the community needed to aware of and educated on.

Commissioner James said he agreed it was crisis and that it has been for quite some time.

Commissioner James said he felt part of the problem was a “lack of parenting skills,” but he wasn’t sure how to solve that.

Chairman Roberts said the issue was being addressed and that improvements had been made in the communication and knowledge that’s getting out to parents.

Chairman Roberts thanked the presenters for the report.

**MANAGER’S REPORT - NONE**

**STAFF REPORTS AND REQUESTS**

(7A) **BOND CONVERSION RESOLUTION**

RESOLUTION AMENDING THE JANUARY 7, 2003 RESOLUTION PROVIDING FOR THE ISSUANCE OF $40,000,000 VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2003B. Resolution provides for conversion of 2003B general obligation bonds interest rate mode.

* * * * *

Commissioner Bill James introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title:

RESOLUTION AMENDING THE JANUARY 7, 2003 RESOLUTION PROVIDING FOR THE ISSUANCE OF $40,000,000 VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2003B

Upon motion of Commissioner Bill James, seconded by Commissioner George Dunlap, the following resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts.

Noes: None.
BE IT RESOLVED by the Board of Commissioners (the “Board”) of the County of Mecklenburg, North Carolina (the “Issuer”):

WHEREAS, on February 18, 2003, the Issuer issued its $40,000,000 Variable Rate General Obligation Bonds, Series 2003B (the “Bonds”) pursuant to a bond order adopted by the Board on September 6, 2000 (the “Bond Order”) and a resolution passed by the Board on January 7, 2003 (the “Original Resolution”);

WHEREAS, the Bonds were originally issued in the Weekly Interest Rate Period pursuant to the terms of Exhibit 1 to the Original Resolution (the “Original Exhibit”), and the payment of the purchase price of Bonds tendered during the Weekly Interest Rate Period is currently supported by a Standby Bond Purchase Agreement dated as of February 1, 2003 (the “Liquidity Facility”);

WHEREAS, the Liquidity Facility will expire on September 1, 2011 and, pursuant to the Original Exhibit 1, all of the outstanding Bonds will be subject to mandatory tender for purchase on August 26, 2011;

WHEREAS, on August 26, 2011 (the “Effective Date”), Branch Banking and Trust Company (the “Bank Holder”) will purchase all the outstanding Bonds pursuant to the provisions set forth in Amended and Restated Exhibit 1 (“Exhibit 1”) attached hereto;

WHEREAS, upon the consent of the Bank Holder, as the registered owner of all the Bonds outstanding, (i) Exhibit 1 shall become effective and (ii) the Bonds shall be in the form and subject to the terms and provisions described in Exhibit 1;

1. On the Effective Date, the Bonds shall be converted to a Bank-Bought Interest Rate and shall be substantially in the form and in accordance with the terms set forth in Exhibit 1 attached hereto and incorporated herein by reference, together with such changes not inconsistent with the general tenor hereof and thereof as the County Manager and the County Director of Finance, with the advice of counsel, may deem appropriate, their execution of closing certificates in connection with the conversion of the Bonds to evidence conclusively the authorization and approval thereof by the Board.

2. On the Effective Date, the Original Resolution shall be amended to reflect the provisions of this resolution, and the Original Exhibit 1 shall be amended and restated by Exhibit 1 attached hereto.

3. The Board hereby requests the North Carolina Local Government Commission to approve the conversion of the Interest Rate Period for the Bonds and the terms and provisions of Exhibit 1.

4. Each of the officers of the Board, the County Manager and the County Director of Finance and employees are authorized and directed to execute and deliver any certificates or other documents they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this resolution and the other documents described above, such execution and delivery to be conclusive evidence of the approval and authorization thereof by the Board.

5. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended, to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

6. This resolution shall take effect upon its passage.

Resolution and Extracts recorded in full in Minute Book ____, Document # _____.

Note: Finance Director Dena Diorio presented this matter to the Board.
Commissioner Cogdell left the dais and was away until noted in the minutes.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) SELECTION OF NCACC VOTING DELEGATE

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Chairman Roberts as the Board’s voting delegate for the North Carolina Association of County Commissioners (NCACC) 2011 Annual Conference to be held August 18-21, 2011 in Cabarrus County, North Carolina.

Commissioner Cogdell returned to the dais.

(8B) BASEBALL STADIUM ECONOMIC DEVELOPMENT AND GRANT AGREEMENT AND LEASE AMENDMENTS (KNIGHTS BASEBALL, LLC)

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap 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 authorizing the County Manager to execute amendments to the Development and Economic Grant Agreement and the Lease between Mecklenburg County and Knights Baseball, LLC with respect to the development, operation and maintenance of a baseball stadium on County land located in Third Ward.

Prior to the above vote, Jerry Reese spoke in opposition to the adoption of the resolution. Mr. Reese informed the Board that he would be challenging in the courts the Board’s action with respect to the execution of amendments to the Development and Economic Grant Agreement and the Lease between Mecklenburg County and Knights Baseball, LLC with respect to the development, operation and maintenance of a baseball stadium on County land located in Third Ward.

Resolution and Agreements recorded in full in Minute Book ___ Document # ___, _____, & ______.

(8C) REDISTRICTING

Chairman Roberts announced the conclusion of the redistricting process and new commission districts. She also recognized and thanked County staff and members of the Board’s Redistricting Committee for its work.

Chairman Roberts noted the following:

- In January of this year the Board discussed redistricting and set some parameters for the establishment of new districts to make sure the districts were fair and balanced and that it would be an open and transparent process.
- Subsequently, a nine-member citizen’s redistricting committee was formed with each Commissioner having one appointment to the committee.
- The committee had a series of meetings over the last six months and by a vote of 7-1 were prepared to present four possible options to the Board for consideration and for comment by the public.
- The N. C. General Assembly, however, acted before the committee could present its options to the Board and to the public.
The action taken by the N.C. General Assembly was the adoption of new county commission districts for Mecklenburg County, per districts that were drawn by the General Assembly.

The N.C. General Assembly has the final word, thus, the districts approved for Mecklenburg County are final.

The final map is not that much different.

Comments

N. C. State Representative Kelly Alexander complimented the Board for having designed a redistricting process that was “fair, balanced, open and provided for maximum citizen input. “

Representative Alexander said he hoped the Board could join him in “condemning the underhanded way in which politics as usual was played.”

Representative Alexander said “in the process that has imposed districts on the County, the comedy within the Delegation in which generally speaking, things are put in front of everybody, discussed and a consensus is reached, and the Delegation regardless of party is able to support, was not followed.”

Representative Alexander said the process that was used has been compared to “Houdini’ styled magic, voodoo creations in the middle of the night.” He said it was not the way Mecklenburg County has traditionally done business. He said this isn’t how business should be done moving forward.

Representative Alexander said he was also present to warn the Board that there was another stealth piece of legislation that in the guise of local legislation, would impose voter ID on the County. He urged the Board to oppose that and by resolution let every member of the Mecklenburg Delegation and every member of the General Assembly know that Mecklenburg County does not desire that kind of local legislation.

Representative Alexander said he thought it was important that “where we can, we maintain control of what we can control as close to the citizens as possible.” “This is local government for almost a million citizens. What happen with redistricting subverted that process and that’s not good and it’s something that we aught to stand opposed to.”

Representative Alexander said what was about to happen also will subvert a process and the only way that it can be stopped is “if you stand up early and stand up often and tell the General Assembly what your position is.” He said otherwise your position is likely to be misrepresented back in Raleigh.

He thanked the Board for its work.

Chairman Roberts thanked Representative Alexander for appearing. Chairman Roberts said this may be a topic at the N.C. Association of County Commissioners upcoming annual conference, since there were other counties that had legislation come down that was circumventing a local process.

Commissioner James said he appreciated the work of staff and the committee. He said he didn’t think their work was in vain because the map that was adopted was based upon the three acceptable maps, except for the one outlier, the one that’s referred to as Stetson.

Commissioner James said he agreed that it would have been better to have handled it locally but he believed also that having been through this process in the 90’s, this was not the first time this had happened. He addressed what occurred back in the 90’s.
Commissioner James said there were reasons why the map was done by the General Assembly. Commissioner James said he believed the Stetson map was designed to “damage” republicans. He said it made District 1 more democratic and for some reason they wanted to move Districts 5 & 6 all around and create a “little kind of snake” and “disenfranchise” most of Commissioner Cooksey’s constituents by placing some of them in District 6.

Commissioner James said in light of what occurred in the past, the General Assembly took what he thought was a “cautious” approach to ensure that Stetson “never became reality.” He said the best way to do that was for the General Assembly to take the three acceptable maps that the democrats and republicans agreed on, “blend them, create one and adopt it.”

Commissioner James said he agreed with what the General Assembly did, even though he wished it could have been done locally. Commissioner James said the only way that would have happened, however, would have been for the democrats on the Redistricting Committee to have abandoned Stetson and that they were not willing to do that.

Commissioner James said with respect to the voter ID issue mentioned by Representative Alexander, that he was in favor of it.

Commissioner Leake asked who approached the General Assembly regarding this matter.

Commissioner James said the republicans on the Redistricting Committee.

Commissioner Leake said her concern was that direction was given to the committee and it was not followed.

Commissioner Cogdell said he, too, didn’t like the way this matter was handled. He said it was not transparent, nor was it an open process. Commissioner Cogdell said he didn’t know if the district maps were better or worse than what the committee would have brought forward.

Commissioner Cogdell said he didn’t think the republican members of the Redistricting Committee “necessarily did anything other than what the democratic members of the committee would have done had the situation been reversed.”

Commissioner Cogdell said what frustrated him was 1) he’s very disappointed that someone would think that they knew how he would vote based on his party affiliation without giving him the opportunity to listen to the presentation, ask questions, get input, and make his own mind up. Commissioner Cogdell said he would have been “objective and fair.” 2) He thinks it’s reflective of what has been seen over the last several weeks in Washington, DC.

Chairman Roberts concluded the discussion by saying what happened, was law, and the County would follow it. She said the County would be fine with those districts. She said she was just looking to the future by placing this matter on the agenda with respect to wanting to ensure citizens that serve on boards and staff that assist, that their input continues to be valued.

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

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES
Approve minutes of Regular meeting held July 12, 2011 and Special Meeting held January 28, 2011.

(12) TAX REFUNDS

Approve refunds in the amount of $5,950.97 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) RALEIGH-MECKLENBURG INTERLOCAL COOPERATION AGREEMENT TO DEVELOP PERMITTING SOFTWARE

(1) Adopt Resolution Authorizing The Addition Of Appendix Four To The Raleigh-Mecklenburg Interlocal Cooperation Agreement To Develop Permitting Software And Authorizing The Manager To Negotiate And Execute The Transfer Of The Software Developer’s Contract To The County And Amendment Thereof.

(2) Recognize, receive and appropriate $123,520 from City of Raleigh for payments to software developer.

Note: Appendix Four covers the following:
1. City suspension of work assigned under the interlocal agreement
2. Transfer of City-Sages Networks software development contract to the County
3. Intellectual property rights and licensing fees
4. County completion of the project

Resolution recorded in full in Minute Book ___ Document # ____.

(17) GREENWAY DONATION – FLAT BRANCH CREEK

Accept donation of a portion of Tax Parcel #229-401-98 (+/- 5.0 acres) from DG Retail Ventures, LLC on Flat Branch Creek.

Note: A portion of Tax Parcel 229-401-98 is donated by DG Retail Ventures, LLC based on the approved rezoning plan for the Blakeney Southeast Quadrant commercial development. This parcel will add to greenway assemblage along Flat Branch Creek Greenway.

(18) LUESA CODE ENFORCEMENT FUNDING AND STAFFING

1) Recognize and appropriate $319,250 in additional permit revenue.

2) Approve five additional Inspector level III positions to address the increase in inspection service demand.

(19) I-485 AT CLARK’S CREEK BRIDGE INTERLOCAL AGREEMENT

Approve a resolution to authorize the County Manager to enter into an Interlocal Agreement with the City of Charlotte (COC) to jointly fund accommodations for bicycle and pedestrian facilities at the intersection of I-485 and Clark’s Creek.
WHEREAS, N.C. General Statute § 160A-461, “Interlocal cooperation authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County wishes to enter into an Interlocal Agreement with the City of Charlotte, by which the City of Charlotte has agreed to work with the North Carolina Department of Transportation in order to upgrade and jointly fund a proposed box culvert under I-485 to a full bridge, pursuant to the attached Interlocal Agreement; now, therefore, be it

RESOLVED that the Board of Commissioners of Mecklenburg County does hereby approve the attached Interlocal Agreement between the City of Charlotte and Mecklenburg County. The County Manager of Mecklenburg County is hereby authorized and directed to execute the attached Interlocal Agreement, and any amendments thereto, and this resolution shall be spread upon the minutes.

Resolution recorded in full in Minute Book ___ Document # ____.

(20) TAX COLLECTOR’S ANNUAL SETTLEMENT FOR FISCAL YEAR 2011

Receive and accept the Tax Collector’s Settlement.

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.
Settlement recorded in full in Minute Book _____, Document # _____.

(21) ORDER OF COLLECTION – 2011 AD VALOREM TAXES

Authorize the Tax Collector to collect 2011 ad valorem taxes.

ORDER OF COLLECTION
NORTH CAROLINA, MECKLENBURG

TO THE TAX COLLECTOR OF MECKLENBURG COUNTY

GENERAL STATUTE 105-321(b)

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

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<th>Penalty Due</th>
<th>Total Due</th>
<th>Penalty Due</th>
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<td>$62.16</td>
</tr>
</tbody>
</table>

[Note: The above table is an example and should be replaced with the actual tax records and amounts due.]
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.

Order recorded in full in Minute Book _____, Document # _____

**ABANDONMENT OF RIGHT-OF-WAY FOR FORMER FAYETTE ROAD**

Approve a revised Order to abandon the right-of-way for former Fayette Road located along a section of the current Denbur Drive (SR 2950).

Note: Centex Homes requested the abandonment of the 0.201 acre right-of-way for former Fayette Road located near the intersection of Denbur Drive (SR 2950) and Albemarle Road (NC 24/27).

On July 12, 2011, the Board adopted an Order of abandonment. The Order referenced the desire by AT&T to have an easement recorded for its utilities in the road. County staff recently learned that AT&T does not have an easement that needs to be recorded.

The amended Order needs to be adopted to remove references to the recording of such an easement.

Order recorded in full in Minute Book _____, Document # ____.

**LAND CONVEYANCE TO CITY OF CHARLOTTE**

Approve conveyance of a portion of Tax Parcel 029-101-02 (15,039 SF) to the City of Charlotte to facilitate the Salome Church Road at Mallard Creek Road intersection improvements.

**JOINT COLLABORATIVE CAPITAL MASTER PLANNING RESOLUTION**

Adopt a resolution in support of joint capital master planning with consideration of the recommendations provided by IBM.

Note: Operating under a grant from IBM to Mecklenburg County, a team of five IBM executives worked full-time between November 1 – 19, 2010 to analyze the issue of integrating capital master planning in Mecklenburg County and recommend a course of action. The JCMP process IBM proposed would analyze potential capital project investments within the framework of how these investments improve the quality of life in neighborhoods, and prioritize those projects based on the quantified ability of each project to increase property values in those neighborhoods. The first step recommended by the IBM Team was establishing formal support for joint capital master planning among the various stakeholders, largely the towns within the County. Mutual adoption of a resolution on this matter would establish that formal support and begin the process of considering the IBM team’s recommendations, which include the expansion of the City of Charlotte’s Quality of Life Study county-wide.

Resolution recorded in full in Minute Book ____ Document # ____.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**
Commissioner Dunlap returned to the dais.

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

(10) GRANT APPLICATION - EMPLOYMENT AND TRAINING RESOURCE CENTER - COMMUNITY SUPPORT SERVICES DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the submission of a grant application for funding in the amount of $20,000 from the Wells Fargo Corporate Giving program and if awarded, recognize, receive, and appropriate such funds.

Note: The requested funding will allow Mecklenburg County Community Support Services Department Women’s Commission Division New Beginnings Employment Program to provide more intensive employment and training services for approximately 300 individuals. The grant will fund group and individual sessions of career exploration, skills assessment, customer service training, resume writing, job interviewing skills, and introduction to Microsoft Office. Instruction will be provided by contracted instructors.

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

(11) GRANT APPLICATION – PROJECT SAFE NEIGHBORHOODS COMMUNITY SUPPORT SERVICES DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve submission of a $20,000 grant application for the Continuation of Project SAFE Neighborhoods – Community Outreach & Media Engagement Project to the Governor’s Crime Commission, serving as fiscal agent for the U.S. Department of Justice and upon award of grant, recognize, receive, and appropriate the grant award.

Note: The Project SAFE Neighborhoods (PSN) grant managed by Community Support Services Department (CSS) provides funding for media outreach and community engagement to educate the public about gun violence and to reduce gun violence in the community. This project will increase the awareness of problems associated with gun violence and other issues that stem from illegal gun crime activity. This project will enhance the current offering of services by Mecklenburg County related to public awareness and community outreach in defined PSN areas.

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

(13) BUDGET ADJUSTMENT – AREA MENTAL HEALTH (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to:

1) Recognize, receive and appropriate federal funds from the U.S. Department of Housing and Urban Development in the amount of $361,127 for the renewal of ACCESS Project Grant.

2) Recognize, receive and appropriate federal funds from the U.S. Department of Housing and Urban Development (HUD) in the amount of $251,280 for Shelter Plus Care Grant.
1. This grant is a renewal of the current grant from the U.S. Department of Housing and Urban Development. The goal of the program is to provide supportive services, such as mental health treatment and case management, for consumers who are homeless and disabled.

2. U.S. Department of Housing and Urban Development has awarded Area Mental Health a new grant to provide rental subsidies and supportive services, such as mental health treatment and case management, for consumers who are homeless and disabled. This grant will supplement 6 units of tenant-based rental assistance.

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

(14) BUDGET AMENDMENT – DSS (REVENUE INCREASE) YOUTH AND FAMILY SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to appropriate from Fund Balance $66,000 in adoption promotion funds received in June 2011 for Fiscal Year 2012.

Note: The North Carolina Division of Social Services has provided additional funding ($66,000) in the Adoption Promotion Fund to Mecklenburg County Youth and Family Services Division of DSS. No local match is required as a condition for receipt of these funds. The purpose of the Fund is to enhance and expand adoption services, to secure permanent homes for hard-to-place children, and to promote public/private partnerships. Allowable uses for the funds include adoption services, adoption recruitment, adoption assistance case management, child-specific recruitment, assessment and training of adoptive parents and post-adoption case management. The funds cannot be used to supplement the salaries of current County employees.

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

(15) BUDGET AMENDMENT – LUESA (REVENUE INCREASE) VILLAGE OF ST. ANDREWS SUBDIVISION

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to:

1) Recognize, receive, and appropriate $200,000 from Bank of America, if it requests the County to complete the subdivision improvements for the Village of St. Andrews in the Town of Matthews with Bank of America funds.

2) Recognize, receive and appropriate up to $43,483.20 that is currently being held by the County for subdivision improvements and County-incurred expenses related to the project.

Commissioner Leake removed this item from Consent for clarity purposes. County Attorney Bethune clarified what this matter was about.

(24) CORRECTION TO TERM OF APPOINTMENT – COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve a correction in the term of appointment for Bill Schreiner to the Charlotte-Mecklenburg Community Relations Committee to reflect a three-year term effective October 1,
2011 instead of November 1, 2011.

Commissioner Leake removed this item from Consent for clarity purposes. Clerk to the Board Janice S. Paige clarified what this matter was about.

(27) PROCLAMATION – CHILD SUPPORT AWARENESS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating August 2011 as Child Support Awareness Month in Mecklenburg County.

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

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

(3) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to go into Closed Session to discuss the following Land Acquisition matters:

- Abersham Property – Tax Parcels: 003-331-03 through 003-331-48, 003-331-50 through 000-331-66, 003-041-07, 003-333X-01,003-041-03; and PID #4664-44-7309 (in Iredell County)
- Netherby Subdivision Property - Tax Parcels 221-032-33, 221-491-01, 221-032-33

The Board went into Closed Session at 8:25 p.m. and came back into Open Session at 8:50 p.m.

(3B1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to negotiate and execute necessary documents for the purchase of the following tax parcels in the Town of Davidson’s Extra-Territorial Jurisdiction from the Trust for Public Land for $3,733,500:

- 003-331-03 through 003-331-48,
- 003-331-50 through 000-331-66,
- 003-041-07, 003-333X-01,003-041-03; and
- PID #4664-44-7309 (in Iredell County).

Note: The subject property is the site of the former Abersham development and consists of +/- 243 acres (final acreage to be determined by survey) in the northeasterly portion of the Town of Davidson’s Extra-Territorial Jurisdiction, and is bordered by the West Branch Rocky River, Iredell County, and Shearer/Grey Roads. Acquisition of this property will add to three other large public land holdings in the area (Fisher Farm Park, 200 acres, owned by the Town; Allison Park, 37 acres, owned by the County and leased to the Town; and the Shearer Road property, 70 acres, owned by the County). The County’s 2008 Parks Master Plan has as one of its goals the expansion of existing park sites to create larger contiguous acreage in combination with protection of tree cover, wildlife corridors and streams. This acquisition accomplishes that goal. The Park and Recreation Department and the Town envision the site containing passive and active recreation opportunities once developed.
AUGUST 2, 2011

(382) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager:

- To negotiate and execute necessary documents for the purchase of the major portion of Tax Parcel #221-032-33 (+/- 50 acres) in the Town of Pineville from Southern Community Bank and Trust for a total of $350,000 (of which the County's portion is $150,000). The Town of Pineville and Catawba Lands Conservancy (CLC) will contribute the balance and will deliver those funds to the closing attorney at the closing.

- Amend the Lakeview Park Lease Agreement between the County and the Town of Pineville on Tax Parcel #221-491-01 to include Tax Parcel #221-032-33, or execute a new lease for the property

- To negotiate and execute a conservation easement with CLC on Tax Parcel #221-032-33.

Note: The subject property is site of the former Netherby subdivision and consists of +/- 52 acres (final acreage to be determined by survey) off Lakeview Drive in the Town of Pineville. Acquisition of this property will add to four other large public land holdings in the area, including Jack Hughes Park, Lake Park and other Town owned park land. The County’s 2008 Parks Master Plan has as one of its goals the expansion of existing park sites to create larger contiguous acreage in combination with protection of tree cover, wildlife corridors and streams. This acquisition accomplishes that goal. The Park and Recreation Department and the Town envision the site containing passive and active recreation opportunities once developed, including a portion of Little Sugar Creek Greenway trail.

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, 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 9:53 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 7, 2011.

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

-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.

(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 14, 15, 16, 17, 24, 26, 27, and 31.

(2) STAFF BRIEFINGS - NONE

(3) 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:

- Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County
- Dewey Ted Jones vs. Mecklenburg County.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 5:59 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He entered the meeting during Closed Session.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

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

(1A) RECOGNITION OF LOCAL AAU BASKETBALL CHAMPIONS NC SPARTANS

The Board recognized the North Carolina Spartans 6th Grade Basketball Team for winning the 2011 AAU Nationals Classic Championship.

Coach Andrea M. Stinson
Assistant Coach Patricia Walker Caldwell
Volunteer Jeanette Maye Allen
Volunteer Christopher Lemarce Wattie


(2) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

(3A) APPOINTMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated at the August 2, 2011 meeting for appointment consideration to the Alcoholic Beverage Control Board: Colvin Edwards, James Ross, John Rumball, Lloyd Scher, Elton Shoemaker, Cornelius Smith, and Jennifer Stanton.

Commissioner Bentley, on behalf of the Board’s Ad Hoc Appointment Committee, presented the Committee’s recommendation for appointment to the Alcoholic Beverage Control Board, Mr. James Ross.

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to appoint James Ross to the Alcoholic Beverage Control Board to fill an unexpired term expiring June 30, 2013.

He replaces Harry Lomax.

LIBRARY BOARD OF TRUSTEES
SEPTEMBER 7, 2011

The following person was nominated at the August 2, 2011 meeting for appointment to the Library Board of Trustees: Gloria Kelley.

Commissioner Bentley, on behalf of the Board’s Ad Hoc Appointment Committee, presented the Committee’s recommendation for appointment to the Alcoholic Beverage Control Board, Ms. Gloria Kelley.

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to appoint Gloria Kelley to the Library Board of Trustees to fill an unexpired term expiring December 31, 2012.

She replaces Tami Simmons.

WASTE MANAGEMENT ADVISORY BOARD

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

William Smith  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts

Voting Ceased

Joe Howarth
Carlos Johnson
Shawn Rogers

Chairman Roberts announced the appointment of William Smith to the Waste Management Advisory Board to fill an unexpired term expiring February 28, 2012.

He replaces Christopher Hardin.

Note: Commissioner Leake asked the Clerk to provide all members of the Board with a copy of the motion approving the interview process for certain boards, as a reminder.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) PUBLIC LIBRARY REPORT

The Board received a verbal report from Charlotte-Mecklenburg Public Library CEO Vick Phillips.

Mr. Phillips updated the Board on the progress in implementing the Library Task Force recommendations approved by the Board, the operations of branch and regional libraries, and the Summer Reading Program.

Mr. Phillips said he and County Manager Jones would be convening another group of citizens in October to begin looking at the Main Library, to see what functions were going on there and if there’s a better way to do them or better place.
He summarized by saying there were 39 Task Force recommendations, 35 of them were already accomplished or were underway and the others were items that have a timeline that can’t be started until the first 35 are done.

Comments

Commissioner Cooksey said the two biggest issues facing the Library in his opinion were: 1) How to deal with the electronic revolution going on in the country and e-books and the impact that’s having and/or may have on libraries going forward. 2) What should be done with the Main Library downtown. Commissioner Cooksey said it’s been a great asset in the past, but the question was whether it makes sense to have that many of the resources of the Library tied up into one large facility downtown.

Mr. Phillips said that was one of the things the forthcoming committee would be looking at. Also, with respect to the technology piece, the Library recognizes that issue and plans to discuss that as well.

Commissioner Clarke suggested the continuation of the subcommittee that consisted of three commissioners and three members of the board of trustees. Commissioner Clarke said he felt that worked well and provided an opportunity for commissioners and trustees to meet.

Chairman Roberts thanked Mr. Phillips for the update.

(68) REVALUATION UPDATE

The Board received an update on Mecklenburg County’s revaluation process from Tax Assessor Garrett Alexander, Chuck Hicks with the Tax Office, and from David Baker, director of the N.C. Department of Revenue (NCDOR) Property Tax Section.

Mr. Baker addressed Mecklenburg County’s revaluation sales ratio, which was reviewed by the NCDOR Property Tax Section and the County’s revaluation compared to other NC counties, as well as, to best practice standards.

Tax Assessor Garrett Alexander addressed the appeals process and schedule. He also gave an overview of additional technology tools being used by the Tax Assessor’s Office that enhance and advance the capabilities of the revaluation process.

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

J. R. Collins addressed property he owned and felt was not appraised properly.

Chairman Roberts informed Mr. Collins that there was a process in place, if he wished to appeal.

Comments

Commissioner Dunlap asked what information could a taxpayer provide to the Tax Assessor’s Office when desiring an appeal. He noted how someone hired a realtor to do a market analysis and when that information was presented to the Tax Assessor’s Office, the request to lower their tax value was denied. Tax Assessor Garrett said a market analysis does not always include the fair market value sales that were established during that year. He said they might include foreclosures, bank sales, or short sales, things of that nature.
Tax Assessor Garrett said the County was regulated by statute and staff has to reflect what the “arms length transactions” were in that period of time. Staff then has to estimate the value using appraisal techniques. Tax Assessor Garrett said a market analysis was not an appraisal of real property.

Commissioner Dunlap said he understood but there needed to be a way to explain that to citizens.

Commissioner Dunlap said based on the information received, it was clear that waiting eight years to do revaluation was too long. He asked Tax Assessor Garrett to give his best guess as to what would be a more reasonable period of time.

Tax Assessor Garrett said they’ve been done on two year cycles and six year cycles. Tax Assessor Garrett said he felt the County needed to be in a position to follow things annually and to try and forecast that based on a number of factors, only one of which is the tax assessor’s office role in the process.

Tax Assessor Garrett said it needed to be done so the tax burden remains fair. He said he couldn’t give the Board a specific number of years at this time, in light of the state of the economy.

Commissioner Dunlap said his concern was that over an extended period of time, the County may or may not be able to take advantage of increased values and also over a period of time, property owners tend to pay more value for their property than their property was worth.

Commissioner Dunlap said in order to be fair to everyone, the County needs to have a “best guess” estimate so that a cycle could be set to conduct a reappraisal every two years or every four years.

Commissioner Dunlap said he hoped the Board could have that discussion at some point.

Commissioner Cooksey asked Mr. Baker to address the sales ratio, which he did.

Commissioner Cooksey asked about the number of appeals locally and on the state level, which was addressed.

Commissioner Cooksey asked were there any counties currently on a two year reappraisal cycle. Mr. Baker said no. He said the majority of counties were on a four year cycle and a few were on a six year cycle. He said there was a county he believed by in the 90’s that tried a two year cycle but they went back to four.

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley, to schedule the next reappraisal for 2014 and every four years thereafter.

Commissioner Cogdell asked County Attorney Bethune if the motion was consistent with the agenda item being discussed.

County Attorney Bethune said not in his opinion. He said the item could be scheduled for a subsequent meeting and the County Manager could present information about the issue and what the options were by law.

Chairman Roberts said the Board didn’t have enough information at this point to adequately discuss the motion. She said it was something that the Board should discuss at a future meeting.

Commissioner Pendergraph said he agreed with the motion but didn’t feel the Board had
sufficient information at this point.

Commissioner Cooksey said he would be willing to defer his motion and ask that the matter be placed on the next agenda.

Substitute Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner Cooksey voting no, to direct the County Manager to bring forth a presentation at a Budget/Public Policy meeting about what relevant considerations the Board should take into consideration in changing the timeliness and frequency of any future revaluation processes. Secondly, that this be done within a 90 day time period.

Jim Barnett, chairman of the Board of Equalization and Review gave the Board an update on the process thus far.

Commissioner Bentley asked Mr. Barnett to comment on what type of data should taxpayers present to the Board of Equalization and Review. Mr. Barnett said they would like to see an appraisal that was done with comps prior to January 1, 2011. Also, if the house was in need of repair, they'd like to see that information. He said anything that's pertinent to their property, even their neighbor's values.

Tax Assessor Garrett said they also needed to see information within the time period the County had to appraise the property. He said they're looking at sales from about June 2009 through December 2010. He said they need to see fair market value transactions, which is between a willing buyer and willing seller. He said they would also look at photographs of inside of the home.

Chairman Roberts thanked staff and Mr. Baker for the presentation.

(6C) UPDATE ON PURCHASING PROJECT WITH DELOITTE CONSULTING

Finance Director Dena Diorio gave an update on the purchasing project in partnership with Deloitte Consulting for goods and services. The partnership with Deloitte focuses on changes in procurement and contract management. The following are highlights:

- In addition to the initial savings that would accrue this fiscal year, the County would continue to benefit from these savings through annual cost avoidance during the life of these contracts.
- The cumulative cost savings, cost avoidance for taxpayers over the next three to five years will be $6 - $10 million.
- Deloitte Consulting would earn approximately $1 - $1.2 million.
- In addition to the projected savings, Minority Women and Small Business Enterprise participation was significant across the categories, and therefore the County will be able to maintain and in some cases exceed the targeted percentages of SWMBE vendors.
- The first wave of the project explored more cost-effective service contracts for facilities maintenance, temporary labor and social services transportation.
- Staff will come back at a later meeting to ask the Board for approval of various contracts.

No action was taken or required at this time.
Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to take up Item 24 – Foxhole Landfill Phase 2 Cell Construction prior to voting on Item 7a.

(24) FOXHOLE LANDFILL PHASE 2 CELL CONSTRUCTION

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to negotiate and execute a contract with Thalle Construction Company, Inc. for the Highway 521 Foxhole Landfill – Phase 2 Construction Project in the amount of $5,083,057.

Prior to the above vote, Commissioner Cooksey acknowledged he had a working relationship with Thalle Construction Company about three years ago, however, there’s no conflict of interest at this time. Commissioner Cooksey asked staff to address why the decision was made to go with a smaller sized landfill and what the cost would be if the Board decided to build out the remaining acreage in five years.

Bruce Gledhill, Solid Waste Director addressed the bidding process and noted at that time staff was not sure how much capacity it would need. Thus, it was done two ways, the larger bid to assure the County had approximately five years capacity at full residential level of 400,000 tons per year, about a 2 million ton cell; the other was a lesser cell if the County was able to get a long term contract with the Speedway, because the County wouldn’t need to construct so much. He said the County was successful with negotiating a long term contract with the Speedway, and it was recognized that the County didn’t need the capacity in the short term, that the smaller phase two that’s being proposed would last the County through the eight year term of the Speedway contract and two years beyond, if the County was to start taking full capacity of all of the County’s residential waste.

Director Gledhill said the County was buying a lot of capacity with a $2.5 million lesser expenditure that the County didn’t need to buy at this time. He said it’s not a linear relationship between the two phases. He said two-thirds of the capacity is yielded from the first phase.

STAFF REPORTS AND REQUESTS

Note: Finance Director Diorio presented the following Items, 7a, 7b, and 7c.

(7A) SOLID WASTE SPECIAL OBLIGATION BONDS

RESOLUTION RELATING TO SPECIAL OBLIGATION BONDS

Commissioner Karen Bentley introduced the following resolution, which was read by the above title:

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

Section 1. It is hereby found, determined and declared by the Board as follows:

(a) The County wants to make certain improvements to its solid waste management facilities;
SEPTEMBER 7, 2011

(b) The County has determined to issue Special Obligation Bonds for the purpose of providing funds, together with any other available funds, for paying the cost of such improvements (the “Project”) and other costs incurred in connection with the issuance of the Bonds;

(c) In order to finance the costs of the Project, the County has developed the following plan of finance:

(i) The County proposes to issue not exceeding $15,000,000 of its Special Obligation Bonds (the “Bonds”) pursuant to Chapter 159I of the General Statutes of North Carolina, as amended (the “Act”), and pursuant to a bond resolution to be adopted by the Board; and

(ii) The Bonds will be special obligations of the County, secured solely by the revenues and other funds pledged therefor.

(d) The County wants the Bonds, when issued, to be sold by the Local Government Commission of North Carolina (the “Commission”) by private sale to Fifth Third Securities, Inc., as underwriter of the Bonds.

(e) The County wishes to submit to the Commission the County’s application for approval of the Bonds by the Commission and the County’s request for the Commission’s sale of the Bonds by private sale pursuant to the Act.

Section 2. The Director of Finance of the County is hereby directed to submit to the Commission the application for the approval by the Commission of the issuance of the Bonds. The County hereby requests that the Commission approve the issuance of the Bonds. In furtherance thereof and to assist the Commission in making the determinations required of the Commission by the Act, the County hereby submits:

(a) The proposed bond issue is necessary and expedient in that it will provide improved solid waste disposal facilities and services to the residents of the County;

(b) the amount of Bonds proposed to be issued will be sufficient but not excessive for the proposed purpose in that the final issue size will be based upon construction bids received and the County’s best estimates of additional costs covered by bond proceeds;

(c) the proposed Project is feasible in that pledged revenues, will be sufficient to pay principal of, premium, if any, and interest of the Bonds;

(d) the County’s debt management procedures and policies are good; and

(e) the Bonds can be marketed at reasonable interest cost to the County.

Section 3. The Director of Finance is hereby authorized and directed to provide to the Commission such further additional documents and information as the Commission may request in order to consider the County’s request.

Section 4. The County hereby requests the Commission to sell the Bonds at private sale to Fifth Third Securities, Inc., as underwriter of the Bonds.

Section 5. 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 the 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 6. 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:

<table>
<thead>
<tr>
<th>Bond Counsel</th>
<th>Robinson, Bradshaw &amp; Hinson, P.A.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Advisor</td>
<td>First Southwest Company</td>
</tr>
<tr>
<td>Underwriter</td>
<td>Fifth Third Securities, Inc.</td>
</tr>
</tbody>
</table>
The Board hereby requests the Local Government Commission to approve such professionals as members of the 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 7. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Karen Bentley, seconded by Commissioner George Dunlap, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Vilma Leake, Jim Pendergraph, and Jennifer Roberts

Nays: None

* * *

RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL OBLIGATION BONDS

Commissioner Karen Bentley introduced the following bond resolution, which was read by the above title.

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

Section 1. The Board does hereby find and determine as follows:

(a) Pursuant to the foregoing resolution, the Director of Finance of the County intends to file an application with the North Carolina Local Government Commission (the “Commission”) requesting its approval of the issuance of not to exceed $15,000,000 special obligation bonds of the County (the “Bonds”) for the purpose of providing funds, with any other available funds, to pay (i) certain improvements to its solid waste management facilities and (ii) other costs incurred in connection with the issuance of the Bonds.

(b) The County has also requested the Commission to sell the Bonds at private sale without advertisement.

(c) The County desires to issue not to exceed $15,000,000 of the Bonds for the purposes described above.

(d) The County proposes to sell the Bonds to Fifth Third Securities, Inc. (the “Underwriter”) pursuant to the provisions of a Bond Purchase Agreement (hereinafter mentioned), at such prices as are determined by the Commission, subject to the approval of the County.

(e) There have been presented to the Board at this meeting drafts of the following documents relating to the issuance and sale of the Bonds:

(i) Trust Agreement, to be dated as of October 1, 2011 (the “Trust Agreement”), between the County and a trustee (the “Trustee”), authorizing and securing the Bonds;

(ii) First Supplemental Trust Agreement, to be dated as of October 1, 2011 (the “Supplemental Agreement”), between the County and the Trustee, supplementing the Trust Agreement;
Bond Purchase Agreement, to be dated as of the date of delivery thereof (the “Purchase Agreement”), among the Underwriter, the Commission and the County; and

Preliminary Official Statement, to be dated as of the date of delivery thereof (the “Preliminary Official Statement”), relating to the offering and sale of the Bonds, together with the Financial Feasibility Report to be included as an appendix thereto (the “Feasibility Report”).

The issuance and sale of the Bonds in the manner provided in this resolution is in the best interest of the County.

Section 2. Capitalized words and terms used in this resolution and not defined herein shall have the same meanings given such words and terms in the Trust Agreement and the Supplemental Agreement.

Section 3. Pursuant to the provisions of Chapter 159I of the General Statutes of North Carolina, as amended (the “Act”), the Board hereby authorizes the issuance of the Bonds in an aggregate principal amount not to exceed $15,000,000 for the purposes described in Section 1(a) hereof. The Bonds shall mature at such times and in such amounts as shall be set forth in the Supplemental Agreement, subject to the provisions of this resolution.

The Bonds shall be issued as fully registered bonds in denominations of $5,000 or any whole multiple thereof and shall be subject to provisions of the book-entry only system for registration of the Bonds as set forth in the Supplemental Agreement. Interest on the Bonds shall be payable semiannually until the payment in full of the principal thereof. The principal of the Bonds shall be payable annually as described in the Supplemental Agreement with a final maturity of the Bonds not to exceed December 31, 2031.

Section 4. The Bonds shall be subject to redemption prior to maturity at the times, upon the terms and conditions, and at the prices as shall be set forth in the Supplemental Agreement.

Section 5. The proceeds of the Bonds (including accrued interest) shall be applied as provided in Section 204 of the Supplemental Agreement.

Section 6. The Bonds, together with any Parity Indebtedness hereafter issued and outstanding pursuant to the provisions of the Trust Agreement, shall be secured on a parity basis by a pledge, charge and lien upon the Obligated Revenues and the money and Investment Obligations held in the accounts and subaccounts of the Bond Fund and otherwise in the manner and to the extent provided in the Trust Agreement and the Supplemental Agreement. Obligated Revenues shall initially consist of proceeds of the County’s annual Residential Solid Waste Fee imposed on residences in the County for the availability of County solid waste disposal facilities pursuant to County Ordinance and Sections 292 and 293 of Chapter 153A of the General Statutes of North Carolina.

Section 7. The proposal of the Underwriter set forth in the Purchase Agreement offering to purchase the Bonds at the aggregate purchase price and bearing interest at the rates determined by the Commission and approved by the County as hereinafter provided, such interest rates not to exceed a true interest cost of 6% per annum and an all-inclusive interest cost of 6.50% per annum, is hereby approved. The Commission is hereby directed to sell and award the Bonds to the Underwriter on behalf of the County, subject to the approval of the County, in accordance with the terms and provisions set forth in the Purchase Agreement. The County Manager or the Director of Finance is hereby designated to approve on behalf of the County the sale of the Bonds to the Underwriter at such interest rates, for such purchase price and upon such other terms and conditions as the County Manager or the Director of Finance shall determine, subject to the provisions of this resolution. The County Manager or the Director of Finance is hereby authorized and directed in the name and on behalf of the County to execute and deliver the Purchase Agreement in substantially the form presented, together with such changes, additions and deletions as the County Manager or the Director of Finance, with the advice of counsel, may deem necessary or appropriate, such execution and delivery to be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 8. The forms, terms and provisions of the Trust Agreement and the Supplemental Agreement are hereby approved, and the Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to execute and deliver the Trust Agreement and the Supplemental Agreement in substantially the forms presented, together with such changes, additions and deletions as the Chairman of the Board of Commissioners and the Clerk to the Board, with the advice of counsel, may deem necessary or appropriate,
including, without limitation, changes, additions and deletions necessary to incorporate the final terms of the Bonds as set forth in the Purchase Agreement and to incorporate certain terms and provisions required by any rating agency, bond insurer or provider of debt service reserve insurance, such execution and delivery to be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 9. The Preliminary Official Statement relating to the offering for sale of the Bonds is hereby approved. The County hereby authorizes the use and distribution of the Preliminary Official Statement in substantially the form presented, together with such changes, additions and deletions as the County Manager or the Director of Finance, with advice of counsel, may deem necessary or appropriate. The County authorizes and consents to the preparation and distribution of a final Official Statement, in substantially the form of the Preliminary Official Statement, together with such changes as are necessary to reflect the final terms of the Bonds. The County Manager or the Director of Finance is hereby authorized and directed to deliver the final Official Statement, in substantially the form of the Preliminary Official Statement, together with such changes, additions and deletions as the County Manager or the Director of Finance, with the advice of counsel, may deem necessary or appropriate, such delivery to be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 10. The form and content of the Feasibility Report is hereby approved. The County hereby finds the assumptions made in the Feasibility Report to be reasonable.

Section 11. The Chairman of the Board of Commissioners, the County Manager, the Director of Finance, the Clerk to the Board and the County Attorney, or any of them or their deputies, are authorized and directed (without limitation except as may be expressly set forth in this resolution) to take such other actions and to execute and deliver such certificates, agreements, instruments, opinions or other documents as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this resolution, the Trust Agreement, the Supplemental Agreement or the Purchase Agreement, including, without limitation, such documents as may be necessary or appropriate in connection with the procurement of a municipal bond insurance policy or a debt service reserve insurance policy relating to the Bonds.

The officers of the County and the agents and employees of the County are hereby authorized and directed to do all acts and things required of them by the provisions of this resolution, the Bonds, the Trust Agreement, the Supplemental Agreement or the Purchase Agreement for the full, punctual and complete performance of the terms, covenants, provisions and agreements of the same.

Section 12. The issuance and sale of the Bonds is hereby approved subject to the terms and conditions set forth in this resolution.

Section 13. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Karen Bentley seconded by Commissioner Jim Pendergraph, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Vilma Leake, Jim Pendergraph, and Jennifer Roberts

Nays: None

Resolutions and Extracts recorded in full in Minute Book ____ Document #_____ and _____.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt US 521 Foxhole Landfill Phase 2/Compost Central/Recycling Centers Improvements Capital Projects Ordinance.

Ordinance recorded in full in Minute Book ____ Document #_____.

11
RESOLUTION RELATING TO REFUNDING BONDS

Commissioner Harold Cogdell, Jr. 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 $230,000,000 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 and other 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) no increase in taxes will be necessary to service such bonds because it is expected that debt service and other 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 and Swap Advisor First Southwest Company
Charlotte, North Carolina

Underwriters Merrill Lynch, Pierce, Fenner & Smith Incorporated (senior manager) and Stephens, Inc. (co-manager)

Underwriter’s Counsel McGuire Woods LLP

The Board hereby requests the Local Government Commission to approve such professionals as members of the 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 Harold Cogdell, Jr., seconded by Commissioner Karen Bentley, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Vilma Leake, Jim Pendergraph, and Jennifer Roberts

Nays: None
RESOLUTION INTRODUCING AND ADOPTING REFUNDING BOND ORDER

Commissioner Harold Cogdell, Jr. introduced the following bond order, which was read by the above title.

BOND ORDER AUTHORIZING THE ISSUANCE OF $230,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG

WHEREAS, the County of Mecklenburg (the “County”) has issued Variable Rate General Obligation Public Improvement Bonds, Series 2000C (the “2000C Bonds”), a certain portion of which remain outstanding (the “Outstanding 2000C Bonds”); and

WHEREAS, the County has issued Variable Rate General Obligation Bonds, Series 2001B (the “2001B Bonds”), a certain portion of which remain outstanding (the “Outstanding 2001B Bonds”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2004A (the “2004A Bonds”), a certain portion of which remain outstanding (the “Outstanding 2004A Bonds”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2005A (the “2005A Bonds”), a certain portion of which remain outstanding (the “Outstanding 2005A Bonds”); and

WHEREAS, the County has issued Variable Rate General Obligation Bonds, Series 2006A (the “2006A Bonds”), a certain portion of which remain outstanding (the “Outstanding 2006A Bonds”); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding 2000C Bonds, Outstanding 2001B Bonds, the Outstanding 2004A Bonds, the Outstanding 2005A Bonds, and the Outstanding 2006A Bonds (collectively referred to herein as the “Bonds to be Refunded”) pursuant to and in accordance with The Local Government Finance Act;

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 $230,000,000.

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 Harold Cogdell, Jr. and seconded by Commissioner Jim Pendergraph,
the foregoing order was adopted by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Vilma Leake, Jim Pendergraph, and Jennifer Roberts

Nays: None

The Clerk to the Board of Commissioners was then directed to publish said order as prescribed by The Local Government Finance Act.

* * *

RESOLUTION AUTHORIZING ISSUANCE OF REFUNDING BONDS

Commissioner Harold Cogdell, Jr. moved adoption of the following resolution, which 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:

Section 1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on September 7, 2011, the Issuer shall issue its bonds in the aggregate principal amount not to exceed $230,000,000.

Section 2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2011C” or “Taxable General Obligation Refunding Bonds, Series 2011D” (the “Bonds”). The Bonds shall be dated the date of their delivery, 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 June 1, 2012, and semi-annually thereafter on December 1 and June 1. The Bonds shall mature on June 1, 2012 and thereafter on December 1 in years and amounts as determined upon the private sale of the Bonds.

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.

Section 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 and principal of the Bonds will be payable at the times described above, 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.

Section 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.

Section 5. The Bonds and the endorsements thereon shall be in substantially the following form:
United States of America  
State of North Carolina  
COUNTY OF MECKLENBURG  

[TAXABLE] GENERAL OBLIGATION REFUNDING BOND, SERIES 2011[C/D]  

INTEREST RATE  |  MATURITY DATE  |  DATE OF BOND  |  CUSIP  
October 27, 2011  

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 June 1 or December 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a June 1 or December 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on June 1, 2012, and semi-annually thereafter on June 1 or December 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 September 7, 2011 (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 refund all or a portion of the County’s outstanding Variable Rate General Obligation Public Improvement Bonds, Series 2000C, Variable Rate General Obligation Bonds, Series 2001B, General Obligation Public Improvement Bonds, Series 2004A, General Obligation Public Improvement Bonds, Series 2005A, and Variable Rate General Obligation Bonds, Series 2006A.

[Insert sinking fund redemption provisions if there are term bonds.]

[Include the following if the bonds are subject to optional redemption.]

[The bonds maturing on and after December 1, 20__, shall be subject to redemption prior to their stated maturities at the option of the County on or after December 1, 20__, in whole or in part at any time at a redemption price equal to ___% of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the bonds to be redeemed. If less than all the bonds of any one maturity are called for redemption, the bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which
is obtained by dividing the principal amount of such bond by $5,000. For so long as a book-entry system is used for

determining beneficial ownership of the bonds, if less than all of the bonds within a maturity are to be redeemed, The

Depository Trust Company ("DTC") shall determine by lot the amount of interest of each Direct Participant in the bonds
to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any bonds to

be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of redemption to be

mailed, postage prepaid, to DTC or its nominee. On the date fixed for redemption, that notice having been given, the

bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the

redemption of those bonds or portions thereof on that date and, if moneys for payment of the redemption price and

the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the bonds or the portions

thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new

bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon

the surrender hereof.

The notice of redemption may state that the County retains the right to rescind such notice on or prior to the

scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any

redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the County
gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any

bonds as to which redemption has been rescinded shall remain outstanding.

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.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period

beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds

or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for

redemption in whole or in part pursuant to the Resolution.

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 October 27, 2011.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners
SEPTEMBER 7, 2011

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

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: October 27, 2011

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.

Section 6. If Bonds of a series are subject to optional redemption, those Bonds maturing on and after December 1 of a year to be determined at the private sale of the Bonds shall be subject to redemption prior to their stated maturities at the option of the County on or after December 1 of the preceding year in whole or in part at any time at a redemption price equal to a percentage of the principal amount of each Bond to be redeemed to be determined at the private sale of the Bonds, together with accrued interest thereon to the redemption date.

If less than all the Bonds of a series are called for redemption, the County shall determine the maturities and the amounts thereof of the Bonds to be redeemed. If less than all the Bonds of any one maturity of a series are called for redemption, the Bonds of such maturity to be redeemed shall be selected
by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity of a series are to be redeemed, The Depository Trust Company (“DTC”) shall determine by lot the amount of interest of each Direct Participant in the Bonds to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether the redemption be in whole or in part, the Issuer shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. Each notice shall identify the Bonds or portions thereof to be redeemed by reference to their numbers and shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall also state that on or after the redemption date, upon surrender of the Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of the Bond will be issued.

The notice of redemption may state that the Issuer retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the Issuer gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any Bonds as to which redemption has been rescinded shall remain outstanding.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of the Bonds or portions thereof called for redemption, as well as the interest accruing thereon to the redemption date.

On the date fixed for redemption, notice having been given in the manner and under the conditions provided above, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to the redemption date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof called for redemption, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender that Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity and series, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

Section 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. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of that mailing or of any Bond called for redemption in whole or in part pursuant to this Section.

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 or redemption price 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.

Section 7. The Issuer hereby requests that the Local Government Commission of North Carolina sell the bonds at private sale without advertisement at prices and at interest rates determined by Local Government Commission, subject to the approval of the Director of Finance of the Issuer. The minimum purchase price shall be the statutory minimum set forth in G.S. 159-123(c), and the maximum interest cost shall be 8%.

Section 8. The Director of Finance is hereby authorized to determine and approve any details necessary in connection with the sale of the Bonds, including without limitation the principal amount of a series of Bonds, interest rates, maturity years and amounts, redemption provisions not included herein, and whether a taxable series of Bonds will be issued. Such details shall be reflected in the Bond certificates.

Section 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.

Section 10. With respect to any Bonds intended to be exempt from federal income tax, 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 such Bonds for federal income tax purposes.

Section 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.

Section 12. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver an Escrow Deposit Agreement, Bond Purchase Agreement and Official Statement relating to the Bonds in such forms 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.
Section 13. The Issuer hereby authorizes the full or partial termination or modification of any interest rate swap agreements relating to the bonds being refunded with proceeds of the Bonds, and further authorizes using proceeds of the Bonds to make any termination payments due from the Issuer in connection with such swap terminations or modifications. The Issuer hereby requests the Secretary of the Local Government Commission to approve any such swap terminations or modifications.

Section 14. 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, not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

1. principal and interest payment delinquencies;
2. non-payment related default, if material;
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, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. modification to the rights of the beneficial owners of the Bonds, if material;
8. bond calls, if material, and tender offers;
9. defeasances;
10. release, substitution or sale of any property securing repayment of the Bonds, if material;
11. rating changes;
12. bankruptcy, insolvency, receivership or similar event of the Issuer;
13. the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
appointment of a successor or additional trustee or the change of name of a trustee, if material; 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:

(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 identity, 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.

Section 15. 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.

Upon motion of Commissioner Harold Cogdell, Jr., and seconded by Commissioner Karen Bentley, the foregoing order was adopted by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Vilma Leake, Jim Pendergraph, and Jennifer Roberts

Nays: None

Resolution and Extracts recorded in full in Minute Book _____, Document # ______.
Resolutions Authorizing Issuance of Tax-Exempt Bonds

WHEREAS, the bond orders hereinafter described have 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 park and recreation facilities bond order adopted by the Board of Commissioners on September 8, 2004, the Issuer shall issue its bonds in the aggregate principal amount of $32,400,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from October 27, 2011.

2. Pursuant to and in accordance with the school facilities bond order adopted by the Board of Commissioners on September 5, 2007, the Issuer shall issue its bonds in the aggregate principal amount of $16,600,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from October 27, 2011.

3. The bonds to be issued pursuant to the bond orders described in the preceding paragraphs 1 and 2 shall be issued as one consolidated bond issue in the principal amount of $49,000,000 and designated “General Obligation Public Improvement Bonds, Series 2011A” (the “Bonds”). The Board of Commissioners has ascertained and hereby determines that the average period of usefulness declared in the preceding paragraphs 1 and 2 is not less than 40 years computed from the date of the Bonds. The Bonds shall be dated their date of delivery, 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 April 1, 2012, and semi-annually thereafter on October 1 and April 1. The Bonds shall mature on October 1, in the years and amounts as determined upon the private sale of the Bonds.

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.

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 at the times described above, 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.

NO. R- $__________

United States of America
State of North Carolina

COUNTY OF MECKLENBURG

GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2011A

INTEREST RATE MATURED DATE DATE OF BOND CUSIP

October 27, 2011

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, 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 April 1 or October 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a April 1 or October 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on April 2012, and semi-annually thereafter on October 1 or April 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, bond orders adopted by the Board of Commissioners of the County on September 8, 2004 and September 5, 2007 (the “Bond Orders”) and a resolution adopted by that Board (the “Resolution”) providing for the issuance of this bond. The issuance of this bond and the contracting of the indebtedness evidenced hereby have been approved by a majority of the qualified voters of the County voting at elections held in the County.

[Insert sinking fund redemption provisions if there are term bonds.]

[Include the following if the bonds are subject to optional redemption.]

[The bonds maturing on and after October 1, 202_, shall be subject to redemption prior to their stated maturities at the option of the County on or after October 1, 20__, in whole or in part at any time at a redemption price equal to ____% of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the bonds to be redeemed. If less than all the bonds of any one maturity are called for redemption, the bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the bonds, if less than all of the bonds within a maturity are to be redeemed, The...]
SEPTEMBER 7, 2011

Depository Trust Company ("DTC") shall determine by lot the amount of interest of each Direct Participant in the bonds to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. On the date fixed for redemption, that notice having been given, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of those bonds or portions thereof on that date and, if moneys for payment of the redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon the surrender hereof.

The notice of redemption may state that the County retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the County gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any bonds as to which redemption has been rescinded shall remain outstanding.

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.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

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 Orders 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 October 27, 2011.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners
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

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Orders and Resolution.

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: __________________________
Authorized Signature

Date of Authentication: October 27, 2011

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints __________________________ 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. If the Bonds are subject to optional redemption, those Bonds maturing on and after October 1 of a year to be determined at the private sale of the Bonds shall be subject to redemption prior to their stated maturities at the option of the County on or after October 1 of the preceding year in whole or in part at any time at a redemption price equal to a percentage of the principal amount of each Bond to be redeemed to be determined at the private sale of the Bonds, together with accrued interest thereon to the redemption date.

If less than all the Bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the Bonds to be redeemed. If less than all the Bonds of any one maturity are called for redemption, the Bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by $5,000. For so
long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity are to be redeemed, The Depository Trust Company ("DTC") shall determine by lot the amount of interest of each Direct Participant in the Bonds to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether the redemption be in whole or in part, the Issuer shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. Each notice shall identify the Bonds or portions thereof to be redeemed by reference to their numbers and shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall also state that on or after the redemption date, upon surrender of the Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of the Bond will be issued.

The notice of redemption may state that the Issuer retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the Issuer gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any Bonds as to which redemption has been rescinded shall remain outstanding.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of the Bonds or portions thereof called for redemption, as well as the interest accruing thereon to the redemption date.

On the date fixed for redemption, notice having been given in the manner and under the conditions provided above, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to the redemption date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof called for redemption, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender that Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

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. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of that mailing or of any Bond called for redemption in whole or in part pursuant to this Section.

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 or redemption price 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, 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.

9. The Issuer hereby requests that the Local Government Commission of North Carolina sell the bonds at private sale without advertisement at prices and interest rates determined by Local Government Commission, subject to the approval of the Director of Finance of the Issuer. The minimum purchase price shall be the statutory minimum set forth in G.S. 159-123(c), and the maximum interest cost shall be 8%.

10. The Director of Finance is hereby authorized to determine and approve any details necessary in connection with the sale of the Bonds, including without limitation interest rates, maturity years and amounts, and redemption provisions. Such details shall be reflected in the Bond certificates.

11. 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.

12. 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.

13. 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.

14. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver a Bond Purchase Agreement and Official Statement relating to the Bonds in such forms 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.

15. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking Board (“MSRB”):
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, not in excess of ten business days after the occurrence of the
event, notice of any of the following events with respect to the Bonds:

   (1) principal and interest payment delinquencies;
   (2) non-payment related default, if material;
   (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, the issuance by the Internal Revenue Service of
       proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-
       TEB) or other material notices or determinations with respect to the tax status of the Bonds,
       or other material events affecting the tax status of the Bonds;
   (7) modification to the rights of the beneficial owners of the Bonds, if material;
   (8) bond calls, if material, and tender offers;
   (9) defeasances;
   (10) release, substitution or sale of any property securing repayment of the
        Bonds, if material;
   (11) rating changes;
   (12) bankruptcy, insolvency, receivership or similar event of the Issuer;
   (13) the consummation of a merger, consolidation, or acquisition involving the
        County or the sale of all or substantially all of the assets of the Issuer, other than in the
        ordinary course of business, the entry into a definitive agreement to undertake such an
        action or the termination of a definitive agreement relating to any such actions, other than
        pursuant to its terms, if material;
   (14) appointment of a successor or additional trustee or the change of name of a
        trustee, if material; 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

SEPTEMBER 7, 2011
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 identity, 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.

The motion was adopted by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Vilma Leake, Jim Pendergraph, and Jennifer Roberts

Nays: None

Resolution and Extracts recorded in full in Minute Book _____, Document # ______.

*       *       *

RESOLUTION AUTHORIZING ISSUANCE OF TAXABLE BONDS

Commissioner Harold Cogdell, Jr. moved adoption of the following resolution, the motion was seconded by Commissioner Vilma Leake, 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:

Section 1. Pursuant to and in accordance with the school facilities bond order adopted by the Board of Commissioners on September 5, 2007, the Issuer shall issue its bonds in the aggregate principal amount of $51,000,000. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of 40 years, computed from October 27, 2011.

Section 2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated "Taxable General Obligation School Bonds (Qualified School Construction Bonds), Series 2011B" (the "Bonds"). The Board of Commissioners has ascertained and hereby determines that the average period of usefulness declared in the preceding paragraph is not less than 40 years computed from the date of the Bonds. The Bonds shall be dated their date of delivery, 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 April 1, 2012, and semi-annually thereafter on October 1 and April 1. The Bonds shall mature on October 1, in the years and amounts as determined upon the private sale of the Bonds.
SEPTEMBER 7, 2011

Section 3. 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.

Section 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 at the times described above, 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.

Section 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.

Section 6. The Bonds and the endorsements thereon shall be in substantially the following form:
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  

TAXABLE GENERAL OBLIGATION SCHOOL BOND (QUALIFIED SCHOOL CONSTRUCTION BONDS), SERIES 2011B  

INTEREST RATE  
MATURITY DATE  
DATE OF BOND  
CUSIP  

October 27, 2011  

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, 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 April 1 or October 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a April 1 or October 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on April 1, 2012, and semi-annually thereafter on October 1 or April 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 September 5, 2007 (the “Bond Order”) and a resolution adopted by that Board (the “Resolution”) providing for the issuance of this bond. The issuance of this bond and the contracting of the indebtedness evidenced hereby have been approved by a majority of the qualified voters of the County voting at elections held in the County.

In the event all available project proceeds have not been expended at the end of the three-year period beginning on the date of the issuance of the Bonds, within ninety days after the end of such period all nonqualified bonds (within the meaning of Section 54A(d)(2)(B) of the Internal Revenue Code (the "Code") shall be redeemed at a redemption price equal to 100% of the principal amount of the nonqualified bonds, together with accrued interest thereon to the redemption date; provided, however, that such three-year period shall be extended to the extent extended by the Internal Revenue Service pursuant to Section 54A(d)(2)(B)(iii) of the Code. "Available project proceeds" means (i) the excess of the proceeds from the sale of the Bonds over the issuance costs financed by the Bonds (to the extent such costs do not exceed 2% of such proceeds), plus (ii) the proceeds from the investment of the excess described in the preceding clause

The bonds are subject to redemption at any time prior to their maturity at the option of the County, in whole or in part, upon the occurrence of an Extraordinary Event with respect to the bonds, at a redemption price equal to the greater of (i) 100% of the principal amount of the bonds to be redeemed; or (ii) the sum of the present values of the remaining scheduled payments of principal and interest on the bonds to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date which the bonds are to be redeemed, discounted to the date on which the bonds are to be redeemed on a semi-annual basis, assuming a 360-day year consisting of twelve 30-day months, at the Treasury Rate, plus 100 basis points (1.00%); plus, in each case, accrued interest on the bonds to be
redeemed to the redemption date.

With respect to the bonds, an "Extraordinary Event" will have occurred if a material adverse change has occurred pursuant to Sections 54A, 54F or 6431 of the Code pursuant to which the County's cash subsidy payment from the United State Treasury is reduced or eliminated. At the request of the County, the redemption price of the bonds to be redeemed at the option of the County as permitted under the previous paragraph will be determined by an independent accounting firm, investment banking firm or financial advisor retained by the County at the County's expense to calculate such redemption price. The County may conclusively rely on the determination of such redemption price by such independent accounting firm, investment banking firm or financial advisor and will not be liable for such reliance.

[Insert sinking fund redemption provisions if needed.]

[Include the following if the bonds are subject to optional redemption after a "no-call period" at a percentage of par.]

The bonds maturing on and after October 1, 202__, shall be subject to redemption prior to their stated maturities at the option of the County on or after October 1, 20__, in whole or in part at any time at a redemption price equal to ___% of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date.]

[Include the following if the bonds are subject to optional redemption on a "make-whole" basis.]

The bonds shall be subject to redemption prior to their stated maturities at the option of the County in whole or in part at any time at a redemption price equal to the greater of (i) 100% of the principal amount of the bonds to be redeemed; or (ii) the sum of the present values of the remaining scheduled payments of principal and interest on the bonds to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date which the bonds are to be redeemed, discounted to the date on which the bonds are to be redeemed on a semi-annual basis, assuming a 360-day year consisting of twelve 30-day months, at the Treasury Rate, plus 30 basis points (.30%); plus, in each case, accrued interest on the bonds to be redeemed to the redemption date.]

If less than all of the bonds are called for redemption, the County will determine the maturities and amounts thereof to be redeemed. If a book-entry system through DTC is used for determining beneficial ownership of the bonds and less than all the bonds of any maturity are called for redemption, DTC will determine the amount of the interest of each Direct Participant to be redeemed on a pro rata basis among all holders of the bonds of such maturity based upon the principal amount of bonds owned by each such holder, provided, however, that (a) the portion of any bond to be redeemed will be in an authorized denomination of $5,000 or an integral multiple thereof and (b) so long as the only holder of the bonds is DTC, such selection will be made by DTC in accordance with its operating rules and procedures, which is currently by lot. If the book-entry system through DTC for determining beneficial ownership of the bonds is discontinued and less than all the bonds of any maturity are called for redemption, the bonds of such maturity to be redeemed will be selected by the Bond Registrar on a pro rata basis among all the holders of the bonds of such maturity based upon the principal amount of bonds owned by such holders, provided that the portion of any bond to be redeemed will be in an authorized denomination.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. On the date fixed for redemption, that notice having been given, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of those bonds or portions thereof on that date and, if moneys for payment of the redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon the surrender hereof.

The notice of redemption may state that the County retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the County gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any bonds as to which redemption has been rescinded shall remain outstanding.

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
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.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

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 Orders 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 October 27, 2011.  

Chairman of the Board of Commissioners

______________________________
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
This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Orders and Resolution.

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By: ______________________________
Authorized Signature

Date of Authentication: October 27, 2011

ASSIGNMENT
FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

______________________________
Authorized signature

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.

Section 7. In the event all available project proceeds have not been expended at the end of the
three-year period beginning on the date of the issuance of the Bonds, within ninety days after the end of such period all nonqualified bonds (within the meaning of Section 54A(d)(2)(B) of the Internal Revenue Code (the “Code”) shall be redeemed at a redemption price equal to 100% of the principal amount of the nonqualified bonds, together with accrued interest thereon to the redemption date; provided, however, that such three-year period shall be extended to the extent extended by the Internal Revenue Service pursuant to Section 54A(d)(2)(B)(ii) of the Code. “Available project proceeds” means (i) the excess of the proceeds from the sale of the Bonds over the issuance costs financed by the Bonds (to the extent such costs do not exceed 2% of such proceeds), plus (ii) the proceeds from the investment of the excess described in the preceding clause

The Bonds are subject to redemption at any time prior to their maturity at the option of the County, in whole or in part, upon the occurrence of an Extraordinary Event with respect to the Bonds, at a redemption price equal to the greater of (i) 100% of the principal amount of the Bonds to be redeemed; or (ii) the sum of the present values of the remaining scheduled payments of principal and interest on the Bonds to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date which the Bonds are to be redeemed, discounted to the date on which the Bonds are to be redeemed on a semi-annual basis, assuming a 360-day year consisting of twelve 30-day months, at the Treasury Rate, plus 100 basis points (1.00%); plus, in each case, accrued interest on the Bonds to be redeemed to the redemption date.

With respect to the Bonds, an “Extraordinary Event” will have occurred if a material adverse change has occurred pursuant to Sections 54A, 54F or 6431 of the Code pursuant to which the County’s cash subsidy payment from the United State Treasury is reduced or eliminated. At the request of the County, the redemption price of the Bonds to be redeemed at the option of the County as permitted under the previous paragraph will be determined by an independent accounting firm, investment banking firm or financial advisor retained by the County at the County’s expense to calculate such redemption price. The County may conclusively rely on the determination of such redemption price by such independent accounting firm, investment banking firm or financial advisor and will not be liable for such reliance.

If the Bonds are subject to optional redemption after a “no-call period” at a percentage of par, those Bonds maturing on and after October 1, 20__ shall be subject to redemption prior to their stated maturities at the option of the County on or after October 1, 20__, in whole or in part at any time at a redemption price equal to a percentage of the principal amount of each Bond to be redeemed to be determined at the private sale of the Bonds, together with accrued interest thereon to the redemption date.

If the Bonds are subject to optional redemption on a “make-whole” basis, the Bonds shall be subject to redemption prior to their stated maturities at the option of the County in whole or in part at any time at a redemption price equal to the greater of (i) 100% of the principal amount of the Bonds to be redeemed; or (ii) the sum of the present values of the remaining scheduled payments of principal and interest on the Bonds to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date which the Bonds are to be redeemed, discounted to the date on which the Bonds are to be redeemed on a semi-annual basis, assuming a 360-day year consisting of twelve 30-day months, at the Treasury Rate, plus 30 basis points (.30%); plus, in each case, accrued interest on the Bonds to be redeemed to the redemption date.

If less than all of the Bonds are called for redemption, the County will determine the maturities and amounts thereof to be redeemed. If a book-entry system through DTC is used for determining beneficial ownership of the Bonds and less than all the Bonds of any maturity are called for redemption, DTC will determine the amount of the interest of each Direct Participant to be redeemed on a pro rata basis among all holders of the Bonds of such maturity based upon the principal amount of Bonds owned by each such holder, provided, however, that (a) the portion of any Bond to be redeemed will be in an authorized denomination of $5,000 or an integral multiple thereof and (b) so long as the only holder of the Bonds is DTC, such selection will be made by DTC in accordance with its operating rules and procedures, which is currently by lot. If the book-entry system through DTC for determining beneficial ownership of the Bonds is discontinued and less than all the Bonds of any maturity are called for redemption, the Bonds of such maturity to be redeemed will be selected by the Bond Registrar on a pro rata basis among all the holders of the Bonds of such maturity based upon the principal amount of Bonds owned by such holders, provided that the portion of any Bond to be redeemed will be in an authorized denomination.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether the redemption be in whole or in part, the Issuer shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. Each notice shall identify the Bonds or portions thereof to be redeemed by reference to their numbers and shall set forth the date designated for
redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall also state that on or after the redemption date, upon surrender of the Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of the Bond will be issued.

The notice of redemption may state that the Issuer retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the Issuer gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any Bonds as to which redemption has been rescinded shall remain outstanding.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of the Bonds or portions thereof called for redemption, as well as the interest accruing thereon to the redemption date.

On the date fixed for redemption, notice having been given in the manner and under the conditions provided above, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to the redemption date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof called for redemption, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender that Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

Section 8. 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. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of that mailing or of any Bond called for redemption in whole or in part pursuant to this Section.

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 or
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redemption price 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, 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.

Section 9. The Issuer hereby requests that the Local Government Commission of North Carolina sell the
Bonds at private sale without advertisement at prices and interest rates determined by Local
Government Commission, subject to the approval of the Director of Finance of the Issuer. The minimum
purchase price shall be the statutory minimum set forth in G.S. 159-123(c), and the maximum interest
cost shall be 8%.

Section 10. The Director of Finance is hereby authorized to determine and approve any details necessary
in connection with the sale of the Bonds, including without limitation interest rates, maturity years and
amounts, and redemption provisions. Such details shall be reflected in the Bond certificates.

Section 11. 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.

Section 12. 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.

Section 13. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and
deliver a Sinking Fund Escrow Agreement, Bond Purchase Agreement and Official Statement relating to
the Bonds in such forms 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. Pursuant to the Sinking Fund Escrow
Agreement the County will periodically deposit moneys in a fund to be held and invested by an escrow
agent and used to pay debt service on the Bonds.

Section 14. 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;
in a timely manner, not in excess of ten business days after the occurrence of
the event, notice of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;
(2) non-payment related default, if material;
(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, the issuance by the Internal Revenue Service of
proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-
TEB) or other material notices or determinations with respect to the tax status of the
Bonds, or other material events affecting the tax status of the Bonds;
(7) modification to the rights of the beneficial owners of the Bonds, if
material;
(8) bond calls, if material, and tender offers;
(9) defeasances;
(10) release, substitution or sale of any property securing repayment of the
Bonds, if material;
(11) rating changes;
(12) bankruptcy, insolvency, receivership or similar event of the Issuer;
(13) the consummation of a merger, consolidation, or acquisition involving
the County or the sale of all or substantially all of the assets of the Issuer, other than in
the ordinary course of business, the entry into a definitive agreement to undertake such
an action or the termination of a definitive agreement relating to any such actions, other
than pursuant to its terms, if material;
(14) appointment of a successor or additional trustee or the change of name
of a trustee, if material; and

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:
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(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 identity, 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.

The motion was adopted by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Vilma Leake, Jim Pendergraph, and Jennifer Roberts

Nays: None

Resolution and Extracts recorded in full in Minute Book ______, Documents # ______.

(7D) ACQUISITION OF AUGUST 5, 2011 FLOOD-DAMAGED STRUCTURES

Tim Trautman with Storm Water Services addressed the acquisition of August 5, 2011 flood damaged structures. The following was noted:

• On August 5, 2011, Charlotte-Mecklenburg experienced significant rainfall that resulted in the floodwater impacting approximately 160 homes/dwellings/commercial structures located in or near the floodplain.
• Approximately 50-60 structures flooded within the finished living space.
• Nearly all the damaged structures were within the Irwin and Sugar Creek watersheds, just west of Interstate 77.
• This proposed “Quick Buy” concept uses Storm Water’s available fund balance (“Rainy Day” funding) as pay-as-you-go capital funding.

Mr. Trautman reviewed the Eligibility & Prioritization Plan for Voluntary Acquisition.

The following persons appeared to speak regarding this matter:

Bob Lilien, who resides at 1533 Queens Road West, said his home has never flooded, but he had concerns regarding the “Quick Buy” program. He questioned the rationale and the reasoning behind the qualifications for entry into the program, the criteria used for entry and prioritization. Mr. Lilien said he felt both criteria were “flawed.”

Mr. Lilien said per the program criteria, there has to be damage to the living space in order to qualify. Mr. Lilien said it should also include the crawl space because homes could also have substantial damage due to flooding that’s not in the living space. He questioned the definition
of “substantial” damage. Mr. Lilien cited as an example a home at 3101 Dunlavin Way and shared a photograph of flooding that occurred in 2008 and a map showing the property location being near a drainage ditch constructed by the County in 1950. Mr. Lilien acknowledged that the property at 3101 Dunlavin Way was that of his mother-in-law and that she moved out of it last year. He said his mother-in-law’s property flooded routinely, 12 to 24 inches of water in the crawl space, but it never got to the living space. He said the damage in the crawl space caused mole, mildew, HVAC damage, duct work damage, etc. which in his view makes the living space damaged.

Mr. Lilien said under the 2008 program, the property at 3101 Dunlavin Way qualified but under the 2011 program it doesn’t. He said the County was unable to purchase the property in 2008 because funds for the program ran out.

Alphonza Davis said he lived on Andrill Terrace and that his home was severely impacted by the recent flooding. Mr. Davis said he lost everything. He spoke in support of the program. He asked the Board to do whatever needed to be done to assist him with finding another place to stay. Mr. Davis said he was not aware when he purchased his home that it was in a flood zone and didn’t know he needed to obtain flood insurance.

Comments

Commissioner Cogdell asked what happens to homes that fall in the category as described by Mr. Lilien, where they at one time qualified but because of the lack of funds were not purchased at that particular time and weren’t affected by the latest flooding. The response was that the “Quick Buy” program was only one element of the storm water capital program. There’s an on-going capital program that buys homes that aren’t currently damaged by flooding. The on-going capital program has been solely driven on staff’s ability to get FEMA grant funds through the National Flood Insurance program.

Mr. Trautman said the County had looked at Mr. Davis’ home in the past and the home referenced by Mr. Lilien, but that as part of the annual operating program they were not eligible for FEMA funding, which is why they weren’t bought in the past.

Mr. Trautman said the County had basically acquired almost all the homes in Mecklenburg County that are eligible for FEMA funding. Further, for the past year staff has been working on updating the flood mitigation plan and strategies. A citizen review committee was also established and two of its members live on Dunlavin Way, the street referenced by Mr. Lilien. The committee is addressing where the program should go, to address not just properties that flood significantly enough for FEMA funding, but homes that flood very frequently in the crawl space that impact “the quality of life.”

Mr. Trautman said staff would be coming back to the Board as part of the FY2013 budget to present a revamped flood mitigation capital program to address the thousands of homes that were in similar situations as addressed by Mr. Lilien.

Commissioner Cogdell asked was it correct that the thousands of homes falling in this category do not meet FEMA guidelines. The response was yes that’s correct.

Commissioner Pendergraph asked how many of the homeowners proposed in this “Quick Buy” program were renters. The response was that it was a mixture, about 50 – 50.

Commissioner Pendergraph asked if persons living in these areas knew they were in a floodplain. The response was staff can’t say if they knew or not, but that Mecklenburg County has some of the “best” floodplain maps in the country. Further, staff does “significant” outreach every year to let people know about their floodplain status.
Commissioner Pendergraph asked whether persons are advised by staff to purchase flood insurance. The response was yes.

Commissioner Pendergraph asked was flood insurance so expensive that persons can’t always afford it. The response was that it’s highly variable and that it does become an affordability issue for some people.

Mr. Trautman said many of the residents in these flood areas have lived there for thirty or forty years and may not have mortgages, so it’s not a requirement to have flood insurance.

Commissioner Cooksey asked what was being done to prevent these types of floods.

Mr. Trautman said he couldn’t speak for everyone involved in the entire building and land development process, but for the last five – ten years, both the City of Charlotte and Mecklenburg County have developed significant detention/retention requirements that reduce the impact of those growing, changing streams.

Mr. Trautman said the general philosophy is that those floodplain areas have always been there; “they’re meant to flood;” “that’s what nature intended, is for the creeks to flood those areas.” Further, that unfortunately those areas were developed before anyone “knew any better,” and as development occurs the watershed can change and the floods can become more severe and intense.

Commissioner Cooksey asked whether the County had ever looked at whether it would be cheaper to set up some kind of program to help people that are “kind of on the edge” of qualifying for the “Quick Buy” program that don’t have the economic means to buy flood insurance and have the County buy insurance for them. The response was that staff has not looked at that through its storm water utility. Mr. Trautman said that might get more into a social issue.

Mr. Trautman said at the federal level the National Flood Insurance program expires on September 30th and currently the Senate and the House were working on changes to extend the program out five years. He said affordability and voucher programs were being discussed on the national level.

Commissioner Clarke asked was it correct that the Briar Creek area was also impacted by the recent rainfall. The response was that the map shown was where the rain fell heaviest. Mr. Trautman said it’s difficult to interpret from the map where the flooding was because the flooding usually occurs downstream. He said there was very moderate flooding on Briar Creek. He said there was one home in the Shannon Park area that is eligible for the “Quick Buy.”

Commissioner Clarke asked about the issue raised by Mr. Lilien regarding flooding in the crawl space. Commissioner Clarke said he would consider crawl space flooding to be on the same level as in the living space.

Commissioner Clarke asked how and why does staff draw a distinction between the living space and the crawl space. The response was that the criteria was developed based upon three driving factors: 1) To be generally consistent with what was done in the past, 2) to work within the available reserve fund balance, 3) if the eligible criteria was expanded to other levels, staff knew there would not be enough funding to acquire all the properties.

Commissioner Clarke asked staff to clarify the eligibility of the home on Dunlavin Way in 2008.

Mr. Trautman said he was not fully prepared to comment, but that he recalled the home referenced by Mr. Lilien and it would not have qualified for the Storm Water portion because looking at the map it’s not in the encroachment area and didn’t have living space flooding.
However, in 2008, Storm Water Services partnered with Park and Recreation to increase the amount available for the “Quick Buy” program and the Park and Recreation funding went to acquiring homes that were right next to the one’s Storm Water was buying but didn’t have living space flooding. Mr. Trautman said it’s possible that Mr. Lilien was waiting to see whether or not Park and Recreation funds that were a part of that program would continue up the street to Dunlavin Way. He said the home could have been in limbo because of that partnership.

Commissioner Clarke asked about Park and Recreation funds used in 2008 which was addressed.

Commissioner Clarke asked that staff report back by the first meeting in October and inform the Board of how much of the $2 million available has been spent, what’s available, and how can it be stretched as far as possible to assist those that had flooding in the crawl space.

Commissioner Leake asked about the issuance of building permits in areas that were known to flood, which was addressed.

Commissioner Leake asked about housing assistance to those that were displaced which was addressed.

Commissioner Leake asked how the purchase process worked through the “Quick Buy” program which was addressed.

Commissioner Cogdell asked had contact been made with homeowners that qualify for the “Quick Buy” program. The response was yes.

Commissioner Cogdell said he was concerned about the fairness of the program with respect to persons impacted by previous flooding that did not get assistance and can’t get assistance this go around because their home wasn’t impacted on August 5, 2011.

Commissioner Cogdell suggested sending this matter to one of the Board’s committees to review whether or not there were other methods that could be used to help more people; and to ultimately move toward taking some of those homes that were in a floodplain, known to flood and try to address that as a community. He said they could address questions such as are we looking at the bigger picture causes of the flooding. Are there efficiencies that can be realized between departments working together.

Chairman Roberts encouraged the Board to move forward with approval of what’s been presented. She said this would not prevent the Board from reexamining the current program.

Chairman Roberts acknowledged the County’s Storm Water Advisory Board and their role and expertise. She said they should be asked to work with staff to reexamine the program and to explore how it could be expanded.

Commissioner Dunlap said he was concerned also about assistance being event related. He said he understood how those impacted on August 5, 2011 were in need of assistance, but that he also could understand the feelings of others who weren’t impacted this time but were impacted at another time and weren’t able to get assistance.

Commissioner Dunlap said a fairer analysis perhaps would be to look at areas that were prone to flood, had evidence of flooding in the past and use the available resources for these areas.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey to:
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1. Approve the concept of the County acquiring floodplain structures that sustained damage in the August 5, 2011 storm;

2. Adopt the Resolution for an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 5, 2011 storm;

3. Appropriated $2,000,000 from Storm Water Fund Balance for the acquisition of flood prone structures; and

4. Authorize staff to negotiate purchase contracts using Storm Water Funds, not to exceed a total of $2,000,000, and return to the Board for approval.

Commissioner Pendergraph asked was it permissible for the County to send notices to persons that live in the floodplain and state to them that “this is a warning that you have six months to purchase flood insurance because you are in a known flood zone and if you fail to do that and your home is flooded out, the County will not pay for it.”

County Attorney Bethune said if the Board wanted to set as a policy, it will not buy properties that do not have flood insurance, that’s something staff could evaluate.

Commissioner Pendergraph said he would like this matter looked into. County Attorney Bethune said staff would refer this to the Storm Water Advisory Committee and would report back.

County Attorney Bethune said it should be kept in mind that under the current program, whether or not someone had flood insurance did not affect the price they get for their home.

Commissioner Clarke asked was Mr. Davis’ home eligible for participation in the proposed “Quick Buy” program. The response was yes.

Commissioner Clarke asked for clarification on the following Eligibility Criteria:

- Extent to which the structure is Damaged or Substantially Damaged as such terms are defined in the City of Charlotte Floodplain Ordinance. The structure has either flood damage within the living space, or flood damage of 25% or greater than the value of the structure prior to the flood event. The Substantial Damage definition in the Floodplain Ordinance states if repairs to the structure are 50% or greater than the value of the structure prior to the flood event, or if repairs/improvements in two separate occasions (each 25% or greater) during a 10-year period, then the structure has suffered Substantial Damage;

The response was that the criteria really begins and ends with the second sentence.

Commissioner Clarke said it appeared that process statements fall within the criteria.

County Attorney Bethune said when this is reviewed again, staff will work to remove non-criteria statements and place them in a different category, perhaps in a definition category.

Commissioner Dunlap asked could the definition be expanded to include any portion of the house flooding. The response was yes and that it would be a matter of the amount of funding available.

Commissioner Cogdell offered a friendly amendment to Commissioner Leake’s motion, which she and the seconder accepted. The friendly amendment was as follows: To refer the matter of the acquisition of flood damaged structures to the Board’s Natural Resources Committee for a review of the entire program, including the eligibility criteria, and that the committee report
back to the full Board with possible recommended changes to the program that would better address the underlying issues that the County is trying to address, taking into account the concerns that have been expressed. Further, that the Board’s Natural Resources Committee work collectively with the County’s Storm Water Advisory Committee and staff in evaluating the program.

The vote was then taken on the motion as amended and noted below.

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

1. Approve the concept of the County acquiring floodplain structures that sustained damage in the August 5, 2011 storm;

2. Adopt the Resolution for an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 5, 2011 storm;

3. Appropriate $2,000,000 from Storm Water Fund Balance for the acquisition of flood prone structures; and

4. Authorize staff to negotiate purchase contracts using Storm Water Funds, not to exceed a total of $2,000,000, and return to the Board for approval.

5. To refer the matter of the acquisition of flood damaged structures to the Board’s Natural Resources Committee for a review of the entire program, including the eligibility criteria, and that the committee report back to the full Board with possible recommended changes to the program that would better address the underlying issues that the County is trying to address, taking into account the concerns that have been expressed. Further, that the Board’s Natural Resources Committee work collectively with the County’s Storm Water Advisory Committee and staff in evaluating the program.

Resolution recorded in full in Minute Book ____ Document #_____.

(7E) CENTER CITY 2020 VISION PLAN

The Board received a presentation of the draft Center City 2020 Vision Plan. The presentation was made by Mark Hahn, director of Real Estate Services, Debra Campbell, director of Charlotte-Mecklenburg Planning Commission, and Michael Smith, president of Center City Partners.

Note: Mecklenburg County, the City of Charlotte, and Charlotte Center City Partners have been working with a consulting team lead by urban planning and design firm MIG, Inc. to create the Center City 2020 Vision Plan that will guide growth and development of Charlotte-Mecklenburg’s urban core over the next decade and beyond. The 2020 Plan builds on the 2010 Plan and serves as the vision for future development. The study area extends beyond the boundaries of previous vision plans to include Uptown plus the neighborhoods that are adjacent to the I-77/I-277 freeway loop and beyond. The plan’s vision is for Charlotte’s Center City to be a viable and livable community whose extraordinary built environment, interconnected tapestry of neighborhoods and thriving businesses create a memorable and sustainable place. The City Council will consider final adoption of the plan on September 12.

Comments
Commissioner Cooksey asked what would be the response to those that say they don’t live or work downtown, so why should they care about the Plan. Commissioner Cooksey said the Plan appeared to be very center city focused. He asked what was being done to look at planning from a broader perspective for the City of Charlotte to look outside the 277 beltway and to connect the center city.

Mr. Smith said the Plan was not a Charlotte Plan or a Center City Partners Plan, but Charlotte’s Plan for the middle of its region. He said the scope of the Plan was changed, so that it wasn’t just inside of I-277, but was uptown, which is inside I-277 and the adjacent neighborhoods. Mr. Smith said they put together a community input process that involved going out to the south, north, and eastern parts of the County, in order to hear from the community what they wanted the middle of their region to be for them.

Director Campbell said the role of the center city was that it was the economic engine and hub of not just Charlotte, but the entire region.

Commissioner Cooksey suggested thought be given to having a kind of a parallel effort that ties some of the regional plans into the Center City Plan, so there’s not a Center City Plan and seven or eight different, disparate, unconnected plans.

Director Campbell said the reason the boundaries were changed for the 2020 Plan from the 2010 Plan was to get outside of the I-277 loop because in people’s minds they relate to uptown as that barrier of I-277. Thus, the scope was broaden to include neighborhoods that rim to 77. Further, that the basis for a lot of the recommendations in the 2020 Plan related to neighborhoods and connectivity to the neighborhoods, were actually plans that have already been adopted. Director Campbell said there was already a lot of continuity between already adopted City policy and what’s been done with the 2020 Plan.

Director Campbell said what they’ve done with the 2020 Plan was to kind of “knit the fabric” in order to not have disparate, independent plans without having them be connected to what’s happening around it.

Commissioner Cooksey asked what was the expectation of the County with respect to the Plan.

Director Hahn said generally there were areas where the County has a scope of responsibility that’s included in the Plan, such as urban parks and greenways. He said there were various places in the Plan where the County was connected and that there were focus areas in the Plan as well, where the County owned land in those areas. Director Hahn said these things would be more flushed out in the implementation strategies or timing of the implementation.

Commissioner Cooksey asked was the Board being asked to adopt the Plan in total. Director Hahn said no.

Commissioner Leake asked about a Second Ward High School downtown, which she said had been mentioned in previous plans and what kind of assurance there was that this would indeed occur.

Commissioner Leake said there was concern in the community regarding the Westside Corridor and suggested it be revisited. She also noted a concern expressed to her by persons in the Westside Corridor area regarding the failure to acknowledge the Westside Corridor in a publication entitled Urban Adventures 101 New Exciting Things to Discover – Charlotte An Official Visitors Guide and Map. Mr. Smith said he was not sure who produced that publication.

Commissioner Dunlap asked would there be any financial obligation on the part of the County for the implementation of the Plan. Mr. Smith said the Plan did not obligate the County or City
of Charlotte. He said there’s no obligation and no implementation plan. He said the Plan was intended to inspire public investment and private investment. He said it was a thorough community input process to try and identify the goals of the community, in order to have this as a tool to evaluate future capital investment opportunities, which would be the responsibility of the Board and/or future boards. He said it was a multi-decade plan.

Commissioner Dunlap asked about the Board of Education’s involvement and suggested this presentation be made to them as well. He said all elected bodies should have buy-in to the Plan.

Director Campbell said if Charlotte City Council adopts the Concept Plan on September 12, 2011, it would not adopt all of the implementation strategies. She said they would adopt a vision and through implementation teams and coming to bodies on a case by case basis for projects was how the Plan would be implemented in terms of the public sector investments.

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

Chairman Roberts said she would like for the Board to be asked to adopt the Plan because she feels it becomes a better Plan. She said the Board would not be obligating any funds.

Director Campbell said they would be happy to come back at a later date and have the County vote on the Plan.

Motion was made by Commissioner Cogdell but died for lack of a second, to adopt the 2020 Center City Vision Plan.

Commissioner Dunlap said he felt Board members needed time to further review and absorb the Plan.

Chairman Roberts thanked the presenters for the presentation.

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

(7F) BUSINESS INVESTMENT PROGRAM GRANT: TIME WARNER CABLE, PHASE 3 – ITEM WAS REMOVED FROM THE AGENDA

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

1) Approve minutes of Regular meeting held August 2, 2011; Special Meeting held July 12, 2011; and Closed Sessions held August 2, 2011 and July 12, 2011.

2) Authorize the Clerk to the Board to amend the minutes of Regular meeting held June 21, 2011 to correct the wording of the motion for Item (8c) Women’s Equality Day Funding.

Note: The motion should have read as follows and should have included the wording that’s in red.
Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-2 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes and Commissioners Bentley and Pendergraph voting no, to appropriate and carry-forward to FY2012, $1,500 from FY2010-2011 Unrestricted Contingency to Community Support Services, to fund the Women’s Equality Day event to be held in August 2011.

(10) TAX REFUNDS

Approve refunds in the amount of $29,313.32 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to Board.

(11) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $28,408 for Real Estate Services, $43,293 for Park and Recreation and $1,525 for Information and Services Technology.

Note: All reimbursements are for stolen and damaged items.

(12) AREA MENTAL HEALTH FOURTH QUARTER FY 2011 REPORT

Receive the Fourth Quarter 2011 Area Mental Health Report.

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. 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>9,842,149</td>
<td>7,461,022</td>
<td>75.81%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,286,574</td>
<td>30,009,741</td>
<td>87.53%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>52,594</td>
<td>54.06%</td>
</tr>
<tr>
<td>County</td>
<td>40,498,282</td>
<td>32,191,689</td>
<td>79.49%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>84,724,298</td>
<td>69,715,046</td>
<td>82.28%</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>7,154,020</td>
<td>6,134,852</td>
<td>85.75%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,464,516</td>
<td>9,106,423</td>
<td>67.63%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,366,027</td>
<td>4,422,445</td>
<td>60.04%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,399,083</td>
<td>13,015,166</td>
<td>90.39%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>8,621,876</td>
<td>7,277,778</td>
<td>84.41%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>22,494,903</td>
<td>20,522,300</td>
<td>91.23%</td>
</tr>
</tbody>
</table>
Developmental Disabilities 11,223,873 9,236,082 82.29%
Total Expenditures 84,724,298 69,715,046 82.28%
Net (Revenues - Expenditures) 0 0 100%

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

(13) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT
1) Approve the attached list (Exhibit A) as surplus, and
2) Adopt a resolution authorizing sale of surplus personal property by public auction on September 24, 2011 at 10:00 a.m. at 3301 Rotary Drive, Charlotte, NC.

Resolution including Exhibit A recorded in full in Minute Book ____ Document #____.

(18) GRANT APPLICATION – FEMA – LUESA
1) Authorize the County Manager to submit a grant request in the amount of $20,000 with the Federal Emergency Management Agency.
2) If awarded, recognize, receive and appropriate grant funds and authorize the County Manager to execute a contract to implement grant scope of work as specified in Mapping Activity Statement.
3) Authorize the carry-forward of unspent funds for the duration of the grant.

(19) POSITION CHANGE REQUEST – AREA MENTAL HEALTH
Approve converting 1 part-time Sr. Quality and Training Specialist position to a full-time position in the Jail Diversion and Trauma Recovery Program.

(20) ABERSHAM EASEMENT
Approve the following two easements in connection with the Abersham property:

After the County’s acquisition of the former Abersham Subdivision, authorize the conveyance by the County of (1) a 30 foot wide Access Easement on Greenwold Drive, the northerly part of the Abersham Loop Road and the easterly part of Pleasant Garden Drive to and from Tax Parcel #003-331-49 and (2) an exclusive 100 foot wide Buffer Easement around the northerly part of the Abersham Loop Road and Tax Parcel #003-331-49 to Jason E. and Rachel R. Karo and Suntrust Mortgage, Inc. in exchange for Jason E. and Rachel R. Karo, and Suntrust Mortgage, Inc., agreeing to changes to the subdivision plats needed by the County. The County Manager is authorized to execute all documents necessary to accomplish this.

(21) SET PUBLIC HEARING – NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT
APPLICATION

Set a public hearing for the September 20, 2011 Board of County Commissioners meeting to receive comments on the Mecklenburg County Department of Social Services’ grant application for the NC Department of Transportation’s Rural Operating Assistance Program for Fiscal Year 2011-2012, and direct the Clerk to publish notice of intent to hold a public hearing.

(22) UNION COUNTY RADIO SERVICE INTERLOCAL AGREEMENT AMENDMENT

Approve a resolution Authorizing Execution Of An Amendment To The Interlocal Agreement For Access To And Service Of Radio System Between The City Of Charlotte, Mecklenburg County And Union County for Public Safety Radio System Interoperability and Infrastructure Services.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
AUTHORIZING EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR ACCESS TO AND SERVICE OF RADIO SYSTEM BETWEEN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY AND UNION COUNTY

WHEREAS, under North Carolina General Statutes §160A-461 and §153A-445, 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, on or about February 20, 2008, the City of Charlotte, Mecklenburg County and Union County entered into an Interlocal Agreement for Access To and Service of Radio System with approval of their respective governing boards (the “Agreement”); and

WHEREAS, the Agreement specifies the details under which the City of Charlotte will provide radio service to Union County through the consolidated regional radio system shared with Mecklenburg County, all for the purpose of ensuring that public safety agencies of both units of local government have the communications infrastructure and regional integration to respond in a coordinated manner to local and regional emergencies; and

WHEREAS, the City, Union County and Mecklenburg County now desire to amend the Agreement to add the servicing of Union County’s radios to the services currently being provided by the City in accordance with the terms of the amendment attached to this resolution as Exhibit A (the “Amendment”), and to authorize their respective City and County Managers to amend the Agreement to incorporate any future changes that the parties may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do not impose any costs on Mecklenburg County; now, therefore be it

RESOLVED by the Mecklenburg County Board of Commissioners that the Amendment is hereby approved, that the County Manager is hereby authorized to execute such Amendment in substantially the form attached to this Resolution, that this Resolution shall be spread upon the minutes, and that the County Manager is authorized to amend the Agreement to incorporate any future changes that the County Manager, Union County and City of Charlotte may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do not impose any costs on Mecklenburg County.

Resolution & Agreement recorded in full in Minute Book _____ Document #_____.

(23) CONTRACT FOR THE DISPOSAL OF SOLID WASTE AT THE SPEEDWAY LANDFILL

Approve the Second Amended and Restated Contract for Disposal of Solid Waste By and Between Mecklenburg County and BFI Waste Systems of North America, Inc.
NOTE: Mecklenburg County and the seven municipalities with which it has Solid Waste Interlocal Agreements -- the City of Charlotte and the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill and Pineville -- currently dispose of residential solid waste at the Speedway Landfill in Concord, NC in Cabarrus County. These disposal arrangements are provided through a contract between Mecklenburg County and BFI Waste Systems of North America, the owner and operator of the Charlotte Motor Speedway Landfill. The parent company of BFI Waste Systems of North America, Inc. is Republic Services, Inc., a national waste services provider.

The initial term of this disposal contract began on July 1, 2001 and continued for six years. On May 1, 2007, the BOCC approved an amendment to the Speedway Landfill disposal contract that extended the term of the contract for an additional five years, through June 30, 2012. On June 7 of this year the BOCC confirmed staff recommendation to pursue another multi-year extension to the Speedway Landfill disposal contract. This Board action further amends the Speedway Landfill disposal contract and extend its term for an additional eight years, through June 30, 2020. While the Second Amended and Restated Contract retains most of the provisions of the current contract, there are several notable changes in addition to the extended term of the contract. As before, there is no minimum quantity of waste that must be disposed, the County is free to remove all of the recyclables it chooses from the waste. With this amended contract, food and organic wastes are additionally included as recyclables, enabling their recycling should the County institute a program for recovering these materials. Also, the potential for additional “local” fees assessed to the Speedway Landfill being passed through to the County has been removed. The County and the Speedway Landfill recently went to arbitration on host fees assessed by the City of Concord which resulted in an additional $0.50 per ton being charged to the County. The fee paid to the Speedway Landfill for disposing the waste (“Use Fee”) will be set at $24.50 per ton for FY 2013 and then will be adjusted annually by the change in the Consumer Price Index (CPI). An additional fee (“Transfer Fee”) is paid for any waste first delivered to Republic’s Ft. Mill Transfer Station before being transported to and disposed at the Speedway Landfill. In the last fiscal year less than one-half of one percent of the total waste handled was received at the Ft. Mill Transfer Station. The Transfer Fee will be set for $18.00 per ton for FY 2013 and also will be adjusted annually by the change in the CPI. This contract amendment provides continued economical and environmentally sound residential waste disposal for our partnering municipalities at disposal fees well below market rates for this area. At the same time, the County preserves the permitted disposal capacity at the Foxhole Landfill for future use. The Waste Management Advisory Board recommended pursuing this eight-year contract at its July 19, 2011 meeting and further unanimously recommended at its August 16, 2011 meeting that the BOCC approve the attached Second Amended and Restated Contract. The Foxhole Advisory Council was presented with the framework of the proposed eight-year contract at its July 25, 2011 meeting.

(25) AGREEMENT - PROTECTION, DEVELOPMENT AND IMPROVEMENT OF FOREST LAND IN MECKLENBURG COUNTY

Adopt “Agreement for the Protection, Development and Improvement of Forest Land in Mecklenburg County.”

Note: Approval of this request will enable the reoccurrence of a one-year agreement with a 40% County and 60% State funding split establishing a County Office of the North Carolina Forestry Service with duties and responsibilities as specified in the agreement.

Agreement recorded in full in Minute Book _____ Document #_____.
SEPTEMBER 7, 2011

(28) CAPITAL RESERVE REQUEST - PARK & RECREATION (CAMPGROUND PLUMBING INFRASTRUCTURE UPGRADE, MCDOWELL NATURE PRESERVE)

Authorize and appropriate expenditure of $69,500 from the Park & Recreation McDowell Capital Reserve account to upgrade the plumbing infrastructure at the McDowell Nature Preserve Campground.

(29) INTERLOCAL AGREEMENT WITH THE CITY OF CHARLOTTE

1) Authorize the County Manager to negotiate and execute a funding agreement with the City of Charlotte.

2) Execution of Resolution authorizing Interlocal Agreement for funding of McAlpine Creek Stream Restoration Project.

Note: This Agreement is the second of two funding agreements between the City of Charlotte and Mecklenburg County for funding of a joint storm water, water quality project on and adjacent to McAlpine Creek between Sardis and Providence Roads. The first Agreement, in the amount of $350,000 and approved by the Board on June 17, 2008, was for funding of planning and engineering. The second agreement is for compensation to the County from the City for its portion of construction in the amount of $1,000,000. The County’s portion of the project is being funded by Mecklenburg County Storm Water capital improvement funds and the NC Clean Water Management Trust Fund (grant approved by the Board on November 15, 2005). All funds were approved by the Board on December 15, 2009.

Resolution and Agreement recorded in full in Minute Book _____, Document # _____.

(30) BUSINESS INVESTMENT PROGRAM GRANT: SPX CORPORATION (REVISED)

Adopt Resolution approving a revised Business Investment Program Grant to SPX Corporation for a total estimated amount of up to $3,796,070 and authorize the County Manager to negotiate and execute a contract.

Note: In Charlotte, SPX employs 255 people at its corporate headquarters in Ballantyne, but expects to 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.

Resolution recorded in full in Minute Book _____ Document #_____.

(32) IEDC ANNUAL MEETING REGISTRATION AND RECOGNITION DINNER

Approve County Commissioner and Staff registrations for the International Economic Development Council Annual Meeting and Chairman’s attendance at IEDC Recognition Dinner.

Note: The International Economic Development Council will hold its annual conference in Charlotte in September 2011.
(33) ABC BOARD TRAVEL POLICY

Approve the Alcoholic Beverage Control Board Travel Policy as required by G.S. 18B-700(g) (2).

Note: G.S. 18B-700(g) (2) requires the local ABC Board to annually provide the appointing authority’s written confirmation of its travel policy to the NC ABC Commission.

The ABC Board’s travel policy was adopted in February, 2010, and was originally approved by the Board of Commissioners September 8, 2010. The ABC Board’s travel policy has not been amended since that time, except to reflect updated subsistence rates that were adopted by the NC Office of State Budget & Management July 1, 2011. The updated subsistence rates were approved by the Mecklenburg ABC Board on 8/16/11. The changes were as follows:

<table>
<thead>
<tr>
<th>Meal</th>
<th>Original Rate</th>
<th>New Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>$7.75</td>
<td>$8.00</td>
</tr>
<tr>
<td>Lunch</td>
<td>$10.10</td>
<td>$10.45</td>
</tr>
<tr>
<td>Dinner</td>
<td>$17.30</td>
<td>$17.90</td>
</tr>
</tbody>
</table>

A copy of the policy is recorded in Minute Book _____, Document # _____.

(34) REVISION TO LUESA FEE ORDINANCE

Amend the LUESA Fee Ordinance to delete the charge for seminars sponsored by the Department.

A second reading will be required, since all nine commissioners were not present.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(14) BUDGET AMENDMENT – SHERIFF’S OFFICE (REVENUE INCREASE) REALITY PROGRAM AND TEEN SUMMIT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize and appropriate a $10,000 donation to support expenses related to the Mecklenburg County Sheriff’s Office Reality Program and the Teen Summit.

Note: The Mecklenburg County Sheriff’s Office Reality Program was recently featured on the A&E TV network program, “Beyond Scared Straight.” The producer, Arnold Shapiro Productions, Inc., made a $10,000 honorarium to support unfunded expenses associated with the Reality Program as well as the follow-up Teen Summit for the next three years.

Commissioner Leake removed this item from Consent in order to find out when the event would be taking place and for more public awareness.

(15) BUDGET AMENDMENT – SHERIFF’S OFFICE SPECIAL REVENUE FUND (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to
SEPTEMBER 7, 2011

1. Recognize and appropriate for the Sheriff’s Special Revenue Fund, $98,000 from Inmate Commissary.

2. Recognize and appropriate for Sheriff’s Special Revenue Fund, $32,000 from Vocational Facility Telephone Revenue.

Note: 1. All funds collected through Jail commissary operations will be used for inmate education, library and self-sufficiency programs as well as supplies and equipment to support programs. 2. All funds received from 16.8 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 public awareness. She also wants to know how these funds are supporting programs for teens and the outcomes of those programs.

(16) BUDGET AMENDMENT – DSS (REVENUE INCREASE) LIEAP/CIP

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate $55,475 of Federal revenue for the Low Income Energy Assistance and Crisis Intervention Program Administration (LIEAP/CIP).

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

Commissioner Cooksey returned to the dais.

(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE) TANF

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to increase and appropriate FY12 TANF Domestic Violence Funds in the amount of $1,420.

Commissioner Leake removed this item from Consent for more public awareness and in order to ask for additional information. She requested the total budget for domestic violence funding.

(26) LITTLE SUGAR CREEK GREENWAY – MIDTOWN PARK – CONSTRUCTION CONTRACT

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to award a construction contract to Sealand Contractors Corporation for a total amount of $889,000 for the construction of the Little Sugar Creek Greenway-MidTown Park.

Commissioner Cooksey removed this item from Consent for more public awareness.
SEPTEMBER 7, 2011

(27) CAPITAL RESERVE REQUEST – PARK & RECREATION (SYNTHETIC TURF ATHLETIC FIELDS)

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize and appropriate expenditure of $50,000 from the “Synthetic Turf Field” Capital Reserve account to replace rubber infill at Revolution Park.

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

(31) DONATIONS FOR THE 2011 MECKLENBURG COUNTY HOMELESS VETERANS STAND DOWN

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate $1,092 of donations received to support the operation of the 2011 Homeless Veterans Stand Down.

Note: Golf Tournament - Various Donors $417.00; Law Offices of Paul Goodson $600.00; Metrolina Ex-POW $75.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) DISTRICT TWO UPDATE – COMMISSIONER LEAKE

The Board received a District Two update from Commissioner Leake. Commissioner Leake informed the Board of an upcoming event in Lincoln Heights and events she attended recently. She thanked General Manager John McGillicuddy for assisting her with getting an issue resolved that dealt with Bruns Avenue Recreation Center. She also acknowledged Carol Lilly whom she said was active in the community and acknowledged the death of Mr. Washington, who worked for the Sheriff's Office.

Commissioner Leake also encouraged commissioners to attend Board Committee meetings as assigned. She specifically, asked those that were members of the Community Health & Community Support Committee, which she chairs.

Commissioner Pendergraph expressed concern for the district updates given by Commissioner Leake. Commissioner Pendergraph said he’d received feedback from residents on the south side of District 2 questioning why Commissioner Leake never recognized anything in that area of District Two when giving updates. He said Commissioner Leake needed to realize there were other people in district two, other than the ones she “constantly” speaks of and were also badly in need of jobs and employment.

Commissioner Leake said she had attended and attends activities in the southern part of District Two, when invited and on her own.

Commissioner Cogdell asked that an item be placed on the September 20, 2011 agenda under his name regarding how items are placed on the agenda by commissioners.
ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey 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 11:32 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, September 20, 2011.

**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  
General Manager John McGillicuddy  
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 15, 17, 18, 24, and 26.

Note: Commissioner Pendergraph noted that he would need to be excused from voting on Item 26 to avoid a conflict of interest. He does consulting work for the Keith Corporation.

(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 the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph 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 6:16 p.m.

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

AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Michael DeVaul, accompanied by Yolanda Bynum, addressed a literacy enrichment program sponsored by the YMCA called Y Readers. The purpose of Y Readers is to engage children currently performing below grade level in active learning and enrichment that improves literacy skills and self-confidence in the classroom. They thanked the Board for its support of the program.

A handout was provided to the Board regarding the program, a copy is on file with the Clerk to the Board.

Cathy Morrison spoke in opposition to the building of an ABC store at Callabridge Court. Ms. Morrison said she was speaking also on behalf of churches in the area and some of the store managers at Callabridge Landing. Ms. Morrison said they were not aware until recently that an ABC store was slated for that area. Per their research, they discovered the property was purchased in November 2001 and notification was posted at that time for 30 days. Ms. Morrison said ten years ago nothing was in that area, thus no one would have seen a sign posted because you couldn’t see the property from Mt. Holly-Huntersville Road or Brookshire. She said it was approved in 2002 and the thought by officials in Raleigh was that it would be built right away. Further, that per officials in Raleigh, if a store isn’t built right away, the assumption is that the property would remain posted so people would know the intent. Ms. Morrison said that’s the assumption, however, it’s not a requirement. Ms. Morrison said the posting was taken down apparently after the specified time. Ms. Morrison said one of the concerns is that the property backs up to a McDonald’s playground area and a Chick-fil-A, thus it’s not conducive for an area where children are. Ms. Morrison said the area has changed since ten years ago and it’s not suited for an ABC store at this time.

Chairman Roberts said she would follow up with the ABC Board leadership. She also informed Ms. Morrison that if there were others unable to come to tonight’s meeting that they could come in October.

Hewitt Hurst addressed a petition for an easement. Mr. Hurst shared with the Board that his property adjoins the Clarke Creek Greenway. He said his pool and fence encroach upon county property. Mr. Hurst said the pool was installed by the original owner in 1995. As the current owner of the property, he has maintained the county property and stream for the last 14 years. He said the area belonging to the County was approximately 80 sf.

Mr. Hurst said he was told by the County’s Real Estate Services department that he needed to remove his pool and fence because of the encroachment. Mr. Hurst said estimates received to remove the pool varied from $500 to $1,800.

Mr. Hurst asked the Board to grant him an easement to allow him to keep his pool and fence.
Chairman Roberts informed Mr. Hurst that follow-up would be done with the Real Estate Services department.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint James Guntrum to the Adult Care Home Community Advisory Committee for a one-year term expiring September 30, 2012.

He replaces Evelyn Hochstat.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint John Taylor to the Building Development Commission as the Mecklenburg General Contractors Association representative for a three-year term expiring September 30, 2014.

He is replaces Will Caulder.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Azania Herron, Jibril Hough, Clara Mayfield, Ruth Stevenson and Rhonda Taylor to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring September 30, 2014.

Commissioner James nominated all applicants for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee: Larry Edwards, Edward Mattison, Omar Saxton, Thomas Vinson, and Shari Wright-Harley.

Note: An appointment will occur on October 4, 2011.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint David Gieser to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2012.

He is replaces Sonya Young.

JUVENILE CRIME PREVENTION COUNCIL
Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Gwendolyn Hester-Cohen to the Juvenile Crime Prevention Council as the Faith representative for a two-year term expiring September 30, 2013.

LAKE WYLIE MARINE COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Terry Everhart and Howard Virkler to the Lake Wylie Marine Commission for three-year terms expiring September 30, 2014.

Motion was made by Commissioner Clarke, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Lynn Smith to the Lake Wylie Marine Commission for a three-year term expiring September 30, 2014.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Margaret Morgan to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2014.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Note: The Board exercised the exception provision of its Appointment Policy-Membership Terms and allowed Carol Gaither to be reappointed, since there’s a dire need of members on the Nursing Home Community Advisory Committee.

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 reappoint Barbara Blakeney, Larry Blakeney, Betty Forehand, Deborah Kennedy, Peco McKoy, Patricia Wilson and Wanda Wilson to the Nursing Home Community Advisory Committee for three-year terms expiring September 30, 2014.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Jeffrey Giddens and Carole Gaither to the Nursing Home Community Advisory Committee for three-year terms expiring October 31, 2014.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Josephine Baker to the Nursing Home Community Advisory Committee for a one-year term expiring September 30, 2012.

*She replaces Lisa Khayyat.*
TRANSIT SERVICES ADVISORY COMMITTEE

Commissioner Cooksey nominated all applicants for appointment consideration to the Transit Services Advisory Committee: Marshall Grier & Chris McKillop.

Note: An appointment will occur on October 4, 2011.

WOMEN’S ADVISORY BOARD

Commissioner Clarke nominated all applicants for appointment consideration to the Women’s Advisory Board: Robyn Codrington, Melissa Duscha, Vickie Evans, and Karen Okhoya.

Note: An appointment will occur on October 4, 2011.

(3B) MINT HILL PLANNING BOARD

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Mr. Roger Hendrix 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 term to expire June 30, 2013.

PUBLIC HEARINGS

(4A) GRANT APPLICATION - NCDOT RURAL OPERATING ASSISTANCE PROGRAM

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing to receive comments regarding 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 2011-2012.

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

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, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing regarding 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 2011-2012 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 2011-2012; and recognize, receive and appropriate grant funds of $416,383 when awarded.

Certified Statement recorded in full in Minute Book _____, Document # _____.

Commissioner Cogdell returned to the dais.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) PROJECT SEARCH

The Board received a report on Project SEARCH. Chris Peek, Human Resources Director gave the report. He was joined in the presentation by Patricia Keul, NC Project SEARCH Coordinator, Chris Brigman with InReach, formerly known as Residential and Support Services, and April Root from Central Piedmont Community College.

JoAnna Smith, a participant in the program, thanked the Board on behalf of program participants for providing them with this opportunity. She was accompanied at the podium by her instructor Antavia Cherry.

Note: Project SEARCH is a nationally recognized program designed to provide education and training to young adults with intellectual and developmental disabilities. This is achieved through an innovative workforce and career development model that benefits the individual, workplace, and community. The primary goal of the program is to secure competitive employment outcomes for each of the student graduates.

In January of 2011, Mecklenburg County became the first employer in North Carolina to participate in the Project SEARCH program. Through a partnership with Central Piedmont Community College (CPCC), the County provided internships to eight students with intellectual or developmental disabilities. The interns spent a few hours a day in a classroom (provided by the County) and the remainder of the day working in Human Resources creating imaged documents of files. On May 3, this year’s participants graduated. Since graduation, one employee has found a permanent position as a Scanner with a local business.

Commissioner Cooksey noted for information purposes that the federal government has a program where they set aside particular contracts for companies that are called NISH contractors. He said they mainly employed disabled adults with all kinds of disabilities.

Commissioner Cooksey suggested the County, in addition to some of the other socio-economic goals it has with some of its contracting, consider looking at some contracting opportunities that might include companies that focus on hiring folks with disabilities to provide them with job opportunities.

Chairman Roberts thanked the presenters for the presentation and commended the program participants.
A copy of handouts regarding the program is on file with the Clerk to the Board.

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: TIME WARNER CABLE, PHASE 3

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt a resolution approving a Business Investment Program Grant (BIP) to Time Warner Cable for Phase 3 expansion.

Note: Time Warner officials have now announced another expansion in Charlotte, known as Phase 3, with an estimated new investment of $180 million and 225 jobs. Phase 3 consists of 2 projects:

- A consolidated data center with a total capital investment of $150 million and 25 new jobs. This will take the place of smaller data centers spread out across Time Warner’s operational footprint.

- A 105,000 square foot office building to house corporate Accounting, Human Resources and Information Technology functions. This represents a capital investment of $30 million and will create 200 new jobs.

Resolution recorded in full in Minute Book _____, Document #______.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) POLICY-PROCEDURES REGARDING AGENDAS FOR REGULAR BUSINESS MEETINGS – COMMISSIONERS COGDELL, BENTLEY, & COOKSEY

Commissioner Harold Cogdell presented a proposed change in the Board’s Policy entitled: Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners. Commissioners Bentley & Cooksey co-sponsored the item and spoke briefly regarding the purpose.

The following was noted: During the course of the last several months different Commissioners have individually placed items on the Board of County Commission Regular Business meeting agenda that provide a vague or non-particularized description of the subject(s) to be discussed. In some instances, the subject matter discussed by individual Commissioner agenda items did not relate to any function or operation of Mecklenburg County Government nor did the subject matter relate to any county government or BOCC policy. Additionally, on many occasions, the individual Commissioner agenda items did not request the Board take or even consider taking any action. The result has been less time spent on the core business functions of county government and more opportunities to engage in contentious dialogue or offer opinions about subject matters that would otherwise not come before the Board of County Commission for consideration.

The proposed changes were as follows:

Section 2. Agenda items submitted by Commissioners can ONLY be accepted by the Clerk if submitted by three (3) or more Commissioners all of whose names must appear on the Action Item as either submitting the item or approving its submittal.

Exception: The Commission Chairman is entitled to submit agenda items without the approval of any other Commissioners and without any other Commissioners’ names
appearing on the Agenda item as co-submitters.

3. Agenda items submitted by Commissioners must specify the topic or topics and any requested action or actions in sufficient detail that the public and other Commissioners will have a general understanding of what is to be discussed and requested.

4. The maximum time allocated during a meeting for each Commissioner to present an agenda item submitted by that Commissioner that does not request action by the Board is three (3) minutes. For example, if three (3) Commissioners submit an agenda item that does not request action, each Commissioner submitting the item would have three (3) minutes to present that agenda item. If just the Chairman put an item on the agenda that does not request action by the Board, the Chairman would have three (3) minutes to present the agenda item.

7. Nominations to advisory committees shall appear, as appropriate, on the agenda for the second regular business meeting of each month; and appointments will be made at the first regular business meeting of each month; however, the Board reserves the right to deviate from this schedule as noted in the Procedures for Advisory Board Appointments Policy.

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey, to adopt revisions to the Board’s Policy entitled: Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners.

Comments

Commissioner Dunlap said as a District representative, District Three, he did not feel it was necessary for him to have the consent of other commissioners to place matters on the agenda relative to the concerns of District Three.

Commissioner Dunlap said he felt the proposed change was too restrictive in terms of commissioners only having three minutes to address an issue.

Commissioner Dunlap said he understood what the presenters were attempting to do but felt this was not the way to do it.

Commissioner Cooksey said his intent with respect to the three minutes was not to say that each commissioner had to have three minutes but that the total time devoted to the issue would be nine minutes. He said the commissioners who sponsor an item could give all of the time to one commissioner.

Commissioner Leake spoke in opposition to the proposed policy change, which she said restricts a district commissioner’s ability to speak about their work within their district.

Commissioner Leake said it was not “fair” to her or the community with respect to the proposed policy, to say that she’s taking up Board time when talking about people and issues in her district.

Commissioner Leake asked if the proposed policy went through the Board’s committee process.

Commissioner Leake said she viewed the proposed policy as a means to “shut her down” and “keep her from talking.” Commissioner Leake said as long as she represented District Two, she was going to talk about the issues of the district because she had that “right.”
Commissioner Bentley took issue with Commissioner Leake’s comments and said the intent was not to “discriminate” against her or limit her speech. Commissioner Bentley said the purpose of the proposed change was to bring order to the Board’s meeting, to move the meeting along, and to allow Commissioners to have appropriate access to an agenda item with background and justification for meeting purposes.

Chairman Roberts addressed process with respect to the item and referenced the Board’s committee process, which she said the item did not go through.

Chairman Roberts said she would have felt better about this matter if it had gone through committee, as well as, received input from staff.

Chairman Roberts said she also felt the three minute limit was out of order and unnecessary.

Commissioner Cooksey said taking this action was well within the outlines of what’s provided for in Roberts Rules of Order.

Commissioner Cooksey said there was nothing to his knowledge that requires a motion to go through a Board committee before it comes to the Board.

The vote was then taken on the motion as follows:

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Pendergraph voting yes and Commissioners Dunlap, Leake and Roberts voting no, to adopt revisions to the Board’s Policy entitled: Procedures Regarding Agendas for Regular Business Meetings of the Board of County Commissioners, as presented by Commissioners Cogdell, Bentley, and Cooksey, effective immediately.

Revisions

Section 2. **Agenda items submitted by Commissioners can ONLY be accepted by the Clerk if submitted by three (3) or more Commissioners all of whose names must appear on the Action Item as either submitting the item or approving its submittal.**

Exception: The Commission Chairman is entitled to submit agenda items without the approval of any other Commissioners and without any other Commissioners’ names appearing on the Agenda item as co-submitters.

3. **Agenda items submitted by Commissioners must specify the topic or topics and any requested action or actions in sufficient detail that the public and other Commissioners will have a general understanding of what is to be discussed and requested.**

4. **The maximum time allocated during a meeting for each Commissioner to present an agenda item submitted by that Commissioner that does not request action by the Board is three (3) minutes. For example, if three (3) Commissioners submit an agenda item that does not request action, each Commissioner submitting the item would have three (3) minutes to present that agenda item. If just the Chairman put an item on the agenda that does not request action by the Board, the Chairman would have three (3) minutes to present the agenda item.**

7. **Nominations to advisory committees shall appear, as appropriate, on the agenda for the second regular business meeting of each month; and appointments will be made at the first regular business meeting of each month; however, the Board reserves the right to deviate from this schedule as noted in the Procedures for Advisory Board Appointments Policy.**

Revised policy recorded in full in Minute Book _____, Document _____.

Commissioner Bentley left the meeting and was absent for the remainder of the meeting.
SEPTEMBER 20, 2011

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) PURCHASE CONTRACT – TUB GRINDERS

Authorize the County Manager to negotiate and execute a one-time contract for the purchase of two Tub Grinders for a total amount of $1,175,602 to the following lowest responsible bidder: H&E Equipment $1,175,602.

(10) PROCLAMATION – FAMILY DAY

Adopt a proclamation designating September 26, 2011 as Family Day – A Day to Eat Dinner with Your Children.

Note: The National Center on Addiction and Substance Abuse (CASA) at Columbia University has requested support of the proclamation. According to CASA, in 2010, the President, all 50 Governors and the Mayors and Executives of more than 1,000 cities and counties across the nation proclaimed and supported Family Day – A Day to Eat Dinner with Your Children™. The National Center on Addiction and Substance Abuse (CASA) at Columbia University launched Family Day in 2001 after CASA’s research consistently found that, the more often children eat dinner with their parents, the less likely they are to smoke, drink or use illegal drugs. The fourth Monday of September is the designated day of recognition. Upon adoption, the proclamation will be forwarded to The National Center on Addiction and Substance Abuse (CASA) at Columbia University, per its request.

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

(11) PROCLAMATION – SENIOR CENTER MONTH

Adopt a proclamation designating September 2011 as Senior Center Month in Mecklenburg County.

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

(12) PROCLAMATION – BIG SWEEP

Adopt a joint proclamation designating Saturday, October 1, 2011 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. For the past 18 years, Mecklenburg County has been an active participant in this event, which has involved thousands of volunteers in the removal of more than 160,000 pounds of trash from our waterways.

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

(13) REPORT OF SETTLEMENT OF LAWSUIT
Receive as information that Mecklenburg County, a political subdivision of the State of North Carolina v. Schenkel & Shultz, Inc., HDR Architecture, Inc., Kallmann McKinnell & Wood Architects, Inc., and Schenkel Shultz/HDR/Kallmann McKinnell & Wood Architects Inc., a Joint Venture, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 10-CVS-16383 was settled with defendant Kallmann McKinnell & Wood Architects, Inc.

Agreement recorded in full in Minute Book _____, Document # ______.

(14) DESTRUCTION OF DOCUMENTS – DSS

Approve the destruction of records by the Department of Social Services in accordance with State requirement and applicable County policy.

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

(16) TAX REFUNDS

Approve refunds in the amount of $4,054.42 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 refund recipients is on file with the Clerk to the Board.

(19) LAND EXCHANGE – HILLSIDE RESIDENTIAL, LLC

Adopt a resolution of intent to exchange a portion of County owned Tax Parcel 151-112-01 (+/- 20,461 SF) for a portion of Tax Parcel 151-113-72 (+/- 20,477 SF) owned by Hillside Residential, LLC along Little Sugar Creek.

Resolution recorded in full in Minute Book ____Document #______.

(20) LAND CONVEYANCE TO CITY OF CHARLOTTE

Approve conveyance of a portion of Tax Parcels 229-011-30 (+/- 5,156 SF), 229-041-07 (+/- 3,262 SF), and 229-041-39 (+/- 3,778 SF) to the City of Charlotte to facilitate road improvements to Community House Road.

(21) BUDGET AMENDMENT – STRUCTURED DAY PROGRAM (REVENUE INCREASE)

Recognize, receive and appropriate $39,078 in additional State funding for the Structured Day Program.

Note: Funds will be used to purchase bus passes for transportation for Structured Day participants. The Structured Day Program (SDP) is a day-reporting center for probationers residing in Mecklenburg County.

(22) CONTRACT AWARD - FUEL SUPPLIES, FLEET CARDS AND RELATED SERVICES
1) Award the low bid unit price contract to FleetCor Technologies Operating Company, LLC d.b.a Fuelman of GA for the purchase of Fuel Supplies, Fleet Cards and related Services for a period of five years; and

2) Authorize the County Manager to extend the contract for two additional, two-year terms with possible price adjustments at the time of renewal as authorized by the contract.

(23) REVISION TO LUESA FEE ORDINANCE – SECOND READING

Amend the LUESA Fee Ordinance to delete the charge for seminars sponsored by the Department.

Ordinance Amendment recorded in full in Minute Book Document #.

(25) TEMPORARY LABOR CONTRACTS

Approve Temporary Labor Agreements with five vendors at an average cost of $.84 million per year for three years.

Note: The vendors are Adecco, Goodwill, CareerMatch, Metro Staffing and Solutions Staffing.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(15) GRANT APPLICATION – DOMESTIC VIOLENCE PUBLIC AWARENESS

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the submission of a grant application for funding in the amount of $5,000 from the Justice Initiatives, Inc; and if awarded, recognize, receive and appropriate such funds.

Note: The requested funding will allow Mecklenburg County Community Support Services Department Women’s Commission Division to partner with local news media and other organizations to provide an array of public awareness activities in 2012 that increase knowledge about signs and symptoms of domestic violence and educate the community about community resources available to respond.

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

(17) SOLE SOURCE PURCHASE – SHOWER DOORS – SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the purchase of Cornerstone Institutional shower doors and frames for maximum security pods without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6); and approve a contract with Cornerstone Institutional, LLC for the purchase of custom build shower doors and frames in the amount of $50,300.

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

Commissioner James left the dais and was away until noted in the minutes.
(18) REIMBURSEMENT – PARK AND RECREATION, SEAN CLARK MEMORIAL GARDEN

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $11,465 reimbursement for cost incurred to construct the Sean Clark Memorial Garden at Blythe Landing.

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

Commissioner James returned to the dais.

(24) TRANSPORTATION CONTRACTS

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve DSS Transportation Agreements with Five Vendors (A1 Wheelchair, AA Prestige, Checkered Flag, City Cab and Royal) at a cost of $7.51 million per year for three years.

Commissioner Cooksey removed this item from Consent for more public awareness and clarity. General Manager McGillicuddy addressed the contract and the services that would be provided.

(26) FACILITIES MAINTENANCE SERVICES CONTRACTS

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to excuse Commissioner Pendergraph from voting on Item 26 – Facilities Maintenance Services Contracts to avoid a conflict of interest.

Note: Commissioner Pendergraph indicated previously that he would need to be excused from voting on Item 26 – Facilities Maintenance Services Contracts to avoid a conflict of interest. Commissioner Pendergraph is a consultant for the Keith Corporation.

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

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 6-1 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, and Roberts voting yes and Commissioner Leake voting no, to approve Facilities Maintenance Services Agreements with Keith Corporation at a cost of $5.7 million per year for three years.

Commissioner Leake removed this item from Consent for more public awareness and for clarity regarding Commissioner Pendergraph’s association with the Keith Corporation, which she said was a concern expressed to her. She also asked about the amount of the contract and the bidding process. General Manager McGillicuddy and Bill Battaile with Information Services and Technology addressed this matter.

Attorney Bethune noted that Commissioner Pendergraph had indicated in the past that he was a consultant with the Keith Corporation and likewise had asked to be excused from voting.

Commissioner Cooksey asked about the savings associated with the contract which was addressed.

Commissioner James said he would be interested in knowing who Charlotte-Mecklenburg Schools
and Central Piedmont Community College selected and how their rates compare to that of the County.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner James and carried 7-0 with Commissioners 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 8:15 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, October 4, 2011.

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

- 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 9, 14, 15, 16, 17, 18, & 25.

(2) STAFF BRIEFINGS - NONE

(3A) 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:

- Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, 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 5:16 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.
-FORMAL SESSION-

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

CITIZEN PARTICIPATION

AWARDS/RECOGNITION

(1A) IKEA GRANT

The Board recognized IKEA for its community grant to provide child-friendly furniture for the County’s Child Support Enforcement Department (CSE) office.

Brian Gott, Resource Development Coordinator with Public Service and Information presented the matter to the Board. He was joined at the podium by Sophia Hollingsworth, Citizens Involvement Coordinator and Jacqueline DeChamps with IKEA. Ms. DeChamps thanked the Board, on behalf of IKEA, for the opportunity to participate.

(2) PUBLIC APPEARANCE

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

Cathy Morrison spoke in opposition to the building of an Alcoholic Beverage Store at Callabridge Court. She presented a petition with signatures of others opposing the building of the ABC Store. She also presented a sketch of the area and pictures.

A copy of the petition, sketch, and pictures is on file with the Clerk to the Board.

Chairman Roberts informed Ms. Morrison that per follow-up with the Alcoholic Beverage Control Board, proper procedures were followed with respect to this site being slated for an ABC Store. Chairman Roberts said local ABC Board officials indicated that they would speak with the residents in the area.

(3) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

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

ROUND ONE

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<thead>
<tr>
<th>Name</th>
<th>Committee Members</th>
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<tbody>
<tr>
<td>Larry Edwards</td>
<td>None</td>
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<tr>
<td>Edward Mattison</td>
<td>Commissioners Cooksey, James, Leake, and Roberts</td>
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<tr>
<td>Omar Saxton</td>
<td>Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap,</td>
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<td>James, Leake, Pendergraph, and Roberts</td>
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<tr>
<td>Thomas Vinson</td>
<td>Commissioners Clarke and Leake</td>
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<tr>
<td>Shari Wright-Harley</td>
<td>Commissioner Bentley</td>
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Chairman Roberts announced the appointment of Omar Saxton to the Charlotte-Mecklenburg Community Relations Committee for a three-year term expiring September 30, 2014 and Edward Mattison to fill an unexpired term expiring July 2, 2014.

_They replace Demario Baker and Shay Merritt._

**TRANSIT SERVICES ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment to the Transit Services Advisory Committee:

Marshall Grier Commissioners Bentley, Dunlap, Leake, and Roberts
Chris McKillop Commissioners Clarke, Cogdell, Cooksey, James, and Pendergraph

Chairman Roberts announced the appointment of Chris McKillop to the Transit Services Advisory Committee to fill an unexpired term expiring February 3, 2013.

_He replaces Edward Jernigan._

**WOMEN’S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

Robyn Codrington None
Melissa Duscha Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Pendergraph and Roberts

Voting Ceased

Vickie Evans
Karen Okhoya

Chairman Roberts announced the appointment of Melissa Duscha to the Women’s Advisory Board to fill an unexpired term expiring April 30, 2012.

_She replaces Heather McCullough._

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT
OCTOBER 4, 2011

County Manager Jones noted the following as an FYI:

- Each of the County’s rating agencies have reaffirmed the County’s Triple A Bond rating
- The Special Obligation Bonds for the Foxhole Landfill received a Double A Plus rating
- On Thursday, October 6, 2011 the Annual Employee Appreciation Day will be at Freedom Park from 10:00 a.m. – 3:00 p.m. Commissioners were invited.

STAFF REPORTS AND REQUESTS

(7A) BALLANTYNE INFRASTRUCTURE REIMBURSEMENT AGREEMENT

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 adopt a Resolution approving an Interlocal Agreement with the City of Charlotte that will require the County to pay 45% of the incremental County property taxes from the Ballantyne Synthetic TIF Zone to the City over 15 years to, in essence, reimburse the developer for certain public improvements in and around Ballantyne Corporate Center.

Resolution recorded in full in Minute Book ____ Document #_____.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) ACC FOOTBALL CHAMPIONSHIP – COMMISSIONER COGDELL

Commissioner Cogdell presented a request to fund Charlotte Collegiate Football, Inc. for the ACC Football Championship. The following was noted:

When Charlotte initially submitted its bid to host the game several years ago, the County agreed to provide a $250,000 sponsorship, and the Charlotte Regional Visitors Authority (CRVA) a $200,000 sponsorship. The County’s subsequent budget difficulties made that sponsorship impossible, and last year, the CRVA provided the entire $450,000. According to Visit Charlotte the direct visitor spending was approximately $9,030,441 and the overall economic impact was $13,545,600. The 2011 ACC Football Championship will be broadcast live on ESPN in primetime on December 3, 2011 at 8pm. Last year the ACC Football Championship game was a sellout and viewed by millions of Americans. The source of funding for this request is unused funds from Economic Development Grants. This year, due to increased costs, the game organizers are seeking a total of $500,000. CRVA is not in a position to fund more than $250,000 this year, thus the request to the County for $250,000.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Pendergraph voting yes and Commissioners James and Roberts voting no, to direct the County Manager to appropriate $250,000 from the FY12 Economic Development Grants Fund to Charlotte Collegiate Football, Inc. for the ACC Football Championship.

Note: Chairman Roberts noted that her vote in opposition was due to this allocation being done outside of the normal budget process.

(8B) POLICY AND PROTOCOL FOR BOARD-EMPLOYEE RELATIONS – CHAIRMAN ROBERTS
Chairman Roberts presented a proposed policy and protocol for Board-employee relations. The following was noted:

In August, 2011 County Manager Harry Jones asked her for assistance in working with the Board on a policy and protocol for managing investigations and remedies regarding employee complaints of harassment by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners. Chairman Roberts said she agreed to bring forward to the Board a policy and protocol developed by staff and endorsed by the County Manager.

Chairman Roberts said the proposed policy was not related to any incident, that this was something that’s been in the making for quite awhile and was only applicable going forward.

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke, to approve a policy and protocol for managing investigations and sanctions regarding employee complaints of harassment by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners.

Commissioner Clarke asked for clarity on what was meant by harassment because it was not defined in the policy.

Chris Peek, Human Resources Director, read the definition as defined in the County’s Human Resources Policy.

Definition of Harassment:
Harassment other than sexual, is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, gender, national origin, age, disability, sexual orientation or political affiliation, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual’s work performance or otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, disability, sexual orientation or political affiliation. Written or graphic material which denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer's premises, or circulation in the workplace.

Commissioner Clarke offered a friendly amendment, which was accepted by the maker of the motion, to include the second definition of harassment as read by Director Peek and included in the County’s Human Resources Policy, in the proposed policy and protocol for Board-employee relations.

Commissioner Cooksey asked for clarity on when something would come to Board and the amount of discretion the County Manager would have.

Director Peek explained the process. He said every case was different, as well as, the actions. He said in some cases repeated actions can create a hostile environment. He said Human Resources collects information from both sides or parties and tries to reconcile those facts to see if they line up. The information is then presented to the County Manager, at which time he would have to make a decision.

Director Peek said the intent of the policy was to prevent it from happening and if it does, to keep it from reoccurring.
Commissioner Cooksey asked was it correct to say that if the employee was okay with whatever resolution was worked out then the matter basically drops. Director Peek said that was correct, it would end at that point.

Commissioner Leake said her concern was that what’s perceived by one individual as harassment may not be perceived the same by someone else.

Commissioner Leake said it was important that harassment be defined and that both parties be interviewed to have their side heard.

Director Peek said it was part of the normal process for both parties to be interviewed. Further, that there’s no assumption of “guilt” when approaching the interview process.

Commissioner James said even though the proposed policy may not be related to any particular incident, that the County Manager did confirm that incidents had happened recently.

Chairman Roberts clarified that the proposed policy was not related to any specific incident or incidents, that it’s a tool for the County Manager going forward.

Commissioner Cooksey offered a friendly amendment, which was accepted by the makers of the motion to include both definitions of harassment as read by Director Peek and included in the County’s Human Resources Policy, in the proposed policy and protocol for Board-employee relations.

The vote was then taken on the motion as amended and noted below.

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve a policy and protocol for managing investigations and sanctions regarding employee complaints of harassment by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners, as amended to include the definitions of harassment as outlined in the County’s Human Resources Policy.

Policy recorded in full in Minute Book ____ Document #_____.

EEG COMMITTEE REPORT presented by Commissioner Dunlap, chairman of the Board’s Effective and Efficient Government Committee.

(8A1) POLICY AMENDMENT - COUNTY MANAGER’S AUTHORITY-NEGOTIATED SEPARATION

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Pendergraph and Roberts voting yes and Commissioners Cooksey and Leake voting no, to approve revisions to the Human Resources Policy as recommended by the Effective & Efficient Government Committee (EEG) regarding the County Manager’s authority for negotiated separation, which would read as follows:

COUNTY MANAGER’S AUTHORITY

Sections II through XI comprise the Mecklenburg County Human Resources Policy and Procedures as authorized by the County Manager pursuant to G.S. 153A-82, which outlines the powers and duties of the County Manager.
As part of this authority, the County Manager establishes and administers Human Resources Policy and Procedures, either directly or through designee.

The County Manager shall direct and supervise the administration of all County offices, departments, boards, commissions and agencies under the general control of the Board of Commissioners, subject to the general direction and control of the Board.

This includes the County Manager’s authority to appoint and remove subordinate officers, agents and employees for the general administration of County affairs. It also provides the County Manager authority to reorganize and/or restructure County offices, departments, boards, commissions and agencies under the general control of the Board of Commissioners, including the assignment and reassignment of filled and/or vacant positions authorized by the Board.

Revision:

When he concludes it is in the best interests of the County, the County Manager is also authorized to negotiate resignation and transition agreements for any employee who serves in a position that is at or above the level of director of a County department or agency. The compensatory value of any such agreement shall not exceed 50% of the employee’s total annual compensation, in addition to those benefits payouts authorized for all separating employees. The County Manager shall notify the Board prior to the execution of any such agreement. The County Manager must receive Board approval for any exceptions to this provision.

Without approval from the Board of County Commissioners, the County Manager may not exercise this authority in combination with his authority under the Board’s Settlement Resolution.

Note: Commissioner Cooksey said he could not support the motion because he’d like the Board to be notified in advance of the County Manager taking action, to allow the Board an opportunity to weigh in on that decision.

Commissioner Leake said she could not support the motion because she was still not clear on what it meant.

Policy amendment recorded in full in Minute Book ______, Document # _______.

(8A2) POLICY AMENDMENT - EMPLOYEE SEPARATION: PAY PLAN

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve revisions to the Human Resources Policy as recommended by the Board’s Effective & Efficient Government Committee (EEG) relating to Employee Separation: Pay Plan, to specify that the County Manager must follow the guidelines set forth by the Board consistent with approved policy, unless an exception is recommended by the County Manager and approved by the Board, which would read as follows:

CLASSIFICATION AND COMPENSATION

The County maintains a Classification System for budgeted positions as approved by the BOCC. The Classification System shall include all full-time, part-time, and temporary positions defined as follows:

1. Full-time - Positions scheduled to work an average of 40 (or more) hours per week during a 52 week period.

2. Part-time - Positions scheduled to work less than 40 hours per week during a 52 week period.
3. Temporary - Positions limited to 1,039 hours during a fiscal year.

(State law reference - Authority to adopt position classification plan G.S. 153A-92(a)).

Revised: July 11, 1994

RESPONSIBILITY

The Human Resources Director, with the approval of the County Manager, is responsible for the administration and maintenance of the Classification System.

(State law reference - Responsibility of County Manager relative to position classification plan, G.S. 153A-92(e)).

PAY PLAN

The BOCC has the responsibility and authority to establish and maintain a County pay plan. Each year during the adoption of the budget, the BOCC will review the status of the pay plan and consider any necessary amendments. The County Manager is authorized to revise the pay plan, as appropriate, during the fiscal year within the funds allocated in the budget. The County Manager is authorized to develop and implement salary administration procedures in support of the pay plan. The County Manager is authorized to approve starting salaries without prior approval of the BOCC.

Revision:

The County Manager will use discretion when finalizing employee terminations but will not deviate from guidelines set forth by the Board of County Commissioners.

Policy amendment recorded in full in Minute Book ______, Document # _______.

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

(8A3) POLICY AMENDMENT - EMPLOYEE SEPARATION: VACATION AND SICK LEAVE

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve revisions to the Human Resources Policy as recommended by the Effective & Efficient Government Committee (EEG) relating to Employee Separation: Vacation & Sick Leave, to specify that County employees will be paid a separation package equal to the eligible benefits accrued consistent with County policy, which would read as follows:

VACATION

Vacation accrues from the first day of service and is authorized for use by all regular employees from the first day of employment. Temporary employees are not eligible for vacation benefits. Maximum accrual of benefits is based on the employee’s normal schedule.

Regular employees accrue vacation on a bi-weekly basis determined by the length of service (aggregate date in the retirement system or qualifying County service date). The accrual rate is as follows:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Approximate Hours Per Annum</th>
<th>Hours Earned Per Regularly</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(40 Hour Week)</td>
<td>Scheduled Hours Worked</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Under 2 years</td>
<td>80</td>
<td>0.03847</td>
</tr>
<tr>
<td>2 - 5 years</td>
<td>96</td>
<td>0.04616</td>
</tr>
<tr>
<td>5 - 10 years</td>
<td>120</td>
<td>0.05770</td>
</tr>
<tr>
<td>10 - 15 years</td>
<td>144</td>
<td>0.06924</td>
</tr>
<tr>
<td>15 - 20 years</td>
<td>168</td>
<td>0.08077</td>
</tr>
<tr>
<td>Over 20 years</td>
<td>192</td>
<td>0.09231</td>
</tr>
</tbody>
</table>

Vacation leave accrued in excess of 30 days or 240 hours during a calendar year will be converted to sick leave at the end of each calendar year.

Employees who leave the County employment will be paid for accrued vacation time up to a maximum of 240 hours.

Revision:
Any exceptions to the policy must be approved in advance by the Board of County Commissioners.

Four hours of vacation leave shall be awarded to the accumulated benefit of the regular full-time employee who does not use sick leave and/or LWOP for a period of seven consecutive pay periods. A regular part-time employee will receive the corresponding percentage of vacation leave.

SICK LEAVE

Sick leave with pay is designed to provide regular full-time and part-time employees with some measure of relief from the financial burdens caused by loss of earnings during periods of personal illness. Sick leave is not intended to provide time off for recreation, personal reasons, or to extend vacations. Temporary employees are not eligible for sick leave benefits.

The following policies govern sick leave:

1. Regular full-time and part-time employees accrue sick leave bi-weekly at a rate of 0.04615 hours per each regularly scheduled hour worked. For a regular 40 hour per week schedule, this equals 96 hours per year. There is no maximum accrual limit.

2. Individuals employed by the County from another government jurisdiction who have creditable service in the NCLGERS are eligible to have up to 96 hours of earned unused sick leave transferred to the County.

3. Sick leave may be used for the illness of the employee or the employee’s immediate family from the first day of employment.

4. When an employee separates from the County, the employee will be paid for 25% of all remaining accrued sick leave. If the employee is leaving employment due to a medical disability and the employee’s physician has stated in writing that the employee will be incapacitated for a period of time that will exceed the number of accrued sick days, the employee may be paid for 100% of the accrued sick leave.

Revision
Any exceptions to the policy must be approved in advance by the Board of County Commissioners.

Prior to the above vote, Commissioner Pendergraph expressed concern for those employees that may have more than 240 hours of vacation at the time of their retirement and questioned whether the proposed policy change would prohibit that employee from being paid those earned hours.

Commissioner Dunlap said that could still be accomplished with the amended policy.

*Policy amendment recorded in full in Minute Book _____, Document #______.*
Commissioner Cooksey returned to the dais.

(8A4) SETTLEMENT LIMIT POLICY

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the Settlement Limit policy recommended by the Effective and Efficient Government Committee (EEG) regarding the limit associated with the County Manager’s authority consistent with the Settlement Resolution which would read as follows:

SETTLEMENT LIMIT POLICY

Board Policy establishing the settlement limit associated with the County Manager’s authority consistent with the Settlement Resolution.

Under the settlement authority provided to the County Manager by the Settlement Resolution adopted by the Board of County Commissioners, the Manager shall not exceed the maximum authorized settlement amount for any individual or entity applicable to the Settlement Resolution, without the approval of the Board of County Commissioners. In addition, without approval from the Board of County Commissioners, the County Manager may not exercise this authority in any instance where he or she has exercised or is exercising the County Manager’s authority to negotiate a resignation and transition agreement with the same individual under the provisions of the Mecklenburg County Human Resource Policy.

Policy recorded in full in Minute Book ______, Document # _______.

CONSENT ITEMS

Note: Commissioner Cooksey noted that he did not wish to remove Item 9 as indicted earlier.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James 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 meetings held September 20, 2011 and September 7, 2011 and Closed Session held August 2, 2011.

(10) PROCLAMATION – SUBSTANCE ABUSE AWARENESS MONTH

Adopt a joint proclamation designating October, 2011 as Substance Abuse Awareness Month.

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

(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.
HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION – 3103 CULLMAN AVENUE

1. Accept the “Offer of Sale of Land” from No Da Arts, LLC, owner of property at 3103 Cullman Avenue (Tax Parcel 08303116) for $482,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Note: This acquisition is a continuation of ongoing flood mitigation efforts. The requested action will consist of acquisition and demolition of the existing structure. This voluntary acquisition will mitigate future flood loss and increase open space plus provide opportunities to improve water quality through stream restoration and water quality features.

TAX REFUNDS

Approve refunds in the amount of $31,249 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.

SET PUBLIC HEARING – PRELIMINARY STREET LIGHTING ASSESSMENTS

Adopt a resolution of the Preliminary Assessment Roll for the operating cost of street lights and set a public hearing on November 1, 2011 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 _____ Documents #____, _____, _____, _____, _____, _____ and _____.

ANNEXATION OF COUNTY PROPERTY BY THE TOWN OF CORNELIUS

Authorize the County Manager to execute a petition for voluntary annexation of the following County owned properties into the Town of Cornelius:

(1) Tax Parcel 001-821-19 (+/- 1.356 acres)
(2) Tax Parcel 001-821-21 (+/- 6.061 acres)
(3) Tax Parcel 001-821-22 (+/- 1.884 acres)
(4) Tax Parcel 001-821-23 (+/- 10.640 acres)
(5) Tax Parcel 001-821-25 (+/- 3.877 acres)
(6) A portion of Tax Parcel 005-071-12 (+/- 55.179 acres)
(7) A portion of Tax Parcel 005-071-88 (+/- 2.146 acres)
(8) A portion of Tax Parcel 005-071-90 (+/- 0.353 acres)

Note: The Town of Cornelius has asked that the County approve the voluntary annexation of these parcels, totaling +/- 81.496 acres. The Town hosts many events at the parks and would like the property annexed into the Town because of the added municipal services that come with properties that are inside of the corporate limits. In particular, the Town is interested in the improved police response time the area will receive if it covered by the Town of Cornelius’ Police Department. There would be no adverse consequences to the County created by such an
annexation, and the County has historically honored such requests from the City and Towns.

(21) **PIEDMONT NATURAL GAS UTILITY EASEMENTS**

(1) Grant a 50’ wide easement on County owned Tax Parcel #211-602-99 to Piedmont Natural Gas for the relocation and maintenance of a natural gas pipeline.

(2) Release a 50’ wide easement on County owned Tax Parcel #211-602-99 (+/- 16,332 SF) previously granted to Piedmont Natural Gas.

(3) Recognize $35,500 from Piedmont Natural Gas as compensation for an easement on County owned Tax Parcel #211-602-99 and appropriate $10,000 of that amount for land and property management associated costs with the remaining $25,500 appropriated to the County’s Pay-As-You-Go fund for capital projects.

(22) **LAND EXCHANGE – HILLSIDE RESIDENTIAL, LLC**

Adopt a resolution authorizing the exchange of a portion of County owned Tax Parcel 151-112-01 (+/- 20,461 SF) for a portion of Tax Parcel 151-113-72 (+/- 20,477 SF) owned by Hillside Residential, LLC along Little Sugar Creek.

*Note: Hillside Residential, LLC proposes exchanging a portion of Tax Parcel 151-113-72 (+/- 20,477 SF) for a portion of County owned property (Tax Parcel 151-112-01, +/- 20,461 SF) at the intersection of Hillside Avenue and Willow Oak Road. In exchange for the Hillside Avenue property, the County will obtain a portion of Tax Parcel 151-113-72 which is along Little Sugar Creek and will add to greenway assemblage. The developer wishes to obtain the County owned property to have road frontage on Hillside Avenue for a planned subdivision.*

*Resolution recorded in full in Minute Book ____ Document #____.*

(23) **GREENWAY DONATION – COFFEY CREEK**

Accept donation of a portion of Tax Parcel #201-301-11 (+/- 3.5 acres) from Grove Associates Limited Partnership on Coffey Creek.

(24) **ENERGY SERVICE COMPANY – NOTICE OF PROPOSED AWARD**

Approve publication of a Notice of proposed award of a Guaranteed Energy Savings Contract to Ameresco, Inc. for work at Jail Central and Jail North.

(26) **JOINT PROCLAMATION – CAROLINA LIGHTNIN’ DAY**


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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

____________________
OCTOBER 4, 2011

(14) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – NC HEALTH CHOICE PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate additional revenue of $5,288 to reflect actual State and Federal allocations for the Department of Social Services.

Note: The North Carolina Division of Medical Assistance is providing additional funding for the administration of the NC Health Choice program above originally budgeted funds. This funding source provides for the administration of this program to provide medical insurance to children that do not qualify for Medicaid.

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

(15) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – ADULT DAY CARE SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate additional revenue of $247,607 to reflect actual State and Federal allocations for the Department of Social Services, Adult Day Care Services.

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

(16) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – AGING AND ADULT SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate additional revenue of $27,968 to reflect actual State and Federal allocations for the Department of Social Services for Aging and Adult Services.

Note: The North Carolina Division of Aging and Adult Services are providing net additional funding for adult services, above originally budgeted funds. Adult Care Home Case Management funding was reduced by $12,000 and Adult Home Specialist funding was increased $39,968. Adult Care Home Case Management provides services for individuals in nursing homes and Adult Home Specialist provides for the monitoring of assisted living facilities.

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

(17) BUDGET AMENDMENT – DSS (REVENUE DECREASE / REVENUE INCREASE) – CHILD CARE SMART START

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

1) Amend the Department of Social Services (DSS) FY12 Adopted Budget to reduce the Child Care Smart Start budget by $1,587,685 in State revenue.
2) Amend the DSS Child Development budget to recognize, receive and appropriate $528,377 additional Federal and State Child Care Subsidy and Administration funds.

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

(18) GRANT AWARD - UNITED STATES DEPARTMENT OF JUSTICE 2011 JUSTICE ASSISTANCE GRANT – SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate funds from the U. S. Department of Justice, Justice Assistance Grant for the Sheriff’s Office in the amount of $178,531 and recognize, receive and appropriate interest income earned on this grant during the term of this grant in accordance with grant requirements.

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

(25) GROUNDS MAINTENANCE SERVICES CONTRACTS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve Grounds Maintenance Services Agreements with five vendors at a cost of $1,055,133 per year for three years.

Note: The selected companies include three current vendors (Napper, Truesdale, Laney’s) and two new vendors (Hill’s Premier, All American).

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

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell 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 7:35 p.m.

______________________________  ____________________________
Janice S. Paige, Clerk  Jennifer Roberts, Chairman
OCTOBER 18, 2011

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 18, 2011.

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

- 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, 13, 18, 20, 21, 22, 23, and 25.

(2) STAFF BRIEFINGS - NONE

(3A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY, & C) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune said the Board would only need to go into Closed Session for 3A) Business Location & Expansion.

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

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 5:45 p.m.

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

-FORMAL SESSION-

1
Invocation was given by Commissioner Pendergraph, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

AWARDS/RECOGNITION

(1A) CUSTOMER SERVICE HEROES, TEAM OF THE YEAR AND GERALD G. FOX EMPLOYEE OF THE YEAR AWARD

The Board recognized the following employee award recipients. They were introduced by Blake Hart, Management Analyst.

1) The County’s Team of the Year Award, sponsored by the County’s Diversity Council:
   Members of the DSS Compliance and Quality Assurance Team

Note: The Mecklenburg County Team of the Year award is newly introduced in 2011. The purpose of this award is to recognize an outstanding team of employees that has achieved great success demonstrating strong competencies in operating successfully as a diverse work team. The criteria for this new award are Innovation & Creativity, Team Effectiveness, Leadership and Performance.

2) The County’s 2011 Customer Service Hero Award Winners:
   Service Quality: Janice Blackman, Human Services Finance
   Ethics: Donnie Munson, Department of Social Services
   Timeliness: Gladys Moreno, Park & Recreation
   Courtesy & Respect: Michael Sexton, Community Support
   Communications: Sgt. Karen McRae, Sheriff’s Office

Note: Each year the County recognizes one Customer Service Hero for each of the five Customer Service Standards as identified in the County’s Customer Service Philosophy.

3) The 2011 Gerald G. Fox Employee of the Year Award:
   Audrey Lorraine Terry from Child Support Enforcement - She received a $600 check from the Employer’s Association, sponsor of the award, in recognition of her service.

Note: Kenny Culbert, president of the Employers Association presented the Employee of the Year Award. This is the 51st consecutive year for the award which recognizes employees who go above and beyond in the performance of their duties. Recipients are nominated by co-workers and selected by an independent panel of judges from the Mecklenburg County Personnel Commission. Nominees are evaluated based on their contributions to the goals of the County and the benefit of the community.

Ms. Terry thanked the Board and her department for this recognition.

(2) PUBLIC APPEARANCE

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

Ron Jones addressed the proposed purchase of his property by the County. He lives at 2422 Cloister Drive. Mr. Jones said he was contacted in January by the County regarding the proposed purchase of his property, which is in a floodplain, using 75% FEMA funds and 25% County funds. Mr. Jones said in August he was informed that the County was no longer considering the purchase of his property, which was a surprise to him and his wife. Mr. Jones said their property floods
regularly. He shared pictures of the home. Mr. Jones asked that the County reconsider purchasing his property.

Chairman Roberts said staff would follow-up with him.

_A copy of a handout from Mr. Jones is on file with the Clerk to the Board._

(3A) NOMINATIONS/APPOINTMENTS

AIR QUALITY COMMISSION

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Anthony Keene to the Air Quality Commission as the Industrial representative for a three-year term expiring August 31, 2014.

Note: _He is replacing Mark Casper._

PARK AND RECREATION COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Kristen Shaben to the Park and Recreation Commission as the Southern Town representative for a three-year term expiring June 30, 2014.

Note: _She replaces Paul Bailey._

PERSONNEL COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Chris Byron to the Personnel Commission to fill an unexpired term expiring January 31, 2012 and Kathleen Veal to fill an unexpired term expiring November 30, 2013.

Note: _They replace Michael Giddens and Deborah Jackson._

WASTE MANAGEMENT ADVISORY BOARD

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 reappoint Ollie Frazier to the Waste Management Advisory Board for a three-year term expiring October 31, 2014.

The following persons were nominated for appointment consideration to the Waste Management Advisory Board by Commissioner Cooksey: Joe Howarth and Shawn Rogers.

Note: _An appointment will occur on November 1, 2011._
FLOODPLAIN ACQUISITIONS – 2011 QUICKBUY

The Board received an update on progress of the 2011 QuickBuy. Dave Canaan, Director of Storm Water Services gave the update.

The following was noted:

- On August 5, 2011, Charlotte-Mecklenburg experienced significant rainfall that resulted in the floodwater impacting approximately 160 homes/dwellings/commercial structures located in or near the floodplain.
- Approximately 50-60 structures flooded within the finished living space.
- On September 7, 2011, the Board of Commissioners approved the quick buy concept, appropriated $2 million in funding from Storm Water’s available fund balance and adopted the resolution for an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program.
- The eligibility criteria were reviewed.
- 21 properties qualified.
- Everyone was contacted with the exception of one, who staff has been unable to reach.
- No one has declined to participate to date.
- About 50% of the property owners contacted have been provided offers, six of which are before the Board for consideration.
- 70% of the properties are owner occupied.
- 50% of the property owners have flood insurance and it may go up to 70%.
- Staff is within budget.
- The estimated program cost is about $1.4 million.

Comments

Commissioner Dunlap asked about the expenditure of the remaining funds. Director Canaan said staff was not proposing to spend the remaining funds. He said the unused funds would go back into the Rainy Day fund and as a result, it’ll take less time to rebuild the fund back up to $2.5 million. Director Canaan said if $1.5 million is allocated each year, then it would only take three years to rebuild the fund. If the fund is depleted, it would take five years to rebuild it.

Commissioner Dunlap asked about those impacted by previous floods, whose homes were not purchased; and they’ve since rebuilt or made repairs, thus, it may be more costly now for the County to purchase those properties. Director Canaan said there was a possibility in the future, since the County wasn’t able to acquire these properties 100% with County funds, that these properties may be able to be placed in a grant and get up to 75% in federal funding and 25% local funding. Or, if there’s a Quick Buy in the future, they may qualify for that.

Director Canaan said he’d received a lot of inquiries from property owners regarding crawl space damage. He said the County would pay a lot more of the percentage of the overall tax...
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value of the home if it were to buy crawl space flooded homes versus living space flooded homes.

Commissioner Dunlap said it should be communicated to homeowners what the County’s intent is so property owners don’t feel they’ve been neglected or listened to. Commissioner Dunlap said property owners need to understand why the County’s interest in purchasing their property changed.

Director Canaan said he agreed with Commissioner Dunlap and that staff does try to communicate the reasoning to property owners.

Commissioner Cooksey asked about flood insurance and what impact that has on the County’s purchase of the property. Director Canaan said having or not having flood insurance does not impact how the offer of purchase is calculated. He said the offer is calculated based on the fair market value the day before the flood and then damages are subtracted and that’s the offer. He said if a property owner has flood insurance, they’ll receive those proceeds from having the insurance.

Commissioner Cooksey asked about the other acquisition program, 75% federal dollars and 25% local dollars. He asked if the 25% local funding came from the Rainy Day fund. The response was no. It’s a separate fund.

Commissioner Cooksey asked about the status of the 75% - 25% flood mitigation program. Director Canaan said staff was still aggressively going after federal funding, however, the reality is that the County has almost exhausted all properties that qualify for federal funding because the floodplain buyout program has been so successful.

Commissioner Cooksey encouraged residents to get flood insurance if they’re at risk of flooding in their home.

Commissioner James asked about the number of letters sent out, per the August 5, 2011 flood. The response was approximately 40 but no more than 60.

Director Canaan explained that per the criteria resolution that was adopted, 21 properties qualified.

Commissioner James asked about the properties that didn’t qualify and whether they were still flood prone and on a list. The response was yes.

Commissioner James asked would the County buy those properties if funds were available or would they not because of the level of flooding sustained. Director Canaan said there were several ways to categorized homes that were flooded, which he explained.

Commissioner James suggested in the future that staff make sure letters sent to property owners make it clear that the receipt of the letter was not a guarantee for purchase of their property.

Commissioner Cogdell asked for clarification on the qualifications for the Quick Buy program, which was addressed.

Commissioner Clarke suggested developing a legend that would be placed on any written communication that staff sends out to anyone regarding the County’s possible acquisition of their property. He said the legend should be phrased to make it clear, that events and circumstances change, thus there’s no certainty that the offer to purchase will ever be consummated or that there will be an offer.
Commissioner Clarke asked for clarification on the purpose of the Rainy Day fund, which was addressed.

Commissioner Clarke suggested that at a future Budget/Public Policy meeting the Board discusses in more detail the purpose of the Rainy Day fund and whether changes are needed.

Commissioner Pendergraph asked for clarification in those instances where the property owner’s mortgage is more than what the County’s offer of purchase is, which was addressed.

This concluded the update. No action was required.

(8) COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner James 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 October 4, 2011 and Closed Session held October 4, 2011.

(10) TAX REFUNDS

Approve refunds in the amount of $6,037.73 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.

(12) BUDGET AMENDMENT – GEOSPATIAL INFORMATION SYSTEMS (REVENUE INCREASE)

Recognize and appropriate $6,000 in deferred revenue from various sponsors for GIS Day.

Note: 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). GIS Day is a venue to train the public on Mecklenburg County’s on-line GIS applications as well as outreach to area schools. The event increases awareness about other services offered by GIS and Mecklenburg County.

(14) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE) – CENTER FOR PREVENTION RESOURCES

A) Recognize, receive and appropriate Federal funds in the amount of $25,000 for the purpose of the Center for Prevention Resources (CPR) for the Western Region.
Note: This action is necessary due to funding allocated by the North Carolina Division of MH/DD/SAS. These funds will be used to support the Center for Prevention Resources. Anuvia is the CPR for the Western Region.

B) Reduce federal funding in the amount of $250 per annual State allocation letter.

Note: This action is necessary due to a reduction of federal PATH funding from the North Carolina Division of MH/DD/SAS for the mental health adult homeless population.

(15) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION – 1110 WILLHAVEN DRIVE

1. Accept the “Offer of Sale of Land” from John M. and Katheryn A. Hall, owners of property at 1110 Willhaven Drive (Tax Parcel 185-111-29) for $235,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

(16) HAZARD MITIGATION “QUICK BUY” PROGRAM – FLOODPLAIN ACQUISITIONS

1. Accept the “Offer of Sale of Land” from Emery Zimmerman of 1017 Andrill Terrace (Parcel ID: 07509305) for $15,289.94.

2. Accept the “Offer of Sale of Land” from Johnny Alponza Beatty of 1035 Andrill Terrace (Parcel ID: 07509309) for $20,590.95.

3. Accept the “Offer of Sale of Land” from Frontlets LLC of 820 Seldon Drive (Parcel ID: 06905110) for $16,894.68.

4. Accept the “Offer of Sale of Land” from Peggy H. Howey of 808 Seldon Drive (Parcel ID: 06905112) for $49,345.

5. Accept the “Offer of Sale of Land” from Larry Hart of 814 Seldon Drive (Parcel ID: 06905111) for $53,005.

6. Accept the “Offer of Sale of Land” from Jelani J. Patterson of 4041 Whitehurst Road (Parcel ID: 14521207) for $54,117.

7. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

8. 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 _____ Document # ______.

(17) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORTS

Recognize and receive Area Mental Health Monthly Financial Reports for period ending July 2011 and August 2011.
## Statement of Revenues and Expenses

### FY 2012, For the period ending July 2011

<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>8,966,442</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>33,372,871</td>
<td>0</td>
<td>0.00%</td>
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<tr>
<td>Third Party/Other</td>
<td>72,793</td>
<td>9,311</td>
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<tr>
<td>County</td>
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<tr>
<td><strong>Total Revenues</strong></td>
<td>83,751,345</td>
<td>1,402,917</td>
<td>1.68%</td>
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</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>7,501,036</td>
<td>359,154</td>
<td>4.79%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
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<tr>
<td>Adult Mental Health</td>
<td>7,567,000</td>
<td>1,023</td>
<td>0.01%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,865,378</td>
<td>432,053</td>
<td>3.12%</td>
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<tr>
<td>Local Management Entity</td>
<td>9,027,408</td>
<td>462,894</td>
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<tr>
<td>BHC Randolph</td>
<td>22,157,265</td>
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<td>0.00%</td>
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<tr>
<td>Developmental Disabilities</td>
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<td>28,610</td>
<td>0.27%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>83,751,345</td>
<td>1,402,917</td>
<td>1.68%</td>
</tr>
</tbody>
</table>

**Net (Revenues - Expenditures)**: 0

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

### FY 2012, For the period ending August 2011

<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>8,966,442</td>
<td>388,560</td>
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<tr>
<td>State and Federal</td>
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<td>Third Party/Other</td>
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<td>County</td>
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<td><strong>Total Revenues</strong></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>7,501,036</td>
<td>970,786</td>
<td>12.94%</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
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<tr>
<td>Adult Mental Health</td>
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<td>Local Management Entity</td>
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<td>931,226</td>
<td>12.33%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>22,157,265</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>10,522,196</td>
<td>703,601</td>
<td>6.69%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>82,218,931</td>
<td>5,095,025</td>
<td>6.20%</td>
</tr>
</tbody>
</table>

**Net (Revenues - Expenditures)**: 0

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.

(19) RIGHT-OF-WAY CONVEYANCE TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

(1) Approve the conveyance of a portion of Tax Parcel #037-071-69 (+/- 0.079 acres) to the North Carolina Department of Transportation as right-of-way to facilitate a bridge replacement project on Miranda Road, for $2,300 from the North Carolina Department of Transportation as compensation for right-of-way and a temporary construction easement.

(2) Accept donation of a portion of Tax Parcel #033-125-15 (+/- 0.012 acres) from the North Carolina Department of Transportation on McIntyre Creek.

(24) CAROLINA THREAD TRAIL GRANT

Recognize, receive and appropriate $35,000 from a Carolina Thread Trail grant for construction of a natural surface trail and associated amenities at the West Branch Nature Preserve.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) NORTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP) – MECKLENBURG COUNTY JCPC FUNDING

Commissioner Leake removed this item from Consent in order to find out the status of the Greenville Center Culinary Arts Program. Commissioner Leake said there had been questions regarding the utilization of the facility as it was asked for, which was to upfit Greenville Center and the kitchen to support a culinary program for gang-involved juveniles.

Commissioner Leake said per recent visits to Greenville Center, nothing has been done. The program has not been implemented.

Commissioner Leake said she also heard funds were sent back to the government on two occasions and asked for clarification.

Commissioner Leake questioned why grant funds were being provided for a program that was not implemented.

County Manager Jones reviewed the history of the agenda item and the purpose of the request before the Board.

County Manager Jones said he would find out the status of the upfit and the culinary arts program and report back to the Board.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Clarke, to recognize, receive and appropriate a grant award of $339,765 from the North Carolina Department Of Juvenile Justice And Delinquency Prevention (DJJDP) to Mecklenburg County Juvenile Crime Prevention Council (JCPC) for Charlotte-Mecklenburg Police Department’s Gang of One Program, the Greenville Center Culinary Arts Program; and to authorize the carry
forward of unspent funds until expended.

Substitute motion was made by Commissioner Leake, seconded by Commissioner Cogdell, to defer taking action on Item 11 North Carolina Department Of Juvenile Justice And Delinquency Prevention (DJJDP) – Mecklenburg County JCPC Funding, until a report is received from the County Manager regarding the status of the upfit and Culinary Arts Program at Greenville Center.

Commissioner James questioned the need to defer and asked about the impact of deferring.

County Manager Jones said per staff, to defer would result in the County’s inability to pay some outstanding bills.

Commissioner Cogdell said he wanted more information on the Culinary Arts Program as well, such as when did the funds get forwarded over to the organization that’s responsible for operating the program.

Commissioner Cogdell said if the funds were received, he’d like to see the resources being invested and the funding used as intended when the grant was applied for.

Commissioner Cooksey said he would like to know where things stood also and the projection for implementation of the program.

Commissioner Leake asked that staff communicate with the Chief of Police regarding this as well.

Commissioner Clarke asked to what degree was the County responsible for overseeing the expenditure of the grant funds. He asked was it appropriate for the County to be conducting an oversight hearing of a City of Charlotte Police Department program.

Sarah Crowder, chairman of the Juvenile Crime Prevention Council (JCPC) said oversight of the funds was done by the NC Department of Juvenile Justice and Delinquency Prevention through all sorts of monitoring. She said the local JCPC awards the funds under particular grants. She said the funds that were awarded last year that the County voted on was federal funds that came to the NC Department of Juvenile Justice, and was then dispersed throughout the state under a lot of different Request for Proposals (RFPs). The one last year required vocational education to be a part of the grant.

Ms. Crowder said she was not sure to what extent it would be appropriate for the local county to have oversight of this program.

County Manager Jones said the County’s oversight was budgetary. He said budget staff monitors the expenditure of funds to ensure that the JCPC is staying within the budgetary authority of the grant.

Commissioner Clarke said he would not want the County getting into something that was not the County’s responsibility.

Commissioner Clarke said he would like clarification from staff or the County Attorney on what the County’s responsibility was when it comes to these types of grants. Commissioner Clarke said he also wanted to know the County’s role and how it’s niched together with the JCPC and the state agency that awards the grant.

Commissioner Cogdell said as a result of the County’s application and receipt of grants in general, the County becomes the party that receives those resources and was thus, responsible for the adherence to the terms and conditions of the grant. Commissioner Cogdell said he
didn’t know if passing the proceeds on to a third party would alleviate the County from its responsibility to ensure those funds were being administered in compliance with the conditions of the grant. He said the County would probably still be the responsible party if something was not done in compliance with the program.

Commissioner Cogdell said this issue raised a bigger policy question of, to what extent does the County need to look at, if the County is applying for a grant and turning those resources over to the City of Charlotte or the Police Department; he’s a little puzzled as to why those entities would not apply directly. He said it may be because of state law or because of the way the JCPC was set up to apply for crime prevention dollars. Commissioner Cogdell said he was not sure if the City of Charlotte or the Police Department could be the party that applies directly.

County Manager Jones said he would provide the Board with information on what the roles and relationships were with respect to this type of grant. County Manager Jones said he would address what the County’s oversight was and the role and relationships of the entities that are selected by the JCPC for funding.

Commissioner Leake said she raised this issue out of concern for the children that would benefit from this program, if it were up and running. She said it was not raised to manage or micro-manage the grant funds.

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

Substitute motion was made by Commissioner Leake, seconded by Commissioner Cogdell and failed 7-2 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Pendergraph, and Roberts voting no and Commissioners Cogdell and Leake voting yes, to defer taking action on Item 11 North Carolina Department Of Juvenile Justice And Delinquency Prevention (DJJDP) – Mecklenburg County JCPC Funding, until a report is received from the County Manager regarding the status of the upfit and Culinary Arts Program at Greenville Center.

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

Motion was made by Commissioner Pendergraph, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Pendergraph, and Roberts voting yes and Commissioner Leake voting no, to recognize, receive and appropriate a grant award of $339,765 from the North Carolina Department Of Juvenile Justice And Delinquency Prevention (DJJDP) to Mecklenburg County Juvenile Crime Prevention Council (JCPC) for Charlotte-Mecklenburg Police Department’s Gang of One Program, the Greenville Center Culinary Arts Program; and to authorize the carry forward of unspent funds until expended.

]*COMMISSIONER JAMES LEFT THE MEETING AND WAS ABSENT FOR THE REMAINDER OF THE MEETING.*

**13) BUDGET AMENDMENT – DSS (REVENUE DECREASE) – PROJECT CARE**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to reduce revenue and appropriations in the amount of $37,489 to reflect actual State and Federal allocations for Project Care.

*Note: This funding source provides respite services for a family caregiver to a client that has some form of dementia.*

Commissioner Leake removed this item from Consent for more public awareness.
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(18) RENAMING A PORTION OF INTERSTATE 85 TO JEFF GORDON EXPRESSWAY

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt a Resolution to Request Naming a Portion of Interstate 85 the “Jeff Gordon Expressway.”

Note: Mecklenburg County was recently approached by NASCAR to request that the North Carolina Board of Transportation designate a portion of Interstate 85 as the “Jeff Gordon Expressway” for his 85th career NASCAR Sprint Cup Series victory and his humanitarian efforts in Mecklenburg County and the State of North Carolina. The portion of Interstate 85 for which the request is being made (located in the unincorporated area of Mecklenburg County closest to the Charlotte Motor Speedway) is the segment from the City of Charlotte corporate limit line to the Mecklenburg/Cabarrus county line. The Jeff Gordon Foundation, raised over $7 million for children’s charities and continues to work to improve the lives of children in the region facing critical illnesses specifically children with pediatric cancer. The Jeff Gordon Children’s Hospital at Carolinas Medical Center – NorthEast opened in Concord, North Carolina in December of 2006, providing a warm, caring atmosphere where the nurses, physicians and support staff are specially trained to care for pediatric patients.

Commissioner Cooksey removed this item from Consent for more information on how the request came about.

The following comments were made prior to the above vote.

Commissioner Cooksey asked the following questions: Does the County make the final decision with respect to the request or was the County making a recommendation to the NCDOT? What’s the County’s authority in this naming? How did the matter come up and who was the recommendation coming from? Was this something the County does on a regular basis?

Chairman Roberts said this was not a matter under the County’s authority. Chairman Roberts said this was a resolution of support that would be sent to the NC Board of Transportation. She said the final decision would be made by the State Board of Transportation.

Chairman Roberts said this was not something that the County did very often or gets asked to do that often.

Chairman Roberts said the NASCAR leadership asked the Board to support the request.

Commissioner Cooksey asked had NASCAR requested other political bodies to support this as well. Chairman Roberts said she was not sure.

County Manager Jones said he received a call from the NASCAR headquarters requesting the Board’s support.

Commissioner Cooksey said his concern was that there were other NASCAR drivers in Mecklenburg County and he would not want to get into a competition of having to name sections of roads after drivers. Commissioner Cooksey said he was not taking anything away from Jeff Gordon because he had done a lot for the sport.

Commissioner Cooksey said he would be interested in knowing what Jeff Gordon’s input has been in terms of being involved in the community and reaching out to the community, his charitable work.

Commissioner Pendergraph said there was a recent article in the newspaper regarding Jeff
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Gordon’s community involvement and how much money he’s raised for charity.

Commissioner Leake asked where did the request originate. County Manager Jones said he was contacted by someone from NASCAR and per staff’s research, the proposed resolution was appropriate for the Board to consider.

Commissioner Leake asked about the County’s responsibility as it related to this matter. Chairman Roberts’ said the County was only being asked to adopt the proposed resolution of support.

Jordan Juliaty with NASCAR expressed NASCAR’s desire to have this stretch of highway named after Jeff Gordon in recognition of his many accomplishments on and off the track.

Resolution recorded in full in Minute Book ____ Document # ______.

(20) DISTRICT ATTORNEY OFFICE EXPANSION – PHASE II MECKLENBURG COUNTY HISTORIC COURTHOUSE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to award a construction contract in the amount of $4,972,221 to Messer Construction Company for the second phase of the renovation and expansion of the District Attorney Offices in the Historic Courthouse.

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

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

(21) GRANT APPLICATIONS – RYAN WHITE PART A

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to:

1) Approve the submission of a grant application for $7,000,000 in Ryan White Part A funds covering March 1, 2012 through February 28, 2013 from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White HIV/AIDS Treatment Extension Act of 2009.

2) If awarded, recognize, receive and appropriate such funds, with carry-forward of unspent funds to FY2013

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 more public awareness.

(22) LITTLE SUGAR CREEK SEWER TREATMENT PLANT GROUND LEASE AGREEMENT FOR RECREATIONAL FACILITIES

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to:
1) Authorize the County Manager to approve and execute a Ground Lease Agreement between Mecklenburg County and the City of Charlotte regarding County use of City property for biking and walking trails.

2) Authorize the County Manager to enter into an agreement with the Tarheel TrailBlazers to create and maintain mountain bike and walking trails subject to the requirements of the Lease agreement with the City.

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

Agreement recorded in full in Minute Book ____ Document # _____.

(23) TIGER III GRANT APPLICATION-COLLABORATIVE REGIONAL PEDESTRIAN AND BICYCLE FACILITIES-DESIGN AND CONSTRUCTION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve a resolution for Mecklenburg County participation in a Tiger III Grant Application, and authorize the Chairman to send a letter in support of the grant application.

Note: Mecklenburg County is participating in a regional effort to expand greenways, trails, bicycle and pedestrian facilities through a federal grant (Transportation Investment Generating Economic Recovery TIGER III). If funded, this grant would provide a significant route of approximately 29 miles connecting the Town of Davidson, City of Kannapolis, City of Concord, Town of Harrisburg and the City of Charlotte. Five miles of Mecklenburg County greenway facilities are included in the proposed project and are vital to the success of the grant application.

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

Resolution recorded in full in Minute Book ____ Document # _____.

(25) CAPITAL RESERVE REQUEST – PARK & RECREATION (AQUATIC FACILITIES/OUTDOOR POOLS)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize and appropriate expenditure of $20,000 from the “Aquatic Facilities / Outdoor Pools” Capital Reserve account to repair a water leak at Double Oaks Pool.

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

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and carried 7-0 with Commissioners 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 7:51 p.m.
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, November 1, 2011.

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

____________________

-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.

(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, 15, 16, 19, 20, 22, 23, 24, and 25.

(2) STAFF BRIEFINGS - NONE

(3A, B, C) CLOSED SESSION - LAND ACQUISITION, PERSONNEL MATTER AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcel #025-291-03 and Tax Parcel #023-201-02.

It was noted that there was no Consult with Attorney matter to be discussed.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition and B) Personnel Matter.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:15 p.m.
Commissioner Dunlap was present when the Board came back into Open Session. He entered the meeting during Closed Session.

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.

AWARDS/RECOGNITION

(1A) CHARLOTTE-MECKLENBURG STORM WATER SERVICES VOLUNTEERS

The Board recognized and thanked volunteers involved in protecting and restoring water quality conditions in Charlotte-Mecklenburg.

Rusty Rozzelle, Water Quality Program Manager addressed the volunteer programs and presented the volunteers. He was assisted by Erin Oliverio, Water Quality Educator. The following organizations & individuals were recognized:

Lake Norman Charter School, Auto Bell, United Faith Academy, the Cannon Family, Davidson Day School, Boy Scout Troop 51, the Hawkins Family, Christopher Von Cannon, Olufemi Aborisade, student at UNC-Charlotte, Country Day, the Candlewick Neighborhood, and SGI USA.

Note: Charlotte-Mecklenburg Storm Water Services (CMSWS) has five volunteer water quality restoration programs:

- Adopt-A-Stream Program
- Storm Drain Marking Program
- Volunteer Monitoring: This is a new volunteer program that includes the collection of qualitative and quantitative water quality data by volunteer groups along specific stream segments a minimum of ten times during the year to assess local stream health.
- Big Sweep: An annual, statewide event held on the first Saturday in October that calls volunteers to remove trash and debris from creeks, lakes and rivers.
- Creek ReLeaf: A collaborative effort with CPCC and the Sierra Club to plant trees in floodplains and stream buffers in Mecklenburg County.

(2) PUBLIC APPEARANCE

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

Peggy I. Johnson addressed the impact of foreclosures, which she personally experienced. She provided the Board with copies of documents associated with her experience.

A copy of the handouts from Ms. Johnson is on file with the Clerk to the Board.

(3A) APPOINTMENTS

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

Joe Howarth  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts

Voting Ceased

Chairman Roberts announced the appointment of Joe Howarth to the Waste Management Advisory Board to fill an unexpired term expiring October 30, 2013.

He replaces Allison Warren.

PUBLIC HEARINGS

(4A) STREET LIGHTING FINAL ASSESSMENT

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph 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 Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions; 2) 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.

The following person appeared to speak regarding Cardinal Woods: Manuel Rosas.

Mr. Rosas, president of the Cardinal Woods Subdivision, said for some time there’s been confusion within the neighborhood as to why some residents were being billed for street lighting and others weren’t. Mr. Rosas said per his review of the assessment roll, over 50 homes were missing. Mr. Rosas said he also found out Duke Energy was directly billing the Association for 22 lights and the County was assessing homeowners for 24 lights.

Mr. Rosas said his neighborhood was split on this issue and that the matter needed to be resolved.

County Attorney Bethune asked the Board to continue the public hearing on Cardinal Woods, in order to give staff an opportunity to look into the concerns raised by Mr. Rosas.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to continue the public hearing on the Cardinal Woods Subdivision Street Lighting Assessment until the first meeting in December, December 6, 2011 at 6:30 p.m.

No one was present to speak to the other street lighting assessment projects.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the Public Hearing on the Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Capps Hollow, 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, Coffey Creek/Ayrshire Glen, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

Resolutions recorded in full in Minute Book ____, Documents # ______, ______, ______, ______, ______, ______, and ______.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) VISION 2020: COMMUNITY & CORPORATE SCORECARD

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve modifications to the Community & Corporate Scorecard.

Associate General Manager Leslie Johnson presented the modifications.

The modifications were as follows and noted in blue.

Focus Area: Community Health & Safety
Focus Area Goal: Make the community healthier and safer

Desired Result 1: Increase Safety & Security of Residents
Scope: Criminal activity, including the incidence of physical and psychological abuse of children, the elderly, and victims of domestic violence
Strategy: S1: Provide a safe community to all citizens through intervention programs, with a focus on preventing the re-occurrence of abuse and neglect against children and disabled adults
S2: Mitigate the effects of abuse
Measure(s): M1: Child Abuse Rate (tracking purposes only)
M2: Disabled Adult Abuse & Neglect Rate (tracking purposes only)
M3: Abuse & Neglect Re-Occurrence Index
M4: Domestic Violence Index
M5: Violent Crime Rate

Focus Area: Social, Education, and Economic Opportunity
Focus Area Goal: Create an environment where all Mecklenburg residents can become self-sufficient and have equal access to services

Desired Result 1: Increase High School Graduation & Literacy
Scope: English proficiency in reading, writing, and verbal communication; basic math; and computer skills of youth in grades Pre-K through high school
Strategy: S1: Partner with educational institutions and community stakeholders to ensure a quality continuum of learning with emphasis on fostering student growth, bridging academic achievement gaps and preventing students from dropping out of school
Measure(s): M1: High School Graduation Rate
M2: Academic Growth Index
M3: Performance Gap Index
Desired Result 2: Increased Independence & Self-Sufficiency

Scope: Ability to achieve an improved quality of life with any necessary community and government support while fostering greater independence

Strategy:
S1: Support and invest in a continuum of systematically coordinated services that help people transition from various levels of dependency to more independent status and improved well being
S2: Encourage community, public and private collaborations and investments in early intervention initiatives and temporary support services
S3: Help residents obtain and maintain gainful employment

Measure(s):
M1: Employment Rate
M2: Living Wage Employment Rate
M3: Self-Sufficiency Progress Index

Focus Area: Sustainable Community

Focus Area Goal: Mecklenburg County will have a vibrant and diverse economy while protecting its natural resources and enhancing the quality of neighborhoods

Desired Result 1: Sustain and Enhance the Environment

Scope: Clean air, water and land; green spaces and parks; human and environmental health; and ecosystems and natural habitat

Strategy:
S1: Improve the quality of air, water and land by providing leadership in protecting the environment
S2: Provide environmental services
S3: Inform and educate public and private sectors on environmental sustainability

Measure(s):
M1: Air Quality Index
M2: Water Quality Index
M3: Solid Waste Disposal Rate
M4: Environmental Leadership Index
M5: Green Space Index

Desired Result 2: Improve Quality of Life in Neighborhoods

Scope: Quality of Life Components: Property value; public safety; transportation and accessibility; recreation and cultural activities; resource equity; social well-being, and community building

Strategy:
S1: Provide leadership in developing neighborhood-based infrastructure investment model
S2: Provide leadership in developing evidence-based strategic collaboration
S3: Offer a variety of recreational, cultural opportunities and special events that are of interest to residents
S4: Establish public/private partnership for financing capital projects
S5: Educate and engage citizens regarding the benefits of building and promoting collaborative communities

Measure(s):
M1: Recreational Amenities Index
M2: Park & Recreation Capital Ratio
M3: Quality of Life Index
M4: Insurance Services Office Rating for Building Regulations
M5: Transit Proximity to Public Amenities Index

Desired Result 3: Promote a Vibrant and Diverse Economy
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Scope: Attract new businesses, support existing businesses and promote tourism

Strategy:
S1: Develop and sustain effective partnerships
S2: Manage Business Investment Program grants and economic development agreements
S3: Continue to streamline and improve regulatory process
S4: Inform and educate public concerning economic development strategies

Measure(s):
M1: Property Growth Rate
M2: Job Growth
M3: Code Enforcement Performance Index
M4: TBD (measure to gauge the effectiveness of economic development investments)

Focus Area: Effective & Efficient Government

Focus Area Goal: To be an inclusive, accountable and high performing organization.

Desired Result 1: High Customer Satisfaction
Scope: The overall quality of service rendered by (or on behalf of) the County
Strategy:
S1: Focus on customer satisfaction in design and delivery of County services
S2: Leverage technology, especially web-based services, to provide customers with self-service options and other convenient quality service options

Measure(s):
M1: Customer Satisfaction Rating

Desired Result 2: Positive Resident Perceptions
Scope: Stakeholder perceptions on the overall results achieved relative to the cost to achieve these results
Strategy:
S1: Implement proactive communication outreach at neighborhood level (targeted) and using mass communications tool (emphasizing web-based communication) to inform residents of results and the relative cost of county government (e.g., cost per capita comparisons)

Measure(s):
M1: Resident Perception Index

Desired Result 3: Increase Resident Awareness of County Responsibilities & Services
Scope: General knowledge of the County’s programs, services and responsibilities
Strategy:
Educate and inform residents about the County’s responsibilities and services, using the following:
1. Proactive and reactive media relations
2. Mass and targeted communications emphasizing web-based communications, including social media
3. Proactive citizen involvement outreach at the neighborhood level consistent with MeckConnect strategies
4. Internal communications (i.e., with Mecklenburg County employees) using web-based technology and targeted outreach

Measure(s):
M1: Public Awareness Index

Desired Result 4: Enhance Citizen Involvement
Scope: Participation of Mecklenburg residents in the governance of their community.
Strategy:
S1: Recruit residents by working with existing community groups, networks, and civic organizations to connect demographically diverse residents with each other and with local government
S2: Design and provide multiple forms of citizen involvement opportunities
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S3: Institutionalize and sustain citizen involvement structures and processes within the organization
S4: Implement multiple methods of mass and targeted communications to involve residents in County policy and decision-making

Measure(s):
- M1: Advisory Committee Diversity
- M2: Citizen Engagement Index

Desired Result 5:
Optimize Business Processes
Scope:
Interrelated tasks and activities that produce a specific product or service.
Strategy:
S1: Re-examine and/or redesign business processes by eliminating waste and improving efficiencies.
Measure(s):
- M1: Service Efficiency Ratings
- M2: Tax Collection Rate

Desired Result 6:
Improve Financial Management
Scope:
Preserving financial stability, maintaining organizational integrity and fiscal governance and accountability
Strategy:
S1: Use best practices to manage Mecklenburg County’s operational resources
S2: Reducing and avoiding costs
Measure(s):
- M1: Budget Evaluation Survey Tool (BEST) Index
- M2: Financial Assessment Survey Tool (FAST) Index

Desired Result 7:
Maintain Triple-A Bond Rating
Scope:
All applicable capital budget and financing policies and practices including the Capital Improvement Program, debt policy and management, and other factors used in evaluating credit-worthiness
Strategy:
S1: Maintain the County’s credit-worthiness by managing the use of debt: as it relates to debt per capita, debt as a % of assessed valuation, debt as a % of operating and principle payout ratio
S2: Maintain a future debt service fund for capital expenses
S3: Maintain PAYGO at a minimum of 3 cents of the tax rate
Measure(s):
- M1: Bond Rating

Desired Result 8:
Maintain Affordable & Competitive Tax Rate
Scope:
All applicable Mecklenburg County property tax revenue, including real property and automobiles, boats, trailers and income-producing personal property
Strategy:
S1: Track average annual household income data in relationship to paid property tax
Measure(s):
- M1: Property Tax to Household Income
- M2: Cost of County Government

Desired Result 9:
Increase Employee Knowledge, Skills & Abilities
Scope:
Competencies related to job performance
Strategy:
S1: Invest in training opportunities to maximize employee performance
S2: Utilize individual development plans tailored to the employees’ career progression and needs of the organization
Measure(s):
- M1: Training Dollars per Employee
- M2: Individual Development Plan
Desired Result 10: Increase Employee Motivation & Satisfaction
Scope: Motivation and satisfaction regarding job performance and organizational environment
Strategy: Effectively manage employee diversity by:
S1: Valuing employee as our most important resources, providing flexibility for a work/life balance and opportunities for professional development
S2: Developing supervisor competencies, especially interpersonal communication skills, understanding and appreciating ethnic and cultural diversity, treating employees with respect and encouraging an open exchange of ideas
Measure(s): M1: Employee Motivation & Satisfaction Index
M2: Employee Satisfaction Parity (tracking purposes only)

Desired Result 11: Recruit & Retain High Performing Employees
Scope: Recruitment of qualified and diverse applicants and retention of successful and exemplary employees
Strategy:
S1: Offer market-based compensation (pay and benefits)
S2: Market Mecklenburg County as a great place to work
S3: Emphasize drivers that increase employee motivation and satisfaction
S4: Utilize various recruitment strategies to attract a qualified and diverse candidate pool
Measure(s): M1: Resignation Rate
M2: Applicant Pool Satisfaction

Desired Result 12: Optimize Technology
Scope: Acquisition, replacement and maintenance of computers (hardware and software), equipment, and machinery and the resources and processes to support it when applicable.
Strategy: S1: Deploy technologies that enable employees to provide quality services by operating effectively, efficiently, and collaboratively
Measure(s): M1: Employee Satisfaction: Technology-Related Capacities

Commissioner Cogdell asked that science be included in the definition of Performance Gap Index and in the definition of Academic Growth Index.

Associate General Manager Johnson said Charlotte-Mecklenburg Schools collects data with regards to science, so staff doesn’t anticipate including that to be a problem.

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

(6B) UPCOMING BUDGET/ PUBLIC POLICY MEETING TOPICS

County Manager Jones informed the Board that at the November 8, 2011 Budget/Public Policy meeting, staff would give a presentation on the matter of drug testing recipients that receive economic assistance and on implementation of the Medicaid Waiver.

Commissioner Dunlap with respect to the Medicaid Waiver asked that staff address some of the specific concerns and allegations that have been made relative to how its affected other
Commissioner Leake with respect to testing recipients of economic assistance, said she would like to know what other counties and/or states have done with respect to this.

(38) CLOSED SESSION – PERSONNEL MATTER – COUNTY MANAGER’S COMPENSATION

Commissioner Clarke, chairman of the Board’s Compensation Committee addressed the County Manager’s compensation for FY2011-2012.

Commissioner Clarke said the committee had a lot of discussion and took into consideration all of the events of the past year.

Commissioner Clarke said with respect to the County Manager’s performance relative to 1) the Balanced Scorecard, that the goal was to have 50% green lights and that 56% was achieved and closer to 60% for those areas the County Manager was directly accountable for; 2) Demonstrated Leadership was achieved as well. It was noted that the County Manager was elected president of the N. C. City & County Management Association and was recognized as a Distinguish Alumnus of the University of N. C. at Chapel Hill.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve a 1.5% increase in the County Manager’s base compensation for FY2011-2012.

Note: County Manager Jones thanked the Board for its consideration of his compensation.

(3A1) CLOSED SESSION – LAND ACQUISITION - LONG CREEK AND DIXON BRANCH GREENWAYS SATELLITE PARKING

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to negotiate and execute necessary documents for the purchase of Tax Parcel #025-291-03 (+/- 3.44 acres) in the City of Charlotte from Reames Investors, LLC for $10,000.

Note: The County’s 2008 Parks Master Plan has as one of its goals the expansion of existing park sites to create larger contiguous acreage in combination with protection of tree cover, wildlife corridors and streams. Dixon Branch and Long Creek are identified as priority greenway corridors in the Master Plan. This acquisition accomplishes the Master Plan’s goal by adding additional acreage to the greenway system and increasing public accessibility to the greenway system.

(3A2) CLOSED SESSION – LAND ACQUISITION - LATTA PLANTATION NATURE PRESERVE EXPANSION

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to negotiate and execute necessary documents for the purchase of Tax Parcel #023-201-02 (+/- 114.99 acres) in the Town of Huntersville’s Extra-Territorial Jurisdiction from Faison-Sample Road, LLC for $2,184,810.
Note: The County’s 2008 Parks Master Plan has as one of its goals the expansion of existing park sites to create larger contiguous acreage in combination with protection of tree cover, wildlife corridors and streams. This acquisition accomplishes that goal by increasing the size of Latta Nature Preserve to nearly 1,500 acres and increasing the amount of contiguous natural habitat.

STAFF REPORTS AND REQUESTS

(7A) CHILD SUPPORT ENFORCEMENT OPERATIONAL HIGHLIGHTS AND FY2011 ACCOMPLISHMENTS

The Board received a presentation on operational highlights and accomplishments of Child Support Enforcement’s (CSE) first year as a County department. The presentation was done by CSE Director Joan Kennedy. She was accompanied at the podium by Tameika Leslie and Jim Wright of her staff. The following was covered:

- Services Provided
- Typical Family Served
- Case Management
- Performance Management
- Incentive Funding
- Collaborations and Outreach
- Economic Impacts on Child Support Enforcement
- Key Accomplishments
- Challenges & Opportunities

It was noted that Mecklenburg County CSE lead the state this year in Medicaid cost avoidance, over $850,000 in costs were avoided through the enforcement of child support orders.

Mecklenburg County CSE received an exemplary cost effectiveness ratio of 6.65 for FY11, which means for every $1 the County invested in CSE, staff collected $6.65 in return. Thus, for an investment of $1.5 million, staff collected nearly $50 million that went to children and families in Mecklenburg County.

Mecklenburg County CSE also achieved the highest total net collections of any jurisdiction in the state, $46.5 million in FY11.

Director Kennedy noted that one of the challenges CSE was facing was the need for additional space. Also, per an analysis that was done, the majority of their clients do not live in the vicinity of their current location. Most of their clients live west of I-77.

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

Comments

Commissioners complimented Director Kennedy and her staff for the wonderful job they’re doing.

Commissioner Cogdell suggested Director Kennedy share their accomplishments with respect to their filing system with other agencies, such as the district attorney’s office and others in the criminal justice area.

Director Kennedy said CSE has begun discussions with the courts regarding their filing system.
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Commissioner James asked if the County received a percentage of the funds collected. The response was no.

Commissioner James asked about cost increases in court filing fees, paternity DNA testing and with the Call Center, which was addressed.

Commissioner James said consideration may need to be given to changing the current collection model.

Commissioner James said he would like to know if there’s something prohibiting the County from receiving a percentage of the funds collected.

Commissioner Leake asked about CSE’s court involvement with parents, which was addressed.

Commissioner Cooksey said he would like to know how the County ranks with regards to the satisfaction measures that were talked about when the County was analyzing whether to privatize this service or not.

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

Commissioner Dunlap asked about the availability of space at the County’s Freedom Drive site, in light of Director Kennedy’s comment regarding the need for more space and being in the vicinity of their clients. Commissioner Dunlap said he would like to know the cost associated with building the Freedom Drive facility out versus the cost and increased cost of having sufficient space for CSE.

(8) COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

CONSENT ITEMS

Note: Consent Items 20 & 24 were not pulled from Consent, even though it was noted during Informal Session that they would be.

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

Note: Commissioner Dunlap left the dais after making the motion and before the vote was taken. He was absent for the remainder of the meeting.

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held October 18, 2011 and Closed Session held October 18, 2011.

(10) 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 Leisa M. Sossamon.

Resolution recorded in full in Minute Book _____ Document # ______.
(11)  **TAX REFUNDS**

Approve refunds in the amount of $24,633.21 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.*

(12)  **GRANT APPLICATIONS - NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, HAZARD MITIGATION ASSISTANCE**

1. Authorize the County Manager to submit a Pre-Disaster Mitigation (PDM) grant application up to $800,000 to the North Carolina Division of Emergency Management for the acquisition of flood-prone properties.

2. Authorize the County Manager to submit a Flood Mitigation Assistance (FMA) grant application up to $90,000 to the North Carolina Division of Emergency Management for the elevation of one flood-prone structure.

(14)  **SOLE SOURCE APPROVAL FOR ENTERPRISE KNOWLEDGE PLATFORM (EKP) EXPANSION AGREEMENT WITH INTELLADON CORPORATION**

Approve sole source agreement for Intelladon Corporation to expand Enterprise Knowledge Platform (EKP) software from one department to all county departments.

*Note: Currently, the Department of Social Services (DSS) uses the EKP software for online employee training, providing a consolidated and centralized repository for staff to learn about and keep current on policies and compliance requirements. Expansion of the software to all County departments will increase training capacity and ease of staff access to information on policies and compliance, enhance tracking and documentation for compliance, and automate a manual process using an online, secure, training/knowledge system that is available 24 hours a day, seven days a week.*

(17)  **DONATIONS TO PARK AND RECREATION FOR THERAPEUTIC RECREATION’S PARALYMPICS SPORTS CLUB - METROLINA PROGRAM**

Recognize, receive and appropriate a $10,000 donation from BP / Fueling Communities initiative and a $10,000 donation from Mark Oil for the enhancement of the Paralympic Sports Club – Metrolina, a program of Mecklenburg County Park and Recreation / Therapeutic Recreation Section.

(18)  **HAZARD MITIGATION “QUICK BUY” PROGRAM - FLOODPLAIN ACQUISITIONS**

1. Accept the “Offer of Sale of Land” from Ricky Crawford of 1048 Andrill Terrace (Parcel ID: 07509314) for $20,998.

2. Accept the “Offer of Sale of Land” from Key, LLC of 831 Norwood Drive (Parcel ID: 06511110) for $22,113.00.

3. Accept the “Offer of Sale of Land” from James McNeff of 2922 October Court (Parcel ID: 07113127) for $33,113.00.

4. Accept the “Offer of Sale of Land” from Clevetta Ward of 800 Seldon Drive (Parcel ID:
5. Accept the “Offer of Sale of Land” from Rafael Camilo of 4115 Whitehurst Road (Parcel ID: 14521210) for $25,398.00.

6. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

(20) AWARD OF CONTRACT - ENERGY SERVICES COMPANY

Adopt Resolution entitled: RESOLUTION AUTHORIZING AND APPROVING AN ENERGY SAVINGS CONTRACT AND A RELATED INSTALLMENT FINANCING.

RESOLUTION AUTHORIZING AND APPROVING AN ENERGY SAVINGS CONTRACT AND A RELATED INSTALLMENT FINANCING

WHEREAS, the County of Mecklenburg, North Carolina (the “County”) wants to enter into a guaranteed energy savings contract (the “Energy Services Agreement”) for the purpose of acquiring and installing energy savings equipment in the County’s jail facilities (Jail Central and Jail North) (the “Project”) so as to reduce energy consumption and/or energy-related operating costs; and

WHEREAS, the County wants to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, the term of the Energy Services Agreement does not exceed twenty years from the date of the installation and acceptance by the County of the energy conservation measures provided under the Contract; and

WHEREAS, the energy savings resulting from the performance of the Energy Services Agreement will equal or exceed the total cost of the Contract; and

WHEREAS, the energy conservation measures to be installed under the Energy Services Agreement are for existing buildings; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed financing contract; and

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

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

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

(1) Energy Services Agreement (the “ESA”) between the County and Ameresco, Inc. (the “ESCO”), including all schedules, attachments and exhibits thereto;

(2) Installment Financing Contract between the County and ESCO (the “Financing Contract”);

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

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

1. The Board hereby finds and determines in connection with the Financing Contract that (a) the Financing Contract is necessary or expedient for the County, (b) the Financing Contract, under current circumstances, is preferable to a bond issue of the County for the same
purpose, (c) the sums estimated to fall due under the Financing Contract are adequate and not excessive for their proposed purpose, (d) the County’s debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) any increase in taxes necessary to meet the sums estimated to fall due under the Financing Contract will not be excessive and (f) the County is not in default regarding any of its debt service obligations.

2. The Board hereby requests the Local Government Commission of North Carolina to approve the Financing Contract under Article 8 of Chapter 159 of the General Statutes of North Carolina.

3. The County Manager, the Director of Finance and any Deputy Director of Finance are hereby designated as representatives of the County to file an application for approval of the Financing Contract with the Local Government Commission of North Carolina and are authorized to take such other action as may be advisable in connection with the negotiation of the Financing Contract and the development of the related financing; and all actions heretofore taken by the employees of the County relating to such matters are hereby approved, ratified and confirmed.

4. Each of the Financing Contract and the ESA, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Director of Finance, any Deputy Director of Finance, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.

5. The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing and the energy savings contract. Without limiting the generality of the foregoing, the Director of Finance or any Deputy Director of Finance is authorized to approve all details of the installment financing and the energy savings contract. Execution of the Financing Contract and the ESA by the Chairman of the Board, the County Manager, the Director of Finance or any Deputy Director of Finance, shall conclusively evidence approval of all such details of the installment financing and energy savings contract.

6. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transaction contemplated by the documents referred to above.

7. This Resolution shall become effective immediately upon its adoption.

Extract and Resolution recorded in full in Minute Book ____ Document # ______.

(21) BUDGET AMENDMENT – DSS (REVENUE INCREASE)

Recognize, receive and appropriate additional revenue of $193,613 to reflect actual State, and Federal allocations.

Note: The North Carolina Division of Aging and Adult Services is providing funding in the amount of $187,873 for the Home and Community Care Block Grant and $5,740 for the Family Caregiver Support program above budgeted amounts for these services for the elderly and disabled of Mecklenburg County. These funds will provide services for an estimated additional 25 people.

(24) PROCLAMATION - AMERICAN INDIAN HERITAGE DAY
Adopt a joint proclamation designating November 5, 2011 as American Indian Heritage Day in Charlotte/Mecklenburg County.

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

(26) PROCLAMATION - GIS DAY

Proclaim Wednesday, November 16, 2011 GIS Day in Mecklenburg County.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioners James and Cooksey left the meeting and were absent for the remainder of the meeting.

(13) GRANT APPLICATION – COMMUNITY FOCUSED FOR ELIMINATING HEALTH DISPARITIES INITIATIVE

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to approve submission of a $390,000 grant application for the Community Focused for Eliminating Health Disparities Initiative from the NC Department of Health and Human Services, Office of Minority Health; and if awarded, recognize, receive and appropriate such funds.

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

(15) HEALTH DEPARTMENT YOUTH FOOD COUNCIL HONORARIUM

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $1,500 from the North Carolina Youth Food Council for the Health Department’s childhood obesity efforts.

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

(16) DONATIONS FOR WOMEN’S EQUALITY DAY

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $750 in donations received to support Women’s Equality Day.

Note: The Donors were: League of Women’s Voters $350.00; Deltas of Charlotte/Delta Sigma Theta $300.00; Charlotte Links $100.00.

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

(19) CAPITAL RESERVE REQUEST – PARK AND RECREATION (TENNIS COURT RENOVATION)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0
with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to authorize and appropriate expenditure of $35,000 from the “Recreation Facility” Capital Reserve account to excavate and replace unsuitable soil at the Latta Park tennis courts.

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

(22) BUDGET AMENDMENT – DSS (REVENUE INCREASE) JOB BOOST PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate $280,503 additional Federal revenue for the Job Boost program.

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

(23) BUDGET AMENDMENT – DSS (REVENUE DECREASE) COMMUNITY TRANSPORTATION GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to reduce the Department of Social Services FY2012 Budget by $187,418 for the NC Department of Transportation (NCDOT) Community Transportation Grant.

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

(25) PROCLAMATION - NATIONAL ADOPTION AWARENESS MONTH

Motion was made by Commissioner Cogdell seconded by Commissioner Pendergraph and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating November 2011 as “National Adoption Awareness Month” in Mecklenburg County.

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

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

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:59 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, November 8, 2011.

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

Commissioner Bentley 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) PUBLIC ASSISTANCE OVERVIEW AND DRUG TESTING OPTIONS

The Board received a report on public assistance programs and drug testing options, as it relates to public assistance recipients.

Deputy County Attorney Tyrone Wade and Director of Social Services Mary Wilson gave the Report, which was in response to questions posed by Board members, specifically, Commissioners Pendergraph and Cogdell.

The following was covered:

* Applicable statutes & occurrences in other states
* States are authorized to require testing but when it’s required there must be a basis for that requirement.
* In North Carolina local governments are specifically prohibited from drug testing individuals as a condition precedent to receiving public assistance.
* Public Assistance Programs
  Food and Nutrition Services (FNS)
  Medicaid
  North Carolina Work First
* Number of Residents Served by DSS
* County Cost
* Eligibility for Public Assistance Programs
* Drug Testing Options Available
  Only State DHHS may decide to impose drug testing
  Currently random testing only done in AZ, MO (TANF only)
Mandatory, pre-application testing temporarily blocked in FL (TANF only)
NC utilizes assessment and screening in 2 programs: Work First and FNS
Potential Impact if implemented in Mecklenburg County
13,000 applicants a month in Mecklenburg
Estimated cost $6 million a year to implement drug testing
Research shows < 2% test positive
Return on $6 million would be 113 applicants rejected

Comments

Commissioner Cooksey asked about the difference between drug screening and drug testing, which was addressed.

**Commissioner Bentley entered the meeting.**

Commissioner Clarke asked was it correct that local governments in North Carolina were prohibited from imposing any eligibility requirements, other than those set forth within state or federal law or regulation. The response was yes.

Commissioner Cooksey asked was random drug testing permissible for recipients of assistance. Director Wilson said if Work First recipients are assessed and screened and found to have a substance abuse problem, treatment is required in order for that person to receive benefits. Further, that as part of their Mutual Responsibilities Agreement they are subject to continuous testing.

Commissioner Pendergraph asked was there anything DSS can do if someone reports suspected drug use by someone receiving assistance. The response was no. Director Wilson said currently there was no way for DSS to receive a referral from anyone to say that they suspect a person receiving assistance was using drugs and then DSS would test that individual.

Director Wilson said under the current process, if someone applies for food stamps and they've been convicted of a felony related to controlled substances, that person has to agree to a screening and testing.

Commissioner Pendergraph said the reason for his inquiry was because of questions asked by constituents.

Commissioner Leake asked about the County’s drug testing policy for employees and was the City of Charlotte’s policy different, which was addressed by Human Resources Director Chris Peek.

Commissioner Leake asked how much was the County currently spending on drug testing and the types of drugs that would be a violation, which was addressed.

Commissioner Dunlap said based on the information provided by staff, it would not be a good return on the County’s investment (an estimated $6 million) to do this.

Commissioner Dunlap said he felt the County has taken a responsible position by doing what it currently does with respect to the Work First program and Food Stamp program.

Commissioner Bentley asked how did staff come up with the estimated cost of $6 million, which was addressed.

Commissioner Cogdell asked for clarification regarding the Work First Program assessment process, which was addressed.
NOVEMBER 8, 2011

Commissioner Cogdell asked was there any communication between the police department and DSS if they go into a home of a recipient and see drugs present. **Director Wilson said it would depend on a case by case situation, because the police could go into a home and not know that the person was a recipient of public assistance.**

**Director Wilson** said if DSS is contacted by the police, DSS works cooperatively with them and acts upon any information received if it goes against the Mutual Responsibilities Agreement and against that person moving forward toward self-sufficiency.

Commissioner Cooksey asked if it was a goal of Mecklenburg County to be the county with the fewest number of substance abuse users receiving public assistance, what would staff recommend be done to achieve that goal with the least amount of administrative cost and impact.

**Director Wilson** said the current program was “satisfactory and sufficient” to minimize the number of people who may be drug users who are also receiving public assistance. Director Wilson said to reduce that number would cost the County money. She said the way that she would do it, would be to create incentives, so people who are drug users are motivated to get treatment; so that they can become productive citizens.

Director Wilson said in an Incentive program that’s outside of the Work First Program, Food Stamp Program or Medicaid, you can impose different requirements.

**Commissioner Dunlap** asked Director Wilson to comment on a means of separating children from parent(s), in terms of providing assistance to families that have been identified as having a substance abuse issue. Commissioner Dunlap said he was concerned about making sure children don’t fall through the cracks as a result of their parent(s) having a substance abuse issue. **Director Wilson responded by commenting on the TANF Child Only cases.**

**Commissioner Pendergraph** said at some point the Board needs to discuss the future of children in the custody of parents that have substance abuse problems and the impact of that on those children. He noted how so many children in this type of environment drop out of school and often end up being incarcerated.

**Chairman Roberts** suggested that at a future Budget/Public Policy meeting, the Board receive a presentation on Foster Care and the process for removing children from their home.

**Commissioner Bentley** asked how did the County’s number of residents served by DSS compare to other counties, which was addressed.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

No action was taken or required.

(1) **MEDICAID WAIVER UPDATE**

The Board received an update on the status of the Medicaid Waiver.

General Manager Michelle Lancaster and Carlos Hernandez, Interim Director, Area Mental Health gave the update.

Note: On June 7, 2010, the NC Department of Health and Human Services (NCDHHS) informed Mecklenburg County Area Mental Health (AMH) that it had been selected as the next Local Management Entity (LME) to participate in the State’s Medicaid waiver. Under the waiver, all
Medicaid-funded services provided to AMH consumers (for mental health, developmental disability, and substance abuse services) are joined into a single capitated funding model. Legislation was adopted during the Short Session that would require a statewide implementation of the 1915 (b)(c) Medicaid Waiver by July 1, 2013. NC DHHS has asked Mecklenburg County to implement the Waiver by January 1, 2013.

This update was intended to provide information on the Waiver concept and particularly the financial and human resource implications for the County. It was noted that the Board would receive updates over the next several months.

The presentation covered the following:

- Background
- Funding for services
- Current authorization process
- Medicaid waiver opportunity
- Becoming a Medicaid waiver site
- Benefits of waiving Medicaid rules
- How managing Medicaid works
- How funding amount is set
- Funding example @ $160 M
- Medicaid dollars spent locally
- Advantages & Challenges/Risks for Mecklenburg County
- Pros for Mecklenburg County
  - Improve access to and quality of local services
  - Provide incentives to control Medicaid costs
  - Greater flexibility to distribute resources based on need and changing priorities of Mecklenburg County residents
  - Improve customer service through local point of contact for customers and providers
  - Reinvestment of savings into local services
  - Benefit from LME staff expertise in managed care
  - Gain local control of State hospital (Broughton) dollars
- Next Steps
  - Funding needed for start-up $1.7 million in current year
    - $2.4 million for start-up will be included in FY 2013 recommended budget
  - Authorization to recruit and fill eight positions in current fiscal year
    - Approximately 100 additional positions will be included in FY 2013 recommended budget
  - Board will receive additional information at December and January board meetings – more specifics on business plan and waiver model

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

Comments

Commissioner Cooksey asked who would be responsible for any overruns. General Manager Michelle Lancaster said it’s her understanding that the state would be assuming that accountability and responsibility going forward.

Commissioner Cooksey asked about the Request for Proposal process, which was addressed.

Commissioner Cooksey asked was a reduction expected in the number of providers or would there be a change in the make-up of the providers. General Manager Lancaster said the answer
was probably yes because of the different needs in the community.

General Manager Lancaster said in some instances there may be too many providers for a particular need and in others not enough. She said the intent was not to eliminate any providers that the County has currently, and that if they come out being the most qualified responder, they would keep the business.

Commissioner Dunlap said one issue of concern that’s been expressed was consumer/client choice. He said if the County controls the network of providers, how would clients get their choice, which was addressed. It was noted that the model staff would be using was a state required model that has a limited number of providers.

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

Commissioner Dunlap said the concern in the community was that there might be a monopoly by companies that have been in business for a long time; who have relationships with people throughout the state; relationships that give them somewhat of an advantage. He asked what’s the purpose of controlling the number of providers, provided they meet all of the criteria.

Interim Director Hernandez said he felt it had to do with cost and cost management; “as oppose to the County deciding you’re qualified.”

Commissioner Cogdell said it was important that providers be given clear direction on what they’re going to be benchmarked on and evaluated on.

Chairman Roberts asked about the cons of doing this. General Manager Lancaster said from staff’s perspective the con was around financial risk for the County. She noted, however, that the County doesn’t have an option because the state has said this has to be done. It was noted that if the County doesn’t operate its own managed care operation, then another LME would manage this for the County.

General Manager Lancaster said staff sees this as a positive for the continuum of care for the community. It was noted further that this was not an inexpensive endeavor to start up. Staff anticipates that it would cost a little over $4 million. $1.7 million is needed in this current fiscal year and $2.4 million for the next fiscal year, which would be included in the County Manager’s recommended budget.

Commissioner Leake asked about the number of employees that would be needed.

General Manager Lancaster said currently there were about 94 employees and that 103 employees would be added next year and about 100 more after that, for a total of about 300 employees.

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

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, 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 5:05 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., 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, November 15, 2011.

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

-INFORMAL SESSION-

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 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 10, 11, 14, 16, and 17.

(2A) STAFF BRIEFINGS - MEETING CHAMBER DAIS EVACUATION PLAN – ITEM WAS REMOVED FROM THE AGENDA

(3A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) CONSULT WITH ATTORNEY, C) LAND ACQUISITION

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: Arjan Jagtiani vs. Mecklenburg County 11CVS 2278 and Tax Parcels #221-491-01 and #221-032-33.

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion, B) Consult with Attorney, and C) Land Acquisition.

The Board went into Closed Session at 5:10 p.m. and came back into Open Session at 5:37 p.m.
Commissioner Clarke entered the meeting.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION – NONE

(2) PUBLIC APPEARANCE

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

Beverly Irby, Executive Director of C. W. Williams Community Health Center addressed the Center’s 30th Anniversary. She also gave an update on services and programs provided by the Center. She was joined at the podium by Sue Goodman and Robert Willis, members of her staff, and Mrs. C. W. Williams, the widower of the Founder, C. W. Williams.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Charlene Barr to the Adult Care Home Advisory Committee for a one-year term expiring November 30, 2012.

Note: She is replacing Delia Holder.

LIBRARY BOARD OF TRUSTEES

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Joan Martin and Robert Sink to the Library Board of Trustees for four-year terms expiring December 31, 2015.

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, Pendergraph and Roberts voting yes, to reappoint Ulrich Bertsch and Jenita Hooks to the Nursing Home Community Advisory Committee for three-year terms expiring December 31, 2014.
Commissioner Cogdell nominated all applicants for appointment consideration to the Planning Commission. They were: Ron Frazier, Danmon Gregory, Wendy Jamison, Deborah Ryan, and Joe Simpkins.

Note: An appointment will occur on December 6, 2011.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT—NONE

STAFF REPORTS AND REQUESTS

(7A) PARK LEASE WITH THE TOWN OF PINEVILLE

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to authorize the County Manager to negotiate and execute an amended and restated Lakeview Park Lease Agreement between the County and the Town of Pineville on Tax Parcel #221-491-01 to include Tax Parcel #221-032-33 consistent with business points outlined in Background/Justification of the Action Item (Noted Below); and to authorize the expenditure of up to an additional $50,000 for the acquisition of Tax Parcel #221-032-33 from funds allocated for park land acquisition. This acquisition was first approved August 2, 2011 at a County cost of $150,000.

Background/Justification: Talks with the Town have resulted in the following proposed major business terms for the amended and restated Lakeview Park Lease Agreement:

**Parcels:** 221-491-01 and 221-032-33

**Lease Term**
Fifty (50) years

**Option Periods**
Lease shall renew automatically for additional terms of five (5) years

**Termination Clause**
The County or Town may terminate the Lease at the end of the initial fifty (50) year period or at the end of any renewal period by giving one hundred eighty (180) days prior notice

**Right of First Refusal**
Should the County decided to sell parcel #221-032-33 (the “Netherby Property”) at any time, the Town shall be given the opportunity to match the offer.

**Purchase by Town**
Should the County ever sell the Netherby Property to the Town, the Town shall be credited $160,000.00 towards the purchase price in recognition of its $160,000 contribution towards the 2011 purchase of the property by the County.

**Purchase by Third Party**
Should the County ever sell the Netherby Property to a third
party, the Town shall be credited $160,000 of its original contribution of the purchase price.

(8A) COUNTY COMMISSIONERS REPORTS AND REQUESTS – NONE

Note: Chairman Roberts took a point of personal privilege to inform the public that at the request of Commissioner Pendergraph, she would be appointing a committee that would address issues surrounding the dropout rate, the safety of children, the education of children, and how County services can be wrapped around those educational needs to help reduce the dropout rate and to be more effective in serving the youth of the community.

Commissioner Pendergraph said the purpose would be to start discussion of these issues with representatives from the Board about family and home life and how that ties in with the school system, the dropout rate and the crime rate.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner James 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 1, 2011 and Closed Sessions held November 1, 2011, September 20, 2011, and September 7, 2011.

(12) TAX REFUNDS

Approve refunds in the amount of $7,369.55 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.

(13) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $14,218 for Real Estate Services and $7,197 for Park and Recreation.

Note: All reimbursements are for stolen and damaged items.

(15) 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:

- Daily Revenue: 2888 (3/1/07 – 10/31/11)
- Daily Reports: 889 (5/1/09 – 10/01/11)

(18) CAPITAL RESERVE REQUEST – PARK & RECREATION (JETTON PARK ENTRANCE)
Authorize and appropriate expenditure of $160,000 from the “Jetton Park Entrance” Capital Reserve account to repair/resurface asphalt trails, upgrade playground, correct drainage issues, replace floor in Waterfront Hall and stabilize 500 feet of shoreline.

(19) HEAVY EQUIPMENT PURCHASE – LUESA

Authorize the County Manager to negotiate and execute unit price contracts for the purchase of one (1) LGP Track Type Tractor, (1) Waste Handler Type tractor, (1) 80,000 lb. Landfill Compactor, (1) 30-Ton Articulated Truck, and (1) Hydraulic Excavator in the 20,000 KG Class for a total amount of $1,680,169 to the following lowest responsible bidders:

**Carolina Cat**
- LGP Track Type Tractor, $345,828 per unit
- Waste Handler Type Tractor, $332,599 per unit
- 80,000 lb Landfill Compactor $566,288 per unit
- Hydraulic Excavator, 20,000 KG Class $144,740 per unit

**ASC Construction Equipment USA**
- 30 Ton articulated Truck $290,714 per unit

(20) HAZARD MITIGATION “QUICK BUY” PROGRAM – FLOODPLAIN ACQUISITIONS

3. Accept the “Offer of Sale of Land” from Victor Athanas and May Kin Kung of 816 Norwood Drive (Parcel ID: 07113118) for $25,400.
4. Accept the “Offer of Sale of Land” from Wildwood Investments LLC of 4109 Whitehurst Road (Parcel ID: 14521209) for $41,984.
5. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(10) PROCLAMATION – PANCREATIC CANCER AWARENESS MONTH

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating November, 2011 as “Pancreatic Cancer Awareness Month.”

Commissioner Cooksey removed this item from Consent for more public awareness. He also acknowledged his own battle with this disease and how he’s blessed to be a survivor. He thanked Board members and the community for the support and prayers extended to him since being diagnosed 18 months ago.
A copy of the proclamation is on file with the Clerk to the Board.

(11) PROCLAMATION – HOMELESS AWARENESS MONTH

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a joint proclamation designating November, 2011, as “Homeless Awareness Month.”

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

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

(14) RECORDS RETENTION AND DISPOSITION SCHEDULE – HEALTH DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve an amendment to the September 7, 2007 version of the Records Retention and Disposition Schedule for Local Health Departments and authorize disposal of records consistent with the schedule.

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

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

(16) GRANT APPLICATION – SISTERS OF MERCY – COMMUNITY ALTERNATIVES PROGRAM (CAP/DA)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the submission of a continuation grant application for $63,222 to fund a contract social worker for the CAP/DA Program for one additional year from the Sisters of Mercy Foundation effective January 1, 2012; and if awarded, recognize, receive and appropriate such funds.

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

(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – CRISIS INTERVENTION PAYMENTS

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate $3,074,380 additional Federal revenue for the Crisis Intervention Payments (CIP).

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

ADJOURNMENT
Motion was made by Commissioner Pendergraph, seconded by Commissioner Cogdell 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 6:35 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
DECEMBER 6, 2011

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 6, 2011.

ATTENDANCE

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

Absent: None

____________________
-INFORMAL SESSION-

Commissioner Cooksey 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) 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, 16, 17, 18, 21, & 22.

(2) STAFF BRIEFINGS – NONE

(3A, B) CLOSED SESSION - CLOSED SESSION - G.S. 143-318.11(9) AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session:

- Mecklenburg County vs. Simply Fashion
- Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Closed Session - G.S. 143-318.11(9) and B) Consult with Attorney.
The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 5:47 p.m.

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

Commissioner Cooksey entered 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.

ELECTION OF CHAIRMAN

Chairman Roberts called for the election of Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 ending December 3, 2012.

The following nominations were made for Chairman of the Mecklenburg County Board of Commissioners:

- Commissioner Jennifer Roberts    by Commissioner Leake
- Commissioner Harold Cogdell, Jr.    by Commissioner Bentley

This concluded the nominations.

The following person addressed the nominations:

Lloyd Scher, a former County Commissioner, asked the Board to re-elect Commissioner Jennifer Roberts as chairman.

No one else appeared to speak from the public.

Commissioner Leake addressed her reasons for nominating Commissioner Roberts.

Commissioner Bentley addressed her reasons for nominating Commissioner Cogdell.

Commissioner Roberts thanked Commissioner Leake for nominating her and the community for its support over the years in her capacity as chairman.

Commissioner Cogdell thanked Commissioner Bentley for nominating him. He also addressed his reasons for wanting to serve as chairman of the Board.

Commissioner Dunlap expressed his continued support of Commissioner Roberts as chairman and why.

Commissioner Dunlap said if Commissioner Cogdell became chairman, he would relinquish his position as chairman of the Board’s Effective & Efficient Government Committee, effective immediately.

Commissioner Clarke expressed his continued support of Commissioner Roberts as chairman.

Commissioner Cooksey expressed his support of Commissioner Cogdell as chairman.

The vote was then taken on the nominations as follows:
Commissioner Jennifer Roberts    Commissioners Clarke, Dunlap, Leake, and Roberts
Commissioner Harold Cogdell, Jr.    Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph

Commissioner Roberts announced the election of Commissioner Harold Cogdell, Jr. as Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 and ending December 3, 2012.

Commissioner Roberts turned the gavel over to Chairman Cogdell.

**ELECTION OF VICE-CHAIRMAN**

Chairman Cogdell asked for nominations for Vice-Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 and ending December 3, 2012.

The following Commissioners were nominated for Vice-Chairman of the Board:

- Commissioner Jim Pendergraph by Commissioner Cooksey
- Commissioner Jennifer Roberts by Commissioner Leake

The vote was then taken on the nominations as follows:

- Commissioner Jim Pendergraph Commissioners Bentley, Cogdell, Cooksey, James, and Pendergraph
- Commissioner Jennifer Roberts Commissioners Clarke, Dunlap, Leake, and Roberts

Chairman Cogdell announced the election of Commissioner Jim Pendergraph as Vice-Chairman of the Mecklenburg County Board of Commissioners effective December 6, 2011 and ending December 3, 2012.

*Commissioners Clarke and Cooksey left the meeting and were absent for the remainder of the meeting.*

**CITIZEN PARTICIPATION**

(1) **AWARDS/RECOGNITION – NONE**

(2) **PUBLIC APPEARANCE**

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

*Kaleb DJ Whoota Walls*, accompanied by his brother, Zai Walls, addressed a program called Let’s Move in After School. Mr. Walls asked the Board to consider designating April 4th and the month of April, as a whole, as a celebration of Let’s Move In After School. Mr. Walls said the mission of Let’s Move In After School was creating healthy outcomes for youth while building hope for success. He said Let’s Move In After School was created to fight the issue of childhood obesity.

*Copies of handouts regarding Let’s Move In After School is on file with the Clerk to the Board.*
(3A) APPOINTMENTS

TOWN OF HUNTERSVILLE PLANNING BOARD OF ADJUSTMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint John Probst to the Town of Huntersville Board of Adjustment to fill the Extraterritorial Jurisdiction (ETJ) seat as recommended by the Town of Huntersville Board of Commissioners for a term expiring June 30, 2012.

PUBLIC HEARINGS

(4A) STREET LIGHTING ASSESSMENT – CARDINAL WOODS

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the Public Hearing on Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision.

No one appeared to speak.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recess/continue the Public Hearing on Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision until 6:30 pm on January 18, 2012.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) COUNTY MANAGER’S STRATEGIC MANAGEMENT PLAN

County Manager Jones presented the County Manager’s Strategic Management Plan for FY 2011-2012, noted below.

Commissioner Bentley left the meeting and was absent until noted in the minutes.

County Manager
Strategic Management Plan
Fiscal Year 2011-2012

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.
DECEMBER 6, 2011

• Accountability: We focus on results

Personal Philosophy
It is my privilege to serve.

• Continue to 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.

• Enterprise Risk Management Priorities and Action Plan (i.e., the ultimate product after we do the risk assessment)

• Develop a procure-to-pay business/operating model.

• Implement Business Support Services Agency action plan (creating consolidated/shared services operating model for internal support functions).

• Implement first-year of volunteer program partnership with Hands on Charlotte.

• Implement electronic meeting agenda process using Legistar software.

Motion was made by Commissioner Roberts, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve the County Manager’s Strategic Management Plan Fiscal Year 2011-2012 as presented.

Note: Commissioner Leake asked County Manager Jones to see if there was a way to include caregivers in his review of possibly consolidating children services within the Human Services Agency. Commissioner Leake also requested a list of the agencies associated with the procure to pay business model.

(7) STAFF REPORTS AND REQUESTS – NONE

Commissioner Bentley returned to the dais.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) MECKLENBURG COUNTY BOARD OF COMMISSIONERS 2012 MEETING SCHEDULE (CHAIRMAN ROBERTS)

The Board considered approval of its 2012 Meeting Schedule.

Commissioner Roberts noted that because of the National Democratic Convention being held in Charlotte/Mecklenburg the week of September 3, and the uncertainty of whether the Government Center would be open on the evening of September 5, that perhaps the Board should consider an alternative meeting date.

Commissioner James suggested the Board extend its summer meeting schedule of having only one meeting in July and August to include September as well, with respect to Regular meetings.

It was the consensus of the Board to hold only one Regular meeting in September, September 18th and to hold the Budget/Public Policy meeting scheduled for September 11.
Motion was made by Commissioner Pendergraph, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to:

1) Approve the Mecklenburg County Board of Commissioners 2012 Meeting Schedule as presented with one amendment, that the Board only hold one (1) Regular meeting in September, September 18 and its Budget/Public Policy meeting on September 11, for a total of two meetings for the month of September 2012.

2) Authorize staff to place items needing Board action on the January 10, 2012 Budget/Public Policy meeting agenda if deemed necessary, in light of a Regular meeting not being held on January 4 because of Chamber renovations.

A copy of the 2012 Meeting Schedule is on file with the Clerk to the Board.

(88) SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT (CHAIRMAN ROBERTS)

Commissioner Roberts acknowledged and recognized Mecklenburg County’s role in securing a 2011 Sustainable Communities Regional Planning Grant from the Partnership for Sustainable Communities of the US Department of Housing and Urban Development (HUD), the US Department of Transportation (DOT) and the US Environmental Protection Agency (EPA).

No action was taken or required.

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

(19) PROCLAMATION – HIV/AIDS DAY

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to acknowledge that December 1, 2011 was recognized as “World AIDS Day” in Mecklenburg County.

Prior to the above vote, the following persons spoke in support of World AIDS Day.

Natasha Fetterson, sponsor of the December 1, 2011 World AIDS Day event thanked the community and all those that participated in making the event a success.

Ann White with New Life Fellowship Church thanked the Board for its support of efforts to educate the public on HIV/AIDS. Ms. White noted an event held at New Life Fellowship Church on December 3, 2011 and the Health Department’s participation.

Dr. Marc Johnson, Medical Director for the Infectious Disease Clinic at Carolinas HealthCare Center encouraged the Board to continue its support of educating the public on HIV/AIDS by developing a strategic plan in this regard. Dr. Johnson offered his assistance in developing a plan.

Shannon Calaman with New Life Fellowship Church thanked the Board and the community as well, and encouraged the Board to continue to support education and prevention efforts.

Kathea Dawkins, an art instructor and director of the non-profit Beyond the Arts, on behalf of youth, encouraged the Board to continue to support education and prevention efforts.
A copy of the proclamation is on file with the Clerk to the Board.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(9) APPROVAL OF MINUTES

1) Approve minutes of Regular meeting held November 15, 2011, Budget/Public Policy meeting held March 9, 2011 and Closed Sessions held November 15, 2011, November 1, 2011, July 12, 2011, and June 21, 2011.

2) Authorize the Clerk to the Board to amend the minutes of Special Meeting held March 9, 2011 and approved by the Board on July 12, 2011 to: 1) Correct the time of the meeting to reflect 3:30 p.m. instead of 3:00 p.m. 2) to add a statement indicating that the meeting although scheduled to begin at 3:30 p.m. did not begin until 4:01 p.m. because of a prior meeting that was scheduled at 3:00 p.m. that didn’t end until 4:01 p.m.

(10) TAX REFUNDS

Approve refunds in the amount of $34,549.25 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(11) NOTICE OF INTENT – SALE OF SURPLUS EQUIPMENT

1) Declare the following LUESA-Solid Waste heavy equipment as surplus:

- Caterpillar, Model 320CL, Hydraulic Excavator, SWT503
- Diamond Z, Model 1460B, Tub Grinder, SWZ933

2) Adopt resolutions declaring intent to sell the above Mecklenburg County equipment to Carolina Cat and H&E Equipment.

Resolutions recorded in full in Minute Book ____ Documents # _____ and _____.

(12) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION – 660 SHERYL CIRCLE

Accept the “Offer of Sale of Real Estate” from Joy Dwelle Wyatt, owner of property at 660 Sheryl Circle (Tax Parcel 167-175-29) for $6,000.

Note: This acquisition is a continuation of ongoing flood mitigation efforts, which have resulted in more than 250 buildings being removed from the floodplain.

(13) HAZARD MITIGATION “QUICK BUY” PROGRAM – FLOODPLAIN ACQUISITIONS

1. Accept the “Offer of Sale of Land” from Willie Mae Trapp of 2115 Slater Road (Parcel ID:
2. Accept the “Offer of Sale of Land” from Baucom’s Investment Property, LLC of 832 Seldon Drive (Parcel ID: 06905108) for $20,621.90.

3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Note: This action is necessary for the purchase of floodplain properties under the Charlotte-Mecklenburg Storm Water Services (CMSWS), County Flood Mitigation Program. The above actions will allow the purchase and the removal of these flood-prone structures from the floodplain.

(20) GROUNDS MAINTENANCE SERVICE AGREEMENTS -- AMENDMENT

Amend the action approved by the Board on October 4, 2011 regarding grounds maintenance service agreements to recognize inclusion of one additional vendor, EDL and a further reduction in cost.

Note: On October 4, 2011 the Board approved grounds maintenance services agreements with five vendors at a cost of $1,053,133 per year for three years, with the agreements becoming effective January 1, 2012. These agreements resulted from a competitive request for proposals process conducted from June to August, 2011. Following Board approval, the project team developed final contract pricing language for each of the five vendors. This step resulted in further clarification of pricing bids from one of the five vendors for one section of the bid package (southwest). This clarification revealed that, for this portion of the bid package, EDL rather than Hill’s Premier was the lowest bidder. Therefore, staff is recommending that EDL be awarded the southwest portion of the bid package rather than Hill’s Premier. Hill’s Premier will retain the south 1 portion of the bid package as the lowest bidder. The addition of EDL as the lowest bidder for the southwest package reduces the overall annual costs by approximately $1,898 per year. This increases the total savings to $577,752 over the three years of the contracts.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(14) JOHNSON C. SMITH UNIVERSITY TRACK RESURFACING - MATERIAL PURCHASE

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 5-0 with Commissioners Cogdell, James, Leake, Pendergraph and Roberts voting yes, to award a contract in the amount of $590,116.75 to Sport Surfaces Distributing, Inc. for Johnson C. Smith University Track Resurfacing.

Note: In October, 1998 Mecklenburg County entered into an agreement with Johnson C. Smith University (JCSU) for the construction of a new track and field facility. The facility is jointly used by JCSU and the Mecklenburg County Park and Recreation Department. The Lease, Joint Use and Management Agreement requires Mecklenburg County to include the resurfacing of the track in its Capital Needs Assessment (or applicable alternative) as a project that should be funded by the County every ten years. This project was funded as part of the approved FY12 capital plan.

Commissioner Dunlap returned to the dais.
(15) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to

(1) Approve opening a public review and comment period beginning December 6, 2011 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) and

(2) Schedule a public hearing for 6:30 p.m. on January 18, 2012 to receive public comment and to adopt the proposed revisions to MCAPCO.

(16) REEDY CREEK NATURE CENTER DONATION

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate a $1,000 donation from Eric Rokinen for Reedy Creek Nature Center.

Note: Reedy Creek Nature Center received a $1,000 donation from Eric Rokinen of New York City, NY “in honor of the Reedy family.” Staff will use the funds to upgrade and repair some of the displays in the nature center.

(17) BUDGET AMENDMENT – DSS (REVENUE INCREASE) – LIEAP

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate $1,055,751 federal revenue for the Low Income Energy Assistance Program (LIEAP).

(18) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2011-2012 ADOPTED BUDGET

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve CMS Budget Amendments.

Note: The Board of Education is requesting approval of changes in the allocation of the county appropriation by purpose and/or function of the amount included in the Board of County Commission (BOCC) budget resolution on June 7, 2011. As part of the approved FY 2012 budget, the Board of County Commissioners approved a total operating funding level of $328,339,101 for CMS. The previous allocations were established by County staff as placeholders in the budget resolution, subject to revision by CMS.

The BOCC is required to approve any reallocation of funds submitted by the Board of Education that exceeds ten percent within the purpose and/or function categories of the approved county appropriation. The attached changes are the result of CMS adjustments required to adjust CMS’ expenditure level to the County appropriation of $328,339,101. 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.

Copy of the amendment is on file with the Clerk to the Board.
(21) SOURCE APPROVAL FOR FRANKLINCOVEY’S 7 HABITS OF HIGHLY EFFECTIVE PEOPLE WORKFORCE EFFECTIVENESS PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve sole source agreement with FranklinCovey Co. for provision of the proprietary training content and materials for the 7 Habits of Highly Effective People program.

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

(22) MEDICAID WAIVER SPECIAL REVENUE FUND

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake and carried 5-0 with Commissioners Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to:

1. Adopt the Medicaid Waiver Special Revenue Fund Ordinance establishing the Medicaid Waiver Special Revenue Fund to account for Federal and State funds as well as operations of the AMH Local Management Entity’s Medicaid Waiver activities.

2. Appropriate to the Medicaid Waiver Special Revenue Fund $1.7 million of fund balance as a loan from the General Fund for FY2012 start-up costs related to the County establishing a Medicaid Waiver entity.

3. Approve establishing 7 positions per the information below.

Cost Estimate - Medicaid Waiver Start Up
go live 1/1/2013

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<tr>
<th>Expense/Position Type</th>
<th>#</th>
<th>Number of Months</th>
<th>Start Up Period</th>
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<td><strong>Personnel Expenses:</strong></td>
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<td></td>
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<tr>
<td>Project manager/waiver</td>
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<td>13</td>
<td>124,307</td>
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<tr>
<td>Project Manager-implementation of New Software System</td>
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<td>13</td>
<td>117,807</td>
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<tr>
<td>Provider Network Director</td>
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<td>13</td>
<td>93,107</td>
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<tr>
<td>Medical Director-additional to bring to full time</td>
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<td>13</td>
<td>158,107</td>
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<tr>
<td>Clinical Director for Innovations (1915c) (Deputy Director Division I)</td>
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<td>13</td>
<td>93,107</td>
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<tr>
<td>QI Unit supervisor</td>
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<td>13</td>
<td>93,107</td>
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<td>Admin Support Supervisor</td>
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</table>

Ordinance recorded in full in Minute Book ____ Document # _____.

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 5-0 with Commissioners 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 8:25 p.m.
ATTENDANCE

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

Absent:  None

-INFORMAL SESSION-

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

The meeting was called to order by Chairman Cogdell, 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 10, 12, 13, and 18.

(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 would not be a need to go
into Closed Session to Consult with the Attorney, only for the purpose of Business Location and
Expansion.

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 7-0
with Commissioners Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting
yes, to go into Closed Session for the following purpose: Business Location and Expansion.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 5:56 p.m.

Commissioner Clarke was present when the Board came back into Open Session. He entered the
meeting during Closed Session.

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

____________________

-FORMAL SESSION-

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

AWARDS/RECOGNITION

(1A) INDUCTION INTO THE ORDER OF THE HORNET—SISTER MARY JEROME SPRADLEY

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to induct Sister Mary Jerome Spradley into the Order of the Hornet in recognition of her service to Mecklenburg County.

It was noted that Sister Mary Jerome Spradley has continuously served the residents of Charlotte/Mecklenburg County for the past fifty (50) years. She is currently Chairperson of the Sisters of Mercy of N. C. Foundation Board and past President of Mercy Health Services, Inc., formerly known as Mercy Hospital, Inc. She served in this capacity for twenty-one (21) years.

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. 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.

(1B) AMERICAN HEART ASSOCIATION FIT FRIENDLY AWARD

The Board acknowledged Mecklenburg County’s recognition as a Fit Friendly Organization by the American Heart Association.

Wanda Caldwell, Senior Human Resources Manager, along with Maggie Givens from the American Heart Association addressed this recognition and how it came about.

Note: In early 2011, Mecklenburg County applied to the American Heart Association to be recognized as a “Fit Friendly” organization. The application identified the following components of the County’s myTotalHealth Wellness Program for employees:

- No Smoking Policy.
- Free tobacco cessation classes.
- Promotion of a walking challenge, including pedometers, information on walking distributed through e-mails, MeckWeb and myTotalHealth website, with prize incentives.
- Artwork in the stairwells that encourages employees to take the stairs rather than riding the elevator, with County Manager Jones leading by example by taking the stairs.
- Mecklenburg County’s 11 fitness centers with classes where employees may participate at a discounted price.
• Mecklenburg County’s 8 miles of mapped and marked trails where employees and residents can enjoy walking in a secure environment.
• Nutrition information (The VitaMin newsletter) provided from CIGNA and placed on Mecklenburg County’s employee website (MeckWeb).
• Numerous Healthy Cooking classes offered.
• Some County departments provide employees with “Healthy Snack Baskets” to promote healthy options.
• Mecklenburg County’s internal Wellness Program, myTotalHealth, supported by a Mecklenburg County employee and a team of Wellness Ambassadors from different departments and divisions.
• Biometric screenings were offered on site as part of the “Know Your Numbers” campaign to educate and help employees with awareness.

In recognition of these activities of the myTotalHealth Wellness Program, the American Heart Association conferred to Mecklenburg County its Gold Award as a Fit Friendly Organization.

(2) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

Commissioner Bentley entered the meeting.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Camelia Bittle and Irene Carande to the Adult Care Home Advisory Committee for one-year terms expiring December 30, 2012.

They replace Charlene Barr and Clarice Locke.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Beverly Moss to the Criminal Justice Citizen’s Advisory Committee as the District 4 representative to fill an unexpired term expiring May 31, 2012.

Note: She replaces Renee Barfield.

PERSONNEL COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Chris Byron and Jane Childrey to the Personnel Commission for three-year terms expiring January 31, 2015.
MANAGER’S REPORT

(6A) PUBLIC LIBRARY UPDATE

The Board received an update on key initiatives of the Charlotte-Mecklenburg Public Library from Public Library CEO Vic Phillips. The following was noted:

- Task Force recommendations continue to be implemented.
- The County Manager has been attending the meetings of the Library Board of Trustees.
- Consolidation of functions with the County has already yielded results, examples were given in the areas of Real Estate Services, Information Technology, Security, and Human Resources.
- Collaboration has began with Hands on Charlotte for the volunteer program partnership.
- A committee has been formed to take a look at what’s going on at the Main Library.

The Main Library Committee Members are as follows:

Jim Palermo, Chair - Executive in residence at Johnson & Wales University in Charlotte and former executive vice president at Bank of America
Wanda Towler, Vice Chair - Retired County and community college executive
Carol Hull - Vice president, process design consultant for Bank of America and Future of the Library Task Force member
Izzy Sanchez - Co-founder and managing partner of Lean Sigma Professionals, a Lean Six Sigma consulting firm
John Saclarides - Senior vice president in the Wells Fargo Real Estate Division and former member of the Spirit Square Task Force in 2007-2008
Stoney Sellers - President and CEO, Technology Project Management, Inc.
Tim Jarman - Senior consultant with ViTEX, Inc. and long-time Bank of America executive

Commissioner Cooksey asked Mr. Phillips to comment on the mission of the Main Library Committee and timeline for reporting back. Mr. Phillips said the committee would be following up on questions raised by the Library Task Force regarding whether the Main Library was still needed at its current location and whether the all of the support functions currently at the Main Library still needed. They will also address the question of whether there’s a better use of that building.

Mr. Phillips said the committee started meeting in November and will hopefully report back before April.

Chairman Cogdell thanked Mr. Phillips for the update.

(6B) AUDIT REVIEW COMMITTEE UPDATE

County Manager Jones called upon Commissioner Clarke to give a report on behalf of the Audit Review Committee.
Commissioner Clarke said each Commissioner should have received a copy of the County’s Comprehensive Annual Financial Report for the year ending June 30, 2011 and a copy of the Audit report on the County’s financial statements by the audit firm of Cherry Beckhart and Holland dated November 7, 2011.

Commissioner Clarke said the County received a “clean” audit report. He said the audit firm reported to the Audit Review Committee at its meeting today, but because a quorum was not present, the Audit Review Committee could not vote to recommend to the full Board the acceptance of the external audit report on the County’s financial statements.

Commissioner Clarke said those present at the Committee meeting had no concerns with the external auditor’s report.

Commissioner Roberts asked if the Board would be receiving a report on the current operations of the County’s Internal Audit department.

County Manager Jones said the Internal Audit Director gave a report at today’s Audit Review Committee meeting, but if it was the desire of the Board to have a presentation made to the entire Board, he would arrange for that to occur.

Commissioner Roberts said she would like to request that be done.

Commissioner Clarke said the Auditors stated in their remarks to the Audit Review Committee that in any organization the size of Mecklenburg County, things will go wrong sometimes, that you’ll have problems. Further, that what they’re impressed with about Mecklenburg County is that when problems are identified, the County gets right on it to take care of it.

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to accept the audit report of the auditing firm Cherry Beckhart & Holland on the County’s audited financial statements.

(6C) PRESENTATION OF 15-YEAR PIN

Chairman Cogdell presented Commissioner James with his 15-year service pin. Commissioner James has served on the Board of County Commissioners since December 1996.

STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT AND ECONOMIC DEVELOPMENT GRANT: CHIQUITA BRANDS INTERNATIONAL, INC.

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes and Commissioners James and Pendergraph voting no, to adopt a Resolution approving a Business Investment Program Grant and an Economic Development Grant to Chiquita Brands International, Inc. for a total estimated amount of up to $1,411,000 and authorize the County Manager to negotiate and execute a contract.

Prior to the above vote, the following persons spoke in opposition to the adoption of the Resolution:

Ed Toney said for local government to pay publically traded corporations to relocate sends a “sad” message to business in general. Mr. Toney said if Charlotte, Mecklenburg County and
the State of N. C. “can’t stand on their own acclades to entice business without subsidies, then local government needs to reexamine how they conduct business.” Mr. Toney also addressed Chiquita’s bankruptcy issues in 2002 and support of terrorist organizations which he said had been documented. Mr. Toney said he was not opposed to business just the way that business was being done.

Dennis Peterson said he was opposed to taxpayer dollars being given to Chiquita.

Jay Privette said he was opposed to taxpayer dollars being given to Chiquita. He also commented on Chiquita’s support of terrorist organizations.

Comments

Commissioner James asked about relocation expenses for Chiquita and whether the agreement before the Board was the same as the one previously shared with the Board. John Allen, Economic Development Director said the proposal was identical to the one presented to the Board in Closed Session on September 20, 2011.

Director Allen said the economic development grant portion of the incentive was being offered to assist Chiquita in offsetting their overall relocation cost, which may or may not include moving expenses.

Commissioner Cooksey said it was his understanding that Chiquita entered into a compliance agreement with the federal government in mid-2000 to address its issues in South America, including moving all activities from Columbia.

Commissioner Cooksey asked Director Allen to comment on what Chiquita had done to avoid the types of problems they encountered in the past.

Director Allen said Chiquita thought the payments they made were being used to protect their workers. He said Chiquita voluntarily self reported themselves to the U. S. Department of Justice, paid the fine and instituted various changes in corporate controls and governance to ensure these types of instances don’t happen again. He said Chiquita removed themselves out of Columbia as a place of business.

Commissioner Cooksey said per the economic benefit analysis, the benefit of Chiquita bringing jobs to the County was almost $3 million.

Commissioner Pendergraph asked for clarification regarding Chiquita’s request for relocation assistance which was addressed.

Commissioner Bentley said it was her understanding that the current Board members of Chiquita were not involved in any legal matters. Director Allen said that was his understanding as well.

Commissioner Roberts said the current CEO of Chiquita was actively engaged with the leadership of the community and answered a lot of tough questions. Commissioner Roberts said the current CEO was not the CEO when the exchange of money took place related to illegal activity in Central America.

Commissioner Dunlap said the Board reviewed this request very carefully before making its decision to move forward.

Chairman Cogdell concurred also that the Board had done its due diligence with respect to this request.
Resolution recorded in full in Minute Book ____ Document # ______.

(78) FUNDING OF FIRE PROTECTION SERVICES IN MECKLENBURG COUNTY

Jim Bartl, Director of Code Enforcement, Cary Saul, Director of LUESA, and Mark Auten, Fire Marshall addressed establishing five Fire Protection Service Districts within the unincorporated areas of Mecklenburg County.

Comments

Commissioner Bentley noted the concerns of the Town of Cornelius. She said the Town would be looking at a $100,000 deficit with this new structure. She asked was it possible to phase the implementation in, specifically for the Town of Cornelius, over a period of three years; wherein, the County would pull the workman’s comp portion out one year, then the radio portion of the balance and then the $87,500 for the grant the third year.

Director Saul said he would not recommend doing that just for the Town of Cornelius. He said if the Board decides not to include workers compensation and radio services in the tax rates, then it should be taken out for all of the VFD’s the County funds and keep it in the County tax rate and only set the tax rate based on the other volunteer fire services.

Director Saul said that would be a reduction of about $60,000 in the Town of Cornelius and $40,000 of funding that would be direct County funding for radios and workers compensation. Further, that the total for all of the VFD’s for radios and workers compensation was about $600,000.

Director Saul said the Fire Protection Service Districts take approximately $2.5 million out of County tax funding and puts it in a separate tax. He said if you took those numbers out then it would take about $2.5 million out and leave $600,000 in.

Commissioner Roberts asked for clarification of the tax rate. It was explained that it would be very similar to the current police services district tax and only levied in the unincorporated areas of the County.

Commissioner Roberts said at one point there was discussion of having police and fire together. She asked what was the status of that.

Director Saul said the legislation passed that would allow the County to do that. He said Assistant to the County Manager Brian Francis was working on that but that it’s on a different track.

Commissioner James said included in any agreement should be that the towns that don’t have fire departments should at some point establish a municipal fire department.

Commissioner James said he was concerned that the Town of Pineville has an ETJ but that ETJ isn’t involved in any of this. Director Saul explained how the area in the Town of Pineville would be handled. He said that service area would be handled by Carolina Volunteer Fire Department.

Director Saul said if the proposed request is approved then the County would contract with each of the Towns, with the following exceptions, that in Mint Hill the County would contract individually with the Mint Hill Volunteer Fire Department and the Idlewild Volunteer Fire Department. In Pineville, the ETJ is being rolled into the Charlotte ETJ because the Pineville Volunteer Fire Department chose not to participate, therefore, the County would contract with Carolina Volunteer Fire Department who also serves a portion of the City of Charlotte’s ETJ.
Commissioner James said his concern was that this system could go on for a long time. Commissioner James said it would be different if you set up this tax to handle this problem and as annexations occurred and the County is built out and the tax goes away because of municipal fire service.

Commissioner James said he felt town fire departments were necessary in order to keep cost under control.

Commissioner James said he was concerned about the way the proposal was structured by not requiring the towns to be the supervising authority. Secondly, he thinks there needs to be a requirement that there actually be municipal fire departments as a town department. He said there needs to be a specific date for towns to incorporate their ETJ and have a municipal fire department and take over these services and thus the tax goes away.

Commissioner Dunlap addressed the purpose of the proposal which he said was to ensure that residents in the unincorporated area of the County were adequately served and that the volunteer fire departments providing fire service were adequately funded.

Commissioner Cooksey asked about the governance of the fire service districts and who would decide what level of service was needed, and who would be accountable with respect to the quality of service being provided.

Fire Marshall Auten said fire service in Mecklenburg County was basically dictated by state rules.

Commissioner Cooksey asked who would a resident go to in order to voice a concern. Fire Marshall Auten said the resident would go to the Town Board that created the level of service by the funding they’ve provided to the fire department in that district.

County Attorney Bethune said in the ETJ if a neighborhood wanted a higher level of service they would probably go to the voluntary fire department in that area, who would in turn come before the County Commission to request additional funding in order to provide a higher level of service.

Director Saul said the County has a Fire Commission and all budget requests from the VFD’s and the towns go through the Fire Commission prior to being submitted to the Board for consideration.

Commissioner Cooksey asked staff to give consideration going forward about the governance of the fire service districts and how the County could set up a process to incorporate public comment and participation on how the service is provided.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to approve the concept of establishing five Fire Protection Service Districts within the unincorporated areas of Mecklenburg County, with funding to begin in the FY13 budget, and direct staff to start the implementation process.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) PRESENTATION—CRISIS ASSISTANCE MINISTRIES (COMMISSIONER PENDERGRAPH)

The Board received a presentation from Carol Hardison, Executive Director of Crisis Assistance Ministries, regarding the programs and services provided by the agency.
Note: Crisis Assistance Ministries partners with many of the agencies in Mecklenburg County that provide long-term assistance and advocacy for people in financial crisis, helping them move toward self-sufficiency. It is the vision of Crisis Assistance Ministries to inspire our community to justice and generosity as we provide help, hope and understanding to people struggling with limited financial resources.

Chairman Cogdell thanked Ms. Hardison for updating the Board.

(88) UPDATE ON DISTRICT 2 COMMUNITY MEETINGS (COMMISSIONER LEAKE)

The Board received an update from Commissioner Leake regarding the feedback provided by constituents at two district meetings held recently in District 2.

Note: Commissioner Leake recently held two district meetings with constituents of District 2. The first was held on November 10 at First Baptist Church –West. The second was held at Steele Creek AME Zion Church on December 1. At each of these meetings, County Staff updated residents on the Vision 20/20 plan and heard concerns from residents about possible health violations with Street Food Vendors along Beatties Ford Road. Commissioner Leake would like to update the Board regarding the feedback that was given by constituents, and would like to discuss how staff handled the concerns that were raised.

Commissioner Leake also addressed 1) a recent visit to Child Support Enforcement, 2) a support of AIDS program that was to be discussed at a meeting today, however, the meeting was cancelled, 3) a recent program at the Johnson YMCA for seniors, 4) a recent program at Saint Paul Baptist Church for teenage girls; 5) a Small Businesses meeting held recently at the Government Center, 6) a recent visit to Greenville Center, 7) a recent visit to homeless sites with a representative from the Salvation Army, and 8) a domestic violence play at Reeder Memorial written by Vickie E. Evans.

CONSENT ITEMS

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley 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

1) Approve minutes of Regular meeting held December 6, 2011, Special Meeting held May 19, 2011 and Closed Session held December 6, 2011.

2) Receive as information that the Clerk to the Board, when preparing the minutes of the December 6, 2011 Regular meeting, noticed typos on two Action Item forms and made those corrections when preparing the minutes. They were 1) a misspelled name in item 3a, appointment to Huntersville Board of Adjustment (Probst instead of Propst) and 2) Closed Session minutes of November 1, 2011 and not 2001.

(11) TAX REFUNDS

Approve refunds in the amount of $10,738.19 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.
(14) ADOPTION OF HEALTHY VENDING POLICY RESOLUTION

Adopt Mecklenburg County Healthy Vending Policy Resolution in support of the Healthy Vending Policy and associated Healthy Vending Criteria and Implementation Plan.

Resolution recorded in full in Minute Book ____ Document # _____.

(15) CAPITAL RESERVE REQUEST—AQUATIC FACILITIES

Authorize and appropriate expenditure of $20,000 from the Consolidated Aquatic Capital Reserve Fund to perform engineering and concrete test and replace supports and bolts at all water features at Ray’s Splash Planet.

(16) CAPITAL RESERVE REQUEST—OUTDOOR RECREATION

Authorize and appropriate expenditure not to exceed $9,200 from the Outdoor Recreation Capital Reserve Account for the purchase of kayak equipment and one Segway.

(17) CAPITAL RESERVE REQUEST—LATTA EQUESTRIAN CENTER

Authorize and appropriate expenditure of $8,500 from the Latta Equestrian Center Capital Reserve Fund to replace entry gates at the grazing/turnout area.

(19) INTERLOCAL AGREEMENT AMENDMENT—CABARRUS ENTITIES RADIO SERVICE

Approve an amendment to the Interlocal Agreement with Cabarrus Entities for Public Safety Radio System Interoperability and Infrastructure Services.

Agreement recorded in full in Minute Book ____ Document # _____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(18) SOLE SOURCE APPROVAL—REPLACEMENT OF 223 GLOCK SERVICE WEAPONS

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Pendergraph voting yes, to approve the purchase of 223 Glock Generation 4 service weapons without competitive bidding, as authorized by the sole source exemption of G.S. 143-129(e)(6); and approve a contract with Lawmen’s Safety Supply for the purchase of 223 Glock weapons in the amount of $40,026.83, after trade-in of 223 Glock 22 weapons.

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

Commissioner Roberts returned to the dais.

(10) NORTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY
Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate an additional allocation of FY12 DJJDP funds in the amount of $113,577 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

Commissioner Leake removed this item from Consent for more public awareness and to inquire about the culinary program at Greenville Center. County Manager Jones informed Commissioner Leake that this item is not associated with the Culinary program that’s to be housed at Greenville Center. County Manager Jones said previous questions raised by Commissioner Leake regarding Greenville Center was addressed in a recent Board Bulletin and that he would provide that to her again. County Manager Jones said he believes the culinary program is to be in place Spring of 2012.

(12) BUDGET AMENDMENTS—AREA MENTAL HEALTH (REVENUE DECREASE)

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

A) Reduce federal funding of $15,209 from the North Carolina Division of MH/DD/SAS in the Jail Diversion and Trauma Recovery Program.

B) Reduce Medicaid Community Alternative Program (CAP) Waiver Supplies State funding in the amount of $110,000.

C) Recognize, receive and appropriate federal funds from the North Carolina Division of MH/DD/SAS in the amount of $100,000 for the purpose of the Center for Prevention Resources (CPR) for the Western Region.

D) Reduce funding of $190,000 (of which $26,050 is federal and $163,950 is state) from the North Carolina Division of MH/DD/SAS for Deaf and Hard of Hearing funding.

E) Recognize, receive and appropriate state funds from the North Carolina Division of MH/DD/SAS in the amount of $67,533 for the purpose of Traumatic Brain Injury (TBI) funding.

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

(13) BUDGET AMENDMENT—HEALTH DEPARTMENT (REVENUE DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reduce Health Department revenue in the amount $55,595 to reflect actual state, and federal allocations.

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

(8C) BOCC COMMITTEES AND ASSIGNMENTS (CHAIRMAN COGDELL)

Chairman Cogdell shared and provided to the Board the 2011-12 Board Committee membership appointments and schedule.
BOCC COMMITTEE ASSIGNMENTS 2011 - 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, George Dunlap
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: Jennifer Roberts
Members: Karen Bentley, Harold Cogdell, Vilma Leake
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: Neil Cooksey
Members: Dumont Clarke, George Dunlap, 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: George Dunlap
Members: Jim Pendergraph, Jennifer Roberts, 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, Dumont Clarke
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: Karen Bentley
2. Compensation Committee  
*This committee will review the compensation of the County Manager*  
*Chairman Dumont Clarke*  
Members: Neil Cooksey, Bill James, George Dunlap  
Staff Support: Michelle Lancaster

Comments

Commissioner Leake addressed attendance by Commissioners at Board committee meetings. Commissioner Leake said many commissioners fail to attend committee meetings and that often attendance is based on who's chair of the committee.

Commissioner Dunlap informed Chairman Cogdell that he would participate as a committee member but would not serve as chair of any of the committees. Commissioner Dunlap said Chairman Cogdell was informed of this previously.

*Note: Commissioner Dunlap was appointed chairman of the Board’s Economic Development Committee.*

Commissioner Roberts informed Chairman Cogdell that she would participate as a committee member but would not serve as chair of any of the committees. Commissioner Roberts said Chairman Cogdell was informed of this previously.

*Note: Commissioner Roberts was appointed chairman of the Board’s Natural Resources Committee and Health & Community Support Committee.*

Commissioner Roberts also addressed committee attendance. She questioned whether the Education Liaison Committee should become a standing committee when current standing committees aren’t meeting for whatever reason.

Commissioner Roberts suggested all of the Board committees become Ad Hoc Committees and meet whenever there’s a specific issue to be dealt with.

Commissioner Roberts asked what happens if persons appointed as chairman of a committee decline to serve as chairman.

County Attorney Bethune said the assignments have been made and that it’s up to the appointed chairman to call a meeting. He said if the committee chairman doesn’t schedule any meetings, no meetings will be held.

Commissioner Bentley said she was appointed and has served for about a year on the Board’s Community Health & Safety Committee chaired by Commissioner Leake. Commissioner Bentley said she stopped attending because Commissioner Leake held a committee meeting that was designed to address a constituent issue that should have been handled in a different manner.

Commissioner Bentley said if it’s a good use of her time and staff time then she’ll be in attendance. Commissioner Bentley said she would not attend a committee meeting that is used to address constituent issues within a specific district that should be handled in a different manner.

Commissioner Bentley said her attendance on other Board committees she was assigned to has been good.
Motion was made by Commissioner Roberts, seconded by Commissioner Leak, to make all Board committees ad hoc.

Commissioner Dunlap suggested taking a look at which of the Board’s committees would function better as an Ad Hoc Committee, rather than making them all ad hoc.

Commissioner Dunlap said there were occasions when committees didn’t meet because there was not a pressing matter to be discussed and/or staff had not had an opportunity to pull all of the information together.

Commissioner Dunlap suggested delaying this until there’d been ample time to study the committee process.

Commissioner Clarke suggested deferring this matter until the first Regular meeting in January 2012. He said the committees should remain as they are, but rather than having a regular meeting time and schedule, that there only be called meetings for specific purposes and with a specific agenda.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Cooksey, to defer making a decision regarding the structure of Board committees, i.e. their name, purpose, governance structure, until the first Regular meeting in January.

Commissioner Pendergraph offered a friendly amendment to the Substitute motion, which was accepted by the makers of the substitute motion, to defer discussion of Board committees until the Board’s annual Strategic Planning Conference, which would give the Board ample time to discuss the matter in detail.

The vote was then taken on the substitute motion as amended and as noted below.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to defer making a decision regarding the structure of Board committees, i.e. their name, purpose, governance structure, until the Board’s annual Strategic Planning Conference.

Note: The date of the Strategic Planning Conference has not yet been determined.

Chairman Cogdell said his goal was to get the Board communicating and back focused on the business of County government and determining how the Board can “better” work together.

Note: In light of the above motion, no consideration was given to a change in the Board Committee structure to make the Education Liaison Committee a Standing Committee instead of an Ad-Hoc committee.

(8D) FACT FINDING PROBE (CHAIRMAN COGDELL)

Chairman Cogdell asked to be excused from participating in the discussion of and voting on Item 8D Fact Finding Probe, which he placed on the agenda and involves him.

Note: The action item request was as follows:

Direct the County Manager and County Attorney to develop and implement a plan for conducting a
fact finding probe by an external entity or individual to determine the following: (1) the facts and circumstances leading to the engagement of Harold Cogdell, Jr. as the legal counsel for the C.W. Williams Community Health Center, Inc.; (2) determine the facts and circumstances surrounding the time in which any other Commissioner(s) became aware of this attorney-client relationship; and (3) what, if any, action was taken by any other Commissioner(s) to notify the full Board and/or public about his or her beliefs regarding the formation of the attorney-client relationship prior to December 6, 2011.

The Background/Justification was noted as follows: On Tuesday, December 6, 2011, the Board of Commissioners voted for Chairman of the Board for the 2011-2012 year. This is annual vote required by North Carolina State law to be taken at the first December meeting of the Board of County Commissioners of each year. During the debate on this topic prior to the vote for chairman, Commissioner George Dunlap in talking about Commissioner Harold Cogdell being engaged by C.W. Williams Community Health Center in August 2011 to provide legal services stated that “I’m not saying there was a quid pro quo, but it doesn’t look good.” Although, not an allegation, this implication suggested that the circumstances that gave rise to the formation of the attorney-client relationship between C.W. Williams Community Health Center, Inc. and Harold Cogdell, Jr. may have been in some manner unethical, unlawful or both. This implication has impugned the reputation of both C.W. Williams Community Health Center, Inc. and Harold Cogdell, Jr. Furthermore, it has planted the seed that unethical and/or even unlawful conduct may have been engaged in by a public official. Moreover, this implication evidences that another Commissioner(s) on this Board were aware of the existence to this attorney-client relationship, believed the attorney-client relationship may have developed in some improper fashion and failed in their duty to the public to bring this issue to the attention of the public, the full Board or the County Attorney prior to December 6, 2011.

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to excuse Chairman Cogdell from participating in the discussion of and voting on Item 8D Fact Finding Probe, which he placed on the agenda, to avoid a conflict of interest.

Chairman Cogdell left the dais and was absent for the remainder of the meeting.

Vice-Chairman Pendergraph chaired the remainder of the meeting.

Motion was made by Commissioner James, seconded by Commissioner Bentley to direct the County Manager and County Attorney to develop and implement a plan for conducting a fact finding probe by an external entity or individual to determine the following: (1) the facts and circumstances leading to the engagement of Harold Cogdell, Jr. as the legal counsel for the C.W. Williams Community Health Center, Inc.; (2) determine the facts and circumstances surrounding the time in which any other Commissioner(s) became aware of this attorney-client relationship; and (3) what, if any, action was taken by any other Commissioner(s) to notify the full Board and/or public about his or her beliefs regarding the formation of the attorney-client relationship prior to December 6, 2011.

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

1. Direct the County Manager and County Attorney jointly to develop and implement a plan for an independent and objective person with appropriate professional experience (the “Investigator”) to do the following: (A) investigate and assess the facts and circumstances regarding the establishment of an ongoing attorney-client relationship between Commissioner Harold Cogdell, Jr. and C.W. Williams Community Health Center, Inc. ("CWW"), based on the discussions between representatives of CWW and Harold Cogdell, Jr. that began “several weeks
after the county budget vote was finalized”, and (B) deliver, no later than the Board’s first meeting in February, a written report to the Board in which the Investigator shall tell the Board, based on the results of his or her investigation, what the Investigator knows and what the Investigator thinks about those facts and circumstances, including whether the Investigator believes Harold Cogdell, Jr. violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct. The Investigator should consult with the County Attorney at any time during the investigation or during preparation of the report to the Board to the extent the Investigator believes is necessary or appropriate.

2. In accordance with Section 8(a) of the Code of Ethics for Mecklenburg County Officials, Direct the County Attorney to (A) investigate and assess whether George Dunlap or any other Commissioner violated the County’s Code of Ethics by not notifying the full Board and/or the public about the information he or she had learned about CWW’s engagement of Harold Cogdell, Jr. to render legal services to CWW on an ongoing basis (the “Information”) until the Board’s meeting on December 6, 2011, and (B) to report, no later than the Board’s first meeting in February, the findings of his investigation to the Board of County Commissioners telling the Board what he knows and what he thinks about Commissioner Dunlap’s or any other Commissioner’s conduct regarding the Information, including whether he believes George Dunlap or any other Commissioner with knowledge of the Information violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct.

3. Appropriate up to $15,000 from unrestricted contingency to pay fees and expenses associated with both of the investigations outlined in items 1 & 2.

Comments prior to the above vote:

Commissioner Dunlap noted for disclosure purposes that after receiving his agenda packet for the meeting, he sent the County Attorney some questions and one of those questions was whether or not it was an ethical violation on the part of any Board member who does not disclose information that they know.

Commissioner Dunlap said there was nothing in the Board’s Code of Ethics placing responsibility on a Board member to be responsible for another person’s actions.

Commissioner James questioned whether Commissioner Dunlap should excuse himself from participating and voting on a portion of the motion, specifically, part 2 of the motion.

Commissioner James said he was not aware of Chairman Cogdell’s affiliation with CWW until it was mentioned by Commissioner Dunlap at the December 6, 2011 meeting.

Commissioner James asked Attorney Bethune if Chairman Cogdell asked him about his work with CWW before he accepted the job to serve as their legal counsel.

County Attorney Bethune said he would respond globally. He said normally Board members when talking with him, do not want him to talk to other Commissioners about what they’ve discussed.

County Attorney Bethune said he was not saying that about this instance, but the general understanding Board members have with him, when they contact him, is that the conversation is between them.

County Attorney Bethune said if that’s not what the Board wants the relationship to be, then to help him define what the relationship should be when contacting him with questions. He said that would help him determine whether the Board wants him to answer a particular question.

Commissioner Roberts said if the Board was trying to re-establish “faith and trust and how we act, would it not be better for Commissioner Cogdell, while the investigation is on-going, to end his
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relationship, if temporarily, with CWW while it’s being investigated.”

County Attorney Bethune said that was a matter that Chairman Cogdell would have to determine under the code of ethics he operates under as an attorney.

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to waive the attorney/client privilege between the Board and County Attorney Bethune, with respect to the factual issues that are related to the investigation as described in Bullets #1 and #2 of the previous substitute motion.

ADJOURNMENT

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, 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 10:16 p.m.

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Janice S. Paige, Clerk Harold Cogdell, Jr., Chairman