MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, January 6, 2009.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

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

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

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

Alternate 1 (Excerpt)

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

Sound Recording of Closed Sessions

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

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

Disclosure of Minutes of Closed Sessions
Alternate 2 (Excerpt)

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

**Sound Recording of Closed Sessions**

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

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

**Disclosure of Minutes of Closed Sessions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attorney Bethune noted the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

The makers of the substitute motion accepted the amendment.

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

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

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

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

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

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

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from Consent and voted upon separately. The items identified were Items 7, 9, and 10.

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

-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.

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

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

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

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

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

(2) PUBLIC APPEARANCE

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

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

(3A) APPOINTMENTS

AIR QUALITY COMMISSION

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

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

Voting Ceased

Jason White

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

He is replacing Kimberly Holley.

BICYCLE COMMITTEE

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

John Arciero None

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

Voting Ceased

Kurt Robinson

Jane Wasilewski

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

**WASTE MANAGEMENT ADVISORY BOARD**

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

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

Chairman Roberts announced the appointments of Jeremy O’Brien to fill an unexpired term expiring June 30, 2010 and Martin Sanford to fill an unexpired term expiring October 30, 2010. They are replacing Charles Rogers and Angela Weicherding.

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

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

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

**(4) PUBLIC HEARINGS – NONE**

**(5A) ADVISORY COMMITTEE REPORTS**

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

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

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

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

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

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

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

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

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

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

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

Commissioner Cooksey echoed Commissioner Clarke’s comments.

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

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

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

MANAGER’S REPORT

(6) RECEIVE MANAGER’S REPORT

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

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

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

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

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

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

TOTAL $2,314,893

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

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

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

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

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

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

#8 – Alternatives to Incarceration – this funding will provide 10 additional beds for Area Mental Health’s Recovery Solutions program. In November 2007, the Board appropriated funds for “Recovery Solutions”, the service managed by Area Mental Health (AMH) to reduce jail recidivism for those with mental illness. Recovery Solutions is designed to help people in the Mecklenburg County jail who could be released to a mental health treatment program.

There is currently funding for a 14-bed residential stabilization function that began January 1, 2008. This unit admitted its first consumer on January 11, 2008. Currently, there are seven people in treatment, with four awaiting
court disposition for treatment. Since this is a new treatment service, it is essential to admit new consumers in a deliberate manner to maximize effectiveness and success.

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

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

**Additional recommendations:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(6B) DONATION CAMPAIGNS

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

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

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

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

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

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

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

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

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

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

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

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

CONSENT ITEMS

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

(8) AMENDMENTS TO GROUNDWATER WELL REGULATIONS

Amend the Mecklenburg County Groundwater Well Regulations.

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

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JANUARY 6, 2009

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

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

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

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

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

1) Accept the “Offer of Sale of Land” from Randy E. Furr owner of 2913 Dunlavin Way for $189,992.66.


4) Accept the “Offer of Sale of Land” from Kenneth and Tammy Laub owners of 3019 Harbinger Court for $138,585.46.

5) Accept the “Offer of Sale of Land” from Mary Goodnight-Cochran owner of 3200 Brixton Court for $142,051.55.

6) Accept the “Offer of Sale of Land” from Richard S. McVicker owner of 3204 Brixton Court for $95,552.35.

7) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

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

(14) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1) Accept the “Offer of Sale of Land” from Mini-Skools Ltd. of 1700 Eastway Drive for $72,000.

2) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

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

(15) 2009 DIGITAL OBLIQUE IMAGERY ACQUISITION

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

(16) 2009 DIGITAL AERIAL IMAGE ACQUISITION

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

(17) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Authority Monthly Financial Report.

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

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

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

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

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

(18) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

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

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

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

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

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

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

(27) ACQUISITION FOR LONG CREEK GREENWAY

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

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

____________________
Commissioner Bentley returned to the dais.

(7) APPROVAL OF MINUTES

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

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

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

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

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

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

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

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

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

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

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

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

(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to accept the “Offer of Sale of Land” from Allison M. Stedman and David M. Fillmore, Jr., owners of 2901 Dunlavin Way for $163,383.48.

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

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

STAFF REPORTS AND REQUESTS

(21) COPS CONVERSION RESOLUTION

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

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

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

WHEREAS, DEPFA Bank plc, acting through its New York Branch (the “Bank”), currently serves as the provider of a liquidity facility for the 2006 Certificates;
JANUARY 6, 2009

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAYS: None

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

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

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

(22) ENVIRONMENTAL LEADERSHIP POLICY & ACTION PLAN

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

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

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

Cary Saul, Director of LUESA presented the report.

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

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

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

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

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

Commissioner Cogdell said he hopes the Board would be a leader, regionally and in the state, with regard to many of the issues talked about in the report. Commissioner Cogdell said potentially there may be some tax deferment incentives the County should take a look at if a business or a private owner is willing to invest in the type of plumbing and electrical sensors necessary to conserve long term.
The Board received as information the County’s FY 2008 Performance Report. The purpose of the report is to inform the Board and public about progress over the past year in achieving the Board’s goals for the community, as identified on the Board’s Community & Corporate Scorecard. The information also serves as background for the Board’s Strategic Planning Conference on January 29 and 30.

Leslie Johnson, Planning and Evaluation Director gave the report.

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

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

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

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

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

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:29 p.m.
JANUARY 8, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

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

ATTENDANCE

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

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

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

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

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

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

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

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

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

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

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

Mecklenburg County Priorities

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

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

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

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

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

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

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

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

Note:

Mecklenburg County supports the following requests of our partner organizations:

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

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

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

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

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

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

Comments

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

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

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

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

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

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

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

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

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

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

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

Mecklenburg County Courts

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

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

Mr. Nuccio covered the following in his presentation:

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

4
Interpreting
- Authorize expansion of State-reimbursed interpreting services to encompass all court-hearings and business-related interactions to conform with Title VI requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Samuelson asked can the County fund public defender positions.

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

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

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

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

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

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

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

County Manager Jones noted, with respect to the action taken by the Board on January 6 (the allocation of $3 million for Justice/Public Safety Task Force recommendations), that one aspect of that is accountability. He said one of the responsibilities General Manager Michelle Lancaster will have in working with the criminal justice agencies, is to create a matrix for evaluation.
JANUARY 8, 2009

County Manager Jones said the County will work on the premise that if something doesn’t work, it’ll be sunset and the County will try something different to be effective in the process. He also addressed the work of the Criminal Justice Advisory Group (CJAG).

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

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

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

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

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

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

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

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

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

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

Chairman Roberts said she plans to be in Raleigh more.

This concluded the discussion.

No action was taken or required.
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Note: The above is not inclusive of every comment but a summary of key comments.

ADJOURNMENT

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

_______________________________
Janice S. Paige, Clerk

_______________________________
Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, January 13, 2009.

ATTENDANCE

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

Absent: Commissioners Dumont Clarke and Bill James

The meeting was called to order by Chairman Roberts.

County Manager Jones addressed the Board’s upcoming Strategic Planning Conference.

County Manager Jones took a moment to inform the Board that the agenda review meetings have not been well attended, but that staff would try one more time. It was suggested that the review meeting start at 2:00 p.m. rather than 1:00 p.m. Also, Commissioners were asked to inform staff ahead of time of those items they have questions about, so that only needed staff would be present rather than everyone.

(1) COMMUNITY AND CORPORATE SCORECARD BRIEFING

County Manager Jones then called on Planning and Evaluation Director Leslie Johnson.

Director Johnson addressed the Community and Corporate Scorecard.

The following was covered in the presentation:

- What is Managing for Results
- The Managing for Results Framework
- The Board’s Community Vision 2015
- Elements of the Vision
- The four Focus Areas as it relates to the Vision
- The Balanced Scorecard
- Priority Setting Criteria
- Priority Level Funding FY09
- Program Review Summary
- Performance Results
- Resources

A copy of the presentation is on file with the Clerk to the Board.
Commissioner Cooksey asked about the adoption of the Board’s Community Vision. It was noted that the Vision was adopted in May 2001.

Commissioner Cooksey asked at what point should the Board revisit the Vision. It was noted that this is usually done at the Board’s annual Strategic Planning Conference. It’s at that time the Board is asked to reaffirm and/or make changes to the Vision.

Commissioner Dunlap asked about the Choice Matrix, which was addressed.

Commissioner Cooksey asked how does staff come up with the ratings as it relates to the Choice Matrix. It was noted that it’s based on the Board’s ranking of services.

Commissioner Dunlap asked if the County has any control over the operational efficiency of outside agencies that receive County funds. The response was no, but that the County does conduct program reviews of outside agencies. It was noted that program reviews are not conducted for Charlotte-Mecklenburg Schools (CMS) and Central Piedmont Community College (CPCC) at this time, mainly because these would be massive undertakings. Staff is continuing to give thought as to what would be the best way to do it.

Commissioner Dunlap said although the County doesn’t have control over these agencies, including CMS and CPCC, the County could offer suggestions as to how they can achieve a certain level of efficiencies and further suggest that their funding will be based on how efficiently they operate.

Chairman Roberts said CPCC gives the County statistical information that the Board can use to gage its effectiveness and achievement, however, with respect to CMS, this is always an ongoing discussion.

Commissioner Cogdell asked about pass through funds, which was addressed.

Commissioner Cogdell said he’s concerned that the public may not understand the Board has no authority over service programs whereby the County is just the pass through entity for receipt of funds allocated to that agency.

Commissioner Cogdell asked if there was a mechanism for identifying those revenue sources (pass through funds) to say that the County is not charged with the responsibility of evaluating that agency’s effectiveness, efficiency, etc. The response was that there are a few instances where certain agencies may go through the County’s program review process but not in all cases, when it comes to pass through funds. It depends on how that service is being rendered or delivered.

Commissioner Leake addressed Cities in Schools. She asked how the County evaluates Cities in Schools compared to how it evaluates Charlotte-Mecklenburg Schools, in light of the fact both entities do the same thing. The response was that theoretically the County would do reviews on these entities. Further that when staff conduct reviews, it’s done by program category and with education because staff is still in the process of trying to refine its process on how to evaluate CMS and CPCC, based on how they’re funded, and the information they provide, staff has not done Cities in Schools as of yet, but in theory, Cities in Schools could be evaluated. The education entities have not been done yet, because they’re huge and all of the nuances haven’t been figured out yet in order to ensure a solid process that can be manageable and dealt with in the time constraints that staff has.

Commissioner Leake said she feels Cities in Schools is a duplication of services and that perhaps they should come under the umbrella of CMS.

Commissioner Leake asked how does the County determine who receives what funding with respect to outside agencies and how are they evaluated.
County Manager Jones addressed the outside agency funding process.

Commissioner Dunlap said he would hope that when an outside agency makes a request for funding that a need analysis is done to determine that there’s a need for that service to be provided before funding is even considered.

Commissioner Dunlap asked about performance results, particularly when you go from yellow to red, to green, then red. He asked is an analysis done to see why or what caused the change. The response was yes.

This concluded the discussion of this topic.

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

(2) STRATEGIC PLANNING CONFERENCE PROCESS UPDATE AND ACTIVITY

Budget/Management Director Hyong Yi addressed the Board’s upcoming Strategic Planning Conference. It was noted that Anne Udall with the Lee Institute would be present to facilitate and assist the Board with identifying its priorities. The Strategic Planning Conference is scheduled for January 29 & 30, 2009 at The Lodge at Ballantyne located at 10000 Ballantyne Commons Parkway.

The following was covered in the presentation:

The Planning Process and Timeline
Ranking Issues, Setting Priorities (40 issues)
Commissioner Ranking Activity Instructions
Questions and Demonstration

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

Comments

Commissioner Cogdell asked for clarification with respect to the ranking process. The response was that Commissioners are to rank based on what they see as the community needs.

Commissioners were also asked to keep in mind when ranking that the focus be on the need and not the delivery of services.

County Manager Jones noted that staff uses the Board’s priorities as a means for developing his recommended budget.

Commissioner Dunlap asked at what point in the process would Board members advocate for things that they see as a high priority. The response was at the strategic planning conference and also after the County Manager presents his recommended budget. The Board will conduct a series of workshops, at which time, individual Commissioners can advocate for their interests.

This concluded the discussion of this topic.

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

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board the
meeting be adjourned at 4:55 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, January 21, 2009.

ATTENDANCE

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

Absent: None.

- INFORMAL SESSION -

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

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

(1) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced that none of the matters to be discussed in Closed Session required any further disclosure, other than the topic.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition, B) Business Location and Expansion and C) Consult with Attorney.

The Board went into Closed Session at 5:23 p.m. and came back into Open Session at 6:25 p.m. Commissioner Leake was present when the Board came back into Open Session. She entered the meeting during Closed Session.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any item(s) they wanted removed from consent and voted upon separately.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

(1A) AWARD FOR EXCELLENCE MANAGING FOR RESULTS

The Board received the 2008 Award for Excellence from the Balanced Scorecard Institute in recognition of Mecklenburg County’s performance management system - Managing for Results – using the balanced scorecard.

Note: Each year, the Balanced Scorecard Institute recognizes one organization that exemplifies the intent and goals of the balanced scorecard. The balanced scorecard was created in the early 1990s by Harvard Business School leaders to help businesses set key measures that drive performance. The balanced scorecard is now used by many organizations in the private, public and non-profit sectors. In 2001, County Manager Harry Jones introduced Managing for Results (M4R) as a means of achieving the long-term goals established by the Board of County Commissioners. As part of M4R, the Mecklenburg Board of County Commissioners adopted its Community & Corporate Scorecard using the balanced scorecard system to establish goals, set strategies and measure success.

The award was presented by Howard Rohm, Executive Director of the Balanced Scorecard Institute. He was introduced by General Manager John McGillicuddy.

(2) PUBLIC APPEARANCE

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

Martin Davis said his original intent was to talk about crime in the community, specifically, why would the county and city give $3 million a year of taxpayer money to the Arts and Science Council, while the District Attorney’s Office dismisses “half the felonies submitted to his office by the Charlotte/Mecklenburg Police Dept. because he lacks the money to prosecute.” Mr. Davis said he decided instead, after reading the Charlotte Observer, to talk about the state of the economy as a result of the last eight years of the Bush administration, which he criticized.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Murrey and Roberts voting yes, to reappoint Carol Barry and Linda Oligo to the Adult Care Home Advisory Committee for a three-year term expiring January 31, 2012.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner James and failed 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cooksey voting no, to reappoint John Lillard to the Information Services & Technology Committee for a three-year term expiring February 28, 2012.

Note: Per Board policy, it takes a unanimous vote to get reappointed, however, that individual can be nominated for consideration at the next meeting.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Christy Bryant to the Information Services & Technology Committee for a two-year term expiring February 28, 2011.

Note: It was noted that Ms. Bryant has served two three-year terms, but is the Chair for 2009. A letter received regarding the reappointment of Ms. Bryant said it would be disruptive to replace her at this time and that she had done an excellent job; and that the Committee really needs her service and leadership.

The following persons were nominated for appointment consideration to the Information Services & Technology Committee:

Dennis Callan   by Commissioner Cooksey
Jenifer Daniels  by Commissioner Cooksey
Pamela Gordon  by Commissioner Cogdell
Gregory Hardin by Commissioner Cooksey
Bill Hodges   by Commissioner Cooksey
Marcia Lane   by Commissioner Cooksey
John Lillard   by Commissioner Cogdell
David Morgan   by Commissioner Cooksey
Craig Richardville  by Commissioner Cooksey
Aaron Sanders   by Commissioner Cogdell

Note: Appointments will occur on February 3, 2009.

Prior to the above action, Jerry Pinkard, Director of Information Services and Technology addressed the issue of attendance failures of members, for which he was recommending the Board waive its policy and allow these persons to continue to serve.

Commissioner Dunlap questioned the fairness of this request, when there are qualified applicants.

After discussion of this matter, the Board did not elect to waive its policy, to allow those persons who had failed to meet attendance continue to serve.

Commissioner Leake asked that the qualifications to serve on the various boards be made clear to applicants.

PERSONNEL COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,

They are replacing Edwin Holland and Mary Shank.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Corine Thomas to the Waste Management Advisory Board for a three-year term expiring February 28, 2012.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS (#15)

(15) CHANGE IN STRUCTURE FOR THE DOMESTIC VIOLENCE ADVISORY BOARD, WOMEN'S COMMISSION ADVISORY BOARD AND SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive report on CHANGE IN STRUCTURE FOR THE DOMESTIC VIOLENCE ADVISORY BOARD, WOMEN'S COMMISSION ADVISORY BOARD AND SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE and approve recommendations from the Joint Ad Hoc Committee which studied the Domestic Violence Advisory Board, Women's Commission Advisory Board and Shelter for Battered Women Advisory Committee.

Recommendations

United Family Services Resource Committee: Recommendations to BOCC and Charlotte City Council
- Dissolve committee
- Appoint members to DVAB

Domestic Violence Advisory Board: Recommendations to BOCC and Charlotte City Council
- Maintain mission
- City and County appoint one additional member to increase membership to 12
- Review and recommend applicants for appointment
- Appoint interested current members of United Family Services Resource Committee
- Align more closely with Women’s Summit goals and activities

Women's Commission Advisory Board: Recommendations to BOCC
- Align more closely with Women’s Summit goals and activities
- Undertake comprehensive process to develop mission and goals for current environment
- Retain 12-member format
- Reappoint interested recent members
- Review and recommend applicants for appointment
- Add secretary and parliamentarian functions
- Rename: Women’s Advisory Board
The report was given by Nancy Klein, Kelly Forney, Marage Blakeney, and Natheley McElrath.

Note: Last year, executive leadership from the Office of the County Manager and the Department of Community Support Services met with the members of the Domestic Violence Advisory Board, the Shelter for Battered Women Advisory Committee (also referred to as the Domestic Violence Resource Committee), and the Women’s Commission Advisory Board (WCAB). County staff and board representatives present agreed to (1) review challenges facing the three boards and (2) make recommendations to the County Manager and the Board of County Commissioners on the best way to organize the three advisory boards to achieve the appropriate missions and purposes of each board while fulfilling their anticipated roles as advisory boards. A joint ad hoc committee (the “Committee”) was formed, comprised of two members from each advisory board and an independent member. Recommendations from the committee and staff were approved by the County Manager in November.

While the review was on-going, no new appointments to those advisory boards were made. This approval allows the Board to appoint new members, and would further allow the DVAB and WCAB to continue their activities with a renewed focus and structure.

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

MANAGER'S REPORT

COMMITTEE OF 21 UPDATE

The Board received an update on Committee of 21 recommendations.

The update was given by Ned Curran, chair of the committee.

Note: The Committee of 21 was established by the Charlotte Chamber, Mecklenburg County and the City of Charlotte in response to the need to find solutions to the county’s transportation infrastructure needs. The Committee was appointed by Chamber President Bob Morgan, County Manager Harry Jones and City Manager Curt Walton.

As sponsors, the Charlotte Chamber, City of Charlotte and Mecklenburg County set a three-prong charge for the Transportation Committee of 21.

- Prioritize top local and state road needs in Mecklenburg County
- Identify and build consensus around a long-term funding option(s) to build local and state roads in Mecklenburg County
- Advocate for anticipated local and/or state approval of a proposed funding option(s)

The sponsors also assigned a deliverable: recommended solutions to Mecklenburg County's transportation infrastructure and funding needs.

The Committee has worked over the last nine months, meeting regularly to develop recommendations in two areas – financing and governance for planning and constructing roads.

In preparation for its final report, the committee has:

- Reviewed local and state transportation issues
- Completed a 25 year gap analysis of road needs (The County faces a $12 billion shortfall between identified roads needs and identified funding sources for those needs.)
- Reviewed and prioritized revenue options for building roads (Conclusion reached on funding sources are as follows: 1) An auto registration fee with a request to increase the existing fee of up to $30.00. This would generate approximately $18 million, if fully implemented, to be used exclusively for road maintenance needs. 2) A half-cent increase in the sales tax. This would require legislative approval. It would raise approximately $50
- $80 million per year. Funds generated would be committed to local roads within the County. 3) Toll roads to be implemented on “virtually” all of our interstate highways, including the outer beltway. It was noted that toll roads is the only way the county can significantly “get at that $12 billion shortfall.” Funds generated from the toll would be used to improve, enhance, and maintain the interstate highways. 4) A vehicle miles traveled fee. This is not a fee that’s being sought immediately, but one the Committee feels needs further study. If this fee were approved, it would be in lieu of the gas tax and not in addition to it.  
- Discussed governance issues (A subcommittee has been formed to review this issue more specifically.)

The Committee is continuing its deliberations and anticipates a final report in the next eight to ten weeks.

Comments

Commissioner Murrey asked for clarification on the vehicle registration fee, the half-cent sales tax, and keeping the state accountability for the continued maintenance of state roads, which was all addressed.

Commissioner Dunlap asked was it true the state has taken money from the Highway Trust Fund to balance the state budget. The response was that “for years there have been suggestions that an allocation is made from the Highway Trust Fund to fund elements,” such as state troopers and the like. It’s hoped that under the new administration this will be a “thing of the past.”

Commissioner Dunlap expressed concern with respect to funds allocated for roads being used for other purposes.

Commissioner Dunlap, with respect to regionalism, asked would funds generated be used outside of Mecklenburg County. The response was no.

Commissioner Dunlap asked for clarification on the vehicle registration fee, which was addressed.

Commissioner Bentley, with respect to the half-cent sales tax, asked about the Pennies for Progress Program in S. C., especially as it relates to the sunset clause, and whether this was discussed by the Committee. The response was yes, extensively. It was noted that the Pennies for Progress Program was a sales tax that was implemented with a sunset clause, with specific roads identified for expansion or installation in some cases. Further, that it passed overwhelmingly. It has since come back up for a vote, having met its original timeline criteria. South Carolina is considering bringing this back before the voters to have it become a permanent tax. It was noted that the problem with putting in a sunset clause is that it significantly impairs your ability to bond the revenue stream.

Commissioner Bentley, with respect to the Governance issue, suggested that consideration be given to having elected officials on that board.

Commissioner Leake expressed concern for the proposed increase in the vehicle registration fee and the impact this will have on residents.

Commissioner Leake asked how would persons working in Mecklenburg County, but do not live in Mecklenburg County be taxed other than via the toll. The response was that it’s estimated that 30% of the sales tax collected would come from persons living outside of Mecklenburg County.

Commissioner Leake suggested having an income tax for individuals that work in Mecklenburg County but reside outside of the County. The response was that a payroll tax was considered by the Committee, but there were concerns, such as, the fact that there’s no current
Commissioner Cooksey said it will be a challenge trying to get public support for the proposed tax increases as recommended by the Committee.

Commissioner Cooksey, in light of the fact that some of recommendations will require approval from the legislature, said he was not comfortable with going to the legislature until the legislature “gets its house in order.” Commissioner Cooksey said he feels the legislature needs to first “fix the equity formula,” so urban counties like Mecklenburg aren’t penalized. Secondly, that the Highway Trust Fund needs to be used for the purposes for which it was created.

Commissioner Cooksey asked about the relationship between the Committee and the 21St Century Committee, which was addressed.

Commissioner Cogdell suggested the Committee consider having a sliding fee scale with respect to the vehicle registration recommendation, based on the vehicle’s value. Commissioner Cogdell said this would probably have less retrogressive impact on citizens of the community. The response was that there was discussion of a sliding fee scale based on vehicular weight but not value.

Commissioner Clarke asked how much has been lost by putting a cap on the gas tax. The response was that the specific amount is not known; and it’s believed the cap is scheduled to expire June 30th.

Commissioner Clarke asked did the Committee want there to be a County vehicle registration fee as well. The response was no. They’re seeking to increase what currently exists.

Commissioner Clarke asked about the Governance structure, which was addressed.

This concluded the discussion. No action was taken or required at this time.

(18) NAMING THE COUNTY’S FREEDOM MALL FACILITY AS THE “VALERIE C. WOODARD BUILDING” (CHAIRMAN ROBERTS)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve naming the County's Freedom Mall facility as the “Valerie C. Woodard Building.”

Note: Valerie C. Woodard served the county as a commissioner for a term of eight (8) years, which ended with her untimely passing while in office in October of 2008. She was the first female African American commissioner to serve on the Mecklenburg County Board. While a commissioner, she championed many social causes, including fighting poverty; reducing the incidence of HIV/AIDS, combatting homelessness, and working to ensure that women and minorities have equal opportunities for advancement. Many of these issues are ones that DSS confronts every day, and since DSS employees will make up much of the workforce that will use the County's Freedom Drive location, it is fitting to name this facility after Commissioner Woodard in recognition of her service to Mecklenburg County.

Prior to the above vote, William Woodard, husband of the late Commissioner Valerie C. Woodard and son, Willis, thanked the Board for bestowing this honor upon Commissioner Woodard in her memory.

Dwayne Collins, former Commissioner Valerie C. Woodard’s campaign manager and Chairman of the Charlotte/Mecklenburg Black Political Caucus, spoke in support of this naming.

(6B) CHARITABLE FUNDRAISING CAMPAIGN
County Manager Jones addressed charitable fundraising campaigns conducted by the County.

It was noted that the Community Health and Safety Committee of the Board of County Commissioners directed Human Resources (HR) staff to review the feasibility of expanding the County’s current charitable giving campaigns. At present, four organizations (Arts and Science Council, Red Cross, Savings Bonds, and United Way) have approval to run solicitation campaigns.

The report compiled by HR provides the findings of the review. It was noted that although HR staff has identified the operational means of conducting a unified campaign, the report also indicates that seeking input and feedback from employees and the public would be useful to the Board in making a decision on this matter.

Report Conclusions

- The Board of County Commissioners has the option of making no changes to the County’s existing policy which is written to ensure that a majority of funds (95 percent) remain in the Greater Charlotte Metropolitan Area. Allowing State chartered federations to participate in the campaign would require the policy to be rewritten to reduce the percentage of funds that stays within the local community.

- Should the Board choose to expand giving options, a combined campaign model similar to the campaigns that Wake and Guilford County operate could meet the request of the Community Health and Safety Committee to offer more giving choices for County employees. In addition, it would reduce the fundraising drives to one per year.

- Staff has not engaged the employees of Mecklenburg County or its citizens to determine community sentiment should the process change. The Board may want to consider seeking employee and citizen input via a public forum prior to making a final decision.

- Should the Board elect to expand giving options, staff could conduct a Request for Proposal (RFP) process to identify a third party agency to serve as the Managing Organization for the County’s fundraising campaign. Regardless of the third party vendor selected, the campaign would need to be designed and managed by County employees (just like the current charitable giving campaigns). This will continue the County’s practice of conducting campaigns with a tone and tactics that are accepted and supported by employees.

- Any change to the County’s existing fundraising practices would require a change in County policy. The County’s legal staff indicated that any policy the County adopts would need to be similar to the Guilford/City of Greensboro policy. The Guilford/City of Greensboro policy is very inclusive; limiting agencies and federations from participation if they are not a 501(c) (3), if their administrative fees are too high or if they refuse to provide the requested financial information (among other things). In other words, their policy is neutral with respect to the mission and methods of applicant organizations. Any effort to craft requirements that would limit inclusion would require careful legal consideration.

_The following persons addressed this issue:_

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

Comments

**Commissioner James** said he feels employees should be allowed to have more choices for giving.

**Commissioner Dunlap** said his desire would be to give employees more choices as well and being able to do it through payroll deduction.

The following persons addressed this issue:
Lee Keesler and Cyndee Patterson, on behalf of the Arts and Science Council (ASC), asked the Board not to support having a combined/consolidated campaign. They said they were not opposed to expanding the list of campaigns, but would like the Arts and Science campaign to remain separate. It was stated that “more causes combined in a single ask result in less money for each cause.” They also shared statistics with respect to giving by employees through the County’s annual campaign and the County’s partnership with the ASC. They asked the Board to consider the following in making its decision: 1) Will policy change result in fewer or more dollars raised? 2) Will dollars raised in a changed environment remain in or leave the community? 3) Is the current economic environment the right time to change the system?

Commissioner Leake asked ASC representatives to comment on how much of the funds raised go towards administrative cost. The response was seven cents on every dollar raised goes for administrative cost and another seven cents on fundraising, for a total of fourteen cents, which results in 86 cents of every dollar raised going back into the community.

Marilyn Richards, on behalf of the United Negro College Fund (UNCF), asked the Board to expand the County’s list of charitable employee campaigns. Ms. Richards said it would provide employees with more choices. Ms. Richards said UNCF would like the opportunity to be considered. Ms. Richards volunteered to participate in the feedback process.

Christopher Jackson, on behalf of United Way, spoke in support of the County Manager’s recommendation to conduct a thorough review of this issue. Mr. Jackson said United Way would be happy to support a further review in any way the Board feels would be appropriate. He said United Way wants to develop a solution that would be most effective for all stakeholders and to ensure that these resources from the employees of the County are used to support County residents. He also noted, per recent discussion with respect to the appropriateness of the County Manager’s serving on the United Way Board, that United Way wants to develop an environment where the shared responsibility and partnership needed to support those in need in the community and the agencies that provide services to these individuals and families, that it’s beneficial to have the County Manager directly involved. He noted further that United Way understands the Board will be reviewing this topic in the near future and asked that the Board take the importance of the partnership with United Way and the County Manager’s leadership into consideration as it continues to discuss the most appropriate actions.

Jennifer Phillips, on behalf of the American Heart Association, asked the Board to expand the County’s list of charitable employee campaigns. She said it would provide employees with more choices. Ms. Phillips said the American Heart Association would like the opportunity to be considered.

Chris Hunt, on behalf of the American Cancer Society, asked the Board to expand the County’s list of charitable employee campaigns. He said it would provide employees with more choices. Mr. Hunt said the American Cancer Society would like the opportunity to be included.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to 1) receive the County Manager’s report on charitable fundraising campaigns. 2) Direct the Manager to implement a citizen engagement process to seek input and feedback from key stakeholders, including County employees, representatives of United Way and Arts and Science Council, and the general public. 3) Direct the Manager to provide to the Board a report on the citizen engagement input and feedback, and provide recommendations to the Board regarding charitable fundraising campaigns.

Note:

Commissioner Cogdell suggested employees be allowed to respond anonymously. Commissioner Cogdell said often when done this way you “illicit honest and genuine feedback.”

Commissioner Leake asked that the organizations represented at tonight’s meeting be included as key stakeholders.

Commissioner Murrey asked that the follow-up report include information with respect to how much of an organization’s funds go to the greater Charlotte area; and what’s their
Commissioner Clarke asked that the follow-up report indicate whether a change in policy will require additional out-of-pocket cost to the County and/or be an interruption to the conducting of County business in terms of how it’s structured.

County Manager Jones said it may take 120 days to complete this process. He said he would communicate to the Board through the Board Bulletin with respect to a more specific timeline.

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

(2B) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Murrey, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Historic Landmarks Commission purchase of the home and land parcel located at 1708 Park Road within the Dilworth Historic District for Historic Preservation and resale. Secondly, to recognize and appropriate up to $465,000 for the purchase.

Commissioner Cooksey returned to the dais.

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 6, 2009.

(8) ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON COUNTY PROPERTY – SECOND READING

Amend the County’s Ordinance Prohibiting the Consumption of Alcoholic Beverages on County Property to exempt special events held in the Courthouse. Second Reading.

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

(9) VEHICLE PURCHASES - DSS

Approve the purchase of six 25-foot light transit vehicles equipped with wheelchair lifts.

Note: These vehicles will be used by the Department of Social Services’ Mecklenburg Transportation System.

(10) GREENWAY DONATIONS – MALLARD CREEK, DIXON BRANCH AND COFFEY CREEK

Accept donation of the following properties on Mallard Creek from Hubbard Falls, LLC, on Dixon Brach from Reames Investors, LLC, and on Coffey Creek from YFP Management, LLC

(1) Tax Parcel 027-142-81 (+/- 4.73 acres)

Note: Tax Parcel 027-142-81 is donated by Hubbard Falls, LLC based on the approved
subdivision plan for the Hubbard Falls subdivision. This parcel will add to greenway assemblage along Mallard Creek, and is located in the Northeast Park District.

(2) Portion of Tax Parcel 025-291-03 (+/- 2.40 acres)

Note: A portion of Tax Parcel 025-291-03 is donated by Reames Investors, LLC based on the approved development plan for the Northcrest shopping center. This parcel will add to greenway assemblage along Dixon Branch, and is located in the Northwest Park District.

(3) 80’ SWIM Buffer on Tax Parcel 201-372-92

Note: A portion of Tax Parcel 201-372-92 is donated by YFP Management, LLC based on the approved subdivision plan for the Stonegrove at Whitehall development. This parcel will add to greenway assemblage along Coffey Creek, and is located in the Southwest Park District.

(11) NC CLEAN WATER MANAGEMENT TRUST FUND GRANTS

Authorize the County Manager to submit two stream restoration grant applications to the North Carolina Clean Water Management Trust Fund as follows:

1. Little Sugar Creek at Cullman Avenue in an amount of $250,000; and,
2. Torrence Creek from Gilead Road to McCoy Road in an amount of $750,000.

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

4. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

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

(13) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records are comprised of:

- Eight (8) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.
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- 388 commercial plans permitted November 2008 and 351 commercial plans permitted December 2008
- Two (2) boxes of housing and junk vehicle case files closed in 2002 and earlier

(14) FISCAL YEAR 2010 GOVERNOR’S CRIME COMMISSION GRANT PRE-APPLICATIONS

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

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Program Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. IST Department</td>
<td>Mecklenburg County Criminal Justice Data Warehouse</td>
</tr>
<tr>
<td>2. Family Outreach</td>
<td>Responsible Fatherhood Access/ Visitation Program</td>
</tr>
</tbody>
</table>

& Counseling Center, Inc.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS

(16) REAPPRAISAL PRESENTATION

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cooksey voting no, to defer the reappraisal of real property until 2011.

Commissioner Cooksey noted that his preference was 2010.

Note: NCGS 105-286 requires counties to reappraise real property in accordance with the Octennial Plan, unless the Board of County Commissioners adopts a resolution to advance the scheduled octennial reappraisal by resolution. The last reappraisal was conducted January 1, 2003. The octennial date is January 1, 2011.

Attorney Bethune noted the state may want this decision conveyed in resolution form and, if so, this matter will be back on the Board’s next agenda for the purpose of adopting a resolution that will then be forwarded to the state.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(17) CONNECT REGIONAL VISION AND ACTION AGENDA RESOLUTION (CHAIRMAN ROBERTS)

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to adopt a resolution in support of the CONNECT Council and its mission to establish a regional vision which brings together a 17-county region around common goals of sustainable development and quality of life.

Commissioners Dunlap and James left the dais prior to the above vote being taking and were absent for the remainder of the meeting.
Also, prior to the above vote, Chairman Roberts acknowledged the presence of Al Sharp, Executive Director of the Centralina Council of Governments and Rebecca Yarborough of his staff.

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

COMMISSION COMMENTS – No general comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 7-0 Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:30 p.m.

____________________

Janice S. Paige, Clerk

______________________________ __________________________

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at The Lodge at Ballantyne Resort located at 10000 Ballantyne Commons Parkway, Charlotte, N.C. on Thursday, January 29, 2009 at 8:00 a.m.

ATTENDANCE

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

Absent: None

Commissioner Leake 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 and to take action as deemed appropriate.

The meeting was called to order by Chairman Roberts, who then turned the meeting over to County Manager Jones.

Prior to giving an overview of the agenda and the goals and expectations for the conference, County Manager Jones noted the following.

- This budget year will be very different from past years, in light of the current economy.
- Revenues are down, however, the demand for services is increasing.
- All levels of government are impacted with dramatic revenue reductions.
- If Mecklenburg County were to maintain the current funding levels for all county services and education services, it will be facing a $90 million budget gap in FY2010 because of lower revenues and increases in debt service costs.
- The $90 million gap can’t be found by simply finding efficiencies and process improvements.
- The County will have to either cut services, raise taxes or both, adding up to at least $90 million. This is without considering any increases in services.
- The elimination of the $90 million gap can’t be done solely on “the backs” of County departments.
- Both Charlotte Mecklenburg Schools (CMS) and Central Piedmont Community College (CPCC) must be a part of any cut backs.
- It has been communicated to employees that one of Management’s top priorities will be retaining jobs and people.
- Employees will be informed that sacrifices will have to be made that will impact compensation and benefits. There may also be service cuts and possible layoffs.

County Manager Jones said staff is able, willing and ready to assist the Board in setting its priorities.
County Manager Jones said “we need to think differently than we have in the past to address this situation.”

County Manager Jones then addressed the goals and expectations of the conference. He said the conference would involve focusing on the following key principles as the Board moves forward in dealing with the impact of the downturn in the economy. The principles were:

- Take a Long-Term View
- Focus on Core Mission and Priorities
- Retain Jobs and Employees When Possible
- Make Data-Driven Decisions
- Communicate and Involve Stakeholders

County Manager Jones said capital spending would also be addressed. It was noted that feedback from the County’s rating agencies indicated that while the County has retained its Triple-A rating for bonds and COPs, the County is “teetering on the edge of being downgraded.” The key reason is because the County’s debt is high and if the County doesn’t manage to meet the targets the Board established in the Debt Policy, the County’s credit rating will be downgraded. “No, ifs, ands or buts allowed.”

County Manager Jones said on the one hand, issuing more debt while also cutting operating expenditures will put the County over its performance targets that compare debt as a percentage of operating costs, which would certainly result in losing the Triple-A credit rating.

County Manager Jones said if the County loses this rating, it will cost the County more in interest when borrowing, and the County’s capital would be less attractive to borrowers. He said in a market when borrowing is limited, the County may find it more difficult to borrow.

County Manager Jones emphasized the need to think differently not only about operating priorities but also capital priorities. County Manager Jones said he believes the County needs to consider being on a “debt diet.” Thus, staff will be recommending that the Board delay issuing any debt until after the Board adopts next year’s budget. He said the recommendation will also recommend not issuing any debt in FY2010.

County Manager Jones said delaying will allow the County to pay off existing debt as a way of moderating debt service costs and allow time to review and reconsider the need and priority for capital projects.

County Manager Jones said the goals of the conference should be to get an understanding of the current economic situation and begin to identify the Board’s priorities based on this situation.

**Comments**

Chairman Roberts asked for clarification regarding no debt issuance this year and whether that included the bonds the County was planning to move forward with in February. County Manager Jones said staff would address that question later during the discussion, but that the outstanding issue currently is the general obligation bond sale of $253 million, which is the maximum amount being considered.

County Manager Jones said if the Board doesn’t issue the $253 million, the County could save about $18.5 million in debt service costs next year. He said the County is already looking at a $38 million increase in debt service which is part of that $90 million gap.

Commissioner Cogdell referenced the Credit Rating Report and asked doesn’t it also impact the County’s rating if the County doesn’t issue the debt to meet the infrastructure needs of the community. The response was that will be discussed later in staff’s presentation.
Commissioner Cooksey asked was the $90 million shortfall a revenue shortfall. The response was yes, part of it is a revenue shortfall and part of it is an increase in debt service costs.

Commissioner Leake entered the meeting.

County Manager Jones turned the meeting over to Budget/Management Director Hyong Yi, who called on Dr. John Connaughton from the University of North Carolina at Charlotte.

Dr. Connaughton addressed the economy. The following was covered in his presentation:

- What is a recession
- Recession Indicators
- Past Recession Years
- Payroll Employment
- 2008 Payroll Employment
- N.C. Payroll Employment
- Growth Rates
- Unemployment Rate
- Threats to the Economy
  - Oil Prices
  - Consumer Confidence (Note: 70% of the U.S. economy is consumer consumption.)
  - Budget Deficit
  - Dollar Value
  - Leading Indicators
  - Inflation
  - Trade Deficit
- Residential Construction

Dr. Connaughton said economists are concerned about the prospect of deflation. He said deflation scares economist a lot more than inflation. Dr. Connaughton said in a deflationary environment, consumers don’t rush to make purchases because they think a particular product is going to get cheaper. He said that’s what makes deflation so scary is consumer reaction to it. He said the country can’t afford that right now and that consumers need to spend money in order to help get out of the recession.

Dr. Connaughton said with respect to how bad the recession is going to be, he thinks it’ll be parallel with the recession of 1982 but different. He said getting out of it will also require different things and will be the responsibility of the federal government and the country. He said at least 4.5 million people will lose their job; the national 10% unemployment rate will be pushed and in N.C. it’ll be above that and locally it’ll be pushed to the 10%. He said we’re not at the bottom yet, but it’s near. He said things will probably start to turn around slowly in May or June, however the unemployment rate will continue to rise throughout all of this year. The unemployment rate will probably peak between November of this year and February of 2010.

Dr. Connaughton said it should be remembered that from a tax revenue standpoint, it’s not the gross domestic product (GDP) that determines your situation but employment, both in terms of the County’s service side and revenue side. He said as unemployment rise, revenue declines.

Dr. Connaughton said jobs won’t increase until 2010, likewise the unemployment rate won’t start to go down until 2010. He said when things do get back, it’s a two year recovery process. He said things will be better in 2010 and 2011 but still challenging.

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

Comments

Commissioner Bentley asked was there any history to tell the linkage between the amount of
reduction in GDP and time for recovery. The response was yes. Also, that the current recession was going to resemble the recessions back in the 60’s and 70’s, but when things start to turn around, it will turn around better than they did back then, but still not great.

Commissioner Leake asked if it was known that the recession was coming and if so, why wasn’t something done. The response was economist and politicians didn’t see it coming. The thought was that the “little subprime crisis” could be contained within the housing industry but that was not the case.

Dr. Connaughton said when this recession is looked back at five or six years from now and economists write about it, it should be remembered that this recession was caused by the inaction of Ben Vernacki and the Federal Reserve at a critical point in time to save Lehman Brothers.

Dr. Connaughton said don’t get excited about justice when it comes to the financial system in the U. S. He said the financial/banking system in the U. S. is fundamentally different from any other industry in the country. He said the one thing learned from the Great Depression, or from the 70’s and the financial crisis in the 80’s is that you do not let financial institutions fail. He said as soon as one fails you send a signal of a lack of confidence to investors and customers.

Dr. Connaughton said when Lehman failed it basically shut down the U.S. financial system.

Dr. Connaughton said the Federal Reserve is supposed to be the lender of last resort, “the window of discount.” He said the number one job of the Federal Reserve is to provide liquidity and they didn’t do it.

Commissioner Dunlap said as a result of liquidity, however, not being offered to the banks, it brought to light the excessiveness of corporate executives. Dr. Connaughton said he agrees, but that the question is, how important is justice with respect to those people versus the 4.5 million people without a job. He said “there’s a time for justice and there’s a time for saving jobs.” He said the gap that was being looked at and what people have been so “hung up” on was the quest to get justice and making those folk “pay.” Thus, we’ve lost sight of how it effects “ourselves and our neighbors.” Dr. Connaughton said there will be regulations coming out as a result of all of this.

Commissioner Dunlap said at least now those that are responsible for keeping their eye on the ball will do so.

Dr. Connaughton said in addition to his concern about deflation going forward, is that “under the radar when this is all over and the banks pay the TARP money back, four banks, J.P Morgan, Chase et al., Citi, and Wells et al. will control 60% of the financial services industry in the U.S.

Commissioner Cooksey asked what’s the policy prescription to fight deflation. Dr. Connaughton said there really isn’t a good policy prescription, short of giving people money back.

Dr. Connaughton said he doesn’t have a lot of hope for the stimulus package because he thinks it’s too convoluted. He said it doesn’t have enough “orange” barrels associated with it and it’s not going to get those “orange barrels” on the street fast enough. However, he is confident that a little later there will be some tax money back to people probably in the fall in order to get consumers spending again.

Commissioner James said he thinks it’s going to be worst, like the 1985 Texas recession.

Dr. Connaughton said the key is to get consumers out there buying stuff. He said he feels the answer to the question of what can derail this recovery, is deflation.

This concluded Dr. Connaughton presentation.

Chairman Roberts thanked Dr. Connaughton for coming.
The Board recessed for a break at 9:54 a.m. and reconvened at 10:10 a.m.

Note: Anne Udall with the Lee Institute was present and helped facilitate the remaining portions of the meeting.

FY2009 BUDGET PRIMER

Director Yi gave a FY2009 Budget Primer as a means of providing an overview of the components of the budget and how it is structured.

The following was covered in the presentation:

- Components of the Strategic Business Plan
- Revenues
- Appropriations
  - Debt Service/Paygo
  - Education Services
  - County Services
- Performance Data

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

Comments

Commissioner Dunlap asked were there any rules of thumb as it relates to what percentage in the various categories indicate a pretty solid budget or how does the County know if it’s treading on “thin ice.” Director Yi said it really doesn’t matter. He said the dollar amount or the size of a specific piece is unimportant. He said what’s strength for Mecklenburg County is diversity of the revenue sources. He said if the County was 90% reliant on the property taxes or sales taxes, that the County would probably be in trouble. He said the fact that there is a diversity of revenue streams gives the County more flexibility in how it is able to manage its resources and where the revenue comes from.

Commissioner Dunlap said it’s his understanding that the County doesn’t anticipate a 100% collection rate of property taxes but that the County makes allowances for that. Director Yi said that was correct.

Commissioner Dunlap asked was there some way to calculate what it would look like if the County was able to realize a 100% property tax collection rate. Director Yi said staff doesn’t calculate 100% because not everyone pays their property taxes and some pay late. It was noted that the Tax Office does pursue collection from those that don’t pay. Director Yi said to assume, however, the County would collect at 100% would be unrealistic.

Director Yi said when the County builds its budget, it’s based on the collection percentage of the previous year. Thus, the higher the collection percentage the better off the County is in terms of realizing actual property tax revenue. He said he believes the percentage is around 97%.

General Manager John McGillicuddy said the Board has established a scorecard goal with regard to percentage of revenues from property taxes. He said the goal is to have 51% or less of County revenue from property tax dollars.

Commissioner Dunlap asked with respect to debt service was there something that shows the total amount of debt owed by the County. The response was yes and it will be shared with the Board.

Commissioner Dunlap asked where do lottery funds show up in the revenue stream. The response was that it appears under the heading of Other Funds under CMS funding. Also, that it was $14
Commissioner Dunlap asked why lottery funds come to the County versus going to CMS. The response was that’s the way the statute reads.

Commissioner Dunlap said the statute also said lottery funds would not be supplanted. Finance Director Dena Diorio said the amount of debt for schools increases every year, so it’s used for CMS debt service, thus it’s not being supplanted.

Commissioner Dunlap said if the lottery funds were designated for CMS, how is it that the County gets to determine how it is spent.

County Manager Jones said the County is statutorily responsible for school construction costs. He said the statute allows it to be used for school construction, school renovation, and debt service costs incurred on or after January 1, 2003. He said the County elected from a policy perspective to use the funding for debt service.

Commissioner Dunlap said with respect to Jail & Detention Facilities, he would like to know how much the County spends per inmate compared to how much is spent per child in CMS.

Commissioner James said the County gives CMS 1/3rd of its operating costs and 100% of the operational costs for the jail.

Commissioner Dunlap asked was the 1/3rd a standard rule for CMS. Commissioner James said no, that’s just what it happens to be.

This concluded the discussion regarding the Budget Primer.

FY2009 FINANCIAL STATUS AND FY2010 PRELIMINARY FINANCIAL OUTLOOK

Finance Director Dena Diorio reported on the County’s financial status. The following was covered in the presentation.

FY2009 Budget Update

* Property Taxes
* Sales Taxes
* Investment Income (Note: Staff is projecting about a $1.6 million shortfall from budget in investment income for this year as a result of the economy.)
* Expenditures
* Fund Balance

  o Note: On a total revenue basis it’s projected that there will be a $42.9 million shortfall from budget this year.
  o The projected gap between revenue and expenditures is going to be about $57.1 million, which will be the County’s first drawdown of its reserves since fiscal year 2003.
  o Normally there’s usually an increase in the County’s reserves but that will not be the case this year.
  o It’s projected that there will be a $45 million drawdown from fund balance for FY2010.

Debt Status Report

  o Debt Position
    o Options
    o 1) Move forward with the planned sale of $253 million. The County will be out of compliance with its debt policy and will likely be downgraded.
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- 2) Move forward with a reduced sale now based on the various budget scenarios. Will result in a delay of planned capital projects and still may result in a downgrade depending on the amount of the FY2010 adopted budget.
- 3) Cancel the bond sale. Will result in on-going projects being halted indefinitely as well as delaying planned capital projects.
- 4) Delay until the budget is further developed.
  - The sale amount will be determined based on the total budget amount.
  - Sale could potentially be deferred until FY2010 which pushes debt service out until FY2011.
  - On-going projects that require additional cash between now and January 2010 will be funded with cash on hand until a final sale amount is determined.

Recommendation
- Delay the sale until the budget is further developed.
  - The sale amount will be determined based on the total budget amount.
  - Sale could potentially be deferred until FY2010 which pushes debt service out until FY2011.
  - On-going projects that require additional cash between now and January 2010 will be funded with cash on hand until a final sale amount is determined.
  - Reassess the need for all projects currently authorized and do not authorize any additional capital projects in FY2010.

Next Steps
- Need the Board to take action on this and decide if it wants to defer the bond sale. If so, this item would be removed from the February 3, 2009 agenda.

Comments

Commissioner Cogdell asked about the sales tax revenue to date as a percent of budget through January 31 of 94.9%. He asked how realistic was the budgeted number. The response was when staff did this budget for sales tax, staff was firming this number up until last April. Staff knew the economy was starting to slow down but the current economic trend was certainly not anticipated.

Commissioner Murrey asked with respect to sales taxes and property taxes had there been any change in the collection process or any reason to believe that we’re just not collecting it as well as we use to, as opposed to people not spending as much or people not having the ability to pay. The response was sales tax revenue goes directly to the State, so the County doesn’t have any power over how that’s collected. With respect to property tax, once staff receives the numbers for January, which is when the majority of property tax is collected, the tax collector is putting together his collection strategy between now and June to get “the best bang for the buck” that we can to meet those numbers for the year.

Commissioner James asked what does staff anticipate the aggregate shortage will be through the end of the fiscal year. The response was $10 million.

Commissioner Dunlap asked about federal inmate charges. General Manager Michelle Lancaster said the federal inmate population has gone down some over the last several months.

Commissioner Leake with respect to federal inmates asked how much does the County receive per inmate. General Manager Lancaster said she believed the federal inmate rate was about $130 per day.

Commissioner Leake asked about the Sheriff’s Office budget, which was addressed.

It was noted that staff would provide additional information as it relates to the issue of housing federal inmates and state inmates.

Commissioner Dunlap said he would like to see information on those departments that typically generate revenue and how the lack of revenue effects how we budget for that department.
Commissioner Dunlap asked what was the current fund balance. Finance Director Diorio said at the end of 2008 it was $362 million and if we have the $57.1 million drawdown it’ll drop to $304.6 million.

Commissioner Dunlap said if the County has that much in reserves, why isn’t the County paying more on its debt service. The response was that there are parts of fund balance that are reserved and designated for specific purposes. Although it’s there, it’s not all available to spend. It was noted further that the Local Government Commission recommends the county keep eight percent in its reserves for unanticipated expenses.

Commissioner Dunlap said he would like to receive something in writing regarding the County’s reserves and fund balance. Director Diorio noted that detailed information was in the County’s annual financial report, which Board members have a copy of.

Commissioner James asked if the economy doesn’t change by 2011 how long can the County continue to drawdown from fund balance. The response was that next year will probably be the last time.

Commissioner Murrey asked for clarification on the numbers with respect to fund balance, which was addressed.

Commissioner Clarke suggested staff take a look at comparable counties to see how their fund balance has been for the last five years.

Commissioner Cooksey asked for further clarification with respect to the eight percent of fund balance that’s maintained, which was addressed.

Commissioner Clarke asked was the $90 million shortfall for next fiscal year inclusive of $45 million from fund balance. The response was yes.

Commissioner James asked with respect to the County’s debt policy, was the County out of compliance. The response was the County was out of compliance when it comes to overall debt per capita.

Commissioner Dunlap asked what impact does the County’s debt service have on the ability of the towns to acquire debt. Director Diorio said she would assume that it would have an impact, but that the amount of their outstanding debt collectively is probably less than $10 million. She said the towns don’t have the capacity to issue a lot of debt which is why the County issues a lot of debt on their behalf.

Commissioner Cooksey asked if the County didn’t issue the $253 million would the numbers then look like the 2008 actual or what would be the impact. Director Diorio said it would look similar to 2008.

Commissioner Cogdell asked did something happen between December 2, 2008 and now to cause staff to change its recommendation. Commissioner Cogdell said he recalled at the December meeting the Board was told it was okay to issue the $253 million. Director Diorio said what happened was that per staff’s visit with the rating agencies, the recommendation has now changed. She said the rating agencies gave staff some very strong signals that the County’s debt levels were too high. Director Diorio said the County will be downgraded if it doesn’t manage its debt more tightly.

Commissioner Murrey asked about projects that have been started but not completed and how much is needed to complete the projects. Director Diorio said she would provide that information.

Commissioner Leake said she would like to receive a list of the outstanding school projects and the projected dates for completion.
Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to remove from the February 3, 2009 agenda, consideration to adopt a resolution for $253 Million Voted GO Bonds entitled: RESOLUTION AUTHORIZING ISSUANCE OF BONDS. Secondly, to delay consideration of the sale of these bonds until the budget is developed, after which the Board would then determine what the sale amount would be based on the budget, the sale then could be potentially pushed out until 2011, thus the debt service wouldn’t be picked up until the next year. Further, that on-going projects that require additional cash in January 2010 would be funded with cash on hand until a final sale amount is determined. Those projects would be reviewed to make sure there’s enough cash to do them. Finally, the Board will review the needs of capital projects that are currently authorized to make sure the Board wants to move forward with those projects for which it has authorization; and not do any additional authorizations this year.

Prior to the above vote, Finance Director Diorio said if the Board was to issue the $253 million, it is likely that the County would lose its Triple-A Bond Rating.

The ultimate sale amount would be determined based on what the actual budget will be. We would potentially defer the sale until 2011 and what this will do is that it pushes that debt service out a year. If we issue in 2010, the debt service isn’t actually picked up until 2011. What this means, however, is that everything that was planned for 2010 gets pushed back out. Further, that on-going projects that require additional cash in January 2010 would be funded with cash on hand until a final sale amount is determined.

Also, prior to the above vote Commissioner Cooksey said if the motion passed he thinks the Board should develop a plan to go forward on how the County will communicate with the stakeholders, such as CMS and CPCC that issue bonds through the County and get feedback from them on how this delay will impact them. He said they should also be asked to inform the County of what their priority projects are that need to get funded so the Board can see if there’s some way to fund them.

County Manager Jones said the intention is to engage all of the stakeholders. He reminded the Board that “we’re in an environment where you’ve got to think differently and do things differently.”

Director Diorio said the budget would have to grow by 4.5% in order to accommodate the $253 million.

Commissioner James asked would staff go back to CMS and ask them to reprioritize their capital list based on a specified amount that would be available to them. County Manager Jones said staff plans to meet with stakeholders, which would include CMS regarding the County’s current circumstances.

The Board recessed for lunch at 12:49 p.m. and reconvened at 1:38 p.m.

Director Yi addressed the $90 million gap. Where did it come from and what’s being done to manage it. He also addressed FY2010 revenues and expenses from a preliminary numbers standpoint.

Comments

Commissioner Cooksey asked whether staff foresees a budget gap for the remainder of FY09. Director Yi said yes.

Commissioner Dunlap said he would like to know the numbers as it relates to what will it take just to maintain.

County Manager Jones said staff would continue to encourage the Board to hold true to its pay-go strategy because if pay-go is not funded in the amounts assumed in the scenario addressed by
Director Yi, that could also have an effect on the County’s bond rating. Further, with respect to education services, the $90 million gap includes level funding for education services. Thus, to reduce the gap there has to be some reduction within those categories and that the same applies to County services.

**Director Yi** said the better the County is able to manage the FY2009 budget, the better the County can manage the FY2010 budget.

Director Yi said with respect to the 2009 Operating Budget, the County Manager asked County departments to submit some reductions and currently there is $5 million as a result of that request. With respect to 2010, departments (early December) were directed to look at a 5% reduction in their non-salary accounts and currently this has resulted in about $10 million. On top of that another request was sent to departments asking them to look at an additional 10% reduction.

It was noted that next week departments will be directed to take a 15% reduction in their remaining FY09 budget, non-salary accounts. CMS and CPCC will also be included in this request but at a 1% reduction. These reductions should get the County about $20 million. Staff is also looking at unencumbered funds from last year. The total of these actions should save the County about $29 million.

Commissioner James asked why is CMS being asked for less and why isn’t it 50 to 50 for everyone. **County Manager Jones** said a 50% reduction for CMS for the balance of the year doesn’t seem like a wise thing to do.

Commissioner Dunlap asked was any consideration given to that during certain periods of time people spend a certain percentage of their budget. He said for example if a department has already spent 70% of their budget and then they’re asked to reduce by 15% that it’s a lot different from if that department had only spent 20% of its budget at that particular point in time. **Director Yi** said this was considered.

Commissioner Leake asked about the receipt of stimulus funds for school construction. **Director Yi** said if that does happen it won’t help the County in its current budget situation. It was noted that if funds were received it would impact the FY10 budget rather than the FY09.

**County Manager Jones** said staff would evaluate what if any eligibility the County will have for stimulus funding, including the rules for the use of those funds.

**Director Yi** said staff is also keeping an eye on the number of vacant positions.

**County Manager Jones** said there was a hiring freeze, but there is an allowance for departments to make an appeal to the Executive Team to fill what they would consider to be essential positions. Further, all travel has been eliminated except for travel which is believed to be essential in the conduct of County government. He also noted with respect to departments coming up with their 15% cuts, it could impact filled positions.

County Manager Jones said in order for CMS to revert any funds, the Board will need an agenda item asking CMS and CPCC to revert funding back to the County.

**Commissioner Clarke** urged the County Manager to be as creative as he could to preserve jobs.

**Commissioner Dunlap** said if employees aren’t going to receive a pay raise then neither should Board members. He said the issue of travel for Commissioners should also be considered. He said it should be about equality.

**Commissioner Cogdell** asked what was the annual expenditure for salaries for all employees. *The response was about $240 million.*
BOCC ISSUES OF INTERESTS

Board Members introduced and discussed their respective priorities/issues of interests.

A description of each item of interest is on file with the Clerk to the Board.

The following items were removed by their respective submitter.

New Jail Overview (Commissioner Cooksey)
Debt Service Primer (Commissioner Cogdell and James) (Commissioner James said he would like to see the revised framework at some point.)

Community Health & Safety Focus Area

Homeless Issues including affordable housing (Commissioners Cogdell and Dunlap Presenters)

Commissioner Dunlap said there is a lot of land around CMS schools that could be used for housing, thus the Board needs to discuss at some point how it can help facilitate the building of affordable housing and diversify communities by using some of the excess land located around school facilities.

Comments

Chairman Roberts said she viewed this as a priority. Chairman Roberts said she feels there’s a policy question the Board needs to discuss and decide upon, which is what role is the County going to best play, in light of others, including the Foundation of the Carolinas, working on this issue as well.

Commissioner Cogdell said from what he has seen it looks like the County has played a liaison role in a lot of this. He said the Board does need to go back and review its role in addressing these issues and perhaps play a more active role in stimulating the creation and development of more housing units for temporary housing, temporary shelters, and affordable housing units.

Commissioner Leake said with respect to affordable housing that what’s affordable for some may not be affordable for others. Commissioner Leake said jobs are needed to help prevent homelessness. Further, that education plays a vital role in all of this.

Commissioner Murrey said collaboration was important when it comes to dealing with the issue of homelessness. He said the issues the homeless face has more to do with just having a building or a place to live. He said he feels if the County took a case management approach as it does in other areas, such as social services, and challenging educational issues, and health issues and collaborate with the City of Charlotte and the Housing Authority that he thinks that’s the right place for the County to be from a policy standpoint.

Commissioner Murrey said the County shouldn’t be talking as much about putting money towards buildings as it should about the provision of services, such as mental health and health services.

Commissioner Clarke said one of the County’s key roles as was told to him by Area Mental Health Director Grayce Crockett, is that of preventing the incidences of homelessness.

Commissioner Cooksey said he’s not sure if the County’s role is to build buildings. He said he concurred with Commissioner Murrey as it relates to the provision of human services to the homeless.

Commissioner James said the County should find out what excess land the schools may have and where it’s located. Further, to see if it’s possible to do what Commissioner Dunlap has suggested
with respect to building affordable housing on excess land near schools. Commissioner James said this concept was also brought up by former school board member and chairman Arthur Griffin about ten years ago but was not successful in achieving this.

Commissioner Dunlap said there should also be a review of policies to make sure it’s permissible for the County to consider acquiring land for this purpose. He said the County doesn’t have to get into the business of building housing but if the County could acquire the land, that would help facilitate the matter.

The general consensus was to send this issue of interest to the Board’s Health and Family Services Committee and if there are components the committee feels need to be passed on to other committees to feel free to do so.

Commissioner Bentley suggested the committee review the Ten-Year Plan To End Homelessness.

Service Demand (Commissioner Dunlap Presenter)

Commissioner Dunlap said he’s not sure if discussion is needed at this point, in light of the County Manager’s opening remarks regarding the County’s current budget situation.

Commissioner Dunlap said he is concerned, however, about the increase in the demand for services, especially in the area of social services.

Comments

Commissioner Cooksey said the increase in demand for social services is something that the Board is going to have to keep in mind. He said when it comes to budget cuts, rather than having straight across the board cuts that it may be necessary to take a look at how things are prioritized and determine what the priorities are in light of the economy.

Chairman Roberts said if the policy question was how do we meet the demand for increased services with a decrease in resources.

Chairman Roberts posed the question of whether there’s another model out there for how services are provided. She said if the County and other agencies are facing declining budgets and an increase in demand for services was there a new model to look at. She referenced how the County and other agencies came together to provide services to victims of Hurricane Katrina in one central location and how well that worked.

Commissioner Dunlap suggested that when facilities are constructed that thought be given to consolidating services in one facility. He said this would reduce the need to construct additional buildings and still have them located in the communities of need. He said it’s possible that there are buildings already in certain areas that could be used as full service centers.

Commissioner Leake noted that in some areas of the country schools are used on weekends to provide wrap around services, including providing recreational activities.

Commissioner Dunlap said his thought was that these types of efficiencies would help reduce costs.

The general consensus was that the question with respect to this issue, is how to meet the demand for services with fewer resources.

Teenage Youth Employment Program (Commissioner Leake Presenter)
Comments

Chairman Roberts said she supports the idea of youth employment opportunities, however, one of the challenges facing youth in this economy is that they are now competing with adults who have lost their job and are seeking employment wherever they can find it. Further, the reality is that funds aren’t available to set up a specific program, but the County should encourage support of hiring youth.

Commissioner Leake said there were opportunities out there and that if the Board was serious about this issue then consideration should be given to establishing a committee to look at this in more detail.

Commissioner Cogdell said he supported the concept, but it’ll be challenging to do with the economy the way that it is currently.

Commissioner Dunlap said this issue should be included in the discussion of how do you meet the demand for services with a decrease in resources.

Commissioner Cooksey said his concern was the displacement of workers by youth. He cited as an example youth cleaning an office building. He said when that’s done you’re displaying the company that had the cleaning contract for that building. He said he thinks the County needs to be creative about finding ways to hire teens or connect them with jobs that already exist. He said perhaps there needs to be a teen job bank or something of that nature to connect teens to the private economy. He said he’s hesitant to start a County program to hire teens.

Commissioner Leake said she’s not talking about displacing anyone but about providing opportunities for youth to be trained.

Commissioner Bentley said it sounds like what Commissioner Leake is speaking about is an apprenticeship program.

The general consensus was to keep this issue of interest in front of the Board for future discussion.

The Board recessed for a break at 3:11 p.m. and reconvened at 3:27 p.m.

Access to Local Foods (Commissioner Murrey Presenter)

It was noted that this concept should be supported through Park and Recreation.

Comments

Chairman Roberts said she believes the County’s Cooperative Extension’s 4-H program is training youth to learn how to plant vegetables, etc. She said she thinks it’s a great idea. Chairman Roberts said she’d be happy to take it to the Board’s Natural Resources Committee.

Commissioner Bentley spoke in support and noted a community garden located in Cornelius.

Commissioner Murrey said there are currently seven community gardens in the County and that the Cornelius garden has been very successful.

Commissioner Cogdell suggested the matter go to the Board’s Community Health and Safety Committee.

Commissioner Cooksey said this was something that the County should be promoting.

Commissioner Cooksey asked if it was known how much of a public and/or private commitment was associated with these types of gardens.
Commissioner Murrey said he didn’t know the answer but that if this matter is pursued that’s something that should be explored from an economic development standpoint.

Commissioner Leake said she would like to see the youth employment concept tied to this.

The general consensus was to refer this issue of interest to the Board’s Natural Resources Committee and the Health and Community Safety Committee for further discussion in a joint meeting session.

**Efficient & Effective Government**

**Funding for Outside Agencies (Commissioners Cooksey and Roberts Presenters)**

Chairman Roberts said she would like for staff to have outside agencies run through departments or through a grant process among the staff who are experts in that area to prioritize and rank those requests, which would take the politics out of the process.

Commissioner Cooksey said he was seeking more clarification regarding the outside agency process and how are they selected. He said he’s concerned that there’s no citizen involvement in the selection process. He’s also interested in how the County measures outside agencies and how is the determination made to continue funding or to phase out funding a particular outside agency. Commissioner Cooksey said a lot of the outside agencies have the ability to raise funds.

**Comments**

Commissioner Dunlap said moving forward he would hope that any outside agency that’s funded, would also be required to submit to evaluation.

Commissioner Dunlap said the County needs to do more in terms of making sure agencies that receive funding and the County’s not required to fund, fill a gap and an unmet need in the community. Further, the County needs to make sure that agencies funded don’t replicate each other in terms of what they do.

Commissioner Bentley asked had the County ever ceased funding to an outside agency mid-year. Director Yi said not to his knowledge. He said the County has put outside agencies on a “watch list” when their finances were considered questionable.

Director Yi gave an overview of how the outside agency process works.

Commissioner James said he supported Chairman Robert’s idea to have outside agencies run through departments or through a grant process among the staff who are experts in that area to prioritize and rank those requests, which would take the politics out of the process. He would like to see an evaluation and ranking of the request.

Commissioner Leake said she echoed what Commissioner Dunlap said regarding duplication of services, especially in the area of education. She referenced Communities-In-Schools as an example of doing the same thing that CMS does but there’s no evaluation of their services. She also referenced Partners in Out of School Time (P.O.S.T.) and noted that CMS provides afterschool programs as well.

Commissioner Clarke suggested there be a policy that the County not fund any outside agency that has not been through an evaluation process conducted by the County’s Strategic Organizational Improvement (SOI) office. Further, that the County Manager look into “beefing” up the performance of that analysis in order to weed out any agency that’s not performing or filling the gap, or supplementing an important service of stakeholders.

Commissioner Dunlap said any time you consider outsourcing there are a number of issues that should be considered, such as, whether or not there’s a ten percent savings and whether you have
the ability to monitor it. Commissioner Dunlap said what the County doesn’t want to find itself in the same situation that the City has with respect to the affordable housing issue, with funds being allocated and not being able to say what happened to them.

Commissioner Cogdell said it’s important that stakeholders be informed of any changes in policy.

County Manager Jones said there have been times when the County stopped funding an outside agency because of performance issues. He said there have also been times where staff has recommended funding be stopped but because of decisions made by the Board, funding continued.

The general consensus was that this issue of interest go to the Effective and Efficient Government Committee to set guidelines and selection criteria for staff to help them prioritize. Further, that everything would need to come through staff before it comes to the Board for approval and that those guidelines and priorities that the Board set would be evident when staff bring the report forward. It was the consensus also that the committee considers Commissioner Clarke’s suggestion regarding a policy requiring an evaluation by SOI.

City/County Consolidation (Chairman Roberts Presenter)

Comments

Commissioner Cooksey said one area that staff should continue to study is the permitting process for building permits, etc. He said having them co-located in one facility may assist with this.

Commissioner Cooksey asked County Manager Jones if he thought overall consolidation would result in efficiencies that might streamline government even more.

County Manager Jones said for the most part things are already functionally consolidated. He said there are a few areas that aren’t, primarily human resources, finance, and technology. Further, that several years ago it was thought that savings might be somewhere in the neighborhood of $4 to $5 million by consolidating government and creating some efficiencies there. County Manager Jones said he feels true consolidation in the County would involve discussions with the towns as well as. He said when you talk about being functionally consolidated with the City there are other areas of service that the towns provide and are operating separately.

Commissioner James commented on the history of this issue.

Chairman Roberts said she would assume the Board is interested in continuing with functional consolidation but that she’d like to know if there was any interest in looking at political consolidation.

Commissioner Leake said she’s opposed to political consolidation. She said the residents of District 2 have said no to this idea as well. She said the concern is that there would not be equitable representation of people of color.

Commissioner Dunlap said he thinks management should be charged with continuing to look at functional consolidation. With respect to total consolidation, consideration needs to be given to the impact of that on the towns and raises the question of should they be denied the right to govern themselves.
Commissioner Clarke said the only way to make an informed decision would be to have a consultant to look at it to see how much can be saved. Commissioner Clarke said residents are confused as to who does what.

Commissioner Murrey said it’s an interesting concept but is somewhat academic. He said he thinks the County has enough on its plate and it’s unlikely that this is going to rise up high enough on the radar screen to be something that folks want to invest a lot of capital in to try and fix, at least not this year.

Intergovernmental Relations (Chairman Roberts Presenter)

Chairman Roberts said she doesn’t feel the current lobbyist has kept the Board informed. She said the majority of contact is with staff.

Comments

Commissioner Cooksey said there’s no substitute for having the elected officials personally involved.

General Manager Michelle Lancaster explained what the process has been with respect to working with the County’s lobbyist. She said if the Board as a whole or the Chairman wants more involvement then that can be arranged.

Commissioner Cogdell said he would like to know the terms and duration of the contract with the lobbyist, state and federal. Commissioner Cogdell said he would also like information regarding the other local governments that each of the lobbyist have worked with.

General Manager Lancaster addressed the history of the lobbyist.

Commissioner Cooksey asked staff to comment on the performance of the County’s current lobbyist. Assistant to the County Manager Nyki Hardy said since she’s been involved with this area, she’s been pleased with the responses she’s received. She said if the Board wants more direct contact then that can be arranged. The way that it has worked in the past is that staff has been the liaison.

Commissioner Cooksey said he thinks the Board should receive weekly updates.

Commissioner Dunlap said he thinks this is a conversation that needs further discussion and recommended that it be placed on a future Budget/Public Policy workshop agenda to talk about how this has been operated in the past, how would the Board like for it to work in the future, and are the current firms meeting the County’s needs.

Commissioner Clarke said the County needs to utilize its federal delegation more.

The general consensus was that this matter be discussed at a future Budget/Public Policy meeting. Also, Chairman Roberts will work more closely with staff regarding some of the issues she has with respect to her communication with lobbyist.

Domestic Partner Benefits (Chairman Roberts Presenter)

Comments

Commissioner Murrey said he supports it and there's no additional cost associated with it for the County. He said it's consistent with what other companies are doing or have done.
Commissioner Dunlap said he would like to see it expanded because there are heterosexual people that aren't married but they live together.

Commissioner Cooksey was not supportive of the request. Commissioner Cooksey said he thought it was a cost issue. Further that it's a distraction for the Board and he feels the Board has more important things to deal with. He also thinks it undermines the state constitution’s definition of marriage.

Commissioner Leake said she would like to know more about the cost impact.

Commissioner Cogdell said he supports sending it to committee for more discussion and more information. He said he thinks it's an access to health issue and an equity issue. Further, that in order to be competitive, it may be necessary to offer this.

Commissioner Clarke said he supports the idea and feels the Board should direct the County Manager to approve HR’s development of a proposed policy for implementation.

Commissioner James asked would this mean also that the Board would receive information from the legal staff regarding the legal status of doing this. He referenced the situation in Durham County. Commissioner James said he would also like a definition of Domestic Partner. Commissioner James said he thinks it's a moral issue and also that it's illegal under NC law.

Commissioner Bentley said she didn't support moving forward. Commissioner Bentley said her decision doesn't mean she's not tolerant. Commissioner Bentley said data shows that it does increase cost. Commissioner Bentley said it could possibly also be considered fraud since NC law doesn't consider domestic partnership as marriage.

The general consensus was to send the matter to Human Resources for development of a proposal that would include more detail.

Growth Management & Environment

Park Use (Commissioner Cogdell Presenter)

Comments

Commissioner Clarke said his recommendation would be to ask the Park and Recreation Commission to review the overall policy and to answer the question of what are the policy guidelines that the County will use to enter into contracts in the future with groups that are willing to put up development money for park and recreational facilities.

Commissioner Dunlap said the concern he has heard is that of double taxation because as taxpayers you pay for the building of a facility and then you pay another fee in order to use or have access to the facility. Commissioner Dunlap said the issue of user fees needs to be looked into. Commissioner Dunlap said the inability for youth to pay, should not prohibit them from having access.

Commissioner Dunlap said he’d like to see more partnerships with associations, so that maybe they can grant scholarships to youth who don’t have access. Also, that the Board asks the Park and Recreation Commission to consider a moratorium on entering more contracts until there’s an evaluation of what impact the current contracts have on citizens’ ability to have access to facilities.

Commissioner Cooksey said his fear is that if you don’t have organized associations running these fields, then the fields will sit empty. He said one thing that needs to be looked at is what are these associations doing to encourage the neighborhood youth to get involved with the association or leagues. He said he thinks most of the leagues have a sliding fee scale but he’s not sure how active they are in going out and recruiting youth that may need assistance.
Commissioner Leake addressed the pool at West Charlotte High School and noted that it’s not being used after hours or during the summer months. She said the community has been trying forever to get Park and Recreation to open the pool up to the community during these times. She said there are also other facilities on the Westside that residents are saying they don’t have access to.

Commissioner Cogdell said he concurred with Commissioner Cooksey’s comments regarding the value of having partnerships with associations to assist with the upkeep of the fields and also his comment about encouraging associations to do more outreach in the community if it’s not being done.

Commissioner Cogdell noted that he also supported Commissioner Dunlap’s suggestion that the Park and Recreation Commission consider a moratorium on entering more contracts until there’s an evaluation of what impact the current contracts have on citizens’ ability to have access to facilities.

Commissioner Clarke said he supports the idea of a moratorium for reasons noted by Commissioners Dunlap and Cogdell. He noted, however, that although the matter of moratorium should be discussed by the Park and Recreation Commission, that decision is a Board decision.

The general consensus was to let staff follow-up on this issue of interest, per the comments made and report back to the Board at a future budget/public policy meeting as recommended by the County Manager.

The following were the other list of issues of interests, but because of time, they were not discussed at today’s meeting.

Air Quality (Chairman Roberts)
Support of Green Technology (Chairman Roberts)

Social, Education, & Economic Opportunity
CMS Funding Framework (Commissioners Dunlap and James)
Teacher Supplement (Commissioner Leake)
Improving Low Performing Schools (Commissioner Murrey)

Wrap-Up

Anne Udall asked Board members to comment briefly on their assessment of how today’s meeting went, which they did. Everyone said they were very pleased with how the day had gone. Staff was thanked for their work.

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

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

ADJOURNMENT

There being no further business to come before the Board the meeting was declared recessed at 5:07 p.m. until Friday, January 30, 2009 at 8:00 a.m. same location.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at The Lodge at Ballantyne Resort located at 10000 Ballantyne Commons Parkway, Charlotte, N.C. on Friday, January 30, 2009 at 8:00 a.m.

ATTENDANCE

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

Absent: None

The purpose of the meeting was to continue the Board’s Annual Strategic Planning Conference that began on January 29, 2009.

The meeting was called to order by Chairman Robert, who then turned the meeting over to Anne Udall, facilitator.

The Board continued with its discussion of Commissioners’ Issues of Interest.

A copy of each item of interest is on file with the Clerk to the Board.

Growth Management & Environment

Air Quality (Chairman Roberts and Commissioner Murrey Presenters)

Comments

Commissioner Dunlap asked how does the County know if the air quality it is experiencing isn’t coming from another part of the region since the County can’t control the way the wind blows.

Chairman Roberts said it’s known that it blows northeast and when you look at the areas of the region northeast of Mecklenburg County, they also did badly on air quality, which comes from Mecklenburg.

Chairman Roberts said part of it also comes from Tennessee and that there’s a lawsuit going on with respect to that which the County is involved in. Chairman Roberts said Mecklenburg County is the only county where it’s concentrated. She said even with the wind blowing, everyone around the County has gotten below 8 parts per billion.

Commissioner Dunlap raised the question of what was the County’s responsibility as an agency to enact legislation or policies to have better control with respect to air quality.
Commissioner Cogdell said this was an important issue. He said the Board should look to see what’s within the County’s purview to do to address this issue. Commissioner Cogdell said he thinks the matter should be referred to the Board’s Natural Resources Committee for further evaluation and that the committee report back to the Board with recommendations.

Commissioner Cogdell said it defies logic when the federal government says it’s going to cut highway trust funding when the number one reason for poor air quality is congestion on the streets and highways.

Commissioner Cogdell said he doesn’t think the public understands the magnitude of some of these challenges. He said the County could play a crucial role in elevating the awareness of this issue.

Commissioner Cooksey concurred with Commissioner Cogdell’s suggestion that the matter be referred to the Board’s Natural Resources Committee. Commissioner Cooksey said he’d like to know more about the consequences for not being in compliance with federal standards.

Commissioner Cooksey said the County needs to balance what it does in terms of regulations against the economic impact of that regulation and do things that “make sense” for both air quality and for businesses.

Commissioner Bentley asked were the monitors being used to monitor air quality in the right place to get an accurate account.

Chairman Roberts said there were eight monitors in the region, but she couldn’t recall the specific locations. Chairman Roberts said she thinks the locations are specified by the Environmental Protection Agency (EPA).

Commissioner James said discussion was taking place to cap the methane coming out of the Foxhole landfill and to look at putting in a power generating station, which is suppose to improve air quality.

Commissioner James also addressed carbon credits, which he thinks the federal government is getting ready to do something about. Commissioner James said he’s not sure how the carbon credit business can positively impact the County, but the theory is someone that pollutes a lot could buy credits of some type, where they pay for the right to pollute some place else.

Commissioner James said as “bad” as Mecklenburg County is with respect to air quality, the County still has “pretty good” air.

Commissioner James said even though no one knows how the carbon offset process works, it may be a way to generate income for air quality programs that doesn’t involve raising taxes.

Commissioner James said the alternative to implementing a local program would be to put a tax on cars, perhaps. Commissioner James said some places even tax how many miles are driven.

Commissioner James said he thinks the County should get information on the carbon credits concept.

Commissioner Clarke addressed the County’s Air Quality Commission and the work they do. Commissioner Clarke said anything the Board may want to consider should go through the Air Quality Commission. He noted that the Chamber of Commerce has an interest in this issue also.

Commissioner James asked was it possible to calculate the Commissioners’ individual carbon footprint. Commissioner James said a carbon footprint is not just whether you buy a hybrid vehicle; he said it’s also based on how much you drive.
Commissioner Cooksey said it may be a good idea for the Natural Resources Committee to meet with the Air Quality Commission to get briefed on what they’re doing.

Commissioner Leake addressed the need to increase public awareness on the importance of this issue.

It was the consensus that this issue and comments made be referred to the Board’s Natural Resources Committee in conjunction with the County’s Air Quality Commission.

Support of Green Technology (Chairman Roberts Presenter)

Comments

Commissioner Murrey said he sees this issue as an economic development opportunity and one the County should study.

Commissioner Leake asked what impact would pursuing this have on the budget. Chairman Roberts said it would depend upon what the County decided to do.

Chairman Roberts referenced the County’s Business Investment Program.

Commissioner Cogdell recommended this issue be sent to the Board’s Economic Development Committee for further study.

Commissioner James referenced an effort by Duke Energy to put green technology energy facilities on top of houses (solar panels), but he said they’ve ran into a “snag.” Commissioner James said he doesn’t know if there’s anything the County could do to help move this effort along or not. Commissioner James said he applied to participate in this effort, so he has an interest in wanting this program to get off the ground. Commissioner James said the way it would work is that Duke Energy would put the panel on your house and it generates, for example, two or three mega watts; it powers your house and the excess goes to the grid and Duke Energy gets to keep all of the excess energy and the homeowner basically gets their power for free. Thus, there’s an incentive to do this.

Commissioner Murrey said part of the “snag” is that current regulations require that anybody who puts solar panels on their house and wants to feed that back to the grid has to be certified as an energy company, essentially, and go through the same regulatory process that Duke Energy has to go through.

Chairman Roberts asked was this a federal law. Commissioner Murrey said he didn’t know if it was federal or state but since there’s a regulatory piece, perhaps this is what the County could have an impact on because it’s clearly an improvement.

Commissioner Cogdell said he would like for staff to either contact Duke Energy or on its own research this issue with regard to what it would take specifically so the County could determine if there were certain legislative issues that the County could potentially be involved with lobbying on the part of this bigger initiative.

It was the consensus to refer this issue to the Board’s Economic Development Committee for further review, including, if there’s a way the County can assist Duke Energy in their work.
Chairman Roberts with respect to Air Quality and comments made by Commissioner James regarding capturing bio-gases from the landfill, said she would like the County to try and work with the City of Charlotte and Charlotte Mecklenburg Utility Department (CMUD) for bio-gas opportunities for alternative energy.

Social, Education, & Economic Opportunity

CMS Funding Framework (Commissioners Dunlap and James Presenters)

Comments

Commissioner Murrey said he wants to understand what the formula is, how it’s structured and how staff goes about formulating CMS’ budget and what the variables are. Commissioner Murrey said he’d also like to know how CMS constructs its budget. He said CMS needs to understand the County’s process because it seems as if there are two processes going on that run parallel. Commissioner Murrey said if each entity understood the other’s process then perhaps the two could come to some collaborative, consensual understanding as to what the budget should be. He said the Board’s Education Liaison committee may be an opportunity for this to occur.

Commissioner Murrey said if Commissioners don’t understand it well then it’s hard to think outside of the “usual silos.”

Commissioner Murrey suggested letting Park and Recreation be in control of the building and maintenance of athletic fields because that’s the business they’re in. Commissioner Murrey said it may also offer some savings.

Chairman Roberts said the formula was a starting point.

Commissioner Clarke said it’s not a “formula” that it’s a “starting point, a measuring stick.” He explained that the County would get a request from the Board of Education for an increase in the County’s appropriation for its operating budget; then look at the funding framework and put a lot of data into it, such as rate of inflation, state increases, etc.; then compare it to the request and determine how reasonable the request was.

Commissioner Clarke said it’s useful to some extent, but you’ll never be able to completely fix it. He said one of the factors that come into play was student growth, which no one knows until the “20th day” of school being in session, which is after the Board has adopted its budget.

Commissioner Clarke said the funding framework was put together in 2004.

Commissioner Leake said she worries about the budget from the perspective of federal, state and local funds and the usability of those funds by the school system. Commissioner Leake said she understands the County can’t dictate how those funds are used.

Commissioner Bentley said she understands the County doesn’t have the authority to require the school system to use a balance scorecard approach in their budgeting process but it would accomplish two things 1) provide transparency to the community and 2) provide transparency between the two boards with the ultimate goal of making the budget process less contentious. Commissioner Bentley said it would also allow them internally to tie their actions to desired results.

Commissioner Cooksey said there were three things that need to be kept in the forefront when discussing CMS 1) consultation and collaboration because everyone needs to be on the same page with respect to how funding is going to take place, 2) predictability, he said both sides of
the equation need to know what that piece of the budget is going to look like going forward and being able to look two-three years in advance and have a pretty good idea about what the funding framework would look like, and 3) accountability.

Commissioner Cooksey said the balance scorecard recommendation noted by Commissioner Bentley was a good one.

Commissioner Cooksey said the County needs to find some way to know that county dollars being spent by CMS are really going to the best purposes possible.

Commissioner Cogdell said the $90 million gap was a “crisis” for the County, but also there’s a “crisis” in some CMS schools with respect to student achievement and the drop-out rate. He said the equity and academic achievement was not there. Commissioner Cogdell said as a community this was something the community has to get its “hands around in an urgent way.”

Commissioner Cogdell suggested the two boards come together and have discussion regarding what the County’s budget crisis is and to understand what CMS’ priorities are and what they’re faced with.

Commissioner Cogdell said when you’re “writing the check” to any stakeholder, you have some influence and some “say so” over how those funds/resources are utilized. He said he understands the Board of Education is responsible for the operation of the school system but that “we can’t let too much more time past with the number of schools that are seeing the achievement gap that we’ve seen in the community, go idly by without the leadership in this community stepping up and saying it’s unacceptable.”

Commissioner Cogdell said the two boards need to come together. Secondly, the County needs to make it “very clear” that either the County is going to have to see some decisions made on the part of CMS (that may be very difficult politically) designed to try and address the achievement gap; or the County Commission will do what it has to do to put what restrictions and conditions it can do legally, to ensure that resources are being directed towards the achievement gap.

Commissioner Cogdell said he supports Commissioner Murrey’s earlier comments regarding Park and Recreation being in control of the building and maintenance of athletic fields.

County Manager Jones said he thinks Commissioner Murrey’s idea about Park and Recreation was a good one. County Manager Jones said given the environment that currently exists, it will create the opportunity for enhanced dialogue not only with the policy makers but between staffs around service provision.

County Manager Jones said there were additional things, other than athletics that the County might be able to provide on behalf of the school system. He said functional consolidation has been discussed but it’s been limited to what’s done with the City of Charlotte. He said there may be opportunities for functional consolidation with CMS. He noted as an example, CMS buys land, the County buys land and has a Real Estate Services department.

Commissioner James in response to Commissioner Cogdell’s comment, said there were statutory provisions that allow the County to take money appropriated to CMS and place it in restricted contingency and indicate what the funds are to be spent for. He said the Board just hasn’t done it.

Teacher Supplement (Commissioner Leake Presenter)

Commissioner Leake said she has been in communication with School Superintendent Dr. Peter Gorman regarding trying to schedule a meeting of the Education Liaison Committee.
Commissioner James addressed how the teacher supplement was handled in the past. Commissioner James said the Board could provide a supplement and put the funds in restricted contingency but CMS would have to agree to spend it for that purpose.

Commissioner Leake said she wants staff to look into this and assist her with understanding this issue.

Chairman Roberts asked the County Manager to speak with School Superintendent Gorman regarding the fact that the last four or five years the County has tried to get out of micromanaging CMS’ budget and not restrict or categorize where funds should be spent because it was felt the Superintendent and the Board of Education needed that flexibility. Chairman Roberts said it appears, however, that perhaps the new Board may want to change that and go back to restricting what funds can be used for. Chairman Roberts asked the County Manager to speak with the Superintendent regarding this possibility and to get his take on this.

Commissioner Dunlap said the County Commission shouldn’t be micromanaging the school system. He said the Board was responsible for funding them. He said it’s reasonable to have some accountability and measures, but that the Board can’t run everything.

Commissioner Cogdell said the Board shouldn’t micromanage CMS but “when you don’t see results over a period of time, tangible benchmarks, you need to hold accountable anybody that you’re writing a check to that you’re funding.” Commissioner Cogdell said the achievement gap needs to be addressed in a meaningful way and there needs to be some improvement in a short period of time.

Commissioner Leake said her intent for placing this issue of interest, Teacher Supplement, was not to micromanage CMS but the intent was to get “quality” teachers.

Improving Low Performing Schools (Commissioner Murrey Presenter)

Commissioner Murrey said he concurred with Commissioner Cogdell with respect to wanting to see some results. He said it’s not about micromanaging.

Commissioner Murrey in addressing his Issue of Interest said he would like there to be some benchmarking. He’d also like to have performance reports provided to the Board in order to have an understanding of the goals that CMS has for the school system, specifically for the problem areas. Commissioner Murrey said the Board needs to focus on what are the worst problems. He said to him the worst problem is that there are too many schools that are “just not cutting it” and there are too many students dropping out.

Comments

Commissioner Cooksey said one thing that helped create this situation is that students are not given enough alternatives with respect to their education. Commissioner Cooksey said what has happened is that the focus has moved from vocational and technical education. He said somewhere along the line the idea that everyone was destined to go to college became the focus. Commissioner Cooksey said he doesn’t think that’s the case. Commissioner Cooksey said this needs to be discussed with CMS.

Commissioner Dunlap echoed Commissioner Cooksey’s remarks regarding not everyone is destined to go to college. Commissioner Dunlap said he has had conversations with CMS and CPCC regarding this matter, although nothing has come out of it. Commissioner Dunlap said he thinks there’s a way to do this at a cost savings to the County.
Commissioner Dunlap said there needs to be a relationship between CPCC and CMS. He said CMS can take care of the curriculum part of it and that CPCC has the facilities already available for the vocational part.

Commissioner Dunlap said he hopes the Board would take more of an interest in what goes on in terms of educating children. He said everyone comments on what should happen but that there needs to be an understanding of what goes on and what the research says. He said otherwise, when you make suggestions or recommendations you’re not doing them in a “vacuum.”

Commissioner Leake referenced Phillip O. Berry High School which she said was built as a vocational and technical high school. Commissioner Leake said Phillip O. Berry was part of a concept from 32 years ago and was promised to the community after Second Ward High School closed. Commissioner Leake said the problem with Phillip O. Berry was that it was never equipped with the appropriate teachers to do what needed to be done. She said the school was fully equipped to provide vocational education. She said the State Board of Education came up with the idea that “every child needs to go to college.” She said no one challenged the State Board of Education that every student was not going to college.

Commissioner Dunlap noted for the record that Phillip O. Berry was a technical high school.

Commissioner Clarke said he thinks the Board may be going down a “dangerous” path. He said the County has enough to do. He said he thinks the public knows who’s accountable for what.

Commissioner James said improving low performance schools was a function of not just CMS but the Department of Social Services as well. He said the one piece of this that has not been discussed was “finding a way to link what the department of social services does that works at fixing the families that are broken.” Commissioner James said there are programs that help people do all sorts of things and that CMS has programs for low performing schools.

Commissioner James said there are some schools in the country that operate 24-7. He said there are some families that are so “dysfunctional” that the only way to help these kids out, is to put them in a 24-7 environment. He said some people refer to it as boarding school, but that it has been successful. Commissioner James said he thinks the County can work with CMS and the DSS to create a school of this nature.

Facilitator Udall summarized what she gathered from the conversation regarding CMS. She said the issues of concern for future discussion were 1) accountability, 2) a deeper understanding of the budget, 3) a desire to work more closely with the Board of Education, and 4) how do you create and coordinate an existing relationship.

The Board recessed at 10:06 a.m. and reconvened at 10:31 a.m.

The Board then participated in an issue ranking exercise. The Board was asked to categorize fifty program categories into seven priority levels. Director Yi and Facilitator Udall addressed how this exercise would work. Director Yi said the end result would be that the Board would be identifying its priorities for FY2010.

Commissioner Cooksey suggested Legal Counsel be moved to a lower priority, 4. It was supported.

County Manager Jones said there were things that staff refer to as Business Imperatives, things the County has to do to run the business of government. He said the Board would need to consider organizational needs as well as community needs in going through this process.

Commissioner James suggested moving Child & Adolescent Mental Illness & Prevention & Treatment from 2 to 1. It was supported.
Commissioner Dunlap suggested moving Homelessness Services from 4 to 1. Chairman Roberts suggested it be moved to 2. Commissioner Cooksey suggested 3. It was supported at 3.

Chairman Roberts suggested moving Parks, Fields & Recreation Centers from 5 to 4. It was supported.

Commissioner Leake suggested moving Diversity/Minority Affairs from 5 to 4. It was not supported.

Commissioner Murrey suggested moving Non-communicable Illness & Disease Prevention & Treatment from 5 to 3. It was supported.

Commissioner Clarke suggested moving Public and Employee Communication from 7 to 6. It was supported.

Commissioner Cogdell suggested moving Aging-In-Place Services from 3 to 2. It was supported.

Commissioner Cooksey suggested Job Training/Employment Assistance be moved to 4.

Commissioner James suggested moving Substance Abuse Prevention & Treatment be moved from 3 to 1. It was not supported.

Commissioner James suggested making Substance Abuse Prevention & Treatment a 2 and Water Quality a 3.

Commissioner Murrey suggested making Substance Abuse Prevention & Treatment a 2 and Land Quality a 3 rather than Water Quality. It was supported as recommended by Commissioner Murrey.

Chairman Roberts suggested Adult Mental Illness Prevention & Treatment be placed in 1. It was supported.

Commissioner Cogdell said he would like to make Regional Planning a 3 and Library Services a 4. It was not supported.

Commissioner Cooksey suggested making Building Safety a 4. It was supported.

Commissioner Clarke suggested making Economic/Financial Assistance a 4. It was supported.

Commissioner Leake suggested making Personal Injury Prevention & Protection a 6. It was decided to place this in 7.

Commissioner Clarke suggested making Education Support Services a 6. It was supported.

Commissioner Cogdell suggested Job Training/Employment Assistance be placed in 2. Commissioner Murrey suggested swapping it out with Community Violence Protection & Prevention. Commissioner Cogdell suggested it be placed instead in 3. It was supported.

This concluded the first part of the exercise.

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

Facilitator Udall said after lunch the Board would revisit all these items again for finality purposes.

The Board recessed at 12:22 p.m. and reconvened at 1:05 p.m.
**JANUARY 30, 2009**

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

Commissioner Cooksey questioned the ranking of “business imperatives” functions.

Commissioner Dunlap concurred with Commissioner Cooksey with respect to business imperatives. He said these were things that have to be done anyway. Commissioner Leake also concurred.

Commissioner Murrey suggested consolidating all of those functions that staff view as staff efficiency and effectiveness functions into one category and then determines where they should be priority wise.

Commissioner Cooksey suggested “lumping” the business imperatives into one category and placing it in 2.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to place all of the “business imperatives” into one category as a group.

Discussion continued regarding the priority listing.

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to place “Business Imperatives” in Priority Level 3.

Discussion continued regarding the priority listing.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to accept the ranking below as the Board’s FY2010 Preliminary Board Priorities.

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<th>Priority 1</th>
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<tr>
<td>1. Adult Mental Illness Prevention &amp; Treatment</td>
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<td>2. Child Abuse/Neglect Prevention &amp; Protection</td>
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<td>3. Child &amp; Adolescent Mental Illness Prevention &amp; Treatment</td>
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<td>4. CMS Schools Funding</td>
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<td>5. Court Services Coordination</td>
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<td>6. Debt Service</td>
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<td>7. Economic/Financial Assistance</td>
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<th>Priority 2</th>
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<tr>
<td>1. Adult/Abuse/Neglect Prevention &amp; Protection</td>
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<td>2. Aging-In-Place Services</td>
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<td>3. Air Quality</td>
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<td>4. Community Violence Protection/Prevention</td>
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<td>5. Domestic Violence Protection/Prevention</td>
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<td>6. Substance Abuse Prevention &amp; Treatment</td>
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<td>7. Water Quality</td>
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<th>Priority 3</th>
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<tr>
<td>1. Business Imperatives¹</td>
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<tr>
<td>2. Communicable Illness Prevention/Treatment</td>
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<td>3. CPCC Education Funding</td>
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<td>4. Homelessness Services</td>
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<td>5. Jails &amp; Detention Facilities</td>
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<td>6. Job Training/Employment Assistance</td>
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<td>7. Non-Communicable Illness Prevention/Treatment</td>
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<th>Priority 4</th>
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<tr>
<td>1. Building Safety</td>
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¹Business Imperatives include: Adult Mental Illness Prevention & Treatment, Child Abuse/Neglect Prevention & Protection, Child & Adolescent Mental Illness Prevention & Treatment, CMS Schools Funding, Court Services Coordination, Debt Service, Economic/Financial Assistance.
2. Disability Prevention & Treatment
3. Economic Development
4. Library Services
5. Parks, Fields & Recreation Centers
6. Regional Planning

Priority 5
1. Diversity/Minority Affairs
2. Greenway Development & Management
3. Land Quality
4. Nature Preserves & Open Space
5. Transportation

Priority 6
1. Advisory Committee Management/Citizen Participation
2. Aquatic Programs
3. Athletic Programs
4. Education Support Services
5. Financial Planning
6. Recreation & Leisure Programs

Priority 7
1. Historic Preservation
2. Morgue & Medical Examiner
3. Partnerships/Underwriting Development
4. Personal Injury Prevention/Protection
5. Voting Services

Business Imperatives includes the following program categories:
1. E-Government/Technology Investments
2. Employee Resource Management
3. Financial Management/Fiscal Control
4. IT Resource Management
5. Land, Property, & Records Management
6. Legal Counsel
7. Property/Asset Management
8. Public & Employee Communication.

Wrap-Up

County Manager Jones said because something falls in a low priority level, doesn’t mean that item won’t receive funding. He used voting services as an example. He noted also that there may be an item that’s a high priority, yet funding may have to be cut in that particular area.

Chairman Roberts said she thought the process the Board had gone through was a good one. She said these issues will be revisited as the Board goes through the budget process.

County Manager Jones thanked staff, which was echoed by the Board. Facilitator Udall was also thanked.

County Manager Jones closed by saying 1) he would keep the Board informed of the County’s financial status, 2) the numbers will change, 3) he will be meeting with department directors and discussing directives about meeting the challenges of the budget for this fiscal year, in order to lessen the pain for next year to get the $90 million gap down. County Manager Jones said he hopes the gap doesn’t get any greater. He noted that the action taken by the Board with respect to the bonds on yesterday does get it down to $70 million. County Manager Jones said he would be asking departments to find 15% in reductions out of non-salary accounts. He said he can’t promise the Board what he may receive in response to that request. County Manager Jones said he wanted to get the Board prepared for some suggestions that departments might make about...
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some cuts that may occur this fiscal year. County Manager Jones said management would do all that it said to follow the principles of retaining jobs. He said he would also report back to the Board within a month with recommendations for some diversions from CMS and CPCC because they have to participate in this process as well.

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

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

**ADJOURNMENT**

There being no further business to come before the Board that the meeting was declared adjourned at 2:20 p.m.

______________________________________  ________________________________
Janice S. Paige, Clerk                  Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 3, 2009.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS - NONE

(2A) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Mecklenburg County vs. Nortel Government Solutions.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

Commissioner Dunlap was present, but absent when the above motion was made.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 6:13 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He returned during Closed Session.
FEBRUARY 3, 2009

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 9 and 22.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) BLACK HISTORY MONTH

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating February 2009 as Black History Month in Mecklenburg County.

The proclamation was read by Commissioner Leake.

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

(2) PUBLIC APPEARANCE

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

Destiny Clarke and Blanche Penn addressed an upcoming event October 16, 2009 by Winners Plus in honor of the late County Commissioner Valerie C. Woodard.

Martin Davis spoke in opposition to domestic partner benefits.

(3A) APPOINTMENTS

INFORMATION SERVICES AND TECHNOLOGY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Dennis Callan, Jenifer Daniels, Pamela Gordon, Gregory Hardin, Bill Hodges, Marcia Lane, Craig Richardville, and Aaron Sanders and reappoint John Lillard to the Information Services and Technology Committee for a three-year term expiring February 28, 2012.

Note: They are replacing Llieva Ageenko, Deborah Bell, Mike Brannon, Shannon Chavis-Smith, Dave Clark, Anne Marie Giuriceo, Charles Marino and Joy Marshall.
FEBRUARY 3, 2009

(3B) CENTRALINA ECONOMIC DEVELOPMENT COMMISSION – PRIVATE SECTOR REPRESENTATIVE

Commissioner Leake asked about the process for making a private sector appointment to the Centralina Economic Development Commission.

Chairman Roberts explained that the Centralina Economic Development Commission was not a Board established by the County.

Commissioner Leake said she feels the Board should be consistent in its appointment process.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey, to follow the Board’s normal nomination process for selection of the Board’s private sector representative on the Centralina Economic Development Commission.

Commissioner Clarke said he feels the Board should move forward with supporting the Chairman’s recommendation, which is to appoint Ron Leeper.

Commissioner Leake said she has nothing against Mr. Leeper, but feels others should be given the opportunity to apply.

Commissioner Bentley asked Chairman Roberts to comment on why she recommended Mr. Leeper, which she did.

Clerk to the Board Janice S. Paige noted that if the Board follows the nomination process for County boards, then staff would have to advertise and the matter would be back before the Board in March.

After further discussion regarding the appointment process, Commissioner Leake said she was willing to withdraw her motion, if the seconder, Commissioner Cooksey, agreed to withdraw his second.

Commissioner Cooksey said he did not wish to withdraw.

Further discussion took place and it was the consensus of the Board that the appointment process be a future topic for a Budget/Public Policy meeting.

The vote was then taken on the motion and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, James, Murrey and Roberts voting no and Commissioners Bentley, Cooksey, and Leake voting yes, to follow the Board’s normal nomination process for the selection of the Board’s private sector representative on the Centralina Economic Development Commission.

Motion was made by Commissioner Dunlap and seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recommend the appointment of Ron Leeper to the Centralina Economic Development Commission as the Board’s Private Sector Representative.

(4A) PUBLIC HEARINGS

REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to hold a hearing on request by Hutchens, Senter & Britton, P.A. for reimbursement of overpayment of North Carolina excise tax in the amount of $170.
FEBRUARY 3, 2009

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the hearing and approve reimbursement to Hutchens, Senter & Britton, P.A. for overpayment of North Carolina excise tax in the amount of $170.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT - NONE

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 9 and 22 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held January 21, 2009; Special Meeting held January 8, 2009; and Closed Session minutes of January 6, 2009 and January 21, 2009.

(8) POST-CONSTRUCTION ORDINANCE MITIGATION PAYMENT

Recognize, receive and appropriate $30,823 in additional funding from Blackstowne Development, LLC for a post-construction ordinance mitigation payment.

(10) RECORDS RETENTION AND DISPOSITION SCHEDULE – SHERIFF’S OFFICE

Approve the new County Sheriff’s Office Records Retention and Disposition Schedule issued by the N.C. Department of Cultural Resources.

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

(11) DISTRICT ATTORNEY’S OFFICE RENOVATION – CONSTRUCTION CONTRACT

Award a construction contract in the amount of $3,234,000 to Streamline, LLC for a renovation and expansion of the District Attorney Offices in the Historic Courthouse, located at 700 E. Trade Street.

(12) REZONING APPLICATION FOR COUNTY OWNED PROPERTY

Approve submission of a rezoning application to the City of Charlotte requesting rezoning of a portion of Mecklenburg County owned Tax Parcels 207-041-05 and 207-041-08 from R-3 to Institutional.
Note: Tax Parcels 207-041-05 and 207-041-08 (+/- 31.14 acres) were acquired in 2003 by Mecklenburg County for the greenway program. In 2006, The Public Library of Charlotte and Mecklenburg County (PLCMC), the County’s Park and Recreation Department and the County’s Real Estate Services Department held discussions and agreed that a portion of the property was suitable for development and acceptable as a location to replace the existing Carmel Branch Library that is currently housed in leased space. The lease terminates in 2010.

PLCMC would like to build a joint-use library and nature center on +/- 12 acres of the property. In discussions with the city’s Planning Department, PLCMC has been advised that the property will need to be rezoned from the R-3 classification to a more appropriate classification since the building is in excess of 12,500 square feet. PLCMC proposes a building that is +/- 19,000 square feet. The County’s Real Estate Services Department requested approval to submit a rezoning application to the city with the Library acting as agent for the County.

(13) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING


Resolved recorded in full in Minute Book 44-A Documents #__, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ___, ____
Drive for $169,846.24.

4. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

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

(17) STATE BOARD OF ELECTIONS GRANT FUNDS

Recognize, receive and appropriate grant funds in the amount of $94,869.93 from the State Board of Elections to purchase voting equipment shelving and High Speed Ballot Reader.

(18) Z. SMITH REYNOLDS GRANT APPLICATION – LUESA

Authorize the County Manager to submit a grant application in the amount of $52,379 to the Z. Smith Reynolds Small Grant Program to fund floodplain reforestation in the McDowell Creek Watershed.

(19) AMENDMENTS TO THE MECKLENBURG COUNTY FLOODPLAIN REGULATIONS – SET PUBLIC HEARING

Set a public hearing to be held February 17, 2009 to receive comments on amendments to Mecklenburg County Floodplain Regulations and then adopt the proposed revisions to the Mecklenburg County Floodplain Regulations.

(20) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional revenue of $389,008 to reflect actual local, state, and federal allocations to the Health Department.

(23) SECTION 103 AIR QUALITY GRANT

Approve the submission of the County’s Clean Air Act (CAA) Section 103, Special Purpose multi-year federal grant application; and upon award of grant, recognize, receive and appropriate the CAA Section 103 grant award.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) CENTRAL PIEDMONT COMMUNITY COLLEGE PARKING DECK

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
FEBRUARY 3, 2009

Leake, Murrey and Roberts voting yes, to authorize the County Manager to finalize negotiations for and execute a Ground Lease Agreement and a Shared Parking Agreement with Central Piedmont Community College (CPCC) for (1) lease of the property and (2) construction and use of the parking deck and other nearby County and CPCC parking lots and decks. Also, that the remaining funds needed for completion of this project be included on the County’s Stimulus Package list or CPCC’s, if they have one.

Prior to the vote:

Commissioner Bentley removed this item from Consent for clarification and background purposes with respect to this project, in light of the Board’s recent discussion regarding debt issuance.

Finance Director Dena Diorio addressed this project. It was noted that this action does not commit to any future debt issuance at this time, it just allows them to proceed with the first phase of this project.

Commissioner Clarke asked was this a “shovel ready” project. The response was yes.

Commissioner Clarke asked why wasn’t this project on the list of stimulus projects that will be taken to Washington. The response was that there’s a County list and lists from Charlotte-Mecklenburg Schools and Central Piedmont Community College (CPCC).

County Manager Jones said when staff goes to Washington, they’ll have both lists. County Manager Jones said he wasn’t aware if this project was on CPCC’s list or not.

County Manager Jones explained that there are several lists of stimulus projects that have been prepared by respective governmental entities. The County has a list that it has submitted to the federal government for the stimulus package.

Commissioner Cooksey said he feels this is an important project and that thought needs to be given to how to get it funded “sooner rather than later.”

Rich Rosenthal, on behalf of CPCC, addressed this issue. He said the project is not on CPCC’s list and that they have not had an opportunity to put items on that list.

Commissioner Dunlap asked at some point would there be a prioritization of the stimulus package list.

Chairman Roberts said the Board has not prioritized the list and thus far has not been asked to prioritize it, but if there are certain projects preferred over others; this should be communicated to the County’s federal delegation.

Chairman Roberts asked that staff place this matter of prioritization of the Stimulus Package list on a future Budget/Public Policy agenda.

Commissioner Leake asked who generated the Stimulus Package list. The response was it was done by staff.

(22) AREA MENTAL HEALTH SECOND QUARTER FY 2009 REPORT

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

Financial Management
FEBRUARY 3, 2009

**Revenue Source**

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,786,864</td>
<td>5,837,557</td>
<td>42.34%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,051,083</td>
<td>15,067,679</td>
<td>44.25%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>44,323</td>
<td>45.56%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,845,759</td>
<td>1,358,855</td>
<td>35.33%</td>
</tr>
<tr>
<td>County</td>
<td>47,351,099</td>
<td>17,046,881</td>
<td>36.00%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$99,132,098</strong></td>
<td><strong>$39,355,295</strong></td>
<td><strong>39.70%</strong></td>
</tr>
</tbody>
</table>

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented.

Commissioner Leake removed this item from Consent, in order to let the Board know that she received calls regarding Area Mental Health’s relationship with the general public. The calls have centered around constituents lack of knowledge of what services are available through Area Mental Health and knowledge of how to access those services. It’s felt that perhaps the department needs to be more visible in the community. County Manager Jones responded by saying, if Commissioners receive calls from constituents regarding the availability of services, to refer them to his office and staff will make sure they’re connected to the appropriate source.

Commissioner James, with respect to the report, said he would like to know (referencing page 12) more about substance abuse bed days, specifically as it relates to the 550 consumers receiving detox and the 118 consumers receiving residential services. He asked were these individual consumers or “repeat customers.” County Manager Jones said he would get the answer and report back.

Commissioner James said it’s been a concern of his that the County does not have a policy that limits who goes through detox, with respect to how many times one can go through detox during a given year.

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

**STAFF REPORTS AND REQUESTS**

(21) MECKLENBURG COUNTY JAIL EXPANSION 2008 – CONSTRUCTION
FEBRUARY 3, 2009

MANAGER SELECTION

Bryan Turner with Real Estate Services addressed the Mecklenburg County Jail Expansion 2008 Project, the construction manager selection process, and the construction manager at risk program. It was noted that the action being considered does not commit the Board to a contractual dollar amount; it’s just to approve the selection and ranking of the firms. It was noted also that staff would be back to the Board throughout this process with updates.

General Manager Michelle Lancaster also addressed this matter.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake, to defer Item 21, authorizing the County Manager to negotiate a fee and execute contracts with Balfour Beatty Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Commissioner Cogdell said his reasons for wanting to defer were as follows:
1) He feels the full Board should receive the presentations the Jail Selection Committee received with respect to this proposal. Thus, giving the full Board an opportunity to ask questions.
2) He thinks it’s putting the “cart before the horse” in light of the economy and in light of the County’s budget outlook for next fiscal year.
3) He said the current Board needs to be given the opportunity to set its priorities in light of this.
4) He said the Board needs to have some in-depth discussion with respect to where it should put its limited resources.

Commissioner Cooksey noted for the record that he worked for what was then Centex Construction Company, now Balfour Beatty, as a consultant for about six months, over five years ago. He currently does not have a relationship with them, but for transparency purposes, he wanted to disclose this. Commissioner Cooksey said he spoke with the County Attorney regarding this and it was determined that he does not have a conflict of interest in this matter.

Commissioner Bentley addressed the process the committee went through in the selection process. Commissioner Bentley said she thinks the current process works well, thus, she doesn’t understand why it’s felt the entire Board needs to go through that process, when that’s the purpose of having the committee.

Commissioner Cogdell said his motive for recommending deferral is because he feels the County doesn’t have the debt capacity to do a project of this magnitude. Commissioner Cogdell said he understands there may well be a need for another jail over the course of the next ten years, but he still doesn’t feel he’s had a sufficient amount of information and knowledge with regard to a number of issues to make a decision about who to select or the time period in which the Board should be moving forward on this. Commissioner Cogdell noted also that had he been able to attend the committee’s final meeting, he would have voted no.

Commissioner Dunlap said he doesn’t want to question the process, but he feels there are questions that Board members may have regarding the selection that would need to be answered at some point.

Commissioner Clarke encouraged the Board to move forward with the action being requested and not to defer. He spoke in support of the committee’s work. Commissioner Clarke noted that the action being requested is not about authorizing construction of a jail. He said the Board is two – three years away from that decision.

There was then discussion of how the committee was selected. What was the process used by the committee. What are the criteria for selection of a contractor.
Substitute motion was made by Commissioner James, seconded by Commissioner Bentley, to authorize the County Manager to negotiate a fee and execute contracts with Balfour Beatty / Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Secondly, that all interested parties be notified that the Board will be revisiting its capital plan, which will have an impact on how quickly or whether the County continue with the jail in phases, at all, or other things.

Commissioner Cooksey addressed the difference between a construction manager at risk and a traditional contractor. Commissioner Cooksey said he’s concerned that if the Board doesn’t move forward, then it won’t have the answers it’ll need when it looks at its capital spending over the next several years.

Commissioner Cogdell asked General Manager Lancaster to comment on the reasons why Balfour Beatty / Rodgers Builders was selected. The response was 1) Balfour Beatty brings a cohesive team that has worked together on previous projects. They were the only firm to do this. 2) Balfour Beatty brings a history of projects, six North Carolina criminal justice systems projects, none of the others did. 3) Their MWSBE participation numbers were better than the other firms.

Commissioner Cogdell said staff should have noted in the background/justification with respect to this item, the reasons outlined by General Manager Lancaster.

He stated further that he also had questions with respect to the following, which he feels they should take into consideration when making this type of selection:

1) The history of the firm, with regard to workforce development and partnering with workforce development programs
2) The number of local employees they would hire versus those that would be brought in from another location.

Commissioner Leake requested a list of the projects that Balfour Beatty / Rodgers Builders have done in North Carolina, that were jails and came within budget.

Chairman Roberts asked whether Balfour Beatty / Rodgers Builders 1) usually complete their projects on schedule and within budget, 2) done projects of this size before, and 3) have experience with LEED Certification, performance management, reducing cost of operations, energy efficient efforts, etc. The response was yes.

The vote was taken on the substitute motion made by Commissioner James, seconded by Commissioner Bentley and was unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to negotiate a fee and execute contracts with Balfour Beatty / Rodgers Builders for Pre-Construction and Construction Management Services for the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are unsuccessful, approve negotiations with the second short-listed firm. (G.S. 143-64.31).

Secondly, that all interested parties be notified that the Board will be revisiting its capital plan, which will have an impact on how quickly or whether the County continue with the jail in phases, at all, or other things.

Note: The Short List was as follows:

1. Balfour Beatty / Rodgers Builders
2. Bovis / Bell Associates / RJ Leeper
3. dck / Edison Foard / DE Walker Construction
FEBRUARY 3, 2009

Note: Commissioner Leake originally voted no, however, she asked that her vote be changed to yes. It was the consensus of the Board to allow her to do so.

(24) REFUNDING BONDS

RESOLUTION RELATING TO REFUNDING BONDS

Commissioner Bill James introduced the following resolution, which was read by its above title:

WHEREAS, the Board of Commissioners for the County of Mecklenburg, North Carolina (the “County”), is considering authorizing the issuance of refunding bonds of the County in an aggregate principal amount not exceeding $300,000,000 for the purpose of providing funds, with other available funds, for refunding all or a portion of certain outstanding general obligation bonds, including paying expenses related thereto, and it is necessary to take certain related action at this time;

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

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

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

Section 3. The Local Government Commission is hereby requested to sell the bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the County, subject to the approval of the County.

Section 4. The Board recommends the selection of the following professionals to be on the financing team for the bonds and that their services be utilized to the extent required and where appropriate:

<table>
<thead>
<tr>
<th>Bond Counsel</th>
<th>Robinson, Bradshaw &amp; Hinson, P.A., Charlotte, North Carolina</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underwriter</td>
<td>Wachovia Securities, Charlotte, North Carolina</td>
</tr>
</tbody>
</table>
FEBRUARY 3, 2009

The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. The Board will at a later date make recommendations for the selection of other persons required in connection with the issuance of the bonds.

Section 5. This resolution shall take effect immediately upon its passage.

* * * *

Upon motion of Commissioner Bill James, seconded by Commissioner George Dunlap, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Bill James moved adoption of a resolution to introduce the bond order, that motion was seconded by Commissioner Karen Bentley, and the resolution was read by the above title.

BOND ORDER AUTHORIZING THE ISSUANCE OF $300,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG

WHEREAS, the County of Mecklenburg (the "County") has issued General Obligation Public Improvement Bonds, Series 2001A, dated May 1, 2001 (the “General Obligation Public Improvement Bonds, Series 2001A”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2001A”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2001D, dated December 1, 2001 (the “General Obligation Public Improvement Bonds, Series 2001D”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2001D”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2002A, dated August 1, 2002 (the “General Obligation Public Improvement Bonds, Series 2002A”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2002A”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2002B, dated August 1, 2002 (the “General Obligation Public Improvement Bonds, Series 2002B”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2002B”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2003A, dated February 1, 2003 (the “General Obligation Public Improvement Bonds, Series 2003A”), a certain portion of which remain outstanding (the “Outstanding General Obligation Public Improvement Bonds, Series 2003A”); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding General Obligation Public Improvement Bonds, Series 2001A, Outstanding General Obligation Public Improvement Bonds, Series 2001D, Outstanding General Obligation Public Improvement Bonds, Series 2002A, Outstanding General Obligation Public Improvement Bonds, Series 2002B and Outstanding General Obligation Public Improvement Bonds, Series 2003A (collectively referred to herein as the “Bonds to be Refunded”) pursuant to and in
NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The County Board of Commissioners has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

Section 2. To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be $300,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County’s debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. The bond order shall take effect upon its adoption.

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

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

The Board of Commissioners thereupon designated the Director of Finance as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Finance Act, as amended, to be filed after the bond order has been introduced and before the bond order has been adopted.

Thereupon the Director of Finance filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

* * *

ADOPTION OF BOND ORDER

Commissioner Bill James moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $300,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on February 3, 2009. The motion was seconded by Commissioner Karen Bentley and was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

* * *
RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Bill James moved adoption of the following resolution, the motion was seconded by Commissioner Karen Bentley, and the resolution was read by the above title.

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

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

1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on February 3, 2009, the Issuer shall issue its bonds in the maximum aggregate principal amount of $300,000,000.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2009A” (the “Bonds”).

3. The Bonds shall be dated their date of issuance, and shall bear interest from their date at a rate or rates that shall be determined upon the private sale of the Bonds, and interest shall be payable on August 1, 2009, and semi-annually thereafter on February 1 and August 1. The Bonds shall mature annually on August 1, as determined upon their sale.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

4. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on and principal of the Bonds will be payable in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository
to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

5. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

6. The Bonds and the endorsements thereon shall be in substantially the following form:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

The County of Mecklenburg (the “County”), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the “Bond Registrar”), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the February or August 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a February 1 or August 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on August 1, 2009, and semi-annually thereafter on February 1 or August 1 of each year, at the rate per annum specified above, until
payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose
name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of
the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and
the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the
payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General
Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as
amended, a bond order adopted by the Board of Commissioners of the County on February 3, 2009 (the “Bond Order”)
and a resolution adopted by that Board (the “Resolution”) to provide funds, together with any other funds that may be
provided, to advance refund all or a portion of the County’s outstanding General Obligation Public Improvement Bonds,
Series 2001A dated as of May 1, 2001, outstanding General Obligation Public Improvement Bonds, Series 2001D dated
as of December 1, 2001, outstanding General Obligation Public Improvement Bonds, Series 2002A dated as of August 1,
2002, outstanding General Obligation Public Improvement Bonds, Series 2002B dated as of August 1, 2002 and

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution
of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the
name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership
of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effectuated
on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal
and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest
payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of
beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records
maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The
transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the
surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his
attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond
Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in
authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of
the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the
State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been
performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is
within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are
hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under
the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local
Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of
authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile
signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a
date] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated its date of issuance.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of
North Carolina.
CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned Bond Order and Resolution.

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar

By:  
Authorized Signature

Date of Authentication: ____________, 2009

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: ____________________  
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

7. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar

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Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond including the interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

8. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

9. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

10. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

11. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver an Escrow Deposit Agreement, a Bond Purchase Agreement and an Official Statement in such form as may be approved by them, their execution thereof constituting conclusive evidence of such approval. The Preliminary Official Statement and the Official Statement are hereby authorized for use in connection with the sale of the Bonds. The Director of Finance is hereby authorized to determine and approve the principal amount of the Bonds, the annual maturity amounts, interest rates and sale prices of the Bonds, and any other details necessary in connection with the sale of the Bonds.

12. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to the Municipal Securities Rulemaking Board (“MSRB”), audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be
(b) delivered within 15 days after such audited financial statements become available for distribution.

(c) by not later than seven months from the end of each fiscal year of the Issuer, to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(d) in a timely manner, (i) prior to July 1, 2009, to each nationally recognized municipal securities information repository or to the MSRB, and to the state information depository for the State of North Carolina, if any, and (ii) on and after July 1, 2009, to the MSRB, notice of any of the following events with respect to the Bonds, if material:

1. principal and interest payment delinquencies;
2. non-payment related default;
3. unscheduled draws on debt service reserves reflecting financial difficulties;
4. unscheduled draws on any credit enhancements reflecting financial difficulties;
5. substitution of any credit or liquidity providers, or their failure to perform;
6. adverse tax opinions or events affecting the tax-exempt status of the Bonds;
7. modification to the rights of the beneficial owners of the Bonds;
8. bond calls;
9. defeasances;
10. release, substitution or sale of any property securing repayment of the Bonds;
11. rating changes; and

(e) in a timely manner, to the MSRB, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The County shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any
FEBRUARY 3, 2009

acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

Extract & Resolutions recorded in full in Minute Book 44-A, Document # _____.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – No general comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:22 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
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 10, 2009.

ATTENDANCE

Present:  
Vice-Chairman Harold Cogdell, Jr. and  
Commissioners Dumont Clarke, Neil Cooksey  
George Dunlap and Daniel Murrey  
General Manager Michelle Lancaster  
General Manager John McGillicuddy  
County Attorney Marvin Bethune  
Clerk to the Board Janice S. Paige

Absent: 
Chairman Jennifer Roberts and Commissioners Karen Bentley  
Bill James and Vilma Leake

The meeting was called to order by Vice-Chairman Cogdell.

Vice-Chairman Cogdell noted the topics scheduled for discussion, 1) Affirming the Board’s Priorities and 2) Additional Public Policy Workshop Dates. He then called on Budget/Management Director Hyong Yi.

(1) AFFIRMING THE BOARD’S PRIORITIES

Director Yi said one of the purposes of today’s meeting was to ask the Board to affirm and/or change the priorities presented as determined at the Board’s Strategic Planning Conference. He suggested, however, since several Commissioners were absent that the Board may want to defer this until the next Budget/Public Policy meeting.

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

Comments

Commissioner Murrey said when the matter does come back before the Board, he would be interested in a comparison of last year’s ranking of priorities versus this year’s. He’s interested in knowing if there are differences; why and what impact will this have on the parties involved; and how it will be interpreted by those responsible groups and public stakeholders that are related to those programs.

Commissioner Clarke said he would like to see the Business Imperatives “carved out” and clearly explained, so that the public will understand the Board changed its methodology.

Commissioner Cooksey said he thinks the Board should move forward because what if attendance is the same at the next Budget/Public Policy meeting. He suggested the list of priorities be sent to all Board members and that it be addressed at the next regular meeting, when the full Board would be present.
Vice-Chairman Cogdell asked Board members if the list presented appeared to be what the Board decided upon at the Strategic Planning Conference. *The consensus was yes.*

Commissioner Dunlap said although he’s not in total agreement with the priorities, he feels the Board should move forward because each time the matter is presented, it’s subject to changes. He said at some point the Board needs to finalize the list of priorities and move to the next step.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, but later withdrawn, to adopt the list of priorities presented as the Board’s priorities for FY2010.

Commissioner Murrey said there needs to be more discussion and asked would there be another opportunity for the Board to adjust the list. *It was noted that once the Board adopts the list, this is what will be used by staff for moving forward in formulating next year’s budget.*

Vice-Chairman Cogdell said this matter should be delayed until all Board members can be present. This would give everyone an opportunity to weigh in on this matter.

It was at this point that Commissioners Cooksey and Dunlap withdrew their motion.

Commissioner Cooksey asked staff to send the priorities list presented today to all Commissioners prior to the next Budget/Public Policy Workshop and make it clear that the Board will be voting on this matter at the next Budget/Public Policy Workshop; and that if you desire to have further input, please be present.

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, and Murrey voting yes, to defer consideration of the Board’s priorities until the next Budget/Public Policy meeting.

### (2) WORKSHOP SCHEDULE

Additional Budget/Public Policy Workshop dates were presented for approval.

*A list of the dates is on file with the Clerk to the Board.*

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, and Murrey voting yes, to approve the additional Budget/Public Policy Workshop dates as presented by staff.

Prior to the above vote:

Vice-Chairman Cogdell said if there are topics listed on the Workshop Schedule that Board members feel they’ve received sufficient information on and therefore a presentation on that subject is not needed and/or if there’s a topic a member would like discussed that’s not on the list to inform staff of that.

Commissioner Cooksey asked for clarification on the subject of Fee Changes and Storm Water fees, which was addressed.

Commissioner Murrey asked could some of these subject matters be discussed in committee and then brought to the full Board.

General Manager McGillicuddy addressed the Board’s committee process and how matters get before a committee.

Commissioner Clarke commented on how the committee process has worked in the past.

Commissioner Murrey said the Board needs to discuss at a future Budget/Public Policy
meeting how much it wants to utilize its committee structure. Commissioner Murrey said utilizing the committee structure more could be more effective.

Commissioner Dunlap said the advantage of the Budget/Public Policy meetings is that it allows all Board members the opportunity to become knowledgeable about a particular subject matter at the same time, whereas, in a committee, often only those on the committee have a greater understanding of a matter because more in depth discussion has taken place. Thus, those not on the committee rely on the recommendation of the committee but really don’t have the full knowledge.

Commissioner Murrey said the question isn’t whether or not Budget/Public Policy meetings need to be held, because he feels they are needed, but rather, what’s the appropriate place for a matter to go, committee or public policy.

Commissioner Murrey said he brings it up as a suggestion to staff in placing items on various agendas. He said if an item goes to committee, then all board members should be informed of that and provided the same information that committee members receive, with the understanding that they’re welcome to attend that committee meeting.

Commissioner Cooksey with respect to Charlotte-Mecklenburg Schools’ (CMS) Funding Evaluation Guidelines, suggested once the Board confirms those guidelines that there be a joint meeting with the School Board with respect to that.

Vice-Chairman Cogdell said often times things can get done more effective utilizing a committee that then comes back with a recommendation to the full body to act upon as it chooses.

Commissioner Clarke said the topics on the workshop schedule are for the Board to discuss as a whole. He said these matters are tied to the budget, but if a committee wants to take up a topic prior to that, he’s not opposed to that.

It was clarified that the Board was really only being asked to approve the dates and that the topics are subject to change.

(Meeting with Board of Education)

Commissioner Cooksey said in light of the tough budget year everyone is facing that it would be a good idea to meet with the Board of Education. He said in order to come to a conclusion that’s satisfactory to the community the two entities have to talk.

Vice-Chairman Cogdell noted that in the past all three entities, the County Commission, Charlotte City Council and Board of Education, met on a quarterly basis but the meetings were not well attended. He supports having such meetings, nonetheless.

Vice-Chairman Cogdell asked staff to report back to the Board with ideas for holding these types of joint meetings.

Commissioner Murrey said if joint meetings are going to be held and in order to get good attendance, there will need to be a “defined” agenda, so everyone would know what we’re trying to accomplish. Commissioner Murrey said this is true even if the meeting is just between the County Commission and the Board of Education. He said it’s important to know and to say specifically what it is we’re trying to come to alignment on as far as our goals and our understanding of what the priorities are.

Commissioner Clarke suggested a joint meeting with the Board of Education take place after the Board has discussed the CMS Evaluation Guidelines and then sometime between when the Superintendent makes his recommendation to the Board of Education and before the Board of Education makes its decision.
Vice-Chairman Cogdell said he agrees that the joint meeting with the Board of Education should not occur until after the Board has discussed the CMS Evaluation Guidelines and has clear direction.

Commissioner Cooksey said he agreed and that the CMS Evaluation Guidelines discussion needs to be moved up on the workshop schedule.

It was the consensus of the Board that the discussion of CMS Evaluation Guidelines be moved up on the workshop schedule, possibly for the February 24, 2009 workshop.

This concluded the discussion.

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

ADJOURNMENT

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, and Murrey voting yes, that there being no further business to come before the Board the meeting be adjourned at 3:52 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 17, 2009.

ATTENDANCE

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

Absent: Commissioner Karen Bentley

INFORMAL SESSION

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

(1A) STAFF BRIEFINGS – SOUND RECORDINGS FOR CLOSED SESSION

Motion was made by Commissioner James, seconded by Commissioner Cooksey, to adopt a policy on making sound recordings of closed sessions by amending the Board’s policy with respect to the Disclosure of Minutes of Closed Sessions. The amendment being to record only those Closed Sessions where the minutes may be released, and that the recording be kept for seven years.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a policy on making sound recordings of closed sessions by amending the Board’s policy with respect to the Disclosure of Minutes of Closed Sessions. The amendment being to record only those Closed Sessions where the minutes may be released, and that the recording be kept for two years, unless the Board determines it needs to be kept longer. The amendment reads as follows with an effective date of March 3, 2009:

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

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

The sound recording of a closed session shall be reclassified as no longer needing to be held in confidence when the minutes of the closed session have been reclassified as provided below. The sound recording will be made available for public inspection by the Clerk to the Board for two years. At the end of the two years the sound recording can be discarded; unless the Board determines it needs to be kept longer.

Note: The Clerk to the Board will prepare an agenda item for submission to the Board to affirm the discarding of Closed Session Recordings at the end of the two-year period. The two-year period will not begin until the minutes of that particular Closed Session have been released for public inspection.

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

Policy recorded in full in Minute Book 44-A, Document ______.

(2A) CLOSED SESSION – A) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: The US National Whitewater Center and Sharon Pittman vs. Mecklenburg County.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 6:43 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11 and 16.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) GREAT AMERICAN CLEAN UP
Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating March 1st through May 31st as the Mecklenburg County ‘Great American Clean Up.’

The proclamation was read by Commissioner Cooksey and received by Jake Wilson, Director of Keep Mecklenburg Beautiful in LUESA-Solid Waste Division.

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

(1B) HUMAN RELATIONS MONTH

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating February 2009 as Human Relations Month in Charlotte and Mecklenburg County.

The proclamation was read by Commissioner Dunlap and received by Angeles Ortega-Moore and Willie Ratchford on behalf of the Community Relations Committee.

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

(1C) RECOGNITION OF HARRY P. HARDING HIGH SCHOOL BAND

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to officially recognize Harry P. Harding High School Band in recognition of their participation in the Inauguration Events for the 44th President of the United States of America, President Barack Hussein Obama on January 20, 2009.

Note: Harding was the only band from N. C. invited to participate in the Presidential Inauguration Parade.

Band Director Anthony Jones, members of the band, their parents and the Principal of Harding, Alicisa Johnson were present to receive the Certificate of Appreciation.

PUBLIC APPEARANCE

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

Beth Marlin addressed sewer blow back problems and potential health concerns. Mrs. Marlin said she was bringing this matter to the Board’s attention, since it sits as the Board of Health. The sewer line addressed by Mrs. Marlin is on Beatties Ford Road in the 500 block.

Chairman Roberts said she would have the appropriate staff to look into this.

Mary Klenz, Maria Halin, Dorothy Waddy, Whitney Mungim, and Madlyn Pratt addressed mixed income housing. They represent the Mixed Income Housing Coalition, a “grassroots coalition to gain support for policies which create and sustain mixed-income communities throughout the County. They said “without change, the quality of life for people in Charlotte and Mecklenburg County will suffer from increased economic and social isolation, higher crime rates, long commutes, increasing separation between home and work, an unacceptability education achievement gap, lack of access to daily needs and a persisting lack of community trust.” They asked the Board to “work for inclusionary housing policies and practices that support mixed
income neighborhoods so that citizens of Mecklenburg county, regardless of income, have choices to live in all areas of our county.”

*A copy of a handout from the Mixed Income Housing Coalition is on file with the Clerk to the Board.*

Vincent Frisino, Jr. addressed subsidized housing. Mr. Frisino was representing the Beatties Ford Road Cluster One, Eastside Neighborhood Council, Hidden Valley Community Association and Plaza Eastway Partners/NCO Inc., Windsor Park Neighbors, and Verndale Farms Neighborhood Association. Mr. Frisino said there’s an “overload” of subsidized housing in our NSAs in the East and West of Charlotte. Mr. Frisino said his group would like a definitive answer with respect to the actual number of housing units in Mecklenburg County.

Chairman Roberts said she would have someone in the tax office to answer Mr. Frisino’s question with respect to the number of housing units.

*A copy of a handout from Mr. Frisino is on file with the Clerk to the Board.*

(3A) NOMINATIONS/APPOINTMENTS

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Letha Smalls-Gordon to the Adult Care Home Community Advisory Committee for a one-year term expiring February 28, 2010.

*She is replacing Brenda Allison.*

**CHARLOTTE MECKLENBURG COMMUNITY RELATIONS COMMITTEE**

Commissioner James nominated all of the applicants for appointment consideration to the Charlotte Mecklenburg Community Relations Committee:

Lori Fletcher  
Earl Foxworth, Jr.  
Stephen Grey  
Azania Herron  
Sharon Ingram  
Catherine Kennedy  
Barry Kirby  
Hope McKinney  
Holly Neil  
Patrick Rivenbark  
Amad Shakur  
Tami Snipe  
Rebecca Vincent  

*Note: An appointment will occur on March 3, 2009.*

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake,
Murrey and Roberts voting yes, to appoint Kay Roderick to the Nursing Home Community Advisory Committee for a one-year term expiring February 28, 2010.

She is replacing Dora Daniels.

PARK AND RECREATION COMMISSION

The following persons were nominated for appointment consideration to the Park and Recreation Commission for the At-Large position:

- Helen Alexander by Commissioner Dunlap
- Ericka Ellis-Stewart by Commissioner Cogdell
- Hubert Helms by Commissioner Cogdell
- Charles McRee by Commissioner Cogdell
- Norman Mitchell, Sr. by Commissioner James
- Rodney Moore by Commissioner Cogdell
- Paul Richardson by Commissioner Cogdell
- Sheryl Smith by Commissioner Cogdell

Note: An appointment will occur on March 3, 2009.

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint David Morgan to the Park and Recreation Commission as the Northern Town Representative to fill an unexpired term expiring June 30, 2009.

He is replacing Michael Noble.

PUBLIC HEARINGS

(4A) AMENDMENTS TO THE MECKLENBURG COUNTY FLOODPLAIN REGULATIONS

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to hold a public hearing to receive comments on the proposed revisions to the Mecklenburg County Floodplain Regulations.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the proposed revisions to the Mecklenburg County Floodplain Regulations and adopt the proposed revisions to the Mecklenburg County Floodplain Regulations.

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

(4B) STREET LIGHTING – FINAL ASSESSMENT
Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing and Wilson Glen Subdivisions; to open a public hearing on Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing and Wilson Glen Subdivisions.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on Street Lighting Preliminary Assessment Resolution for Mecklenburg County’s participation in the Street Lighting Assessment project for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing and Wilson Glen Subdivisions; and adopt the Final Assessment Resolution for Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing and Wilson Glen Subdivisions. Resolutions recorded in full in Minute Book 44-A, Document #'s ____________.

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

County Manager Jones gave a brief budget update and capital update, which was given by Finance Director Dena Diorio.

The following was noted:

- As of February 17, 2009, there’s a deficit for the current fiscal year of about $46 million.
- The goal is to continue to reduce spending in order to minimize the need to appropriate any additional fund balance.
- A hiring freeze has been implemented.
- County departments and outside agencies have been directed to forego spending of 15% of the remaining and unencumbered expense in non-salary accounts.
- Charlotte Mecklenburg Schools, Central Piedmont Community College, Public Library of Charlotte/Mecklenburg County, Medic, and Carolinas Healthcare System have been asked to cooperate with the County in making reductions as well.
- The Manager and the Executive Team will review the reductions the departments have submitted.
- Per that review the Board will be informed of the actions taken and the impact of those actions.
- With respect to next year’s budget, there continues to be a $70 million gap between the current budget and projected revenues.
- This gap will increase, as a result of some mandatory increases from the current year and as revenue estimates are refined.
- At this point it’s uncertain whether the local effect of the federal stimulus package will be
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identified by the state before the Board approves its budget. Further, it’s unlikely that the County will be able to budget away this gap using federal stimulus monies.

- County departments and agencies, the Public Library of Charlotte/Mecklenburg County, Medic, and Carolinas HealthCare System have been asked to identify reductions in next year’s budget that total 20% of current year funding; however, this doesn’t necessarily mean their budgets will be cut 20%.
- Charlotte-Mecklenburg Schools (CMS), Central Piedmont Community College, and WTVI have been contacted and asked to share in this reduction process with a reduction request of 10% in their request for County funding.
- If County departments had to assume the full “burden” of eliminating the $70 million gap, it would result in the elimination of 1000 jobs and approximately 500 employees.
- The intent is to retain jobs and employees, where possible, however, if the County’s key business partners, especially CMS, don’t share in this responsibility, many County employees will be out of work.
- The impact of this gap on LUESA was also addressed.

Comments

Commissioner Dunlap asked about the impact of these reductions on departments, when as a result of the economy, there’s more demand for their services, which was addressed.

Commissioner Cogdell asked for clarification with respect to why were community partners being asked to reduce at different levels, which was addressed.

Commissioner Cooksey said it was incumbent upon the Board to prioritize those capital projects that are on the stimulus package list.

Commissioner Leake expressed concern for equity, with respect to County departments and community partners.

Commissioner James said at some point he would like to have a definition of “shovel ready” projects.

Commissioner James suggested the Board consider using restricted contingency with respect to CMS funding. Commissioner James said if it’s done this way, the Board can pull back funding anytime it wants to.

Capital/Debt issues

Finance Director Diorio briefly addressed the County’s capital/debt issues.

The following was noted:

- The Board was reminded that it had delayed action on the $253 million bond sale.
- Staff was asked to reassess the need of all currently authorized projects totaling $1.3 billion.
- Staff was asked to give an update on authorized projects that are unfunded.
- Staff was asked to prioritize the list of projects.
- Staff was asked to project the County’s debt capacity for the next five years.
- Two options were shared with respect to accomplishing the things the Board has asked staff to do:
  - Option 1 - That staff report back to the Board on March 11, 2009 with respect to debt capacity for the ensuing five years based on assumptions with respect to what the County’s operating budget would be. Projects would be presented in three categories: 1) Those under construction 2) Those that are in design or design completed 3) All others
  - Staff would provide a prioritized list of projects as recommended by departments
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Option 2
Staff would report back on April 28, 2009 and address the same issues mentioned in Option 1 but the projects would be prioritized based on a pre-determined criteria, which staff is still working on. The Citizens Capital Budget Advisory Committee would be asked to get involved to assist in the prioritization of projects and providing public input.

- The advantages and disadvantages of each option were reviewed.

Comments
Commissioner James spoke in support of Option 1. Commissioner James said it allows you to tackle this issue faster and everything is “upfront.” Commissioner James said you could still however, do some of the aspects of Option 2 after you’ve done Option 1. Commissioner James said he feels Option 1 allows you to disclose information to the public sooner.

Commissioners Clarke and Murrey spoke in support of moving forward with Option 1.

It was the consensus of the Board to move forward with Option 1.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 11 and 16 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 3, 2009 and Closed Session minutes of February 3, 2009, and January 6, 2009.

(8) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records are comprised of 305 commercial plans permitted January 2007

(9) TAX REFUNDS

Approve tax refunds in the amount of $146,117.73 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.

(10) STATE BOARD OF ELECTIONS GRANT FUNDS

Recognize, receive and appropriate grant funds in the amount of $260,755 from the State Board of Elections to pay for additional one-stop voting locations.

(12) FEDERAL CRISIS INTERVENTION PROGRAM (CIP) - DSS
Amend the Fiscal Year 2009 Adopted Budget to recognize, receive and appropriate $1,050,148 of additional Federal revenue for the Crisis Intervention Program (CIP).

Note: The U.S. Department of Energy allocated $902,784 additional federal funding for the Crisis Intervention Program (CIP), and $147,364 for the administration of the CIP program. The additional funding will assist Mecklenburg County citizens with heating and cooling needs through the end of FY2009.

(13) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION COMMUNITY TRANSPORTATION GRANT APPLICATION – SET PUBLIC HEARING

1) Schedule a public hearing on March 17, 2009 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 2009-2010.

2) Authorize the Clerk to the Board to publish Notice of Intent to hold public hearing.

(14) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate Medicaid funds in the amount of $400,000 for the purchase of durable and consumable goods for consumers enrolled in the Community Alternatives Program for Mental Retardation/Developmental Disabilities (CAP-MR/DD), a Federal Medicaid waiver program.

B) Approve, recognize, receive and appropriate Medicaid funds in the amount of $925,410 for the purchase of Targeted Case Management services for developmentally disabled Medicaid consumers.

C) Approve, recognize, receive and appropriate Medicaid funds in the amount of $66,419 to directly provide Community Support services to adult consumers who are in Department of Social Services (DSS) custody and have mental health diagnoses.

D) Approve, recognize, receive and appropriate funds received from Correct Care Solutions in the amount of $53,248 to fund a position to provide discharge planning for mental health care services to jail inmates under the control of the Mecklenburg County Jail.

E) Approve establishing two full time positions to perform the functions identified in items C and D above.

(15) CSX TEMPORARY CONSTRUCTION EASEMENT

Authorize the County Manager to finalize negotiations for and execute a Temporary Construction Easement with CSX Transportation, Inc. to allow CXS to access County property in order to repair an embankment supporting a CSX rail line.

(17) GREENWAY DONATION

Accept donation of Tax Parcel 051-211-88 (+/- 7.252 acres) on Back Creek from FC Caldwell, LLC.

Note: This parcel will add to greenway assemblage along Back Creek, and is located in the Northeast Park District.
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THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) FREEDOM FAMILY RESTAURANT LEASE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to MSF, Inc., owner of Freedom Family Restaurant.”

Note: MSF, Inc., owner of Freedom Family Restaurant, a family-style restaurant, has submitted a proposal to lease a County owned building at 1501 Ashley Road, located on an out-parcel of the Valerie C. Woodard Building property (former Freedom Mall site). The former Freedom Mall building has undergone extensive renovations to portions of the facility and now house County employees.

Commissioner Leake removed this item from Consent in order to clarify the exact location of the facility, which was addressed.

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

(16) DUKE ENERGY LEASE AGREEMENTS FOR RAMSEY CREEK PARK AND COPPERHEAD ISLAND

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to authorize the County Manager to execute agreements for Mecklenburg County to lease property from Duke Energy to develop and maintain Copperhead Island and Ramsey Creek Parks.

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

STAFF REPORTS AND REQUESTS

(18) WHITEWATER ANNUAL FINANCIAL REPORT

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive as information the US National Whitewater Center Annual Financial Report.

Note: On May 5, 2004, Mecklenburg County entered into two agreements with the Charlotte Whitewater Park, Inc. (CWP). The first agreement was a lease and development agreement which permitted CWP to build the US National Whitewater Center on county-owned land and lease the property for a period of 40 years.

The second agreement was for the provision of park services by CWP. As part of that agreement, Mecklenburg County agreed to pay a maximum annual service fee of $1 million for seven years. In the event that CWP has excess funds after paying operating expenses and debt service, a credit on the annual service fee would be applied. For the fiscal year ending October 31, 2008 the reported revenues did not exceed operating expenses plus debt service so Mecklenburg County is liable for the entire $1 million service fee, which is already approved in this fiscal year’s operating budget.
This is the second full year that CWP has been in operation. CWP has not been able to generate sufficient income to make the required principal payments on its outstanding debt of $38 million.

CWP is pursuing a second forbearance agreement with its lenders that will allow principal payments to be deferred until after October 31, 2009.

Prior to the above vote, General Manager Bobbie Shields, Jeff Wise, Executive Director of the US National Whitewater Center and Allan Dixon, Board Chairman addressed this matter.

Comments prior to the above vote:

Commissioner Cooksey asked what were the plans for improving the financial performance of the Center, which was addressed.

Commissioner Cooksey asked about fundraising, which was addressed.

It was noted by Mr. Wise that their goal is to get more people to visit the Center and to get them to spend more money at the Center, and to make sure the Center’s expenses are well managed.

Commissioner Murrey asked for clarification with respect to the shortfall and how it was calculated, which was addressed.

Commissioner Murrey asked about the Center’s business plan, which was addressed.

Commissioner Leake expressed concern for having to make this payment to the Center, especially in light of the current economy.

Commissioner James asked about the spending of the $1.7 million, which was addressed.

Commissioner James asked how much of the subordinated and senior debt that was owed by the directors, which was addressed.

Commissioner James said at some point he would like a list of the endowments, as it relates to the Center.

Commissioner James said he does not think the Center is financially viable with $38 million in debt; and to make it financially viable, a plan is needed that’s not a $49 dollar fee for an access pass.

It was noted by Whitewater representatives that they are aware of the need for a better business plan and is in the process of working with the banks to develop such a plan.

Commissioner Cogdell clarified for the public, the County’s obligation to the Center, per the agreement entered into by the County, several years ago.

Commissioner Cogdell suggested the need for more information about how the Center can be a greater public benefit, but he understands their limited marketing ability at the present time.

Commissioner Cogdell asked what secured interests do the lenders hold in the leasehold. The response was there’s a leasehold deed of trust.

Commissioner Dunlap noted that often it takes more than two years for a new business to make a profit. Commissioner Dunlap suggested the Center do more marketing to let people know they exist.

Chairman Roberts said the County wants to help the Center get through these tough times, because the Center is a great asset to the community.

A copy of the report is on file with the Clerk to the Board.
COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – No general comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:52 p.m.

____________________

Janice S. Paige, Clerk

______________________________ ____________________________

Jennifer Roberts, Chairman
FEBRUARY 24, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Budget/Public Policy Session in Conference Center Room CH-14 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, February 24, 2009.

ATTENDANCE

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

Absent: Commissioner Karen Bentley

Commissioner 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.

Chairman Roberts noted the topics scheduled for discussion, 1) Finalize Board Priorities, 2) Briefing on Stormwater Fees, and 3) Charlotte Mecklenburg Schools (CMS) Funding Evaluation Guidelines. She then called on Budget/Management Director Hyong Yi.

(1) FINALIZE BOARD PRIORITIES

Prior to addressing the Board’s priorities, Director Yi and County Manager Jones gave an update on the current budget situation (FY09). The following was noted:

- The $57 million gap was down to $0.00 as a result of requested reductions at the directive of the County Manager, however, the sales tax for December was less than expected, so now there’s a gap of $12 million.
- The Library and Park and Recreation were asked to provide information with respect to the impact of possibly closing facilities one day a week for the remainder of this fiscal year.
- Superintendent Dr. Peter Gorman has been informed that additional budget reductions are needed from CMS, $2.5 million and that the County Manager plans to place an item on the Board’s March 3, 2009 agenda for the Board to consider reducing CMS’ budget by another $2.5 million.
- The Board has the authority to do so under N. C. General Statute 159-13, section nine (9), that states appropriations made to a school administrative unit by a county may not be reduced after the budget ordinance is adopted, unless the board of education of the administrative unit agrees by resolution to a reduction, or unless a general reduction in county expenditures is required because of prevailing economic conditions. Before a board of county commissioners may reduce appropriations to a school administrative unit as part of a general reduction in county expenditures required because of prevailing
economic conditions, it must do all of the following:

*Hold a public meeting at which the school board is given an opportunity to present information on the impact of the reduction.*

*Take a public vote on the decision to reduce appropriations to a school administrative unit.*

- An additional $500,000 is needed from CPCC.
- With respect to the County’s budget situation, it continues to be a fluid process.
- There’s still a $70 million gap for fiscal year 2010.
- At this point, staff doesn’t know the impact of any stimulus funding.
- There are direct consequences if county agencies have to make up the entire gap.

Chairman Roberts asked whether the $2.5 million from CMS was in addition to what CMS had already been asked to give up. *The response was yes. It’s now a total of $5 million.*

Chairman Roberts said she would like to see information with respect to the impact of service cuts, such as number of jobs lost, number of clients currently being served but because of cuts will no longer be able to receive services.

Commissioner Dunlap asked if staff took into consideration reserves that agencies may have, such as the hospitals. Commissioner Dunlap asked would it make more sense to take more from the hospitals and less from some of the other agencies. *The response was that staff only looked at the contractual portion of county funding to the hospitals for indigent care.*

*Commissioner Clarke entered the meeting.*

Commissioner Dunlap expressed concern for asking for additional cuts, particularly from CMS, when there’s the possibility that incoming revenue may get better.

Commissioner Cooksey asked whether the reduction to hospital funding impacts patient care. *The response was no. It was noted that the County was not paying for a “service” but that the funds appropriated to the hospitals go against their “bottom line.”*

Commissioner Leake asked about stimulus funding and its impact on CMS. *The response was that it was too early to know at this point.*

Commissioner Leake asked about the status of trying to schedule a meeting with the Board of Education’s liaison committee. *The response was that at this time a CMS Education Liaison committee has not been appointed.*

Commissioner Murrey said the two boards as a whole should meet. Further, that two topics of discussion should be the budget priorities of each board and opportunities for partnerships with respect to sharing and/or swapping services.

Commissioner Murrey suggested the two chairs meet, along with the County Manager and Superintendent to determine the best way to bring the two bodies together and an appropriate agenda.

The Clerk to the Board was asked to contact her CMS counterpart regarding a date for a joint meeting.

Commissioner Cogdell commented on the current revenue gap and the recent sales tax revenue figures. He asked was it possible for the gap to increase. *The response was yes.*

Commissioner Cogdell asked what was the Board’s role at this point in the process. Does the Board have to sign off on additional cuts for fiscal year 09. *The response was that per language in the budget ordinance, the County Manager is authorized to make budget adjustments, thus the Board’s role is limited at this point.*
Commissioner James asked about the total sales tax gap and what was budgeted versus what’s been received thus far and what the trend has been in the past, which was addressed.

Commissioner James asked whether CMS had placed on its agenda the County Manager’s request for budget reductions. The response was that it was unknown but the Superintendent is aware of the County Manager’s plan to place this matter on the Board’s March 3, 2009 agenda.

Commissioner James asked could the hearing with respect to budget reductions for CMS be on the maximum amount the County Manager thinks the County will need and give the County Manager the authority to decide how much is needed, the maximum amount or a portion of it.

It was clarified that the Board would not be holding a public hearing with respect to this matter. The requirement is that the action be taken at a public meeting.

Commissioner James said he feels the amount needs to be $15 million. He suggested putting it at $15 million and to give the County Manager the authority to decide how much is needed.

Commissioner James said he prefers having this discussion only once between now and June to avoid having to continue to have hearings if the initial amount is not enough.

County Manager Jones said he would not place $15 million on the March 3 agenda because he’s only discussed $5 million with the Superintendent.

Commissioner Murrey expressed concern for the gap. He said he’d like to see a trend line to see if the gap is getting larger or smaller per month. The response was that staff can prepare a trend line but to keep in mind that it’s subject to change.

(2) STORMWATER FEES

Dave Canaan, Director of Storm Water Management addressed Charlotte-Mecklenburg Storm Water Services. The following was covered:

- How Storm Water Services is managed
- What Storm Water Services does
- Where does the funding come from
- Why is there a proposed change
- What’s next

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

Comments

Chairman Roberts asked would the maps be re-done. The response was yes.

Commissioner Clarke asked about stimulus funding. The response was about $6-$8 million of projects were submitted to the Division of Water Quality and staff has been in discussions with the appropriate parties on how to come up with a county strategic to address the stimulus package.

Commissioner Dunlap asked if revenues collected were also used to clean creeks. The response was yes.

Commissioner Cogdell asked for clarification with respect to minor and major systems, which was addressed. It was noted that if the funnel area that drains to the point is greater than 1 square mile, it’s considered a major storm water system according to FEMA regulations.
Chairman Roberts asked what was the advantage of having a city and county storm water services division versus a consolidated department. The response was that if it’s consolidated for economic reasons, there’s really no major savings, that you may be able to eliminate a director’s position and/or perhaps a few supervisors. Further, that there’s really no duplication of services because you still have two systems to manage, a minor and a major.

(1) FINALIZE BOARD PRIORITIES

Director Yi shared the Board’s Priorities.

A list of the priorities is on file with the Clerk to the Board.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, to adopt the Board’s Priorities as presented and decided upon at the Board’s Strategic Planning Conference.

General discussion took place regarding the list of priorities, mainly clarification on what was covered in some of the various categories; as well as, changes in the priority levels for various categories compared to last fiscal year.

Commissioner Murrey suggested CPCC be moved up to Priority Level 2 and let Domestic Violence Protection & Prevention remain as it was last year at Priority Level 3.

Substitute motion was made by Commissioner Murrey, seconded by Commission Leake and failed 5-3 with Commissioners Clarke, Cooksey, Dunlap, Leake, and Roberts voting no and Commissioners Cogdell, James, and Murrey voting yes, to place CPCC in Priority Level 2 and Domestic Violence Protection & Prevention in Level 3.

Prior to the vote on the substitute motion:

Commissioner Dunlap asked that the Board not start changing what the Board previously decided at its Strategic Planning Conference because if you open it up, there will be even more changes.

Commissioner Dunlap said it needs to be kept in mind that the current Board is working under a different set of circumstances versus the previous board.

Chairman Roberts asked was it not correct that anything in Priority Levels 1, 2, & 3 are a major focus of staff in putting the budget recommendation together. The response was yes to a certain degree because the cut off is somewhere between 3 and 4.

Chairman Roberts said the list is just a guideline.

The vote was then taken on the original motion by Commissioner Cooksey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to adopt the Board’s Priorities as presented and decided upon at the Board’s Strategic Planning Conference.

(3) CMS GUIDELINES

Director Yi addressed CMS Funding Evaluation Guidelines and the initial early FY10 guesstimate. The following was covered:

The purpose of the guidelines
Methodology
FY2010 guesstimate

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

Commissioner Dunlap noted that there were no federal dollars mentioned in the formula. The response was that it was a conscious decision of staff not to include federal dollars, because it’s hard to predict what may be received and also because often it can only be used for specific categories.

Chairman Roberts said the guidelines are used as a starting point.

Commissioner Dunlap said he feels the federal dollars are relevant and that historical data could be used for estimating the amount to be received.

Commissioner Dunlap asked about capital dollars. The response was that those dollars would not be included in this model because this is only for the operating budget.

Commissioner Cogdell asked was there discussion of setting a percentage of the budget for operating and letting the capital remain separate.

Commissioner Clarke said it has been discussed by previous boards.

Chairman Roberts said having a set percentage doesn’t give you flexibility if needed.

Commissioner Leake said the following need to be factored in: stimulus funding, the fact that student growth is decreasing rather than increasing; the early childhood programs that CMS pays for, such as the Pre-K program; and state and federal grants.

Commissioner Leake said the results aren’t measuring up to the amount of funds being allocated to CMS.

Commissioner Cooksey said it appears assumptions are being made that do not reflect reality. 1) Money is the solution to CMS’ problems. 2) There are limited ways to reward CMS for performance. 3) There’s no mechanism to get the numbers right with respect to the number of students.

Director Yi said the relationship between the Board and CMS is that the BOCC provides funding and the Board of Education sets policy for CMS and should hold the school system accountable. He said the BOCC is not to be the “accountability organ” for CMS.

Commissioner Cooksey suggested money to CMS be placed in restricted contingency and if the numbers are less, then the money isn’t appropriated.

Commissioner Cooksey said where is it that the County has to fill the gap for CMS, if the state and federal government doesn’t live up to its responsibilities.

Commissioner Cooksey said he doesn’t think it’s fair to the County or the taxpayers.

Commissioner Murrey said the guidelines probably need to be re-visited in light of current economic times.

Commissioner Murrey said it may be time to go back to zero-based budgeting as a new way of looking at this.

Director Yi said it may be more appropriate for CMS to do a zero-based budget rather than the County.

It was noted that staff has asked CMS to prioritize and take a similar approach like the County.
Chairman Roberts said there appears to be a desire to revisit the CMS Funding Evaluation Guidelines.

Commissioner Leake said Title I and Title II money needs to be factored in.

Commissioner Cogdell said he wants to come up with some type of process for measuring performance. Further, that he wants to see accountability on the part of CMS with respect to closing the student achievement gap.

Commissioner Cogdell said “accountability” has to be a part of the guidelines.

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

Commissioner James said all of the CMS money can be placed in restricted contingency and designated for certain purposes and that performance reports can be required.

It was the consensus that the CMS Funding Evaluation Guidelines be sent to the Effective and Efficient Government Committee.

This concluded the discussion.

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

**ADJOURNMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, James, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 5:30 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, March 3, 2009.

ATTENDANCE

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

Absent: None.

-Informal Session-

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

(1A) STAFF BRIEFINGS – NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: The lawsuit of Mark David Gay vs. Mecklenburg County, Thoa Paris and Jody Cunningham.

Commissioners Cooksey, Dunlap, and James left the meeting and were away until noted in the minutes.

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1), 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 Cooksey, Dunlap, and James were present when the Board came back into Open Session. They returned to the meeting during Closed Session.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 9, 13, 15, 19, and 20.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) MECKLENBURG COUNTY HOMELESS VETERANS STAND DOWN/HOMELESS VETERANS DAY

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation proclaiming March 13, 2009 as “Mecklenburg County Homeless Veterans Day.”

The proclamation was read by Commissioner Murrey and received by Bob Weeks, Director of Veterans Services.

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

(1B) GANG AWARENESS AND PREVENTION DAY

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation proclaiming March 7, 2009 as “Gang Awareness and Prevention Day.”

The proclamation was read by Commissioner Cogdell and received by Antoinette Cody, President of the Charlotte Alumnae Chapter of Delta Sigma Theta Sorority, Inc. and other members of the sorority.

Note: On March 7, 2009 the Charlotte Alumnae Chapter of Delta Sigma Theta Sorority, Inc., in collaboration with The Gang Prevention Coalition, the Gang of One, and Mecklenburg County Park and Recreation, will host a Gang Awareness program aimed at informing middle school and high school students and their parents about the dangers of gang association and ways to avoid it.

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

(1C) YOUTH HOMELESSNESS AWARENESS WEEK
MARCH 3, 2009

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation proclaiming March 15 - 21, 2009 as “Youth Homelessness Awareness Week.”

The proclamation was read by Commissioner Dunlap and received by Brennon Graham on behalf of The Relatives.

Note: The Relatives provides temporary shelter to youth ages 7-17 who are homeless or have run away. The Relatives has existed in Mecklenburg County since 1974, and continues to be the only county shelter for homeless and runaway youth unaccompanied by a parent. The mission of The Relatives is to keep youth safe, off the streets and help provide solutions to help them return home.

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

(2) PUBLIC APPEARANCE

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

Cherry Ann Reaves addressed the taking of her children by Youth and Family Services.

Chairman Roberts informed Ms. Reaves that County Manager Jones would follow up with her.

Gene Gibson, accompanied by Junie Davis, spoke in opposition to the closing of the Gatling Juvenile Detention Center. They both volunteer at Gatling. Mr. Gibson said it would cost the County more to move these youth, as well as future youth, to a facility outside of Mecklenburg County.

Chairman Roberts thanked Mr. Gibson for his advocacy. She noted that this was a tough decision for the Sheriff. Also, that this matter will get discussed during the budget process.

Commissioner Cogdell noted that the housing of these youth is a state responsibility, even though the Sheriff has operated Gatling for years. He encouraged Mr. Gibson to contact local state legislators regarding this issue.

Commissioner Clarke left the dais during the next speaker’s remarks and was away until noted in the minutes.

Price Crutchfield expressed discontentment with the Charlotte/Mecklenburg Police Dept. (CMPD) Mr. Crutchfield said the CMPD was an organized gang. He also talked about his civil rights being violated on several occasions.

Commissioner Clarke returned to the dais.

(3A) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Lori Fletcher   Commissioners Cogdell, Dunlap and Leake
Earl Foxworth, Jr.  None
Stephen Grey   Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey
and Roberts
Azania Herron   None
Sharon Ingram   None

Catherine Kennedy  None
Barry Kirby   None
Hope McKinney  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap,
             James,
             Murrey and Roberts

Voting Ceased
Holly Neil
Patrick Rivenbark
Amad Shakur
Tami Snipe
Rebecca Vincent

Chairman Roberts announced the appointments of Stephen Grey and Hope McKinney to the
Charlotte-Mecklenburg Community Relations Committee to fill unexpired terms expiring July 2,
2011.

They are replacing Donna Dawson and Donna North.

PARK AND RECREATION COMMISSION

The vote was taken on the following nominees for appointment to the Park and Recreation
Commission:

Helen Alexander   None
Ericka Ellis-Stewart   None
Hubert Helms    None
Charles McRee   None
Norman Mitchell, Sr.  Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap,
                      James, Leake, Murrey and Roberts
                      Voting Ceased
Rodney Moore   None
Paul Richardson   None
Sheryl Smith    None

Chairman Roberts announced the appointment of Norman Mitchell, Sr. to the Park and
Recreation Commission to fill an unexpired at-large term expiring June 30, 2009.

He is replacing Mary Wilson.

Note: Commissioner James informed the Board of a letter received from Mayor Lee Myers,
Town of Matthews recommending the appointment of Paul Bailey for the southern town vacancy
on the Park and Recreation Commission. The letter was turned over to the Clerk. It will be
included in the Board’s appointment information when this matter comes before the Board.

PUBLIC HEARINGS

(4A) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner Cogdell, seconded by Commissioner James and
unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Murrey and Roberts voting yes, to hold a hearing on request by Leslie M. Webb, PLLC
for reimbursement of North Carolina excise tax in the amount of $304.
Note: North Carolina General Statute 105-228.37 requires that the Board of Commissioners conduct a hearing on a request for refund of excise taxes collected on a deed that was either incorrectly submitted or for overpayment of recording in Mecklenburg County. This deed was incorrectly recorded in Mecklenburg County. It should have been and now has been recorded in Union County.

No one appeared to speak.

Motion was made by Commissioner Murrey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the hearing on request by Leslie M. Webb, PLLC for reimbursement of North Carolina excise tax in the amount of $304 and approve the reimbursement.

(5) ADVISORY COMMITTEE REPORTS - NONE

MANAGER’S REPORT

(6A) 2009 (FFY 2010) FEDERAL LEGISLATIVE AGENDA

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve including in Mecklenburg County’s Federal Legislative Agenda for FFY2009 a request for the Homeless to Homes Initiative. The request: $1,300,315 in the fiscal year 2010 HUD Appropriations bill, Community Planning and Development.

Note: In accordance with Charlotte-Mecklenburg’s Ten Year Plan To End Homelessness, the Urban Ministry Center (UMC) is implementing a two-year pilot project for providing permanent supportive housing to the chronically homeless population. The UMC is committed to leading the community from a shelter-based homeless services model to a housing-based model by developing the County’s first Permanent Supportive Housing complex with 80-100 efficiency apartments for the chronically homeless.

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve including in Mecklenburg County’s Federal Legislative Agenda for FFY2009 a request for the Surface Water Improvement and Management (SWIM) Initiative. The request: $200,000 in the fiscal year 2010 Interior Appropriations bill, Environmental Protection Agency.

Note: Mecklenburg County is seeking federal funding to address biologically impaired streams through the Surface Water Improvement and Management (SWIM) initiative. Fiscal Year 2010 funds will be combined with state and local resources to restore, retrofit and/or preserve land that has already been acquired and is in public ownership. These projects may include, but are not limited to, the construction of wetlands, restoration of streams, establishment of vegetative buffers, etc.

Prior to the above votes, these matters were addressed by Assistant to the County Manager Nyki Hardy, General Manager Janice Allen Jackson, Dale Mullennix and Kathy Izard with the Urban Ministry Center and Michael Smith with Center City Partners (the Homeless to Homes Initiative) and Water Program Manager Rusty Rozzelle (the Surface Water Improvement and Management (SWIM) Initiative).
Note: Commissioner Murrey noted for the record that his wife is a volunteer at the Urban Ministry Center.

A copy of a report presented by General Manager Janice Allen Jackson and others is on file with the Clerk to the Board.

Commissioner Cooksey left the dais.

(6B) OFFICE DEPOT - REQUEST FOR ABATEMENT OF TAXES

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to accept the Tax Assessor’s recommendation to deny the request by Office Depot for the abatement of the taxes and penalties.

Note: Office Depot asked that the Board excuse $734,137.21 in taxes due as a result of a discovery of unreported property subject to taxation in Mecklenburg County.

NCGS 105-381 sets for the provision for refunds and releases of property tax. The Statute calls for taxpayers to provide a Statement of Defense for taxes imposed as a result of a clerical error, an illegal tax or a tax for an illegal purpose, and for the Board of County Commissioners to review and take action on the request. The Tax Assessor discovered that Office Depot failed to report property valued at $228,652,947 in accordance with their requirement to annually file property subject to property taxation, and has assessed the property, imposing a tax of $819,606.96. Office Depot contends that the tax is illegal and the property is excluded from taxation under NCGS 105-275(40). The Tax Assessor finds that the software does not meet the test of NCGS 105-275(40) as internally developed software and is therefore taxable as externally acquired software. This matter is under appeal locally and is expected to continue to the North Carolina Property Tax Commission. Attorney Hamlin Wade is representing the County. It was recommended that this matter be allowed to move through the appropriate authorities prior to any consideration for an abatement of tax. Both the Tax Assessor and County Attorney recommended the Board of Commissioners deny the request.

The above matter was addressed by Tax Assessor Garrett Alexander.

Commissioner Cooksey returned to the dais after the vote.

(6C) CMS FUNDING REDUCTION

Motion was made by Commissioner Leake, seconded by Commissioner Murrey to amend the 2008-2009 budget ordinance by reducing the allocated appropriation for The Charlotte-Mecklenburg Board of Education under North Carolina General Statute 159-13 (b)(9) by $5 million because a general reduction in county expenditures is required because of prevailing economic conditions.

Commissioner James suggested the Board “cut” CMS by the original amount requested by the County Manager, 5% ($17.5 million) and place $12.5 million of that in restricted contingency and allow the County Manager to decide if he wants to take the remaining $12.5 million.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner James, to amend the 2008-2009 budget ordinance by reducing the allocated appropriation for The Charlotte-Mecklenburg Board of Education under North Carolina General Statute 159-13 (b)(9) by $7.5 million because a general reduction in county expenditures is required because of prevailing economic conditions.

Chairman Roberts left the meeting because of a family emergency and was absent for the remainder of the meeting.
Vice-Chairman Cogdell chaired the remainder of the meeting.

Commissioner Bentley offered a friendly amendment to the substitute motion, that was accepted by the makers of the substitute motion, to place $2.5 million of the $7.5 million in restricted contingency.

The vote was taken on the substitute motion as amended and failed 5-3 with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Leake voting no and Commissioners Bentley, Cooksey, and James voting yes, to amend the 2008-2009 budget ordinance by reducing the allocated appropriation for The Charlotte-Mecklenburg Board of Education under North Carolina General Statute 159-13 (b) (9) by $7.5 million, and place $2.5 million of the $7.5 million in restricted contingency because a general reduction in county expenditures is required because of prevailing economic conditions.

The vote was then taken on the original motion made by Commissioner Leake, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to amend the 2008-2009 budget ordinance by reducing the allocated appropriation for The Charlotte-Mecklenburg Board of Education under North Carolina General Statute 159-13 (b)(9) by $5 million because a general reduction in county expenditures is required because of prevailing economic conditions.

Note: Due to the economic recession, Mecklenburg County is cutting expenditures to balance its FY2009 budget. As part of these actions, the County Manager recommended reducing the County’s FY2009 appropriation to Charlotte-Mecklenburg Schools by $5 million. Approval of this reduction would bring the County’s FY2009 appropriation for CMS operations total to $346,366,785, which includes $4 million in fines and forfeitures.

General Statute 159-13, section nine (9), requires specific steps be taken to reduce school funding. First, the Board of County Commissioners must hold a public meeting where the Board of Education is provided an opportunity to present information on the impact of the proposed reduction. Second, the Board of County Commissioners must take a public vote on the decision to reduce appropriations.

Prior to the above votes:

County Manager Jones said he was informed by School Superintendent Dr. Peter Gorman that no one would be present to address this issue. Also, that Dr. Gorman appears to be “okay” with this request.

County Manager Jones said this was not something he “cherish” doing but that the School System does represent a large part of the County’s budget. County Manager Jones said he’s doing this because he’s trying to minimize the “pain” or provide the County with a “cushion” in going into next fiscal year.

Commissioner Bentley said she would like to know what Charlotte-Mecklenburg Schools (CMS) is doing with respect to the Stimulus funding and are they aggressively seeking those funds.

Joni S. Trobich, on behalf of the Mecklenburg PTA Council addressed the decrease in Charlotte-Mecklenburg Schools’ budget. She said she understands the difficulty the County and CMS is faced with, but asked that whatever is done, that it be an action that impacts the children in the least way possible. She said teachers are needed and should not be cut.

County Manager Jones noted that the $5 million would not be all taken at one time. He said County Finance will check with CMS about their cash flow needs.

Commissioner James said he would like to know when the next payments are due to CMS.
CONSENT ITEMS

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to approve the following item(s) with the exception of Items: 9, 13, 19, 15, 20 to be voted on separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held February 17, 2009; Budget/Public Policy Meetings held January 13, 2009 and February 10, 2009; and Closed Session minutes of February 17, 2009.

(8) STATE BOARD OF ELECTIONS GRANT FUNDS

Recognize, receive and appropriate $32,178 in grant funds from the State Board of Elections to reimburse the County Board of Elections for the purchase of Emergency Paper Ballots.

(10) FREEDOM FAMILY RESTAURANT LEASE

Adopt the resolution entitled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to MSF, Inc., Owner of Freedom Family Restaurant.”

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

(11) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORTS

Recognize and receive Area Mental Health Authority Monthly Financial Report.

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

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, for the period ending January 31, 2009

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,786,864</td>
<td>6,619,896</td>
<td>48.02%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,064,644</td>
<td>17,063,338</td>
<td>50.09%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>48,131</td>
<td>49.47%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,845,759</td>
<td>1,751,991</td>
<td>45.56%</td>
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<tr>
<td>County</td>
<td>47,351,099</td>
<td>21,428,263</td>
<td>45.25%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$99,145,659</strong></td>
<td><strong>$46,911,619</strong></td>
<td><strong>47.32%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>6,973,034</td>
<td>3,878,532</td>
<td>55.62%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,804,509</td>
<td>5,063,548</td>
<td>34.20%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>14,131,038</td>
<td>2,923,170</td>
<td>20.69%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,417,880</td>
<td>9,390,745</td>
<td>69.99%</td>
</tr>
</tbody>
</table>
A copy of the report is on file with the Clerk to the Board.

(12) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of $9,117 for General Services and $16,855 for Park & Recreation.

Note: All reimbursements are for stolen and damaged items.

(14) 2009 CONGESTION MITIGATION AND AIR QUALITY FUNDING

1) Approve submission of application by Mecklenburg County Air Quality to North Carolina Department of Transportation for $200,000 in grant funds.

2) Recognize, receive and appropriate any amounts awarded, and authorize the carry-forward of unspent funds until expended.

(16) GRANT APPLICATION - NORTH CAROLINA DIVISION OF POLLUTION PREVENTION AND ENVIRONMENTAL ASSISTANCE (DPPEA)

Authorize a grant application to the NC Division of Pollution Prevention and Environmental Assistance for a $25,000 - 2009 Community Waste Reduction and Recycling Grant, and upon award of grant, recognize, receive and appropriate the grant award.

(17) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Joyce Williams of 835 Norwood Road for $55,833.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

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

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

1. Accept the “Offer of Sale of Land” from Timothy A. Foskey owner of 3817 Country Club Drive for $166,286.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action will purchase and remove the above property from the floodplain.
(23) FOOD SERVICE EQUIPMENT FOR JAIL NORTH ANNEX

Approve the purchase of food service equipment from Thompson & Little, Inc. based on low bid received in the amount of $108,792.66 for the Jail North Annex Facility.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(9) DONATIONS - VETERANS SERVICE OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to recognize, receive and appropriate contributions in the amount of $3,050 to the Mecklenburg County Community Support Services Veterans Service Office.

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

Note: Community Support Services is the lead agency in conducting the 2009 Homeless Veterans Stand Down. It will be a one-day event on March 13, 2009, designed to provide aid and comfort to homeless veterans in the area. Donations collected to help defray the cost of providing the services were received from the following: Amvets Post 895, Inc. $200, James T. Williams, Jr. $250, Law Office of Paul Goodson $2,500 and Quentin Sanders $100.

Other agencies that will participate include the Veterans Administration, Social Security Administration, Employment Security Administration, Charlotte Housing Authority, Area Mental Health, Crisis Assistance Ministries, Salvation Army, Health Department and Community Link. Specific services that will be provided are dental screenings, health screenings, employment assistance, baths, haircuts, two (2) hot meals, clothing issues and entertainment.

(13) THERAPEUTIC RECREATION SUMMER DAY CAMP DONATION FROM COMMUNITY CROSSROADS, INC.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to recognize, receive and appropriate funds in the amount of $7,000 for Mecklenburg County Park and Recreation, Therapeutic Recreation Summer Day Camp programs from Community Crossroads, Inc.

Commissioner Cogdell removed this item from Consent for more public awareness and to thank Community Crossroads, Inc.

(15) PURCHASE OF ROLL OFF TRUCK AND LUBE TRUCK

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to approve unit price Contracts with Volvo/GMC Truck Center of Charlotte, NC for a Roll Off Truck and Omaha Standard of Charlotte, NC for a Lube Truck.

2) Authorize the County Manager to execute contracts with Volvo/GMC Truck Center of Charlotte, NC for the purchase of a Roll Off Truck at a unit price of $129,852 and with Omaha Standard of Charlotte, NC for the purchase of a Lube Truck at a unit price of $112,173.

Commissioner Dunlap removed this item from Consent because of a question he had, which he
said was answered by staff after he’d asked that it be pulled.

(19) PUBLIC AREAS AND FACILITIES NAMING AND RENAMING POLICY

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to approve waiving section III. F. of the Public Areas and Facilities Naming and Renaming Policy in order to receive a renaming request from the Seversville Neighborhood Organization for the Phillip O. Berry Recreation Center.

Commissioner Leake removed this item from Consent for more public awareness. This matter was also addressed by Park and Recreation Director Jim Garges.

Commissioner James left the meeting.

(20) PLANNING LIAISON COMMITTEE STRUCTURAL CHANGE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, to approve a Joint Resolution of the City of Charlotte, Mecklenburg County, Charlotte-Mecklenburg Board of Education and the six Mecklenburg towns with regards to the Planning Liaison Committee.

Note: The Planning Liaison Committee (PLC) was organized in the late 1970’s for the BOCC, Charlotte City Council, and the Board of Education to have a vehicle to facilitate cooperation and communication on common planning issues. In 1998, PLC membership was expanded to the Boards of the six Mecklenburg Towns. The PLC is chaired by the Chair of the Planning Commission, with Planning Department staff serving as resource.

At its October 10, 2008 meeting the PLC reached consensus on several recommended organizational changes to maintain its relevance into the future, and include the following:

- Increase membership to include the Planning Directors and Planning Commission chairs of the member entities
- Change the name from “Planning Liaison Committee” to “Planning Coordinating Committee”
- Revise meeting schedule to twice yearly (in spring and fall) with one meeting consisting of a “joint luncheon” format inviting all elected officials from member entities, and the other devoted to updating members on planning activities, receiving other planning-related information, and identifying potential strategies and priorities for the upcoming year.

A JOINT RESOLUTION OF THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, CHARLOTTE-MECKLENBURG BOARD OF EDUCATION AND THE SIX MECKLENBURG TOWNS WITH REGARD TO THE PLANNING LIAISON COMMITTEE:

WHEREAS, the membership of the Planning Liaison Committee (hereinafter “Committee”) is currently composed of three members of the Charlotte City Council, three members of the Mecklenburg County Board of Commissioners, three members of the Charlotte-Mecklenburg Board of Education, one member from each of the Commissions from the six Mecklenburg Towns, and two members of the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the Goal of the Committee (as established by the Committee Organizational Structure process in 2002) is: “to provide a vehicle to facilitate communication, collaboration, and cooperation between participating governments with an emphasis on planning in the broadest sense”, and

WHEREAS, the purposes/objectives of the Committee (as established by the Committee Organizational Structure process in 2002) are to:

- Provide a forum for discussion on planning matters of mutual concern
- Facilitate building consensus on common planning initiatives
- Promote communication among elected officials concerning planning interests
WHEREAS, the 2002 Organizational Structure establishing the above-described Goal and Purposes/Objectives was adopted by Charlotte City Council, Mecklenburg County Board of Commissioners and the Charlotte-Mecklenburg Board of Education, and

WHEREAS, at their October 10, 2008 meeting the Committee agreed to retain the Goal and Purposes/Objectives established by the 2002 Organizational Structure process, and

WHEREAS, the Mission of the Committee is to:

- Promote communication among elected officials concerning planning interests within Mecklenburg County and the region,
- Facilitate building consensus on planning initiatives that respond to issues of common interests, and
- Provide review and comment on planning issues together with reports on same to parent bodies.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, the Board of Commissioners of Mecklenburg County, the Charlotte-Mecklenburg Board of Education and the Commissioners of each of the six Mecklenburg County Towns mutually agree to expand the membership of the Committee by including the Planning Directors of the City of Charlotte, the six Mecklenburg Towns, and Charlotte-Mecklenburg Schools, as well as by including the chairpersons of the planning committees or boards of the six Mecklenburg Towns.

BE IT FURTHER RESOLVED that the name of the organization shall be changed from “Planning Liaison Committee” to “Planning Coordinating Committee”.

BE IT FURTHER RESOLVED that the Committee shall meet twice yearly (once each in the spring and the fall) with one of two meetings held as a “joint luncheon” format with all elected officials from Mecklenburg County, the City of Charlotte, Charlotte-Mecklenburg Schools, and the six Mecklenburg Towns invited, and with the other yearly meeting serving to update Committee members on planning activities, receive as information other relevant planning information, and identify potential strategies and priorities for the upcoming year.

BE IT FURTHER RESOLVED that each member of the Committee shall have one vote for the purpose of confirming actions by the Committee and that the Committee’s actions are for the sole purpose of recommending action to the governing bodies who reserve the right of final decisions.

This Joint Resolution shall not become effective unless and until adopted by the Charlotte City Council, the Mecklenburg County Board of Commissioners, the Charlotte-Mecklenburg Board of Education, and the Commissioners of the six Mecklenburg Towns.

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

STAFF REPORTS AND REQUESTS

(21) GANG PREVENTION COALITION STRATEGIC PLAN

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, to recognize, receive, and support the Gang Prevention Coalition Strategic Plan.

The report was presented by Area Mental Health Director Grayce Crockett, Willie Rathford, Director of Charlotte/Mecklenburg Community Relations, and Fran Cook with the Charlotte/Mecklenburg Police Department/Gang of One program.

Note: Since 2003, gangs, gang membership and activities of gangs in Charlotte-Mecklenburg have increased at an alarming rate. The Gang Prevention Coalition was created in May 2007 to partner with the community to eliminate gangs through collaboration, training, and technical assistance.

The Gang Prevention Coalition, in partnership with CMPD/Gang of One, is seeking proposals
from community organizations to implement strategic initiatives in the targeted communities. The targeted communities, Idlewild South and Starmount Forest, were selected utilizing data from the 2008 Neighborhood Quality of Life Index and GangNet.

Prior to the above vote, Commissioner Dunlap asked that Stop the Killing be approached about becoming a partner in this effort.

A copy of the Overview and Strategic Plan as presented is on file with the Clerk to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(22) PAPERLESS AGENDAS FOR REGULAR MEETINGS

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, to defer discussion of going to a paperless agenda for Regular meetings and instead review the agenda on-line while at the meeting, until the next meeting, when Chairman Roberts is present.

Note: This item was placed on the agenda by Chairman Roberts.

COMMISSION COMMENTS – No general comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Murrey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:46 pm

Janice S. Paige, Clerk

Jennifer Roberts, Chairman

Harold Cogdell, Jr., Vice-Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Wednesday, March 11, 2009.

ATTENDANCE

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

Absent:   None

The meeting was called to order by Chairman Roberts.

Chairman Roberts noted the topics scheduled for discussion, 1) Closed Session Personnel Matter and 2) Capital Assessment.

(1) CLOSED SESSION PERSONNEL MATTER

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to go into Closed Session to discuss Personnel Matter.

The Board went into Closed Session at 3:20 p.m. and came back into Open Session at 4:26 p.m.

Chairman Roberts left the meeting and was away until noted in the minutes.

Vice-Chairman Cogdell chaired the meeting during the Chairman’s absence.

(2) CAPITAL ASSESSMENT

Budget/Management Director Hyong Yi reported on the FY09 budget gap. He noted the following:

- The State is withholding the last payment on the lottery funds, which affects the county to about $5.3 million.
- This brings the gap to $74.40 million.
- County Departments have made reductions.
- Charlotte-Mecklenburg Schools, Central Piedmont Community College, Hospital (Indigent Care) and Outside Agencies have made reductions at the County’s request
- Medicaid reimbursements will be used to help close the gap.
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- We have a balance in the Average Daily Membership (ADM) fund of about $4.5 million which staff would apply towards the lost of the lottery revenue.
- The goal is to get the gap down to $30 million and at present it’s $31.4 million.
- Property tax revenue is a little below projections.
- This situation is still fluid.
- Further federal and state actions can either help or hurt the county budgetwise. It’s unknown at this time.
- March sales tax numbers are up, which is good.
- $18 million was received in sales tax revenues, which is more than what was received in the last two months.

A copy of a handout regarding the FY2009 Budget Gap Status is on file with the Clerk to the Board.

Comments:

Commissioner James asked about ADM and lottery funds, which was addressed.

It was explained that ADM funds is money the County receives for school construction and comes from state corporate income tax. The County uses it for school debt service.

Commissioner Dunlap asked about stimulus funds, which was addressed. It was noted that the status of these funds is unknown at this time.

Chairman Roberts returned to the meeting and resumed chairing the meeting.

Commissioner Cogdell asked what percentage of the County’s debt service is thru ADM funds. The response was about $9 million out of about $250 million.

Capital Assessment

Finance Director Dena Diorio addressed capital assessment and capacity. The following was covered.

- Actions per the Board’s Strategic Planning Conference
- Actions per the Board’s February 17, 2009 meeting
- Projected Debt Capacity
- FY09 Cash Flow Requirements
- Information on completed or deferred projects
- FY2011 and beyond
- Authorized and Unissued Debt
- Authorized and Unissued Debt- COPs
- Options for using available debt capacity
  - Allocate capacity based on amount of authorized/unissued debt by purpose.
  - Allocate capacity by purpose and borrow consistent amounts each year.
  - Assign capacity based on a more comprehensive ranking of projects.
- Pros and Cons with respect to the Options.
- Recommendation
  - The Board will review the project lists as prioritized by the departments.
  - Determine whether any projects should be eliminated.
  - Allocate capacity by purpose as appropriate, based on a consistent amount of borrowing each year.

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

Comments
Commissioner Cooksey asked were there any restrictions with respect to moving funds from one category to another, as it relates to the FY2009 Cash Flow Requirements information shared in the presentation. The response was that it’s limited and depends on what the bond issuance and purposes were.

Commissioner Dunlap asked was it permissible to move funds from one area, for example, so there wouldn’t be an $18 million deficit in the schools category. The response was that you can lend the money, but it would have to be put back. Also, the problem you run into by doing this, for example, if you took Park and Recreation money, that there are projects for Park and Recreation that need that cash; if not between now and June, it’ll be needed next fiscal year.

Commissioner Bentley asked about projects that come in under budget with respect to schools and what happens to those funds. The response was that it just lowers their authorization because it’s not cash per say.

Commissioner Leake said she would like to receive information with respect to how much space is being leased by the County to house services.

Commissioner James said he supports Option 2 - Allocate capacity by purpose and borrow consistent amounts each year.

Commissioner James asked would the County have to go back to CMS regarding how Option 2 would impact them project wise. Commissioner James said Option 2 needs to be shared with CMS.

Commissioner Murrey said the difficulty with Option 2 is the allocation part. He said he likes Option 3 - Assign capacity based on a more comprehensive ranking of projects, but what he doesn’t like is that it wouldn’t get done.

Commissioner Murrey said he would like to see a mix of Option 1 and 3 or Option 2 and 3.

Commissioner Cooksey asked for clarification with respect to Option 2, which was given.

Commissioner Cooksey said he feels there are three main buckets: CMS, CPCC, and County needs.

Commissioner Cooksey said he could support Option 2.

Commissioner Bentley said she would like to see a mix of Option 2 and Option 3.

Commissioner Dunlap said he was concerned about the enrollment changes in CMS.

Commissioner Dunlap said jail diversion methods also need to be looked at, which would result in a smaller jail.

Commissioner Dunlap said one item missing from the list is a new library downtown.

It was noted that all of the authorized library projects are in the COPs bucket, however, a new downtown library is not an authorized project.

Commissioner Dunlap said there needs to be some discussion with respect to including it, otherwise, it would be after 2014 before it could be authorized.

Commissioner Cogdell said the Board has to keep in mind, the County’s capacity.

Commissioner Cogdell said the Board needs to discuss how it can change the amount of debt issued and how to pay for it based on known factors.

Commissioner Cogdell said he hopes the Board will take a more disciplined approach and long
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Commissioner Cogdell said he supports Option 2.

Commissioner Clarke asked about the capital budget for next fiscal year, which was addressed. It was noted that there would not be any new projects started until FY11.

Commissioner Clarke asked for clarification on Option 2, which was addressed.

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

Commissioner Murrey asked for clarification on Option 2, which was addressed.

Commissioner Murrey said he was prepared to support Option 2 with the caveat that the Board does not support the current projected allocation but would leave the allocation policy open to the Board’s discretion; and that a process would be developed that takes into account each year’s priorities, conversations with stakeholders within that process; and the option of including or replacing projects that the Board feels at that time may have more urgent need.

Motion was made by Commissioner Murrey, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to direct staff to move forward with Option 2 - Allocate capacity by purpose and borrow consistent amounts each year, with a process that’s built in to allow the Board to allocate big buckets; and would leave the allocation policy open to the Board’s discretion; and that a process would be developed that takes into account each year’s priorities, conversations with stakeholders within that process; and the option of including or replacing projects that the Board feels at that time may have more urgent need.

This concluded the discussion.

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

Closed Session

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to go into Closed Session to discuss Personnel Matter.

The Board went into Closed Session at 5:46 p.m. and came back into Open Session at 5:53 p.m.

ADJOURNMENT

There being no further business to come before the Board, Chairman Roberts declared the meeting adjourned at 5:54 p.m.

Janice S. Paige, Clerk  Jennifer Roberts, Chairman
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MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, March 17, 2009.

ATTENDANCE

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

Absent: Commissioner Daniel Murrey

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS – NONE

(2A, B, C, D) CLOSED SESSION A) BUSINESS LOCATION AND EXPANSION, B) LAND ACQUISITION, C) CONSULT WITH ATTORNEY AND D) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: The lawsuit of Mark David Gay vs. Mecklenburg County, Thao Paris and Jody Cuningham and Land Acquisition matter: 3001 Dunlavin Way.

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

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:24 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from Consent and voted upon separately. The
items identified were Items 9, 14, 17, and 25.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) RECOGNITION OF WEST CHARLOTTE HIGH SCHOOL GIRLS BASKETBALL TEAM

The Board recognized the West Charlotte High School Girls Basketball Team for winning the North Carolina 4A Championship.

Commissioner Leake read the Certificate of Recognition.

Coach Reggie Mobley thanked the Board for recognizing the team.

(1B) WOMEN’S HISTORY MONTH

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to adopt a proclamation designating March, 2009 as Women’s History Month in Mecklenburg County.

The proclamation was read by Chairman Roberts and received by Nancy Klein and Maxine Eaves on behalf of the Women’s Advisory Board.

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

(2) PUBLIC APPEARANCE

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

Elsie Garner & Beverly Dorn-Steele addressed WTVI’s receipt of the Community Impact Award for GED Connection, which is a study course broadcast on WTVI. The award was presented to WTVI by the Corporation for Public Broadcasting in Washington, D.C. Ms. Garner, WTVI President and CEO, presented the award to Beverly Dorn-Steele, WTVI’s Director of Education and Outreach on behalf of WTVI’s Board of Directors and staff. Ms. Dorn-Steele thanked Ms. Garner for the award. She said the award was also a tribute to the participants in GED Connection.

Dr. Wesley Carter addressed Working Charlotte, a magazine and web presence created to “introduce Charlotte’s displaced professionals to potential employers.” It was “created specifically to facilitate job opportunities for displaced employees that are active volunteers in the community.” Dr. Carter is the Editor-in-Chief, Founder, and President of Working Charlotte.
Rev. Brenda Stevenson thanked individual Board members and those in the community for helping New Outreach Ministries feed the needy. She encouraged Board members and the public to continue to support such efforts.

Bridgett Anne Hampden, a consultant, spoke in support of Director of Social Services Mary Wilson, in light of recent news articles regarding Ms. Wilson. Ms. Hampden said it’s not uncommon when organizational change occurs that you will have “disgruntled” employees. She asked the Board to continue to give Ms. Wilson encouragement and support.

Tammy Broadway and Julisa Walker from West Charlotte High School addressed Students Against Violence Everywhere and upcoming activities associated with the recognition of “National Youth Violence Prevention Week” March 23 - March 27, 2009. Students Against Violence Everywhere (SAVE) was established by students at West Charlotte Senior High School after the death of fellow classmate Alex Orange. Since 1989, the organization has grown to a national program with students in grades kindergarten through high school, college and in community youth serving organizations.

Myra Clark on behalf of the Mecklenburg Opportunities for Re-Entry Network addressed the work of the Network whose focus is re-entry into the community by those that have been incarcerated.

Rev. Yvonne McJetters with Healing Hope Hands & Heart Outreach Ministries, Inc. addressed Yvonne’s Place: The Center of Hope Homeless Veterans Transitional Housing Program and the work that they are doing for female veterans with children.

A copy of a handout from Rev. McJetters is on file with the Clerk to the Board.

Cherry Reaves addressed the taking of her children by Youth and Family Services. She asked the Board to assist her in getting her children back. Ms. Reaves said no one is willing to talk to her. Ms. Reaves said she’s homeless and unemployed.

County Manager Jones attempted to inform the Board of his conversation with Ms. Reaves, per her last appearance before the Board, but was unable to do so as he desired after being interrupted continuously by Ms. Reaves. Ms. Reaves disputed County Manager Jones’ comments and left the Meeting Chamber.

County Manager Jones was able to note the following: 1) that Ms. Reaves was unwilling to accept his findings, with respect to her concerns, at that time and 2) that staff, in efforts to help Ms. Reaves, was having difficulty finding ways to communicate with Ms. Reaves effectively.

(3A) NOMINATIONS/APPOINTMENTS

AUDIT REVIEW COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to reappoint Mercer Ward Simmons to the Audit Review Committee for a three-year term expiring April 30, 2012.

BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to reappoint JoAnne Allen, Russell Allen, William Hawkins, Unithia McGruder, Jack Morgan, Alan Turner and James Barnett (including his reappointment
chairman for the duration of his term) to the Board of Equalization and Review for a one-year term expiring April 7, 2010.

Commissioner Dunlap nominated Zanthia Hastings for appointment consideration to the Board of Equalization and Review.

Commissioner Cooksey nominated John Newitt for appointment consideration to the Board of Equalization and Review.

Commissioner Cogdell nominated the remaining applicants for appointment consideration to the Board of Equalization and Review. They were: Neiland Cohen, Thomas Derham, Guy McBride, Christopher Olds, Christopher Shelvin, John Stroup, Gerald Williams, and Pamela Williams.

*Note: Appointments will occur on April 7, 2009.*

**DOMESTIC VIOLENCE ADVISORY BOARD**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to reappoint Marage Blakeney to the Domestic Violence Advisory Board for a three-year term expiring April 30, 2012.

Commissioner Leake nominated Charlotte Brown-Williams for appointment consideration to the Domestic Violence Advisory Board.

Commissioner Cogdell nominated the remaining applicants for appointment consideration to the Domestic Violence Advisory Board. They were: Margaret Austin, Dana Battle, Sherry Brower, Patrick Burris, Cynthia Cain, Victoria Chopra, Zaria Davis-Humphries, Jackie Dienemann, Carolyn Dubose, Marsha Fox, Beverly Foster, Jessica Hardin, Danielle Lombard, Na’Shota Lytle, Kate Maynard, Katie McVeety, Shalawn Moore, Ed Mulheren, Brooke Nance, Angela Permenter, Andrea Pettit, Stacey Rose, Nazanin Rostam-Abadi, Andreal Shelton, Edward Smith II, Deborah Snowdon, Penny Spangler-Lambert, Nicola Staudinger, Monica Stevenson, Melba Streeter, Helen Strong, Elizabeth Trosch, Anne Ward, Catherine Wargo, and Karen Worrell.

*Note: Appointments will occur on April 7, 2009.*

**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 and Roberts voting yes, to appoint Paul Bailey to the Park and Recreation Commission as the Southern Town Representative to fill an unexpired term expiring June 30, 2011.

*He is replacing Joseph Pata.*

**PERSONNEL COMMISSION**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to appoint Phillip Plot to the Personnel Commission to fill an unexpired term expiring February 4, 2010.

*He is replacing Linda Lancaster.*
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WOMEN’S ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to reappoint Pamela Hemphill and Nathalie McElrath to the Women’s Advisory Board for a three-year term expiring April 30, 2012.

Commissioner Leake nominated Dr. Angelia Fryer for appointment consideration to the Women’s Advisory Board.

Commissioner Cogdell nominated the remaining applicants for appointment consideration to the Women’s Advisory Board. They were: Margaret Austin, Natalie Bingham, Deborah Bosley, Monica Burruss, Chia-Li Chien, Victoria Chopra, Jessica Copeland, Jenifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Jacqueline Dienemann, Jill Dinwiddie, Andrea Ferguson, Beverley Foster, Bliss Green, Laurel Grier, Deirdra Henderson, Shanna Hoover, Donna Hughes, Beverly Hunt, Alice Johnson, Kathryn Johnson, Sandra Johnson-Walker, Angela Joyner, Sharon Lachow-Blumberg, Brook Maybach, Kate Maynard, Sally McMillen, Shalawn Moore, Mary Murphy, Mariana Nunez, Felicia Parker-Rodgers, Nancy Plummer, Constance Purcell, Stacey Rose, Bellverie Ross, Deborah Snowdon, Najeedah Stover, Melba Streeter, Heather Swindells, Marjorie Tate, Libby Vagnoni, Catherine Ann Wargo, and Mimi Zelman.

Appointments will occur on April 7, 2009.

PUBLIC HEARINGS

(4A) NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION – DSS

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to open a public hearing on submission of a grant application by the Mecklenburg County Department of Social Services to the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2009-2010.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the North Carolina Department of Transportation. For further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at slipscomb@ncdot.gov.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to 1) close the public hearing on submission of a grant application
by the Mecklenburg County Department of Social Services to the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2009-2010; 2) to adopt a resolution to authorize submission of a grant application for Mecklenburg County Department of Social Services to the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2009-2010; and 3) to recognize, receive and appropriate grant funds when awarded.

Community Transportation Program Resolution
Section 5311
FY 2009-F&2010 Resolution

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation and to provide the necessary assurances.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, Mecklenburg County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the County Manager of Mecklenburg Board of County Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

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

(4B1) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to hold a hearing on request by Oxford-Matthews/Rock Hill, LLC for reimbursement of North Carolina excise tax in the amount of $8,429.04.

Note: North Carolina General Statute 105-228.37 requires that the Board of Commissioners conduct a hearing on a request for refund of excise taxes collected on a deed that was either incorrectly submitted or for overpayment of recording in Mecklenburg County. This request is being made because of an overpayment.

No one appeared to speak.

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to close the hearing on request by Oxford-Matthews/Rock Hill, LLC for reimbursement of North Carolina excise tax in the amount of $8,429.04 and approve reimbursement.
(4B2) REAL ESTATE EXCISE TAX REFUND REQUEST

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to hold a hearing on request by Oxford-Matthews/Rock Hill, LLC for reimbursement of North Carolina excise taxes paid on the dates and in the amounts below:

- $769.70 paid on March 20, 2008 (Note: The deadline for submitting this request was September 20, 2008.)
- $4,506.83 paid on March 27, 2008 (Note: The deadline for submitting this request was September 27, 2008.)
- $2,982.07 paid on April 30, 2008 (Note: The deadline for submitting this request was October 30, 2008.)
- $2,526.73 paid on May 29, 2008 (Note: The deadline for submitting this request was November 29, 2008.)

No one appeared to speak.

Note: The request for reimbursement was received on January 6, 2009.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to close the hearing on request by Oxford-Matthews/Rock Hill, LLC for reimbursement of North Carolina excise taxes paid on the dates and in the amounts below. Secondly, to deny the request for reimbursement for the amounts below, on the grounds that the request was not received within six months after the date the tax was paid as required by NC G.S. 105-228.37 Refund of Overpayment of Tax; thus the request is not eligible for a refund having been paid more than six months prior to the date of the application for a refund.

- $769.70 paid on March 20, 2008 (Note: The deadline for submitting this request was September 20, 2008.)
- $4,506.83 paid on March 27, 2008 (Note: The deadline for submitting this request was September 27, 2008.)
- $2,982.07 paid on April 30, 2008 (Note: The deadline for submitting this request was October 30, 2008.)
- $2,526.73 paid on May 29, 2008 (Note: The deadline for submitting this request was November 29, 2008.)

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) EDUCATION LOTTERY AND ADM FUNDS – ITEM WAS REMOVED FROM THE AGENDA

Note: County Manager Jones said the Governor in the release of her budget has indicated there will be no redirection of lottery proceeds or ADM funds, thus this matter was removed from the agenda. Staff will continue to monitor this matter.

Chairman Roberts echoed County Manager Jones’ comment and noted a statement from the Governor’s website indicating what County Manager Jones said.

(6B) BUDGET UPDATE SALES TAX REVENUES
Management/Budget Director Hyong Yi gave an update with respect to sales tax revenue. The following was noted:

- It’s not necessary at this time to make any additional changes or reductions in order to balance the current fiscal year budget based on staff’s review of the revenues.
- The County received $18.64 million in sales tax revenue, per the report received in March, which is good news.
- The sales tax distribution received in March relate to sales incurred for the month of December and was 60% higher than the amount received in February for November sales.
- Although property tax collection is slightly off from last year, staff believes we will still meet budget.
- The tax office is scheduled to do their advertisement in April with respect to delinquent taxes, which usually brings in “significant” dollars.
- Staff anticipates at this time that we will maintain the property tax projections for this fiscal year and is not intending to make any changes downward.
- The fund balance draw down at this time is about $33.1 million, which is a little higher than the data previously shared with the Board, but staff believes it can make this up.
- Keep in mind that the “situation is still fluid” and subject to change.
- Thanks was expressed to all departments for their reduction efforts.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to approve the following item(s) with the exception of Items 9, 14, 17, and 25 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 3, 2009 and Closed Session minutes of March 3, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of $318,308.11 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(10) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records are comprised of:

- 355 commercial plans permitted February 2007
- Eight (8) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.
- Journeyman: 10/07-Renewal Letters = 2255
- Dead Bonds: 6/27/07 – 03/13/08 = 252
- Credit/Refunds: 1/31/07 – 4/25/08 = 1476
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(11) DRIVEWAY EASEMENT AND FENCE ENCROACHMENT EASEMENT

1) Authorize the County Manager to negotiate and grant a permanent easement to Melissa B. Sherrill, Waverlyn Ramsey Reid, and the Town of Huntersville.

2) Authorize the County Manager to negotiate and grant a permanent easement to the United House of Prayer for all People of the Church on the Rock of the Apostolic Faith and the Town of Huntersville.

Note: The County is granting a permanent driveway easement (+/- 0.29 acre) across parcels 019-093-04 and 019-093-05 located on Central Avenue, Huntersville, NC. This easement will allow driveway access to parcels owned by Melissa B. Sherrill and Waverlyn Ramsey.

The County is granting a Fence Encroachment easement (+/- 0.035 acre) across parcel 019-093-04 and 019-093-05 located on Central Avenue, Huntersville, NC. This easement will allow the existing cemetery fence enclosure and graves to remain in their current location.

These easements are required to facilitate the transfer of the Old Torrance Lytle School (Parcel 019-093-04) to the Historic Landmarks Commission for adaptive reuse. The transfer of the Torrance Lytle School and land parcel was approved by the Board of County Commissioners on December 20, 2007.

(12) CLEAN WATER MANAGEMENT TRUST FUND/ CAROLINA THREAD TRAIL GRANT APPLICATION – LITTLE SUGAR CREEK

(1) Authorize County staff to submit an application to the Clean Water Management Trust Fund for reimbursement of +/- $85,300 associated with the acquisition of property designated as part of the Little Sugar Creek Greenway and the Carolina Thread Trail.

(2) Authorize the County Manager to negotiate, execute and convey a conservation easement to the State of North Carolina on +/- 10.3 acres of floodplain of Tax Parcel 207-081-13.

(3) Upon award of grant, recognize, receive and appropriate grant funds for additional greenway land acquisition associated with the Carolina Thread Trail corridors.

(13) CLEAN WATER MANAGEMENT TRUST FUND/ CAROLINA THREAD TRAIL GRANT APPLICATION – LONG CREEK

(1) Authorize County staff to submit an application to the Clean Water Management Trust Fund for reimbursement of +/- $46,600 associated with the acquisition of property designated as part of the Long Creek Greenway and the Carolina Thread Trail.

(2) Authorize the County Manager to negotiate, execute and convey a conservation easement to the State of North Carolina on +/- 11.5 acres of floodplain of Tax Parcel 033-221-06.

(3) Upon award of grant, recognize, receive and appropriate grant funds for additional greenway land acquisition within the Carolina Thread Trail corridors.

(15) ACHIEVE GRANT – HEALTH DEPARTMENT

Recognize, receive and appropriate grant funding of $75,000 from the National Association of Chronic Disease Directors (NACDD) to support the Fit City Challenge program within the Health Department.

Note: This three-year funding from the ACHIEVE grant allows the Fit City Challenge coalition
to expand reaching more diverse community partners to identify best practices for addressing the top health issues found in the Health Disparity Plan challenging Mecklenburg County such as obesity. Ultimately, the coalition will develop a comprehensive plan of action to address these issues.

(16) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate Federal funds in the amount of $25,000 for Strategic Prevention Framework/State incentive Grant initiative.

B) Approve, recognize, receive and appropriate Federal funds in the amount of $55,000 for Mental Health homeless population funding.

C) Reduce State funding in the amount of $257,272 due to a decrease in Local Management Entity Systems Management funds.

D) Reduce State funding in the amount of $17,881 due to a decrease in Cross Area Service Program Community service funds.

(18) DSS REVENUE ADJUSTMENTS – CHARLOTTE AREA TRANSIT SYSTEMS (CATS)

Amend the Department of Social Services’ FY09 budget to recognize, receive, and appropriate additional CATS revenues of $342,787.

Note: The County received $342,787 resulting from the annual settlement with the Charlotte Area Transit System (CATS) for the fiscal year ending June 30, 2008. Pursuant to an interlocal contract between Mecklenburg County, the City of Charlotte and other North Carolina municipalities, the Mecklenburg Transportation System (MTS) receives $1.8 million annually for CATS to provide transportation services for Elderly General Purpose and Comprehensive Community Program participants.

(19) HOME AND COMMUNITY CARE GRANT ADVISORY COMMITTEE

Appoint the persons below as the Advisory Committee for the Home and Community Care Block Grant Committee – 2009-2010

1. Rodney Adams# (GS, CC, Committee Co-Chair) Division Director, Services for Adults DSS
2. Dawn A. Blobaum, AIA (GS, CC) Assistant Town Manager Town of Davidson
3. Maryann Gilmore (OA, CC)
4. Jacqueline Glenn (GS, CC) Meck. County Health Department
5. Kim S. Graham (GS, CC) Public Policy Manager Community Planning United Way of the Central Carolinas
6. Sue Hancharik# (GS, CC) Deputy Division Director, Services for Adults Department of Social Services
7. Dr. Cynthia Riffie Hancock (CC) UNC Charlotte
8. John Highfill# (GS, OA, CC) Department of Social Services
9. Joyce D. Freeman (PS, CC) Executive Director Loving Touch Adult Day Health Care Center, Inc.
10. Millard McCluney (CC) The Realty Corner
11. Aaron McKeithan, Jr. (OA, CC)
12. Dan Murrey, MD, MPP (EO, CC) Board of County Commissioners, At Large
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14. Trena K. Palmer, MSW/MPA (GS, CC) Executive Director Charlotte Mecklenburg Senior Centers
15. Debora Sparks# (GS, CC, Committee Co-Chair) Executive Director Council of Aging
16. Ms. Anja Workman (PS, CC)

Legend
OA=Older Adult
GS=Public Services Provider
PS=Private Services Provider
EO=Elected Official
CC=Concerned Citizen
#=Core
*=Ex Officio, Non-Voting

Note: The Home and Community Care Block Grant requires that the Advisory Committee represent a range of aging interest in the County. The individuals that have been recommended for the Advisory Committee in this Board Action are from a broad spectrum of the Charlotte-Mecklenburg community who have been actively engaged in senior issues and have worked with the Department of Social Services staff to promote the awareness of senior issues throughout the community through the Council on Aging and Status of Seniors Initiatives.

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

Appoint the persons below to the Advisory Board for the NC Department of Transportation Community Transportation Grant.

Note: The Community Transportation Grant requires that members of the Transportation Advisory Board 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 that have been recommended for the Transportation Advisory Board in this Board Action 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 the United Way Transportation Task Team.

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)
   - Robert Weeks, Mecklenburg County Veterans Services (Ex-Officio non-voting member)
   - Christopher White, LifeSpan Employment/Enrichment Services
   - Angela Schlottman, Centralina Council of Governments Area Agency on Aging
   - Becky Williams, Disability Rights & Resources
   - Myra Green, Director Char-Meck Senior Center @ Shamrock
   - Myrna Brown, 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
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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)
- Kim Graham, United Way of Central Carolinas
- Evelyn Newman, Community Activist
- Jen Algire, Community Health Services
- Stacy Wright, Community Care Services
  Presbyterian/Novant Health
- 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
- Susie Parrott (Ex-Officio non-voting member)

(21) NCDOT APPLICATION – SECTION 5310 GRANT APPLICATION

Authorize Mecklenburg County Department of Social Services to submit an application for the North Carolina Department of Transportation Elderly Individuals and Individuals with Disabilities Program; and recognize, receive, and appropriate the grant funds, if awarded.

Note: For nine years, the Mecklenburg County Department of Social Services in partnership with Mecklenburg County Veterans Services Office has provided transportation for Veterans determined to have specific transportation needs to VA hospitals throughout North Carolina. Receipt of this grant will allow for the provision of additional trips for elderly and/or disabled Veterans residing in Mecklenburg County. The grant amount is $30,000; a required County match of $30,000 will be included in DSS FY 2010 operating budget request.

(22) JUVENILE JUSTICE AND CHILD WELFARE INTEGRATION GRANT APPLICATION - ITEM WAS REMOVED FROM THE AGENDA

(23) REQUEST FOR PARTIAL RELEASE OF TAXES – HOMESTEAD EXCLUSION

To accept the Tax Assessor’s recommendation to approve the request by Mrs. Sheryl Beck for the abatement of the excess taxes and interest on behalf of her mother Rosalind B. Chinnis (now deceased) to re-instate the Homestead Exclusion for the property at 4817 Oberwald Place for Tax Year 2008 and release the portion of the tax bill for that year in excess of the amount that would have assessed had the property been in the Homestead Exclusion program.

(24) REALLOCATION OF DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY09 FUNDING
Recognize and approve the increase and reallocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,490,192 for fiscal year 2009 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(9) **ARTS AND SCIENCE COUNCIL CULTURAL ACCESS GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve submission of application for an Arts and Science Council Cultural Access Grant for up to $15,000. Secondly, to recognize, receive and appropriate funds if grant is awarded by the Arts and Science Council.

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

*Note: This grant will be utilized to offer cultural arts programming. The program will focus on increasing the awareness and participation of all age groups in cultural arts activities. If the grant is awarded, funds up to $15,000 will be received next fiscal year 2010.*

(14) **RYAN WHITE TREATMENT MODERNIZATION ACT OF 2006, PART A, YEAR THREE FUNDING**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate the Year Three grant funds of $1,763,064 from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White Treatment Modernization Act of 2006. Secondly, to 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.

(17) **AMENDMENT TO EASEMENT AND RIGHTS OF WAY POLICY**

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to amend and expand current Board policy titled: “Authorization of the County Manager to Grant Easements and Rights of Way” to include the authority for the County Manager to grant temporary and permanent easements and rights of way for roads, sidewalks, storm drainage improvements and conservation purposes.

Commissioner Bentley removed this item from Consent because of a question she had, which she said was answered by staff after she’d asked that it be pulled.

*Policy recorded in full in Minute Book 44-A, Document # _____.*
Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve First Amendment to Agreement for Acquisition of Land and authorize execution by the County Manager.

Note: The action which is requested is for the Board to authorize the County Manager to enter into the First Amendment to Agreement for Acquisition of Land to extend the date by which CMS must commence construction of the elementary school and the County must commence construction of the park until July 1, 2010.

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

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

STAFF REPORTS AND REQUESTS

(26) BUSINESS INVESTMENT GRANT: TIME WARNER CABLE, PHASE 2

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to approve the County’s participation in a Business Investment Grant to Time Warner Cable for Phase 2 expansion and that the total estimated amount of the County’s grant is $1,950,000 over seven years. (Total City/County Phase 2 grant is estimated at $3,000,000).

Economic Development Director John Allan addressed this matter.

(27) FIRST WARD PARK

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to receive information regarding a revised framework associated with the First Ward Park development. Secondly, to approve adding an item to the County’s legislative package to request a local act to give the County the authority to enter into a park and infrastructure reimbursement agreement with a private party.

Economic Development Director John Allan addressed this matter.

(2B) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, to adopt a Resolution of Intent to Purchase and Lease Back 3001 Dunlavin Way.

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

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

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(25) PALISADES AREA ELEMENTARY SCHOOL AND NEIGHBORHOOD PARK
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(28) PAPERLESS AGENDAS FOR REGULAR MEETINGS – CHAIRMAN ROBERTS

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Roberts voting yes and Commissioner Leake voting no, to direct staff to come back with a proposed process for going to a paperless agenda for Regular meetings.

Note: Chairman Roberts presented this proposal to the Board in light of current economic conditions and in an effort to cut costs. The costs associated with distribution of the agenda include printing, courier overtime and other staff time. The idea is that the Board, using laptops, would view the agenda on-line during meetings. Chairman Roberts asked that staff look at other paper routines as well in the Commissioners/Manager’s office.

Comments prior to the above vote:

Chairman Roberts said that she has already begun doing what is being proposed. Chairman Roberts noted there have been previous discussions regarding getting the dais up-fitted to accommodate viewing the agenda electronically, as well as, voting electronically. She said this is still being looked into by staff.

Commissioner Dunlap said those that don’t wish to go paperless should have the option to continue to receive a hard copy. (Note: Commissioner Dunlap, like Chairman Roberts, is accessing his agenda on-line. So is Commissioner Murrey.)

Commissioner Cooksey said he would like it on CD-Rom, rather than relying solely on the internet; or place the items in a pdf file, where the items can just follow each other, rather than having to move from one item to the next. Commissioner Cooksey said he’s concerned about possible technical difficulty that may come up during a meeting.

Commissioner James said he supports the idea but noted he doesn’t have a laptop, so one would need to be provided to him. Commissioner James noted also that at one time there were funds set aside for up-fitting the dais. He asked staff to check on whether those funds were still available.

Commissioner Leake noted that some Board members are more computer “savvy” than others and that those who are not should be provided the information in hard copy, if that’s their desire.

Commissioner Clarke said the idea has merit and suggested consideration be given to changing the current font on-line to something that’s easier to read, such as Arial or Verdana.

Commissioner Clarke said it will be an adjustment and he hopes members will be as prepared as they’re accustomed to being, noting that it’s easier to just go through your hard copy right in front of you versus viewing it on-line.

Commissioner Cogdell volunteered to begin this process also, thus, staff will not have to print him out an agenda packet.

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

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Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:36 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 2:00 p.m. on Tuesday, March 24, 2009.

ATTENDANCE

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

Absent:  Commissioner Karen Bentley

____________________

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

The meeting was called to order by Chairman Roberts. The Board met in joint session with the Charlotte/Mecklenburg Board of Education.

Chairman Roberts noted the topics scheduled for discussion, 1) CMS Capital Construction Update and 2) County Capital Assessment and Capacity, 3) Discussion on Next Steps of Capital and Debt Planning, 4) Opportunities for Partnership and Collaboration, & 5) Future Agenda Topics.

Board of Education Chairman Molly Griffin noted that the goal of the meeting was not to make decisions but to share information and discuss information shared.

Vi Alexander with the Lee Institute facilitated the meeting. Ms. Alexander began by outlining the process for proceeding, after which the matters below were addressed.

(1) CMS CAPITAL CONSTRUCTION UPDATE

Commissioner Dunlap entered the meeting during this time.

Guy Chamberlain with Charlotte/Mecklenburg Schools (CMS) addressed CMS’ Capital Construction. The following was covered in the presentation.

- 2006 COPs
- 2007 COPs
- 2007 Bond
- 2008 COPs
- Summary
- Construction Cost Comparison
- Impact of Bond Sale Delay

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

Commissioner Dunlap, with respect to mobile classrooms, asked were they to remain in service, what would it take to meet growth needs; and what would be the capital cost for growth. The response was that mobiles will not be taken completely out of service and will be used when needed. Further, that there are about 15 mobiles that are 39 – 47 years old that will be demolished.

Chairman Roberts asked about the dollar amounts associated with projects that are under construction, design, and pending as noted in the presentation. The response was that information is available and will be provided.

Commissioner Cooksey asked what were the factors that made CMS move from the public/private partnership and has the recent economic situation called for reconsideration of this concept. The response was that the delivery method became very complicated. Also, there were weaknesses in the legislation. Staff has had conversations with developers and has had a few offers.

Commissioner Cogdell asked for clarification with respect to the information shared on construction cost per seat, CMS cost and NC cost, which was addressed.

Commissioner Leake asked about growth and expected seats, which was addressed by Mike Raible CMS Director of Planning.

Commissioner Leake asked about the status of a new gymnasium for Independence High School. The response was it’s been designed and waiting on funding.

Commissioner Leake asked could stimulus funds be used for a new gymnasium at Independence. The response was that staff doesn’t see any stimulus funding being available at this time for that purpose.

Commissioner Leake asked about renovations at Davidson IB Middle School, which was addressed.

This concluded the discussion of this topic.

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

(2) COUNTY CAPITAL ASSESSMENT AND CAPACITY

Dena Diorio, County Finance Director addressed the County’s Capital Assessment and Capacity. The following was covered in the presentation.

Background
At the Strategic Planning Conference:
- Received an update on the County’s capital/debt related issues
- Delayed action on $253 million bond sale
- Requested that the projects included in the County’s authorized/unissued debt be reviewed.

At the Board Meeting on February 17th, Finance committed to provide:
- Projected debt capacity for the next five years.
- Projects presented in three categories:
  - Under construction
  - In design/design completed
  - All others
- Prioritized lists of projects by purpose.

Projected Debt Capacity
FY2009 Cash Flow Requirements
FY2010 Cash Flow Requirements
FY2011 and beyond
FY2011 and Beyond

Authorized and Unissued Debt
Authorized and Unissued Debt - COPs
Option for Using Available Debt Capacity
  • Allocate capacity by purpose and borrow consistent amounts each year.

Approved Strategy
  ☐ The Board will review the project lists as prioritized by the Departments.
  ☐ Determine whether any projects should be eliminated.
  ☐ The Board will allocate capacity by purpose as appropriate, based on a consistent amount of borrowing each year

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

Comments

Commissioner James asked about CMS Savings Redirected to Unallocated in the amount of $14 million and whether the County can use it to offset the $18 million gap, that’s if it’s been sold. The response was that debt is not sold by project, but rather, it’s sold in a lump sum amount. CMS then spends that money based on what projects are going forward. Further that any savings that CMS generates is budgetary. Thus, the expectation would be that at the end, instead of selling what was authorized, you’d sell something less. It was noted that the $14 million in savings is not “cash.”

Board of Education Member Kaye McGarry asked with respect to the $14 million savings, if it could be used on other projects in that bond issuance, if it goes over. The response was that it would depend upon the BOCC making the determination that they were going to issue that debt for projects that were not a part of the $516 million bond referendum. It was noted that there’s a predetermined list of projects and if there are savings at the end, the BOCC would decide if it wants to issue that savings for other projects.

Commissioner Dunlap with respect to spending in 2012, asked if it was decided not to spend that money until 2013, could you spend monies from 2012 and that scheduled for 2013. The response was that it would depend on the size of the operating budget and what that would do to the debt service. It was noted that it might “stack” the debt service too much, such that the County could not issue all of that in one year because the next year the debt service would be very large.

Commissioner Clarke asked about projects that have been taken out, such as the county facilities, school administrative facilities and library facilities. The response was that they don’t appear in the information provided because the County plans to use pay-go for those projects if they were to go forward.

Commissioner Leake asked for clarification with respect to the $18 million gap. The response was that the $18 million shortfall is going to be funded using cash that’s on hand from projects that were completed under budget or will be deferred at the present time.

Commissioner Murrey entered the meeting.

Board of Education Member Trent Merchant asked about Park and Recreation capital spending which was addressed.

Commissioner Cogdell asked with respect to the $14 million savings by CMS, at what point would that savings be realized by CMS and what happens to those funds. The response was that County staff would work with CMS to make sure the projects that are in the $516 million get completed and the amount spent would be the only amount issued. It would then be the decision of the Board of County Commissioners as to whether it wants to issue the remaining amount for other projects.

Commissioner Cogdell asked about the timeframe associated with these projects. The response was it’s probably three-four years out, since no new projects are being started until 2011 and there is still $324 million of the $516 million that’s still out there that have not been started or completed.
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Commissioner Cooksey asked how is it that when the County has savings from a project it can be moved to another project to offset the $18 million shortfall, but that’s not the case when CMS has a savings. The response was because the projects that the County has are pay as you go projects and that money has already been appropriated by the Board. It’s cash and not issued debt.

Board of Education member Larry Gauvreau addressed debt capacity and the need for reprioritizing on the part of CMS.

This concluded the discussion of this topic.

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

(3) DISCUSSION ON NEXT STEPS OF CAPITAL AND DEBT PLANNING

County Manager Jones noted that any comments he would have made under this heading was addressed by Finance Director Diorio. Superintendent Peter Gorman concurred.

Board of Education Chairman Griffin noted for the record that the primary focus of the Board of Education, Dr. Gorman and his staff, is increasing student achievement across the board and closing the achievement gap. Further, that CMS’ operating budget is the primary tool for achieving this goal of increasing student achievement. It was noted that the Board of Education will be working over the next several weeks finalizing its operating budget.

Chairman Griffin said after May 12, when the Board of Education approves its budget for submission to the Board, they would welcome the opportunity to meet again and to give the Board an update on student achievement and how their operating budget is designed to help with that. Further, that at this time, it’s too early to discuss this goal because the Board of Education has not approved its budget yet.

Commissioner James, prior to getting into the discussion of Opportunities for Partnership, said what he wants to know with respect to CMS’ $2.5 Billion 10-Year Capital Plan, which is about $250 million per year, how do you change a $250 million plan per year to a $80 million or $120 million plan. Commissioner James said the County Commission needs guidance from CMS or some type of information with respect to how this would impact CMS. He said otherwise the County Commissioners would be selecting an amount in a vacuum.

Commissioner James said he wants to understand the process the County Manager and Superintendent are going to use to determine what’s the best plan for moving forward, in light of a reduced allocation amount for the 10 Year Capital Plan. He wants to know if CMS will go back and reprioritize projects.

Chairman Griffin said it’s clear that they’re going to have to change their 10 Year Capital Plan because CMS will not be getting the $2.5 billion, but they’re not ready to discuss that at this time.

Superintendent Gorman said the question raised by Commissioner James involves policy decisions that the BOE will have to make. Further, discussions regarding reprioritizing would be between him and the BOE and not the County Manager.

Commissioner Leake asked would the County Commission get an opportunity to discuss the BOE operating budget.

Chairman Griffin said that discussion, along with student achievement, would come after the BOE has approved its budget on May 12, 2009.

Commissioner Clarke said he believes what Commissioner James was asking of CMS is tell us how you plan to adjust your Ten Year Plan, but he feels what needs to happen first, is that the County Commission has to decide how its going to allocate the capacity the Board thinks it has over the next five years.
Commissioner Clarke said it’s probably not fair to ask the BOE to give the County a number when it
doesn’t know what it’s “shooting at” or what the County will make available to CMS based on the
County’s capacity.

Commissioner Clarke said the County Commission needs to make it a high priority to decide how the
Board thinks it should allocate its debt capacity during this timeframe.

Board of Education member McGarry asked Dr. Gorman to refresh her memory with respect to
whether the BOE approved the Ten Year Capital Plan. The response was yes.

Board of Education member McGarry said she doesn’t think it’s too early for CMS to look at
re prioritization, even though it doesn’t have a number from the County.

(4) OPPORTUNITIES FOR PARTNERSHIP AND COLLABORATION FUNCTIONAL
CONSOLIDATION OPPORTUNITIES FOR COST SAVINGS

Board of Education member McGarry noted the following areas for possible opportunities for
partnership and collaboration: CMS- TV, food purchases, athletic fields (using Memorial Stadium
rather than continuing to build stadiums), and using County land or schools that aren’t full to capacity
for Learning Communities rather than continuing to lease space. Board member McGarry said it also
may be a good idea to revisit the recommendations of the Blue Ribbon Committee some years ago
that addressed cost savings.

Board of Education member Tom Tate said with respect to reprioritization, he’s assuming that the
BOE is not talking about reprioritizing what’s been approved by the voters, but, it’s everything else.

Board member Tate asked was it correct that projects that have started will be completed. The
response was yes.

Further, he agrees with Commissioner Clarke’s comment that the BOE needs a number from the
County Commission, but the County Commission also needs to know what CMS’ needs are,
regardless of how much money is out there to do them. He said this is true with respect to the
operating and the capital budget.

Commissioner Dunlap referenced CMS’ 10 Year Capital Plan and the model it’s based on.
Commissioner Dunlap said the Plan would need to change, in light of a decrease in growth, which
means less needed seats. Commissioner Dunlap said hopes the BOE will accept a percentage of
mobile classrooms as being “okay”; less growth equals less capital cost.

Commissioner Dunlap commented on the need and cost for land. Commissioner Dunlap said “we
should never put ourselves in a situation where we lose that land from Crescent.” He referenced land
at Kings Grant, noting that it should not be lost and that rather than the County having to pick up the
cost of that debt, the BOE should contact the County Commission before they lose that land because
that would be additional debt that the County would be expected to pay if that were to happen.

Commissioner Cogdell noted the following areas for possible opportunities for partnership and
collaboration: athletic fields, human resources, and transportation. Commissioner Cogdell said he’d
like for County and CMS staff to discuss these possibilities.

Commissioner Cogdell said he’s looking forward to a future discussion on student achievement and
wants to know how CMS, based on the budget it’ll be submitting, plans to address student
achievement.

Commissioner Cogdell said he’s hopes the County Commission takes a long term look at the
County’s entire financing model of how the County goes about building and financing capital
projects.
Commissioner Cogdell said the County Commission needs to understand from “administration to the classroom” the impact of how adjusting the County’s capital budget and adjusting what the County appropriates for operations impacts the classroom.

Commissioner Cooksey said he wants an understanding of how CMS is going to reprioritize its construction projects going forward and come up with a capital plan that’s based on the assumption that it can borrow $250 million. Commissioner Cooksey said he would like to see the outline of a plan if you borrow less. He’s also interested in the thought process behind it. What becomes more important. What becomes less important.

Board of Education member Trent Merchant said CMS’ 10 Year Capital Plan is a “rolling needs” list. He said the BOE really has no input in that list and he prefers it that way. He prefers relying on the input of the professionals because they’re the experts.

Board member Merchant said they have projects that “zoom” up the list and zoom down the list in part because of the opening of new schools, which affects the overcrowding at certain schools.

Further, with respect to the use of mobiles, he supports it because no mobiles means Mecklenburg County is not growing, which will mean a much bigger problem than what “we have now.”

Board member Merchant said “the best way to complete a bond package efficiently is to get it done as soon as possible.” He noted that CMS is getting the best bids that it has seen in years and that it’s frustrating to have to “walk away from some of those bids.”

Further, he feels the space needs of CMS are greater than that of Park and Recreation.

He also echoed Board member Tate’s comments with respect to voter approved projects.

Commissioner Murrey commented on the continued need for more dialogue between the two boards. He also addressed the importance of relying on both staffs to provide information to the elected officials.

Commissioner Murrey said it needs to be kept in mind that it’s the “same pot of money” being spent.

Commissioner Murrey said what everyone needs to do is figure out the best way to allocate those funds and to use it in the most efficient way possible.

Board of Education member Joe White said the process of reprioritizing is one that will occur automatically. However, for him, the part that can’t be reprioritized is what the voters have approved. Further, that a lot of what gets reprioritized will depend upon how long it will take the two boards, jointly, to fund what has already been approved.

Board member White said, with respect to school construction, that it needs to continue because many of the facilities are old and it would cost more to renovate than to build a new facility. Also, that even with new construction, mobiles will not go away, and he supports having mobiles. He also supports continued dialogue between the two boards.

Board Education member James Ross, with respect to Park and Recreation facilities, School facilities, and Law Enforcement facilities and said “what we do with the first two will determine the size of the last one.”

Commissioner Leake encouraged the use of stimulus funds.

Chairman Roberts mentioned Real Estate Services with respect to possible partnerships or consolidation.

This concluded the discussion of this topic.
Note: The above is not inclusive of every comment but is a summary.

(6) CLOSING AND NEXT STEPS

Ms. Alexander summarized the meeting as follows:

Develop a Shared Process for the Development of the Capital Needs and Budget
The goals are:

- Have clear understanding of the assumptions used to develop recommendations
- An explanation of the process used in the development of the recommendations
- Know the consequences of recommended actions
- Respect the roles of each Board in the process

Address the following in the process:

- The 10 Year CMS capital needs
- Completion of the voter approved bond projects
- CMS building obsolesce
- Stimulus funding for capital projects
- Percentage use of mobile classrooms

A Joint Staff Report on Opportunities for Functional Consolidation
The following is the list of opportunities generated during the joint meeting:

- Communications including CMS TV
- Facilities Management including athletic fields and Memorial Stadium
- Transportation
- Human Resources
- Real Estate Services
- Food Purchasing

The staff was asked to assess potential cost savings and benefits. The staff was also asked to protect the donation of land for schools by Crescent and in Kings Grant.

Future Joint Meetings
The Boards agreed to continue the dialogue; the next topic suggested was the CMS operating budget. Again, the Boards asked for clear understanding of assumptions and impact. There is specific interest in understanding the plan for student achievement within the budget. Also suggested was a meeting on the capital budget as the process is underway on debt management; this was seen has a joint accountability for debt projection and allocation.

This concluded the discussion.

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

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

ADJOURNMENT

There being no further business to come before the Board, Chairman Roberts declared the meeting adjourned at 4:10 p.m.

_________________________  __________________________  __________________________
Janice S. Paige, Clerk  Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, April 7, 2009.

ATTENDANCE

Present: Vice-Chairman Harold Cogdell, Jr., Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, George Dunlap, Bill James, Vilma Leake and Daniel Murrey

County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Chairman Jennifer Roberts

____________________

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: property located at 5200 Spector Drive.

It was noted there was no Consult with Attorney matter to be discussed.

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

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:57 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. Identified were Items 11, 19, 20, 25, 26, 27, 30, 31, 33, and 34.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to induct Leon and Sandra Levine into the Order of the Hornet, in recognition of their service to Mecklenburg County.

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

Prior to the above motion, former County Commissioner Lloyd Scher spoke in support of this honor being bestowed upon the Levines.

Mr. and Mrs. Levine thanked the Board for honoring them in this manner.

(1B) FAIR HOUSING MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a joint proclamation designating April 2009 as “Fair Housing Month” in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Leake and received by Donna Anderson, president of the Charlotte Regional Realtors Association, Ken Szymanski, representing the Greater Charlotte Apartment Association, and Willie Ratchford, director of Charlotte/Mecklenburg Community Relations.

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

(1C) HEALTH CARE DECISIONS WEEK

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating April 12-18, 2009 as “Health Care Decisions Week” in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Katie Kutcher with the Council on Aging and Marilyn Morenz with Hospice and Palliative Care.

A copy of the proclamation is on file with the Clerk to the Board.
Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating April 2009 as “Minority Health Month” in Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Cheryl Emanuel with the Health Department, and community partners Bishop Wade Ferguson (15th Street Church of God), Dr. Avery, Reverend Harold Jones (Old Zion AME), and Reverend Bernard Ingram (New Emanuel Congregation).

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt proclamation designating April, 2009 as “Child Abuse Awareness and Prevention Month” in Mecklenburg County.

The proclamation was read by Commissioner Dunlap and received by Mary Wilson, director of Social Services and Paul Risk, division director for Youth and Family Services.

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

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a joint proclamation designating April as “Alcohol Awareness Month” in Mecklenburg County.

The proclamation was read by Commissioner Cooksey and received by Winona Chestnut, director of Fighting Back and members of her staff and Helen Harold, Executive Director of Substance Abuse Prevention Services and a member of her staff.

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

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

Carletha Burwell addressed the Charlotte Club of the National Association of Negro Business and Professional Women’s Club Founders Day Program scheduled for April 18, 2009. Commissioners were invited to attend. It was noted that County Manager Jones was going to be recognized at the event.

APPOINTMENTS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Pat Garrett to the Charlotte/Mecklenburg Development
Corporation as the County’s Neighborhood Organization representative (community-based, nonprofit organizations).

Note: The Charlotte/Mecklenburg Development Corporation (CMDC) was created as a non-profit community development corporation. It was founded in 1997 as a private and public partnership between the City of Charlotte, Mecklenburg County, and the Charlotte Chamber of Commerce. The CMDC’s primary mission is to identify opportunities and to revitalize distressed, inner-city corridors through the development or re-development of commercial projects that will then provide a catalyst for future development, serving neighborhood residents and enhancing business development in areas that would otherwise remain void of new activity.

She is replacing Ron Hare.

(3B) APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

- Neiland Cohen
- Thomas Derham
- Zanthia Hastings
- Guy McBride III
- John Newitt, Jr.
- Christopher Olds
- Christopher Shelvin
- John Stroup
- Gerald Williams
- Pamela Williams

Vice-Chairman Cogdell announced the appointment of Zanthia Hastings and John Newitt, Jr. to the Board of Equalization and Review for a two-year term expiring April 7, 2010.

They are replacing Damon Bidencope and Aretha Blake.

DOMESTIC VIOLENCE ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Domestic Violence Advisory Board:

- Margaret Austin
- Dana Battle
- Sherry Brower
- Charlotte Brown-Williams
- Patrick Burris
- Cynthia Cain
- Victoria Chopra
- Zaria Davis-Humphries
- Jackie Dienemann
- Carolyn Dubose
Vice-Chairman Cogdell announced the appointment of Margaret Austin, Charlotte Brown-Williams, Patrick Burris, Andrea Pettit, and Elizabeth Trosch to the Domestic Violence Advisory Board for a three-year term expiring April 30, 2012.

They are replacing Tyyawdi Baker, Melissa Behrens, Morgan Cromwell and Donna Dukes.

**WOMEN’S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

<table>
<thead>
<tr>
<th>Name</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angelia Fryer</td>
<td>Bentley, Clarke, Cogdell, Dunlap, James, and Leake</td>
</tr>
<tr>
<td>Deirdira Henderson</td>
<td>Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Leake</td>
</tr>
<tr>
<td>Donna Hughes</td>
<td>Bentley, Clarke, Cogdell, Dunlap, James, and Leake</td>
</tr>
<tr>
<td>Sally McMillen</td>
<td>Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Leake</td>
</tr>
<tr>
<td>Nancy Plummer</td>
<td>Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Murrey</td>
</tr>
<tr>
<td>Marjorie Tate</td>
<td>Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Murrey</td>
</tr>
</tbody>
</table>
Voting Ceased

Margaret Austin   Appointed to the Domestic Violence Advisory Board in an earlier vote

Natalie Bingham
Deborah Bosley
Monica Burruss
Chia-Li Chien
Victoria Chopra
Jessica Copeland
Jenifer Daniels
Sue Ann Davis
Zaria Davis-Humphries
Crystal Dempsey
Jacqueline Dienemann
Jill Dinwiddie
Andrea Ferguson
Beverly Foster
Bliss Green
Laurel Grier
Shanna Hoover
Beverly Hunt
Alice Jackson
Kathryn Johnson
Sandra Johnson-Walker
Angela Joyner
Sharon Lachow-Blumberg
Brook Maybach
Kate Maynard
Shalawn Moore
Mary Murphy
Mariana Nunez
Felicia Parker-Rodgers
Constance Purcell
Stacey Rose
Bellverie Ross
Deborah Snowdon
Najeeah Stover
Melba Streeter
Heather Swindells
Libby Vagnoni
Catherine Ann Wargo
Mimi Zelman

Vice-Chairman Cogdell announced the appointment of Angelia Fryer, Deirdira Henderson, Donna Hughes, Sally McMillen, Nancy Plummer, and Marjorie Tate to the Women’s Advisory Board for a three-year term expiring April 30, 2012.

They are replacing Janice Habash, Terri Jarina, Aileen Maddox, Joseph Marinello, Cheryl Reid and Katie Simmons.

(4) PUBLIC HEARINGS – NONE

(5A) ADVISORY COMMITTEE REPORTS
Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to receive the Domestic Violence Advisory Board annual report.

The following was covered in the report:

- Domestic Violence in Mecklenburg County/City of Charlotte
- Services for Domestic Violence in Charlotte/Mecklenburg County
- Advocacy and Public Awareness
- Additional Priorities Identified by Domestic Violence Advisory Council
- Recommendations:
  - Continue to support planning for a new Domestic Violence (DV) emergency shelter(s) and DV transitional housing.
  - Convene a working group to develop a plan for providing shelter now for every victim that needs it.
  - Creation of a City/County Domestic Violence Coordinator Position to develop and oversee implementation of a strategic plan and to coordinate DV services to meet the needs of the city/county.
  - Establish a supervised visitation/child exchange center for DV victims and perpetrators of domestic violence.

Marage Blakeney, chair of the Domestic Violence Advisory Board gave the report. She was joined by Deborah Wideman and Jackie Dienemann.

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

Commissioner Bentley asked that staff check on the status of the proposal to have a magistrate located in the northern part of the county.

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

MANAGER’S REPORT

(6a) Budget Update

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

- Projected Revenues and Expenses (County costs only)
- Projected Budget Gap
- Next Steps
- The County Manager will present his recommended budget at the May 19, 2009 meeting.
- The budget public hearing will be held the latter part of May.

County Manager Jones said he would make available on-line all of the reductions that departments have submitted.

- The reductions that the County Manager is preliminarily looking at including in his recommended budget will also be listed.
- At the present time the County Manager has not decided how much he will recommend reducing Charlotte/Mecklenburg School’s (CMS) budget request.
- This continues to be a “fluid” process.

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

Commissioner Clarke returned to the dais.

Vice-Chairman Cogdell asked for clarification on the number of County jobs that will be
eliminated, which was addressed. He also asked about the FY10 current budget gap of $38.8 million and whether staff was contemplating using fund balance. The response was no. The County Manager said it’s possible that it will come from reductions from CMS, Central Piedmont Community College (CPCC) and some of the outside agencies.

Commissioner James asked about the elimination of positions and the impacted the departments, which was addressed. He also asked have employees been made aware of this possibility. The response was yes.

Commissioner James said CMS and other partners need to be made aware of their reductions in advance also.

Commissioner Bentley asked for clarification with respect to ADM funds, which was addressed.

Commissioner Cooksey asked for clarification with respect to any additional cuts for FY09, which was addressed.

Commissioner Dunlap asked about employee reductions, with respect to the possibility of inquiring of those employees that are eligible to retire, to consider doing so, which could save someone else’s job. The response was that’s an individual decision that has to be made on the part of the employee.

Commissioner Dunlap, with respect to outside agencies and during the Board’s budget deliberations, said he would like to see them categorized in such a way, that the Board would know if the County would have to fund a service they provide, if they didn’t exist.

Commissioner Dunlap asked for clarification with respect to the use of fund balance, which was addressed.

Commissioner Leake expressed concern for positions that may be lost. She asked for a list of those positions. The response was that information will be a part of the information to be placed on-line.

Commissioner Murrey asked for clarification with respect to the budget gap. What’s impacting it? Is it slowing down or increasing, which was addressed.

Commissioner Murrey asked for clarification with respect to outside agencies being aware of the measures the County evaluates them on, which was addressed.

Commissioner Clarke asked about maintaining a certain percentage of fund balance, which was addressed. It was noted that at the next Budget/Public Policy meeting there will be a presentation on fund balance.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(36) DEBT SERVICE RESERVE FUND FINANCING MODEL (COMMISSIONER COGDELL)

The Board received a report on Capital and Debt Service Comparison Mecklenburg County and the City of Charlotte.

Dena Diorio, Finance director gave the report. The following was addressed:

- The County’s approach to capital and debt
- City of Charlotte approach to capital and debt
- Advantages and Disadvantages
Summary

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

Comments

Commissioner James asked about the unreserved fund balance, which was addressed. He also asked Finance Director Diorio to give her perspective with respect to the County having a debt service fund.

Director Diorio said “it’s depends on what the end game is.” She said staff has spent a lot of time with the Board talking about how the County should issue its debt over the next five years; that a strategy was developed that staff felt was fairly sound in terms of putting sort of a “cap” in allocating the County’s capacity as a way to manage the County’s debt and “chip away” at this authorization going forward over the next five years.

Further, staff feels that at the “end of the day” you’ll get the same result, which is that the County will be “in a better place at managing its debt service and bringing the debt service load down.”

Director Diorio said the “trick” is in going forward, is how much is authorized going forward, and what mechanism is used to fund it. Director Diorio said she doesn’t think a debt service fund is needed to accomplish those goals. She said although the City of Charlotte has a debt service fund, if you look at their debt service as a percent of their operating budget, they’re at the exact same place as the County, hovering around 20%. Thus, if the expectation is that the County is going to get that percentage down by using this debt service fund, she’s not sure that you get there just because you have a debt service fund.

Director Diorio said what one would need to do is manage how much you authorize and how much you issue, which can be accomplished without having a debt service fund.

Commissioner James said he agrees “you don’t have to have a debt service fund,” but he doesn’t think the Board has addressed that “central” issue of how do you reduce that 20%.

Commissioner James said a debt service fund provides a structure and a limit, which can be a problem often for “politicians.”

Commissioner James said he feels a “sinking fund” is a “safeguard”, “protection for the budget, and the public.”

Commissioner Murrey said he doesn’t think now is the time to entertain this type of policy change; nor is he convinced fully that this will ultimately help “our county government” function better.

Commissioner Murrey said he thinks the County has to keep an eye on its debt policy and how much debt is issued and “be responsible about it.” He doesn’t think the taxpayers should be subjected to setting aside more and more money that’s not going to be spent in their best interest and offset that to some future generation is not necessarily a good policy.

Commissioner Clarke noted that the County has a Triple AAA credit rating and very fiscally prudent and is taking steps to maintain that.

Commissioner Clarke said he doesn’t think the County is in a position to do what the City of Charlotte is doing.

Vice-Chairman Cogdell said he placed this matter on the agenda because he thought it was a discussion the Board needed to have, for purposes of knowing there is a different way or model with respect to how the County finances its debt.
Prior to the vote below, Commissioner Dunlap noted his opposition to the motion. He said he has not heard any valid reason why the County should do what the City of Charlotte is doing.

Commissioner Cooksey spoke in support of the motion and said he felt it puts some discipline on the Board’s ability to spend money going forward on the capital side. He said it should at least be considered.

Motion was made by Commissioner James, seconded by Commissioner Leake and failed 4-4 with Commissioners Bentley, Cogdell, Cooksey, and James, voting yes and Commissioners Clarke, Dunlap, Leake and Murrey voting no, to direct staff to review the capital budgeting process and evaluate incorporation of the City of Charlotte’s methodology along with continued implementation of the County’s current debt policy and pay-as-you-go strategy; and report back to the Board in November.

Commissioner James said he’d like this matter to be placed back on the next meeting’s agenda but not under his name.

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

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

(6b) (10) AMENDMENT TO THE BOARD’S HUMAN RESOURCES POLICY

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake and Murrey voting yes, to amend the County’s Human Resources Policy, Hours of Work/Work Schedule, to enable the County Manager/designee to change the County’s operating hours for business needs.

Note: For reasons of work curtailment (ex. inclement weather) or budget shortages, the County Manager/designee, may need to institute changes to work hour requirements and/or may implement a furlough plan for all County employees. This includes changes to work weeks, days and hours of operation of County offices, work schedules, and the number of hours employees may be scheduled to work, for as long as the County Manager deems necessary.

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

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

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the following item(s) with the exception of Items 11, 19, 20, 25, 26, 27, 30, 31, 33, and 34:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 17, 2009 and Closed Session minutes of February 17, 2009.

(8) AUCTIONS FOR DISPOSAL OF EQUIPMENT

1) Approve the list (Exhibit A) included in the Board’s agenda packet as surplus, and

2) Adopt a resolution authorizing sale of personal property by public auction on April 18, 2009.
Resolution and List recorded in full in Minute Book 44-A, Document #______.

(9) TAX REFUNDS

Approve refunds in the amount of $34,745.36 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(10) AMENDMENT TO THE BOARD’S HUMAN RESOURCES POLICY – ITEM MOVED TO MANAGER’S REPORT SECTION

(12) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

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

Note: Regulations found in the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) originate from either of two sources. Some are developed by Mecklenburg County, but many are adopted by reference from State rules. This adoption will contain State rules adopted by reference.

A second reading will be required at the April 21, 2009 meeting, since all nine Commissioners were not present.

(13) FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP MAINTENANCE FUNDING

1) Authorize the County Manager to submit a grant request in the amount of $883,200 with the Federal Emergency Management Agency.

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

3) Authorize the carry-forward of unspent funds for the duration of the grant.

4) Authorize the County Manager to negotiate and execute a Mapping Activity Statement between Mecklenburg County and the Federal Management Agency.

(14) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate funds in the amount of $5,605 for General Services.

Note: All reimbursements are for stolen and damaged items

(15) STATE SECONDARY ROAD PROGRAM – FY 2008-2009

1) Receive report from the North Carolina Department of Transportation on the Secondary Road Program for Mecklenburg County for construction to be completed during FY 2008-2009.

2) Approve the State Secondary Road Program for FY 2008-2009 for Mecklenburg County.
Note: In accordance with North Carolina General Statute 136-44.9, the North Carolina Department of Transportation sends a report to the Board of County Commissioners each year concerning the paving of secondary roads under the Secondary Road Construction program, for information and approval only. The scope of the work performed on each of the roads includes grading, drainage, installing base, and paving in Mecklenburg County for the fiscal year 2008-2009. Please note that the allocation is in 2008 but the construction will be completed during FY 2008-2009. The State and Federal fiscal years run from October through September.

(16) STREET ASSESSMENT PROJECT FOR MEFFERT LANE – SET PUBLIC HEARING

Adopt a resolution of the Preliminary Assessment Rolls for Meffert Lane Road Improvements and set a public hearing for May 19, 2009, on assessing property owners on Meffert Lane for funds spent on improvement to the roadway and acceptance of the final assessment resolution and roll.

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

(17) PURCHASE AND LEASEBACK OF 3001 DUNLAVIN WAY

Adopt a Resolution to Authorize the Purchase and Lease Back of 3001 Dunlavin Way (Parcel ID: 093-13-401).

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

(18) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Frank and Rachel Lorch of 7545 Valleybrook Road (Parcel ID: 187-29-112) for $590,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

Note: This action is necessary for the purchase of a floodplain property under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above property from the floodplain.

(21) PROPERTY AND LAND DONATION/LAND ACQUISITION

1) Accept the donation of home and land parcel 065-042-11 located at 3200 Tuckaseegee Road from the Robert E. McQuay family and convey to the Historic Landmarks Commission for Historic Preservation and resale.

2) Approve the Historic Landmarks Commission purchase of adjacent land parcel 065-042-05 located at 3140 Tuckaseegee Road and 065-042-04 located at 3215 Avalon Avenue from the Robert E. McQuay family for Historic Preservation and resale and recognize and appropriate up to $60,000 for the purchase.

(22) HISTORIC LANDMARKS COMMISSION - INTERLOCAL COOPERATION AGREEMENT

Adopt a resolution approving and authorizing the County Manager to sign an Interlocal Cooperation Agreement for the Charlotte-Mecklenburg Historic Landmarks Commission
between Mecklenburg County, City of Charlotte and Town of Davidson.

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

(23) RELEASE OF REVERSIONARY DEED RESTRICTION

Approve extinguishing the automatic reversion deed restriction on approximately 3.62 acres of land conveyed by Mecklenburg County to the State of North Carolina.

Note: The State of North Carolina (State) and the Foundation of the University of North Carolina at Charlotte, Inc. (Foundation) are proposing a land exchange to facilitate the construction of an uptown facility located in First Ward for the University of North Carolina at Charlotte (UNCC). The subject properties are Tax Parcel 080-043-07 (a parcel at the corner of E. Ninth Street and N. Brevard Street owned by the Foundation in First Ward)(Map 1) and a portion of Tax Parcels 049-311-11 and 049-311-02 (a parcel owned by the State on the main campus of UNCC)(Map 2). Tax Parcel 049-311-02 (Map 2) was conveyed by Mecklenburg County to the State in 1964 subject to an automatic reversion in favor of the County if the property is not needed and used as a reasonably necessary part of the grounds and campus of UNCC. The uptown parcel of property currently owned by the Foundation (Map 1) was purchased on behalf of the State for an uptown campus facility. However, State funds cannot be used to construct a facility on private land, thus necessitating the land exchange. As proposed, the Foundation will convey all of Tax Parcel 080-043-07 (+/- 0.8697 acre – Map 1) to the State in return for a portion (+/- 12.75 acres – Map 2) of Tax Parcels 049-311-11 and 049-311-02. The Foundation is requesting that the automatic reversion be extinguished prior to this transaction. This request to release the automatic reversion only applies to approximately 3.62 acres of Tax Parcel 049-311-02 (shaded area on Map 2).

(24) SALE OF RIGHT-OF-WAY TO NCDOT

Approve the sale of approximately 0.1 acre (+/- 4,424 sq. ft.) of Tax Parcel 025-162-99 to NCDOT for additional right-of-way along I-485 at Long Creek for $600.

Note: While working within the I-485 right-of-way to install the NCDOT controlled access fence, the State’s contractor accidentally graded and installed the fence slightly across the property line. Since the State is required to hold fee simple title to the entire controlled access area, NCDOT is proposing to purchase the acreage encroached upon based on the State’s valuation of just compensation ($6,000 per acre).

(28) CHARLOTTE MECKLENBURG REGIONAL HOUSING CONSORTIUM HOME FUNDS GRANT APPLICATION – TENANT BASED

(1) Grant approval for the Mecklenburg County Department of Social Services application for the Charlotte Mecklenburg Regional Housing Consortium HOME Funds – Tenant Based Rental Assistance Grant Application, and

(2) Recognize, receive, and appropriate grant funds, if awarded, and carry over any unspent funds to Fiscal Year 2010.

Note: The initiative will address the employment and housing needs of residents with the goal of helping families (earning at or below 30% - 40% of Area Median Income) to work towards becoming a successful apartment or home renter or owner. The Consortium HOME Funds Grant would provide $150,000 for this project. DSS would expect to begin the program on May 1, 2009. No County match is required.

(29) CITY FUNDING FOR COUNTY ADMINISTRATION OF CONTRACT –
Recognize, receive and appropriate $7,500 from the City of Charlotte for A Way Home.

Note: Mecklenburg County and the City of Charlotte have adopted the Ten Year Plan to End and Prevent Homelessness and have contracted with A Way Home to implement the Plan. On November 24, 2008, the Charlotte City Council authorized the City Manager to enter into a Memorandum of Understanding (MOU) with the County to expend funds on behalf of the City to A Way Home for the FY09 operating costs. The City has paid $22,500 directly to A Way Home upon their signing of the contract leaving a balance due of $7,500. The County makes the 4th quarter payment of $7,500 on April 15, 2009 after A Way Home has provided its 3rd quarter performance report. City and County staff will meet monthly with A Way Home to monitor performance.

(32) CAPITAL PROJECT ORDINANCES

Amend the Pay-As-You-Go, Land Bonds Approved in November 6, 2007 Referendum and School Facilities Approved in November 6, 2007 Referendum capital project ordinances.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) DONATIONS FOR THE 2009 MECKLENBURG COUNTY HOMELESS VETERANS STAND DOWN

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the receipt of $3,150.00 in donations to support the operation of the 2009 Homeless Veterans Stand Down, and to recognize, receive and appropriate funds.

Note: The 2009 Homeless Veterans Stand Down was a one day event to provide aid and comfort to our veterans. About one-fourth of the adult homeless population has served their country in the Armed Services. Current population estimates suggest that about 154,000 veterans (male and female) are homeless on any given night in the nation and perhaps twice as many experience homelessness at some point during the course of a year. Many other veterans are considered near homeless or at risk because of their poverty, lack of support from family and friends, and dismal living conditions in cheap hotels or in overcrowded or substandard housing.

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

(19) SOUTHEASTERN AFRICAN AMERICAN CENTER OF EXCELLENCE IN THE ELIMINATION OF DISPARITIES IN DIABETES (SEA-CEED) GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to recognize, receive and appropriate funding of $27,909 from the Medical University of South Carolina contracted by the CDC National Center for Chronic Disease Prevention and Health Promotion to prevent and control diabetes within the African American at risk population and carryover to FY2010 the unspent balance at June 30, 2009.
Note: This SEA-CEED grant, SE African American Diabetes, Hypertension & Stroke REACH US Center for Eliminating Disparities, will provide funding to expand diabetes education to four (4) African-American faith-based organizations aimed at educating and training community health ambassadors creating a coalition to create culturally sensitive and tailored primary prevention initiatives in their church and community. This project will become more intensive to reduce the prevalence and morbidity of type 2 diabetes among the target population and work to decrease the emotional, spiritual, physical and financial burden of the disease. These funds are effective from October 29, 2008 through September 29, 2009.

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Dr. Wynn Mabry, Health Director and Cheryl Emanuel with the Health Department.

(20) HEALTH DEPARTMENT REVENUE ADJUSTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes to recognize, receive and appropriate additional $8,183 from the NC Department of Health and Human Services for the Community-Focused Eliminating Health Disparities Initiative.

Note: These additional funds from the NC Office of Minority Health & Health Disparities will provide continued support for the Community Health Trust Builders project and faith based organizations that train community health “ambassadors” and provides health screenings, referrals, and medical follow-up to high morbidity populations in underserved communities in Mecklenburg County. These new funds will focus specifically on faith based capacity addressing health disparities in men’s health within the African American population.

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Dr. Wynn Mabry, Health Director and Cheryl Emanuel with the Health Department.

(25) GRANT APPLICATION – US DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (TRANSITIONAL HOUSING)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes to (1) Approve the submission of a grant application for funding in the amount not to exceed $500,000 for a three-year grant from The United States Department of Justice, Office on Violence Against Women Transitional Housing Assistance for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault, under the recent Recovery Act legislation. (2) If awarded, recognize, receive and appropriate such funds.

Note: Transitional housing for victims of domestic violence is very limited in Mecklenburg County, but the need is great. The Shelter for Battered Women, operated by United Family Services, turned away 1700 individuals, including 400 who were in imminent danger this year. Community Support Services (CSS) also assists women and children in need of housing, due to domestic violence, and served 172 mothers and children since July 1 in motels. A portion of the grant funding CSS receives is due to expire in December 2009. This grant would enable the community to meet a larger portion of the need and to effectively transition domestic violence victims to situations where they will have opportunities for greater independence and safety.

 Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Peter Safir with Community Support Services.
ADMINISTRATION OF CHILDREN AND FAMILIES SYSTEM OF CARE PROJECT – DSS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes to recognize, receive, and appropriate State revenues in the amount of $106,250 to participate in the Federal project entitled, “Improving Child Welfare Outcomes through Systems of Care;” Carry forward unspent funds to the next fiscal year.

Note: System of Care is a philosophy that uses a community-based family friendly approach to address issues of children and families based on the guiding principles of interagency collaboration, individualized care practices, culturally competent service delivery, strength based practices, and child and family involvement along with measures of accountability. The State of North Carolina has allocated $106,250 in System of Care (SOC) No-Cost Extension (NCE) funding to Mecklenburg County. This funding amount represents Mecklenburg County’s share of the unspent dollars remaining from the five (5) year SOC Grant, which must be spent by the end of the federal fiscal year 2009 that ends September 30, 2009.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Mary Wilson, director of Social Services.

CHARLOTTE MECKLENBURG REGIONAL HOUSING CONSORTIUM HOME FUNDS GRANT APPLICATION – SENIOR HOME

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to grant approval for Mecklenburg County Department of Social Services application for the Charlotte Mecklenburg Regional Housing Consortium HOME Funds – Senior Home Rehabilitation Grant; and to recognize, receive, and appropriate grant funds, if awarded, and carry over any unspent funds to Fiscal Year 2010.

Note: The Consortium HOME Funds Grant would include a senior home rehabilitation project. The Department of Social Services is interested in participating in this Project, as an essential element of the work of DSS is to provide programming and services for its elderly population to enhance their self-sufficiency and their accessibility to available resources. DSS requests that the Consortium provide $100,000 under the HOME Funds Grant to assist elderly homeowners who are at risk of institutionalization or loss of housing. DSS would expect to begin the program on May 1, 2009. No County match is required.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Mary Wilson, director of Social Services and Darrel Cunningham with Social Services.

GRANT APPLICATION – US DEPARTMENT OF LABOR, VETERANS’ EMPLOYMENT AND TRAINING SERVICE AWARD

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to recognize, receive and appropriate $7,000 of funds awarded by the U.S. Department of Labor.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Robert Weeks, director of Veteran Services.
(31) **JAIL DIVERSION AND TRAUMA RECOVERY PROGRAM-PRIORITY TO VETERANS** GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve Area Mental Health, in conjunction with the State Department of Mental Health to apply for a Substance Abuse and Mental Health Services Administration (SAMHSA) grant entitled “Jail Diversion and Trauma Recovery Program-Priority to Veterans” grant. The maximum amount for this grant would be $394,000 per year for up to five (5) years.

Commissioner Leake removed this item from Consent for more clarity and public awareness. It was addressed by Grayce Crockett, director of Area Mental Health.

(33) **GOVERNOR’S CRIME COMMISSION 2ND YEAR FUNDING REQUEST**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve submittal of 2nd year funding request and if awarded, recognize, receive and appropriate the Governor’s Crime Commission grant funding in the amount of $52,737 for the Assistance League of Charlotte’s Mecklenburg County Teen Court program.

Commissioner Leake removed this item from Consent for more clarity and public awareness. The matter was addressed by Michelle Lancaster, General Manager.

Commissioner Leake requested more details regarding the program.

(34) **LOAN APPLICATION (MATCHING GRANT) - PARK ROAD PARK LAKE ENVIRONS WATER QUALITY PROJECT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the submission of a loan application and adopt a resolution for funding in the amount of $1,000,000 for a Recovery Act Loan to be administered by the State of N.C. - Division of Water Quality.

It was noted that Commissioner Cooksey removed this item from Consent but had to leave the meeting, prior to this matter being addressed.

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

**STAFF REPORTS AND REQUESTS**

(35) **BUSINESS INVESTMENT GRANT: GMAC FINANCIAL SERVICES**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to approve the County’s share of a Business Investment Grant to GMAC Financial Services (GMAC) for a total estimated amount of $143,000 over 3 years. (Total City/County grant is estimated at $222,000).

John Allen, Director of Economic Development addressed this matter.
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(37)  NAMING OF COUNTY-OWNED FACILITIES (COMMISSIONER COGDELL)

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, to direct the County Manager to develop a proposed County Facilities Naming Policy/Process and present the same to the BOCC at a future meeting.

Vice-Chairman Cogdell said he placed this matter on the agenda for the following reason: Recently the BOCC named the County's Freedom Mall facility in honor of the late Honorable Valerie C. Woodard. Since that time, several members of the BOCC have inquired into whether a formal facility naming process and/or policy exist. The discussion has continued among commissioners regarding the process by which county owned facilities are named. Therefore, I suggest the BOCC direct staff to develop a set of guidelines setting fourth the criteria and process to be used by this board in the naming of any county owned facility. It is my contention that the development of a naming process would create certain minimum eligibility criteria and require the existence of a rational relationship between the facility and the person for whom it may be named.

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

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:55 p.m.

____________________
Janice S. Paige, Clerk

______________________________ __________________________
Harold Cogdell, Jr., Vice-Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina on Tuesday, April 14, 2009 at 3:00 p.m.

**ATTENDANCE**

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

Absent: Commissioner Bill James

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

The meeting was called to order by Vice-Chairman Cogdell. Vice-Chairman Cogdell chaired the meeting until the arrival of the chairman.

(2) **FEE CHANGES**

Director of Storm Water Services Dave Canaan addressed the proposed fee changes for Land Use and Environmental Services (LUESA).

The following was covered:

- **Increase in Zoning Fees** (With respect to the City of Charlotte’s proposed fee changes listed in the handout, it was noted that the amounts listed were not correct. At this time staff is not sure what the City’s proposed changes will be. Staff gave the Board, instead, what the City’s current fees are.)
  - Zoning Use Permits
  - Change of Use Permits
  - Sign Permits
- Expedited Plan Review Surcharge
- Storm Water/Residential Tiers
  - Minor System
  - Major System

It was noted that in previous years, Land Development revenue supported Zoning Services and had not been a major problem until the recent downturn in land development activity. Therefore, a review of staffing levels, time spent on processing zoning permits and a comparison to the City of Charlotte’s zoning permit fees was performed. The proposed fee increases will result in 100%
zoning fee funded services. It was noted that not all zoning fees are being adjusted. The proposed fees are more in line with what the City of Charlotte is proposing for their zoning permit fees and still results in a reduction in staffing due to the predicted downturn in zoning activity in FY10.

Currently, there are two tiers for single-family residential accounts in the unincorporated areas of the County for minor system services. The proposed change increases the number of tiers to four, making the fee more reflective of the contribution of runoff to the storm drainage system.

Also, currently, there is only one tier for single-family residential accounts applied to all properties in the County for major system services. The proposed change increases the number of tiers to four making the fee more reflective of the contribution of runoff to the storm drainage system.

A list of the proposed fee changes is on file with the Clerk to the Board.

Comments

Commissioner Murrey asked if the reduction in staff was because of a reduced amount of building. The response was yes.

Commissioner Cooksey asked had the proposed fee changes been discussed with the Towns and if so what was the feedback. The response was yes and that no one likes fee increases. Director Canaan noted, however, that if the fees aren’t increased then the funds would have to be found somewhere else to cover the cost of the services or the County would have to inform the towns that the services can no longer be provided.

Director Canaan said he would not recommend the County get out of the business of providing this service because zoning is one of the key ordinances where the County achieves some of its goals as it relates to water quality.

Commissioner Murrey asked for clarification on how the cost tripled in three years for three of the fees.

It was explained that previously the County had a lot of land development revenue coming in, which subsidized zoning services, however, land development revenue has gone down 30% - 50% over the last year.

Commissioner Leake asked how was the information disseminated to the towns which was addressed.

Commissioner Leake asked had the workload increased for the towns. The response was no. It was explained that there’s been over a 30% decrease in the workload.

Commissioner Leake asked was the position referenced in the presentation vacant or filled. The response was filled, but that person will be placed in another area of the department.

Commissioner Clarke asked for clarification with respect to land development revenue, which was addressed.

Commissioner Clarke said often in government fees aren’t adjusted annually which results in large increases later on at one time.

Commissioner Clarke said it would be better to have incremental increases.

Commissioner Cooksey asked was it possible for the towns to back out of the interlocal agreement for these services. The response was yes, but none of the towns have indicated a desire to discontinue these services or to provide them themselves.

Commissioner Murrey asked what happens when development increases. Will the fees decrease?
The response was not necessarily. All of the fees and staffing needs would be reviewed.

Commissioner Murrey asked if the Department was still over staffed in this area. *The response was no.*

Commissioner Cogdell asked would the approval of these fee changes impact the layoffs referenced in a previous presentation regarding layoffs in LUESA. *The response was no.*

Commissioner Cogdell asked when was the last time the fees were adjusted, which was addressed.

Commissioner Cogdell echoed Commissioner Clarke’s comment with respect to incremental changes in fees rather than large increases at one time.

Commissioner Murrey asked about the square footage cut offs with respect to Storm Water/Residential Tiers, which was addressed.

Commissioner Cooksey asked about the percentage of residents in the various residential tiers, which was addressed.

*Chairman Roberts entered the meeting.*

**Code Enforcement Fees**

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

Jim Bartl, Director of Code Enforcement addressed Code Enforcement Fee Changes. The following was covered:

**New Land Development Fees**

- New fee to address renovation and small projects costs
- Increase charge for work started without a permit
- Increase minimum permit fee for projects not requiring a plan review
- Increase rates for Temporary Utilities, Limited Conditional Utilities, and Temporary Certificates of Occupancy.

*A list of the proposed fee changes is on file with the Clerk to the Board.*

It was noted that Code Enforcement is a totally fee funded operation. Also, revenues are down 35%, permit applications are down 20%, inspection demand is down 27%, thus revenue is off by $10 million.

Comments

Commissioner Clarke asked Mr. Bartl to comment on the role of the Building Development Commission, which was addressed.

*Commissioner Dunlap entered the meeting.*

Commissioner Leake asked for a list of the members of the Building Development Commission.

Commissioner Cooksey said he feels what has happen in this instance, as well as, with the fees addressed by Director Canaan, is that no one felt the need to increase these fees since the County was getting so much fee revenue off of the big projects, residential and commercial.

Commissioner Cooksey said in light of these tough economic times, it’s been realized that these smaller projects have not been carrying their fair share

Director Bartl said historically single family new construction and the big commercial projects have carried more than their share or weight of the fee structure, which has worked out fine for decades,
but now in light of the economy this is no longer the case. Mr. Bartl said even with the increases the smaller projects still won’t be paying their way.

Commissioner Dunlap asked for clarification with respect to the reason for the increase. The response was that it was because of the downturn in the economy.

Commissioner Dunlap asked has staff determined what is a “fair” fee regardless of the current economic situation. The response was that staff did a study of fees in other areas and discovered that on a minimum basis Mecklenburg County was behind. It was noted that it’s hard to do a true comparison because in many areas the fee is based on square footage, whereas, in Mecklenburg County it’s based on construction cost. Also, that in terms of it being a “fair” fee, the fee even increased doesn’t cover the full cost of the service, only 75%. The other 25% would have to be picked up by the larger projects.

Chairman Roberts echoed Director’s Bartl’s remarks with respect to the fact that the larger projects are paying more than their fair share.

Park and Recreation Fee Changes

Budget/Management Director Hyong Yi addressed proposed Park and Recreation Revenue and Pricing Policy changes.

Commissioner Cogdell returned to the meeting but left again and was absent for the remainder of the meeting.

Changes were proposed for the following facilities:

- Historic St. Mary’s Chapel
- Mahlon Adams Facility at Freedom Park
- Admissions and Passes for recreation centers and the aquatic facilities

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

Comments

Commissioner Leake expressed concern for 1) fee increases and the impact on communities and youth, 2) the use of Charlotte/Mecklenburg Schools’ pools at West Charlotte and Providence High Schools during the summer months, & 3) groups being able to rent out facilities for the entire summer, which prohibits the community’s use of the facility.

Jim Garges, Director of Park and Recreation addressed each of these issues.

It was explained that recreation centers are not rented out for an entire time. Further, that access is balanced between rental time and drop in usage. Also, that expanded use of facilities requires additional funding to staff those facilities, funding for this is not available. It was noted that pavilions are rental facilities.

Chairman Roberts said perhaps the issue of access is something that could be placed on the Natural Resources Committee agenda for further discussion.

Director Garges said generally speaking, Park and Recreation has a good working relationship with Charlotte/Mecklenburg Schools with respect to the use of facilities.

Commissioner Leake said she’s not speaking of those facilities where there are joint use agreements.

Commissioner Dunlap said he wants to see a fee structure for those that can afford it the least.
Commissioner Dunlap addressed access to facilities. He noted that the access hours are not in line with the times youth want to use the facilities.

(2) FUND BALANCE BRIEFING

Finance Director Dena Diorio addressed fund balance and sales tax.

The following was covered:

- Sales Taxes to Date (The distribution for the month was $13.4 million, which was less than what was hoped for. This brings the total for the year to $123.7 million and based on that and what was projected by year end staff, is going to reduce it’s projection by $3 million.)
- What is fund balance?
- What are the best practices on fund balance?
- What is Mecklenburg County’s fund balance policy?
- How much fund balance does Mecklenburg County have?
- Projected uses of fund balance in FY2010 and FY2011
- Consequences of accelerated use of fund balance

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

Comments

Commissioners Bentley and Clarke asked for clarification with respect to the projections for sales taxes, which was addressed.

Commissioner Dunlap asked about Pay-Go and Debt Service. It was noted that based on the Board’s new debt policy, 50% of the 8% fund balance access would go to pay-go and 50% to debt service.

Commissioner Cooksey asked for clarification with respect to reserves as required by state statute, which was addressed.

Commissioner Murrey with respect to the County’s use of the 8% access fund balance, asked if the rating agencies were viewing this as an exception. The response was that it’s not a red flag yet, because in the past the County’s fund balance has always grown. However, if the rating agencies continue to see draw downs of fund balance, it will be an issue.

Director Diorio said it needs to be understood that even though the easiest thing to do is to draw down fund balance when times are tough, if you don’t have a plan to replenish it and you draw down all of your reserves, this will reduce the strength of your credit.

Commissioner Dunlap asked how much was budgeted for this fiscal year for debt service. The response was about $230 million.

Commissioner Bentley asked about a replenishment fund, which was addressed. It was noted that the County doesn’t have a true replenishment fund.

Commissioner Bentley asked about Moody’s Report where it stated the credit of all local governments have been impacted, which can impact credit ratings.

Director Diorio addressed this and said this doesn’t mean everyone will be downgraded. But it does mean that everyone will be watched very closely to see how they manage through these difficult economic times.

The above is not inclusive of every comment made on the above topics, but is a summary.
Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:16 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 21, 2009.

ATTENDANCE

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

Absent: Commissioner Bill James

-INAFORMAL SESSION-

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

(1A) STAFF BRIEFINGS - NONE

(2A, B) CLOSED SESSION – A) LAND ACQUISITION AND B) 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 located at 316 Main Street and 330 Main Street in Pineville and litigation involving Mecklenburg County and Cleveland Construction Company.

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

The Board went into Closed Session at 5:26 p.m. and came back into Open Session at 6:05 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The identified were Items 9, 11, 14, 20, 21, 22, 26, and 27.

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

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) EARTH DAY

Motion was made by Commissioner Murrey, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating April 22, 2009 as Earth Day in Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Bill Gupton of the Sierra Club.

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

(1B) RECOGNITION OF BOY SCOUT TROOP 116

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to recognize members of Boy Scout Troop 116 who recently received the honor of Eagle Scout: Addison Williams, Brian O’Bannon, Justin Davis, Abbott Trotter, Taylor Bell, Charlie Middlebrooks, Clark O’Bannon, Alex Lang, Kevin Lang, Gray Cherry, Clark Howell, Paul Taylor and Kevin Baker; and to declare April 21, 2009 as “Boy Scout Troop 116 Day” in Mecklenburg County.

The proclamation was read by Commissioner Cooksey and received by Scout Leader Gill Middlebrooks, who was joined by the newly inducted Eagle Scouts and a few other younger scouts.

Note: Eagle Scout is Scouting’s highest rank.

(2) PUBLIC APPEARANCE

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

John Bagerow, representing Homeless Helping Homeless, addressed homelessness and the current shelter system. Mr. Bagerow said more beds are needed and needed year round. He also informed the Board of an upcoming event, “Solidarity Sleep Out” on May 1, 2009, 7:00 p.m. – 7:00 a.m. at Marshall Park. The purpose of the event is to raise awareness about homelessness.

A copy of a flyer distributed by Mr. Bagerow is on file with the Clerk to the Board.

Julia Sain, Executive Director of Disability Rights and Resources and Debora Sparks, Executive Director of the Council on Aging addressed an initiative entitled the Aging and Disabilities Community Resource Connection (CRC). It was noted that Aging & Disabilities CRC in Mecklenburg County is part of a national effort to make it easier for older adults and people with disabilities to obtain information and to access resources. They also informed the Board of the upcoming Council on Aging Annual Conference on May 13, 2009, 8:00 a.m. – 4:00 p.m. at Covenant Presbyterian Church, where this initiative will be introduced.
A copy of a flyer distributed regarding the conference and Aging and Disabilities CRC Serving Mecklenburg County is on file with the Clerk to the Board.

(3A) APPOINTMENTS

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to appoint Eunice Chambers to the Nursing Home Community Advisory Committee for a one-year term expiring April 30, 2010.

She is replacing Fred Gibson.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

It was noted that the County Manager’s appointee to the Committee is Mark Sumwalt, an Attorney.

Note: The County Manager has one appointment and this person acts in association with the General Manager responsible for criminal justice related activities.

The following persons were nominated for appointment consideration to the Criminal Justice Citizen’s Advisory Committee for the following categories:

District 1  Nominated by Commissioner Bentley

Alan Adler, Janet Bennett, Jonathan Davis, Hank Grady, Willie Arlene Hagans, Lawrence Johnson, Ralph McCormick, Gregg Orth, Reid Sartin, Keith Shannon, John Stroup, Kenneth White, and Sam Wilson

District 2  Nominated by Commissioner Leake

Christine Brooks, Delores Henderson, James Henry, Doreen Palmer, and Scott Yamanashi

District 3  Nominated by Commissioner Cogdell

Dennis Brown, Michael Hailey, Vivian Lord, Sona Oliver, Allen Scott, Peyton Stephens, and Najeedah Stover

District 4  Nominated by Commissioner Cogdell

Renee Barfield, Ezekiel Burns, and Shaune Peterson

District 5  Nominated by Commissioner Cogdell

Gerard Carroll, Thomas Derham, John Fortson, Gloria Johnson, Jeffrey Johnson, Michale Knowles, Janet Lama, Kevin Leonard, James Mathis III, Sean Mulhall, Bill Munson, Charles Payne, Lloyd Scher, and Wells Van Pelt
APRIL 21, 2009

District 6  Nominated by Commissioner Cogdell

Law Enforcement  Nominated by Commissioner Cogdell
Donna Armstrong, Thomas Faulkner, Golphin Hankinson, Charles Hitsman, Gary Hollen, Elizabeth Kincaid, Carolyn Logan, Ulysses McDowell, Larry Parker, and Gen. Thomas Sadler

Charlotte Mecklenburg Schools  Nominated by Commissioner Cogdell
Vincent Esposito and Rayfus Wilson

Substance Abuse Professional  Nominated by Commissioner Cogdell
Jefforey Best and Karen Worrell

Faith Community  Nominated by Commissioner Cogdell
Douglas Allen, Kevin Belk, Courtney Morrison, Jerry Mudge, and Julie Transou

Rehabilitation  Nominated by Commissioner Cogdell
Myra Byarm

Mecklenburg County Bar  Nominated by Commissioner Cogdell
Joseph Pearlman

Note: Nominations were held open for the Mecklenburg County Bar slot to allow for the receipt of additional applications.

Appointments will occur on May 5, 2009.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(2A1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murray, and Roberts voting yes, to approve the Historic Landmarks Commission purchase of the building and land parcel 205-013-08 located at 316 Main Street for $370,000 and 205-013-01 located 330 Main Street Pineville NC for $225,000 for Historic Preservation and resale and recognize and appropriate up to $620,000 for the purchases.
Prior to addressing the FY2010 Budget, County Manager Jones acknowledged the recent passing of N.C. State Senator Vernon Malone from Wake County and extended condolences to his family.

(6A) FY2010 BUDGET UPDATE

The Board received a FY2010 Budget Update from the County Manager and Budget/Management Director Hyong Yi.

The following was covered:

- FY09 Budget Deficit
- Total Compensation Update
- Impact of Flat CMS Funding
- Law Enforcement Service District Update (It was noted that the Board needs to prepare itself for the likelihood that it may have to impose a tax rate increase for the unincorporated area for law enforcement services.)
- Outside Agency Funding Rationale

Commissioners were encouraged to contact Director Yi if they have questions regarding any budget information that’s provided as the budget process begins.

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

Comments

Commissioner Dunlap said his concern is that as the County considers where the reductions fall, that a balanced approach be used; so that everyone feels “the pain.”

Commissioner Dunlap said another concern he has with respect to the funding rationale, is how it might negatively impact current service providers under the umbrella of the County. He used as an example, Fighting Back, noting that it’s slated to end as a part of the recommendation the Board will receive. He noted that Fighting Back is somewhat like an outside agency, even though it’s not treated as an outside agency.

County Manager Jones said although he may recommend cuts, it’s the Board’s decision to accept or reject those recommendations.

Commissioner Dunlap asked for clarification on the Law Enforcement Service District and what happens as areas are annexed, which was addressed.

Commissioner Cooksey asked for clarification on the Law Enforcement Service District funding rationale, which was addressed.

Commissioner Cogdell asked for clarification on the Outside Agency Funding Rationale chart, specifically the Moderately Performing column, Low Performing column and the No Performance Data column, which was addressed.

Commissioner Bentley addressed the Law Enforcement Service District. Commissioner Bentley said it would make more sense to have the Towns provide this service. It was noted that this has been discussed in the past and that two things would need to occur. 1) The Towns would have to agree to provide the service. 2) The Towns would need legislative authority to levy the tax.

Director Yi said the Charlotte-Mecklenburg Police Department is supportive of the towns taking on this responsibility and that the next step would be to approach the towns.
APRIL 21, 2009

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

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to approve the following item(s) with the exception of Items 9, 11, 14, 20, 21, 22, 26 and 27 to be voted upon separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 7, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of $ 9,082.24 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(10) DUKE ENERGY FOUNDATION GRANT

Recognize, receive, and appropriate funds, awarded by Duke Energy Foundation for events promoting electric lawnmowers, up to $3,000.

Note: A gasoline powered lawnmower emits about 50 pounds of pollution each summer while an electric lawnmower has no direct emissions and can be recharged when electricity demand is low. The funding will be used to provide discounts to citizens in our region that purchase electric lawnmowers at the event. Providing this incentive will motivate individuals to buy electric lawnmowers and recycle old gasoline mowers reducing pollution and increasing awareness about the impact of lawn and garden equipment on local air quality.

(12) EXPENDITURE OF CAPITAL RESERVE FUNDS

Authorize expenditure of $10,000 from Park & Recreation Capital Reserve funds for the provision of conducting an Environmental Assessment of Mecklenburg County Property at Blythe Landing.

(13) REVISIONS TO MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE- 2ND READING

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

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

(15) FUND ADJUSTMENTS- AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate Federal funds in the amount of $13,607 for HUD Shelter Plus grant #NC19C30-5001, and

B) Approve, recognize, receive and appropriate Federal funds in the amount of $11,839 for HUD
Shelter Plus grant # NC19C40-5501.

Note: This Board Action is necessary to align the County’s budget with the amount awarded by the Department of Housing and Urban Development for housing subsidies to Area Mental Health clients. The grants are for separate grant periods that extend to May 2010.

(16) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Authority Monthly Financial Report for the period ending February 28, 2009.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, For the period ending February 28, 2009

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,178,693</td>
<td>7,415,368</td>
<td>48.85%</td>
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<tr>
<td>State and Federal</td>
<td>34,064,644</td>
<td>18,256,943</td>
<td>53.59%</td>
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<tr>
<td>Third Party/Other</td>
<td>150,541</td>
<td>52,936</td>
<td>35.16%</td>
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<tr>
<td>Grants</td>
<td>3,845,759</td>
<td>1,995,927</td>
<td>51.90%</td>
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<tr>
<td>County</td>
<td>45,171,108</td>
<td>26,172,293</td>
<td>57.94%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$98,410,745</strong></td>
<td><strong>$53,893,467</strong></td>
<td><strong>54.76%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
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<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>6,909,463</td>
<td>4,383,044</td>
<td>63.44%</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,870,721</td>
<td>5,934,849</td>
<td>42.79%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>14,218,917</td>
<td>3,469,739</td>
<td>24.40%</td>
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<tr>
<td>Adult Substance Abuse</td>
<td>13,503,219</td>
<td>10,727,858</td>
<td>79.45%</td>
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<td>Local Management Entity</td>
<td>11,782,741</td>
<td>5,979,860</td>
<td>50.75%</td>
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<tr>
<td>BHC Randolph</td>
<td>20,020,073</td>
<td>13,111,951</td>
<td>65.49%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,105,611</td>
<td>10,286,166</td>
<td>56.81%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$98,410,745</strong></td>
<td><strong>$53,893,467</strong></td>
<td><strong>54.76%</strong></td>
</tr>
</tbody>
</table>

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

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

(17) REVENUE FOR LAND DEVELOPMENT- LUESA SOUTH

Recognize, receive and appropriate $55,244 for Land Development and carry forward the unspent balance at June 30, 2009 to FY2010.

Note: The funds will be used to complete repairs required by the Town of Matthews Subdivision Ordinance so roadways and drainage structures can be brought up to standards and accepted for maintenance by the Town. Any funds not used by Mecklenburg County after completion of these improvements will be returned to Abbey Builders, Inc and their guarantor, Wachovia Bank, N.A.

(18) REVENUE FOR LAND DEVELOPMENT- LUESA NORTH
Recognize, receive and appropriate $222,413 for Land Development and carry forward the unspent balance at June 30, 2009 to FY10.

Note: The funds will be used to complete improvements required by the Town of Huntersville Subdivision ordinance. Any funds remaining after completion of these improvements will be returned to Crosswinds Realty, LLC and their guarantor, SunTrust Bank.

(19) DESTRUCTION OF DOCUMENTS- LUESA

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

Note: These records are comprised of:

- 357 commercial plans permitted March 2007
- Eight (8) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.

(23) FLOODPLAIN DONATION AT STEVENS CREEK NATURE PRESERVE

Accept the donation of 2.77-acre, Tax Parcel 195-171-48 on Thompson Road in Mint Hill from the Estate of James E. Roberts and Wachovia Bank, Trustee.

Note: The Stevens Creek Nature Preserve site is located between Thompson Road and I-485 near Idlewild Road in the southeastern portion of the County. The donated tax parcel is almost entirely within the floodplain of a tributary of Stevens Creek, which partially borders the preserve. The Carolina Heel Splitter, an endangered mussel species, has been found in Stevens Creek. Efforts to protect its environment will be enhanced by the addition of the above property to the nature preserve. With the addition of the subject property, the total area within this site will be 231.61 acres.

(24) CHARLOTTE MECKLENBURG SCHOOLS LAND CONVEYANCE

Authorize the County Manager to decline County’s statutory right of first refusal for a portion of Charlotte Mecklenburg Board of Education Tax Parcel 161-043-01 at the Oakhurst Elementary School campus.

Note: By statute the County must decline or waive right of first refusal for any property the Charlotte Mecklenburg Board of Education (CMBE) intends to dispose of prior to the CMBE moving forward with conveyance of such property to another party. The subject parcel was acquired by the County in 2000 to expand the Oakhurst Elementary School campus. The purpose of the above requested waiver is to permit the exchange of a .34-acre portion of this 1.16-acre parcel. CMBE intends to exchange the .34-acre area for a .66-acre area adjoining the campus. The net outcome will be a slightly larger (+/- 12.52 acres), more usable configuration for this school facility.

(25) CITY OF CHARLOTTE STORM WATER FIXED FEE REVENUE

Recognize, receive and appropriate $318,260 from the City of Charlotte Storm Water fixed fees until such time as all funds are expended.

Note: The City of Charlotte has reimbursed Storm Water Services $318,259.88 for FY08 year-end reconciliation. In FY08, the fixed fee revenues collected exceeded the operating costs. We are requesting that these funds be appropriated to ensure that they are available for use as
specified in the Interlocal Agreement.

(28)  **STREET ASSESSMENT PROJECT FOR MEFFERT LANE – SET PUBLIC HEARING**

Adopt a revised resolution for the Preliminary Assessment Roll for Meffert Lane Road Improvements and set a public hearing for May 19, 2009, on assessing property owners on Meffert Lane for funds spent on improvement to the roadway and acceptance of the final assessment resolution and roll.

*Note: The public hearing date in the resolution adopted by the Board on April 7, 2009 was incorrect.*

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

(29)  **ABC BOARD GRANT FOR ADULT ALCOHOL AWARENESS**

Approve Area Mental Health in partnership with WSOC-TV to apply for a $25,000 ABC Board grant to fund a public awareness campaign to specifically address adult alcohol abuse.

(30)  **SELECTION OF INDEPENDENT AUDITOR**

Approve the recommendation from the Audit Review Committee appointing Cherry Bekaert and Holland as external auditor beginning with the June 30, 2009 fiscal year audit.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(9)  **NATIONAL CLEAN DIESEL FUNDING GRANT**

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

(1) Approve submission of application by Mecklenburg County Air Quality to the United States Environmental Protection Agency for up to $1.5 million in grant funds.

(2) Recognize, receive and appropriate any amounts awarded.

(3) Authorize the carrying forward of unspent funds until expended.

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

(11)  **PARK AND RECREATION OUTDOOR POOLS (CORDELIA & DOUBLE OAKS)**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to authorize expenditure of $26,200 from Park & Recreation Capital Reserve funds for the provision of repairs and upgrades at Cordelia and Double Oaks swimming pools.
Note: The main pump at the Cordelia swimming pool was installed in 1983 and has exceeded its useful life. The ladder replacements at Double Oaks and Cordelia are needed to meet the current North Carolina requirements for swimming pools.

Commissioner Leake removed this item from Consent for more public awareness. Park and Recreation Director Jim Garges addressed this item.

(14) TRANSFER OF TYVOLA ROAD PARCELS

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to accept conveyance of Tax Parcels 143-272-02, 143-272-03, 143-272-06 and 143-272-07 from the City of Charlotte.

Note: The subject properties, located along the western perimeter of the former Charlotte Coliseum site (now the City Park development) on Tyvola Road, are within the 100-year floodplain and comprise of approximately 21.78 acres. Once conveyed to the County, these parcels will be incorporated into “The Loop at City Park” greenway project, a portion of the Sugar Creek Greenway.

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

(20) TOBY CREEK GREENWAY

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

1) Approve application for up to $1,250,000 of federal funding from the American Recovery & Reinvestment Act for the construction of Toby Creek Greenway;

2) If awarded, authorize the County Manager to enter into a reimbursement agreement with NCDOT;

3) Adopt Toby Creek Greenway Capital Project Ordinance;

4) Authorize the County Manager to proceed with construction under a Right of Entry granted by the University of North Carolina, Charlotte; and

5) Approve the use of Federal DBE special provision for bidding, instead of using the County M/W/SBE provisions, as required in order to obtain federal and NCDOT funding.

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

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

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

(21) ANNEXATION OF COUNTY OWNED PROPERTY BY THE TOWN OF CORNELIUS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, and Roberts voting yes, to authorize annexation of the following County owned properties into the Town of Cornelius:

(1) Tax Parcel 007-122-05 (+/- 1.9683 acres)
(2) Tax Parcel 007-122-06 (+/- 0.9855 acres)
(3) Tax Parcel 007-122-07 (+/- 6.7518 acres)
(4) Tax Parcel 007-122-08 (+/- 33.988 acres)
(5) Tax Parcel 007-121-01 (+/- 32.28 acres)
(6) Tax Parcel 007-121-02 (+/- 4.777 acres)
(7) Tax Parcel 007-152-32 (+/- 2.02 acres)
(8) Tax Parcel 007-152-33 (+/- 0.9 acres)
(9) Tax Parcel 007-152-34 (+/- 0.15 acres)

Note: The above listed parcels owned by Mecklenburg County are within close proximity of the Town of Cornelius. The Town has asked that the County approve the voluntary annexation of these parcels, totaling +/- 83.82 acres. The property is the site of a high school under construction on Bailey Road and is scheduled to open in August, 2010.

Commissioner Leake removed this item from Consent for clarity purposes. County Attorney Bethune addressed this item.

Commissioner Cogdell returned to the dais.

(22) GANG PREVENTION COALITION COMMUNITY IMPACT PROJECT GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to approve submission of an application for a Gang Prevention Coalition Community Impact Project grant; and recognize, receive and appropriate funds if grant is awarded by the Gang Prevention Coalition.

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

(26) DISPLACED HOMEMAKER GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to (1) Approve submission of a grant application to the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women’s Commission Division for the New Choices Strategies for Success Program in the amount of $54,899 ($13,128 from “Displaced Homemaker State Funds” and $41,771 from “Divorce Filing Fees”). (2) If awarded, recognize, receive and appropriate grant funds.

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

Commissioner Murrey returned to the dais.

(27) SHERIFF’S SPECIAL REVENUE FUND

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize and appropriate for the Sheriff’s Special Revenue Fund, $124,000 from Inmate Commissary.

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

STAFF REPORTS AND REQUESTS - NONE
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(31) DEBT SERVICE RESERVE FUND FINANCING MODEL (COMMISSIONER COGDELL) – ITEM WAS REMOVED FROM THE AGENDA

(32) CMS LAW ENFORCEMENT (CHAIRMAN ROBERTS)

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, adopt a resolution indicating support for the Charlotte-Mecklenburg Schools Law Enforcement Department county-wide territorial jurisdiction.

Prior to the above vote, Bud Cesena, Director of Charlotte-Mecklenburg Schools’ (CMS) Law Enforcement Division addressed this issue. It was explained that the Board was being asked to support Senate Bill 270 and House Bill 538 to allow the Charlotte-Mecklenburg Board of Education to maintain a campus police agency. Thus, it would be an independent Police Agency concentrating their efforts on the safety and security of school activities and events in Mecklenburg County, which is desirable and beneficial to the citizens of Mecklenburg County. County wide jurisdictional authority is necessary for the successful completion of those duties. Since its inception in 1970 the Department has had territorial jurisdiction throughout Mecklenburg County, first through the auspices of the Sheriff of Mecklenburg County and then through the Charlotte Mecklenburg Police Department as Reserve Officers.

Director Cesena said this is really a technical change and it does not involve any funding.

In response to a question regarding the cost of CMS to provide this service rather than the Sheriff or one of the other local law enforcement agencies, it was noted that it’s cheaper for CMS to provide the service. Also, that the chiefs of the local law enforcement agencies are supportive of this request.

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

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

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

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:44 p.m.

______________________________ __________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
ATTENDANCE

Present: Vice-Chairman Harold Cogdell, Jr. and Commissioners Dumont Clarke, George Dunlap, Bill James, Vilma Leake and Daniel Murrey, County Manager Harry L. Jones, Sr., Clerk to the Board Janice S. Paige

Absent: Chairman Jennifer Roberts and Commissioners Karen Bentley and Neil Cooksey

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

The meeting was called to order by Vice-Chairman Cogdell.

Vice-Chairman Cogdell noted the topics scheduled for discussion, 1) Half-Cent Sales Tax Bill – HB 148 Congestion Relief/Intermodal Transport Fund, 2) Board Vision Affirmation and Scorecard Changes, and 3) FY09 Program Review.

Prior to the start of the meeting, the Board received an update from Health Director Wynn Mabry and Assistant to the County Manager Deborah Goldberg.

Health Director Dr. Wynn Mabry gave an update on the Swine Flu Virus.

Comments

Commissioner Clarke asked Dr. Mabry, as Health Director, does he have the authority to isolate persons. The response was yes and the process was explained.

Commissioner Leake asked about coordination with Charlotte-Mecklenburg Schools, which was addressed.

Commissioner Murrey entered the meeting.

Commissioner James said he feels Dr. Mabry has things under control, but his concern is there needs to be a procedure in place in times of emergencies, an emergency plan. A plan that would link the Board with emergency service providers in times of disasters. Commissioner James said he’s speaking of those instances where elected officials need to make decisions, with respect to that disaster, but because of that disaster, the Board is unable to meet at the Government Center. What would be the Board’s means of communicating as a body in order to make decisions?

Commissioner James said he feels a plan is needed, with respect to emergency preparedness.
Vice-Chairman Cogdell said he recalled years ago that Charlotte City Council and Board of County Commissioners received a briefing with respect to Emergency Preparedness and perhaps this is something that needs to occur again at some point in the future.

Assistant to the County Manager Deborah Goldberg gave an update on Surface Transportation. Act Funding for information purposes.

Assistant Goldberg said the County received a request from U.S. Representative Kissell’s office regarding the Surface Transportation Act. It was noted that every five – six years the Surface Transportation Act is reauthorized, thus, it’ll be up this upcoming year.

Assistant Goldberg said the County would be eligible to apply for greenway funds and that staff plans to apply for funding for two projects, Mallard Creek Greenway and Little Sugar Creek. The amount to be requested is around $5 million for design and construction.

No action was taken or required by the Board.

(1) BRIEFING ON HALF-CENT SALES TAX BILL - HB148 CONGESTION RELIEF/INTERMODAL TRANSPORT FUND

Vice-Chairman Cogdell said it was his understanding that a resolution will be on Board’s next agenda regarding HB 148 Congestion Relief/Intermodal Transport Fund, per the request of the Chairman. Thus, he thought it would be good for the Board to receive a briefing on HB 148, prior to consideration of that matter.

A Bill To Be Entitled
An Act To Establish A Congestion Relief And Intermodal Transportation 21st Century Fund; To Provide For Allocation Of Those Funds To: (1) Local Governments And Transportation Authorities For Public Transportation Purposes, (2) Short-Line Railroads, For Assistance In Maintaining And Expanding Freight Service Statewide, (3) Railroads For Intermodal Facilities, Multimodal Facilities, And Inland Ports, (4) Make Capital Improvements On Rail Lines To Allow Improved Freight Service To The Ports And Military Installations, (5) Expand Intercity Passenger Rail Service; To Extend Levels Of Local Transit Funding Authorization To Three Urban Regions; And To Allow Other Local Governments Options For Local Transit Funding.

Keith Parker, Director of Charlotte Area Transit System was present to address questions.

Director Parker said he was not representing the City of Charlotte, nor was he advocating for or against HB 148. The following was noted:

- HB148 allows the urban areas of the Triad, and the Triangle to have the same access as Charlotte to a set of prescribed revenue sources for transit, and allows contiguous counties in each of those urban areas to be able to access a new 1/4¢ local option sales tax for transit purposes.
- The City Council’s Government Affairs Committee met on Friday, April 24 and voted to recommend the following: that Mecklenburg County be included in HB148 language to authorize an additional 1/2¢ sales tax for transit, to be approved by the voters. The motion passed unanimously by Patsy Kinsey, Susan Burgess, Andy Dulin and John Lassiter.
- It was noted that Charlotte City Council has discussed the bill but has not taken any action. The matter was deferred until Council’s next meeting.
APRIL 28, 2009

Comments

Commissioner Dunlap said his concern is that the matter is being discussed in isolation of other requests, such as that of the Committee of 21. Commissioner Dunlap said he thinks the Board needs to be aware of the total impact of all of these requests before it can consider adoption of a resolution with respect to HB 148.

General Manager Michelle Lancaster said the Committee of 21 does plan to come before the Board with a final report, but the specific date is unknown at this time.

Commissioner Dunlap asked for clarity with respect to the County’s support of the bill and asked wouldn’t the County still have the option of exercising the authority or not. General Manager Lancaster said that’s correct, approval doesn’t mean automatic implementation. The matter would have to be put before the voters.

Commissioner Dunlap asked for clarity with respect to whether or not the County already has a half cent sales tax but has not exercised its right to levy it. The response from County Manager Jones was that the Board has the authority to go before the voters for the levy of a quarter-cent sales tax. This authority was given two years ago by the General Assembly when they took over responsibility for the Medicaid Program and there was a swap out of Article 44 of the State tax law.

Commissioner Dunlap asked was HB 148 for transit only. The response was yes.

Commissioner Murrey asked if the current quarter cent sales tax authorization that the County has, was limited with respect to what it can be used for. The response was that it’s very broad with respect to what it can be used for, capital and general operating.

Commissioner Murrey asked currently where does Mecklenburg County stand compared with other large counties in terms of its sales tax rate. The response was that Mecklenburg County has the highest in the state. Mecklenburg County is a half cent higher than most of the other counties and a quarter cent higher than those that have been successful in having the quarter cent passed, which has only been a few.

Commissioner Murrey asked about the impact of HB 148 on CATS if passed and the voters approved it. Would it impact the speed of transit projects? The response by Director Parker was that you would still have to weigh how much revenue was coming in. Mr. Parker said because of the downturn in the economy, there has been a significant decrease in the amount of revenue that has come in versus what was projected.

Director Parker said with respect to any additional revenue, it could be approached in several different ways. He said you could speed up the existing 2030 Transit Plan adopted in 2006 or the Metropolitan Transit Commission (MTC) could direct some other use of the funds for specific projects.

Commissioner Murrey asked about the University Line and the North Mecklenburg I-77 Line.

Director Parker said these two projects were presented to the MTC, but the challenge the MTC is faced with is the economy and revenues being down. Thus, you can’t build out those two projects at the same time, instead the MTC is going to have to wait until more revenue is available because of an upgrade in the economy or there’s an infusion of revenue in some other form.

Director Parker said his recommendation to the MTC has been to wait until the revenue picture turns around and then make a decision. He said if the revenue picture does not turn around and it takes a sustained period of time to move the projects forward, then a decision would have to be made with respect to which project to move forward with. Director Parker said they are not at that point yet and that his staff has not made a recommendation with respect to which project to move forward with.
Commissioner Murrey asked what would be the timeframe for making that decision. The response was that the current plan, with respect to both projects, is that there is another year and half to two years of engineering work that needs to be done before staff would be at a point to set a budget and timeline for the projects.

Director Parker said it would be his intent to come up with a way through growth in the existing sales tax to build both projects or do something in terms of how to schedule the two, to try and keep the two projects moving forward at the same time.

Commissioner Murrey asked how does the streetcar line fit into this discussion and is it more likely to get done if this tax becomes available. The response was that the MTC with the approval of the 2030 Transit Plan prioritized projects and timeframes for when projects would get done. Director Parker said the Streetcar project isn’t scheduled to be operating until 2018, but that several City Council members and members of the community have expressed a desire for the streetcar project to begin earlier than 2018. Further, that a task force was put together, per City Council’s directive, and have developed recommendations for City Council’s consideration with respect to speeding this project up, however, no method of paying for this change has been identified. Director Parker said the matter of moving the projects up would have to go back to the MTC because they decide which projects get done and when.

Commissioner Murrey asked would the MTC have control over the use of the proposed half cent sales tax. The response was yes, unless the legislation prescribed otherwise.

Commissioner Murrey asked was it correct to say that the streetcar project could get done two ways, 1) if the MTC changes it priorities and 2) if Charlotte City Council decides to do it on their own. The response was yes, that’s correct.

Commissioner Murrey asked about the Independence Corridor and the mode of transportation to be used, which was addressed. It was noted that a task force will be put together to study this issue.

Commissioner Murrey asked would HB 148 impact Charlotte/Mecklenburg County’s ability to get a road tax alternative.

County Manager Jones said it’s a difficult question to answer. County Manager Jones said he thinks it may be tough, but it’s not out of the realm of possibility.

County Manager Jones said there are other issues relative to roads that could impact Mecklenburg County. He said one being, a bill that he believes is being offered by Senator Rand of Cumberland County and Senator Clodfelter that looks at transferring the responsibility of secondary roads to counties. County Manager Jones said there are about 700 miles of secondary roads in Mecklenburg County and that he doesn’t think getting those roads will provide the necessary revenue that would be required to maintain them. Thus, the County would have to decide how it would pay for the maintenance of those roads.

Commissioner Murrey asked had there been any discussion of an amendment to the bill so that it could be used for transit and roads. General Manager Lancaster said it’s her understanding that amendment was put in and was defeated in the House.

Commissioner James said he doesn’t think this matter should be on the Board’s May 5, 2009 agenda and if it is, he would not support it.

Commissioner James said he doesn’t know why the County would do this when the Board has said it’s going to live within its means.

Commissioner Leake said she doesn’t feel the Board has received enough information to take any action. Further, she’s received numerous calls and e-mails from constituents asking why is the Board considering this, especially in light of the current economy.
Commissioner Leake said she would not support a request for Mecklenburg County to have the authority to levy this tax.

County Manager Jones clarified that the Board was not being asked to approve a tax, only to consider including Mecklenburg County’s name in the legislation, which would give the County the authority to levy an additional half cents tax, subject to voter approval.

Commissioner Leake asked about the Committee of 21, which was addressed by County Manager Jones.

Commissioner Clarke asked Director Parker what was the revenue forecast for the current fiscal year using the existing half cent sales tax. The response was $75 million.

Commissioner Clarke asked what will be the actual or what’s expected. The response was $63 million.

Commissioner Clarke asked, with respect to HB 148, wasn’t Wake County just wanting what Mecklenburg County already has. The response was yes.

Commissioner Clarke said a lot of people do not understand, with respect to the existing half cent sales tax, that the only role the County has is the collection of the tax, which is then turned over to the City of Charlotte.

Director Parker explained the role of the MTC and noted the MTC sets policy but Charlotte City Council approves contracts and the budget.

Commissioner Clarke suggested the Chairman, who serves as the Board’s representative on the MTC, provide the Board with more updates on what’s taking place with the MTC.

Commissioner Clarke said he feels the County would be “shooting itself in the foot” if it pursues this, especially since the County hasn’t done anything with the quarter cent authority that it already has, yet now it’s considering another half-cent sales tax.

Commissioner Clarke said he was not supportive of the matter being on the May 5th agenda either.

Commissioner Clarke said there are some expected changes on the way with respect to sales taxes and this is what the Board should be focusing on.

Commissioner Murrey said he feels this isn’t the time to do this.

Commissioner Dunlap asked about the project timelines associated with the 2030 Transit Plan, which was addressed by Director Parker.

Commissioner Dunlap asked would passage of this legislation result in the 2030 Transit Plan being completed sooner. The response was potentially but it would depend on how the revenues come in. Further, the way that funds are currently coming in, CATS would have a tough time building everything that’s in the plan within that timeframe.

Director Parker noted that neither the CATS staff nor the MTC have advocated for this legislation.

Commissioner Dunlap said he doesn’t think this matter should be placed on the May 5 agenda either.

Vice-Chairman Cogdell said he didn’t want to give the impression that the Board is undermining the Chairman’s desire to place this matter on the May 5 agenda, in her absence. However, he thought it was important to have discussion of this matter prior to May 5.
Vice-Chairman Cogdell said he feels the overall needs of the community have to be considered before moving forward on this matter.

Vice-Chairman Cogdell said he doesn’t want to send a message to Raleigh one way or the other with respect to this matter and hopes this matter is not placed on May 5 agenda.

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

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

**(2) BOARD VISION AFFIRMATION AND SCORECARD CHANGES**

Planning and Evaluation Director Leslie Johnson addressed the Board’s Vision and Scorecard changes.

*Board’s Community Vision 2015*

“In 2015 Mecklenburg County will be a community of pride and choice for people to Live, Work, and Recreate.”

The proposed changes dealt with the following issues:

1. Pretrial Inmate Rate change to Functional Capacity of Jails
2. Customer & Stakeholder Satisfaction Rating change to Customer Satisfaction
3. Open Space & Parks Index change maintain but have targets to align to the recently approved 2017 Parks Master Plan.

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

**Comments**

Commissioner James asked about Change #3 Open Space & Parks Index and noted that the Board didn’t approve the details of the 2017 Master Plan but the concept of it.

Commissioner James said he was not opposed to changes 1 and 2.

Commissioner James said he doesn’t think it’s reasonable to adopt Change # 3 without having some type of clarification as to how you bridge the gap between the County’s current finance limitations and the land theory of the plan. Commissioner James said the theory of the plan is $1.25 billion over 10 years.

Commissioner James said the scorecard is going to rate this based upon whether the County achieves the Master Plan goals and using the 2017 Parks Master Plan, you would have red lights all the time, even though the reason for the red lights is because the County never completely “lock itself around” spending a $125 million a year on parks.

On a related matter, Commissioner James said something staff is to follow up on, per the Strategic Planning Conference is developing some red, yellow, and green lights for crime, such as how crime is measured and benchmarked.

*Director Johnson,* with respect to Commissioner James’ comments on Change # 3, said staff is aware of the issue he has raised and realize these are long term goals. Further, staff plans to develop from the operational side, what are the realistic annual targets that should be set to help make progress towards the goals.

*Director Johnson* noted that all of the measures are generally based on long term goals.
Commissioner James asked that Change # 3 be amended to indicate that the 2017 Master Plan was approved in concept and note also that it’s to be in compliance with the County’s debt policy.

Director Johnson said staff would move forward and accept these changes as proposed and amend the data collection methodology to support what was proposed.

*This concluded the discussion. 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.*

(3) FY09 PROGRAM REVIEW

Director Johnson addressed FY09 Program Review. The following was covered:

- Evaluation Criteria
  - Relevance
  - Performance
  - Efficiency
- Program Category Summaries
- Services at a Glance
- Services Summaries

The Board was provided a copy of the FY2009 Program Review – Performance Assessment Ratings Executive Summary document.

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

Comments

Commissioner Clarke asked if service providers viewed this as a report card. *The response was yes, to a certain degree because they recognize it’s a rating of their service.*

Commissioner Clarke asked when staff does its review of an agency’s strengths and weaknesses is it done in consultation with the agency or is the information just given to them. *The response was it’s a combination of both. Director Johnson explained the process.*

Commissioner Leake said she would like to see information with respect to an agency’s budget, including salary information, and how much is going toward administrative costs versus services.

Commissioner Leake said she’s also concerned about duplication of services. Further, that she’s received complaints regarding funds being allocated to certain agencies and then other agencies or organizations have to go to that agency for funding, when it’s all taxpayer’s money.

Commissioner Leake said she wants to make sure agencies are held accountable and that if there are other agencies serving children or that want to serve children or senior citizens that they be given an opportunity to do so.

*Commissioner Clarke asked Commissioner Leake to be more specific with respect to what agency or agencies she’s referring to.*

*Commissioner Leake said she would make it known and at the opportune time.*
Commissioner Dunlap said it appears there are contracted agencies and in-house agencies that are doing the same thing and receiving about the same amount of money. He asked if any type of analysis is done to determine if in-house agencies can be just as successful as the contracted agency. *The response was that the program review process will show opportunities for consolidation but doesn’t address implementation*. It was noted and explained that other steps come in to play when it comes to implementation.

Commissioner Dunlap said he’s concerned the County is laying off persons, yet keeping contracted agencies. Commissioner Dunlap said he would get with Director Johnson to learn more of how this works.

Vice-Chairman Cogdell asked about the upcoming budget process, which was addressed.

_This concluded the discussion. The above is not inclusive of every comment but is a summary._

**ADJOURNMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 5:33 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, May 5, 2009.

ATTENDANCE

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

Absent:  
Chairman Jennifer Roberts

-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 Cogdell, after which the matters below were addressed.

(1A) STAFF BRIEFINGS – NONE

(2A, B, C) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) LAND ACQUISITION AND C) CONSULT ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: property located at 5200 Spector Drive.

It was noted there was no Consult with Attorney matter to be discussed.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to go into Closed Session for the following purposes: Business Location and Expansion and Land Acquisition.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:50 p.m.

Commissioner Clarke was present when the Board came back into Open Session. He entered the meeting during Closed Session.
MAY 5, 2009

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 14 and 18.

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

PROCLAMATIONS AND AWARDS

(1A) WORLD ASTHMA DAY AND ASTHMA AWARENESS MONTH

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating May 5, 2009 as World Asthma Day and May 2009 as Asthma Awareness Month in Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Dr. Wynn Mabry, Mecklenburg County Health Director. Dr. Mabry was joined at the podium by Cynthia Conner, President of the Mecklenburg County Asthma Coalition and Clayton Kraft, an asthma sufferer and Charlotte-Mecklenburg School student from South Mecklenburg High School.

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

(1B) DRUG COURT MONTH

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating May 2009 as Drug Court Month in Mecklenburg County.

The proclamation was read by Vice-Chairman Cogdell and received by the Honorable Lisa C. Bell, Chief District Court Judge. Judge Bell was joined at the podium by Honorable Judges Hugh B. Lewis, Thomas F. Moore, Yvonne Mims-Evans, and Theo X. Nixon, the director of the Drug Court Treatment Program Janeanne Tourtellott and a staff member.

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

(1C) LAW ENFORCEMENT WEEK

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating May 10-16, 2009 as Law Enforcement Week in Mecklenburg County.

The proclamation was read by Commissioner Dunlap and received by local Chiefs or their designee for CMPD, Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill & Pineville, Mecklenburg Sheriff’s Office, ABC Board Law Enforcement, CMS Law Enforcement,
A copy of the proclamation is on file with the Clerk to the Board.

(1D) NATIONAL COUNTY GOVERNMENT WEEK

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating May 3-9, 2009 as National County Government Week in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by General Manager Bobbie Shields.

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

(1E) MENTAL HEALTH MONTH AND NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to adopt a proclamation designating May 2009 as Mental Health Month and May 7, 2009 as National Children’s Mental Health Awareness Day.

The proclamation was read by Commissioner Cooksey and received by Grayce Crockett, Mecklenburg County Director of Area Mental Health. She was joined at the podium by Libby Safrit with Teen Connection.

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

(2) PUBLIC APPEARANCE

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

Dr. Bill McCoy and Deborah Sparks, Executive Director of the Council on Aging addressed the Council on Aging’s support of Aging in Place and a project they’ve been working on, which involves housing for older adults. They addressed the work of the task force formed to study this issue. A handout was distributed to the Board, a copy of which is on file with the Clerk to the Board.

APPOINTMENTS

(3A) CRIMINAL JUSTICE CITIZEN'S ADVISORY COMMITTEE

The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

District 1

Alan Adler
Janet Bennett
Jonathan Davis
Hank Grady
Willie Arlene Hagans
Lawrence Johnson
Ralph McCormick  
Gregg Orth  
Reid Sartin  
Keith Shannon  
John Stroup  
Kenneth White  
Sam Wilson  

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Alan Adler to the Criminal Justice Citizen’s Advisory Committee as the District 1 representative for a three-year term expiring April 30, 2012.

District 2  
The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:  
Christine Brooks  
Delores Henderson  
James Henry  
Doreen Palmer  
Scott Yamanashi  

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint James Henry to the Criminal Justice Citizen’s Advisory Committee as the District 2 representative for a three-year term expiring April 30, 2012.

District 3  
The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:  
Dennis Brown  
Michael Hailey  
Vivian Lord  
Sona Oliver  
Allen Scott  
Peyton Stephens  
Najeedah Stover  

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Dennis Brown to the Criminal Justice Citizen’s Advisory Committee as the District 3 representative for a three-year term expiring April 30, 2012.

District 4
The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

Renee Barfield
Ezekiel Burns
Shaune Peterson

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Shaune Peterson to the Criminal Justice Citizen’s Advisory Committee as the District 4 representative for a three-year term expiring April 30, 2012.

District 5

The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

Gerard Carroll
Thomas Derham
John Fortson
Gloria Johnson
Jeffrey Johnson
Michale Knowles
Janet Lama
Kevin Leonard
James Mathis III
Sean Mulhall
Bill Munson
Charles Payne
Lloyd Scher
Wells Van Pelt

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Bill Munson to the Criminal Justice Citizen’s Advisory Committee as the District 5 representative for a three-year term expiring April 30, 2012..

District 6

The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

E. Thomas Bowers
Larry Bungarner
Faye Carter
Scott Crytser
Greg Hagler
Sonia Howe
George Lisi
Richard Martin
Susan Oleson
Robert Raffety
Thomas Strini
John Vaughan
Henry Webb III

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Robert Raffety to the Criminal Justice Citizen’s Advisory Committee as the District 6 representative for a three-year term expiring April 30, 2012.

Law Enforcement

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

**Round 1**

- Donna Armstrong: None
- Thomas Faulkner: None
- Golphin Hankinson: Commissioner Murrey
- Charles Hitsman: None
- Gary Hollen: Commissioners Bentley and Clarke
- Elizabeth Kincaid: Commissioner Cooksey
- Carolyn Logan: Commissioners Cogdell, Dunlap and Leake
- Ulysses McDowell: None
- Larry Parker: None
- Gen. Thomas Sadler: Commissioner James

(Note: Commissioner Murrey asked that his vote be changed to support Carolyn Logan, which is noted below.)

**Round 2**

- Golphin Hankinson: Commissioner Murrey
- Gary Hollen: None
- Elizabeth Kincaid: None
- Carolyn Logan: Commissioners Clarke, Cogdell, Dunlap, Leake and Murrey
- Gen. Thomas Sadler: Commissioner Bentley, Cooksey and James

Vice-Chairman Cogdell announced the appointment of Carolyn Logan to the Criminal Justice Citizen’s Advisory Committee as the Law Enforcement Representative for a two-year term expiring April 30, 2011.

Charlotte Mecklenburg Schools

The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

- Vincent Esposito
- Rayfus Wilson

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Rayfus Wilson to the Criminal Justice Citizen’s Advisory Committee as the Charlotte Mecklenburg Schools Representative for a two-year term expiring April 30, 2011.

Substance Abuse Professional
The following were nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

Jefforey Best
Karen Worrell

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Karen Worrell to the Criminal Justice Citizen’s Advisory Committee as the Substance Abuse Professional Representative for a two-year term expiring April 30, 2011.

Faith Community

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

**Round 1**

Douglas Allen  Commissioners Clarke, Cogdell, Leake and Murrey
Kevin Belk    None
Courtney Morrison  None
Jerry Mudge  Commissioners Bentley, Cooksey, Dunlap and James
Julie Transou  None

**Round 2**

Douglas Allen  Commissioners Clarke, Cogdell, James, Leake and Murrey
Jerry Mudge

Vice-Chairman Cogdell announced the appointment of Douglas Allen to the Criminal Justice Citizen’s Advisory Committee as the Faith Community Representative for a two-year term expiring April 30, 2011.

Rehabilitation

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Myra Byarm to the Criminal Justice Citizen’s Advisory Committee as the Rehabilitation Representative for a two-year term expiring April 30, 2011.

(3B) TOWN OF CORNELIUS PLANNING BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Hardison McConnell to the Cornelius Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Cornelius Board of Commissioners for a three-year term expiring July 1, 2012.

(3C) TOWN OF MINT HILL BOARD OF ADJUSTMENT
MAY 5, 2009

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake and Murrey voting yes, to appoint Mr. Ashley Jerman to the Mint Hill Board of Adjustment as the Extraterritorial Jurisdiction (ETJ) Alternate representative as recommended by the Town of Mint Hill Board of Commissioners for a term to expire June 30, 2010.

(4) PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

(5A) MECKLENBURG COUNTY COMMUNITY CHILD FATALITY PREVENTION AND PROTECTION TEAM 2008 ANNUAL REPORT

The Board received the Mecklenburg County Community Child Fatality Prevention and Protection Team 2008 Annual Report.

The report was presented by Child Fatality Team Chair Libby Safrit and member Sara Zimmerman, who is with the Health Department.

The Community Child Fatality Team presents this report each year to inform the Board of County Commissioners about causes of death for Mecklenburg County children and to provide suggestions on ways to prevent child deaths.

Commissioner Murrey left the dais during the question and answers period and was away until noted in the minutes.

Commissioner Leake expressed concern for “bullying” students encounter at school, which she said leads to other problems for students. Commissioner Leake suggested this matter be looked into by the Committee and somehow incorporated into the Committee’s work. It was noted that the Committee is a strong proponent of violence prevention. Further, the Committee knows that even beyond the policies, with respect to “bullying,” young people have to be given outlets for their emotions and energy, not only for the person being bullied but the person doing the bullying as well. The reason being, is because it’s usually much more than what’s on the surface or the act of “bullying.”

Vice-Chairman Cogdell thanked the Committee for its work.

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Leake voting yes, to receive the Community Child Fatality Team Annual report as mandated by North Carolina State statute 7B-1406.

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

MANAGER’S REPORT

(6B) COMMITTEE OF 21 FINAL REPORT

The Board received the Final Report of the Committee of 21.

The report was given by Ned Curran and Claire Fallon.
Commissioner Murrey returned to the dais.

The following was covered:

The Committee’s Charge, which included:
- Prioritize Roads – Governance
- Identify Dedicated and Reliable Funding Sources
- Advocate for our Recommendations

Funding Considerations
- It was noted there’s a $12 billion shortfall, which is the difference between known funding sources and identified road needs for Mecklenburg County over the next 25 years.

Final Funding Recommendations
- Vehicle Registration Fee Increase
- ½ Cent Sales Tax Increase
- Toll Roads

Governance Recommendations
- The Economy (It was noted the Committee was not recommending action be taken with respect to the funding recommendations at this, in light of the current economy, but the Committee feels the discussion of these recommendations should take place.)
- Area Development
- Vehicle Travel in the Area

Comments

Commissioner Clarke asked was there any precedent in the State of N. C. for what the Committee is proposing, particularly as it relates to the ½ cent sales tax to build roads and a county doing it on its own. The response was no.

Commissioner Clarke said he’s concerned with respect to how would you force or require the state to be responsible for the maintenance and to continue to provide what they normally would to the county. He asked that the Committee give consideration to this.

Commissioner Clarke said in light of other county needs, he can’t see using any additional sales tax authority on roads.

Commissioner Dunlap asked about the ½ cent sales tax recommendation and if that were to happen, how would you prevent the state from giving funding to another county, that otherwise would have been coming to Mecklenburg County. The response was there are no guarantees, but it would be the responsibility of the County’s State Legislative Delegation to make sure Mecklenburg County continued to get its share.

Commissioner Dunlap asked about the funding recommendations all being requested at one time. The response was that unfortunately all three recommendations combined do not solve the shortfall.

Commissioner Dunlap said he’s concerned about how this would be viewed upon in Raleigh, if Mecklenburg County were to have all of these additional revenue sources. It was noted that some of the other urban counties may join Mecklenburg County in this and implement some of these recommendations in their county because they understand the need.

Commissioner Bentley asked about the “Pennies for Progress Program” in S.C., specifically with respect to the sunset clause and the re-approval of it, which was addressed.

Commissioner Bentley asked about the Committee’s discussion as it relates to having a sunset provision on the recommended ½ cent sales tax, which was addressed.

Commissioner Bentley asked about toll roads, which was addressed.
Commissioner Bentley asked what the next steps were for the Committee with respect to the recommendations. The response was to engage in the dialogue that they have and to be there to try and work with the Local Delegation, the County Commission, to hopefully endorse the recommendations to move forward; perhaps in the short session next year to seek the legislative authority to seek all of the recommended funding sources, but not necessarily to “pull the trigger.”

Commissioner Cooksey suggested perhaps when the economic status of the County gets better, rather than putting money back into programs that may have been previously cut, that those funds be placed in a pay-go account for roads that would go to the governance authority as called for in the report. Commissioner Cooksey said this would require a determination by the Board that roads are a priority. Further, that it wants to move forward and not depend on the state taking care of roads in the County.

Commissioner Cooksey asked about public/private participation, which was addressed.

Commissioner Murrey said he would like to see the report forwarded to one of the Board’s committees for further review.

**Commissioner James left the meeting prior to the above vote and was away for the remainder of the meeting.**

Commissioner Murrey said he was a little troubled by the formulation used and presented, which was an “either, or” formulation, roads versus transit. Commissioner Murrey said he thinks that’s a “troubling” way to view the County’s future.

Commissioner Murrey said he doesn’t view it as an “either, or” because both were needed.

Commissioner Murrey said he’d like more information with respect to the types of roads being talked about.

Commissioner Murrey asked about the Committee’s discussion with respect to congestion, other than building more roads, which was addressed.

Commissioner Murrey said he would like to see the Board’s Natural Resources committee discuss how all of this integrates with the County’s responsibility when it comes to maintaining air quality.

Commissioner Leake asked about the involvement of the Planning/Zoning Commission in this process, which was addressed. *It was noted that they were involved.*

Commissioner Leake expressed concern for how persons living outside of Mecklenburg County but work in Mecklenburg County would contribute their fair share of the cost.

Commissioner Leake asked if the Committee prioritized its recommendations. *The response was no because each recommendation has a specific purpose associated with it, such as maintenance, local roads, and interstates and they all have significant needs.*

**Vice-Chairman Cogdell** said he would encourage a regional discussion regarding transportation needs.

Vice-Chairman Cogdell thanked the Committee for its work.

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

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Murrey voting yes, to receive the Committee of 21 Final Report with gratefulness and refer the report to the Board’s Natural Resources Committee for further review and to bring it back to the Board at a later date.
A copy of the report is on file with the Clerk to the Board.

(6A) FY2010 BUDGET UPDATE

The Board received an update on the FY2010 Budget from County Manager Jones and Budget/Management Director Hyong Yi.

The following was covered:

- FY10 Revenue Projection
- WTVI/Public Square
- Law Enforcement Service District (LESD) Tax Rate
- CMS Stimulus Funds
- Budget Schedule

Comments

Commissioner Bentley asked about the phase out of WTVI/Public Square, which was addressed.

Commissioner Bentley asked about the Law Enforcement Service District and the possibility of town law enforcement agencies providing this service and the fiscal impact of this on the applicable residents, which was addressed.

Attorney Bethune noted that additional legislative authority would be needed in order for the towns to be able to levy this tax. The towns would also have to be willing to do this and the City of Charlotte would have to be agreeable to the change as well.

Commissioner Dunlap noted that the recommendation to terminate the agreement with WTVI for Public Square brought to mind the agreement with the Whitewater Center and whether the County can, if it wanted to, terminate that agreement.

Attorney Bethune explained the agreement with the Whitewater Center and noted that there’s no termination clause except for default on the part of Whitewater.

Commissioner Dunlap asked for clarification with respect to the Law Enforcement Service District, which was addressed. County Manager Jones noted that there would be a slight tax rate increase for the Law Enforcement Service District for last year.

Commissioner Clarke asked about revenue projections, which was addressed.

Commissioner Clarke requested information on the amount of sales tax collected to date. Also, what is it expected to be for the remainder of this fiscal year (thru June 30) based on the most recent available data and how does that compare to the FY09 adopted budget. Commissioner Clarke said he’s concerned as to whether the estimates being presented need to be changed.

Commissioner Murrey also addressed sales tax revenue. He, too, would like to see the trend analysis.

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

STAFF REPORTS AND REQUESTS

(19) SOLID WASTE MANAGEMENT 10-YEAR PLAN

11
MAY 5, 2009

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, to adopt the resolution approving the Mecklenburg County Solid Waste Management Plan Dated July 1, 2009.

Prior to the above vote, Bruce Gledhill, Director of Solid Waste and Darryl Vincent, Vice-chairman of the Solid Waste Advisory Committee addressed the Plan.

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

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, to approve the following item(s) with the exception of Items 14 and 18 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 21, 2009; Budget/Public Policy Meeting held March 11, 2009; Special Budget/Public Policy Meetings held March 24 and February 24, 2009; Closed Sessions held April 21, 2009, April 7, 2009 and March 11, 2009.

(8) FUNDING FOR PHASE II STORM WATER PERMIT REQUIREMENTS

Recognize, receive and appropriate $82,499 from Charlotte-Mecklenburg Schools for performance of activities for compliance with Phase II Storm Water Permit Requirements.

(9) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional Health Department revenue of $70,025 to reflect actual local, state and federal allocations.

(10) SCRAP TIRE REMOVAL CONTRACT

Approve the Amended Service Agreement for the Removal of Scrap Tires between Mecklenburg County and U.S. Tire Recycling Partners, L.P.

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

(11) CONTRACT FOR THE OPERATION OF THE COUNTY’S METROLINA RECYCLING CENTER

Approve the Amended and Restated Service Agreement between Mecklenburg County, North Carolina and FCR, LLC for operation of the County’s Metrolina Recycling Center.

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

(12) PLANNING GRANT APPLICATION FOR CAROLINA THREAD TRAIL

Approve the submission of a grant application to the Carolina Thread Trail for funding in the amount of $14,303 for a planning grant to identify and incorporate additional routes of the trail.
MAY 5, 2009

Carolina Thread Trail in Mecklenburg County; and, if the grant is awarded, recognize, receive and appropriate such funds.

(13) AREA MENTAL HEALTH THIRD QUARTER FY 2009 REPORT

Recognize and receive the Third Quarter 2009 Area Mental Health Report.

Financial Management

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<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
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<td>Medicaid &amp; CAP</td>
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<td><strong>62,142,227</strong></td>
<td><strong>63.27%</strong></td>
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<th>Service Continuum</th>
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<td>Adult Substance Abuse</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>98,211,592</strong></td>
<td><strong>62,142,227</strong></td>
<td><strong>63.27%</strong></td>
</tr>
</tbody>
</table>

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the 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 director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

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

(15) STORM WATER FEE – SET PUBLIC HEARING ON THE COUNTY’S MINOR AND MAJOR SYSTEM RATES

Set a public hearing for May 19, 2009 on proposed changes in the Major and Minor System components of the County’s Storm Water fee.

(16) STORM WATER FEE – SET PUBLIC HEARING ON THE CITY’S MINOR SYSTEM RATES

Set a public hearing for May 19, 2009 on proposed changes in the Minor System component of
the City’s Storm Water fee.

(17) **STORM WATER FEE – SET PUBLIC HEARING ON THE TOWN OF DAVIDSON’S MINOR SYSTEM RATES**

Set a public hearing for May 19, 2009 on proposed changes in the Minor System component of the Town of Davidson’s Storm Water fee.

(21) **NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 GRANT APPLICATION**

1) Adopt resolution to authorize submission of a grant application for Mecklenburg County Department of Social Services to the North Carolina Department of Transportation’s American Recovery and Reinvestment Act of 2009 Federal Transit Capital Assistance Section 5311 Grant for Fiscal Year 2009-2010;

2) Schedule a public hearing on May 19, 2009 to receive comments on the application; and

3) Authorize the Clerk to the Board to publish Notice of Intent to hold public hearing.

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

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(14) **HEALTHY KIDS, HEALTHY COMMUNITIES GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, to authorize the Health Department to apply for funding from the Robert Woods Johnson Foundation in the amount of $360,000 for the period January 1, 2010 through December 31, 2013 to support improvement of physical activity and healthy foods for children and families; if the grant is awarded, recognize, receive and appropriate such funds.

*Note: The Mecklenburg County Health Department in partnership with Carolinas HealthCare System and Mecklenburg County Parks and Recreation is applying for Healthy Kids, Healthy Communities funding over four years ($90,000/year). The grant would support coordinated efforts to develop and implement policies that will enhance opportunities for physical activity and improve access to affordable healthy foods for children and families in Mecklenburg County. Funding will be used to hire a coordinator position as well as costs to operate and evaluate the project.*

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Dr. Wynn Mabry, Health Director.

(18) **RYAN WHITE TREATMENT MODERNIZATION ACT OF 2006, PART A, YEAR THREE FUNDING**

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

1) Recognize, receive and appropriate the remainder of the Year Three grant funds of
S$3,194,483 from the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White Treatment Modernization Act of 2006.

2) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Dr. Wynn Mabry, Health Director.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(20) GREATER ENRICHMENT PROGRAM – (COMMISSIONER DUNLAP) ITEM WAS REMOVED FROM THE AGENDA

(2B) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, to adopt resolution entitled: Mecklenburg County Board Of Commissioners Resolution Authorizing The Institution Of Condemnation Proceedings For The Acquisition Of Tax Parcel 03719214 Belonging To Estes Express Lines For The Expansion Of The Jail North Complex On Spector Drive.

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

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Murrey voting yes, that there being no farther business to come before the Board that the meeting be adjourned at 10:20 p.m.

Janice S. Paige, Clerk
Harold Cogdell, Jr., Vice-Chairman
The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

(1) SALES TAX

Finance Director Dena Diorio gave an update on the Sales Tax distribution for May, which reflects February sales. The following was noted:

- The amount received was $12,559,000, which is about $1.9 million below budget for the month and $2.4 million below budget for the month a year ago.
- Current year to date the County has collected $136.3 million, which is $14.9 million below budget for the year and about $20 million below what was collected last year around this same time.
- Staff still believes its projection of $177 million for the current year will hold.
- It’s anticipated that sales for March, April, & May will be up slightly and the $41 million that still needs to be collected between now and the end of the year is achievable.
- Staff does not feel, at this point in time, that an adjustment needs to be made to the budget projection for sales tax.

Comments

Commissioner Cogdell asked what percentage was sales tax down from what was projected. He would like to know this for the last three months. The response was that staff would calculate that and report back.

Commissioner James asked for clarification with respect to sales tax being down by $1.9 million and which budget was it based on. The response was that it was based on the original adopted budget last year.
Finance Director Diorio said staff did not revise monthly budgets for sales tax, that projections were done for the year. Further, that $13.6 million needs to be collected on average, per month, for the next three months in order to meet budget.

Commissioner James asked whether staff felt even if low sales numbers continue, if staff felt things would be covered. *The response was yes.*

(2) **BUDGET OVERVIEW**

Budget/Management Director Hyong Yi gave an update on the FY2010 Budget. The following was covered:

- FY2010 Revenue
- FY2010 Expenses
  - Debt Service/Paygo
  - Education Services
  - County Services
- County Dollars Summary
- FY10 Capital
- Board Budget Schedule

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

Comments

Commissioner Cooksey asked what was the percentage of decrease in County revenue compared to last fiscal year. *The response was $48,244,898, which is 5%.*

Commissioner Cooksey asked whether the County’ budget has shrunken in recent history. *The response was that staff would check and report back.*

County Manager Jones said the focus should be on what’s being retained. County Manager Jones said the revenue shortfall was real.

Chairman Roberts asked if the debt figure shown for 2010 includes debt service for the $100 million that was planned to be issued in July and August. *The response was no, that the principal on that wouldn’t be paid until fiscal year 2011. It was noted that some interest expense has been included on the $100 million but the principal wouldn’t kick in until 2011.*

Commissioner Cooksey asked about the 5% reduction in county funds, which was addressed.

It was noted that Paygo was rolled up in the general debt service.

Commissioner Murrey asked about sales taxes and whether the Board should be planning on $11 million per month, which was addressed.

Commissioner Murrey asked about the fair share concept and whether this meant everyone gets cut 9%. *The response was this was a general amount, but for some it could be 9% and for some more.*

Commissioner Murrey said he was uncomfortable with the $34 million decrease for Charlotte/Mecklenburg Schools.

County Manager Jones addressed the process used for getting cuts.

Commissioner Murrey addressed pay raises and said he wanted the Board to discuss perhaps not
receiving a pay raise for FY10, since County employees would not be receiving one. It was noted that this would be discussed later in the meeting.

Commissioner Dunlap asked about CMS funding that may be received from the City of Charlotte’s Safe Light program, which was addressed. It was noted that these funds would fall under the category of fines and forfeitures and would be treated as such.

Chairman Roberts asked was it a legal requirement that fines and forfeitures be handled the way that they’re currently being handled. Attorney Bethune said this practice has been in place for 25 years, but that it doesn’t have to be done this way.

Commissioner Dunlap asked was property taxes up or down. The response was that for 2010 the property tax is growing about 2.6%, which pushes the County over about $100 billion worth of assessed value. This includes real and personal property. With respect to the collection rate, the County is running at about a 95.6% collection rate, which is lower than where it was last year this time, which was at 97.5%.

Commissioner Dunlap asked about Paygo and whether those funds could be placed somewhere else in the budget, and if so, what would be the impact. The response was there would be capital projects that would not get done. Further, if the Board took such action, it would be violating its debt policy, which would subsequently impact the County’s credit rating.

Commissioner Dunlap asked about the financial impact of making salary adjustments for those employees under market. The response was about $2 million.

Commissioner Dunlap referenced the Ten-Year Plan for Homelessness and asked was there anything in the budget to address this issue. County Manager Jones said there’s no increase being recommended beyond what’s currently being funded for homelessness services.

Commissioner Dunlap asked what it would cost to have 250 more beds for the homeless. The response was that a specific figure is unknown at this time because this would not be something that the County would fund alone.

County Manager Jones addressed the 9% cuts and also Paygo.

County Manager Jones said on the surface the $34 million decrease for Charlotte/McKlenburg Schools (CMS) is a “big” number and that the Board should be uncomfortable with it if you’re advocates for education, however, the Board should also be “uncomfortable” with the $38 million decrease in County services.

County Manager Jones said that’s where the “collision” is because if you cut on the County services side, that $38 million is going to continue to grow.

County Manager Jones said at a future meeting, staff will show the Board the impact of not funding the increase for Paygo.

Commissioner James asked how much CMS was anticipating receiving in federal stimulus money for FY10. The response was that $56 million is anticipated and that a portion of it goes to Title I and IDA. There’s also going to be $1.4 billion available through an application process, the fiscal stabilization fund.

Commissioner James asked was the $56 million for fiscal year 09-10. The response was that it would be two-year funding.

Commissioner James said the expected federal stimulus funding is something the Board needs to discuss with the Board of Education.
Commissioner James asked when would the Board of Education be approving their budget. The response was that it’s on the Board of Education’s agenda for tonight’s meeting, May 12, 2009.

Commissioner James asked what would be the benefit of having a joint meeting with the Board of Education if they vote to approve Dr. Gorman’s recommended budget.

Chairman Roberts said it would give the two Boards the opportunity to ask questions regarding that portion of the County’s budget that goes to schools.

County Manager Jones said there’s a revenue reality that there’s going to be reductions in somebody’s budget this fiscal year.

Commissioner Leake expressed concern for lower paid employees. Commissioner Leake said she doesn’t want the County to suffer in order to support CMS, even though she supports education.

Commissioner Leake addressed Title I and Title II funds received by CMS.

Commissioner Leake said she would like answers to the following:

• How will the Board justify and can the Board pay County employees to be in equity with other workers within the county, as it relates to school board and City of Charlotte employees?
• How will the Board, the community, and other agencies address homelessness?
• How will the Board hold the Board of Education accountable for the funds it provides for education and escrow for teachers to receive a supplement?

Staff’s response to Commissioner Leake was that they would report back with answers.

Commissioner Cooksey asked about the process at this point for moving forward with respect to the Board of Education adopting its budget and the adoption of the County’s budget. County Manager Jones explained the process.

Commissioner Cogdell asked about the amount placed in the budget for interest on issuance of new debt. The response was $2 million.

Commissioner Cogdell said the Board was going to have to work within the parameters of its current financial situation.

Commissioner Leake asked about the position she read about in the newspaper (that of Richard Jacobsen, former Director of Social Services) and asked how does that equate back into the budget.

Chairman Roberts said this position would be discussed during the budget process.

County Manager Jones said the position is included in the County Manager’s Office budget. Further, that the County has an agreement with Mr. Jacobsen and with the University of N. C. at Charlotte’ Institute of Social Change that runs to February 2010. County Manager Jones said he did not act independently with respect to entering the MOU, that he consulted with the Board and the Board concurred.

Commissioner James thanked County Manager Jones and staff for the work they’ve done with keeping the Board updated as it relates to the FY10 budget. Commissioner James said the updates have provided clarity in an environment that could easily cause confusion, in light of the economic times.

Commissioner James asked about the process to be used for straw voting during budget deliberations. Chairman Roberts said it was too early to say at this point.
Budget/Management Director Hyong Yi addressed Outside Agencies.

Comments

Chairman Roberts asked for clarification of those outside agencies where the information provided said no review. The response was that they would fall in the County’s regular program review cycle.

Commissioner James asked had consideration been given to rolling over the following programs into CMS’ budget: Communities in Schools, Partners in Out-of-School Time, CCSJ, and the YMCA Starfish Academy. The response was that discussion did not take place with CMS.

Commissioner James asked County Manager Jones about the outside agencies whose funding is recommended to be phased out in two years. He asked why not cut them out now. The response was the rationale that was used, was to not be so “abrupt” because some of the agencies have assets they would need to dispose of. Thus, staff decided why not look at a sunset of the program over a period of three years, rather doing it at one time and that this would be a fair way to make the reductions.

Commissioner James said his experience is that programs never get phased out.

Commissioner James said outside agencies should be treated the same as employees, with respect to notification of when they’ll no longer be employed.

County Manager Jones said he would be making a recommendation to the Board and that the Board was free to make any additional cuts it likes.

Commissioner Cooksey asked whether discussions had occurred with outside agencies regarding the County Manager’s recommendation. The response was yes.

Commissioner Cooksey said he would like to know the terms of the contracts with outside agencies.

Commissioner Dunlap addressed the need for outside agencies to move to self-sufficiency, especially those that have received funding from the County for years.

Commissioner Dunlap asked was there a sunset for agencies that have received funding from the County for more than three years. The response was no, not if they’re still performing at a high level.

Commissioner Dunlap asked for clarification with respect to funding the Arts and Science Council. It was noted the Arts and Science Council is funded in two different areas. The first is the contractual arrangement for management of Spirit Square. The second is the Cultural Education grant that they run, ArtsTeach and the Cultural Diversity grant.

Commissioner Dunlap asked at what point would discussions take place regarding the possibility of merging similar or duplicate programs. The response was that during the County Manager’s budget presentation he will share with the Board discussions he has had with at least two agencies around studying the potential for consolidation. Staff has identified others that may have duplication of services and the County Manager will be contacting those agencies.

County Manager Jones said one issue that has to be kept in mind, is that many of these agencies, with the funding level that they have, really don’t have the capacity to undertake the sort of technical analysis that needs to be done.
County Manager Jones noted also that for the two agencies he has spoken with and will be reporting on to the Board, the County’s Strategic Organizational Improvement (SOI) Office will be assisting those agencies in doing an analysis, but it may be necessary to hire a consultant at some point.

Commissioner Murrey said it should be remembered that some of the outside agencies are providing services that the County would otherwise have to provide.

Commissioner Murrey said he hates to see high performing agencies being cut and thinks this is something the Board needs to discuss and give consideration to.

Commissioner Cogdell asked for more information on the tangible value of the Arts and Science Council Cultural Diversity grant.

Commissioner Leake said she’s concerned when an agency (Partners In Out of School Time Middle School Matters - POST) receives funding from the County and then turns those funds over to the Foundation of the Carolinas (“where it draws interest”) and then opts itself to direct how those funds are moved. Commissioner Leake said she thinks this is out of order.

Commissioner Leake said she’s concerned that one individual makes the decision of where funds are going to be allocated. Commissioner Leake stated also that it’s her understanding that funds were given to a group of people that live in Baltimore, Maryland from P.O.S.T. Commissioner Leake said she thought funds were to remain in Mecklenburg County and asked if this was correct.

County Manager Jones said that would be the hope. He said he was not aware of any group from outside of Mecklenburg County being funded, but staff would verify this.

Commissioner Leake said she also wants information on funding for AIDS.

Director Yi said he would provide the Board with information on all of the outside agencies and what it is they do.

Commissioner Leake said she would like to know which outside agency receives the most funding.

Commissioner Bentley said it would be good to also show the linkage to County departments and what they augment or supplement.

(4) BOARD OF COMMISSIONERS COMPENSATION

Budget/Management Director Hyong Yi addressed Board Compensation. It was noted that according to the Board’s policy, which was adopted in 2004, Commissioners’ compensation for an upcoming fiscal year would be based on or equal to the average increase earned by County employees during the current fiscal year (the year prior to the budget being adopted).

Director Yi said it’s a lagging increase.

For example, if employees, in fiscal year 09 received a three percent salary increase, then in fiscal 10, Commissioners would receive a three percent increase. The challenge comes in fiscal year 10 because employees will not be receiving an increase, but Commissioners will. Likewise, in 2011, the Board would not receive an increase because the 2010 increase for employees was zero.

Comments

Commissioner Cooksey asked why was there a lag. The response was that’s how the policy
Commissioner James addressed the history of the Board’s compensation and said that it was felt at the time the policy was approved that this was the best way to remove the politics out of the decision with respect to Board compensation, that the Board would receive whatever the average increase was to be for employees annually.

Commissioner Dunlap said the Board of Education handles its compensation in the same manner, except that it’s based on the average increase for the upcoming budget year rather than the previous budget year.

Chairman Roberts left the meeting and was absent for the remainder of the meeting.

Vice-Chairman Cogdell chaired the remainder of the meeting.

Commissioner James said he wasn’t aware there was a lag until now.

Commissioner Murrey said he brought this matter up, because he feels if County employees aren’t going to receive a salary increase for FY10, then Commissioners shouldn’t either. However, based on the current policy, the Board would receive an increase because the Board would receive the average increase for FY09.

Commissioner Murrey said it would be better if the policy read that the increase would be based on whatever amount employees would receive for any given year.

Motion was made by Commissioner James, seconded by Commissioner Leake, to amend the Board’s Compensation Policy to state that Commissioners would receive an increase equal to the average increase earned by County employees during the current fiscal year (the year the budget is being adopted for a particular fiscal year).

After further discussion, it was decided that a motion was not necessary at this time.

Staff will revise the policy and bring the matter back to the Board for a vote.

ADJOURNMENT

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:25 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman

Harold Cogdell, Jr., Vice-Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, May 19, 2009.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr. Neil Cooksey, George Dunlap and Daniel Murrey 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

- 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.

(1A) STAFF BRIEFINGS – NONE

(2A, B, C, D) 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) CONSULT WITH ATTORNEY, C) LAND ACQUISITION AND D) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney and Land Acquisition matters to be discussed in Closed Session: the case of Deborah Leighton v. Mecklenburg County Area Mental Health Authority and property located at 5200 Spector Drive.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a)(1), B) Consult with Attorney, C) Land Acquisition and D) Personnel Matter.

The Board went into Closed Session at 5:24 p.m. and came back into Open Session at 5:55 p.m.
Commissioner Cooksey was present when the Board came back into Open Session. He entered the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any item(s) they wanted removed from Consent and voted upon separately.

The Board 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

PROCLAMATIONS AND AWARDS

(1A) OLDER AMERICANS MONTH

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to adopt a joint proclamation designating May 2009 as Older Americans Month in Charlotte-Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Deborah Sparks, Executive Director of the Council on Aging and two of her staff.

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

(1B) FOSTER CARE MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to adopt a proclamation designating May 2009 as “Foster Care Month” in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Mary Wilson, Director of Social Services.

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

(2) PUBLIC APPEARANCE

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

Larry Long spoke on behalf of United Steel Workers, the unemployed, and people that are about to lose their jobs. He asked the Board to consider adopting a 2009 Resolution on the Spending of Federal Economic Renewal Grants. The resolution calls for the creation of “American” jobs and restoring economic growth and opportunity by spending economic recovery plan funds on
products and services that both create jobs and help keep Americans employed; purchasing only products and services that are made or produced in the United States whenever and wherever possible with any economic recovery monies. Mr. Long said he was laid off, went back to school to get retrained, but still can’t find employment. He urged the Board to spend any funds received for creating jobs for that purpose.

*A copy of the resolution referenced by Mr. Long is on file with the Clerk to the Board.*

Blanche Penn introduced the Silver Fox’s a senior cheerleading squad. Their ages range from 65 - 74. The Silver Fox’s recently won a gold medal.

Martin Davis addressed abortion in Mecklenburg County.

(3A) APPOINTMENTS

ALCOHOLIC BEVERAGE AND CONTROL BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to reappoint James Polk to the Alcoholic Beverage and Control Board for a three-year term expiring June 30, 2012.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to appoint H. Parks Helms to the Alcoholic Beverage and Control Board for a three-year term expiring June 30, 2012.

Commissioner Clarke nominated H. Parks Helms for Chairman of the Alcoholic Beverage and Control Board.

Commissioner Cooksey nominated Elton Shoemaker for Chairman of the Alcoholic Beverage and Control Board.

The vote was taken on the nominees as follows:

H. Parks Helms

| Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts |

Elton Shoemaker

Voting Ceased

Chairman Roberts announced the appointment of H. Parks Helms as chairman of the Alcoholic Beverage and Control Board for the duration of his term.

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to reappoint Sue Peck to the Central Piedmont Community College Board of Trustees for a four-year term expiring June 30, 2013.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

The following persons were nominated for appointment consideration to the Criminal Justice Citizen’s Advisory Committee as the Mecklenburg County Bar representative:
GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to reappoint Mark Lisy as the Realtor/Developer representative and Edwin Sullivan as the Industry/Manufacturing representative to the Groundwater Advisory Committee for a three-year term expiring May 31, 2012.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to nominate and appoint Laura Lupton as the Healthcare representative to the Groundwater Advisory Committee for a three-year term expiring May 31, 2012.

PLANNING COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to reappoint Dwayne Walker to the Planning Commission for a three-year term expiring June 30, 2012.

The following persons were nominated for appointment consideration to the Planning Commission by Commissioner Clarke:

Doug Baumgartner, Benjamin Bivens, Andrew Bonjean, Deborah Edwards, Claire Fallon, Kevin Garrison, Gregory Godley, Bryan Holladay, Thomas Lawing, Chris Minnix, Clark Neilson, Christopher Olds, Françoise Prosper, Leigh Rounds, Michael Ruhe, Michael Schank, Lloyd Scher, Kevin Silva, James Smith, DeShea Spurgeon, Katrice Thompkins, Ryan Tomberlin, Qian Wang, Mark Wasserman, Andrea White, Nancy Wiggins, Diane Yarborough, and Andrew Zoutewelle

Note: Appointments will occur on June 2, 2009.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to reappoint Daryle Benson to the Waste Management Advisory Board for a three-year term expiring June 30, 2012.

The following persons were nominated for appointment consideration to the Waste Management Advisory Board by Commissioner Clarke: Chad Faubel, Connie Harris, Rita Plyler, and Daniel Schenstrom.

Note: An appointment will occur on June 2, 2009.
MAY 19, 2009

PUBLIC HEARINGS

(4A) STREET ASSESSMENT PROJECT FOR MEFFERT LANE

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to acknowledge receipt of certification that a copy of the Preliminary Assessment Resolution and a notice of the public hearing on the street improvements to Meffert Lane were mailed by first class mail to each property owner on the street.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to open a public hearing on the Roadway Improvement Assessment Resolution for Mecklenburg County’s participation in the roadway improvement assessment project for Meffert Lane.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to close the public hearing on the Roadway Improvement Assessment Resolution for Mecklenburg County’s participation in the roadway improvement assessment project for Meffert Lane and adopt the Final Assessment Roll Resolution for the Meffert Lane improvements.

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

(4B) NCDOT AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 GRANT APPLICATION

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to open the public hearing on the Mecklenburg County Department of Social Services’ N.C. Department of Transportation American Recovery and Reinvestment Act of 2009 Grant Application.

Chairman Roberts read the following statement:

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 Cogdell and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services N.C. Department of Transportation American Recovery and Reinvestment Act of 2009 Grant Application, and to recognize, receive and appropriate and carry forward any unspent
(4C) STORM WATER FEE – COUNTY’S MINOR AND MAJOR SYSTEM RATES

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to open the public hearing to hear comments related to a proposed increase in the Major and Minor System components of Mecklenburg County’s Storm Water fee.

Dave Canaan, Director of Storm Water Services addressed the proposed fee increases.

Note: In 1994, the County started charging a Storm Water fee to fund the administration of storm water management programs to improve water quality, reduce flood losses and repair/maintain the storm drainage system.

Minor System Component (unincorporated area): By Interlocal Agreement, the minor system of the storm water system is defined as ditches, swales, pipes, etc that drain less than 1 square mile and is the responsibility of the County inside the unincorporated areas of the County. The revenue generated from the minor system component of the storm water fee charged in unincorporated areas is returned to the County to fund the storm water management programs.

Major System Component (Countywide): The major system of the storm water system is defined as large creeks and rivers (examples: Little Sugar Creek, McDowell Creek, West Branch Rocky River, Catawba River, etc) that drain more than 1 square mile and is the responsibility of the County throughout the County. Since inception in 1994, the major system component of the fee has not been split into tiers based on the amount of impervious area on residential property. A multi-tiered system is being recommended.

Comments

Commissioner Bentley asked for clarification on the administrative fee, which was addressed.

Commissioner Cooksey said if the proposed increase is being done to replenish the “rainy day” fund or reserves, what happens when the fund gets back up. Will the fee be reduced? The response was that in two years staff will evaluate where things stand and make a determination and/or recommendation at that time.

Commissioner Cooksey asked if the “rainy day” fund amount was set by the Board or staff. The response was by staff.

Commissioner Murrey asked for clarification with respect to credits, which was addressed.

The following persons spoke in opposition to increases in storm water fees: Martin Davis and Tariq Bokhari.

Mr. Bokhari suggested the Board choose a modest and across the board storm water fee increase using the current tier structure. Further, to direct staff to study a rate structure based upon percentage of impervious surface rather than absolute impervious surface and come back next year to discuss what a fair rate structure would be.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to continue the public hearing related to a proposed increase in the Major and Minor System components of Mecklenburg County’s Storm Water fee until the June 2nd Board meeting.
Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to open the public hearing to hear comments related to a proposed increase in the City of Charlotte’s Storm Water fee for the minor system inside the City.

Dave Canaan, Director of Storm Water Services and Jennifer Smith with the City of Charlotte addressed the proposed fee increase for the City of Charlotte’s Minor system.

No one appeared to speak.

Comments

Commissioner Cogdell asked for clarification with respect to square footage of the home vs. the impervious area, which was addressed.

Commissioner Cooksey asked if staff had a sense of what the rates would look like if this was a revenue neutral increase. The response was that this was not considered. Staff only looked at going to four tiers and what amount of revenue that would generate.

Commissioner Cooksey asked what the revenue would be used for, which was addressed.

Commissioner Bentley asked what other costs are incurred by a business owner or homeowner relative to the size of their property and what they build on their property relative to storm water. The response with respect to commercial property was that if you add impervious area to the existing lot, you would need to go through the current land development process. With respect to single-family properties, if it’s an individual property, Ms. Smith said she doesn’t think there’s anything additional related to a storm water fee, except when you add impervious area, the fee could go up depending on where they fell in the tier.

Commissioner Bentley asked with respect to commercial property, if the goals of the post construction ordinance and the fees generated through compliance with that ordinance and goals of the proposed fee, were overlapping. The response was yes, but that there are credits available if you add impervious area and you build the appropriate controls for that run off.

Commissioner Bentley asked how often are credits awarded. The response was not often.

Commissioner Dunlap asked was it not correct that a 900 square foot home on an acre lot would absorb more water than a 900 square foot home on a half acre lot. The response was there are many factors involved, which is why staff plans to go back and study that issue to see if there is some justification to revise fees based on that. It was noted when the storm water program was set up, it was based on contribution of the problem and impervious surface. Further, what staff has done is taken a two tier system to a four tier but have not looked at other options to either credit or what other measures are out there for reducing runoff.

Commissioner Cogdell asked was the proposed increase being sought because of a depletion in the reserve fund. The response was yes. It’s a depletion of the reserve fund for the major system and for the minor system, which is the revenue generated in the unincorporated area. With respect to the minor system, it’s to start a best management practice (BMP) or a water quality feature maintenance fund, so that in the future when these systems are built and taken over by the storm water services program, fees don’t have to be increased immediately, because a reserve will have been built up.

Commissioner Cogdell asked when staff anticipates incurring those expenses. The response was, depending on the rebound of the economy, three to four years from now.
Commissioner Cogdell asked about the impact of delaying any fee changes this year and waiting until the other study is done. The response was that for Mecklenburg County and with respect to the Major System and the “rainy day” fund, instead of $1.16 million at the end of next year, the County would have $500,000.

Commissioner Cogdell asked would the services the County provides to the community be impacted. The response was it depends on whether it floods next year. The reserve fund is there for flooding instances like the one that occurred in August of 2008.

Commissioner Cogdell asked how much was used of the reserve for the flood that occurred in August of 2008. The response was $4 million. There was a minimum of $2.5 million in the “rainy day” fund and staff was able to access another $1.5 million by moving some finances around, delaying some of the grant work, and putting projects on hold.

It was noted a delay in the minor system would mean one less year to build up the reserve fund to maintain those water quality features in the future. Further, if asked to prioritize which was a higher priority, it would be to replenish the “rainy day” fund.

Commissioner Cogdell said it would be good to know, looking at the last ten years, what has been the average amount spent out of the “rainy day” fund, based on flood conditions. The response was the August 2008 flood was one out of two times that staff has had to access the “rainy day” fund. The other was the 2003 flood.

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

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting yes, to close the public hearing related to a proposed increase in the City of Charlotte’s Storm Water fee for the minor system inside the City of Charlotte.

(4E) STORM WATER FEE – TOWN OF DAVIDSON’S MINOR SYSTEM RATES

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting yes, to open the public hearing to hear comments related to a proposed increase in the Town of Davidson’s Storm Water fee for the minor system inside the Town.

Dave Canaan, Director of Storm Water Services addressed the proposed fee increase.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting yes, to close the public hearing on a proposed increase in the Town of Davidson’s Storm Water fee for the minor system inside the Town.

Commissioner Murrey returned to the dais.

(5) ADVISORY COMMITTEE REPORTS – NONE
MANAGER’S REPORT

(6B) BUDGET ADOPTION PROCESS

The Board received as information the process for adopting the FY2009-2010 Budget.

Budget/Management Director Hyong Yi presented the process.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey, and Roberts voting yes, to receive and adopt the process for adopting the FY2009-2010 Budget, with the exception of the facilitator; and amend the budget calendar consistent with changes in the budget adoption process.

A copy of the process and budget calendar is on file with the Clerk to the Board.

(6C) COUNTY MANAGER’S FY2010 RECOMMENDED BUDGET

County Manager Jones presented the County Manager’s FY2009-2010 Recommended Budget. The following was covered:

- Revenues
- Expenses
- Key Decision Points
- Next Steps

Highlights:
- $1.39 Billion Budget
- Maintain Current Tax Rate of 83.87 cents
- Eight of 11 revenue sources declining
- Largest dollar declines in sales tax and fund balance
- Property tax revenue increasing 3%
- Debt Service increasing by $27.1 million
- Total of 302 positions will be eliminated/unfunded (88 filled positions)
- No merit increase for employees
- No market adjustments
- Employees pay $2.7 million in health benefit costs
- County assuming $2.5 million increase in costs
- Flat or reduced funding for all outside agencies
- Agencies not meeting performance criteria phased out by 2012
- Explore collaboration opportunities (Agencies)
- Charlotte/Mecklenburg Schools operations funded at 90% of current budget ($313.4 million)
- CMS capital replacement funded at 100% of current budget ($5.2 million)
- Central Piedmont Community College operations funded at 91% of current budget ($24.5 million)
- No tax rate increase for Law Enforcement Service District

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

Comments

Commissioner Cogdell said it’s important for the public to understand that because of conditions outside of the County’s control, the County is faced with close to a $100 million decrease in the
size of County government; and that the County Manager and his staff have come back with a
recommendation that in essence results in less than one percent of possible positions being
eliminated in departments outside of fee funded departments and still maintaining service levels
that “we’ve come to expect of County government.

Commissioner Cogdell commended the County Manager and staff for all of their work.

Commissioner Bentley echoed Commissioner Cogdell’s remarks.

Chairman Roberts also commended staff and noted Mecklenburg County is a leader across the
state and throughout the country.

(6A) CHARITABLE FUNDRAISING CAMPAIGN

Chris Peek, Director of Human Resources addressed the survey that was done with respect to
Charitable Fundraising Campaigns by the County.

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

Comments

Chairman Roberts said she’s heard concerns regarding 1) the requirement that 95% of the
contributions collected remain in the Greater Charlotte Metropolitan Area and 2) the requirement
that the organization have a staffed facility or office in the Greater Charlotte Metropolitan Area.
Chairman Roberts said many of the larger organizations have offices located outside of the
County.

Commissioner Cooksey asked for clarification on what’s meant by the Greater Charlotte
Metropolitan Area. The response was Mecklenburg county and the six surrounding counties,
excluding S. C.

Commissioner Cooksey asked if employees were asked how they felt about their contributions
being spent outside of the county. The response was that the question was framed using the term
the Greater Charlotte Metropolitan Area.

Commissioner Cooksey asked were national and state organizations asked if they could
segregate contributions made locally to make sure those funds came back to the community. The
response was some of the agencies have indicated they can but some cannot.

Commissioner Cooksey asked how would the participating agencies be selected, which was
addressed.

Commissioner Bentley said she would like to know which national organizations can’t meet the
requirement that that 95% of the contributions collected remain in the Greater Charlotte
Metropolitan Area. The response was about two, the American Heart Association and the
Federation of the Blind.

Commissioner Cogdell said he feels if the funds are being used for research and development to
find cures, it doesn’t matter if the funds remain here locally.

Commissioner Murrey suggested it be disclosed to employees where the funds are going and let
the employee decide whether he or she wants to give to that particular organization.

Commissioner Murrey said he would like to know the amount being used for administrative cost
versus services.
Commissioner Dunlap said it should be the decision of the employee as to which organization they would like to contribute to.

The following persons spoke to this issue:

Martin Davis spoke in opposition to fundraising campaigns by employers. He suggested organizations contact employees directly for contributions rather than on their job.

Shannon Young on behalf of United Way of the Central Carolinas thanked the Board for its support of the United Way fundraising campaign partnership that has existed with the County for many years. She expressed the United Way’s desire to continue that partnership.

The following persons spoke in support of expanding the County’s charitable fundraising campaigns in order to give more choice to employees:

Chris Hunt on behalf of the American Cancer Society (It was noted the American Cancer Society could meet the requirement that 95% of the contributions collected remain in the Greater Charlotte Metropolitan Area. Mr. Hunt noted the importance of the comment made by Commissioner Cogdell with respect to contributions being used for research and development that may not occur locally, but ultimately benefits everyone.)

Audrey Rudisill on behalf of the American Heart Association (It was noted the American Heart Association could meet the requirement that 95% of the contributions collected remain in the Greater Charlotte Metropolitan Area. Ms. Rudisill also noted the importance of the comment made by Commissioner Cogdell with respect to contributions being used for research and development that may not occur locally, but ultimately benefits everyone.)

Heather Beard on behalf of Earthshare of NC and Community Health Charities of NC (It was noted the following requirements 1) that 95% of the contributions collected remain in the Greater Charlotte Metropolitan Area and 2) that the organization have a staffed facility or office in the Greater Charlotte Metropolitan Area would exclude Earthshare and Community Health Charities from participating. It was noted that their efforts are organized on a statewide basis.)

Tim Gestwicki on behalf of the NC Wildlife Federation (It was noted that Wildlife Federation would not qualify to participate under the proposed guidelines for the same reasons as Earthshare. The Wildlife Federation is a member organization of Earthshare.

June Blotnick on behalf of the Clean Air Coalition (It was noted the Coalition recently became an Earthshare member. Further, they can meet the requirements, but support Earthshare’s request that consideration be given to removing the two requirements that would exclude Earthshare.

Lisa Rudisill Bradley, former fundraiser of a non-profit organization, said she understands what the County is trying to do. She said she understands the United Way model. She said a 25% administrative cost is not acceptable because it’s too much.

Comments

Commissioner Cooksey asked what’s the optimal number of organizations that would be put before employees. The response was this was one of the details that would have to be decided. Further, that staff would research this and report back.

Commissioner Clarke asked would contributions continue to be available via payroll deduction. The response was yes.

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to receive the County Manager’s report on charitable fundraising campaigns outlining the results of the stakeholder engagement process; and refer the report to the Board’s Effective and Efficient Government Committee for further review and recommendation
back to the Board.

CONSENT ITEMS

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

(7) APPROVAL OF MINUTES


(8) US DEPARTMENT OF JUSTICE, COMMUNITY ORIENTED POLICING SERVICES 2005 TECHNOLOGY GRANT—SHERIFF’S OFFICE

Reduce funds from the COPS 2005 Technology Grant in the amount of $40,615 because project costs were less than projected.

(9) TAX REFUNDS

Approve tax refunds in the amount of $49,999.05 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(10) AREA MENTAL HEALTH SUBSTANCE ABUSE SERVICE CENTER PREPARED HOT TRAY MEAL CONTRACT

Approve a unit price contract to Morrison Management Specialists for providing prepared hot tray meals and snacks to the Area Mental Health Substance Abuse Services program for a term of one year with the option to renew up to four (4) additional one-year terms. The annual expenditures are estimated to be $328,100.

(11) REPAIRS FOR HISTORIC ST. MARY’S CHAPEL

Authorize a capital reserve expenditure in the amount of $11,000 from funds accrued to: 1) repair the brick walkway throughout the St. Mary’s Chapel grounds, and 2) clean the stained glass windows in the Chapel.

(12) GRANT – NORTH CAROLINA COUNCIL ON DEVELOPMENTAL DISABILITIES REAL RELATIONSHIPS, RISK & RESPONSIBILITY

1) Approve submission of application for Real Relationships, Risk & Responsibility; and

2) Recognize, receive and appropriate funds if grant is awarded by the North Carolina Council on Developmental Disabilities.
(13) CLEAN WATER MANAGEMENT TRUST FUND GRANT CONTRACT

1. Recognize, receive, and appropriate $740,000 from the Clean Water Management Trust Fund Grant Contract.

2. Authorize the County Manager to execute a contract with the Clean Water Management Trust Fund.

3. Authorize the carry forward of unspent grant funds to subsequent years until completion of project.

(14) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records are comprised of: 401 commercial plans permitted April 2007

(15) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

A) Approve, recognize, receive and appropriate cash donations in the amount of $1,000 to the MeckCares Program.

Note: This Board Action is necessary due to cash donations received from Law Office of Paul Goodson ($500) and Scott Pridemore ($500) for the MeckCares program. These donations were used to sponsor the Family Fun Fest event in conjunction with the Children’s Mental Health Day.

B) Reduce State funding in the amount of $50,000 due to a decrease in Traumatic Brain Injury.

C) Approve, recognize, receive and appropriate Federal funds in the amount of $500,000 for CASAWORKS Cross Area Service Program (CASP) funding.

D) Approve, recognize, receive and appropriate cash donations in the amount of $400 to the MeckCares Program.

(16) LINKS FUNDING INCREASE THROUGH THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM

Amend the Department of Social Services budget to recognize, receive and appropriate additional Chafee Program funds in the amount of $13,100 for the Youth and Family Services Division LINKS program.

(17) DSS SENIOR CITIZENS NUTRITION PROGRAM MEAL CONTRACT

Approve service provider Canteen/Compass Group to provide hot tray and hot bulk congregate meals and shelf stable meals to Senior Citizens served by DSS Senior Citizens Nutrition Program.

(18) PARK ROAD PARK – LAKE ENVIRONS IMPROVEMENTS – CONSTRUCTION CONTRACT

Award a construction contract to Baucom’s Grading, LLC. in the amount of $491,515 for the
construction of the Park Road Park Lake Environs Improvements Project.

(19) NC DEPT. OF CRIME CONTROL & PUBLIC SAFETY GRANT REDUCTION—SHERIFF’S OFFICE

Reduce funds from the North Carolina Department of Crime Control & Public Safety Grant in the amount of $29,012.69 because project costs were less than projected.

(20) CHARLOTTE HOUSING AUTHORITY REQUEST FOR PROPOSALS FOR FAMILY SELF-RELIANCE SUPPORTIVE SERVICES

Authorize Mecklenburg County Department of Social Services to submit proposals to the Charlotte Housing Authority for the Family Self-Reliance Supportive Services and Family Self-Reliance Supportive Services - Boulevard Homes Community Programs.

(21) MINT HILL VOLUNTEER FIRE DEPARTMENT PURCHASE OF EQUIPMENT

Adopt a resolution submitted by the Mint Hill Volunteer Fire Department approving the incurrence by the Mint Hill Volunteer Fire Department of up to $680,000 indebtedness from BB&T Governmental Finance to finance the acquisition of a ladder fire truck.

Note: The Mint Hill Volunteer Fire Department and BB&T Governmental Finance have asked that the Board of Commissioners consider taking this action so that the loan will qualify for a tax-exempt interest rate under the Internal Revenue Code. This action does not obligate the County in any way.

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

(25) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ADMINISTRATIVE FUNDING FOR FOOD AND NUTRITION SERVICES

To amend the Department of Social Services’ FY09 budget to recognize, receive, and appropriate additional funding for Food and Nutrition Services revenues of $234,487; and approve carry forward of unspent funds at June 30, 2009 to the next fiscal year.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(22) LAW ENFORCEMENT SERVICE DISTRICT (COMMISSIONER BENTLEY)

Commissioner Bentley placed on the Board’s agenda discussion of a way to determine a solution to avoid the Law Enforcement Service District (LESD) tax increase for FY2010; however, County Manager Jones noted in his budget presentation there would be no increase in the LESD tax for FY2010.

Commissioner Bentley said she was glad there would not be an increase and that she would still, at some point like to discuss the future of the LESD tax.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and
unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to direct staff to begin discussions with the Criminal Justice Advisory Group (CJAG) to identify solutions for providing law enforcement services in the unincorporated area. Secondly, that the matter also be referred to the Board’s Criminal Justice Committee.

(23) BOARD COMPENSATION POLICY

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to amend Board Compensation Policy to have the Board’s compensation changes be consistent with the average percentage change in employee compensation each fiscal year.

Policy recorded in full in Minute Book 44-A, Document #______.

(24) GREATER ENRICHMENT PROGRAM

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to adopt a resolution supporting Senate Bill 216 Greater Enrichment Program Funds. A Bill to be Entitled, An Act to Appropriate Funds to Greater Enrichment Program, Inc. To Replace Aging Vehicles.

Note: Senator Charlie Dannelly (Primary Sponsor) has requested support of Senate Bill 216. The co-sponsors of the bill are Senators Daniel Clodfelter, Katie Dorsett, Malcolm Graham, Ed Jones, Vernon Malone (recently deceased), Floyd McKissick and William Purcell. Senate Bill 216 is An Act to Appropriate Funds, in the amount of $95,000 to Greater Enrichment Program, Inc. To Replace Aging Vehicles. The vehicles will be used to provide transportation to children in the Mecklenburg County area that attend Greater Enrichment Program’s free after-school and summer programs. Greater Enrichment has provided this service for 34 years for at-risk school age children, kindergarten thru fifth grade.

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

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:00 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 the Charlotte-Mecklenburg Board of Education Board Room located at the Education Center, 701 E. Martin Luther King, Jr. Blvd., Charlotte, NC. at 3:00 p.m. on Tuesday, May 26, 2009.

ATTENDANCE

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

Absent: None

The Board met in joint session with the Charlotte/Mecklenburg Board of Education.

Commissioners Bentley, Cooksey, Clarke, and Dunlap were absent when the meeting was called to order and until noted in the minutes.

Board of Education Chairman Molly Griffin called the meeting to order.

Chairman Roberts noted the topics scheduled for discussion: Budget Issues, specifically, the FY2010 County Manager's Recommended Budget, FY2010 CMS Budget Request, and Functional Consolidation.

(1) FY2010 COUNTY MANAGER'S RECOMMENDED BUDGET

Budget/Management Director Hyong Yi addressed the FY2010 County Manager's Recommended Budget. The following was covered.

General Overview
Revenues
Expenditures
County Services, including Reductions
Commissioner Bentley entered the meeting during the overview of County Services.
Education Services

Director Yi concluded by saying there was less money to go around this year.

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

County Manager Jones said this has been the most difficult budget he’s had to do in his entire career. County Manager Jones said he’s concerned about what’s going to happen with the state budget in the House and that the “wildcard” out there is “what is the state of North Carolina going to do.”
County Manager Jones said typically what happens is that the County will have its budget adopted by June 30, but the State doesn’t have its budget done by this time. Thus, adjustments may have to be made to the budget, if the State imposes some unfunded mandates or requirements on the County.

Commissioner Dunlap entered the meeting.

Comments

Board of Education Member Kaye McGarry asked about CMS debt service and why isn’t it included in the operating budget. The response was that it’s separated out, because it’s for different purposes. It was noted that the debt payment for CMS is tied to principle and interest on the loans that the County takes out for school construction. The operating budget is just for salaries and other operational expenses that you consume to run your operation. Also, that a lot of it is tied to accounting rules and general accepted accounting principles.

Commissioner Cogdell asked how much debt service was for Charlotte-Mecklenburg Schools (CMS). The response was $111 million, that the $94 million in general debt listed in the handout is County only.

Board of Education Chairman Griffin said she understands the financial difficulty that the County is facing, along with everyone else.

Board of Education Chairman Griffin said she just returned from a School Board Association meeting in Raleigh and there was discussion of how everyone focuses on CMS and Mecklenburg County and the fact that our situation is worst than others. Chairman Griffin asked why is it that Mecklenburg County is worst than other counties. County Manager Jones said it has a lot to do with the sales tax numbers more than anything.

Chairman Griffin asked how much has the sales tax declined. The response was $4 million.

Chairman Griffin also asked for clarification with respect to the decline in fund balance, which was addressed.

(2) FY2010 CMS BUDGET REQUEST

School Superintendent Dr. Peter Gorman addressed the FY2010 CMS Budget Request.

Dr. Gorman, like County Manager Jones, said the unknown with respect to the State’s budget, makes it difficult to know if any additional adjustments will need to be made.

CMS Finance Officer Sheila Shirley gave an overview of the FY2010 CMS Budget Request.

The following was covered:

Framework for Budget Development
Comparison to Prior Year
Sources & Uses of Revenue
Budget Reductions & Redirections
Factors Increasing the Budget
Program Expansion & New Initiatives
American Recovery and Reinvestment Act of 2009
Capital Replacement

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

Comments
Commissioner James asked about the process used for determining cuts and questioned the cutting of teacher positions, but leaving, for example, Bright Beginnings in the budget.

Commissioner James asked why does the tier assessment reduce teachers instead of reducing non-core functions or services. The response was that no teacher cuts are in the first tier of the potential budget reduction options. With respect to core programs, it was stated that the definition of a “core” program may vary for some, but the belief of CMS staff and many others is that the pre-kindergarten program does contribute to students being ready when they enter school. Bright Beginnings is considered a very important program. Dr. Gorman said he couldn’t comment on others that Commissioner James may be thinking of because Bright Beginnings was the only one he specifically mentioned.

Commissioner James posed the following questions: 1) What’s going to happen if after the budget is adopted and there’s a reduction in State revenue, which necessitates additional cuts in County services and possibly funds having to be reduced for CMS. 2) How will the return of funding to the County be handled or what process will be put in place for this to occur if it’s necessary; 3) Will the County have to go through the process it did earlier this year.

Commissioner James addressed the County’s funding of Partners in Out of School Time (P.O.S.T.) and Communities in Schools (CIS), which he said was sort of CMS related.

Commissioner James said he doesn’t understand why the County is in the business of giving CMS funding for K-12 and also giving funding out for other K-12 programs. Commissioner James said he feels CMS should be supervising all K-12 programs, including P.O.S.T., CIS and any others. He said these programs may be legitimate, but he feels the control should be with the Board of Education and not the County Commission.

Commissioner James said he thinks it was set up this way in the past for political and personal reasons.

Commissioner James said he’d like to know if these programs were rolled into CMS’ budget, would the Board of Education take the position that they should be funded; and would the Board of Education be receptive to this being transferred over to them.

Board of Education Member Trent Merchant said yes, speaking as an individual Board member.

Chairman Roberts noted that City of Charlotte funding is also involved. Chairman Roberts said it’s an interesting question with respect whether it would make sense to have the education experts make this allocation, but that question can’t be answered today, because it’s broader than just the County Commission and the Board of Education.

Chairman Roberts said it’s a good conversation to have, but at a later date.

Board of Education Member Joe White said he agrees this is a matter that goes beyond what’s on the table today. He said the other bodies involved have the ability to raise funds, but the Board of Education is a “beggar” of funds. Therefore, as a “beggar” for funds, he doesn’t think the Board of Education should be in the business of distributing funds it “begs” for to other agencies that aren’t a part of CMS.

Board of Education Member White said the two programs that have been mentioned are great programs.

Board of Education Member Tom Tate asked where do those funds appear in the information that’s been provided and how much is the funding. The response was that it’s under County Services and P.O.S.T. receives about $200,000 and Communities in Schools about $700,000 and Starfish Academy $70,000.
Commissioner Leake addressed the need for teachers and the issue of low performing teachers.

Commissioner Cooksey entered the meeting.

Commissioner Dunlap addressed pay issues and noted that CMS is proposing a two percent salary increase and expecting the County to match it, when the County is freezing salaries. He said Board members need to take this into consideration during budget deliberations and CMS’ budget request.

Board of Education Member McGarry asked was Commissioner James’ question going to be answered, with respect to core programs. She said the only one addressed was Bright Beginnings, but that she can think of others such as food service outsource, transportation, CMS TV, and perhaps a more extensive reduction in force in the Central Office and Walton Plaza and any place where there are people.

Chairman Griffin said some of the items mentioned by Board member McGarry will come up under the discussion of Functional Consolidation.

Dr. Gorman said with respect to matters mentioned by Board member McGarry, he’s aware there’s disagreement amongst Board of Education members regarding who should get transportation and who should not, etc., and whether it is or isn’t a core function. Dr. Gorman said there’s a student assignment plan in place that includes transportation as part of it. He said CMS will continue to provide transportation in alignment with that Plan. With respect to outsourcing food service, Dr. Gorman said a report was shared with the Board of Education regarding that. Dr. Gorman said feeding children is a core part of having them ready to learn. He said if the Board of Education wants to outsource food services, then that’s a discussion the Board has to have if that’s something it wants to consider. He said discussions are scheduled concerning CMS TV and possible partnerships.

Commissioner Murrey asked for clarification with respect to a decrease in state funding projections for CMS. The response was that it was originally $30 million, but now it’s $80 million.

Commissioner Murrey asked what’s the impact if the number is $80 million and the County holds to its ten percent reduction, since there’s no information from CMS regarding tiers 5, 6, & 7, which is where the impact would occur. The response was that staff is working on the other tiers.

Chairman Griffin said with the state a lot of things are categorical, so the state will dictate to CMS where those cuts will be.

Dr. Gorman said Chairman Griffin was correct, because in the House subcommittee they are looking at taking away the discretionary reduction and that it would be line item. Dr. Gorman said that’s a problem also, because if the line items don’t line up with reductions that have already been proposed, some things that have been proposed could theoretically be back in the budget and other things out.

Commissioner Clarke entered the meeting.

Commissioner Murrey asked about federal dollar projections, which was addressed.

Commissioner Murrey asked about maintenance cost of new schools and how is it calculated, which was addressed.

Commissioner Cogdell said both bodies have the same desire, which is “to educate children.”

Commissioner Cogdell asked how could he be convinced that additional dollars received would be used specifically to address student achievement and the drop out rate.
Chairman Griffin said funds received from the state are category specific.

Board of Education Chairman Griffin referenced the High School Challenge funding provided to CMS years ago by the County. Chairman Griffin said that was sort of a quasi-grant and to her knowledge, about the only time when funds from the County were to be used for a specific purpose.

Chairman Griffin said she would not want the County to dictate how funds are to be spent.

Commissioner Bentley addressed accountability measures and referenced the County’s use of Managing For Results and the Balance Scorecard. Commissioner Bentley asked how has funding from the County resulted in certain results. Commissioner Bentley said this is something that’s important to know. Commissioner Bentley asked what process does CMS have in place to conduct programmatic assessments.

Dr. Gorman said the Board of Education recently agreed to focus on a growth and is looking more at a growth model that looks at where do you start and where do you end up.

Dr. Gorman said the Board of Education has actually converted that to be his evaluation tool and that it will be exclusively based on student growth and the graduation rate.

Dr. Gorman said CMS looks at growth “school by school.” They also look at growth by subgroups. Dr. Gorman said CMS actually have multiple accountability systems overlaying, which he doesn’t think helps, but hurts because there’s a layering of a state accountability system, a federal accountability system, and in some cases, sometimes local directives are on top of that that must be done along the way.

Dr. Gorman said student growth, as far as what goes on with CMS’ core function, would be the number one form of measurement. How do children grow year over year. Dr. Gorman said this is measured not only by student but by classroom teacher, and by school. Dr. Gorman said with respect to schools, teachers are being looked at through the local bonus program. In CMS’ business operations in Mr. Guy Chamberlain area CMS measures meals per labor hour and in transportation CMS measures things the mechanics do, with respect to maintenance of buildings, they look at how many square feet someone maintains. Dr. Gorman said there are a variety of measurements.

Chairman Griffin asked Dr. Gorman to comment on the new policy about program evaluation, which he did.

Board of Education Member Larry Gauvreau said he doesn’t feel Bright Beginnings is a core function of public education. Board member Gauvreau said there are those that care about the fiscal, the monetary, the spending of the public’s resources. Board member Gauvreau expressed his dissatisfaction with the use of the tiered approached by CMS. Further, that performance and spending are not necessarily linked. He said management and performance are linked and “we don’t do that in CMS.” “We don’t think that way.”

Board member Gauvreau said CMS should be able to absorb the cut from the County, if it focused on its spending and performance that it hopes to generate based on that spending.

Board member Gauvreau said he hopes this Board of Commissioners will look at CMS’ budget a little differently than previous Boards and that he’s available to answer any questions the Board may have.

Commissioner Leake said she would like to know how much was spent last year from Title I to support disadvantage children.

Commissioner Leake asked how has CMS responded to the Equity Committee reports.

Commissioner Leake also asked the following: What’s being done to close the gap? Why is there
still a two-tiered system depending on where you attend school? Commissioner Leake questioned
the elimination of the Career and Technical Education Program. How can we save on the five
Learning Community Sites to cut down on cost and can they be placed in existing school
facilities? Commissioner Leake said the Learning Communities are not supporting student
achievement. She questioned how many parents have visited the Learning Communities. How
many failing schools are there today compared to five years ago? How are Title I, II, III, IV, IDA
funds being spent? Which magnet programs are successful? Commissioner Leake questioned the
cutting of the AVID program.

Commissioner Leake said she would not take money from the County to fund staffing at CMS.

Commissioner Leake said she’s not anti-education but that she’s “anti non-educating all children
in this district with a two-tiered system.”

Commissioner Leake said there are CMS paid Afterschool programs.

Commissioner Leake said she’s not saying that P.O.S.T. is needed or not needed, but her concern
is the way the funds are handled.

Commissioner Leake said she would like answers to her questions by budget deliberation time.

Dr. Gorman clarified that the Career and Technical Education Program was not being cut, but
there’s a reduction in the program.

Board of Education Member White said CMS continues to ask the state for more flexibility.

Commissioner Cooksey commented on the dual system that he said Commissioner Leake spoke
of. He asked was there data available with respect to that. He also asked what’s the per capital
spending on children in the free and reduced lunch program versus the rest of the CMS student
population. He wants to know if there’s any data available that shows the impact of the early
childhood development programs.

County Manager Jones noted his comments made to the Board at its May 19th meeting, copies of
which were provided to Board of Education members.

Board of Education Chairman Griffin said in closing, with respect to budgets, that they
understand the predicament that the County finds itself in.

(3) FUNCTIONAL CONSOLIDATION

County Manager Jones addressed Functional Consolidation and said staff would report back on
the process for moving forward.

It was noted that the following areas are being considered:

- Athletic Facility Management and Maintenance
- Building/Facility Management and Maintenance
- Food Purchasing
- Human Resources
- TV Production/Graphics Production

County Manager Jones noted that functional consolidation is a very labor intensive effort, time
consuming effort, and will require a lot of thought and due diligence in developing the business
case for consideration.

_A copy of a handout, with respect to functional consolidation is on file with the Clerk to the_
Comments

Chairman Roberts asked that staff include WTVI in the discussion with respect to TV Production and to also look at library services.

Commissioner Dunlap said the City of Charlotte should also be involved.

Commissioner James said in closing, he’s concerned about the process used by CMS to prepare its budget.

Commissioner James said he thinks CMS needs a new approach. Commissioner James said he doesn’t think CMS has done anything wrong, but he thinks they’re not starting or re-doing the budget based upon “what’s really important.” “You’ve just taking everything and lowered the amounts” and some things haven’t been touched at all.

This concluded the discussion.

Note: None of the above is 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 5:02 p.m.

______________________________
Janice S. Paige, Clerk

______________________________
Jennifer Roberts, Chairman
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 28, 2009.

ATTENDANCE

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

Absent:
Commissioner Bill James

-INFORMAL SESSION-
The Board’s informal session consisted of dinner only.

Following dinner, the Board convened in the Meeting Chamber.

-FORMAL SESSION-

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

Chairman Roberts called the meeting to order.

Invocation was given by Commissioner Cogdell, which was followed by the Pledge of Allegiance to the Flag.

Chairman Roberts said the purpose of the meeting was to receive citizen input on the County Manager’s FY09-10 Recommended Budget. Chairman Roberts outlined the rules and procedures for conducting the public hearing.

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 5-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, and Roberts voting yes, to open the public hearing to receive comments on the County Manager’s FY 09-10 Recommended Budget.

FY09-10 BUDGET PUBLIC HEARING

The following persons spoke and asked the Board to support funding for their respective organization and/or cause:

1. Dr. Bill Anderson, Shannon Frink (student at West Meck), and Kim Hawkins (a parent) on behalf of Communities In Schools
Commissioner Cooksey entered the meeting.

2. Donna Murray Lacey, on behalf of Charlotte Volunteers in Medicine, spoke in support of funding for Project Healthshare.

3. Major Todd Hawks and Deronda Metz, on behalf of the Salvation Army, spoke in support of funding for Center of Hope.

4. Jeff Brown and Jennifer Blumer on behalf of Child Care Resources Inc.

5. Grace Hauth, on behalf of Alexander Youth Network, spoke in opposition to cuts in Mental Health services.

6. Lynn Crutchfield, on behalf of Alexander Youth Network, spoke in opposition to cuts in Mental Health services.

7. Margaret Peacock and Jane Yates, on behalf of the National Alliance on Mental Health, spoke in opposition to cuts in Mental Health services.

8. Walter Padgett, Jack Flynn and Tom Davis, on behalf of the Mecklenburg County Veteran’s Council, spoke in support of Veteran Services.

9. Mary Lou Babb, on behalf of the Arts & Science Council, spoke in support of Spirit Square, Arts and Science Council Cultural Diversity and Education Grants.

10. Sue Goodman and Michelle Hopkins on behalf of C.W. Williams Community Health Center.

11. Danny Trapp on behalf of Center for Community Transitions.


Commissioner Murrey entered the meeting as Ms. Hayes was speaking on behalf of New Beginnings.

15. Dorothy Alexander and Ulinda Forehand on behalf of the New Beginnings – Displaced Homemaker Program.

16. Valecia McDowell on behalf of Community Building Initiative.

17. Larry Bumgarner spoke in regards to the overall County Budget. Mr. Bumgarner said the average taxpayer doesn’t mind paying taxes as long as the money is being used well. He said it’s up to the Board to show the taxpayers that it is being used well. Also, he understands the needs of outside agencies, but the County has other major operations that need to be taken care of. He said outside agencies should “share in the pain” that the County is having with its taxes. He suggested the Board ask outside agencies executives to take a pay cut to help with their funding needs.

18. Nancy Klein, who was accompanied by Julie Owens, Pamela Hemphill, and Marjorie
Tate, on behalf of the **Women’s Advisory Board**, spoke in support of programs for Women and Families.

19. Ted Rast on behalf of the **Council on Aging**

20. Michael Sowyak on behalf of **Shelter Health Services**, a free clinic within the Center for Hope, whose recipients are, Homeless Women and Children

**Commissioner Clarke entered the meeting during Mr. Sowyak’s remarks.**

21. Liz Clasen Kelly, William Dukes, Charles (last name unknown), and Angie Ford on behalf of **Homeless Helping Homeless**

22. Dr. Robert Caruso and Olma Echiverri on behalf of the **Latin America Coalition**

23. Kenneth Schorr and Daenan Lumsden on behalf of **Legal Services of Southern Piedmont**

24. Bobby Cobb, David Reeves, and Veronica Davis (County employees) spoke on behalf of **County employees and support of the County Manager’s recommended budget**.

25. Sheriff Chip Bailey spoke on behalf of **County employees** and particularly employees of the Sheriff’s Department. Sheriff Bailey said all agencies should be impacted proportionately when it comes to budget reductions. He spoke in support of the County Manager’s recommended budget.

26. Kelly Fortinberry on behalf of **MedAssist of Mecklenburg**

27. Ellis Fields, on behalf of the **Mental Health Assoc. of Central Carolinas, Inc.**, spoke in support of Mental Health services.

28. Christy Wright, on behalf of **Neighbors for a Safer Charlotte**, spoke in support of funding for public safety and it remaining as a priority.

29. Mark Pierman, on behalf of **United Family Services**, spoke in support of Domestic Violence funding.

30. Carson Dean, on behalf of the **Uptown Shelter**, encouraged support of the County Manager’s recommended budget.

31. Tamara Cornelison, Candice Toler, Antonio Mayes, on behalf of **Meck Promise** and **Open Door**, spoke in support of Mental Health funding.

32. Liz Downing on behalf of **WTVI and the Public Square Project**

33. Larry Brackett addressed the **County budget** as a whole and the **accountability** of government. He spoke in opposition to cuts in Mental Health, Domestic Violence Services, services to the Disabled, Child Protective Services, and CMS. He also addressed the salaries of DSS administrators and CMS administrators.

34. Bill Brawley on behalf of the **Public Library of Charlotte & Mecklenburg County**

35. Tony Montognese, on behalf of **Neighbors for a Safer Charlotte**, spoke in support of funding for public safety and it remaining as a priority.

36. Sherrie Garinger, on behalf of **Meck Promise** and **Open Door**, spoke in support of Mental Health funding.

37. Richard McElrath addressed the **accountability of CMS**. He expressed concern for
Thomasboro Elementary and Lincoln Heights and the need for Board certified teachers at these schools and technology deficiencies.

38. Brett Loftis, on behalf of Council for Children’s Rights, spoke in support of services for children.

39. Richard Werner on behalf of St. Stevens United Methodist Church provided the Board with 135 signatures of persons opposed to cuts in Social Services, Mental Health Services, and Domestic Violence Services. They asked that the Board do “all it can do to ensure the poor, the sick, the fragile seniors, the abused and disabled are protected” in the budget.

40. Aaron McKeithan, on behalf of Friends of the Public Library, spoke in support of Library funding.

41. Kenneth Greenberg spoke in support of Mental Health Services, specifically, Developmental Disabilities Services. Mr. Greenberg said he would like to meet with each Commissioner to get their views on services for the disabled.

42. Phillip Hunt spoke in support of Mental Health funding, specifically the Open Door program.

43. Melina Monita on behalf of Latin America Coalition

This concluded the public hearing.

Chairman Roberts thanked everyone for coming and providing input.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to close the public hearing on the County Manager’s FY 09-10 Recommended Budget.

**ADJOURNMENT**

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:20 p.m.

Janice S. Paige, Clerk
Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 2, 2009.

ATTENDANCE

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

Absent: None

- INFORMAL SESSION -

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

(1) STAFF BRIEFINGS - NONE

(2) CLOSED SESSION – CONSULT WITH ATTORNEY

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

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 5:55 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12, 14, 15, 19, 22, and 25.

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 (The Pledge was lead by members of Boy Scout Troop 232, St. Thomas Aquinas Catholic Church.) and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) STORM WATER SERVICES VOLUNTEER RECOGNITION

The Board recognized Volunteers of the Adopt-A-Stream and Storm Drain Marking Programs.

Rusty Rozzelle, Water Quality Program Manager, addressed the two programs and introduced Volunteers present. Mr. Rozzelle was joined at the podium by Erin Oliverio, Program Coordinator. Volunteers present were: Albemarle Road Middle School, Auto Bell, Boy Scout Troop 9, CDM, Central United Methodist Church, Continental Boarding, Inc., Haden Stanziale, the Magas Family, Mount Claire HOA, Olympic High School, Piedmont Natural Gas, RS&H, the Stroud Family, and Hubert Technologies. It was noted that there are 72 volunteer groups.

Note: Volunteers who participate in the Adopt-A-Stream Program are assigned a section of stream that they walk a minimum of twice a year to remove trash and debris. The volunteers also document and refer pollution problems to County staff for elimination. Since 2000, volunteers have completed 718 stream cleanups and removed more than 76 tons of trash from the County’s waterways. Volunteers participating in the Storm Drain Marking Program place markers on storm drains that read “Do Not Dump, Drains To Creek” in both English and Spanish. This serves as a valuable educational tool for preventing illegal dumping of waste oil, paint and other pollutants down these drains, which discharge directly to our creeks and lakes, negatively impacting surface water quality. Since the storm drain markers were initiated in 2003, volunteers have marked 9,787 storm drains in Charlotte-Mecklenburg.

(2) PUBLIC APPEARANCE

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

Steve Jackson addressed the installation of lighting at Flat Branch Park and the future infrastructure build out by South Charlotte Soccer Association at Flat Branch Park. Mr. Jackson said the lighting and future infrastructure build out at Flat Branch Park is not consistent with what residents were told. Mr. Jackson said residents in the area thought Flat Branch Park was going to be a neighborhood park. Mr. Jackson asked the Board to remove the presently installed four light towers and to prevent Flat Branch Park from being built out as a sports complex.

A copy of Mr. Jackson’s remarks is on file.

Deborah Scott addressed the McCrorey YMCA Senior Drummers and Dancers Group, who recently received Gold Medals in the Senior Games. Members are 55 and up. It was noted the oldest member of the Group is 86. It was noted also that the Group will be going to Raleigh in September for the State Senior Games competition.

Rodney Lee, a resident of Winget Pond, addressed what he referred to as zoning violations on the part of Ryan Homes. According to Mr. Lee, Ryan Homes was allowed to build homes six feet a part, R-3 homes, which allowed for three feet side-yard space. Mr. Lee said Ryan Homes could not conform to the zoning requirements issued for Winget Pond. Mr. Lee said the HVAC units that are attached to homes within the side-yards are considered a part of the home, thus, the three feet of space that each home was to have, should have started at the end of the property line to
the beginning of the HVAC unit. Mr. Lee said this is not the case. Mr. Lee said he has discovered several zoning violations within his community. He’s met with staff of the Planning Commission, the zoning administrator, and permitting staff and all agree that these homes should not have been sold and deeded to homeowners at closing. Mr. Lee said this issue started with county personnel. Mr. Lee said each home is to be inspected by inspectors of the County and that the inspectors failed to do their job. Mr. Lee said he’s found out there are very few penalties for builders to do what has occurred in his neighborhood. As such, he plans to go to Raleigh and ask the state to look into this matter. Mr. Lee said he’d be happy to discuss this matter in more detail with each Commissioner. Mr. Lee closed by saying “government must promote growth, while protecting the interest of properties of existing businesses and residents.”

(3A) APPOINTMENTS

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee:

Joseph Pearlman

Anthony Scheer

Commissioners Cooksey and James

Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Anthony Scheer to the Criminal Justice Citizen’s Advisory Committee as the Mecklenburg County Bar Representative for a two-year term expiring May 31, 2011.

PLANNING COMMISSION

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

Claire Fallon

Andrew Zoutewelle

Lloyd Scher

Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts

Commissioners Clarke, Cogdell, Cooksey, Dunlap, Murrey, and Roberts

Commissioners James and Leake

Voting Ceased

Doug Baumgartner

Benjamin Bivens

Andrew Bonjean

Deborah Edwards

Kevin Garrison

Gregory Godley

Bryan Holladay

Thomas Lawing

Chris Minnix

Clark Neilson

Christopher Olds

Francoise Prosper

Leigh Rounds

Michael Ruhe

Michael Schank

Kevin Silva

James Smith

DeShea Spurgeon

Katrice Thompkins
Chairman Roberts announced the appointment of Claire Fallon and Andrew Zoutewelle to the Planning Commission for a three-year term expiring June 30, 2012.

They are replacing George Shield and David Howard.

WASTE MANAGEMENT ADVISORY BOARD

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

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Commissioners</th>
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<tbody>
<tr>
<td>Chad Faubel</td>
<td>None</td>
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<tr>
<td>Connie Harris</td>
<td>Commissioners Cogdell, Leake and Roberts</td>
</tr>
<tr>
<td>Rita Plyler</td>
<td>None</td>
</tr>
<tr>
<td>Daniel Schenstrom</td>
<td>Commissioners Bentley, Clarke, Cooksey, Dunlap, James, and Murrey</td>
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Chairman Roberts announced the appointment of Daniel Schenstrom to the Waste Management Advisory Board to fill an unexpired term expiring March 14, 2010.

He is replacing Douglas Wilson.

PUBLIC HEARINGS

(4A) STORM WATER FEE – COUNTY’S MINOR AND MAJOR SYSTEM RATES

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue the public hearing to hear comments related to a proposed increase in the Major and Minor System components of Mecklenburg County’s Storm Water fee.

Dave Canaan, Director of Storm Water Services addressed this matter.

It was noted that based on the comments and questions received at the May 19th Public Hearing and the current economy, County Manager Jones is recommending implementing the four Tier rate structure for residential storm water accounts and setting the rates so the budgeted revenues for FY10 are the same as FY09 (i.e. revenue neutral). The consequences of adopting a revenue neutral fee schedule are as follows:

- The Rainy Day fund would have $500,000 available in FY10 and would take five years to replenish to the preferred minimum amount of $2,500,000. If there is another flood like 2003 or August 2008 or grant opportunities improve, the County will have limited financial flexibility to respond to a flood or to leverage local funds pursuing State and federal grants without impacting Storm Water Capital Projects.
- Initiating a reserve account for BMP maintenance (Best Management Practices, a.k.a. water quality features like wetlands and rain gardens) in new residential areas would not occur. With a smaller amount or no reserves in the future, the fee increase in future years may need to be greater to generate the necessary revenue.
On May 21, the Charlotte-Mecklenburg Storm Water Advisory Committee (SWAC) voted on the four tier proposal for single-family residential customers and a revised fee schedule that generates revenue to address the above consequences.

_A copy of the Storm Water Advisory Committee recommendation is on file with the Clerk to the Board._

No one from the public appeared to speak.

Comments

_Commissioner James_ asked about a revenue neutral fee, which he supports having.

Commissioner James said it appears it’s revenue neutral overall, but it’s not revenue neutral for residential because it’s going up and commercial is going down.

_Director Canaan_ said Commissioner James was right, in the sense that the total revenue coming in is neutral. However, if you look at the major system rate, Tiers 1 and 2, which represents 60% of the residential accounts, 60% will see a decrease, including commercial accounts, but in Tiers 3 and 4, the other 40% will see an increase.

_Commissioner James_ said his idea of revenue neutral is residential revenue neutral.

Commissioner James said he would like to know what residential neutral would be, if the commercial weren’t getting a decrease.

_It was noted that everyone is paying the same rate per square foot, commercial and residential._

_Commissioner Dunlap_ asked how many properties were in the floodplain. _The response was approximately 4,000 structures, with approximately 1,000 at flood risk._

Commissioner Dunlap asked what responsibility does the County have to persons that live in the floodplain. _The response was to run the County’s Storm Water Management Program to respond and provide services, such as removal blockages, illicit help from volunteer groups to assist with clean-up, and when the County is financially able, after a flood, to possibly go out and buy property using 100% County funds. It was noted the County has no federal obligation to acquire properties in the floodplain._

Commissioner Dunlap asked what was the reason and rationale for wanting to raise the revenue at a faster pace. _The response was that staff is concerned about funds being available to respond to a flood. It was noted that in 2003 and 2008, the “rainy day” fund had to be used, and as a result, the County has turned a tremendous amount of residential property into open space for greenway expansion and water quality features, which results in areas that emergency response teams will no longer have to go to rescue anyone. It was noted that the purpose of the “rainy day” fund is to be able to immediately respond after a flood._

Commissioner Dunlap asked was it correct the County does not have to buy these properties. _The response was yes, that’s correct. It’s at the Board’s discretion._

_Commissioner Clarke_ said he feels the Board should follow the recommendation of the Storm Water Advisory Board, which was to replenish the “rainy day” fund, but not as fast, in light of the current economy.

_Chairman Roberts_ asked staff to prepare two options for the Board’s consideration on June 16th, one based on the County Manager’s recommendation and one based on the Storm Water Advisory Committee’s recommendation.

_Commissioner Murrey_ said he would like to know how often the reserve fund has been used,
because he’s concerned the County may get in an emergency situation and not have funds available. Commissioner Murrey said he’s reluctant, however, to take money out of the hands of residents and store it away for a “rainy day” in light of the current economy. Commissioner Murrey stated further, however, “if history has told us there’s a high likelihood that we’re going to need that money within the next three years, then that would make a more compelling case.”

Commissioner Murrey said it would be helpful to know how often the County has had to use the “rainy day” fund, which would give the Board some idea of what the likelihood would be to go for five years without having a meaningful event and give it time to replenish on it’s own as oppose to having to speed it up with a “hybrid” plan.

Commissioner Cooksey said if the Board is going to compare the Storm Water Advisory Committee’s recommendation to that of the County Manager and staff, he’d like to know the aggregate percentage increase in revenues from these fees.

Commissioner Cogdell asked what happens if it floods and funds aren’t available. The response was that if it doesn’t flood then the fund continues to grow. If it does flood, but not before July 1 2009, there would be essentially $500,000 in the “rainy day” fund because it would essentially be the equivalent of appropriated funds that the Board could respond to the flood with. Thus, the fund would be depleted again. It was explained that what happened before the “rainy day” fund was that persons would ask the County to buy their property and they would be informed that funds weren’t available. History has shown that those persons rebuild and eventually the County would receive a federal grant to buy them out in two – three years after they’ve reoccupied in the floodplain. When the County goes back to buy them out, the County is now paying more because of the increased market value versus if it had been purchased when it was in a damaged state. It’s because of these experiences, the “rainy day” fund was started and the “quick buy” program.

Commissioner Cogdell asked for clarification on the calculation of the rates for residential and commercial which was explained. It was noted that it’s the amount of impervious area that makes the difference. Also, there is no tiering in commercial accounts.

Commissioner Bentley asked for clarification on the formula used for the new tiers, which was explained. It was noted the formula being used now is more quantifiable, defensible, and it’s all based on impervious area and it sets a per square foot rate that is consistent between single-family and commercial or non-single family.

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

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on a proposed increase in the Major and Minor System components of Mecklenburg County’s Storm Water fee.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) MANAGER’S REPORT – BUDGET WORKSHOP STRAW VOTE PREVIEW

County Manager Jones and Budget/Management Director Hyong Yi outlined the budget workshop straw voting process. It was noted straw voting budget workshops would start on Wednesday, June 3, 2009.

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

Commissioner Dunlap asked that additional support for the 10-Year Plan for addressing Homelessness be added to the list of possible changes.
There was no action to be taken on this matter. It was presented for information purposes only.

CONSENT ITEMS

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s), with the exception of Items 12, 14, 15, 19, 22, and 25 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held May 19, 2009, Budget/Public Policy Meeting held April 14, 2009 and Closed Session held May 19, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of $2,869.41 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) CARRY FORWARD GREEN PERMIT REBATE PROGRAM FUNDS

Approve the carry forward to FY2010 unspent Green Permit Rebate funds at June 30, 2009.

Note: The amount is expected to be approximately $1.1 million.

(10) CARRY FORWARD 2011 REVALUATION FUNDS

Approve the carry forward to FY2010 revaluation funds remaining at June 30, 2009.

(11) CARRY FORWARD/ADJUSTMENT OF – AREA MENTAL HEALTH FUNDS

(A) Authorize carry forward to FY 2010 unspent State Local Management Entity (LME) system program funds estimated to be $211,000 at June 30, 2009.

(B) Authorize carry forward to FY 2010 unspent State Crisis Service program funds estimated to be $1,466,899 at June 30, 2009.

(C) Authorize carry forward to FY 2010 unspent State Mental Health Trust Funds estimated to be $900,216 at June 30, 2009.

(13) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS (CODE ENFORCEMENT)

Amend LUESA Fee Ordinance to reflect increased fees for renovation and small projects; work started without a permit; an increase to the minimum permit fee; increased rates for temporary utilities, limited conditional utilities, and temporary certificates of occupancy; and revise fee for appliance/ equipment change out permits not issued through the Trades Internet Permit (TIP)
JUNE 2, 2009

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

(16)  NC CLEAN WATER STATE REVOLVING FUND LOAN

1. Adopt a resolution approving a loan application to the NC Clean Water State Revolving Fund.

2. Upon award of loan, recognize, receive, and appropriate $2,576,000 from the NC Clean Water State Revolving Fund.

3. Authorize the County Manager to execute a contract with the NC Clean Water State Revolving Fund.

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

(17)  FEDERAL FOOD AND NUTRITION ASSISTANCE PARTICIPATION GRANT APPLICATION

Approve submitting a grant application by Department of Social Services for the Supplemental Nutrition Assistance Program Participation Grant, and if grant awarded, recognize, receive, and appropriate grant funds.

(18)  METROLINA RECYCLING CENTER LEASE AGREEMENT

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to U.S. Greenfiber, LLC.”

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

(20)  AMENDMENT TO THE BOARD’S HR POLICY

Amend the County’s Human Resources Policy, Benefits/Health Insurance, to enable the County Manager and/or designee to change and implement revised benefits rates and coverage options in response to increased service costs, liabilities protection, business needs, or changes consistent with applicable federal or state laws.

(21)  2009 AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

Approve submission of application by Mecklenburg County Real Estate Services to the United States Department of Energy for $649,500 in grant funds; recognize, receive and appropriate any amounts awarded.

(23)  INTERLOCAL AGREEMENT WITH CITY OF RALEIGH FOR BUILDING PERMIT SOFTWARE

Adopt a Resolution Approving the Amended and Restated Interlocal Cooperation Agreement to Develop Permitting Software with the City of Raleigh to share the development of building permit software to enable homeowners to obtain building permits on line.
Note: Funding is included in the FY09 and FY10 budgets.

RESOLUTION APPROVING AMENDED AND RESTATED INTERLOCAL COOPERATION AGREEMENT TO DEVELOP PERMITTING SOFTWARE WITH CITY OF RALEIGH, NORTH CAROLINA

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 joint undertakings; and

WHEREAS, Mecklenburg County would like to formalize this arrangement through its LUESA Code Enforcement Department to jointly develop regulatory permitting software modules with the City of Raleigh; and

WHEREAS, Sages Networks, through a contract with the City of Raleigh, will perform the project programming work and the County designates and authorizes the City of Raleigh to make payments to the contractor for professional services when the County has forwarded funds for the same; now, therefore

BE IT RESOLVED by the Mecklenburg County Board of Commissioners that the County Manager is hereby authorized and directed to execute the Amended and Restated Interlocal Agreement to Develop Permitting Software with the City of Raleigh, and that this Resolution shall be made a part of the minutes of the Board of Commissioners.

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

(24) AFFIRM RESOLUTION FOR BEREWICK LAND EXCHANGE


Note: The above County parcels are part of the 195-acre park site acquired in 2001 for a regional park in the Southwest Park District. Park facilities have not been developed here as yet, but an elementary school is under construction on an 18-acre portion of the site fronting on Dixie River Road and will open in August of this year. The subject land exchange was requested by Dixie River Land Company (DRLC)/Pappas Properties and by the Charlotte-Mecklenburg Housing Partnership (CMHP). This current request is to reaffirm the approvals for the exchange based on a change in the purpose for which the land to be conveyed to Dixie River Land Company is to be developed. (A land exchange requires two presentations to the Board which were done on October 21, 2008 and November 5, 2008.)

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

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COUNTY COMMISSIONERS REPORTS AND REQUESTS

(30) HOSPITAL AUTHORITY BOARD APPOINTMENTS/MECKLENBURG COUNTY-FORMER HOUSE BILL 1025 (COMMISSIONER LEAKE)

Commissioner Leake addressed Former House Bill 1025 - Hospital Authority Board Appointments/Mecklenburg County.

Note: Appointments to the Hospital Authority are made by the Mayor and Chairman of the county board of commissioners, per NC General Statute 131E-18. The chairman’s appointments does not require board of commissioners’ approval or input.
Former House Bill 1025 was an Act to require that those appointments be made by the full Board of County Commissioners. The bill was referred to the Committee on Local Government I, but missed crossover.

Commissioner Leake said her purpose for placing this matter on the agenda, even though House Bill 1025 did not make the crossover, was to provide an opportunity for the public to become aware of the Charlotte Hospital Authority’s appointment process and the County’s relationship with Carolinas HealthCare System.

A handout with respect to the Hospital Authority is on file with the Clerk to the Board.

The following representatives from Carolinas HealthCare System were present and addressed questions: Joe Piemont, President and Chief Operating Officer, Greg Gombar, Chief Finance Officer (Mr. Gombar reviewed the history of the Authority’s relationship with the County and indigent care funding.), and Keith Smith, CHS General Counsel (addressed questions with respect to the Authority’s make up). They were accompanied by Martha Ann McConnell, VP, Government Relations, Laura Thomas, VP, Behavioral Health; Polly Baker, AVP, Public Health Kristin Wade, AVP, Ambulatory Services, and Debra Plousha-Moore, Sr VP, HR.

Comments

Commissioner Leake asked about the number of members on the Authority, their gender, race, and the length of terms, which was addressed.

The following was noted:
- The Authority has 23 members.
- The term length is three years.
- Members can serve successive terms up to the age of 68 (per the Authority’s by-laws).
- Nominations come from the Authority and are submitted to the Chairman of the County Commission for approval.

Commissioner Leake asked which of the current members of the Authority have served the longest. The response was that it’s believed to be Bishop George Battle and/or James Hynes. Mr. Smith said he would confirm this and report back.

Commissioner Murrey asked how many physicians were on the Authority. The response was none.

Commissioner Murrey asked when was the last time a physician has served. Mr. Smith said to his knowledge, a physician has never served.

Commissioner Murrey asked was it typical for an entity the size of Carolinas HealthCare System to not have a physician on the Authority. The response was that a lot of the larger systems do have a mix, but locally, this is not the case. The rationale has been to avoid a conflict of interest, which is why staff members do not serve.

Commissioner Murrey asked what if the physician was not on Carolinas HealthCare System’s staff. The response was that he or she in that case probably would not have conflict of interest.

Mr. Gombar noted that physicians do serve on committees, but they’re not voting members.

Commissioner Murrey said it’s good to have that input on committees but it’s not the same as being a voting member.

Commissioner Murrey suggested consideration be given to placing a physician(s) on the Authority when the next vacancy occurs. Commissioner Murrey said he feels it’s important to have someone with that type of medical perspective on the Authority; someone who has dealt with taking care of patients directly.
Commissioner Clarke asked who introduced House Bill 1025 to change the appointment authority from the chairman to the full board, without it being initiated by the Mecklenburg County Board of Commissioners. Commissioner Clarke said he was not aware of the proposed bill.

Chairman Roberts said the bill was introduced by State Representative Nick Mackey.

Commissioner Cogdell noted, for the record, that State Representatives Kelly Alexander and Beverly Earle, who initially co-sponsored the bill, asked that it be conveyed to the Board that they removed their names as co-sponsors of House Bill 1025.

Commissioner Cogdell said Representatives Alexander and Earle informed him that they removed their names because they felt to some extent everything was not brought to their attention before they agreed to sign on as co-sponsors.

Commissioner Cogdell said there was the issue of whether or not this was something that had been requested by the Board or a particular Board member.

Commissioner Cogdell said Representatives Earle and Alexander said they would not support the bill, if the Mecklenburg Board had not taken official action to make such a request.

Commissioner Cogdell echoed Commissioner Murrey’s sentiments with respect to having a physician represented on the Hospital Authority.

Commissioner Cogdell asked about indigent care funding and services provided, which was addressed.

Commissioner Leake said anyone can write a statement and send it to Raleigh with the hope of it becoming a bill and that permission is not needed from the County Commission to do so. Also, that legislators do not have to get the permission of the County Commission if they want to submit a bill.

Chairman Roberts asked Hospital representatives, to their knowledge, was the Hospital Authority please with the appointment process as it current stands. The response was yes.

No action was taken or required of the Board.

**STAFF REPORTS AND REQUESTS**

(26) BUSINESS INVESTMENT PROGRAM GRANT: TOSHIBA AMERICA NUCLEAR ENERGY CORPORATION (TANE)

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Murrey and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Leake voting no, to approve a Business Investment Program Grant to TANE for a total estimated amount of $46,968 and authorize the County Manager to negotiate and execute contract.

John Allen, Economic Development Director, addressed this matter prior to the above vote.

Note: TANE will establish a Project Management and Engineering Center (“PMEC”) in Charlotte. The PMEC will house the bulk of TANE’s personnel, including virtually all engineering and technical personnel, and serve as the center of most TANE activities. It will also serve as TANE’s nationwide operations headquarters. PMEC personnel will manage all engineering, construction, and procurement activities for the South Texas Project and future projects. TANE’s President and Chief Executive Officer, Senior Vice President of US ABWR Projects & Technologies,
Vice President of Business Operations, and most other senior executives will maintain offices at the PMEC and spend either all or a substantial portion of their time there. TANE is projecting that 194 jobs will be created over a five-year period, with an average annual salary of $122,000. Sixty-three of the 194 jobs will be filled by transferees. The total capital investment is estimated to be $2.8 million.

(27) BUSINESS INVESTMENT PROGRAM GRANT: SIEMENS ENERGY, INC.

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes and Commissioners James and Leake voting no, to approve the County’s share of a Business Investment Program Grant to Siemens Energy, Inc. for a total estimated amount of $1,484,562. (Total City/County grant is estimated at $2,296,319) and authorize the County Manager to negotiate and execute contract.

John Allen, Economic Development Director, addressed this matter prior to the above vote.

Note: Siemens Energy, Inc. develops and builds power plants and power generating components, including alternative energy devices such as wind turbines. It employs 740 workers at an existing Charlotte facility on Westinghouse Boulevard. After considering locations in Orlando, FL and Charlotte, Siemens has decided to centralize its engineering functions here. It will construct a $12 million, LEED certified building, install approximately $40 million of machinery and equipment and create approximately 226 new jobs at an average wage of approximately $65,000 per year.

(28) RETIREE HEALTH BENEFITS FOR FORMER COUNTY COMMISSIONERS

Commissioner James and Attorney Bethune addressed the opinion from Attorney General about the authority for a county to provide health insurance to former county commissioners requested by the Board on September 3, 2008.

Note: By letter dated April 28, 2009 Lori Fuller, Special Deputy Attorney General, answered by letter in which she stated as follows: “Based on our reading of the relevant statutes, we agree that the county commissions do not have statutory authority to offer health benefits to retired elected officials.” Her letter did not, however, address the legality of other local governments to offer such benefits, or address any other kind of retiree benefits.

Durham County had requested that one of its State Senators introduce legislation to amend the statutes to allow counties to offer health insurance to former county commissioners. Senate Bill 468 was introduced as state-wide legislation and was in the process of being converted by the Pensions & Retirement & Aging Committee into a bill only for those 22 counties whose State Senators had asked that their counties be included, but when adopted by the Senate on May 14, 2009, was approved as a public bill applicable to all counties. The bill has now crossed over to the House and referred to the Committee on Pensions and Retirement.

Commissioner James noted that this question was initiated by him, because he wanted to know if a Commissioner retired, could that Commissioner like other County employees, pay the group rate and get retiree medical.

Commissioner James said although it’s been determined that this is not permissible, there are local governments in the state that do offer this benefit. He noted also the bill that’s being considered and if it passes, then this matter may come back to Board at some point.

No action was taken or required by the Board. Commissioner James said he placed the matter on the agenda for informational purposes.
(29) REFUNDING BONDS

Finance Director Dena Diorio addressed Variable Rate Restructuring. She was assisted by Kent Lawrence with Citigroup, the underwriter for this transaction and Ed Lucas with Robinson, Bradshaw & Hinson, P.A. the County’s bond counsel. The following was covered:

- Purpose of Restructuring
- Variable Rate Debt Overview
- Debt Mix Pre-Restructuring
- Restructuring Candidates
- Restructuring Strategy
- Debt Mix Post-Restructuring
- Benefits to Restructuring

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

Comments

Commissioner Dunlap asked if taking this action increases the County’s debt capacity. The response was it does not have an impact on the County’s ability to continue with its capital program as it has been laid out.

Commissioner Bentley asked was there a cost savings because a liquidity facility isn’t needed. The response was the County would save for that portion, because there’s a savings in the fees that the County would have paid had the County continued in the variable rate mode.

Commissioner Clarke asked about Limited Obligation Bonds. The response was that it’s a Certificate of Participation (COP) with a different name, but it’s perceived a little differently in the market.

Commissioner Clarke asked what happens with respect to the Window Variable Rate Demand Bonds if you’re in another market crisis and you can’t refinance the ones that have been put back to the County. The response was that the County would serve as the “back stop” for those bonds.

Commissioner Clarke asked was the County’s risk being increased or decreased. The response was that the County is not taking any additional risk.

Commissioner Clarke asked why COPs carry a higher interest rate then General Obligation Bonds. The response was that General Obligation Bonds are backed by the full faith and credit of the government; so the County is obligated to make those payments. COPs are subject to annual appropriations. Thus, the Board could decide in any year that it was not going to appropriate the money to make the payments on those COPs and because of this there’s a little more risk associated with COPs and that’s what makes the credit rating a little lower and the interest rate a little higher.

Commissioner Cooksey asked what happens if the County doesn’t appropriate the money. The response was that the County would default and would never be able to borrow money again.
There would also be a foreclosure on the collateral.

Director Diorio said she would never recommend the Board not appropriate funds for this purpose.

Commissioner Cooksey asked for clarification with respect to the aggregate debt service schedule, which was addressed.

Commissioner Cogdell asked was it correct that by doing this the County could potentially be saving $30+ million. The response was yes.

*       *       *

RESOLUTION RELATING TO REFUNDING BONDS

Commissioner Bill James introduced the following resolution, which was read by its above title:

WHEREAS, the Board of Commissioners (the “Board”) 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 $295,000,000 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 as follows:

Section 1. The 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, (ii) the principal amount of such bonds is adequate and not excessive for the proposed purpose of such bonds, (iii) the County’s debt management procedures and policies are good and are managed in strict compliance with law, (iv) no increase in taxes is expected as a result of issuance of such bonds and (v) such bonds can be marketed at reasonable rates of interest.

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

Section 3. The Local Government Commission is hereby requested to sell the bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the County, subject to the approval of the County.

Section 4. The Board recommends the selection of the following professionals to be on the financing team for the bonds and that their services be utilized to the extent required and where appropriate:

   Bond Counsel    Robinson, Bradshaw & Hinson, P.A.

   Underwriters    Citigroup Global Markets Inc.

The Board hereby requests the Local Government Commission to approve such professionals as members of such financing team. The Board will at a later date make recommendations for the
selection of other persons required in connection with the issuance of the bonds.

Section 5. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Bill James, seconded by Commissioner Neil Cooksey, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

* * *

RESOLUTION TO INTRODUCE BOND ORDER

Commissioner Bill James moved adoption of a resolution to introduce the bond order, that motion was seconded by Commissioner George Dunlap, and the resolution was read by the above title.

BOND ORDER AUTHORIZING THE ISSUANCE OF $295,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG

WHEREAS, the County of Mecklenburg (the "County") has issued Variable Rate General Obligation Bonds, Series 1996C, dated March 1, 1996 (the "1996C Bonds"), a certain portion of which remain outstanding (the "Outstanding 1996C Bonds"); and

WHEREAS, the County has issued Variable Rate General Obligation Bonds, Series 1998C, dated January 29, 1998 (the "1998C Bonds"), a certain portion of which remain outstanding (the "Outstanding 1998C Bonds"); and

WHEREAS, the County has issued Variable Rate General Obligation Bonds, Series 2000E, dated November 1, 2000 (the "2000E Bonds"), a certain portion of which remain outstanding (the "Outstanding 2000E Bonds"); and

WHEREAS, the County of Mecklenburg (the "County") has issued Variable Rate General Obligation Bonds, Series 2002C, dated August 7, 2002 (the "2002C Bonds"), a certain portion of which remain outstanding (the "Outstanding 2002C Bonds"); and

WHEREAS, the County has issued Variable Rate General Obligation Bonds, Series 2005B, dated February 9, 2005 (the "2005B Bonds"), a certain portion of which remain outstanding (the "Outstanding 2005B Bonds"); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding 1996C Bonds, Outstanding 1998C Bonds, Series 2001D, Outstanding 2000E Bonds, Outstanding 2002C Bonds, and Outstanding 2005B Bonds (collectively referred to herein as the "Bonds to be Refunded") pursuant to and in accordance with The Local Government Finance Act; and;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:
Section 1. The County Board of Commissioners has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

Section 2. To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of bonds authorized by this bond order shall be $295,000,000.

Section 3. Taxes sufficient to pay the principal of and interest on those bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County’s debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. The bond order shall take effect upon its adoption.

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

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

* * *

RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDER

Commissioner Bill James moved the adoption of the following resolution, the motion was seconded by Commissioner George Dunlap, and the resolution was read by title:

WHEREAS, the bond order entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF $295,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG" has been introduced at the meeting of the Board of Commissioners of the County of Mecklenburg held on June 2, 2009, and the Board desires to provide for a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Finance Act;

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

The public hearing upon that bond order shall be held at the Charlotte-Mecklenburg Government Center, 600 East Fourth Street, Charlotte, North Carolina, at a meeting that begins at 6:00 P.M. June 16, 2009.

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

The County's Director of Finance is hereby directed to file with the Clerk to the Board prior to publication of the bond order with the notice of such public hearing, a statement setting forth the
JUNE 2, 2009

Debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

The motion was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

* * *

Extract and Resolutions recorded in full in Minute Book 44-A, Documents # ________, ________ and ________.

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

(12) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to recognize and receive Area Mental Health Monthly Financial Report for the period ending April 30, 2009.

AREA MENTAL HEALTH AUTHORITY

Statement of Revenues and Expenses
FY 2009, For the period ending April 30, 2009

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,178,693</td>
<td>9,912,897</td>
<td>65.31%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>33,869,491</td>
<td>24,137,066</td>
<td>71.26%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>150,541</td>
<td>64,762</td>
<td>43.02%</td>
</tr>
<tr>
<td>Grants</td>
<td>3,871,205</td>
<td>2,466,063</td>
<td>63.70%</td>
</tr>
<tr>
<td>County</td>
<td>45,167,108</td>
<td>32,041,547</td>
<td>70.94%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$98,237,038</strong></td>
<td><strong>$68,622,335</strong></td>
<td><strong>69.85%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>6,909,463</td>
<td>5,271,753</td>
<td>76.30%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,808,640</td>
<td>8,053,930</td>
<td>58.33%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>13,946,237</td>
<td>4,858,072</td>
<td>34.83%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,829,453</td>
<td>13,508,756</td>
<td>97.68%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>11,268,435</td>
<td>7,427,337</td>
<td>65.91%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>20,075,073</td>
<td>16,434,104</td>
<td>81.86%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,399,737</td>
<td>13,068,383</td>
<td>71.02%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$98,237,038</strong></td>
<td><strong>$68,622,335</strong></td>
<td><strong>69.85%</strong></td>
</tr>
</tbody>
</table>

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

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

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

(15) JAIL CENTRAL TILE KITCHEN FLOOR REPLACEMENT PROJECT

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the award to EVE, Inc. based on a proposal in the amount of $310,400 that best meets the project criteria for the tile kitchen floor replacement project for Jail Central.

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

(19) LAND ACQUISITION FOR SOUTHWEST LIBRARY SITE

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the purchase of Tax Parcel 201-072-26 (+/- 5.0 acres) by the Public Library of Charlotte & Mecklenburg County at the intersection of Steele Creek and Shopton Roads for $1,625,000.

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

(22) TUCKASEEGEE PARK SIDEWALK

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to grant to City of Charlotte fee simple rights to 16,989 square feet of land within the existing functional right of way of Tuckaseegee Road and 5,934 square feet of park property frontage along the road plus 510 square feet of temporary construction easement for a sidewalk along the entire frontage of the park property.

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

(25) ESTABLISH STATE FUNDED POSITIONS FOR AREA MENTAL HEALTH

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve establishing three positions within Area Mental Health: two Counselors; and one Case Coordinator.

Note: Positions will provide services for the Structured Day program. These are state funded positions.

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

(14) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS
Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to defer consideration to:

1) Amend the LUESA Fee Ordinance to reflect a new fee for Land Development.
2) Amend the LUESA Fee Ordinance to reflect changes to zoning fees until the June 16, 2009 meeting.

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

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:55 p.m.

____________________  __________________________
Janice S. Paige, Clerk          Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COUNTY COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in a Special Budget Workshop Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 5:00 p.m. on Wednesday, June 3, 2009. Dinner was held at 4:30 p.m.

ATTENDANCE

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

Absent: None

FY 2009 - 2010 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 FY09-10 Recommended Budget.

Chairman Roberts turned the meeting over to County Manager Jones, who in turn, called on Budget and Management Director Hyong Yi.

The first matters of business, however, were to receive a presentation from Central Piedmont Community College and from Finance Director Dena Diorio.

CPCC

Dr. Tony Zeiss, President of Central Piedmont Community College (CPCC), Michael Moss and Kathy Drumm of his staff, briefed the Board on the following:

- CPCC’s Vision
- Campuses
- Student Population
- Impact on the Community
- Dislocated Worker Initiatives
- Growth
- Operating Budget Components
- FY 09-10 Operating Budget Request
- Capital Reserve Projects
- FY 2010 Cash Flow Requirements

A copy of the presentation is on file with the Clerk to the Board.
Commissioner Cooksey asked how any additional funding would be used by CPCC, if it became available. The response was that it would be used to train more students by adding classes.

Commissioner Cooksey asked if any existing staff was being cut, as a result of the current budget situation. The response was no. The cuts are coming from the deletion of vacant positions and retirements.

**FY 2010 Revenue Budget Estimates**

Finance Director Dena Diorio addressed 2010 Revenue Budget Estimates.

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

Comments

Commissioner Dunlap, with respect to property taxes, asked if the number had changed from the proposed budget. *The response was no.*

Commissioner Clarke, with respect to sales taxes, asked for clarification on Article 42 and 39, which was addressed.

Commissioner Clarke asked if point of sale and point of delivery was the same. *The response was yes.*

Commissioner Cogdell asked for clarification on assessed valuation, which was addressed.

Director Yi addressed the process for moving forward and handouts that were distributed to the Board.

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

**Rules Of Engagement**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve as the rules of engagement for the straw voting process, to operate in the confines of the current revenue projections within the County Manager’s Recommended FY 09-10 Budget; and that any Commissioner requesting additional funding must simultaneously identify a source of reduction for that amount.

*Note: This means any change would have a zero impact on the tax rate.*

**STRAW VOTES**

*Note: During the straw vote process it is not necessary for a motion to have a second in order to be voted upon. Also, under the straw vote process, motions can be made by the Chairman.*

**County Manager's Recommended FY09-10 Budget**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and *failed 8-1* with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts voting no
JUNE 3, 2009

and Commissioner Leake voting yes, to **approve the County Manager’s Recommended FY09-10 Budget.**

**Charlotte/Mecklenburg Schools (CMS) Operational Funding**

Motion was made by Commissioner James and **failed 8-1** with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting no and Commissioner James voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: **Take $15 million from Line Item 8, Charlotte/Mecklenburg Schools (CMS) Operational Funding and place it in restricted contingency,** to be distributed at the County Manager’s discretion. Further, that the monthly payments to CMS remain the same; and the funding in restricted contingency would be distributed at the end of the year if there was no interruption in state funds to the County.

Prior to the above vote:

Commissioner James said he proposed this in case state funding is pulled and the County finds itself in the situation it was in, in March of this year. Commissioner James said this resulted in CMS funding being reduced because of the economic recession and the County’s need to cut expenditures to balance its FY2009 budget. He said it took action by the Board to do so but placing funds in restricted contingency would avoid the County going through the process it did back in March.

County Manager Jones said if future reductions are needed on the part of CMS, the Board can take the same action it took in March of this year. Thus, funding does not have to be placed in restricted contingency. It would be done in accordance with General Statute 159-13, section nine (9), which requires specific steps be taken to reduce school funding. First, the Board of County Commissioners must hold a public meeting where the Board of Education is provided an opportunity to present information on the impact of the proposed reduction. Second, the Board of County Commissioners must take a public vote on the decision to reduce appropriations.

Commissioner Clarke asked what would be the impact on CMS if the Board placed part of CMS’ FY09-10 allocation in restricted contingency. **The response was that CMS would not be able to adopt their budget with that amount included because the funds would not have been appropriated to CMS.**

Commissioner Murrey said he was opposed to placing funds in restricted contingency for CMS because of the impact it would have on CMS. Commissioner Murrey said if the Board determines additional reductions are needed, then the Board should follow the process used in March.

**Salary Supplement for CMS Employees**

Motion was made by Commissioner Leake and **failed 7-2** with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey, and Roberts voting no and Commissioners James and Leake voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: **To take $1 million from Line Item 8, Charlotte/Mecklenburg Schools (CMS) Operational Funding and place it in restricted contingency,** to be used to supplement salaries for CMS employees.

**Drug Treatment Court**

Motion was made by Commissioner Cogdell to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To fund Line Item 21, Drug Treatment Court at the FY09 Level and to take the needed corresponding amount from Line Item 225 Park Operations and Maintenance.
JUNE 3, 2009

Director Yi informed the Board that the information provided with respect to the Drug Treatment Court was incorrect and that funding was not reduced. Thus, no action was needed.

Pay As You Go

Director Diorio addressed Pay As You Go.

Chairman Roberts asked for clarification with respect to the recently approved new Debt Policy. It was noted that any change at this point in the policy would result in a downgrade because a change will have occurred prior to the policy even being implemented.

Commissioner Dunlap asked for clarification with respect to fund balance, which was addressed. It was noted that it’s not good to use fund balance without a replenishment plan.

Middle School Matters (P.O.S.T. Partners in Out of School Time)

Motion was made by Commissioner Leake and failed 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Murrey, and Roberts voting no and Commissioners Cooksey and Leake voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease funding for Line Item 54 Middle School Matters (P.O.S.T. Partners in Out of School Time) by $75,000 and place that amount in restricted contingency. Secondly, to direct staff to develop a process for distributing these funds to other agencies involved in after school programs.

Prior to the above vote:

Commissioner Leake said a committee is needed to make sure there is equity for any agency that wants to draw down funds for programs to enhance the education of children in the district.

Commissioner Leake questioned giving funds to one agency and then persons with programs have to go to that individual or program chairperson to seek funding, when it’s taxpayers’ money. Commissioner Leake said there needs to be a designated process which would allow more people to access those funds.

Commissioner Leake said it’s her understanding that funds go to P.O.S.T and then other agencies or programs have to go to P.O.S.T. for funding and many are denied. Two organizations were noted as not receiving funding from P.O.S.T., First Baptist West and Saint Paul churches.

Commissioner Leake said the allocation of these funds should not be “political.”

Commissioner Murrey said he was opposed to the motion, but thinks staff should review how these grants have been awarded. Commissioner Murrey said it would assist the Board in moving forward.

Commissioner Cogdell echoed Commissioner Murrey’s comments.

Commissioner Cooksey said the funding of Outside Agencies is really done on limited data. Commissioner Cooksey said in the future he would like to see more data as it relates to the number of people served and the services provided with allocated funds.

Chairman Roberts said she feels the entire Outside Agency funding process needs tweaking.

Chairman Roberts said she’s concern that there are high performing agencies that are not receiving full funding, yet, low performing agencies are still receiving funding.

Commissioner Dunlap noted that the Board’s Effective and Efficient Government Committee is looking at this issue.
Commissioner Cogdell asked was there language in the grant to Outside Agencies that restricts funding to be used in Mecklenburg County. The response was yes.

Commissioner Murrey suggested staff review the evaluation schedule for Outside Agencies. He suggested low performing agencies be evaluated next year and if they’re still low performers that funding be eliminated. For the moderate performers, he suggested every two years and high performers every four years.

**Domestic Violence Adult Victim Services**

Commissioner Cogdell asked for clarification on the reduction to Line Item 57 Domestic Violence Adult Victim Services, which was addressed by Director Stacy Lowery. It was noted there was not a reduction overall, that certain services were removed and placed in different areas. The amount shown does not impact services in this area.

**Fighting Back**

Motion was made by Commissioner Leake and failed 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts voting no and Commissioner Leake voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: *Retain Line Item 66, the Fighting Back Program* and use the funds from Line Item 54 Middle Schools Matters (P.O.S.T. Partners in Out of School Time).

Prior to the above vote:

Commissioner Cooksey asked for clarification on the Fighting Back Program. Director of Area Mental Health Grayce Crockett addressed Fighting Back. It was noted that there are other sources of funding for the provision of these services.

The Board recessed at 8:03 p.m. and reconvened at 8:08 p.m.

**Other Post Employment Benefits and Employee Market Adjustments**

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

Motion was made by Commissioner Dunlap and carried 7-1 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioner Cooksey voting no, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease Line Item 94 Other Post Employment Benefits by $1 million and increase Line Item 99 Employee Market Adjustments by $1 million effective January 1, 2010.

**Other Post Employment Benefits**

Motion was made by Commissioner Cooksey and failed 7-1 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting no and Commissioner Cooksey voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease Line Item 94 Other Post Employment Benefits by $1 million and place $1 million in contingency.

Commissioner Bentley returned to the meeting.

**Employment Services Resource Center – New Beginnings Program**
JUNE 3, 2009

Motion was made by Commissioner Dunlap and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioner James voting no, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To direct staff to find the necessary funding to restore funding for the New Beginnings Program, $112,000 and to consider decreasing Line Item 106 Non-Departmental (Accounting).

Park Operations and Maintenance – Communities In Schools – Latin American Coalition – YMCA Strengthening Families – Work First (DSS)

Motion was made by Commissioner Murrey, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease Line Item 225 Park Operations and Maintenance for lighting of fields by $250,000 and use that $250,000 in the following manner: Add $150,000 to Line Item 157 Work First (DSS) for intake specialists; Add $75,000 to Line Item 252 Communities In Schools; Add $10,000 to Line Item 253 Latin American Coalition; Add $15,000 to Line Item 259 YMCA – Strengthening Families (Outside Agency).

Following discussion of the above motion, Commissioner Cogdell offered a friendly amendment to Commissioner Murrey’s motion with respect to full funding for Communities and Schools which Commissioner Murrey accepted.

Thus, the motion was as follows:

Motion was made by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioner Clarke voting no, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease Line Item 225 Park Operations and Maintenance for lighting of fields by $250,000 and use that $250,000 in the following manner: Add $105,000 to Line Item 157 Work First (DSS) for intake specialists; Add $120,000 to Line Item 252 Communities In Schools; Add $10,000 to Line Item 253 Latin American Coalition; Add $15,000 to Line Item 259 YMCA – Strengthening Families (Outside Agency).

Providence and West Charlotte High School Pools

Commissioner Leake addressed Line Item 248 Indoor Pools.

Motion was made by Commissioner Leake, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease unrestricted contingency by $60,000 and use that $60,000 to open the pools at Providence and West Charlotte High Schools during the summer months, June 15 – August 15, 2009, Monday-Friday, 3:00 – 9:00 p.m.

Park and Recreation Director Jim Garges addressed this issue. It was noted that the current agreement with CMS is for March – June. Staff will have to get with CMS regarding extending that timeframe.

Commissioner Clarke said he was not supportive of using contingency funds.

Commissioner Cooksey suggested taking the funds out of Line Item 234 Community Building Initiative.

After further discussion, Director Garges said staff would follow up with CMS and that the department would absorb the cost, $60,000.

Arts & Science Council Cultural Diversity Grant/Community Building Initiative/ NCCJ-Empowered Youth Initiative (Outside Agencies)
Commissioner Leake didn’t make any motions with respect to the Arts & Science Council Cultural Diversity Grant, Community Building Initiative, and NCCJ-Empowered Youth Initiative (Outside Agencies), but noted she’s concerned about all of these programs. Commissioner Leake said with respect to these programs that “we talk the talk but don’t walk the talk.”

**Arts & Science Council Cultural Diversity Grant/NCCJ-Empowered Youth Initiative (Outside Agencies)/ Charlotte-Mecklenburg Council on Aging**

Motion was made by Commissioner Bentley, and **failed 5-4** with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, James, and Leake voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease Line Item 233 Arts & Science Council Cultural Diversity Grant by $30,000 and decrease Line Item 235 NCCJ-Empowered Youth Initiative by $20,000 and **increase Line Item 44 Charlotte-Mecklenburg Council on Aging by $50,000.**

**Nextel NASCAR Allstar Event**

Motion was made by Commissioner James, and **failed 7-2** with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley and James voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To delete funding for Line Item 220 Nextel NASCAR Allstar Event in the amount of $62,500 and increase funding for Line Item 225 Park Operations and Maintenance by $62,500.

**Developmental Disabilities Services**

Motion was made by Commissioner Cooksey, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: To decrease Line Item 233 Arts & Science Council Cultural Diversity Grant by $50,000, Line Item 234 Community Building Initiative by $70,000, and Line Item 235 NCCJ-Empowered Youth Initiative by $20,000; and increase Line Item 213 Developmental Disabilities Services by these amounts for a total of $140,000.

Chairman Roberts asked staff to find funds from other areas to accomplish Commissioner Cooksey’s request, rather than from the Line Items Commissioner Cooksey outlined.

It was noted by staff that $40,000 was available without increasing the tax rate.

After further discussion, Commissioner Cooksey amended his motion as noted below.

Motion was made by Commissioner Cooksey and **unanimously carried** with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the County Manager’s Recommended FY09-10 Budget with the following amendment: **To increase Line Item 213 Developmental Disabilities Services by $140,000** and direct the County Manager to use his discretion in determining what line items will be reduced to get the additional $100,000 that’s needed, in light of the fact that staff has already indicated the availability of $40,000 as a result of rounding.

Motion was made by Commissioner Clarke, seconded by Commissioner James and **unanimously carried** with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to direct staff to take the results of tonight’s straw votes and prepare a budget ordinance accordingly for consideration by the Board on June 16, 2009.
Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:25 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, June 16, 2009.

ATTENDANCE

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

Absent: None.

- INFORMAL SESSION -

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

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

(1) STAFF BRIEFINGS - NONE

(2A, 2B) CLOSED SESSION – CONSULT WITH ATTORNEY & PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune said it would not be necessary for the Board to go into Closed Session to Consult with Attorney, only Personnel Matter.

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

Motion was made by Commissioner Clarke, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to go into Closed Session for the following purpose: Personnel Matter.

The Board went into Closed Session at 5:31 p.m. and came back into Open Session at 5:51 p.m.

Commissioners Cogdell and Murrey were present when the Board came back into Open Session.

Commissioner Dunlap was absent when the Board came back into Open Session and until noted in the minutes.
REMOCAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 19, 20, 21, 25, and 26.

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

-FORMAL SESSION-

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

Commissioner Dunlap returned to the meeting.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) SICKLE CELL AWARENESS DAY

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating June 19, 2009 as “Sickle Cell Awareness Day” in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Pat Lambright, Executive Director, Sickle Cell Regional Network.

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:

Dave Cable with the Catawba Lands Conservancy presented a plaque to the Board in appreciation of the Board’s support of the Conservancy.

MANAGER’S REPORT

(6A) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS – (LAND DEVELOPMENT & ZONING SERVICES)

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to amend the LUESA Fee Ordinance to reflect a new fee for Land Development; and amend the LUESA Fee Ordinance to reflect changes to zoning fees.

Note: The new land development fee will provide expedited plan review services. This is an optional fee to customers, with revenue from the fees used to offset the costs incurred by the County for an outside engineering firm to review the plans.

Note: In previous years, land development fee revenue supported zoning services. This has not been a major problem until the recent downturn in land development activity that reduced
revenue from this fee. A review of staffing levels, time spent on processing zoning permits and a comparison to the City of Charlotte’s zoning permit fees was performed, and revisions to zoning fees proposed. The fee increases will result in zoning services being 100% fee funded, and impacts the Zoning Use, Change of Use and Sign Permits only. Zoning Use and Sign Permits have not been increased since 2006. Change of Use Permits have not bee increased since 1988.

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

(6B) OPERATING BUDGET AND WORK PROGRAM FOR FY 2009-2010

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Mecklenburg County, North Carolina Budget Ordinance Fiscal Year 2009-2010 and Work Program.

Note: The adoption of this Budget Ordinance sets the tax rate at 83.87 cents, which is the same as last Fiscal Year’s tax rate.

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

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

(3) APPOINTMENTS

BICYCLE COMMITTEE

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Elizabeth Barnhardt to the Bicycle Committee for a three-year term expiring March 6, 2012.

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Tommie Blakeney, James Bowers, Bruce Hamlett and Eric Little to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2010.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Bruce Hamlett as Chair of the Board of Motor Vehicle and review for the duration of his term.

The following persons were nominated for appointment consideration to the Board of Motor Vehicle Review:

Dietrich Brown by Commissioner Murrey
John Kral by Commissioner James

Note: An appointment will occur on July 7, 2009.

BUILDING DEVELOPMENT COMMISSION

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

She is replacing Charles Watts.

JURY COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Gail Gibson to the Jury Commission for a two-year term expiring June 30, 2011.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Akenna Blackmon, Jeff Hood and Emily Marroquin to the Juvenile Crime Prevention Council for a two-year term expiring June 30, 2011.

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

Commissioner Cooksey returned to the dais.


Note: Appointments will occur on July 7, 2009.

PUBLIC BROADCASTING AUTHORITY

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Liz Downing, Timothy Flanagan and William Fuller to the Public Broadcasting Authority for a three-year term expiring June 30, 2012. Secondly, to nominate and appoint Tom Bickford to fill an unexpired term expiring June 30, 2010.

He is replacing Kimberly Henderson.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reappoint Clarissy Knox to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2011 and to nominate and appoint Michelle Lucas-Webb as the alternate representative for a one-year term expiring June 30, 2010.

She is replacing Kimberly Gossage.

PUBLIC HEARINGS

(4A) REFUNDING BONDS

REPORT FROM CLERK
JUNE 16, 2009

The Clerk to the Board of Commissioners reported to the Board of Commissioners that the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $295,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” which had been introduced on June 2, 2009, had been published in a qualified newspaper on or before June 10, 2009, with notice that the Board would hold a public hearing thereon on June 16, 2009. The Clerk also reported that the County’s Director of Finance had filed in the Clerk’s office a statement of debt complying with the provisions of The Local Government Bond Act and that such statement showed the net indebtedness of the County to be 3.11% of the assessed valuation of property in the County subject to taxation.

* * *

PUBLIC HEARING ON BOND ORDER

Commissioner Harold Cogdell, Jr. moved that the Board proceed to hold a public hearing on the bond order. The motion was seconded by Commissioner Karen Bentley and was unanimously adopted.

At 7:15 P.M., the Chairman of the Board announced that the Board would hear anyone who wished to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds.

After the Board had heard all persons who requested to be heard, Commissioner George Dunlap moved that the public hearing be closed. The motion was seconded by Commissioner Karen Bentley and was unanimously adopted, 8-0.

Note: Commissioner James was not present at the time this matter came before the Board.

* * *

ADOPTION OF BOND ORDER

Commissioner Dumont Clarke moved that the Board adopt without change and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $295,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on June 2, 2009. The motion was seconded by Commissioner Harold Cogdell, Jr. and was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

Resolutions and Extracts recorded in full in Minute Book 44-A, Document #_______, _______.

* * *

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner George Dunlap moved adoption of the following resolution, the motion was seconded by Commissioner Dumont Clarke, and the resolution was read by the above title.
WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

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

1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on June 16, 2009, the Issuer shall issue its bonds in the maximum aggregate principal amount of $170,000,000.

2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2009C” (the “Bonds”). The Bonds shall be dated their date of issuance, and shall bear interest from their date at a rate or rates that shall be determined upon the private sale of the Bonds, and interest shall be payable on March 1, 2010, and semi-annually thereafter on March 1 and September 1. The Bonds shall mature annually on March 1, as determined upon their sale.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

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 in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

4. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.
The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

5. The Bonds and the endorsements thereon shall be in substantially the following form:

```
NO. R- $_________

United States of America
State of North Carolina
COUNTY OF MECKLENBURG
GENERAL OBLIGATION REFUNDING BOND, SERIES 2009C

INTEREST RATE  MATURITY DATE  DATE OF BOND  CUSIP

September 3, 2009

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 March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a March 1 or September 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on March 1, 2010, and semi-annually thereafter on March 1 or September 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 June 16, 2009 (the “Bond Order”) and a resolution adopted by that Board (the “Resolution”) to provide funds, together with any other funds that may be provided, to refund all or a portion of the County’s outstanding Variable Rate General Obligation Bonds, Series 1996C, Variable Rate General Obligation Bonds, Series 1998C, and Variable Rate General Obligation Bonds, Series 2000E.

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated its date of issuance.

Chairman of the Board of Commissioners

(SEAL)

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 Order and Resolution.
ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints ________________________________, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: ________________________

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed: __________________________

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

6. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual
to satisfy and discharge the liability upon that Bond including the interest thereon, to the extent of
the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and
make such other arrangements as may be necessary for the registration, registration of transfer and
exchange of Bonds within a reasonable time according to commercial standards then applicable and
for the timely payment of principal and interest with respect to the Bonds. The Director of Finance
of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds
(collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to
appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East
Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration,
registration of transfer, exchange and payment of the Bonds as provided in this resolution.

7. 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.

8. 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.

9. 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.

10. The Issuer hereby authorizes the officers of the Issuer designated therein to execute
and deliver a Bond Purchase Agreement and an Official Statement in such form as may be approved
by them, their execution thereof constituting conclusive evidence of such approval. The Preliminary
Official Statement and the Official Statement are hereby authorized for use in connection with the
sale of the Bonds. The Director of Finance is hereby authorized to determine and approve the
principal amount of the Bonds, the annual maturity amounts, interest rates and sale prices of the
Bonds, and any other details necessary in connection with the sale of the Bonds.

11. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to
provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer,
to the Municipal Securities Rulemaking Board (“MSRB”), audited financial statements of
the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of
the General Statutes of North Carolina, as it may be amended from time to time, or any
successor statute, or, if such audited financial statements of the Issuer are not available by
seven months from the end of such fiscal year, unaudited financial statements of the Issuer
for such fiscal year to be replaced subsequently by audited financial statements of the Issuer
to be delivered within 15 days after such audited financial statements become available for
distribution.

(b) by not later than seven months from the end of each fiscal year of the Issuer,
to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the
preceding fiscal year for the type of information included under heading “The County - Debt
Information and - Tax Information” in Appendix A to 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, to the MSRB, notice of any of the following events with
respect to the Bonds, if material:

(1) principal and interest payment delinquencies;
(2) non-payment related default;
(3) unscheduled draws on debt service reserves reflecting financial
difficulties;
(4) unscheduled draws on any credit enhancements reflecting financial
difficulties;
(5) substitution of any credit or liquidity providers, or their failure to
perform;
(6) adverse tax opinions or events affecting the tax-exempt status of the
Bonds;
(7) modification to the rights of the beneficial owners of the Bonds;
(8) bond calls;
(9) defeasances;
(10) release, substitution or sale of any property securing repayment of the
Bonds;
(11) rating changes; and

(d) in a timely manner, to the MSRB, notice of a failure of the Issuer to provide
required annual financial information described in (a) or (b) above on or before the date
specified.

The County shall provide the documents referred to above to the MSRB in an electronic
format as prescribed by the MSRB and accompanied by identifying information as prescribed by the
MSRB.

The County may discharge its undertaking described above by transmitting the documents
referred to above to any entity and by any method authorized by the U.S. Securities and Exchange
Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of
the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to
such undertaking, including an action for specific performance; provided, however, that failure to
comply with such undertaking shall not be an event of default and shall not result in any acceleration
of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided
in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to
the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in
circumstances that arises from a change in legal requirements, change in law, or change in
the identify, nature, or status of the Issuer;
JUNE 16, 2009

(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 Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

* * *

Commissioner Jennifer Roberts introduced the following resolution, a copy of which had been provided to each Commissioner, and the title of which appeared in the agenda for the meeting:

RESOLUTION PROVIDING FOR THE ISSUANCE OF VARIABLE RATE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009D

Upon motion of Commissioner Dumont Clarke, seconded by Commissioner Vilma Leake, the following resolution was read by title and passed by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

* * * * *

BE IT RESOLVED by the Board of Commissioners (the “Board”) of the County of Mecklenburg, North Carolina (the “Issuer”):

WHEREAS, the Issuer has considered and evaluated both fixed and variable rate debt alternatives;
WHEREAS, the Issuer has considered and recognized that the current interest rates on fixed rate debt instruments are low and has determined that the estimated interest rate at which fixed rate debt could be issued is 5% (including the cost of termination payments due with respect to swaps relating to the refunded bonds);

WHEREAS, the Issuer has considered and recognized that variable interest rate debt instruments subject the Issuer to the risk of higher interest rates in the future, that the rate may be higher than the fixed rates that are currently available to the Issuer, and that in addition to the variable interest cost, the Issuer must pay the fees of the Remarketing Agent, which fees will increase the cost of the variable rate debt; and

WHEREAS, the Issuer believes that for this issue variable rate debt financing is preferable because (a) the initial interest rate is substantially below the fixed rate indicated above, (b) a variable rate provides the possibility of substantial cost savings over the life of the issue, (c) the interest rate can be fixed at any time, and (d) this variable rate issue refunds a variable rate issue.

1. Pursuant to and in accordance with the refunding bond order adopted by the Board on June 16, 2009, the Issuer shall issue its bonds in the maximum aggregate principal amount of $125,000,000. Such 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.

2. The bonds to be issued pursuant to the preceding paragraph shall be designated “County of Mecklenburg, North Carolina Variable Rate General Obligation Refunding Bonds, Series 2009D” (hereinafter referred to as the “Bonds”). The Bonds shall be issued pursuant to the terms of G.S. 159-79. The Issuer hereby requests that The North Carolina Local Government Commission specifically determine pursuant to G.S. 159-79(a)(1) that a Credit Facility is not required. To that end, the Issuer hereby finds that (i) the issuance of the Bonds is necessary or expedient, (ii) the principal amount of the Bonds is adequate and not excessive for the proposed purpose thereof, (iii) the County’s debt management procedures and policies are good and are managed in strict compliance with law, (iv) no increase in taxes is expected as a result of issuance of such bonds and (v) the Bonds can be marketed at reasonable rates of interest.
JUNE 16, 2009

3. The Bonds shall be issued substantially in the form and in accordance with the terms set forth in Appendix A 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 issuance of the Bonds to evidence conclusively the authorization and approval thereof by the Board.

4. The Board hereby requests the North Carolina Local Government Commission to sell the Bonds with variable interest rate at private sale and without advertisement and designates the County Manager and the County Director of Finance as the persons who must approve the price or prices at which the Bonds are sold by the North Carolina Local Government Commission. The purchase price of the Bonds shall be 100% of the par amount of the Bonds, and the maximum initial interest rate shall be 12% per annum.

5. The forms, terms, provisions and distribution and use by Citigroup Global Markets Inc. (the “Underwriter”) of the Bond Purchase Agreement among the Issuer, the Local Government Commission and the Underwriter, the Remarketing Agreement between the Issuer and the Underwriter, and the Official Statement with respect to the Bonds are hereby approved in all respects, and each of the officers of the Board, the County Manager and the County Director of Finance are hereby authorized and directed to execute and deliver those documents in substantially the forms presented to this meeting, together with such changes not inconsistent with the general tenor hereof and thereof as they, with the advice of counsel, may deem necessary and appropriate, such execution and delivery to evidence conclusively the authorization and approval thereof by the Board. Each of those officers and employees are also 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.

6. 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.
7. This resolution shall take effect upon its passage.

APPENDIX A

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

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

(4B) LIMITED OBLIGATION BONDS

PUBLIC HEARING

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 (a) the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in an amount not to exceed $275,000,000, for the purpose of refunding all or a portion of (i) the Variable Rate Certificates of Participation (2000 Mecklenburg County-School Project) (the “2000 Certificates”), (ii) the Variable Rate Certificates of Participation (2001 Mecklenburg County) (the “2001 Certificates”), (iii) the Variable Rate Certificates of Participation (2004 Mecklenburg County) (the “2004 Certificates”), (iv) the Variable Rate Certificates of Participation (2005 Mecklenburg County) (the “2005 Certificates”), and (v) the Variable Rate Certificates of Participation (2007A Mecklenburg County) (the “2007A Certificates” and together with the 2000 Certificates, the 2001 Certificates, the 2004 Certificates, and the 2005 Certificates, the “Refunded Certificates”) and (b) the County would secure the repayment by it of moneys advanced pursuant to such documents by granting a lien on a portion of the property originally financed with proceeds of the Refunded Certificates.

The Chairman announced that the notice of the public hearing was published in The Charlotte Observer on June 5, 2009.

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, pursuant to or who responded in writing to the notice of public hearing, are as follows: N/A

After the Board had heard all persons who had requested to be heard, Commissioner Karen Bentley moved that the public hearing be closed. The motion was seconded by Commissioner Harold Cogdell, Jr. and was unanimously adopted.

Note: Commissioners James and Leake were not present at the time this matter came before the Board.

* * *

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

RESOLUTION AUTHORIZING AND APPROVING AN INSTALLMENT FINANCING

WHEREAS, financing pursuant to Section 160A-20 of the North Carolina General Statutes must be approved by the Local Government Commission of North Carolina and will only be approved if the findings of Section 159-151(b) of the North Carolina General Statutes are met;
WHEREAS, the Board of Commissioners of the County duly conducted a public hearing today regarding an installment financing contract to finance the refunding all or a portion of (a) the Variable Rate Certificates of Participation (2000 Mecklenburg County-School Project), (b) the Variable Rate Certificates of Participation (2001 Mecklenburg County), (c) the Variable Rate Certificates of Participation (2004 Mecklenburg County), (d) the Variable Rate Certificates of Participation (2005 Mecklenburg County), and (e) the Variable Rate Certificates of Participation (2007A Mecklenburg County);

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

(1) Installment Financing Agreement to be dated as of September 1, 2009 (the “Contract”) between the County and Mecklenburg County Public Facilities Corporation (the “Corporation”);

(2) Deed of Trust to be dated as of September 1, 2009 (the “Deed of Trust”) from the County to a trustee for the benefit of the Corporation;

(3) Trust Agreement to be dated as of September 1, 2009 (the “Trust Agreement”) between the Corporation and a trustee (the “Trustee”);

(4) A Preliminary Official Statement (the “Preliminary Official Statement”) relating to Refunding Limited Obligation Bonds evidencing proportionate undivided interests in revenues to be received by the Corporation under the Contract (the “Bonds”); and

(5) Bond Purchase Agreement (the “Purchase Contract”) between Citigroup Global Markets Inc. (the “Underwriters”) and the Corporation, including the Letter of Representations attached thereto (the “Letter of Representations”).

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

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

1. The Board hereby finds and determines in connection with the proposed installment financing contract that (a) such proposed installment financing contract is necessary or expedient to the County, (b) such proposed installment financing contract, under current circumstances, is preferable to a general obligation bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed installment 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 such proposed installment financing contract will not be excessive and (f) the County is not in default regarding any of its debt service obligations.

2. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed installment financing contract under Article 8 of Chapter 159 of the General Statutes of North Carolina.

3. The County Manager, the Director of Finance and any Deputy Director of Finance are hereby designated as representatives of the County to file an application for approval of such proposed installment financing contract with the Local Government Commission of North Carolina and are authorized to take such other action as may be advisable in connection with the negotiation of such proposed installment financing contract and the development of the related financing; and all actions
heretofore taken by the employees of the County relating to such matters are hereby approved, ratified and confirmed.

4. Each of the Contract, the Deed of Trust, and the Letter of Representation, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Director of Finance, any Deputy Director of Finance, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.

5. Each of the Trust Agreement and the Purchase Contract, in the form submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions or omissions as appropriate.

6. Each of the Preliminary Official Statement and the final Official Statement, in the form of the Preliminary Official Statement submitted to this meeting, is hereby approved, in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof in connection with the public offering and sale of the Bonds is hereby authorized.

7. The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution and to effect the installment financing pursuant to the Contract. Without limiting the generality of the foregoing, the Director of Finance or any Deputy Director of Finance is authorized to approve all details of the financing, including without limitation, the amount advanced under the Contract (which shall not exceed $275,000,000), the annual principal payments under the Contract, the interest rates for any fixed rate Bonds, the terms of the Contract, and the discount below the principal amount of the Bonds at which the Bonds are sold to the Underwriters or the fee paid to the Underwriters. Execution of the Contract by the Chairman of the Board, the County Manager, the Director of Finance or any Deputy Director of Finance, shall conclusively evidence approval of all such details of the financing.

8. All actions of the County effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transaction contemplated by the documents referred to above.

9. This Resolution shall become effective immediately upon its adoption.

Commissioner Harold Cogdell, Jr. seconded the motion and the motion was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Cooksey, Clarke, Dunlap, Murrey, and Roberts

Nays: None.

Note: Commissioners James and Leake were not present at the time this matter came before the Board.

* * *

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

Commissioner Leake returned to the dais.
STAFF REPORTS AND REQUESTS

(28) SIZING OF GENERAL OBLIGATION BOND SALE

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the size of the August 2009 bond sale totaling $100 million.

Note: This includes $90 million for CMS, the balance of $14 million from the 2002 referendum and $76 million from the 2007 referendum; and $10 million for Land (from the 2007 referendum). This issuance is estimated to provide sufficient cash to fund projects underway, along with anticipated funding from Pay-As-You-Go, until fiscal year 2011.

(29) GENERAL OBLIGATION BOND SALE RESOLUTION

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Dumont Clarke moved adoption of the following resolution, the motion was seconded by Commissioner Karen Bentley, and the resolution was read by the above title.

WHEREAS, the bond 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 school facilities bond order adopted by the Board of Commissioners on September 4, 2002, the Issuer shall issue its bonds in the aggregate principal amount of $14,000,000. 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 September 3, 2009.

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 $76,000,000. 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 September 3, 2009.

3. Pursuant to and in accordance with the land bond order adopted by the Board of Commissioners on September 5, 2007, the Issuer shall issue its bonds in the aggregate principal amount of $10,000,000. 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 September 3, 2009.

4. The bonds to be issued pursuant to the bond orders described in the preceding paragraphs 1 to 3, inclusive, shall be issued as one consolidated bond issue in the principal amount of $100,000,000 and designated “General Obligation Public Improvement Bonds, Series 2009B” (the “Bonds”). The Board of Commissioners has ascertained and hereby determines that the average period of usefulness declared in the preceding paragraphs 1 to 3, inclusive, is not less than 40 years computed from the date of the Bonds. The Bonds shall be dated September 3, 2009, and shall bear interest from their date at a rate or rates that shall be determined upon the public sale of the Bonds, and interest shall be payable on March 1, 2010, and semi-annually thereafter on March 1 and September 1. The Bonds shall mature annually on March 1, as follows:
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.

5. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable at the times stated in the preceding paragraph, and principal of the Bonds will be paid annually on March 1, as set forth in the above maturity schedule, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners.

The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

6. 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.

7. The Bonds and the endorsements thereon shall be in substantially the following form:

<table>
<thead>
<tr>
<th>UNITED STATES OF AMERICA</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE OF NORTH CAROLINA</td>
</tr>
<tr>
<td>COUNTY OF MECKLENBURG</td>
</tr>
<tr>
<td>GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2009B</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INTEREST RATE</th>
<th>MATURITY DATE</th>
<th>DATE OF BOND</th>
<th>CUSIP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>September 3, 2009</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 March 1 or September 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a March 1 or September 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on March 1, 2010, and semi-annually thereafter on March 1 or September 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 4, 2002 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.

The bonds maturing on and after March 1, 2020, shall be subject to redemption prior to their stated maturities at the option of the County on or after March 1, 2019, in whole or in part at any time at a redemption price equal to 100% 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 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 hereon, and this bond to be dated September 3, 2009.

Chairman of the Board of Commissioners

(SEAL)

Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

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: September 3, 2009

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints ________________________________

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in

the premises.

Dated: ________________________________

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

______________________________

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.
The Bonds maturing on and after March 1, 2020 shall be subject to redemption prior to their stated maturities at the option of the County on or after March 1, 2019, in whole or in part at any time at a redemption price equal to 100% 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 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.

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 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 actions of the Director of Finance of the Issuer and others in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds and the action of the Local Government Commission of North Carolina in asking for sealed and electronic bids for the Bonds by publishing notices and printing and distributing the Preliminary Official Statement and the Official Statement relating to the Bonds are hereby ratified and approved. That Preliminary Official Statement is hereby approved, and the Chairman of the Board of Commissioners, the County Manager and the Director of Finance of the Issuer are each hereby authorized to approve changes in the Preliminary Official Statement, to approve the Official Statement, and to execute the Official Statement for and on behalf of the Issuer. The Preliminary Official Statement is deemed to be a final official statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission, except for the omission of certain pricing and other information to be specified in the Official Statement.

10. 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.

11. 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.

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.

13. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

a. by not later than seven months from the end of each fiscal year of the Issuer, to the Municipal Securities Rulemaking Board (“MSRB”), audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or 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, to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

c. in a timely manner, to the MSRB, notice of any of the following events with respect to the Bonds, if material:
   i. principal and interest payment delinquencies;
   ii. non-payment related default;

iii. unscheduled draws on debt service reserves reflecting financial difficulties;
iv. unscheduled draws on any credit enhancements reflecting financial difficulties;
v. substitution of any credit or liquidity providers, or their failure to perform;
vi. adverse tax opinions or events affecting the tax-exempt status of the Bonds;
vii. modification to the rights of the beneficial owners of the Bonds;
viii. bond calls;
ix. defeasances;
x. release, substitution or sale of any property securing repayment of the Bonds;
xii. rating changes; and
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d. in a timely manner, to the MSRB, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The County shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any 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:

(d) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identify, nature, or status of the Issuer;

(e) 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

(f) 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 Bentley, Cogdell, Cooksey, Clarke, Dunlap, Leake, Murrey, and Roberts

Nays: None.

Note: Commissioner James was not present at the time this matter came before the Board.

Resolution and Extracts recorded in full in Minute Book 44-A, Document # ________.
ADVISORY COMMITTEE REPORTS

(5A) MODERNIZATION OF THE ABC SYSTEM-HOUSE BILL 768 AND SENATE BILL 839

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell, to adopt a resolution opposing HB 768 and SB 839 as requested by the Mecklenburg County ABC Board.

Calvin McDougal, Chief Executive Officer of the Mecklenburg County Alcoholic Beverage Control Board addressed this issue.

Note: HB 768 and SB 839, Modernization of the ABC System, makes significant changes to the state’s ABC system, as recommended by the Joint Legislative Program Evaluation Oversight Committee. These changes include allowing only one local ABC board in each county, requiring consolidation of certain assets and operations, allowing the North Carolina ABC Commission to merge local boards into one county board if consolidation has not taken place by July 1, 2011, and allowing the North Carolina ABC Commission to merge local ABC boards into regional ABC boards if the change would “best serve the needs of citizens, increase profitability and enhance revenues to affected local government.” The bill is opposed by the North Carolina Association of County Commissioners and the North Carolina League of Municipalities.

Comments

Commissioner Murrey asked for clarification with respect to opposition of the bills. The response was there are portions of the bills that they are supportive of, but the total bill contains language that would be objectionable to the local appointing authority and to the operation of local boards.

Commissioner Murrey asked was the “biggest” issue the possibility that there could be consolidation or the idea that there has to be profitability. The response was the term profitability has yet to be defined by the language of the legislation. At this point, it’s not known what the standards would be, or that the state would create, to determine whether a local board is performing up to a “said standard.”

Mr. McDougal said it’s felt profitability as a business concern should be paramount, but not at the risk of policies or practices that put the community at risk.

Commissioner Murrey asked for clarification on policies or practices that would put the community at risk, which was addressed.

Commissioner Murrey said it sounds like if you over sold a product that may not be conducive to good health or good social conduct that might be a negative influence on the community, but it might make you a lot of money.

Mr. McDougal acknowledged that Commissioner Murrey’s statement was correct.

Commissioner Clarke said he can see where having multiple ABC boards within a county could be a problem and it would make sense to have a regional board. He acknowledged that this would not be the case in Mecklenburg County because of its size, but for smaller counties in the state it may be better.

Commissioner Clarke asked Mr. McDougal was the “real” concern about the agency stores. He also asked would this change how things are operated in Mecklenburg County. The response was the language of the law has potential of effecting Mecklenburg County to the extent that it would any other community around the state. Further, that the merger situation is not as great of a concern for the ABC Board from a county aspect, but the legislation does propose that ABC Boards be considered for a regional merger and that would and could have a direct impact on Mecklenburg County’s Local ABC Board.
Commissioner Clarke said he still feels it would make sense for this to occur in some parts of the state.

Commissioner Clarke said he was reluctant to go on record opposing something that, in his opinion, is a system that calls out for some real changes. He stated also that a lot of the changes recommended, in his opinion, are good ones.

Commissioner Clarke asked for clarification on the agency stores, which was addressed.

Mr. McDougal said the concern of the N.C. League of Municipalities and the N.C. Association of ABC Boards is that many of these things are already permitted, particularly the merger, which is permitted by law for communities to come together to decide if they want to merge.

Mr. McDougal said the new nuance is the introduction of the agency stores, which he said goes back to Commissioner Murrey’s observation that does put into play the profit motivation for having some of these private entrepreneurs to sell spirits on behalf of the community, and that “sometimes historically at the risk of what is in the best interest of the general public.”

Commissioner Cooksey asked for clarification with respect to opposition of the bill and was the intent to oppose portions of the bill or the entire bill. Mr. McDougal said the intent was to oppose the bill in its entirety because of the language of the current bill. He said there are many components of the bill that’s supported but the bill in total, as written, contains language that’s detrimental to local control.

Commissioner Cooksey suggested the motion be amended to indicate that the Board is opposed to the portions of these bills that permit the state to merge local ABC Boards.

Chairman Roberts noted that the language in the proposed resolution indicates what Commissioner Cooksey suggested, as well as, address the concern for agency stores.

Mr. McDougal said the concern is that these bills seek to usurp some of the authority that is reserved for appointing authorities at this point in time and to transfer that authority to a state agency.

After further discussion, the vote was taken on the motion as follows:

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-2 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes and Commissioners Clarke, and Murrey voting no, to adopt a resolution opposing HB 768 and SB 839 as requested by the Mecklenburg County ABC Board.

MECKLENBURG BOARD OF COUNTY COMMISSIONERS RESOLUTION
SUPPORTING LOCAL CONTROL OF LOCAL ABC BOARDS AND OPPOSING FORCED MERGERS OF LOCAL ABCBOARDS

WHEREAS, the citizens of Mecklenburg County voted to permit the sale of spirituous liquor through the establishment of the Mecklenburg County ABC Board, which is a part of North Carolina’s state control system;

WHEREAS, SB 839/HB 768 Modernization of the ABC System would require all ABC boards in a county to merge, allow the state ABC Commission to merge countywide boards into regional boards, require the ABC Commission to develop performance standards, allow the ABC Commission to close or merge ABC boards, close ABC stores with low profitability, contract directly with agency stores for the sale of spirits where ABC stores are authorized but not in operation, and require an ABC board to contract with an agency store;

WHEREAS, it is a local decision to establish and operate an ABC store, and any decision to merge an ABC Board should be made by the local government based on local circumstances, and not by the state.
WHEREAS, a local government balances control, profits and availability of spirits in operating ABC stores;

WHEREAS, the decision by a local government to operate with a low profit margin does not reduce the amount of liquor excise tax received by the state, so the state does not have a financial interest in the profitability of ABC stores;

WHEREAS, an “agency store” is a private retail seller, and the citizens of Mecklenburg County, when voting to permit the operation of ABC stores, did not vote to allow liquor to be sold in such private off premise retail establishments;

WHEREAS, sales of liquor may not be well regulated in agency stores, thereby potentially creating law enforcement and other problems, Mecklenburg County desires to retain North Carolina’s control system over the sales of spirits and to continue to make spirits available to its citizens only through its ABC store(s);

NOW THEREFORE, BE IT RESOLVED by the Mecklenburg Board of County Commissioners that the establishment and operation of the Mecklenburg County ABC store(s) through the control system should be a local decision and that the Mecklenburg Board of County Commissioners, opposes any state mandate to merge ABC Boards, mandate the merger or closing of ABC stores and opposes the establishment of agency stores.

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

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held June 2, 2009, Special Budget Workshop Meeting held June 3, 2009 and Special Meeting (Budget Public Hearing) held May 28, 2009, and Special Budget/Public Policy Meeting held April 28, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of $997.22 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) METROLINA RECYCLING CENTER LEASE AGREEMENT

Adopt a resolution titled, “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to U.S. Greenfiber, LLC.”

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

(10) CLEAN AIR ACT SECTION 105 GRANT REVENUE

Recognize, receive, and appropriate $54,454 in additional Clean Air Act Section 105 Grant revenue.

(11) MECKLENBURG COUNTY AND TOWN OF DAVIDSON’S STORM WATER INTERLOCAL AGREEMENT
Adopt the resolution authorizing execution of the amended and restated Storm Water Management Program Interlocal Agreement between Mecklenburg County and the Town of Davidson.

RESOLUTION AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED STORM WATER MANAGEMENT PROGRAM INTERLOCAL AGREEMENT BETWEEN MECKLENBURG COUNTY AND TOWN OF DAVIDSON

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners adopted the “Mecklenburg County – Storm Water Management Plan” which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, which Plan requires use of a rate structure based on impervious area and a base rate charge for fixed and administrative costs sufficient to cover such costs; and

WHEREAS, N.C. Gen. Stat. § 160A-461, “Interlocal Cooperation Authorized,” authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County and the Town of Davidson (the “Town”) have negotiated and wish to amend and restate the Storm Water Management Plan Interlocal Agreement to manage a storm water management program that deals with the operation and maintenance of the storm water drainage system within the Town; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “…shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it

RESOLVED by the Board of Commissioners of Mecklenburg County that the Chairman of the Board of Commissioners is hereby authorized and directed to execute the Amended and Restated Storm Water Management Plan Interlocal Agreement between the County of Mecklenburg and the Town of Davidson in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

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

(12) MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE’S STORM WATER INTERLOCAL AGREEMENT

Adopt the resolution authorizing execution of the amended and restated Storm Water Management Program Interlocal Agreement between Mecklenburg County and the City of Charlotte.

MECKLENBURG COUNTY

RESOLUTION AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED STORM WATER MANAGEMENT PROGRAM INTERLOCAL AGREEMENT BETWEEN MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE

WHEREAS, on May 17, 1993, the Mecklenburg County Board of Commissioners adopted the “Mecklenburg County – Storm Water Management Plan” which sets forth guiding principles and a financial plan for the operation of the comprehensive storm water management program in Mecklenburg County, which Plan requires use of a rate structure based on impervious area and a base rate charge for fixed and administrative costs sufficient to cover such costs; and

WHEREAS, N.C. Gen. Stat. § 160A-461, “Interlocal Cooperation Authorized,” authorizes units of local governments to enter into agreement with each other in order to execute an undertaking such as the operation of a storm water management program by one unit of local government on behalf of another unit of local government; and

WHEREAS, Mecklenburg County and the City of Charlotte (the “City”) have negotiated and wish to amend and restate the Storm Water Management Plan Interlocal Agreement to manage a storm water management program that deals with the operation and maintenance of the storm water drainage system within the City limits of City; and

WHEREAS, N.C. Gen. Stat. § 160A-461 requires that such agreement “…shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore, be it
RESOLVED by the Board of Commissioners of Mecklenburg County that the Chairman of the Board of Commissioners is hereby authorized and directed to execute the Amended and Restated Storm Water Management Plan Interlocal Agreement between the County of Mecklenburg and the City in substantially the form attached to this resolution and that this resolution shall be spread upon the minutes.

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

(13) SET PUBLIC HEARING - ABANDONMENT & CLOSING OF ROADWAYS NEAR CHARLOTTE-DOUGLAS AIRPORT

Adopt a resolution of the intent to abandon and close 12 roadways and sections of roadways in the vicinity of the Charlotte-Mecklenburg International Airport and set a public hearing at 6:30 p.m. on August 4, 2009.

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

(14) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1) Accept the “Offer of Sale of Land” from Philip L. Shaw owner of 3717 Country Club Drive (PID: 9312519) for $220,000.

2) Recognize, receive, and appropriate $220,000 for the purchase and $15,000 for closing and demolition costs for the 3717 Country Club Drive Property from Charlotte-Mecklenburg Utilities.

3) Authorize the carry forward of unspent funds to subsequent years until completion of project.

4) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

(15) FLOODPLAIN BUYOUT FUNDING REIMBURSEMENT – CHARLOTTE-MECKLENBURG UTILITIES

Recognize, receive, and appropriate $160,000 from Charlotte-Mecklenburg Utilities as a reimbursement for property purchased under the 2008 Quick Buy program; and authorize the carry forward of unspent funds to subsequent years until completion of project.

(16) CARRY FORWARD OF PROPERTY ASSESSMENT FUNDS

Authorize the carry forward of $67,400 to FY10 to complete workstation changes in Property Assessment that improve business processes.

(17) CARRY FORWARD DEPARTMENT OF SOCIAL SERVICES (DSS) FUNDS

Approve the carry forward to FY2010 of the unspent federal System of Care grant funds in the amount of $80,125.

(18) REVOLUTION AND RENAISSANCE PARK GOLF COURSES MANAGEMENT AGREEMENT

1) Approve the transfer of $474,750 from the operating budget that was appropriated to reimburse American Golf for the value of undepreciated capital improvements to the Golf Course Capital Reserve Account.
2) Authorize the County Manager to approve the payout of these funds as provided in the management agreement upon the proper execution of a contract settlement agreement.

(22) REPORT OF SETTLEMENT OF LAWSUIT

Receive as information that Mark Gay v. Mecklenburg County Department of Social Services, et al. (08-CVS-2406) has been settled.

Note: On March 17, 2009, the BOCC approved in Closed Session the settlement of a lawsuit filed by Mark Gay against Mecklenburg County Department of Social Services, Thao Paris and Jody Cunningham by paying the total sum of $85,000. The settlement has been finalized and the lawsuit, Mecklenburg County Superior Court file No. 08-CVS-2406, has been dismissed. N.C.G.S. 143-318.11(a)(3) requires that settlements approved in closed session be reported to the Board and entered into its minutes after the settlement is concluded.

(23) ABC PROFIT DISTRIBUTION

Recognize, receive and appropriate $1,068,750 additional ABC profit distribution as approved by the ABC Board.

Note: On March 23, 2009, the ABC Board announced additional profit distribution to Mecklenburg County of $1,068,750. This budgetary action allows the County to distribute 2% of the amount allocated to the Towns. The remainder of this distribution, $940,500 will revert to fund balance. This additional revenue has already been accounted for in our FY09 fund balance projections and was used to mitigate the impact of the County’s current year deficit.

(24) CAPITAL PROJECT ORDINANCES

1) Amend the Pay-As-You-Go capital project ordinance.
2) Amend the Land Bond-2007 capital project ordinance.
3) Amend the School Facilities Approved in November 6, 2007 Referendum capital project ordinance.
4) Amend the Library Facilities-2006 capital project ordinance.
5) Amend the Government Facilities-2008 capital project ordinance.
6) Amend the Central Piedmont Community College Facilities-2004 capital project ordinance.
7) Amend the Central Piedmont Community College Facilities-2007 capital project ordinance.
8) Amend the School Administrative Office Facilities-2007 capital project ordinance.
9) Amend the Central Piedmont Community College Facilities Approved in November 8, 2005 Referendum capital project ordinance.

Ordinances recorded in full in Minute Book 44-A, Documents #_______, ________, ________, ________, ________, ________, ________, ________. 

(27) TOBACCO USE PREVENTION GRANT

Recognize, receive and appropriate $450,000 from the Health and Wellness Trust Fund Commission over a three years beginning July, 2009 for the Community and Schools Phase IV Tobacco Use Prevention and Cessation Initiative.
(35) **LAND & WATER CONSERVATION FUND GRANT**

Recognize, receive and appropriate a $150,000 reimbursement grant for the construction of Four Mile Creek Greenway, Elm Lane West to Johnston Road.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

(19) **DEPARTMENT OF SOCIAL SERVICES (DSS) BUDGET AMENDMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate $11,478 of contributions received for senior events and special donations in the Senior Citizen Nutrition Program.

*Note: The County’s Senior Citizen Nutrition Program received a total of $11,478 in contributions and donations for the following: $9,690 for a bus trip to Maggie Valley; $1,341 for Celebrate Living, a senior citizen event to be held at Grady Cole Center; $207 for a fishing trip in McDowell Park; and a $240 donation from Florida State University internship program.*

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

(20) **CARRY FORWARD DEPARTMENT OF SOCIAL SERVICES (DSS) FUNDS**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2010 funds in the amount of $575,000 to implement an electronic forms module for intake of public assistance applications; and approve the carry forward to FY2010 of DSS funds in the amount of $218,225 to complete scheduled renovations of existing County-owned and leased DSS buildings.

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

*Commissioner Dunlap returned to the dais.*

(21) **REAPPOINTMENTS – MECKLENBURG COUNTY TAX ASSESSOR AND TAX COLLECTOR**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, that in accordance with G.S. 105-294(a), to reappoint C. Garrett Alexander to the office of Mecklenburg County Tax Assessor and in accordance with G.S. 105-349(a), and reappoint Neal L. Dixon to the office of Mecklenburg County Tax Collector each for a four-year term effective upon administration of the oath of office; and direct the Clerk to the Board to administer the oaths of office and file it in the Clerk’s permanent records.

*Commissioner Cooksey removed this item from Consent to inquire about these and other positions that are appointed by the Board. County Manager Jones addressed questions.*

*A copy of the oaths is on file with the Clerk to the Board.*
Commissioner Murrey asked to be excused from voting on Items 25 and 26, which involve Trinity Episcopal School to avoid a conflict of interest.

Commissioner Murrey noted for the record that his children attend Trinity Episcopal School.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to excuse Commissioner Murrey from voting on Items 25 and 26, which involve Trinity Episcopal School to avoid a conflict of interest.

**ALEXANDER STREET PARK IMPROVEMENTS**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to negotiate and execute a lease of .5704 acres from the City of Charlotte to allow the development of a full-size soccer field at Alexander Street Park; and adopt a resolution of intent to enter into a Development and Use Agreement with Trinity Episcopal School on property at Alexander Street Park.

Commissioner Leake removed this item from Consent for more public awareness and to inquire about public access. County Attorney Bethune addressed this matter.

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

**SEIGLE POINT RECREATIONAL FACILITIES**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to finalize and execute a lease of 2.9886 acres at the Seigle Point apartment development from the Charlotte Housing Authority to the County for the development and maintenance of recreational facilities to include tennis courts, a shelter, a playground and parking; and adopt a resolution of intent to enter into a License and Use Agreement with Trinity Episcopal School on property at Seigle Point.

Commissioner Leake removed this item from Consent for more public awareness and to inquire about public access. County Attorney Bethune addressed this matter.

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

**MANAGER’S REPORT**

**DEPARTMENT OF SOCIAL SERVICES SUMMARY FISCAL AUDITS**

The Board received a report on the Department of Social Services Summary Fiscal Audits.

Director of Social Services Mary Wilson and Finance Director Dena Diorio presented the report.

*Note: Background:*

On March 31, 2009, Department of Social Services Director Mary Wilson called for an independent review of the financial management practices and procedures at the Department of Social Services. Wilson requested the audit after DSS staff expressed concerns about how
donations to The Giving Tree program were being managed, as well as concerns surrounding the voucher program. The Giving Tree is a DSS-sponsored charity that provides gifts to children in foster care and other DSS clients during the holidays. The voucher program is used by caseworkers to provide emergency food and clothing assistance for children coming into foster care as well as for clothing for adults going on job interviews.

In addition to the concerns regarding these two programs, DSS was approached by the Good Friends program that wanted to terminate its relationship with the Department. The Good Friends program collects donations which are given to DSS for the provision of services to those in need. The funds were primarily used to assist with the payment of utility bills, prescriptions or other medical expenses and rent.

There were also concerns raised about the adequacy of policies and procedures for the overall processing of financial transactions. It was determined that DSS was using its check writing privileges to write checks from the Social Security guardianship account for non-guardianship purposes. In FY09, through March, checks for fourteen different programs were being written out of the account at DSS. The documentation for these transactions resided at DSS and did not follow the normal approval process through the County Finance Department. The expenditures were then recorded back into the general fund on a monthly basis via journal entry and the funds were wired back into the guardianship account to cover these expenses.

The County’s Internal Audit Department was asked to investigate the concerns raised about the Giving Tree Program.

The County Finance Department arranged for the County’s outside audit firm, Cherry, Bekaert & Holland, L.L.P, to perform audit work on the Good Friends Program, the voucher program, as well as a broader review of DSS fiscal controls and procedures. Cherry, Bekaert, & Holland performed approximately 425 hours of audit work over 8 weeks at a cost of $93,000, which was paid for by budgeted funds in DSS.

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

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap, to refer the report on the Department of Social Services Summary Fiscal Audits to the County’s Audit Review Committee for review and a report back to the Board.

Comments

Commissioner Murrey said not only should the Board’s Audit Review Committee look at DSS, but other areas of the County where there are multiple access to funds, particularly, small dollar amounts where a similar type of oversight or lack of oversight controls may be possible.

Commissioner Clarke asked was there a controller or chief finance officer for the Department of Social Services. The response was a new position was created for accountability purposes, a Division Director of Finance.

Commissioner Clarke asked was the Division Director of Finance position in place at the time this occurred or one similar. The response was no, not at this level. It was noted that there was a senior position, but it was not at a division director level.

Commissioner Clarke asked if the new position’s responsibilities include being responsible for designing the controls and making sure they’re effective. The response was yes.

Commissioner Cooksey encouraged Director Wilson and Director Diorio to do more training in the area of ethics.

Commissioner Cogdell asked about the programs covered in the audit. The response was the Good Friends Fund, the Giving Tree Fund, and the Voucher Fund.
Commissioners Clarke and Cooksey left the dais and were away until noted in the minutes.

Commissioner Cogdell asked Director Wilson when did she become aware that there was a problem. The response was early fall, late November-December.

Commissioner Cogdell asked when was the audit requested. The response was in early 2009 it was discussed and the formal request was made in March.

The vote was then taken on the motion as follows:

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and 6-0 carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to refer the report on the Department of Social Services Summary Fiscal Audits to the County’s Audit Review Committee for review and a report back to the Board.

STAFF REPORTS AND REQUESTS

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

Commissioners Clarke and Cooksey returned to the dais.

(30) STORM WATER FEE – TOWN OF DAVIDSON’S MINOR SYSTEM RATES

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting yes, to adopt the resolution authorizing increasing the minor system cost component of the Storm Water Service Charges to be levied within the Town of Davidson.

Prior to the above vote, Director of Storm Water Services Dave Canaan addressed this issue.

Note: the storm water service charge to be levied on properties subject to the service charge within the Town of Davidson is increased to the following rates at the beginning of the next billing cycle for each such property after July 1, 2009:

- $1.33 per month for single family residences with less than 2,000 square feet of impervious area (Tier I)
- $1.47 per month for single family residences with 2,000 to 2,999 square feet of impervious area (Tier II)
- $1.99 per month for single family residences with 3,000 to 4,999 square feet of impervious area (Tier III)
- $2.51 per month for single family residences with 5,000 or more square feet of impervious area (Tier IV)
- $24.50 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

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

Commissioners Murrey and Leake returned to the dais.

(31) STORM WATER FEE – CITY OF CHARLOTTE’S MINOR SYSTEM RATES

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt the resolution authorizing increasing the minor system cost component of the Storm Water Service charges to be levied within the City of Charlotte.

Prior to the above vote, Director of Storm Water Services Dave Canaan addressed this issue.
Note: Effective July 1, 2009 the minor system component of the storm water service charge to be levied on properties within the City of Charlotte is increased to the following:

- $4.21 per month for single family residences with less than 2,000 square feet of impervious area (lower tier)
- $6.20 per month for single family residences with 2,000 or more square feet of impervious area (upper tier)
- $103.27 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

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

(32) COUNTY STORM WATER FEES – RECEIVE UPDATE

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cooksey voting no, to adopt Resolution Authorizing Modification to the Minor and Major System Cost Components of the Storm Water Service Charges to be Levied Within Mecklenburg County (Revenue Neutral)

Prior to the above vote, Director of Storm Water Services Dave Canaan addressed this issue.

Note: The major system component of the storm water service charge to be levied on properties subject to the service charge in Mecklenburg County is modified to the following rates at the beginning of the next billing cycle for each such property after July 1, 2009:

- $0.77 per month for single family residences with less than 2,000 square feet of impervious area (Tier I)
- $1.20 per month for single family residences with 2,000 to 2,999 square feet of impervious area (Tier II)
- $1.73 per month for single family residences with 3,000 to 4,999 square feet of impervious area (Tier III)
- $2.96 per month for single family residences with 5,000 or more square feet of impervious area (Tier IV)
- $20.00 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof; and

The minor system component of the storm water service charge to be levied on properties subject to the service charge within the unincorporated areas of Mecklenburg County is modified to the following rates at the beginning of the next billing cycle for each such property after July 1, 2009:

- $1.17 per month for single family residences with less than 2,000 square feet of impervious area (Tier I)
- $1.74 per month for single family residences with 2,000 to 2,999 square feet of impervious area (Tier II)
- $2.47 per month for single family residences with 3,000 to 4,999 square feet of impervious area (Tier III)
- $4.88 per month for single family residences with 5,000 or more square feet of impervious area (Tier IV)
- $29.00 per month for each acre of impervious surfaces for all other residential or non-residential land, and a prorata share of each portion thereof.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(34) UNRESTRICTED CONTINGENCY ALLOCATION (COMMISSIONER LEAKE)

Motion was made by Commissioner Leake, seconded by Commissioner Murrey, to
Approve the allocation of $20,000 from unrestricted contingency for the “Back to the Basic Summer Enrichment Program.”

Approve the allocation of $10,000 from the unrestricted contingency for the First Baptist Church – West Summer Enrichment Program.

Approve the allocation of $10,000 from the unrestricted contingency for the St. Paul Baptist Church Summer Enrichment Program.

Approve the allocation of $10,000 from the unrestricted contingency for the Little Rock A.M.E. Zion Church Summer Enrichment Program.

Approve the allocation of $25,000 from the unrestricted contingency for AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department.

Comments

Commissioner Murrey said he seconded the motion for discussion purposes.

Commissioner Murrey said his concern with the motion is the enrichment programs, which he thinks are very positive things. Commissioner Murrey said he feels, however, they should be treated like all the other applicants that the County has dealt with over the last several months who have requested funding. Commissioner Murrey said he thinks the County would be doing those applicants a disservice if the same criterion was not used to evaluate these programs as was used in evaluating those programs. Commissioner Murrey said the Board doesn’t have sufficient information at this time to fully evaluate the programs referenced in the motion. With respect to Item 5 of the motion (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department), Commissioner Murrey said the Health and Community Support Committee has addressed this issue and has acknowledged that there is a service gap in this area. Commissioner Murrey said if these funds were allocated, they would need to be carried forward to next year’s contingency, because the Health Department would be unable to use all of these funds between now and the end of the current fiscal year.

Commissioner Dunlap said he was going to excuse himself from voting because he’s a member and Vice-chair of the Board of Directors of one of churches listed in the motion (St. Paul Baptist Church).

Commissioner Dunlap said this matter did not come before St. Paul’s Board of Directors and that the church did not make this request. Commissioner Dunlap said it may have come from someone in the community but not the church.

Commissioner Dunlap said he does support Item 5 of the motion (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department), if it were considered as a separate item.

Commissioner Dunlap asked that consideration be given to removing Item 5 of the motion and that it be voted upon separately.

Commissioner Dunlap echoed Commissioner Murrey’s remarks that there’s an established process with respect to applying for County funding, which everyone should be required to follow. Commissioner Dunlap said perhaps a better job needs to be done to inform the public of that process.

Commissioner Dunlap said it would be unfair for the County to allow these organizations to not follow the process, when others did follow the process.

Commissioner Dunlap asked to be excused from voting on the motion to avoid a conflict of interest or the appearance of a conflict.
JUNE 16, 2009

Motion was made by Commissioner Bentley, seconded by Commissioner Murrey and carried 6-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes and Commissioners Cooksey and Leake voting no, to excuse Commissioner Dunlap from voting on the motion.

Commissioner Leake said she doesn’t feel it’s being political to vote on the motion, even if you’re a member of one of the churches noted in the motion.

Commissioner Leake said, with respect to St. Paul Baptist Church, she spoke with the director of the program and that the church doesn’t contribute to the program. Commissioner Leake said she tried to contact the minister of the church but was not successful.

Commissioner Cogdell said he agreed with Commissioner Leake’s passion for children, but the Board doesn’t have sufficient information at this time to consider this request. Commissioner Cogdell addressed the importance of following the process with respect to funding outside agencies.

Commissioner Cogdell asked Health Director Mabry to address Item 5 of the motion (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department), which was addressed.

Chairman Roberts asked if the Health Department received an additional $25,000 for AIDS/HIV in general, would the consumer education program be the area it would be used for. The response was yes, because there is a gap in this area.

Commissioner Leake said she talked about these needs during the budget process.

Chairman Roberts addressed the importance of following the process that’s already in place for outside agency funding. Chairman Roberts also said there was not enough information for the Board to consider these requests.

Commissioner Leake asked County Manager Jones to comment on how these funds can be rolled over to accomplish what she wants to accomplish.

County Manager Jones said the Board has two options: 1) The Board can roll these funds (all or a portion) forward and add it to next year’s unrestricted contingency, 2) The Board can allow these funds to remain in this year’s budget and roll over to fund balance and effective July 1st, if it’s the Board’s desire to fund these programs, funds can be appropriated from the unrestricted contingency approved with the adoption of the FY09-10 budget.

County Manager Jones noted that the amount approved for unrestricted contingency in the FY09-10 budget was $150,000.

Chairman Roberts said the Board would divide the motion and vote on Item 5 (AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department) separately.

The vote was then taken on the motion was follows:

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and failed 6-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Murrey, and Roberts voting no and Commissioner Leake voting yes, to

1. Approve the allocation of $20,000 from unrestricted contingency for the “Back to the Basic Summer Enrichment Program.”
2. Approve the allocation of $10,000 from the unrestricted contingency for the First Baptist Church – West Summer Enrichment Program.

3. Approve the allocation of $10,000 from the unrestricted contingency for the St. Paul Baptist Church Summer Enrichment Program.

4. Approve the allocation of $10,000 from the unrestricted contingency for the Little Rock A.M.E. Zion Church Summer Enrichment Program.

Motion was made by Commissioner Leake, seconded by Commissioner Murrey, to approve the allocation of $25,000 from the unrestricted contingency for AIDS/HIV consumer education programs to be administered by the Mecklenburg County Health Department.

Commissioner Leake said the funds are to be used specifically for education and training.

Substitute Motion was made by Commissioner Murrey, seconded by Commissioner Leake, to approve the allocation of $25,000 from the unrestricted contingency for AIDS/HIV consumer education and training programs to be administered by the Mecklenburg County Health Department; and that any unused funds be carried forward to next year’s budget (FY09-10) for this purpose.

Commissioner Cogdell asked why was $25,000 the recommended amount. Why not more? more.

Commissioner Leake said she was trying to keep the amount low, in hopes of gaining the Board’s support, but her preference is $50,000.

Commissioner Clarke asked Commissioner Murrey if he would accept a friendly amendment to the motion to make the amount $50,000.

Commissioner Murrey asked Health Director Mabry to comment on the additional $25,000 for a total of $50,000, which was addressed.

Commissioner Murrey accepted the amendment.

Commissioner Cooksey said the problem he has with this is that it’s being viewed as if this is “free” money for the taking. Commissioner Cooksey said any funds remaining in contingency should roll over into fund balance. Commissioner Cooksey said this is being done outside the budget process.

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

Substitute Motion was made by Commissioner Murrey, seconded by Commissioner Leake and failed 4-4 with Commissioners Cogdell, Dunlap, Leake, and Murrey voting yes and Commissioners Bentley, Clarke, Cooksey, and Roberts voting no, to approve the allocation of $50,000 from the unrestricted contingency for AIDS/HIV consumer education and training programs to be administered by the Mecklenburg County Health Department; and that any unused funds are carried forward to next year’s budget (FY09-10) for this purpose.

Substitute Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 5-3 with Commissioners Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Clarke, and Cooksey voting no, to approve the allocation of $25,000 from the unrestricted contingency for AIDS/HIV consumer education and training programs to be administered by the Mecklenburg County Health Department; and that any unused funds are carried forward to next year’s budget (FY09-10) for this purpose.

Commissioner Leake left the dais and was absent for the remainder of the meeting.
(33) YADKIN RIVER BRIDGE REPLACEMENT (CHAIRMAN ROBERTS)

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, to adopt resolution of Support for the widening of I-85 and replacement of the Yadkin River Bridge.

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

COMMISSION COMMENTS – NONE.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:33 p.m.

______________________________ __________________________
Janice S. Paige, Clerk Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, July 7, 2009.

ATTENDANCE

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

Absent: None

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-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS - NONE

(2A, 2B, 2C, 2D) 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, C) CONSULT WITH ATTORNEY, AND D) PERSONNEL MATTER

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition to be discussed in Closed Session: Tax Parcels 013-041-01 and 013-181-13 (+/- 211.91 acres) on Neck Road and Tax Parcel 019-201-07 at 13240 New Haven Drive.

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried by Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259, (G.S. 143-318.11(a) (1), B) Land Acquisition, C) Consult with Attorney and D) Personnel Matter.

The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 7:00 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The
items identified were Items 17, 18, 21, 26, and 27.

_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 James, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

### CITIZEN PARTICIPATION

#### PROCLAMATIONS AND AWARDS

(1A) **BIG BROTHERS/BIG SISTERS BIG DAY AT THE LAKE**

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating July 18, 2009 as “Big Brothers Big Sisters Big Day At The Lake Day” in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Dave Yochum, founder and organizer of Big Day At The Lake.

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

(1B) **PARKS AND RECREATION MONTH**

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating July as Parks and Recreation Month in Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Jim Garges, Mecklenburg County Director of Park and Recreation and mascot “RAY.”

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

(2) **PUBLIC APPEARANCE**

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

Howard McClure informed the Board of a recent court matter involving him, which he said “may indicate a possible violation of Title II by a public entity, the Mecklenburg County Courthouse.” Mr. McClure asked the Board to urge members of the NC General Assembly within their district “to support legislation to amend Article 1, Section 18 of the Constitution of NC that citizens of NC with disabilities and living in poverty may have the right to appointment of counsel and equal access to justice in certain civil matters, such as employment, housing, healthcare, parents loss of custody and control of their children, and other rights needed in order to live and prosper.”

_A copy of Mr. McClure’s handout to the Board is on file with the Clerk to the Board._

Richard Alexander addressed the English language being designated as the official language of Mecklenburg County.
(3A) APPOINTMENTS

BOARD OF MOTOR VEHICLE REVIEW

The vote was taken on the following nominees for appointment to the Board of Motor Vehicle Review:

Dietrich Brown
Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts

Voting Ceased

John Kral

Chairman Roberts announced the appointment of Dietrich Brown to the Board of Motor Vehicle Review for a one-year term expiring July 18, 2010.

He is replacing Charles Roberts.

JUVENILE CRIME PREVENTION COUNCIL

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

Melvin Bowie
D’Etta Culp
Commissioners Bentley, Dunlap, James, Murrey, and Roberts

Christian Friend
Edward Jernigan
Susan McCarter
Simona Mitchell-Kelly
Pamela Morris
Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Murrey, and Roberts

Voting Ceased

Susan Surles
Marc Thompkins


They are replacing Laurie Garo, Russell Price, Jerry Swindell and Alan Teitleman.

(3B) NOMINATIONS/APPOINTMENTS

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Aric Beals and Wilton Savage to the Citizen’s Capital Budget Advisory Committee for a two-year term expiring July 31, 2011. Secondly, to nominate all applicants for appointment consideration to the Citizen’s Capital Budget Advisory Committee:

Sarah Funkhouser
Larry Huelsman
Chad Lacy
GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Ralph Roberts to the Ground Water Advisory Committee for a three-year term expiring July 18, 2012.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint William Hobbs and Yolanda Law to the Historic Landmarks Commission for a three-year term expiring July 31, 2012.

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

(5A) EFFECTIVE & EFFICIENT GOVERNMENT COMMITTEE -- CHARITABLE FUNDRAISING CAMPAIGN POLICY

The Board received a report from the Effective & Efficient Government Committee regarding the County’s Charitable Fundraising Campaign Policy.

Commissioner Dunlap, Chairman of the Board’s Effective & Efficient Government Committee gave the report. He was assisted by Human Resources Director Chris Peek. The other members of the Effective & Efficient Government Committee are Commissioners Cooksey, James, and Clarke.

Note: On May 19, the Board received a report containing the following recommended changes to the County’s current charitable giving campaigns:

- Transition in September 2010 to an annual expanded campaign model that will provide employees with additional giving options and reduce the County’s fundraising drives to once a year.
- Amend the Eligibility Criteria for Charitable Fundraising policy to support an expanded campaign. This would include requiring that participating charitable agencies meet the Better Business Bureau’s (BBB) 20 Standards for Charity Accountability. The BBB provides this service at no charge to interested charitable agencies.
- Select a third-party managing organization to meet the operational requirements of administering an expanded campaign by conducting a formal Request for Proposal (RFP) process.
- Maintain involvement of County employees and the County’s long time charitable partners (the United Way of Central Carolinas and the Arts and Science Council).
The Board referred the item to its Effective and Efficient Government Committee for further review and discussion. On June 16, 2009, The Effective and Efficient Government Committee endorsed further revisions to the recommended changes.

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the revised Charitable Fundraising Campaign Policy as recommended by the Effective & Efficient Government Committee.

It was noted that the expansion of the County’s charitable fundraising campaign would be effective the Fall of 2010.

Note: Additional Policy Revisions:

- Modify the 95% local investment requirement
  - Only charities that are not part of a Federation would be required to invest 95% locally. This provision will allow a Federation and its members to qualify regardless of where its funds are invested. This will enable employees to donate to organizations that perform research or otherwise make investments outside of the Charlotte-Mecklenburg region. However, requiring independent, non-affiliated charities to invest 95% locally is responsive to the strong preference expressed by employees that the campaign charities invest their donations locally.

- Modify local office requirement
  - Charities will not be required to maintain a local office.

- Modify the Better Business Bureau review requirements
  - All charities associated with a Federation will be subject to the Better Business Bureau review.

- Modify the definition of “Federations”
  - Federations will not be required to consist of 20 or more agencies.

Policy recorded in full in Minute Book 44-A, Document # ______.

(5B) ECONOMIC DEVELOPMENT COMMITTEE -- CENTRALINA ECONOMIC DEVELOPMENT COMMISSION (CEDC) SMALL BUSINESS REVOLVING LOAN FUND

The Board received a report from the Economic Development Committee regarding the Centralina Economic Development Commission (CEDC) Small Business Revolving Loan Fund.

Commissioner Harold Cogdell, Chairman of the Board’s Economic Development Committee gave the report. He was assisted by John Allen, Economic Development Director. The other members of the Economic Development Committee are Commissioners Cooksey, Dunlap, and Murrey.

Note: The Centralina Economic Development Commission (CEDC) has an opportunity to apply for an $880,000 grant from the US Department of Commerce, Economic Development Administration (EDA) to create a Revolving Loan Fund. These funds are part of the stimulus package and, as such, are only offered for a short time. To qualify for the EDA funds, the CEDC
must provide $220,000 in matching funds. The proposed source of this match is Community Development Block Grant (CDBG) funds from the NC Department of Commerce. The NC Department of Commerce requires a local government to be the applicant for CDBG funds. Therefore, the CEDC is asking Mecklenburg County to apply on its behalf. This is not a request for County funds and no County funding is involved. The revolving loan fund will be targeted to small manufacturers throughout CEDC’s nine-county service area. On June 9, 2009, the Board’s Economic Development Committee endorsed this action.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the recommendation from the Economic Development Committee to apply to the NC Department of Commerce for Community Development Block Grant funds on behalf of the CEDC to fund a small business revolving loan fund.

(5C) AUDIT REVIEW COMMITTEE – DSS AUDIT

The Board received a report from the Audit Review Committee regarding the Department of Social Services (DSS) audit.

Commissioner Murrey, Chairman of the Audit Review Committee, gave the report. He was assisted by Finance Director Dena Diorio. The other members of the Audit Review Committee are Commissioner Bill James, Mr. Ward Simmons, CPA, County Manager Jones and General Manager John McGillicuddy.

Note: Background:

On March 31, 2009, Department of Social Services Director Mary Wilson called for an independent review of the financial management practices and procedures at the Department of Social Services. Wilson requested the audit after DSS staff expressed concerns about how donations to The Giving Tree program were being managed, as well as concerns surrounding the voucher program. The Giving Tree is a DSS-sponsored charity that provides gifts to children in foster care and other DSS clients during the holidays. The voucher program is used by caseworkers to provide emergency food and clothing assistance for children coming into foster care as well as for clothing for adults going on job interviews.

In addition to the concerns regarding these two programs, DSS was approached by the Good Friends program that wanted to terminate its relationship with the Department. The Good Friends program collects donations which are given to DSS for the provision of services to those in need. The funds were primarily used to assist with the payment of utility bills, prescriptions or other medical expenses and rent.

There were also concerns raised about the adequacy of policies and procedures for the overall processing of financial transactions. It was determined that DSS was using its check writing privileges to write checks from the Social Security guardianship account for non-guardianship purposes. In FY09, through March, checks for fourteen different programs were being written out of the account at DSS. The documentation for these transactions resided at DSS and did not follow the normal approval process through the County Finance Department. The expenditures were then recorded back into the general fund on a monthly basis via journal entry and the funds were wired back into the guardianship account to cover these expenses.

The County’s Internal Audit Department was asked to investigate the concerns raised about the Giving Tree Program.

The County Finance Department arranged for the County’s outside audit firm, Cherry, Bekaert & Holland, L.L.P (CBH), to perform audit work on the Good Friends Program, the voucher program, as well as a broader review of DSS fiscal controls and procedures. Cherry, Bekaert, &
Holland performed approximately 425 hours of audit work over 8 weeks at a cost of $93,000, which was paid for by budgeted funds in DSS.

On June 16, 2009, the Board received the results of audits conducted within the Department of Social Services at the request of DSS Director Mary Wilson. The Board referred this matter to the Audit Review Committee. The Audit Review Committee met on June 24, 2009 to discuss this topic.

Commissioner Murrey gave a brief overview of the audits that were conducted as noted below.

**The Giving Tree**
The Giving Tree serves as the primary method of providing holiday gifts to foster children and other children in the custody of DSS. Gifts and money to purchase gifts are donated to The Giving Tree, which is managed by the DSS Community Resource Office (CRO). Internal Audit found numerous episodes of altered or improper documentation that called into question the accuracy of the documentation and made it difficult to determine what had happened in terms of those cash disbursements. The amount of those disbursements was in the range of $139,000 for which the documentation was either improper or not present. Further, that because of the nature of the altered documentation, this information was handed over to the Charlotte-Mecklenburg Police Department for investigation. No further investigation has been performed by County Internal Audit or Cherry, Bekaert & Holland, L.L.P. regarding this program.

**The Good Friends Program**
The Good Friends Program is an independent program that had been administered by the County, requested to resolve their relationship with the County and began to administer those funds themselves. The purpose of the audit was to determine what the remaining balance was so that a disbursement back to the program could be made. In trying to reconcile those numbers, it was found that there were frequent episodes of improper documentation, meaning the stated policies and procedures were not followed in terms of how checks were written or the way in which disbursements were carried out; the way the documentation was written to document who received the funds and for what purpose. This made it challenging to determine the exact amount. There was no evidence as of yet, however, that any malfeasance was found. However, the purpose of the audit was not to determine that, but to determine whether appropriate procedures had been followed and in most cases the written policies and procedures were not followed.

**The Voucher Program**
The Voucher Program is a program in which the Department of Social Services case managers/workers are able to access small amounts of funds for foster children or others who have come into the department’s care in need of emergency funds for clothing, for toiletries, and other items of that nature. There were specific policies and procedures for doing this that required supervisor signatures and other levels of documentation. In the majority of cases, the policies and procedures were not carried out to the “letter.” There was no documentation of malfeasance, however, the purpose of the audit was primarily to review the application of those policies and procedures.

**Review Of Cash Receipts & Disbursements**
This represents the specific financial function of the County in the Department of Social Services for disbursing or receiving cash. It was determined that the detailed policies and procedures were not followed. There was some mixing of funds that were meant for beneficiaries of trust that were in the trust of the County with funds that are used for other purposes. This was not correct according to NC General Statutes. The purpose of the audit was to test the internal controls environment and determine if transactions were being processed in accordance with established policies and procedures. The findings were that they were not.
JULY 7, 2009

The Audit Review Committee reached the following general conclusions:

- The audits of DSS indicate insufficient internal controls, which is unacceptable and inconsistent with expectations for appropriate fiscal management of public funds.
- The audits of DSS indicate inconsistent and insufficient supervision of and use of internal controls, which is unacceptable and incongruent with expectations for appropriate fiscal management of public funds.
- At present, it is unclear why or how the lack of controls developed and how long they have existed. The Audit Review Committee is considering the feasibility of further investigations to answer these questions.
- Regarding inadequacies so far, the Audit Review Committee believes management’s responses to the audit findings are appropriate and sufficient in strengthening internal controls and addressing inconsistent and insufficient supervision. This question will be reconsidered if further audits at DSS are authorized.
- Additional follow up is needed to determine and address accountability for the inconsistent and insufficient supervision in the control environment.
- Additional steps should be taken by County and DSS management to further examine additional considerations and questions below.

Additional Considerations and Questions

1. **The Giving Tree** – Should we review previous years to determine if there were similar problems or potential wrongdoing that goes back beyond one year (the extent of the audit)?

2. **Use of credit cards** – Should we review the receipts to determine if the purchases were for appropriate and approved purposes?

3. **Vendor charges** – Should we follow up with the vendors that allowed purchases in excess of voucher amounts? **Note:** Some vendors allowed purchases for more than the amount authorized by the voucher. The County paid the actual purchase amount regardless of the amount of the voucher.

4. **Frequency of internal audits** -- How frequently are core audits conducted for each department? What is the optimal schedule based on our risk assessment model? **Note:** The Audit Review Committee has requested a report from the County’s Internal Audit Department on the schedule of core audits by department based on its risk assessment methodology. This includes receiving recommendations from Internal Audit staff on the optimal schedule of core audits and resources needed to meet that optimal schedule.

5. **Good Friends additional review** -- Should Internal Audit conduct a similar audit to the one performed for The Giving Tree to determine if misappropriation occurred? **Note:** The audit by CBH was focused on internal controls and on closing out the account to determine the amount remaining to be disbursed to the Good Friends organization. Therefore, it did not pursue the question of potential misappropriation that characterizes part of the focus of the Internal Audit Department’s review of The Giving Tree.

6. **Vouchers additional review** – Should (and could) a further review be conducted regarding the use of vouchers, similar to the Internal Audit Department’s review of The Giving Tree? **Note:** Due to the lack of documentation (e.g., receipts, etc.) in the use of vouchers, it is not clear whether there is sufficient information to enable further review.

7. **Compliance program for DSS** – Is there any value in having a specific financial compliance program in DSS in addition to the annual audit, periodic core audits, and special audits called in response to questions that arise?

8. **Structure and reporting** – Does DSS and the County have the appropriate structure and reporting for fiscal administration? Should the financial management function in DSS report
directly to the County Finance Department? **Note:** Prior to the DSS audits, the County Manager identified the topic of financial management structure and processes throughout the County organization as a priority for management review in FY 2010. Therefore, this question will be addressed as part of this review.

Commissioner Murrey also gave a brief overview of Management’s responses to this issue as noted below.

**The Voucher Program** - Effective in May 2009, DSS discontinued all voucher programs. All program areas are now making purchases through Procurement Cards (P-Cards), standard disbursement requests, or reimbursement requests.

**The Good Friends Program** – This program has been discontinued and turned back over to the Good Friends Program.

**The Giving Tree Program** – This program is currently still under investigation.

**Cash Receipts & Disbursements** – This function has been shifted to County Finance. DSS no longer processes transactions through a separate bank account. All DSS transactions are processed through the County Finance Department and checks are written from the main County account.

Commissioner Murrey said the Audit Review Committee has requested that CBH provide written feedback on management’s responses to date and to work with the County Finance Department and the County Internal Audit Department in providing a report and recommendations as follow up to the issues and questions raised by the Committee. Per the receipt of that report, the Audit Review Committee will report back to the Board on whether it feels additional audits are needed.

Commissioner Murrey said it’s expensive to perform these types of audits, but it’s a necessary function if there’s information to be gained regarding accountability and to make sure these types of things do not reoccur.

Comments

Commissioner James echoed that the first steps taken by management to control and contain the problem were adequate. Commissioner James said the next “real” step has to do with the follow-up, as it relates to cash receipts and disbursements.

Commissioner James said it gets confusing from the standpoint that the County gets “all of these audit reports.” For example, there’s an audit report that’s like an agreed upon procedures report, but it’s not an evaluation of internal controls, but a CPA doing something that was asked of them by management.

Commissioner James said the significant issue for him is that the problems related to cash receipts and disbursements, which in his opinion, is larger than “missing one check, for having a check made out to an employee for $10,000 or having issues with the Voucher Program.” Commissioner James said the real question is “what was going on at DSS Finance.” Commissioner James said DSS Finance should report to the County Finance Director.

Commissioner James said there are other questions with respect to the history of DSS’ finance structure, and who was in charge of DSS Finance over the years. Was it a CPA or someone with an accounting background or a Social Worker. He said there are questions relating to 1) the violation of Mecklenburg County policies and procedures and violations of generally accepted accounting principles; 2) Did DSS Finance voluntarily agree to ignore policy or were they told to do something. Commissioner James said the only way this question can probably be answered is to speak with the employees who were at DSS during this time. He said it also may be necessary to review the resumes of those in DSS Finance.
Commissioner James said it’s unfortunate that “there’s so much dust being thrown up in the air about the whole question of these various programs, that the good work of DSS in general, kind of gets lost in the shuffle.” He said the reality, however, is that he doesn’t think any of these problems or most of these problems would have occurred had DSS Finance reported to the County’s Director of Finance.

Commissioner James said at a minimum, the Board needs to know who was in charge of DSS’ Finance over the last few years and who did they report to; and whether the people that were suppose to be getting, for example, receipts for the voucher program or any other disbursement, why they didn’t do that. Commissioner James said if they were trained as accountants they should know to do this. Commissioner James said if they didn’t do it, was it because they were laxed or because someone told them it wasn’t necessary and suspended the rules.

Commissioner James expressed concern also with respect to the last time an audit of DSS was conducted by the County’s Internal Audit Department.

Commissioner James said he hopes the Audit Review Committee structure will be changed, such that it not only review and approve the external audit of the County, but audits conducted by Internal Audit as well.

Finance Director Dena Diorio informed the Board that included in their information was a letter from the external auditor in response to the Audit Review Committee’s request of them to comment on Management’s responses to the audit report, as well as, an opinion on the risk based methodology that internal audit uses. Director Diorio said the response was they feel Management’s responses were adequate and that the methodology used by Internal Audit is appropriate for the work that they do.

Commissioner Dunlap said he doubts the County will ever find out all that went wrong, in light of the fact that there are no receipts. Secondly, that per his feedback from the public, with respect to someone being held accountable, what he reads “between the lines” is that the public wants to know if someone is “going to jail” for what they did.

Commissioner Dunlap said he thinks the response to this is that the Police Department is conducting a criminal investigation to determine whether or not someone in fact did violate the law.

Commissioner Dunlap said what the Board needs to really make sure of is that this doesn’t happen again. Commissioner Dunlap said the County has spent $93, 000 thus far and all its questions have not been answered and “there are still people who need “food stamps, who have all kinds of other health issues, who have all kinds of things”, further, the County has had to cut staff. Commissioner Dunlap said his concern is that the County doesn’t continue to spend a lot of money on this issue.

Commissioner Dunlap said he thinks what the public needs to know is that staff responded appropriately to the concerns, which are now being addressed; and “what we want to do is put mechanisms in place so that they don’t happen again.”

Commissioner Murrey said the cost of continuing this and whether anything additional would be found and worth the expense was discussed by the Committee. Commissioner Murrey said although the Committee listed eight additional issues to be looked into, it doesn’t mean that they all will be, because the response may be that there’s not enough information to move forward on.

Commissioner Murrey said the issue of accountability is real and that it’s not just about the specific actions in the past because there’s this immediate need to stop those things that happened, but the “bigger over arching” issue of whether the structure is right. Commissioner Murrey said he thinks that’s the remaining question to be discussed. Commissioner Murrey noted that this is a question that the County Manager and his staff have been having even before this matter came up about whether or not it’s best to have DSS Finance separate from County Finance.
or would it be better together.

County Manager Jones informed the Board that next week County Finance, Internal Audit and the Manager’s Office will begin to meet with respect to the additional questions raised by the Committee to determine what their scope of work should be.

County Manager Jones said additional funds may be needed, but to what extent is unknown at this time.

County Manager Jones said the Internal Audit Department’s resources will be tied to the annual single audit that will begin in the next two – three weeks. Thus, they will not have the time to really put into this effort to answer these additional considerations that have been posed. County Manager Jones said one option that’s under consideration is to hire other auditors to work under contract with the County’s Internal Audit Department.

Commissioner Bentley asked County Manager Jones to comment on his level of confidence that other departments within the County have adequate internal controls to prevent something like this from happening in the future in other areas.

County Manager Jones said he thinks it’s a two part answer. First, “I believe that based on the conversation that I’ve had, we do have adequate controls in place.” Second, that “if we do and there are individuals who decide that they want to work outside the boundaries of established procedures, that they will find a way to do that.” Further, that although there are adequate controls in place, he knows that he needs to “double check, recheck and double check again” to assure the Board that his answer is a correct answer.

County Manager Jones noted that staff had a conversation before this audit started, with respect to whether the right financial management organization was in place or should the County do what it has done for some of the other operations, to move from a decentralized function to a centralized and would this provide greater certainty that we have proper controls in place.

County Manager Jones said it’s a risk for him to say that there are proper controls in place but that’s what he’s saying.

Commissioner Bentley asked was there a system in place where employees, if they see something that isn’t “jiving” and is outside of policies and procedures, is there a culture within the County where employees feel safe to speak up and that they know where to go to report, in an anonymous fashion, things that are going on that aren’t right.

County Manager Jones said overall he thinks most employees will feel that they can share information and not be retaliated against, but that there are employees that do not feel that way.

County Manager Jones said staff is close to executing the “whistle blower” contract, which management feels will help and will allow employees or citizens to voice concerns that they have.

County Manager Jones said he wanted to give the Board and the public some assurance that staff is going to do all that it can to work with this Board and collectively as a staff to ensure that, “our mission, which is to be the best local government service provider” is carried out.

County Manager Jones said he wants to continue to give the Board the assurance that staff is going to do all that it can to “fix that which is broken and to give the public some assurance that we’re incorporating good management practices and principles in all that we do.”

Commissioner Murrey said one of the reasons the committee raised the question about the frequency of Internal Audit in departments was to get at the question of whether these same problems could exist in other places.
Commissioner Murrey acknowledged the work of County Internal Audit and of the external auditor and thanked them for their work.

Commissioner Cogdell said he sees three issues with respect to this matter, an accountability issue, an organizational structure issue, and a personnel issue. Commissioner Cogdell said he agrees with Commissioner Dunlap with respect to this matter being pursued by the CMPD, who he feels are in a much better position to pursue this matter to determine if there are any potential criminal charges. Commissioner Cogdell said he believes that considering who has been “harmed” as a result of the actions that occurred, he certainly hopes that and he’s comfortable that law enforcement officials will continue to investigate. Commissioner Cogdell said the CMPD has the legal authority to continue to obtain documentation that the audit committee may not be in a position to obtain.

Commissioner Cogdell said, with respect to the organizational structure/internal control mechanisms, he’s glad those mechanisms are in place and that those policies and practices are developed to ensure that this is not an on-going issue in DSS or any other department.

Commissioner Cogdell said, with respect to the personnel issue, he does have some concern that there still seems to be an issue about making sure as a board, that the Board feels comfortable in saying that “any employment policies or guidelines that have been violated by any employees of the County, that those instances have been identified, those employees have been identified and that remedial measures are taken whether it’s through suspension or termination or whatever action needs to be taken.” Commissioner Cogdell said he understands that this is an on-going process but it is a process that he thinks to ensure public confidence in the Department of Social Services and in Mecklenburg County, the Board can’t “just drop the ball” on, but that the Board has to continue to look at ensuring that the County doesn’t have employees continuing to be under the County’s employ that in any way negligently or through some deliberate, willful conduct, mismanage funds for the benefit of someone else.

Commissioner Cogdell questioned the makeup of the Audit Review Committee and asked why were two persons from staff on the Committee. Commissioner Cogdell said it seems odd to him that the County Manager and a General Manager, who reports to the County Manager would be a part of a committee to make a determination about whether management responded appropriately, be it whether that management is within DSS or the County Manager’s Office. Commissioner Cogdell said it undermines to some extent the “sort of the appearance of what this committee is charged with having done.” Commissioner Cogdell said he’s not suggesting that the findings would have been different but the make-up would have instilled “a little better public confidence” if you had members of the Board in conjunction with some type of outside auditing agency and not someone that the outcome of the recommendations is in some way going to impact or show “hey you did a good job or you didn’t do a good job.” “You did it well or you didn’t do it well.” Commissioner Cogdell said he would have thought that would have been thought about in advance.

Commissioner Murrey said the structure of the committee was discussed at the first meeting of the Committee. Commissioner Murrey said according to the American Institute of CPAs guidelines for audit committees for private companies that are publicly traded companies they can be set up of either way, with or without management. However, the NY Stock Exchange doesn’t allow companies to be listed unless they have no members of management on their audit review committee. Commissioner Murrey said there’s a precedent in the publicly traded companies where that’s to be the case. Further, that it’s recognized that there are arguments to be made for having management on the committee. Commissioner Murrey said although the County Manager and a General Manager were on the committee, neither had anything to do with the putting themselves on the committee because that’s how it was structured by a previous Board of Commissioners. They are required to be on the committee based on what was approved by a previous Board.

Commissioner Murrey said the Committee has discussed making changes to the structure of the committee, which would require Board approval.

County Manager Jones said the Committee was established in 1998.
Commissioner James also addressed the establishment of the Committee.

Commissioner Leake asked when would the Committee be reporting back to the Board as it relates to the follow-up questions the Committee had, so that this matter can be completed and the Board can move on.

Commissioner Leake said she wants to know when will the County begin to implement the process to cease the errors that exist and where will the $93,000 come from to pay for the audit.

Chairman Roberts noted that the recommended changes have already been implemented and that an update will be forthcoming from the Audit Review Committee with respect to other questions the committee raised.

Commissioner Clarke asked County Manager Jones if he came to the Board for approval of the $93,000 to obtain an outside audit. The response was that he did not come to the Board for approval, but he advised the Board that an audit would be done and that the proceeds to pay for it would come from the Department of Social Services budget.

Commissioner Clarke asked the auditor from Cherry, Bekaert & Holland if the work they performed for the County what’s known as forensic accounting. The response was no. They looked mostly at controls and adherence to policies and procedures and controls.

Commissioner Clarke asked the auditor if they performed any “audits” for the $93,000. The response was they did three procedures: 1) a review of the cash receipts and disbursements over DSS for the transactions there, 2) an actual audit of the Good Friends Fund, and 3) they did an agreed upon procedures for the voucher program.

Commissioner Clarke asked was an opinion issued after the completion of the audit. The response was there was an opinion expressed on the cash receipts and disbursements audit of Good Friends, which was a disclaimer.

Commissioner Clarke questioned whether a disclaimer was an “audit opinion.” The response was that Commissioner Clarke was correct to ask this because a disclaimer is not an audit opinion, thus, they did not issue an opinion.

Commissioner Clarke said he asked because he wanted to make sure that he had seen all of Cherry, Bekaert & Holland’s work product.

Commissioner Clarke asked the auditor if they assessed management’s response to this issue. The response was they have reviewed them but not tested. However, based on what they’ve heard, they feel they’re adequate at this time.

Commissioner Clarke asked the auditor was there anything else the County should be doing at this point in time with respect to the controls environment at DSS based on the work that they’ve done. The response was the receipts and disbursements side, the fact that it’s been taken away from DSS at this point, should be adequate for that area. Further, with respect to the other side of DSS, the delivery of services, that the controls there are good for eligibility determination and those types of things. They feel very comfortable in that particular area.

Commissioner Clarke asked the auditor to explain how disbursements are handled with respect to the eligibility determination process, which was explained. It was noted that prior to this being terminated, there was a separate checking account that was primarily a guardianship account and that years ago it was expanded to include the Giving Tree program and the Good Friends Program.

Commissioner Clarke said it appears from the audit report that there were times when checks were written out of the guardianship account to cover expenses of the Good Friends and Giving Tree Programs and they would be reimbursed as monies became available for the two programs. The auditor said Commissioner Clarke’s observation was correct.
Commissioner Clarke asked the auditor to elaborate on the meaning of a “single” audit, which he did. It was explained the focus of a “single” audit is on compliance with federal, and in NC, compliance requirements in regards to federal and state monies sent into the County to make sure the county is complying with those guidelines.

Commissioner Clarke asked the auditor if they performed an audit of the County’s financial statements and whether that included the Department of Social Services. The response was yes.

Commissioner Clarke asked the auditor how long had they been the County’s auditor. The response was five years.

Commissioner Clarke asked the auditor if they make any kind of assessment of the County’s internal controls and procedures when they perform the County’s audit. The response was yes.

Commissioner Clarke asked was an assessment made with respect to the financial results at DSS during the years when they’ve done the audit. The response was that there focus in DSS was on the eligibility side.

Commissioner Clarke asked was that the “single” audit and was that because there are so many dollars there and because it’s a matter of statute. The response was yes.

Commissioner Clarke said there’s a widespread perception that if you have an auditor that audits your financial statements that fraud is never going to occur. He asked the auditor was that perception correct. The response was it’s not necessarily correct because “there’s always the assumption that fraud is out there and you determine and base your audit approach based on a certain level of risks;” that “you’re always looking for fraud but you don’t go in testing for fraud.”

Commissioner Clarke referenced a requirement in the corporate arena where auditors are asked to assess Management’s assessment of its own internal controls and procedures and the effectiveness of those controls and procedures, which is done on an annual basis. Commissioner Clarke asked was there a similar requirement for the audit of the County’s financial statements, in terms of a management report on the effectiveness of their internal controls and procedures, The response was no, not at this time.

Commissioner Clarke asked if the auditor thought this is something the County should consider adopting. The response was that this is something that’s being discussed in the industry currently on a national level, that the General Accounting Office is looking at this.

Commissioner Clarke said the structural question raised by the Committee is a valid one, but the real question is whether you’re allocating sufficient financial resources to the financial management function, so that you have high quality people who are going to stay with you and you don’t have a lot of turnover and they have the support they need within an organization (“the money”).

Commissioner Clarke said financial management is an expensive process and that if the County decides to keep this function in DSS, consideration needs to be given as to whether adequate resources are being provided to attract the talent and number of people needed.

Commissioner Clarke thanked the auditor for their work. He said he thought it was money well spent.

Commissioner Clarke asked Internal Audit Director Spears about her tenure and background with the County, which she addressed.

Commissioner Clarke asked how many people were in the Internal Audit Department. The response was five. Director Spears said the department has lost staff over the years because of budget cuts.

Commissioner Clarke asked how does the size of the County’s Internal Audit Department compare to other governments the size of Mecklenburg County. The response was this has not been benchmarked in quite a while. Director Spears said she believes the City of Charlotte has eight or nine on staff.
Commissioner Clarke said he was familiar with the size of audit departments for some of his corporate clients and the number far exceed what the County has.

Commissioner Clarke suggested it be benchmarked again and that the Audit Review Committee pursue having this done.

Commissioner Murrey said it was on the Committee’s list of things to do.

Commissioner Clarke asked Director Spears about her letter dated June 4, 2009 and asked for an explanation of what the Giving Tree Program was, which was done.

Commissioner Clarke said it was reported in the newspaper that the County couldn’t account for $160,000+, he said the average person will say “it’s gone.” “We have no idea what happened to it.” He asked director Spears to comment.

Director Spears said she wouldn’t say that it can’t be accounted for but that the way the controls were within the inventory process, there’s no way to determine and guarantee that the items purchased were actually put into inventory. She said she could not provide that assurance. Director Spears said with respect to the receipts and the way that they were presented, there were many where information was omitted and you could not tell how the actual payment was made, which is why CMPD was brought into the fold in order to try and get those extra receipts. Director Spears said she cannot provide any real assurance that the monies were actually not accounted for or are accounted for through the inventory process.

Commissioner Clarke said that’s important because what Director Spears was saying was that she can’t give assurances. Commissioner Clarke said that’s not the same as saying “it got stolen or totally misspent.” Director Spears said that was correct.

Commissioner Clarke said he wants the public to know that some of what they’ve read is misleading because of the way it’s been reported.

Commissioner Clarke said there are people who say the $162,000 is just gone, but he knows there is a portion of that, which is a concern in the amount of $10,000, which staff found no receipts for. Commissioner Clarke said that still doesn’t mean it was misspent, only that it’s nothing there to indicate how it was spent.

Director Spears said that was correct and that she has to go with what the evidence proves and that if she doesn’t have the evidence to say that money was misspent, then she won’t make that statement.

Commissioner Cooksey said it sounds like from all of the discussion that the prerequisite for all of this to happen had to do with the fact that DSS had its own separate bank accounts.

Commissioner Cooksey asked whether the auditor would agree with his statement. The response was yes.

Commissioner Cooksey asked the auditor if he felt it was appropriate for a County department to have its own separate bank account or situations where that might be appropriate. The response was it’s standard across the state to have a guardianship account in a DSS. Further that it’s very rare and very unusual to have it being used for other purposes, other than guardianship purposes.

The auditor stated that for a county it’s typical for there to be checking accounts in two places outside of the Finance dept, in DSS for the guardianship, and checking accounts, at times, in the Sheriff’s department.

Commissioner Cooksey asked was it correct that currently there are no separate bank accounts in DSS. The response was as of right now that’s correct, however, there’s an account, but it’s being controlled by County Finance.

Commissioner Cooksey asked if the auditor was aware of any other separate bank accounts in Any other county departments. The response was in the Sheriff’s Office
Commissioner Cooksey asked what was it for. The response was for commissary.

Commissioner Cooksey asked had similar controls been set up for those accounts.

Finance Director Diorio said the Sheriff’s Office has four checking accounts, a trust account, a vending machine account, a commissary account, and one other (the name of it could not be recalled).

Director Diorio said those checks are signed by staff at the Sheriff’s Office and are for very specific purposes. The funds do not run through County Finance. Director Diorio said those accounts are in the process of being looked at to determine if the controls in place are adequate.

This concluded the discussion. No action was taken. The report was provided for information purposes. A follow-up report will be forthcoming from the Audit Review Committee.

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

**MANAGER’S REPORT**

**(6A) MECKLENBURG COUNTY FACILITY NAMING POLICY**

Nyki Hardy, Assistant to the County Manager presented a proposed Mecklenburg County Facility Naming Policy.

*Note: At its April 7, 2009 meeting, the Board directed the County Manager to develop a policy to guide the Board in naming and/or rename County facilities. Currently, the County has a policy and set of procedures for naming/renaming park and recreation facilities only. The proposed new policy will apply to all County facilities as described in the policy document, and includes the current policy and procedures the Board previously adopted for naming/renaming park and recreation facilities.*

Comments

**Commissioner Cooksey** suggested the policy be amended to require a background check on the person under consideration, similar to what’s done when hiring an employee. He also thinks the public should have an opportunity to voice their opinion, thus a public hearing on matter would be appropriate.

**Commissioner Bentley** suggested the policy be amended to require a certain length of time to have passed before consideration would be given to naming a facility after someone who has served in public office.

**Commissioner Dunlap** said he was glad to see where the County would avoid naming a facility the same name as some other facility to avoid any conflicts. He noted however, this won’t prevent others from doing it.

Commissioner Dunlap said he understands that staff plans to change the wording where it reads “is this a living person or deceased person or neither”, to say instead “or some geographic place,” rather than use the word neither.

**Commissioner Clarke** echoed Commissioner Bentley’s comments and suggested the length of time be two years.

Commissioner Clarke said there seems to be a different standard for someone that’s deceased versus someone that’s alive. He referenced the use of the words living persons who have made a “major” contribution to the enhancement of the quality of life in the community; and for a deceased person it reads, the person should have made a “substantial” contribution to the quality
of life and welfare of Mecklenburg County. Commissioner Clarke suggested the two be conformed to say exactly the same thing, and in addition, to add language to both, indicating the person is or was widely recognized or well known for having made a major contribution.

Commissioner Cogdell said, like Commissioner Cooksey, he would like for there to be a public hearing requirement to give the public an opportunity to comment. He also supports the suggestions made by Commissioners Bentley and Clarke.

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

County Manager Jones said staff would revise the proposed policy based on the Board’s feedback and share those revisions with the Board, in advance of the next meeting for further feedback.

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to direct staff to revise the proposed policy for naming and/or renaming of county facilities to reflect the suggested changes by Board members and to report back at the August 4, 2009 meeting.

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

(2B1) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 6-1 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey and Roberts voting yes and Commissioner Cogdell voting no, to approve purchase of Tax Parcels 013-041-01 and 013-181-13 (+/- 211.91 acres) on Neck Road for $6,600,000 from the L.G. Eakes Residuary Trust.

Note: The subject property is located on Neck Road immediately adjacent to the Cowan’s Ford Wildlife Refuge and just west of the Rural Hill Nature Preserve. Since 1991, the County has made a concerted effort to protect, through acquisition, significant watershed properties along Mt. Island Lake, the major source of drinking water for Charlotte and surrounding communities. In the Neck Road corridor alone, the County has acquired more than 1,400 acres which effectively protects and buffers approximately 5.5 miles of shoreline from development and its associated pollutants found in storm water runoff. These properties have been designated as nature preserve and are managed for watershed protection, open space preservation, wildlife habitat and passive recreation. The Eakes Estate was identified as a high priority acquisition by County staff.

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

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Murrey and Roberts voting yes, to approve designating Tax Parcels 013-041-01 and 013-181-13 as Nature Preserve in accordance with the 2008 Nature Preserve Master Plan Update (component of the 2008 Park & Recreation 10-Year Master Plan).

Commissioner Dunlap returned to the dais.

(2B2) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Murrey and Roberts voting yes, to authorize the County Manager to execute documents to purchase fee simple rights to land in Tax Parcel 019-201-07 at 13240 New Haven Drive from David Wood/A. H., Inc. for $18,000.
Note: The above single family lot is located in a small neighborhood off Holbrooks Road in Huntersville. This transaction will rectify an error dating from the year 2000 when the former County Community Development service facilitated the construction of a single-family home on Tax Parcel 019-201-07 for Mrs. Creola Henderson.

Commissioner Leake returned to the dais.

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s), with the exception of items 17, 18, 21, 26, and 27 to be voted upon separately:

(7) APPROVAL OF MINUTES


(8) TAX REFUNDS

Approve refunds in the amount of $5,270.05 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) MOWING GREEN GRANT

Recognize, receive, and appropriate $3,000 in grant revenue from Coca-Cola Bottling Company for Mecklenburg County Air Quality to organize and hold events promoting electric lawnmowers.

Note: A gasoline powered lawnmower emits about 50 pounds of pollution each summer, while an electric lawnmower has no direct emissions and can be recharged when electricity demand is low. The funding will be used to provide discounts to residents in our region who purchase electric lawnmowers at the event. Providing this incentive will motivate individuals to buy electric lawnmowers and recycle old gasoline mowers, reducing pollution and increasing awareness about the impact of lawn and garden equipment on local air quality.

(10) GREENWAY EASEMENTS – AVENUE E-55/MIDTOWN PARTNERS, LLC

Authorize the County Manager to negotiate and receive a permanent easement and a temporary construction easement from Avenue E-55/Midtown Partners, LLC on Tax Parcel 125-093-07 for the Little Sugar Creek Greenway.

(11) GREENWAY EASEMENTS – HOME DEPOT USA, INC. AND TARGET CORPORATION

Authorize the County Manager to negotiate and receive a permanent easement and a temporary construction easement from Home Depot USA, Inc. and Target Corporation on Tax Parcels 125-093-08 and 125-093-09 for the Little Sugar Creek Greenway.
(12) SINGLE STREAM RETROFIT

1) Adopt the “Metrolina Recovery Facility (MRF) Improvements Capital Reserve Project Ordinance.”

2) Authorize the County Manager to negotiate and execute a contract not to exceed $8,000,000 with CP Manufacturing, Inc. for providing a single stream retrofit for the MRF.

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

(13) GREENWAY DONATION & TEMPORARY CONSTRUCTION EASEMENT – STEWART CREEK

Accept donation of Tax Parcel 071-041-15 from Wood Partner, Inc., and approve a temporary construction easement on County-owned Tax Parcel 071-036-91.

*Note: As part of its rezoning approval process for the Wesley Village development located between Thrift and Tuckaseegee Roads in west Charlotte, Wood Partners, Inc. has agreed to donate Tax Parcel 071-041-15 to the County to add to the greenway along Stewart Creek. Additionally, Wood Partners has agreed to construct a pedestrian bridge along the creek that will connect existing Wesley Village property to existing county owned property. The bridge will be located on parcel 071-041-15 and Wood Partners has agreed to construct it to the Park and Recreation Department’s specifications. To construct the bridge and stage construction equipment, Wood Partners is requesting that the County approve a temporary construction easement on Tax Parcel 071-036-91. Wood Partners anticipates the bridge will be completed by early 2010 and parcel 071-041-15 will be deeded to the county at that time.*

(14) DESTRUCTION OF DOCUMENTS – LUESA

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

*Note: These records comprise:*

- 483 commercial plans permitted March 2007
- Eight (8) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.
- Dead Bonds: 663 (10/19/07 – 4/25/09)
- Credit/Refunds: 1526 (1/01/08 – 5/29/08)
- Daily Audit Trail: 1621 (3/1/08 – 4/30/08)
- Daily Audit Trail: 1949 (7/1/07 – 9/30/07)
- Daily Work: 288 (2/1/08 – 3/1/30/08)
- Contractor Notification: 557 (4/1/08 – 5/30/08)

(15) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION

1) Accept the “Offer of Sale of Land” from William W. Tison, owner of 3726 Country Club Drive (PID: 0951511), for $180,000.

2) Recognize, receive and appropriate $174,000 for the purchase, $6,000 for moving costs, and $15,000 for closing and demolition costs for the 3726 Country Club Drive Property from
3) Authorize the carry forward of unspent funds to subsequent years until completion of project.

4) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

*Note:* This action is necessary for the purchase of a floodplain property under the Hazard Mitigation Program. This action will purchase and remove the above property from the Briar Creek floodplain.

**16) HORIZONTAL AUTO-TIE FIBER BALER**

Approve a one-time purchase of a Harris HP-8160 Fiber Baler from Harris Waste Management Group of Peachtree City, GA for a price of $286,566 that includes removal, freight, installation, and options.

*Note:* The existing baler used at the Metrolina Recycling Facility is 30 years old and is no longer efficient, safe, or easy to repair. In addition, a new single stream process will require up-to-date equipment to accommodate different operational requirements.

**19) FOUR MILE CREEK GREENWAY – TOWN OF MATTHEWS**

1) Approve the Amended and Restated Development and Cooperation Agreement for Four Mile Creek Greenway between Mecklenburg County and the Town of Matthews; and

2) Adopt Four Mile Creek Greenway Capital Project Ordinance.

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

**20) GRANT APPLICATION – KODAK AMERICAN GREENWAYS PROGRAM**

1) Approve the submission of an application for funding up to $2,500 for a grant from The Kodak American Greenways Program, for a mural at Little Sugar Creek Greenway (Belmont to 12th Street); and if awarded, recognize, receive and appropriate such funds.

**22) THE FIRST TEE OF CHARLOTTE & REVOLUTION PARK GOLF COURSE RENAMING**

Approve naming the junior golf practice area and office building The First Tee of Charlotte Learning Academy at Revolution Park.

**23) 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 Charles S. Anzalone as a Review Officer and to delete the names Gregory P. Kolat and Nicholas S. Bush from the resolution of October 21, 2008.

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

**24) SOUTH MINT STREET RIGHT OF WAY DEDICATION**
Authorize the County Manager to execute documents to convey to the City of Charlotte fee simple rights to +/- 249 square feet of land from Tax Parcel 073-111-04 and 1,517 square feet from Tax Parcel 073-112-05 to be included in the right of way of South Mint Street.

(25) VERHOEFF DRIVE REALIGNMENT

Authorize the County Manager to execute documents to:

1) Convey portions of Tax Parcel 019-095-02 (.6859 acre within Old Statesville Road right of way and fee simple area including .4975 acre) to the Town of Huntersville for improvements and grade separation associated with Verhoeff Drive; and

2) Permit Central Piedmont Community College to convey a portion of the North Campus Tax Parcel 017-421-07 (previously designated as 017-421-08 and 017-421-09) to the Town of Huntersville for right of way improvements to Verhoeff Drive.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(17) ALEXANDER STREET PARK IMPROVEMENTS

Commissioner Murrey asked to be excused from voting on Items involving Trinity Episcopal School to avoid a conflict of interest. Commissioner Murrey noted that his children attend Trinity Episcopal School.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes and Commissioner Leake voting no, to excuse Commissioner Murrey from voting on Items involving Trinity Episcopal School to avoid a conflict of interest.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to adopt a resolution authorizing a License and Use agreement with Trinity Episcopal School to make park improvements at Alexander Street Park.

Commissioner Leake removed this item from Consent to inquire about the County’s ownership of the property. Park and Recreation Director Jim Garges addressed this issue.

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

(18) SEIGLE POINT RECREATIONAL FACILITIES

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to adopt a resolution authorizing a License and Use agreement with Trinity Episcopal School to develop recreational facilities at Seigle Point. Secondly, to authorize the County Manager to negotiate and execute a Reciprocal Easement agreement for access to the Seigle Point recreational facilities.

Commissioner Leake removed this item from Consent to inquire about the amenities at this site. Park and Recreation Director Jim Garges addressed this issue.
Resolution recorded in full in Minute Book 44-A, Document #______.

(21) RENAMING REQUEST FOR PHILLIP O. BERRY RECREATION CENTER TO “WALLACE PRUITT RECREATION CENTER”

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to approve renaming request for Phillip O. Berry Recreation Center to “Wallace Pruitt Recreation Center.”

Note: Mecklenburg County Park and Recreation Department received an application from the Seversville Community Organization to rename the existing Phillip O. Berry Recreation Center to “Wallace Pruitt Recreation Center”. The neighborhood organization inquired about renaming due to community confusion with this facility and the CMS High School named Phillip O. Berry. This confusion escalated with the recent voting precinct held at Phillip O. Berry Recreation Center. Numerous people went to the CMS Phillip O. Berry High School to vote instead of the Phillip O. Berry Recreation Center, which was the actual voting location. Seversville Community Organization requested the recreation center be named in honor of the neighborhood president and community leader, Wallace Pruitt.

Commissioner Leake removed this item from Consent for more public awareness and to make sure that this naming was not in conflict with the County’s review of a future Facility Naming Policy.

(26) 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, Murrey, and Roberts voting yes, to approve the Home and Community Care Block Grant funding plan for Fiscal Year 2010.

Note: Annually, the Services for Adults Division of the Department of Social Services submits for Board approval the Home and Community Care Block Grant funding plan (also referred to as the County Aging Plan). Board approval is required prior to submitting the plan to Centralina Council of Governments, the local grant authority. The funding plan involves allocating $3,150,479 for aging services, which includes a County match of $315,047. The following services are provided with this grant: In-Home Aide Services; Transportation Services; Congregate Meals; Home Delivered Meals; and Adult Day Care/Day Health.

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

Commissioner Bentley asked Director of Social Services Mary Wilson if any of these funds would go to the Marion Diehl Senior Center. The response was no. Further, that the senior centers operated by the County are the senior nutrition sites.

(27) NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION – SET PUBLIC HEARING

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to approve scheduling a public hearing at the August 4, 2009 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 2009-2010, and direct the Clerk to publish notice of intent to hold a public hearing.
Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Director of Social Services Mary Wilson.

Commissioner Dunlap asked what happens when the City of Charlotte annexes an area of the County where these services had been provided. Are those residents still eligible for County transportation. The response was that persons would need to call and staff would work with via phone and do an assessment. Further, that staff tries to coordinate with Charlotte Area Transit Systems Special Transport Services, which handles some routes but is sometimes on a more discretionary basis, whereas, the County’s service is more mandated by Medicaid and actually paid for by Medicaid and NC DOT rural grant dollars.

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(29) SELECTION OF NACO VOTING DELEGATE

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to select Commissioner George Dunlap as the Board’s voting delegate for the 2009 National Association of Counties (NACo) Annual Conference to be held July 24-28, 2009 in Nashville, Tennessee; and in the event that Commissioner Dunlap is unable to attend, authorize the president of the NC Association of County Commissioners (or his/her designee) to pick up and cast the County’s votes.

(28) MECKLENBURG COUNTY’S NON-PROFIT FUNDING APPLICATION PROCESS (COMMISSIONER LEAKE)

The Board received information regarding the County’s process for seeking and evaluating applications from non-profit organizations for funding during the annual budget process.

Budget/Management Director Hyong Yi addressed this matter.

Note: The County has established a process for non-profit organizations seeking County funding for specific services offered by those organizations. In addition, the County has defined several conditions as a requirement for funding consideration. The purpose of this agenda item was to provide an overview of the process, key dates, and requirements for funding.

Commissioner Leake requested this matter be placed on the agenda. Commissioner Leake noted that the matter she had on the June 16, 2009 agenda requesting funds for outside agencies was a request for funding from unrestricted contingency and not budgeted funds for FY10.

Commissioner Leake noted during the discussion that there was not a process for allocating funds out of unrestricted contingency and that all that’s required are five votes. Director Yi acknowledged that this was correct.

Director Yi said the unrestricted contingency fund was a fund that’s available to the Board that’s completely at the Board’s discretion. Further, that there “really is no process other than that it requires five votes to approve the use of any of the funds. Director Yi said, however, that if the Board wants to have a process, that’s up to the Board to decide what that process is or how it wants to use those funds.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy: Commissioner Cogdell acknowledged the passing of Judge Clifton Johnson.
ADJOURNMENT

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

Janice S. Paige, Clerk  Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, August 4, 2009.

ATTENDANCE

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

Absent: None.

- INFORMAL SESSION -

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

(1) STAFF BRIEFINGS - QUALIFIED SCHOOL CONSTRUCTION BONDS

The Board received information on Qualified School Construction Bonds.

Finance Director Dena Diorio reported on this issue. The following was covered in the presentation:

Overview
- Tax credit bonds whereby the issuer receives a tax credit; the County does not pay interest.
- The NC Dept. of Public Instruction (DPI) has been designated the agency to administer the program.
- Mecklenburg County received a direct allocation of $25,962,000 in CY 2009 and CY 2010.
- Submitted an application to DPI by July 31, 2009 to claim allocation.
- Bonds not issued by December 31, 2009 are subject to reallocation by the State.

Issues
- Market for the bonds is soft.
- Investors waiting for additional guidance from the Treasury regarding the stripping of the tax credits.
- Guidance not expected until September 2009.
- Response from DPI needed by mid-September to allow sufficient time to issue the bonds in the event the County’s request is denied.
Issuance Considerations
Recommendations and Next Steps
- Formally request that the County’s allocation be rolled over to FY2011.
- If approval not received by mid-September begin the process to issue the bonds.

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

Comments

Commissioner Clarke asked if this was a “once in a lifetime opportunity” to issue debt at zero percent interest. The response was yes.

Commissioner Dunlap asked was $25 million the limit per year. Director Diorio explained the direct allocation process.

Commissioner Dunlap asked what amount could the County anticipate borrowing and still be in compliance with its Debt Policy. Director Diorio said doing $25 million per year would not have a negative impact on the County’s debt ratio.

Commissioner Dunlap asked what happens if more is received. Director Diorio said as long as the County doesn’t go over $150 million, it should be okay.

Commissioner James said this was a good idea and that you just have to decide the best time to allocate.

Commissioner James asked when discussion would take place about sub-allocations or limits. Director Diorio said staff plans to provide options to the Board at the first meeting in October.

Commissioner Cogdell asked for clarification on the recommendation for deferral to 2011 and was it because of the county’s limited capacity at the present time. Director Diorio said yes and also because of the limited market. Director Diorio said there are not a lot of investors “out there.”

Commissioner Cogdell asked what happens if you go out to sell and no one is interested. Director Diorio said the risk you run if there’s no demand for the bond, is that you could potential sell them at a discount. Director Diorio said the goal is to sell them dollar for dollar.

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to formally request that the County’s allocation be rolled over to calendar year 2010, with the understanding that if it can’t be rolled over that staff will move forward to get it done this year.

Prior to the above vote, Commissioner James said he wants to understand Charlotte/Mecklenburg Schools (CMS) Capital Plan how certain CMS projects got on the latest list.

Commissioner Cooksey asked that staff look to see if there are any other opportunities for the County to take advantage of.

Commissioner Cogdell said it’s important to think about the message that’s sent to Raleigh when you say Mecklenburg County wants to be able to “issue all the debt it can possibly issue,” so if someone else out here doesn’t want to issue this year, we want it.” Commissioner Cogdell said he’s “curious about what message that sends when other decisions totally outside of the framework of this gets contemplated in Raleigh.”

Director Diorio said staff would not ask for an additional allocation but that because of the way
the state has allocated the money back to the school districts, there are very small districts that can’t do anything with what they’ve received because they don’t have the capacity. Thus, its anticipated that those funds will come back to the state and go back into the “pot.”

Director Diorio said staff would not ask for an additional allocation without first coming to the Board.

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcel 003-331-02 and Tax Parcel 080-063-09 and 10.

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

The Board went into Closed Session at 5:40 p.m. and came back into Open Session at 6:47 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 7, 12, 14, 16, 18, 19, 21, 24, 25, 26, 31, 32, and 34, to be voted on separately.

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

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

PROCLAMATIONS AND AWARDS

(1A) WOMEN’S EQUALITY DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating August 26, 2009 as Women’s Equality Day.

The proclamation was read by Chairman Roberts and received by Dr. Angelia Fryer and other members of the Women’s Advisory Board.

A copy of the proclamation is on file with the Clerk to the Board.
AUGUST 4, 2009

(1B) 90TH BIRTHDAY OF MECKLENBURG COUNTY DSS

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation recognizing August 4, 2009, the 90th birthday of Mecklenburg County DSS.

The proclamation was read by Commissioner Leake and received by Director of Social Services Mary Wilson and members of her Senior Executive Team.

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

(1C) MEN TAKING CHILDREN TO SCHOOL ON THEIR FIRST DAY

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating August 25, 2009 as “Men Taking Children to School on Their First Day.”

The proclamation was read by Commissioner Cogdell and received by Blanche Penn with Winners Plus.

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

(1D) 2009 NACO ACHIEVEMENT AWARDS

The Board Recognized County departments for receiving 2009 NACo Achievement Awards for the following programs:

- Capital Improvement Projects Mapping System – GIS, IST, and County Manager’s Office
- Veterans Services Office Outreach – Veterans Services
- Healthy Futures Starting in the Kitchen – Health Department
- E-Plan Review-NC - LUESA
- Grant to Replace Aging Diesel Engines - LUESA
- Accessible Mountain Bike Trail – Park and Recreation
- MeckTeen Chefs – Park and Recreation
- Physical Education Teacher In-Service – Park and Recreation
- Solar GEM – Park and Recreation
- SEALS – Park and Recreation
- Natural Enhancements Service Park and Recreation
- Go Get Them and They Will Come – Park and Recreation

_Note: The National Association of Counties’ Achievement Award Program is a non-competitive program that recognizes counties for improving the management of and services provided by county government. Since the program’s inception in 1970, the Achievement Award Program has honored hundreds of county government initiatives that have improved service delivery, achieved greater cost efficiency, provided finer customer service and helped to develop a better-trained workforce. Mecklenburg County was honored with 12 Achievement Awards this year._

Commissioners James and Clarke left the dais and were away until noted.

_A description of each program is on file with the Clerk to the Board._
The following person appeared to speak during the Public Appearance portion of the meeting:

Dr. Wesley Carter addressed an upcoming Working Charlotte Launch Party sponsored by Working Charlotte. The event will take place Friday, October 2, 2009, 6:00 – 9:00 p.m. at the EpicCentre, 210 East Trade Center. Commissioners were invited to attend.

(3A) APPOINTMENTS

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Commissioners Clarke and James returned to the dais.

The vote was taken on the following nominees for appointment to the Citizen’s Capital Budget Advisory Committee:

Sarah Funkhouser   Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts
Larry Huelsman
Chad Lacy
Ira Slomka
Edward Smith
Deshea Spurgeon
Gerald Williams

Voting Ceased

Chairman Roberts announced the appointment of Sarah Funkhouser to the Citizen’s Capital Budget Advisory Committee for a two-year term expiring July 31, 2011.

She is replacing James Diana.

(3B) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Delia Holder to the Adult Care Home Advisory Committee for a three-year term expiring September 9, 2012.

AIR QUALITY COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Tonisha Dawson, Ray Fuentes and Robert Statnick to the Air Quality Commission for a three-year term expiring August 31, 2012.

CHARLOTTE MECKLENBURG COMMUNITY RELATIONS COMMITTEE
Commissioner Cooksey nominated all applicants for appointment consideration to the Charlotte Mecklenburg Community Relations Committee:

Lori Fletcher  
Earl Foxworth, Jr.  
Azania Herron  
Jibril Hough  
Sharon Ingram  
Barry Kirby  
Patrick Rivenbark  
Amad Shakur  
Rebecca Vincent

Note: An appointment will occur on September 1, 2009.

CITIZEN’S TRANSIT ADVISORY GROUP

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Robert Bischoff and Robert Zuckerman to the Citizen’s Transit Advisory Group for a two-year term expiring June 30, 2011.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Cooksey nominated all eligible applicants for the Business Community slot for appointment consideration to the Juvenile Crime Prevention Council:

Laura Johnson  
Eric Threatt

Note: An appointment will occur on September 1, 2009.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Commissioner James nominated all applicants for appointment consideration to the Mountain Island Lake Marine Commission:

Anthony Conant  
Robert Keith  
Howard Wheeler III

Note: An appointment will occur on September 1, 2009.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Brenda McMoore, Norman Mitchell, David Morgan and Jeffery Tarte to the Park and Recreation Commission for a three-year term expiring June 30, 2012.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Murray and Roberts voting yes, to nominate and appoint Charles McRee to the Park and Recreation Commission as the Central Park District III representative for a three-year term expiring June 30, 2012.

*He is replacing Kirkwood Otey.*

**STORM WATER ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murray and Roberts voting yes, to nominate and appoint John Buric to the Storm Water Advisory Committee for a three-year term expiring June 30, 2012 as the Legal Professional representative.

*He is replacing Fred Monroe.*

**WASTE MANAGEMENT ADVISORY BOARD**

Commissioner Bentley nominated all applicants for appointment consideration to the Waste Management Advisory Board:

Rita Brannon  
Chad Faubel  
Connie Harris  
Laila Macs  
Rita Plyler

*Note: An appointment will occur on September 1, 2009.*

**WOMEN’S ADVISORY BOARD**

Commissioner Cogdell nominated all applicants for appointment consideration to the Women’s Advisory Board:

Natalie Bingham, Deborah Bosley, Takisha Boyd, Chia-Li Chien, Victoria Chopra, Jenifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Jill Dinwiddie, Laura Everett, Andrea Ferguson, Beverly Foster, Bliss Green, Laurel Grier, Shanna Hoover, Beverly Hunt, Alice Jackson, Kathryn Johnson, Angela Joyner, Sharon Lachow-Blumberg, Brook Maybach, Kate Maynard, Simona Mitchell-Kelly, Shalawn Moore, Mary Murphy, Mariana Nunez, Felicia Parker-Rodgers, Constance Purcell, Stacey Rose, Bellverie Ross, Deborah Snowdon, Najeedah Stover, Melba Streeter, Heather Swindells, Catherine Ann Wargo, Lisa Yarrow, Mimi Zelman

*Note: An appointment will occur on September 1, 2009.*

**PUBLIC ARTS COMMISSION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murray and Roberts voting yes, to appoint Katrina Streiner to the Public Art Commission for a three-year term ending June 30, 2012 as recommended by the Arts & Science Council.

*She is replacing Pamela Lawton.*
PUBLIC HEARINGS

(4A) ABANDONMENT & CLOSING OF ROADWAYS NEAR CHARLOTTE-DOUGLAS AIRPORT

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to hear comments on whether to abandon and close twelve sections of roadways and their rights-of-way in the vicinity of the Charlotte-Mecklenburg International Airport.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on whether to abandon and close twelve sections of roadways and their rights-of-way in the vicinity of the Charlotte-Mecklenburg International Airport and adopt the order to abandon and close twelve sections of roadways and their rights-of-way in the vicinity of the Charlotte-Mecklenburg International Airport.

Order recorded in full in Minute Book 44-A, Document #______.

(4B) NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to the open public hearing to receive comments on the Mecklenburg County Department of Social Services request to submit an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2009-2010 funding.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right’s Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1830 or email at slipscomb@ncdot.gov.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing 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 2009-2010; and to recognize, receive and appropriate grant funds when awarded.

Certified Statement recorded in full in Minute Book 44-A, Document #_________.

ADVISORY COMMITTEE REPORTS

(5A) PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN

The Board received a report on the Arts and Science Council Public Art Work Plan for FY2010.

The report was given by Scott Provancher, president of the Arts and Science Council, Brad Thomas, Chair of the Public Arts Commission, and Jean Greer, Vice President of Public Art & Creative Individuals of Public Art, Arts and Science Council.

The report covered the following:
- Status of Projects
- FY09 & FY10 Projects on Hold

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

It was noted that with respect to the 2010 Work Plan, the Public Arts Commission will not begin any new County projects during FY2010, but will continue on existing projects.

Comments

Commissioner Bentley commented on the Shuffle Town Project. Commissioner Bentley said many residents of this area contacted her and said they felt the community had not been involved in the project and felt the wrong message had been sent regarding the history of Shuffle Town, “in the sense that it was the intent of the artwork to waive goodbye to their history and look forward to their future.” Commissioner Bentley said that may have been a miscommunication.

Commissioner Bentley said community engagement is important and some residents informed her that they were not aware of how they could have gotten involved. Commissioner Bentley said she would like to receive information on the notification and engagement process as it relates to community involvement.

Commissioner Bentley said area residents also wanted to know if there was any flexibility in how the dollars could have been spent. Commissioner Bentley said she’s aware that the County is bound by the one percent policy, but she said maybe there’s a way to remain within the policy but use those dollars for some interactive playground equipment that could still have some art value to it. Commissioner Bentley asked that the Arts Commission have dialogue regarding how the dollars, “in a practical sense, particularly in times like this one, when times are tight” can be used in a more flexible way.

Commissioner Leake asked what participation does the County have in the public arts process other than voting on the work plan. Commissioner James noted the one percent funding.

Commissioner Leake asked about community participation and the selection process. She noted that often persons inquire about various pieces of public art. Commissioner Leake said she’s been asked about the hand statute across from the courthouse and its meaning but couldn’t provide any information about it.

Ms. Greer addressed the role of the Public Art Commission, that of the Arts and Science Council
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Mr. Provancher said in the future, additional information would be provided regarding the various projects, so that Board members will be more informed and hopefully able to address questions from constituents.

Commissioner Cooksey asked for clarification on how it’s decided as to what type of art will be selected for a particular facility, which was addressed by Ms. Greer. He said he noticed in some instances the art work is abstract and in other instances it’s more practical and fits in with the nature of the facility.

Ms. Greer in her remarks acknowledged that there’s an array of various art pieces throughout the County. Ms. Greer said this is how it should be because each part of the community is different and each agency and their needs are different.

Commissioner Cooksey said from a public perception standpoint, “if people can touch and feel and use the artwork, they can appreciate more than looking at something and saying, I wonder what that is.”

Commissioner Cooksey asked if the one percent comes out of bond funding. The response was yes.

Commissioner Cooksey asked where the projects on hold because of the fact that the underlining project is on hold. The response was yes.

Commissioner Cooksey asked had there been any discussion about putting some projects on hold just because of the financial situation the County is in and perhaps funding them at a later date. The response was that they were told in October of 2008 not to move forward with existing funds in 2009. It was noted that contracts were cut back in October 2008, in order to not spend full value on some of the contracts.

County Real Estate Services Director Mark Hahn clarified that the Public Arts Commission’s funding follows the County’s, which is one percent of the design and construction costs, so when County projects are put on hold because of funding, then so are the art projects that go along with that facility.

Commissioner James addressed the one percent and asked should consideration be given to spending a half percent on art and the other half could be used to build more buildings, in light of the current economy.

Commissioner Murrey echoed Chairman Roberts’ comments regarding the use of local artists and stated, “the purpose of the Arts & Science Council is not to just expose us to great art and to broaden our horizons, but to also cultivate great art.” He said the Board would love to see Charlotte be a place that cultivates great artists and great public artists as well as smaller scale artists. Commissioner Murrey said it’s important to keep this in mind and in the forefront as the arts community grows here in Charlotte/Mecklenburg. Commissioner Murrey said Charlotte
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needs to be known as a place where artists can come and thrive and that one way to do that is have our local arts funding going to local artists.

Commissioner Cooksey said he noticed that for some of the projects, private funding had been received. He encouraged the ASC to continue to seek partners and to leverage the funds received from the County.

Motion was made by Commissioner Murrey, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to authorize the County Manager to negotiate and execute an Agreement for the administration of the Public Art Program for Mecklenburg County; and to receive and approve the ASC Public Art Work Plan-FY2010 for Mecklenburg County.

MANAGER’S REPORT

(6) RECEIVE MANAGER’S REPORT

Legislative Update

Assistant to the County Manager Brian Francis gave a legislative update, with respect to the County’s legislative agenda. An update was also given on the State Budget.

The following was noted, with respect to Mecklenburg County’s 2009 Legislative Agenda:

- Community Support Services Request - Adopt legislation to establish and support the development of a Domestic Violence Fatality Prevention and Protection Review Team in Mecklenburg County, including immunity for service providers, to prevent the occurrence of domestic violence related deaths and promote collaboration among community service providers. **(This was adopted by the State Legislature. Effective September 15, the County’s Community Support Services will convene the first meeting of that team.)**
- LUESA-Code Enforcement Request - Revise NC Public Records Law to allow NC Professional Seals to have a higher level of security with respect to electronic records requests. **(This was adopted by the State Legislature.)**
- Park and Recreation Request - Increase the threshold at which Mecklenburg County and municipalities within the county may use force account qualified labor. Park and Recreation request **(This was adopted by the State Legislature.)**.
- Eliminate the requirement of an elected official recommendation for notary public applicants in counties with more than fourteen thousand notaries public. **(This was adopted by the State Legislature.)**
- Adopt local legislation so that the Board of County Commissioners will not have to hold hearings to approve excise tax refunds. This authority will be delegated to the County Manager. **(This was adopted by the State Legislature.)**
- Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places. **(This was adopted by the State Legislature and done so as statewide legislation. Smoking will be banned in public places and all places of employment, effective January 2, 2010.)**

Assistant Francis mentioned also, legislation regarding the public/private reimbursement agreements.

State Budget:

- Today the Senate approved the Conference report, which was the negotiated budget bill between the House and Senate. The House has also approved it. A second reading on the budget bill will occur on tomorrow, August 5, 2009.
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- The Governor held a press conference and indicated that she will sign the budget, if it’s passed on August 5, 2009.

- Staff is going through the budget to determine its impact on counties. Staff, however, has some sense that generally there are areas that will not necessarily be good for county finances.

- There will be some funding cuts from the state level.

- There will be some tax changes, particularly with respect to the beer and wine beverage tax.

Comments

Chairman Roberts asked when would staff know the impact of the state budget on the County. The response was that some information will be provided to the Board in the County Manager’s upcoming weekly Board Bulletin and more detailed information will be provided over the next few weeks.

Commissioner Leake asked about the Superintendent of Education and the status of her case. Assistant Francis noted that the Governor appointed a CEO of Public Instruction, although there is a statewide elected Superintendent of Public Instruction, and that the Superintendent of Public Instruction sued and said it was a violation of the constitution for her not to have day to day oversight. The courts agreed with her argument. Assistant Francis said it’s his understanding that the CEO has stepped down and that the Superintendent of Public Instruction has day to day oversight.

Commissioner Leake asked about the status of the state budget. The response was that the budget is scheduled to be approved on tomorrow, August 5, 2009 and that the Governor has indicated she will sign the budget once approved and it’s delivered to her.

Commissioner Leake asked about stimulus funds, with respect to Mecklenburg County. Assistant Francis said it’s complicated because the stimulus money is basically filtering through existing programs. He said some stimulus money is through competitive grants and the county is applying for some of those grants. Further, that some stimulus money has flowed to the state and that the state has broad discretion as to how to use it. The state has used some of it to balance the state budget. Also, there is some stimulus money that will flow to the County through the regular distribution formula. It’s believed that some of that has been received, but it’s been coming “bit by bit.”

Commissioner Leake asked would the Board be informed when stimulus money is received and for what purpose. County Manager Jones said yes.

Jail Annex Tour

County Manager Jones reminded Board members of the scheduled tour of the Jail North, Temporary Jail Annex on August 6 and 12, 2009. He encouraged Commissioners to go on the tour and to contact Assistant to the County Manager Nyki Hardy if they’re interested in going. County Manager Jones said he also plans to invite former Commissioners who were in office at the time the decision was made regarding the jail annex.

Commissioner Cogdell returned to the dais.

(2B) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to execute necessary documents for the purchase of Tax Parcel 003-331-02 (70.86 acres) from Frank Jacobus for $1,900,000.

(36) FIRST WARD PARK AND DEVELOPMENT AGREEMENTS AND LAND
ACQUISITION

John Allen, Economic Development Director addressed the First Ward Park and Development Agreements and Land Acquisition matter. He was assisted by Levine Properties Attorney Jeff Brown, Dennis Rash on behalf of UNC-Charlotte, Jim Garges, Director of Park and Recreation, and Nancy Brunnemer with Real Estate Services.

Note: The proposed development agreements will create a new mixed-used area in First Ward through a public-private partnership between the City of Charlotte, Mecklenburg County, UNC Charlotte and Levine Properties (and their affiliates such as Seventh Street Investors LLC). The First Ward Project would fulfill the vision of the 2010 Center City Plan to provide an urban park in First Ward, address the need for public parking in uptown, support UNC Charlotte’s urban campus, provide a possible venue for Center City’s farmers’ market and provide a catalyst for new jobs, economic development and retail in the urban core.

Comments

Commissioner James asked about the value of the Charlotte/Mecklenburg Schools’ (CMS) property. The response by Nancy Brunnemer was that it’s believed to be $1.8 million.

Commissioner James asked about the difference in the value of the CMS property versus the City of Charlotte’s property. The response was the CMS property is larger.

Commissioner James asked about the status of CMS. Ms. Brunnemer said she thinks the Board of Education will discuss the matter at their next meeting.

Commissioner James asked whether the Board of Education discussed it previously at their last meeting. Ms. Brunnemer said it was discussed in their last closed session meeting.

Commissioner James asked was a vote taken. Attorney Bethune said no public action was taken.

Commissioner James asked about the date of the appraisal, which was addressed by Ms. Brunnemer.

Commissioner James said at some point he would like to understand the difference in the values of the City’s appraisal and that of the County. Ms. Brunnemer addressed one difference involving a sidewalk easement and the cost associated with it.

Commissioner Leake said she’d heard from residents of First Ward who are concerned about accessibility to the park property. Commissioner Leake said it’s her understanding that the park would be open to everyone and that she hopes this message is relayed to the public.

Commissioner Leake asked would this project have any impact on the Little Rock AME Zion Church property in any way. Director Allen said he was not aware of any impact.

Commissioner Leake asked about the value of the County’s property and the Levine property, which was addressed by Director Allen.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve in concept, as it relates to the First Ward Park and Redevelopment, the Economic Development Grant and Reimbursement Agreement, and related agreements between the County and the developer, and authorize staff to finalize negotiations and bring final versions of the agreements back to the Board at the appropriate time.

A copy of the proposed agreements is on file with the Clerk to the Board.
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Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve acquisition of portions of City Tax Parcels 080-063-11 and 080-063-12 in First Ward including +/- .2342-acre for +/- $717,094 to be added to the City/County Land Transfer Ledger and authorize the County Manager to negotiate and execute all documents necessary to complete the acquisition.

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

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

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 7, 12, 14, 16, 18, 19, 21, 24, 25, 26, 31, 32, and 34, to be voted on separately.

(8) DESTRUCTION OF DOCUMENTS (LUESA-PALRM)

Approve the disposal/destruction of LUESA (PALRM) tax assessment documents in accordance with North Carolina records retention and disposition policies. Destruction will occur in compliance with statutes.

Note:

<table>
<thead>
<tr>
<th>Box count</th>
<th>Description</th>
<th>Years</th>
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<tbody>
<tr>
<td>54</td>
<td>RMV Monthly Correspondence and Release and Rebill information</td>
<td>1993-2004</td>
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<td>1993-1995</td>
<td></td>
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<td>1</td>
<td>RMV Change of County forms MAV-1</td>
<td>1998-1998</td>
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<tr>
<td></td>
<td>RMV Proration (refund and release) information 1999-2004</td>
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<td></td>
<td></td>
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<tr>
<td>2</td>
<td>RMV Appeals Resolved</td>
<td>1993-1998</td>
</tr>
<tr>
<td>8</td>
<td>PERSPROP Rebill/Releases</td>
<td>1993-1994</td>
</tr>
<tr>
<td>7</td>
<td>PERSPROP Monthly Correspondence</td>
<td>1994-1995</td>
</tr>
<tr>
<td>42</td>
<td>PERSPROP Voided Accounts</td>
<td>1996-1998</td>
</tr>
<tr>
<td>4</td>
<td>PERSPROP Extension Requests</td>
<td>1998-1998</td>
</tr>
<tr>
<td>2</td>
<td>PERSPROP BUS Audit Summaries</td>
<td>1996-1997</td>
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<tr>
<td>14</td>
<td>PERSPROP BUS Leased Eqpt purges and voids</td>
<td>1989-1998</td>
</tr>
<tr>
<td>2</td>
<td>PERSPROP BUS Audit Travel Requisitions</td>
<td>1997-1999</td>
</tr>
<tr>
<td>9</td>
<td>PERSPROP AUDITS</td>
<td>1993-1998</td>
</tr>
<tr>
<td></td>
<td><strong>178</strong></td>
<td></td>
</tr>
</tbody>
</table>

(9) AGREEMENT FOR THE PROTECTION, DEVELOPMENT AND IMPROVEMENT OF FOREST LAND

Adopt “Agreement for the Protection, Development, and Improvement of Forest Land in Mecklenburg County.”

Note: This is reoccurrence of a one (1) 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 44-A, Document #__________.

(10) FUNDING ADJUSTMENTS - CLOSE OUT STORM WATER GRANTS

Approve the reduction of various storm water grant budgets to reflect actual expenditures at the end of the grant period.

Approve the transfer of unused local match to the Storm Water Capital Reserve Fund.

Note: The grants listed below have ended and require budget reductions to reflect actual revenues received and actual expenditures incurred.

The following grants were used to purchase properties located in the floodplain and miscellaneous water and land projects:
- NCDENR Mint Hill LID ended 12/29/06 ($11,498)
- SWIM TMDL ended 03/30/08 ($12,441)
- Natural Resources Conservation Grant ended 1/31/06 ($15,998)
- 312 Rocklyn (FMA 2004-001) ended 6/30/08 ($1,161)
- 134 Placid Place (FMA 2004-002) ended 6/30/08 ($1,264)
- Westfield / Rocklyn (PDM 2005-01) ended 6/30/09 ($2,212)
- Letter of Map Change ended 6/30/08 ($1)

These grants were returned to the grantor due to owner non-participation.
- 110 Placid Place (FMA 2004-003) returned to grantor 6/08 ($222,372)
- Sentinel Post Elevation returned to grantor 5/09 ($124,940)

This grant was returned to the grantor after the site was found to be unsuitable for the BMP project originally proposed due to contamination and legal issues:
- Little Sugar Creek Restore Project (Phase 4, Belmont) returned to grantor 2/07 ($1,488,201)

(11) FUNDING ADJUSTMENTS - CLOSE OUT AIR QUALITY GRANTS

Approve the reduction of various air quality grant budgets to reflect actual expenditures at the end of the grant period.

Note: The following grants have ended and require budget reductions to reflect actual revenues received and actual expenditures incurred:
- Air Quality Vehicle Retrofit Grant ended June 2008 – ($1,680)
- FY06 Air Quality PM2.5 Grant ended March 2008 – ($19,349)

(13) WEB CONTENT FILTERING SYSTEM PURCHASE

Approve the request to purchase Palo Alto, a web content filtering system, from H1C Network Security Solutions LLC.

Note: This product will replace current network devices to provide filtering of Internet traffic which: blocks access to inappropriate web sites, scans web traffic for malware and viruses, and prevents any file transfer from instant messaging traffic. This product is essential to ensure the security of the County’s Internet. The current solution is outdated and the vendor is dropping support, necessitating a replacement.
(15) ORDER OF COLLECTION

Approve the Order of Collection empowering the Tax Collector to bill and collect 2009 taxes.

Order recorded in full in Minute Book 44-A, Document #__________.

(17) WATER QUALITY MONITORING EQUIPMENT

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 water quality monitoring equipment in the amount of $128,523.

(20) RYAN WHITE MINORITY AIDS INITIATIVE FUNDING (MAI) ITEM WAS REMOVED

(22) AREA MENTAL HEALTH FINANCIAL REPORTS


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

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2009, For the period ending May 31, 2009

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<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,178,693</td>
<td>10,863,503</td>
<td>71.57%</td>
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<tr>
<td>State and Federal</td>
<td>34,319,491</td>
<td>24,898,984</td>
<td>72.55%</td>
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<td>Third Party/Other</td>
<td>150,541</td>
<td>77,990</td>
<td>51.81%</td>
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<td>Grants</td>
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<td>County</td>
<td>45,167,108</td>
<td>37,308,001</td>
<td>82.60%</td>
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<td><strong>Total Revenues</strong></td>
<td><strong>99,988,474</strong></td>
<td><strong>75,786,549</strong></td>
<td><strong>75.80%</strong></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
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</thead>
<tbody>
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<td>Children's Developmental Services</td>
<td>6,909,463</td>
<td>5,872,151</td>
<td>84.99%</td>
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<tr>
<td>Child &amp; Adolescent Services</td>
<td>15,786,960</td>
<td>10,472,379</td>
<td>66.34%</td>
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<td>Adult Mental Health</td>
<td>13,248,440</td>
<td>6,750,321</td>
<td>50.95%</td>
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<td>Adult Substance Abuse</td>
<td>14,350,366</td>
<td>12,085,203</td>
<td>84.22%</td>
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<td>Local Management Entity</td>
<td>11,268,435</td>
<td>8,122,197</td>
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<td>BHC Randolph</td>
<td>20,075,073</td>
<td>17,609,260</td>
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<td>Developmental Disabilities</td>
<td>18,349,737</td>
<td>14,875,038</td>
<td>81.06%</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>99,988,474</strong></td>
<td><strong>75,786,549</strong></td>
<td><strong>75.80%</strong></td>
</tr>
</tbody>
</table>

16
A copy of the report is on file with the Clerk to the Board.

2) Recognize and receive the Fourth Quarter 2009 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 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>
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<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
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<tr>
<td>Medicaid &amp; CAP</td>
<td>15,178,693</td>
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<td>State and Federal</td>
<td>34,319,491</td>
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<td>Third Party/Other</td>
<td>150,541</td>
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<td>Grants</td>
<td>5,172,641</td>
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<td><strong>Total Revenues</strong></td>
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<td><strong>87,878,402</strong></td>
<td><strong>88.20%</strong></td>
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<th>Service Continuum</th>
<th>Budget</th>
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<th>Spent</th>
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<td>Children's Developmental Services</td>
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<td>Child &amp; Adolescent Services</td>
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<td>Adult Mental Health</td>
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<td>Adult Substance Abuse</td>
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<td>Local Management Entity</td>
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<td>BHC Randolph</td>
<td>20,075,073</td>
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<td>Developmental Disabilities</td>
<td>18,499,737</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>99,630,975</strong></td>
<td><strong>87,878,402</strong></td>
<td><strong>88.20%</strong></td>
</tr>
</tbody>
</table>

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

(23) STATESVILLE ROAD RIGHT OF WAY FOR CITY OF CHARLOTTE

Authorize the County Manager to execute deed to convey to the City:

Permanent street right of way; and

Permanent utility, storm drainage and temporary construction easements along Nevin Community Park’s Statesville Road frontage.

Note: This request is generated by the widening of Statesville Road along the frontage of both the above park and adjoining Ranson Middle School. The subject conveyance will be from Tax Parcels 045-421-01 and 045-421-02 which are part of the parkland deeded to the County in the 1992 merger of the City and County Park and Recreation departments. The inter-local agreement for that transaction provides that easements and right of way over former City property will be transferred to the City at no cost. Fee simple conveyances (for street right of way) require Board approval. The areas to be conveyed are:
Right of way and easements are also required along the frontage of Ranson Middle School. The roadway project will include combining the vehicular ingress/egress to the school with the current location of the park entrance and the addition of a traffic signal at this entrance. The bus entrance for the school will remain at its existing location. Changes to the landscaping and signage at the new park/school entrance drive will be included in the roadway project.

(27) AREA MENTAL HEALTH – CAP-MR/DD CONTRACT SELECTIONS FOR SUPPLIERS

Area Mental Health – Medicaid Community Alternatives Program for Persons with Mental Retardation/Developmental Disabilities (CAP-MR/DD) Contract Selections for Suppliers

(28) BEHAVIORAL HEALTH CENTER FIRE SPRINKLER ADDITION-RENOVATION

Award a contract to Southside Constructors Inc for the installation of a wet pipe fire sprinkler system and upgrades to the fire alarm system at the Behavioral Health Center - Randolph.

(29) EVERGREEN NATURE PRESERVE MASTER PLAN

Approve the master plan for the development of Evergreen Nature Preserve.

Note: Evergreen Nature Preserve is a 77 acre parcel of parkland, located in the Sheffield/Winterfield neighborhoods in east Charlotte. It is the county’s closest nature preserve to uptown Charlotte, and combined with the wooded sections adjacent to it still owned by the city and part of the Evergreen Cemetery represents over 100 acres of woodlands within minutes of uptown.

Originally proposed as a district park (athletic/active park), many area residents petitioned the county to preserve the land as a nature preserve for passive recreation. In 2002, the park was designated as nature preserve. For the past seven years, the preserve and simple trails have been open to the public for hiking, wildlife watching, and passive recreation, however no master plan was ever completed nor has any capital improvements ever been initiated.

(30) FLAT BRANCH NATURE PRESERVE MASTER PLAN

Approve the master plan for the development of Flat Branch Nature Preserve.

Note: Flat Branch Nature Preserve is a 42 acre parcel of parkland, located across the street from Flat Branch Community Park and Polo Ridge Elementary School on Tom Short Road in southern Mecklenburg County. The preserve protects one of best examples of a mafic depression, or upland depression swamp forest. It is mainly wooded with delineated wetlands occurring throughout the site, which are seasonally wet.

The master planning process for the nature preserve began in October 2007 with the first community workshop. A second community workshop was held October 22, 2008. A third community workshop was held February 25, 2008, at which time both the South Park District Advisory Council and the Stewardship Advisory Council unanimously approved the master plan. The plan was then presented to the Park & Recreation Commission and approved by unanimous
(33) **RAY’S SPLASH PLANET CAPITAL RESERVE REQUEST**

Authorize a capital reserve expenditure of $60,000 from funds accrued through Ray’s Splash Planet revenues to replace fitness equipment and lifeguard stands.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

Commissioner Cooksey returned to the dais.

(7) **APPROVAL OF MINUTES**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve minutes of Budget/Public Policy meetings held May 12 and May 26, 2009; and minutes of Regular Meeting held July 7, 2009 with the following amendment: Under the section of the minutes: Commissioner Comments, to correct the spelling of the late Judge Johnson’s name. It should read Clifton Johnson rather than Clifford Johnson.

Chairman Roberts removed this item from Consent in order to bring the above needed amendment to the Minutes of Regular meeting held July 7, 2009, to the Clerk to the Board’s attention.

(12) **CONVEYING OF PROPERTY - SHERIFF’S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the conveying of property (eight (8) Panasonic laptops and eight (8) vehicle computer stands) from the Mecklenburg County Sheriff’s Office to the Jones County Sheriff’s Office.

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

Note: Per North Carolina General Statute G.S. 160A-280, donations to other governmental units of any equipment deemed to be obsolete, surplus or unused are allowed.

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

(14) **WALMART COMMUNITY GRANT—SHERIFF’S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate funds awarded to the Sheriff’s Office from Walmart Corporation for Community Outreach in the amount of $1,250.

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

Note: The Mecklenburg County Sheriff’s Office Master Deputies and the Hometown Heroes (501(c)(3)) received a community grant from Walmart for their joint efforts. The Sheriff’s Office
grant will fund supplies for the Community Service operations.

(16) **REVENUE FOR LAND DEVELOPMENT – LUESA SOUTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate $158,499 for Land Development and carry forward the unspent balance at June 30, 2010 to FY11.

Commissioner Leake removed this item from Consent in order to get clarification on the type of bond referenced in this matter. Attorney Bethune explained.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in Traditions at Lawyers Glen. A letter of credit was provided by Portrait Homes for completion of this work on June 12, 2006. Mecklenburg County found the developer in default of the bond obligation due to the work not being completed. The funds received by the County will be used to complete improvements required by the Town of Mint Hill Subdivision ordinance. Any funds remaining after completion of these improvements will be returned to Portrait Homes and their guarantor, The Private Bank and Trust Co.

(18) **FOUR MILE CREEK GREENWAY - MATTHEWS – CONSTRUCTION CONTRACT**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to award a construction contract to On-Site Development, Inc. for a total amount of $1,300,904 for the construction of the Four Mile Creek Greenway – Matthews Project.

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

(19) **NURSE FAMILY PARTNERSHIP PROGRAM FUNDING**

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate $49,500 from the Mecklenburg Partnership for Children for the Nurse Family Partnership program.

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

Note: The Nurse Family Partnership (NFP), a nationally recognized, evidence-based nurse home visitation program helps to transform the lives of first-time, low-income parents and their children. The Mecklenburg County Health Department will collaborate with Community Health Services to provide these services.

(24) **STIMULUS GRANT MOU FOR WIRELESS DATA NETWORK**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to authorize the County Manager to negotiate and approve a MOU with the City of Charlotte and other government entities for development of a Federal stimulus grant for a Wireless Data Network.

Commissioner Leake removed this item from Consent in order to get clarification on what this
matter was all about and the amount of funds involved. Director of Information Services and Technology Jerry Pinkard addressed this matter.

Commissioner Cooksey asked for clarification with respect to the parties providing a list of resources that they would contribute to the system, which was addressed by Director Pinkard.

Commissioner Cooksey asked about the on-going maintenance cost and asked that it be included in the information that comes back to the Board.

Note: The County plans to partner with the City of Charlotte and several other government entities, including UNCC, CPCC, CMS, Charlotte Housing Authority, Public Library, and several towns for development of a Federal stimulus grant for a Wireless Data Network. The purpose of the grant is to build a broadband wireless data network to be used by public safety, other government agencies, education, and a group of low income customers through Charlotte Housing Authority.

MOU recorded in full in Minute Book 44-A, Document # ______.

(25) HR POLICY AMENDMENT – PERSONNEL COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to amend the Board’s Personnel Commission policy to add language excluding immediate household or immediate family members of City or County employees from serving on the Personnel Commission.

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

(26) AREA MENTAL HEALTH – MECKCARES STOMP OUT THE STIGMA FAMILY FUN DAY

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to approve receipt of donated school supplies, goods, and monetary donations for Area Mental Health MeckCARES participants to be distributed to program participants; and

Approve, recognize, receive and appropriate cash donations in the amount of $2,000 to the MeckCARES program.

Commissioner Leake removed this item from Consent for more public awareness. Area Mental Health Director Grayce Crockett addressed this matter.

Note: MeckCARES is a grant-funded initiative that is building a system of care partnership among local child-serving agencies, families and the community. The purpose is to improve outcomes for youth ages 10-21 that have severe emotional challenges and their families. Many of the families who participate in this initiative are identified as economically disadvantaged. AMH MeckCARES will host a Stomp Out the Stigma Family FUN Day at Starlight Skating Rink on Wednesday, August 19th from 5:00-8:00 pm.

(31) CONSOLIDATED GOLF CAPITAL RESERVE REQUEST

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to authorize a capital reserve expenditure of $22,000 from funds accrued through golf course
revenues for the emergency replacement of the 20-ton roof top HVAC unit at the Renaissance Park Golf Course.

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

Commissioner Dunlap returned to the dais.

Commissioners Cooksey and Bentley left the dais and were away until noted in the minutes.

(32) DOCK LEASE AGREEMENT WITH DUKE ENERGY CAROLINAS, LLC

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to

1. Authorize the County Manager to negotiate and execute a Lease agreement with Duke Energy Carolinas, LLC.

2. Adopt Resolution Declaring Intent to Sublease Property to US National Whitewater Center for the term of the True Public Marina Lease; and direct the Clerk to publish notice of the Board’s Intent to Lease.

3. Authorize sublease of the Property under the True Public Marina Lease to US National Whitewater Center for a term of less than one year.

Commissioner Leake removed this item from Consent in order to get clarification on what this matter was about. Director of Park and Recreation Jim Garges addressed this issue.

Prior to the above vote, Attorney Bethune noted that he was informed today, that Duke Energy is proposing a slightly different version of the lease; therefore, he would asked that where ever in the documents say True Public Marina Lease, that it be changed to read Lease agreement. Attorney Bethune explained that the lease the County enters into may have a slightly different title, then originally thought.

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

Commissioner Bentley returned to the dais.

(34) PARK AND RECREATION BUDGET AMENDMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to recognize and appropriate $210,000 in aquatic instructional fee revenue in Park and Recreation budget.

Commissioner Leake removed this item from Consent, in order to acknowledge the opening of the pools at West Charlotte and Providence High Schools for the summer for use by the general public. James Alsop with Park and Recreation addressed the opening of the pools.

Commissioner Leake asked would this continue throughout the remainder of the summer and was this a permanent arrangement for the future. Mr. Alsop said a short term agreement was written with CMS to iron out some of the processes and uses and access of the schools. He said the pools will be open from August 3 through August 20, 2009. Mr. Alsop said staff is going to work with CMS to see if swim lessons can be offered on Saturdays while school is in session; and then in the spring/summer they would operate like neighborhood pools. Commissioner Leake asked about maintenance. The response was that it was being handled by Park and Recreation
and they staff will work with CMS contractors as well to make sure nothing is missed.

(21) HEALTH CAROLINA PUBLIC HEALTH FOUNDATION FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to Recognize, receive and appropriate $15,000 from the Health Carolina Public Health Foundation to participate in Quality Improvement training.

Commissioner Leake removed this item from Consent for more public awareness and to get clarification on who would be providing the training. The response was the Center for Public Health Quality will provide the training.

Commissioner Cooksey returned to the dais.

STAFF REPORTS AND REQUESTS

(35) MECKLENBURG COUNTY FACILITY NAMING POLICY

The Board received a report from Assistant to the County Manager Nyki Hardy regarding a proposed Mecklenburg County Facility Naming Policy. It was noted that the following changes were made to the proposed policy, per Board feedback when originally presented at the July 7, 2009 meeting. 1) the addition of a background check; 2) a public hearing would be held; 3) changes made to some of the language for consistency purposes, with respect to an individual’s contributions to the community; & 4) the insertion of a time requirement on naming facilities after former elected officials (15 years).

It was noted that 15 years was only a recommendation and that if the Board desires a different timeframe, the policy would be revised to reflect the Board’s desired timeframe.

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

Comments

Commissioner Dunlap suggested changing the time requirement on naming facilities after former elected officials from 15 years to 10 years. Commissioner Dunlap said if a former elected official is out of office for 10 years, that more than likely they will not run again. Thus, a lesser number would be more appropriate. Commissioner Dunlap said although he suggested 10 years, that’s an arbitrary number as well.

Commissioner Cooksey said he also felt 15 years was too long of a timeframe, and suggested a clause be inserted to state that if a former elected official passed prior to the timeframe stated in the policy, that the Board does not have to wait until that timeframes passes before naming a facility after that individual, if that’s the desire of the Board.

Commissioner Bentley said she could support 10 years.

Commissioner Leake suggested 3-5 years and that the Board has the latitude to waive the timeframe, if a former elected official passed and it was the desire of the Board to name a facility after that individual.

Commissioner Murrey suggested 6 years and concurred with the suggestion that that if a former elected official passed prior to the timeframe stated in the policy that the Board does not have to wait until that timeframes passes before naming a facility after that individual, if that’s the desire.
of the Board. Commissioner Murrey said although he prefers 6 years, that it should be somewhere between 5 or 10 years.

Commissioner Clarke said he would like the proposed policy brought back to the Board for consideration after further revisions.

Commissioner Clarke suggested changing the wording of Section VII to make it read in the singular tense, thus it would read: A facility shall only be named for an elected official once a minimum of (5) years has passed or the person reaches the age of 72 since the individual last served in elected office, including a deceased individual. After further discussion, Commissioner Clarke decided to remove his recommendation with respect to age.

Commissioner Bentley said her motivation for bringing up the issue of a timeframe at the July 7 meeting, was because she feels if a facility is named after a former elected official and that official decides to run for office again, it gives that individual an unfair advantage, as it relates to name recognition.

Commissioner Clarke said his rationale behind having a timeframe was the general thought that there needs to be a “cooling off” period after an individual is no longer in office before a decision is made to name a building after that individual, which is why he suggested two years at the July 7 meeting.

Commissioner Cogdell suggested a 5 year timeframe.

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

Commissioner Cogdell referenced Section IX, which states “exceptions to this policy may be made by the Board of County Commissioners as it determines appropriate.” Commissioner Cogdell said with that language included in the policy that ultimately it serves no purpose for having a policy, that it get backs to just having five votes and you can name a facility anything you want to.

Commissioner Cogdell said his comments, with respect to changes in the policy, were not a reflection of staff’s work because he knows staff worked hard on this.

Commissioner Cogdell said the draft options could reflect the various timeframes that were mentioned and that the language be revised to make it clear about the deceased individual versus the non-deceased and making sure there are different sections in dealing with what the timeframes are with regard to their eligibility.

Commissioner Dunlap suggested Board members provide staff with their comments and concerns regarding documents that the Board will be considering adopting, prior to the meeting.

County Manager Jones reminded the Board that in this particular instance, staff submitted to the Board, prior to the meeting and in advance of the agenda going out, a draft of the policy but no response was received.

County Manager Jones said staff will again provide a revised proposed policy to the Board for feedback, prior to the September 1, 2009 meeting, which is the next meeting of the Board.
AUGUST 4, 2009

County Manager Jones encouraged the Board to make staff aware in advance of any questions, so that a final document can be prepared for the Board’s consideration, one that the Board can either vote up or down.

Commissioner Cooksey suggested the Board get consensus on the issues that appear to be outstanding, per the discussion, so that staff can be given some direction on moving forwarding.

Commissioner Cooksey said one issue is that of immediate eligibility of a former elected official when he or she dies, thus, there would be no waiting period if it’s the desire of the Board to name a facility after that individual. It was the consensus of the Board to support this suggestion.

Commissioner Cooksey said the second issue had to do with the timeframe for being out of office before an elected official is eligible for consideration. It was the consensus of the Board to support 5 years.

Commissioner Cooksey asked for clarification with respect to the meaning of elected office and whether it means county elected office or any elected office. The response was any elected office.

Commissioner Clarke referenced Section IX which states “exceptions to this policy may be made by the Board of County Commissioners as it determines appropriate” and asked if everyone would be agreeable to changing it in order to add the words “only if it’s the unanimous vote of all members of the Board and delete the words “as it determines appropriate.” There was not a consensus to change Section IX.

Commissioner Dunlap noted that with five votes the Board could take whatever action it determined appropriate.

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to defer consideration of adopting a policy for naming and/or renaming of county facilities, until the September 1, 2009 meeting; and that staff report back at that time with a revised policy, based on the Board’s feedback, expressed at tonight’s meeting.

Commissioner Clarke suggested the policy say, that there are two buildings that will not be named after anyone, the Mecklenburg County Courthouse and Charlotte/Mecklenburg Government Center. It was the consensus of the Board to support Commissioner Clarke’s suggestion.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(37)  NCACC VOTING DELEGATE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to appoint Chairman Roberts as the Board’s voting delegate and Commissioner Leake as the alternate for the 2009 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held August 27-30, 2009 in Catawba County, N.C.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(38)  CMS LAW ENFORCEMENT JOINT AGENCY AGREEMENT (CHAIRMAN ROBERTS)

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake and Roberts voting yes, to
approve joint agreement between The Charlotte Mecklenburg Board of Education and the Board of County Commissioners, consented by the Sheriff of Mecklenburg County, which will extend the territorial jurisdiction of the Charlotte-Mecklenburg Schools Police Department into all of Mecklenburg County.

Prior to the above vote, Commissioner Cogdell left the meeting and was absent for the remainder of the meeting.

Prior to the above vote, CMS Chief of Police Bud Cesena addressed this issue, specifically, issues concerning their area of authority and their relationship with the Sheriff’s Office and the Charlotte-Mecklenburg Police Dept. as raised by Commissioner Leake.

It was noted that this gives CMS Law Enforcement county-wide jurisdiction versus only on school property.

COMMISSION COMMENTS – General comments by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy. None were made.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:49 P.M.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 12:00 p.m. on Tuesday, August 4, 2009.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Vilma Leake
and Daniel Murrey
General Manager Michelle Lancaster
Clerk to the Board Janice S. Paige

Absent: Commissioner Bill James

-INFORMAL SESSION-

Commissioners Cooksey, Dunlap, Cogdell, 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.

The purpose of the meeting was to meet with other local elected officials and community partners to discuss the possibility of developing a Human Services Strategic Plan. Officials were present from the Board of Education, Charlotte City Council, the Town of Huntersville and the Town of Matthews.

Persons were also present from the Foundation for the Carolinas, Charlotte-Mecklenburg Community Relations, Mecklenburg Ministries, Council for Children’s Rights, Community Building Initiative, and Anne Udall with the Lee Institute who facilitated the meeting.

Chairman Roberts said health and human services was an issue that should be addressed as a total community. Chairman Roberts said the need to address this issue as a community came about as a result of the economic downturn and the impact of that on the community.

Chairman Roberts then called on Commissioner Murrey, chair of the Board’s Health and Community Support Committee to make comments.

Commissioner Dunlap entered the meeting.

Commissioner Murrey said in Mecklenburg County we tend to “compartmentalize” human services needs. He said it’s something that’s thought of as being only in the purview of the County and the non-profits.

Commissioner Murrey said, historically, a lot of issues have tended to be treated in a silo. He said the way we govern our county and region has also been compartmentalized, in order to make it manageable, which he said was understandable.
Commissioner Murrey said some issues like human services, however, aren’t easily compartmentalized and it’s discovered that it’s difficult to address those needs unless you start to “forge relationships and a common vision” on how and what we’re trying to address.

Commissioner Murrey said human services issues cut across a lot of different sectors. Commissioner Murrey said it’s not just about health care access, mental health or traditional social services, but it involves issues around housing, education, job training and creation, wealth creation and public safety.

Commissioner Murrey said some of these issues are not in the County’s domain or likewise the City’s or Board of Education, but everyone ends up finding that on the edges of their organization and mission, that they’re unable to get all the way there in terms of finding the solution that’s really wanted because authority is limited.

Commissioner Murrey said as a result of the community meeting held recently regarding a community conversation around meeting basic human needs, the County thought it would be meaningful to bring more entities around the table to discuss how human services needs cut across their area and the limitations faced with in achieving objectives.

Commissioner Murrey said it was recognized from the beginning that in order to integrate county services better and meet community needs better, that it couldn’t be done just by the County, but that it would involve everyone, elected bodies, the business community, non-profits, the Foundation for the Carolinas, and others.

Commissioner Murrey said the focus of today’s meeting was to have an initial conversation about “how we got here.” What happened at the community conversation meeting in June and why was that sort of pivotal in initiating today’s discussion. Also, is having a health and human services strategic plan something that everyone agrees is important to focus on. If so, the County would “naturally” be the convener of this and the group that would drive the schedule, but that the County can’t do this alone. He said to do it properly, it’s important that everyone has an opportunity to engage on the “front end” and at points along the way in order to be successful.

Commissioner Murrey said this has to be a broad community approach and focus. He said what was heard at a recent meeting was, “it’s great to address the critical needs and that the community has stepped up and done that to a large extent, but where do we address the upstream issues.” Further, what’s being done as a county and as a community to try to prevent these kinds of things from happening. What’s being done to try to reduce 1) the number of homeless in the community, 2) the number of students that can’t keep up with grade level, 3) the number of those requiring public assistance. What’s being done to create jobs and wealth and other things that are really the “foundation for a well functioning social network.”

Chairman Roberts called on Maria Hanlin with Mecklenburg Ministries, Diane English with Community Building Initiative, and Willie Ratchford with Charlotte-Mecklenburg Community Relations to provide a brief summary of what occurred at the June 30, 2009 Community Conversation meeting.

Commissioner Cooksey entered the meeting.

The following was noted:
- Collaboration began the early part of 2008 between Community Building Initiative, Charlotte-Mecklenburg Community Relations, and Mecklenburg Ministries, per the turmoil that was in the community surrounding the appointment of a new sheriff.
- An “open letter” was sent to the community acknowledging that turmoil of this nature will erupt from time to time, thus, how can we as a community be more effective in dealing with these types of issues.
Two community forums were held as a follow up to the “Open Letter,” one in April and one in June.

Another meeting was held late November after the election because of the energy that was in the community.

In looking at 2009 and what needed to be addressed from a community perspective, it was the economy.

In March a forum was held entitled “Can we talk to each other about meeting basic needs.”

The forum was successful and another one was held in June.

The forum held in June was the seed that sparked today’s meeting.

A summary was provided of the June 30, 2009 community meeting. (A copy is on file with the Clerk to the Board.)

Two comments made at the June forum that again sparked today’s meeting were 1) “While our community has models for meeting needs in our city, we do not have the models for meeting the needs that are currently unfolding.” 2) “Our community has done four strategic plans for arts and culture, but we have no comprehensive strategic plan for human services.”

As for next steps, the three entities (Community Building Initiative, Mecklenburg Ministries, and the Charlotte/Mecklenburg Community Relations) are considering holding another dialogue session on September 3, 2009 as a follow-up to the June 30th meeting, which will be entitled “Can we talk to each other about what should be included in a human services strategic plan.”

The purpose of the forum will be to give the average person an opportunity to come and provide input on what they think should be included in a human services strategic plan, if it’s decided that one will be done.

It was suggested that if a decision is made to move forward with developing a human services strategic plan, that there be a three- six months discovery phase before moving forward.

Chairman Roberts then called on Anne Udall with the Lee Institute to facilitate the remaining portion of the meeting.

Ms. Udall noted the following questions that input was being sought on:

• What efforts are you currently engaged in to meet the health and human services needs?
• What efforts are you familiar with in your community that are going on?
• What are some opportunities for better coordination that you see?
• What is your reaction to the idea of a coordinated, comprehensive plan?
• Who would need to be involved? Who could lead the effort?
• What would you like to see next as a result of this meeting?

Comments

Commissioner Cogdell entered the meeting.

Nancy Carter, Charlotte City Council, commented on how the faith community has “stepped up” and assisted people with needs, including holding job fairs.

Commissioner Dunlap also commented on how he’s seen organizations and individuals “step up” to fill the gaps because of the current economic conditions in the community.

Commissioner Dunlap said he’s concerned about what local government and other agencies are doing to do their part as well. Commissioner Dunlap said although there’s a funding responsibility, there are other things that could be done to assist in these areas. He referenced the summit on housing and how the school system had land that they were trying to develop or would be interested in developing for people who were below a certain level, but there were barriers prohibiting this from occurring. Commissioner Dunlap said he would like to find out...
if this is possible and help eliminate those barriers. He said, for example, if the school system can’t negotiate with a private developer to develop the land maybe it means giving the land to the county and the county doing it. Commissioner Dunlap said if barriers could be eliminated, then assistance could be provided to those that are homeless, those who live below the poverty level or those that find it difficult to obtain affordable housing.

Commissioner Bentley commented on the successful work that’s taking place in the northern part of the county. She noted the work of United Family Services; Co-Pals, which is a private non-profit charity that will soon open and provide assistance to women that have been in abusive situations; the soup kitchen, which serves all of north Mecklenburg; and the Ada Jenkins Center.

Commissioner Bentley also referenced Helping to Empower Local People (HELP) and how many churches in north Mecklenburg have become involved with HELP

Molly Griffin, Chairman of the Charlotte-Mecklenburg Board of Education commented on CMS’ primary mission, which she said was to “educate” children and making sure they get the best education available anywhere, so they can lead productive lives.

Chairman Griffin said in the process of educating children, CMS finds itself involved with others in the community because children come to school with various problems. Thus, CMS has to work with others in the community to address those problems.

Chairman Griffin said one thing CMS needs is a better way to evaluate how effective the groups are that come to CMS to help with addressing the needs of children.

Chairman Griffin said although CMS wants to focus on its primary mission, CMS is aware that it cannot escape the community problems that children bring to school.

John Lassiter, Charlotte City Council, said each entity present has tried to respond to the issue of after school care and other issues as they come to them, but there’s not been anyone who’s been the “after school specialist,” because everyone felt compelled to solve the problem.

Council person Lassiter said this has resulted in there being a lot of “health and human services spaghetti,” in the sense that there are “little pieces all over the place.” Council person Lassiter said there’s no conformity of methodology, no clarity of purpose. Council person Lassiter said the question is how do you get organized, particularly in a tough economic environment, to utilize your resources in the best way and determine who is best served to meet a particular need.

Council person Lassiter said when you look at what everyone is engaged in, you’ll find everyone is engaged in “someone else’s business” to the degree that “we’ve unraveled things.

Commissioner Cooksey said there are a lot of agencies with similar missions that may be duplicating services. Commissioner Cooksey said the County looked at this during budget deliberations and encouraged some agencies to combine forces because it’s possible they could be more effective by doing so and/or reduce their costs.

Commissioner Cooksey said there’s no overall guidance about who should be in what service areas. Commissioner Cooksey said “we talk about filling gaps and that sometimes maybe we’re filling gaps that aren’t there or we don’t know where the gaps are.”

Brian Collier with the Foundation For the Carolinas said the Foundation has started the consideration of a fund to look at the non-profit sector. He said the purpose would be to help and not threaten or force organizations figure out who does what and who does what best. It would also look at what organizations might be in a position now, because of the economy, to start looking at either partnering or other ways of collaborating, up to and including mergers. He said a community scan is taking place and that will look at the community sector by sector, including arts and culture.
Mr. Collier said the Foundation is also looking at housing and whether there’s a comprehensive way of looking at it. They are also funding the United Agenda for Children. They are also looking at local stimulus dollars coming primarily for health and human services and what’s available. Also, what are the opportunities for collaboration around those funds. How can those dollars be leveraged. Mr. Collier said this was a voluntary exercise with the non-profits and they hope they will join in with them.

Mr. Collier said later this year they also plan to roll out a site where everyone can place their task force reports, surveys, and things that are important to the daily life of the community. He said this was being done so that you don’t start from the point of saying what exist, but rather, you can actually go and look and say this has been done; we can dust it off or move forward from that point. Mr. Collier said they’re doing this because they’ve found that one of the gaps in the community is information sharing. He said there are a lot of task force reports, many of which would be beneficial to this process but no one knows where they are or they’re gathering dust somewhere.

Brett Loftis with the Council for Children’s Rights said as a result of some national research on the implementation of “big” strategic plans about big health and human services issues, a group came together and discussed how do you do planning on a big scale. Who, then, approached the Council for Children and said we now have a funded mechanism that is in the process of working around, bringing in the data and research about what works for kids, evidenced based practices. Mr. Loftis said it also looks at how you leverage what you know about and what works. Thus, bringing a community conversation together around implementing those changes and driving the plans forward and bringing those services to the community.

Chairman Roberts asked Mr. Loftis about the scope of services he spoke of for children, was it from pre-natal care to at-risk youth and gang prevention. The response was yes, because children’s lives don’t exist in silos. Thus, you have to plan holistically, but you have to start somewhere. Further, the initial priority they’re looking at are the ones that were identified in about four different studies over the last ten years that the community has done about children’s needs. This includes school readiness, prevention and intervention around child abuse and neglect, and access to affordable health and mental health care.

Kaye McGarry, Charlotte-Mecklenburg Board of Education said education is key and should be the number one priority in Mecklenburg County across the board, however, she doesn’t think that it is at this moment. Further, she feels the community could do more. She noted that Mecklenburg Ministries has done wonders, but that there are lots of churches in Mecklenburg County.

Board member McGarry said she’s attended conferences where they speak about churches doing more but maybe in a different way, more strategically. She said the ones that are doing it, are doing a good job, but more partnerships are needed.

Board member McGarry said although she doesn’t know the answer of how to do it, the community needs to take interest in getting a child prepared and ready to learn. She said whether that means a parent, a mentor, a neighbor, a friend, a minister, somebody needs to take responsibility for that child, bringing them to school. She said children should be kept safe within the schoolhouse doors, and if they’re hungry feed them; if they need to take a nap, let them take a nap. She said whoever the principal is in that school, knows that community. She said the learning should be brought to them at a pace where they can take it and then “teach them.”

Commissioner Dunlap posed the question of should one agency or organization be responsible for dealing with educational issues. Commissioner Dunlap said he raised this question because of recent conversations with some individuals who feel large agencies and systems of government would “squeeze out the small people.” Commissioner Dunlap said there’s concern about who’s making decisions and whether they will consider the “mom and pop” organizations.
Anne Udall said based on the order of the questions outlined, the assumption was there are ways that coordination could happen regardless of whether or not everyone thought it was a good or viable idea to have a comprehensive plan. Thus, the idea of where you might coordinate or connect is separate, that it can inform the conversation, but it could be helpful regardless of your opinion on that next question.

**Commissioner Leake entered the meeting.**

Anthony Foxx, Charlotte City Council said with respect to looking at opportunities, there were three categories that came to his mind: 1) government and whether there are better or more effective ways and perhaps even more efficient ways to deliver the human services that government delivers, 2) Are there ways that government can better assist non-profit agencies in better and more efficient ways to deliver services, 3) Are there ways to help the community activate itself to help deal with some of these issues that bare on the public domain; but also involve issues that have more general costs. He said there are three areas where he sees opportunity for collaboration. The first he said was housing. Council person Foxx referenced several programs the City was involved in with respect to housing, such as the housing trust fund, the neighborhood stabilization program; also that the City was involved in a rapid housing business now because of the receipt of stimulus funds.

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

Council person Foxx said although the City has housing programs, are there ways to offer wrap around services that help families stabilize and deal with the issues that got them into a crisis in the first place. Council person Foxx said this is an area where he feels there needs to be some further discussion of collaboration.

Council person Foxx said economic development was another major issue in the community that has not been adequately addressed. He said there are huge disparities in economic conditions from one part of the city to another. He said the City was involved in a business corridor revitalization strategy. Council person Foxx asked are there ways government and non-profits can work jointly to amplify that effort.

Council person Foxx said the final matter was education. He said the City was involved with some after-school programs, but one of the things he thinks needs to happen as elected officials, the non-profit community, as well as, the community in general, is to “attack” the school readiness issue. Council person Foxx complimented CMS for the Parent University Program.

Council person Foxx said he thinks there are ways that we can act internal to government; ways that we can play a facilitative role with non-profits; and ways that we can act to help trigger community action in a way that he thinks would also help.

**Commissioner Cogdell addressed the issue, from the public sector side, of having a single point of contact to deal with all health and human services issues, educational issues, and hard infrastructure issues. He suggested perhaps this was one place to start looking at, realizing what each entity’s core functions are.**

Commissioner Cogdell said with respect to the private sector, the community was fortunate to have things like the Duke Endowment, United Way, Foundation for the Carolinas and others that have made resources available to the non-profit community. Commissioner Cogdell said he’s not sure, however, to what extent there’s communication and collaboration amongst these groups and that perhaps even with the private sector that there be a single point of contact regarding those resources. He said it would be good to have a single point of contact that would be aware of what’s been done and what’s available.

Commissioner Cogdell referenced a quality of life index, which he said was something the City of Charlotte use to do long time ago. He said the study involved assigning categories to
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Communities such as stable or threatened. Commissioner Cogdell said he often thought that if you put in street lights and sidewalks and add extra police to the streets for a given neighborhood, but don’t deal with what’s going on in the household, such as, nutrition issues, educational issues, and emotional issues, does it truly stabilize the quality of life in that particular community. Commissioner Cogdell went on to say, for example, if the City of Charlotte decided it wanted to put resources into this corridor or community, one would think that there would be some communication with the school board and with the county, to say “we want to partner with you to target that particular geographic area; and say we want to take a wholistic approach to addressing everything in a particular neighborhood or corridor and “lets see if we can take it one neighborhood at a time” and do a “real holistic, meaningful approach.”

Maria Hanlin with Mecklenburg Ministries addressed the possibility of doing a discovery phase, which would include bringing elected officials together, particularly district representatives to look at their districts comprehensively and strategically to see the overlaps and gaps and look to see how to “connect the dots;” to see how can we work better together as a community. She said this may be one way to build more opportunities for better coordination.

Tom Tate, Charlotte-Mecklenburg Board of Education said he was glad officials have come together with respect to this issue, because they all touch the health and human services needs of the community.

Board member Tate said when it comes to education and even with the great collaboration that’s taking place and the great partners that CMS has, there are times when CMS can’t wait for a partner because there are things that have to be done and done quickly. He said this was why CMS has the variety of people it does in schools in addition to teachers to make sure that children are as ready as they can be.

Board member Tate said he would not want to do anything to keep people out of schools, because he thinks CMS needs all the help it can with tutors and lunch buddies and all sorts of things. He said there are people in the community, however, with particular skills that could do what Commissioner Cogdell talked about with respect to neighborhood development. Board member Tate said maybe it would be better for that person not to be in a school reading to a student, but rather, go into a neighborhood and help them; help neighbors to develop what they need for safety and security for their own neighbors and children. He said there are those that can help rebuild houses and do all sorts of things so that neighborhoods can really be a big focus. Board member Tate said this would help the schools, since they end up with assignment plans that mostly provide schools for children to live around the school, although not always as near the schools as they would want them to be. He said somehow “we need to get those neighborhoods up and going better.”

Board member Tate said it’s important for everyone to work together. He said having a strategic plan discovery phase was a good idea to find out what’s needed. He said without a plan, something would be left out. He said it may be possible to find out what other communities have done with their various councils, commissions, and boards to work together, which would be helpful.

Board member Tate said although this issue came about as a result of the economy, that when the economy bounces back, this issue needs to continue to be addressed. Board member Tate said it needs to be realized that education is a lot more than teaching, reading, writing, and arithmetic. He said it’s about getting children, young people, and their families engaged and ready to learn and to work together.

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

Commissioner Bentley referenced the community scan that’s being done by the Foundation of the Carolinas. She said she can see the government sector moving in that direction as well and ultimately having an overlay of what the elected bodies have discovered in their silos and
paralleling that and laying that on top of what the Foundation of the Carolinas is doing. She said this is something that should be considered, as well as, using what the Foundation is doing to discover that. Commissioner Bentley said if they have a good process in place that’s looking at the same thing then we should collaborate about that.

Commissioner Leake said her concern was the “grassroots” people. Commissioner Leake said it’s important that “grassroots” people are involved in any process that takes place.

Commissioner Leake said education is the number one problem. Commissioner Leake said education represents economics.

Commissioner Leake said everyone knows what the problems are, education, housing, and health care.

Commissioner Leake said she likes the idea of having a designated agency that would point us to where we ought to go without having “x” number agencies doing things haphazardly; and to make sure they do something in the community, other than saying “I’m a contributor.”

Commissioner Leake said “if you’re not connected politically in this community, you don’t get money, you don’t get anything done.” Commissioner Leake said that’s the part that disturbs her.

Commissioner Leake said “people who have, get, people who do not have, do not get.” Thus, what we’re trying to do is to “open the doors to give life more meaning to all of our people in Mecklenburg County.”

Commissioner Leake said when funds are available and we designate it to one body, then “everybody is begging” that one body for funds and especially funds for children. Commissioner Leake said this concerns her as well. Commissioner Leake said “9 out of 10 that one agency is not going to distribute those funds and the programs where they ought to be.”

Commissioner Leake said she agrees that district representatives from the various elected bodies should be communicating.

James Ross, Charlotte-Mecklenburg Board of Education gave his definition of “help,” which he said was “energy flowing in a balanced condition.” He said bureaucratic organizations tend to, by nature, “stop energy flow.” He said one thing he wants done, as things move forward, is to make sure that as bureaucratic institutions “we don’t stop energy flow.”

Board member Ross cited as an example, his affiliation with an organization a few years ago that gave out small grants. He said the idea was to give small innovative grants to community groups to try and find innovative and creative ways of doing things. He said that has metamorphasized into this year when the grants were given out, that out of the 13 grants that were given, the majority was given to established organizations. Board member Ross said he feels that’s a bureaucratic way of doing things. He said when you give grants to an established organization, they already know how to fill out all of the paperwork; they don’t have any problems. He said a neighborhood organization may not know all of the procedures and that they get some things done but they just don’t get the bureaucratic stuff done. Board member Ross said people who are getting some things done but perhaps in a “messy” way, should not be penalized because they don’t know the process.

Board member Ross referenced his experienced with sitting in on school suspension hearings. He addressed how you often see common patterns of behavior that exist or is in the process of developing. He said CMS can’t always take care of that pattern of behavior they see developing.

He said it would be nice if CMS could collaborate with other agencies on an innovative basis, in order to identify students with or developing these patterns of behavior. He said CMS is doing some things but could use some help.
Board member Ross referenced Commissioner Cogdell’s comments regarding categories being placed on neighborhoods, stable or threatened. Board member Ross used the analogy of going to a hospital and being told that someone is stable, he said you don’t feel very well, because that means the person could die in the next five minutes. He said if the highest label that can be placed on a community is stable, what does this say. He said he’s been saying for years that other terms should be used such as dynamic or outstanding. He said there needs to be another level, so communities can move from stable to something higher. He said neighborhoods should be given an incentive to do something bigger.

Board member Ross encouraged continued dialogue amongst the elected bodies.

Council person Nancy Carter said she supports the idea of a comprehensive plan. She said as a result of some of the larger umbrella agencies cutting back, that “grassroots” organizations and smaller networks start springing up. Council person Carter said the community needs to be polled to see where these smaller networks are and then funnel them up into the discovery process. She said it’s important to include economic development in the process. She said groups like the Community Relations Committee, Mecklenburg Ministries, Community Building Imitative, and the Foundation of the Carolinas, are the folks that can pull this process together, administer it and given direction. She said it’s good to have elected officials involved, but it’s important to involve the people that can say what’s going on in the community and that are doing the work. She also commented on the unemployment rate and how there are people in the community that need to network, who have real talent and insight on the community. She said they should be involved as well.

Warren Cooksey Charlotte City Council said he was not sure, per today’s discussion, if any progress has been made on how the change will take place. He said he’s not sure if the issue of a single point of contact versus multiple points has been settled.

Council person Cooksey said in dealing with this issue and if the perception is that the needs that are out there can’t be addressed with the current structure, not to lose site of the fact that perhaps the current structure can’t address everything but it is still the best way to address matters.

Council person Cooksey said he typically frowns upon any city expenditure that is geared towards what he perceives as the primary responsibility of the County Commission in terms of health and human services issues. He said he really wouldn’t consider going to the County Commission to help hire police officers because that’s a city responsibility. He said if you start to “erase those lines” too much, as “the cliché goes, when everybody’s accountable for everything then nobody gets anything done.”

Council person Cooksey said there are some fundamental services that government provides to all citizens, “not simply select populations” that are very vital and serve considerably important functions. He noted police and fire protection as examples. He said the role the City plays with public health involves the operation of the utility system that carries away and treats waste water and the City’s collection of the garbage.

Council person Cooksey said he thinks it’s worth exploring the metaphor that came up about the four arts plans that the community has had but no human services plan. He said with respect to developing a human services strategic plan, goals and targets will have to be set. He said in setting goals and targets, some people will have to be left out if you want a plan that’s going to work. He said you can’t “waive the magic wand” and solve everything all at once. He suggested moving forward with a comprehensive plan that focuses on coordinating and working with existing departments, existing resources, and existing budget line items. He said “if we go in a comprehensive plan route, we will set ourselves up for either failure or setting it on the shelf to collect dust; if it cost us additional money than what we’re spending on things now.” He stated further that “if we stick with what we’re doing now, what we’re funding now, and simply find better ways of measuring the performance and coordinating the performance, we will actually
accomplish something.”

Annette Keller with the Town of Matthews said the Town also recognizes the need to think outside of the box. Further, the town wants to help define the needs of the community and figure out the best way to meet those needs. She said the comprehensive plan should have short and long term strategies. She said what they’re seeing in Matthews is that there are a lot of people that need help who’ve never needed help before; and also a lot of people who say they want to help that have never helped before and want to know what can they do.

Brian Sisson, Mayor Tem of Huntersville said he echoed Council person Cooksey’s comments. This concluded the discussion.

Commissioner Murrey thanked everyone for their comments. He said what he gathered from the conversation was everyone recognizes that these issues crossover into the realm of what everyone is responsible for; and that there’s some need for collaboration and communication, that will ultimately lead to an impact on budgets. He said all the steps between the collaboration, communication and the impact on the budget is unclear at this point.

Commissioner Murrey said the next step will be to regroup and to have smaller conversations on what the process needs to look like.

Officials were encouraged to contact either Commissioner Murrey or Chairman Roberts with any additional thoughts respect to this issue.

Chairman Roberts also thanked everyone for their input. She said at this point it’s not known if we’re talking about a plan or a process or regular conversation. She said coordination could be a lot of things, that it doesn’t have to be written down somewhere. She said part of what they want to continue to talk about is that maybe coordination is about better collaboration around meeting or connecting some of the groups that are already doing things. She said things that are data driven are important. She said she’d love to have folks hear more about best practices that have been discovered through the Foundation for the Carolinas work and the Council for Children’s Right. She referenced the model by United Family Services, specifically their building where there are eight non-profits, who all share one human resources staff and one accounting department. She said you have eight non-profits doing eight different missions that interact well and share things well.

Chairman Roberts said the fact that everyone recognizes that we’re all interconnected and not operating in a vacuum, is a step forward.

Board of Education member Tate suggested as many elected officials as possible attend the September 3, 2009 community conversation meeting.

Council member Lassiter said currently there’s not a common strategy, nor does everyone have their arms around all of the data and programming and the resource allocations and the process that begins to pool that information in a way that, in the interim, entities can re-assess themselves, but then collectively begin to talk about what we’re going to do. He said this could be a common action that begins to make a difference.

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

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

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS
NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, September 1, 2009.

ATTENDANCE

Present:
Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Neil Cooksey
George Dunlap, Bill James
Vilma Leake and Daniel Murrey
General Manager Bobbie Shields
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent:
Commissioner Harold Cogdell, Jr.

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: First Ward Park. Attorney Bethune said there was no Consult with Attorney matter to be discussed in Closed Session.

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

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:03 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He returned to the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT
The Board identified item(s) they wanted removed from Consent and voted upon separately. The items identified were Items 14, 16, 17, 18, 22, 23, 24, 27, 28, and 29.

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**

**PROCLAMATIONS AND AWARDS – NONE**

**15) MEMORIAL FOR BRADLEY W. DAVIS**

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and appropriate in the capital reserve fund a donation of $35,000 from the leadership of LandDesign, Inc. for Little Sugar Creek Greenway. Approve the placement of memorial footplates in honor of Bradley W. Davis at either end of the pedestrian footbridge located between Pearl Park Way and Morehead Street on Little Sugar Creek Greenway.

Prior to the above vote, Director of Park and Recreation Jim Garges addressed this issue. He was joined at the podium by representatives from LandDesign, Inc., who thanked the Board for recognizing Mr. Davis in this manner. Edward Schweitzer and Dale Stewart spoke on behalf of LandDesign, Inc.

Note: Bradley W. Davis, who passed away on December 5, 2007, was a former chair of the Mecklenburg County Park and Recreation Commission and a founding principal of LandDesign, Inc. Mr. Davis had significant and far-reaching influence on the built environment in Charlotte, with an emphasis on parks and open space. His volunteer and professional work spanned decades of aggressive growth in the region. During his service as chair of the Park and Recreation Commission, he helped start Partners for Parks.

**2) PUBLIC APPEARANCE**

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

Pam Barrett, with Hospice and Palliative Care - Charlotte Region, addressed end of life issues and health care reform. Ms. Barrett said end of life decisions and advance care directives are often topics that folks shy away from discussing. Ms. Barrett said N. C. has been progressive in this area and recently updated its advance care directives laws. Ms. Barrett said Mecklenburg County has one of the most comprehensive Hospice and Palliative Care services in the country. Ms. Barrett said it’s felt, however, that this is being threatened because of the “politics” surrounding health care reform. Ms. Barrett said if the Board is going to support a bi-partisan resolution to support health care reform it’s important that accurate information about the purpose of advance care planning, along with hospice and palliative care be clarified. Ms. Barrett concluded by thanking the Board for its past support of advance care planning.
SEPTEMBER 1, 2009

(3A) 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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<tr>
<th>Name</th>
<th>Nominees</th>
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<tbody>
<tr>
<td>Lori Fletcher</td>
<td>Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts</td>
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<tr>
<td>Earl Foxworth, Jr.</td>
<td>Commissioner Leake</td>
</tr>
<tr>
<td>Azania Herron</td>
<td>None</td>
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<tr>
<td>Jibril Hough</td>
<td>Commissioner Murrey</td>
</tr>
<tr>
<td>Sharon Ingram</td>
<td>Commissioners Clarke, Dunlap, James, and Roberts</td>
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<tr>
<td>Barry Kirby</td>
<td>Commissioners Bentley and Cooksey</td>
</tr>
<tr>
<td>Patrick Rivenbark</td>
<td>None</td>
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<tr>
<td>Amad Shakur</td>
<td>None</td>
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<tr>
<td>Rebecca Vincent</td>
<td>None</td>
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*Note: Only the names of those persons receiving votes in Round One were considered.*

**Round Two**

<table>
<thead>
<tr>
<th>Name</th>
<th>Nominees</th>
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<tbody>
<tr>
<td>Earl Foxworth, Jr.</td>
<td>Commissioner Leake</td>
</tr>
<tr>
<td>Jibril Hough</td>
<td>Commissioner Murrey</td>
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<tr>
<td>Sharon Ingram</td>
<td>Commissioners Clarke, Dunlap, and Roberts</td>
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<tr>
<td>Barry Kirby</td>
<td>Commissioners Bentley, Cooksey, and James</td>
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**Round Three**

<table>
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<tr>
<th>Name</th>
<th>Nominees</th>
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<tbody>
<tr>
<td>Earl Foxworth, Jr.</td>
<td>None</td>
</tr>
<tr>
<td>Jibril Hough</td>
<td>None</td>
</tr>
<tr>
<td>Sharon Ingram</td>
<td>Commissioners Clarke, Dunlap, Murrey, and Roberts</td>
</tr>
<tr>
<td>Barry Kirby</td>
<td>Commissioners Bentley, Cooksey, Leake, and James</td>
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*Note: Only the names of those persons receiving votes in the previous Round were considered.*

**Round Four**

<table>
<thead>
<tr>
<th>Name</th>
<th>Nominees</th>
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<tbody>
<tr>
<td>Sharon Ingram</td>
<td>Commissioners Clarke, Dunlap, Murrey, and Roberts</td>
</tr>
<tr>
<td>Barry Kirby</td>
<td>Commissioners Bentley, Cooksey, Leake, and James</td>
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Chairman Roberts announced the appointment of Lori Fletcher to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring July 2, 2011.

*She is replacing Steve Goodrich.*

*Note: The remaining vacancy will be brought back to the Board at the September 15, 2009 meeting for consideration, since voting on remaining candidates resulted in a tie vote, 4-4.*

JUVENILE CRIME PREVENTION COUNCIL

The vote was taken on the following nominees for appointment to the Juvenile Crime Prevention Council:
Chairman Roberts announced the appointment of Eric Threatt to the Juvenile Crime Prevention Council as the Business category representative for a two-year term expiring June 30, 2011.

*He is replacing Paul Strickland.*

**MOUNTAIN ISLAND LAKE MARINE COMMISSION**

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to defer appointments to the Mountain Island Lake Marine Commission until the next round of nominations/appointments and to continue to accept applications.

*Note: Prior to the above vote, Commissioner Bentley said she was informed by the chairman of the Mountain Island Lake Marine Commission that the Commission was not aware this matter was being considered by the Board at this time. The chairman asked that the matter be deferred until later in the month to give those that have expressed interest an opportunity to apply.*

**WASTE MANAGEMENT ADVISORY BOARD**

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

- Rita Brannon: None
- Chad Faubel: Commissioner Cooksey
- Connie Harris: Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
- Laila Macs: Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
- Rita Plyler: Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Chairman Roberts announced the appointments of Connie Harris to the Waste Management Advisory Board for a three-year term expiring September 30, 2012 and Laila Macs and Rita Plyler to the Waste Management Advisory Board to fill unexpired terms expiring March 14, 2010.

*They are replacing Elaine Powell, Daniel Schenstrom and Shawn Brady.*

**WOMEN’S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

- Natalie Bingham: None
- Deborah Bosley: Commissioner Cooksey
- Takisha Boyd: None
- Chia-Li Chien: None
- Victoria Chopra: None
- Jenifer Daniels: None
Chairman Roberts announced the appointments of Najeedah Stover to the Women’s Advisory Board to fill an unexpired term expiring October 31, 2009 and Lisa Yarrow to fill an unexpired term expiring April 30, 2012.

They are replacing Robert Fuller and Deirdira Henderson.

(3B) WASTE MANAGEMENT ADVISORY BOARD CHAIRMAN

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to appoint current Vice-Chairman Daryle Benson as Chairman of the Waste Management Advisory Board for the duration of his term.

He is replacing Shawn Brady as Chairman.

(3C) MINT HILL PLANNING BOARD
Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint 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, 2011.

(4) PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

(5A) AUDIT REVIEW COMMITTEE

Commissioner Murrey, chairman of the Audit Review Committee, presented the Audit Review Committee Report, which included a proposed change in the composition of the committee.

Commissioner Murrey covered the following:

- Follow-up on Department of Social Services (DSS) Matters
  - Giving Tree
  - Use of Credit Cards
  - Vendor Charges
  - Frequency of Audits
  - Good Friends Additional Review
  - Vouchers
  - Compliance Program at DSS
  - Structure & Reporting

It was noted that there were three follow-up issues the Committee will be receiving reports on from staff, after which, the Committee will report back to the Board. Those items are 1) Frequency of Audits (including staffing for the Internal Audit Department), 2) Compliance Program at DSS, & 3) Structure & Reporting.

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

Comments

Commissioner Cooksey asked about the difference between a credit card and a procurement card, which was explained by Deputy Finance Director Gail Murchison.

Chairman Roberts asked about additional staff for the Internal Audit Department. Commissioner Murrey said currently the Committee feels at least three additional staff is needed at a minimum. It was noted that Senior Staff and the Internal Audit Department were asked to report back to the Committee on the number of staff members necessary to meet optimal auditing schedules for core and critical audits.

Commissioner Clarke asked that the minutes of the Audit Review Committee held on August 18, 2009 reflect him being present as well.

Commissioner Murrey addressed the composition of the Audit Review Committee.

Commissioner Murrey said the Committee agreed to recommend to the full board that the composition of the Committee be revised to eliminate the two staff members as voting members of the Committee, to avoid any conflict of interest, and instead have them serve as non-voting ex-officio members.
Commissioner Murrey said consensus could not be reached with regard to any further changes but that the Committee did discuss the following:

- Whether the Committee should become one of the Board’s subcommittees with four Commissioners
- Whether there should be two Commission members and three outside members
- Whether there should be four Commission members and one outside member

Comments

Chairman Roberts recommended the addition of two more Commission members, one from each Party for a total of four.

Motion was made by Commissioner James, seconded by Commissioner Bentley, to approve an amendment to the Mecklenburg County Resolution Establishing An Audit Review Committee changing the composition of the Audit Review Committee by deleting the two members of management staff and adding two additional County Commissioners for a total of four Commissioners, two from each party and all of whom should have some type of financial or business expertise; and maintain the one outside person appointed through the advisory board process.

Commissioner Dunlap questioned the stipulation that appointed Board members be required to have financial or business expertise. Commissioner Dunlap said there could come a time when the Board would not have any CPA’s or persons with financial experience, which would mean, there would be no one to serve on the committee, based on Commissioner James’ motion.

Commissioner James said he recommended this because that’s what’s recommended in all of the literature regarding audit review committees.

Commissioner Dunlap said anyone that serves on the County Commission should be deemed eligible to serve.

Commissioner Cooksey said he would like the Committee to remain small. Commissioner Cooksey said he doesn’t see where two additional Commissioners on the Committee “add much” in terms of being able to make a full report to the Board. Commissioner Cooksey noted also that sometimes this committee deals with confidential and sensitive matters, which is sometimes best handled by a smaller group of people.

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner James, and failed 6-2 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Cooksey and James voting yes, to approve an amendment to the Mecklenburg County Resolution Establishing An Audit Review Committee changing the composition of the Audit Review Committee by deleting the two members of management staff, who would instead serve as non-voting ex-officio members; thus the Audit Review Committee would be comprised of three members, two commissioners, one from each party and one outside member.

Commissioner Clarke offered an amendment to the original motion which was accepted by the makers of the original motion, Commissioners James and Bentley, to delete the two members of management staff, who would instead serve as non-voting ex-officio members; add two additional County Commissioners for a total of four commissioners, two from each party and all of whom should be “financially literate” as determined by the Board of County Commissioners; and maintain the one outside person with experience in accounting and auditing and appointed through the advisory board appointment process.
SEPTEMBER 1, 2009

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

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioner Cooksey voting no, to approve an amendment to the Mecklenburg County Resolution Establishing An Audit Review Committee in order to change the composition of the Audit Review Committee by deleting the two members of the management staff (the County Manager and General Manager), who would instead serve as non-voting ex-officio members, and add two additional County Commissioners for a total of four commissioners, two from each party, all of whom should be financially literate as determined by the Board; and to maintain the one outside person that has experience in accounting and auditing.

Note: The outside person would continue to be appointed through the advisory board appointment process.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to appoint Commissioners Bentley and Clarke as the two additional commission members of the Audit Review Committee.

MANAGER’S REPORT

(6A) MECKLENBURG COUNTY JAIL EXPANSION PROJECT UPDATE

General Manager Michelle Lancaster addressed the County’s Jail Expansion Project. She was joined by Bob Goble from Carter Goble Lee, Jim Keisler from Little/HOK, and Bill Lorenzo from Balfour Beatty Construction. Sheriff Chipp Bailey was also present and participated in the presentation.

The following was covered:

- Background Information
  - Kimme Study
  - Board Actions
- Optimization Planning Strategies
  - Mecklenburg County Sheriff Office (MCSO) Policies, Practices, Procedures
  - Classification/Housing Analysis
  - Architectural Programming Process
  - 2020 Master Plan
- Value Management Strategies
- Project Cost (Total Estimated Project Cost Range: $220 million to $240 million)
- Costing Process and Assumptions
- Annual Operating Costs
- Proposed Opening Schedule
- Annual Operating Savings Using Phased Implementation
- Advantages to Project Continuation
- Mecklenburg County/MCSO Needs

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

Note: Sheriff Bailey encouraged the Board to be proactive and to move forward with the project. Sheriff Bailey said this is not a situation of, “if we build it, they’ll come,” but rather, it’s a situation of “either way we do this, they’re going to come.”
Commissioner Dunlap addressed inmate re-entry into society. He asked would the proposed new facility have training rooms. The response from Sheriff Bailey was yes.

Commissioner Dunlap asked about the handling of change orders, which was addressed by the consultants.

Commissioner Dunlap said he was concerned about security and asked about additional security measures, such as fencing around the entire complex. He also asked about the appearance of the exterior of the facility and surrounding landscape. Each concern was addressed by the consultants.

Commissioner James asked about funding for the project and what’s the capital flow plan. The response from General Manager Lancaster was that the design phase is anticipated to be between 12 to 18 months. Construction would be between 24 to 36 months. Further, that staff anticipates building the entire facility and only opening portions of the facility. Thus, it’s not a phased building approach, but a phased opening of the facility.

Commissioner James asked about the point in time when most of the funds would be spent. The response from General Manager Lancaster was that staff is still “massaging the cash flow.” Further, that the largest year of cash need for this project that’s anticipated is FY2012 and per conversations with County Finance, the debt capacity would be around $250 million and that $100 million would be needed for this project. In FY2011, where you would probably have the most limited debt capacity (around $150 million), it’s anticipated that $80 million would be needed, however, staff is still working to refine these numbers.

General Manager Lancaster said staff needs to know the Board’s intent with respect to this project in order to come back in October with debt capacity recommendations.

Commissioner James asked would COPs continue to be used. The response from General Manager Lancaster was yes.

Commissioner Leake asked about the number of beds and how is that determined, which was addressed by the consultants.

Commissioner Leake expressed concern for the need to build another jail versus educating and nurturing children. Commissioner Leake said her preference would be to use the funds that will be spent on building a new jail facility on something that would impact the community in a different way, “rather than spending it on incarceration.”

Commissioner Leake said she would not support building a new jail facility.

Commissioner Clarke thanked staff and the consultants for their work on this project, noting that a year ago the estimated cost for building a new jail facility was $362 million and now that cost has been reduced by 40%.

Sheriff Bailey said he encourages what Commissioner Leake said regarding addressing the youth of the community and working with them and families working with their own children to keep them from “going in the wrong direction.” Sheriff Bailey said that’s critical in order to stop building jails and the only way it can be done is through the community coming together as a whole to turn the youth around and “put them on the right track.” Sheriff Bailey said it’s critical, however, that for the safety of the community that jails continue to be built until the community reaches that point.

Commissioner Clarke commented on the way the proposed facility has been sized and the
estimated cost.

Commissioner Clarke said it’s probably correct that the consultants have assumed the County will follow through with the recommendations in the Kimme Report to reduce the pre-trial population. Commissioner Clarke said that’s important for everyone to remember because the Board will not only be making a decision with respect to building a new jail, but some “hard” decisions also about following through on those recommendations in the Kimme Report.

Commissioner Clarke said if the decision is made to move forward with building a new jail, as it has been presented, then you really can’t “back away” from the recommendations in the Kimme Report as to how the County should go about controlling the growth of the pre-trial population.

Commissioner Clarke said he would like to know, in case he gets asked, has staff considered buying the vacant condominium building on Caldwell Street and turning it into a jail. Would it not be cheaper? The response from General Manager Lancaster was that it would not be suitable because it was intended for residential use and that half of the building is a parking deck. Further, that staff did consider this when the building first became available.

Sheriff Bailey said the critical part with respect to building a jail is to make sure that those who are put in the jail remain there. Sheriff Bailey said in a jail facility there’s a lot of thickness of walls, a different structure of doors, etc.

Commissioner Clarke asked for clarification on the timeframe, which General Manager Lancaster addressed.

Commissioner Clarke asked whether the County’s jail population was growing at about the anticipated rate of the County’s growth. The response from Sheriff Bailey was that historically the jail population has grown about 150 inmates per year. Sheriff Bailey said this year there was a little downturn in the spring but last month it started to increase.

Commissioner Bentley asked about inmate projections, per the Kimme Report, and what the projection would be without implementing the recommendations of the report. General Lancaster said the total projection anticipated for 2020 was 5,111 with a bed shortfall of 2,335.

Commissioner Bentley commented on the annual operating costs and asked what on-going discussions have taken place between the County Manager’s staff and County Finance regarding how to accommodate this significant expense in the County’s operating budget. The response from General Manager Lancaster was that staff really hasn’t started talking about this in great detail, but that a meeting recently occurred where the numbers were reviewed for the first time. General Manager Lancaster said the County Manager’s staff and County Finance will be meeting regarding this issue.

Commissioner Bentley asked were the figures in the report for salaries and benefits only. The response from General Manager Lancaster was yes.

Commissioner Bentley asked what additional annual operating cost is anticipated. The response from General Manager Lancaster was non-labor costs, medical services, food services, maintenance, utilities, and transportation. It was noted that staff is working with the Sheriff’s Office to determine these costs.

Commissioner Bentley asked was it possible the County could be looking at $33-$35 million annually, in today’s dollars. The response from General Manager Lancaster was yes.

Commissioner Cooksey asked about construction, which was addressed by the consultants.

Commissioner Cooksey asked about the average daily inmate population, which was addressed by Sheriff Bailey.
Commissioner Cooksey asked about the residency of inmates. The response from Sheriff Bailey was that the majority of the inmates come from this area.

Commissioner Cooksey asked why not replicate the jail annex model, rather than building a new jail. The response from Sheriff Bailey was that it has to do with the type or classification of inmates that are housed in the Jail Annex, which he said is different from those that would be in a main jail facility. Sheriff Bailey said the annex houses minimum security inmates and that it can also house low medium. Also, that the Jail Annex facility is very land expensive.

Commissioner Murrey asked about the Kimme Report, which was addressed by General Manager Lancaster and the consultants.

Commissioner Murrey questioned the projections referenced in the report and the validity of the projection model used by Kimme.

Commissioner Murrey asked whether Kimme or others in this field, do retrospective reviews to determine the accuracy of their projection model. Commissioner Murrey said he wants to make sure the County is paying attention to the real data that it has now that may indicate that the model itself was flawed and maybe $220 million is more than what’s needed for this project. General Manager Lancaster and the consultants responded to Commissioner Murrey’s concern. It was noted that staff feels “pretty” confident in Kimme’s data and their ability to trend the data. It was acknowledged that this year, there is some difference which staff can’t really explain, but sometimes this does happen. It was noted that Kimme used 10 years of historic data as a database to build their projections on, which those in this field have found is a valid way to do it. Further, that doing it this way tends to give you enough of a database that once you run the statistical test for reliability, you’ll come out with a “decent” correlation.

Commissioner Murrey asked what proportion of the jail population have issues that make it challenging to avoid recidivism. Sheriff Bailey said roughly 70-75 percent of the jail population suffers from some type of mental illness or a dually diagnosed substance abuse/mental illness problem. Sheriff Bailey addressed resources that are in place to help these types of inmates, as well as, staff training.

Sheriff Bailey said because of changes in the mental health system in NC over the years, jails become a “holding place” for many individuals with mental illness, which he said should not be the case.

Commissioner Murrey thanked the Sheriff for all of his efforts to address the issue of education and job training among inmates and for addressing issues of substance abuse. Commissioner Murrey said his concern is that the underlying problem is not being addressed by building a new jail.

Commissioner Murrey said the mental health issues of the community are not being managed well and as a result, people are being locked up, keeping the community safe, which he appreciates, but that the numbers are never going to be reduced until a way is found to address the underlying problem. Commissioner Murrey said “it’s incumbent upon the Board to figure out a way to do that,” and to work with the state to see what options are available to do things differently.

Sheriff Bailey said he and his staff would support any efforts by the Board to reduce the amount of mental illness in the jail as far as diverting those individuals somewhere else.

Chairman Roberts asked if the total cost of $220 million include the renovation of jail north. The response from the consultants was yes.

Chairman Roberts asked about the youthful offenders facility. Sheriff Bailey said that part of the
Chairman Roberts asked about the total cost to operate the youthful offenders facility. **Staff said they would get that information to the Board.**

Chairman Roberts commented on the recommendations in the Kimme Report and from the Criminal Justice Task Force on reducing the jail population. Chairman Roberts asked about the handling of those with mental illness and how many beds will be available for this population. **General Manager Lancaster said she believes about 12-15 beds.**

**Area Mental Health Director Grayce Crockett** also addressed this issue. It was noted that this month there should be 16 beds for the Recovery Solutions Program, which will provide an alternative to the incarceration.

**Chairman Roberts** asked Director Crockett to give her assessment of the Recovery Solutions Program. **Director Crockett said the program is working and that additional beds will be needed.** Further, staff is in the process of bringing up some crisis stabilization beds with a provider that staff is working with. **Director Crockett said these beds will be available for CMPD use and would allow them to bring individuals to this location, because they may not require jail but need to be assessed for some type of psychiatric difficulty.**

**Director Crockett** said the community needs more in-patient beds, because there’s been a loss of in-patient beds over the last 10-15 years.

**Chairman Roberts** asked about the cost of the crisis stabilization beds. **Director Crockett said she would get that information for the Board.**

Chairman Roberts asked about the length of stay, as it relates to pre-trial. Also, what have the results been since the County added additional funds to the District Attorney’s Office, to Court Sets, and etc. to help speed up court processing to reduce the average length of stay for people that are waiting to go to trial.

**General Manager Lancaster** said unfortunately staff has not seen any movement in the District Attorney’s Office with respect to staff recruitment for a “variety” of reasons. General Manager Lancaster said she would be going to Raleigh on Friday with the District Attorney to meet with the Chief Justice and Director and Deputy of the Administrative Office of the Courts to discuss technology and some of the issues that have come about since the Board approved a significant amount of funding for staffing for the District Attorney’s Office, that to date they have not been able to utilize.

**General Manager Lancaster** said staff has seen some changes in how the case management process is being handled, as a result of moving that function from the District Attorney’s Office to the Trial Court Administrator’s Office.

General Manager Lancaster said staff has piloted this through different categories of how the District Attorney’s Office works. She said property crime was the first one done and that problem areas were identified as to how cases could be better moved along. **General Manager Lancaster said this is probably the area where staff has seen the most movement, but unfortunately staff is still seeing some difficulty in its relationship with the Administrative Office of the Courts and how staff can move some of those positions and the funding for those positions quicker.**

**Chairman Roberts**, for clarification purposes, asked was staff saying the District Attorney’s Office has not hired any additional District Attorneys. **General Manager Lancaster said none of the positions approved in January have been recruited.** Chairman Roberts said this was not
Chairman Roberts asked if the average length of stay was known. General Manager Lancaster said 19 days.

Chairman Roberts said although a lot of work and effort has gone into this issue that “what we see is that the County is one piece of a system that needs a lot of fixing in a lot of areas.”

Commissioner James asked Attorney Bethune if the County was still subject to the law regarding qualified low bids. Attorney Bethune said they would have to follow the same bid procedures that the County would have to follow in the selection of their contractors.

Commissioner James said he asked this because every time the County engages in a large Contract, there’s always been a discussion about MWSBE goals, because the law requires that it be the lowest qualified bidder. Commissioner James suggested the Board receive a primer or summary on how NC county law differs from the City’s or Board of Education’s laws as it relates to MWSBE. Commissioner James said you can’t accept the second lowest qualified bidder just to improve on one’s MWSBE numbers.

General Manager Lancaster said staff would be happy to provide that information, but with respect to construction projects, the County has a good history of MWSBE participation. Also, Balfour Beatty Construction/Rodgers Builders has a strong commitment to MWSBE participation and that it’s not by taking the low bidder but by implementing different strategies to make sure the word is getting out to persons that are qualified and meet the MWSBE criteria. It was noted that the goal they have set for themselves is 25 percent.

Commissioner Dunlap said with respect to the County’s MWSBE program, he would like to receive a report on the impact of losing two positions for the program and the County’s ability to go out and recruit, especially on the procurement side for minority vendors.

Chairman Roberts asked General Manager Lancaster was there any action needed by the Board at this time. General Manager Lancaster said she would love to see the Board vote tonight to provide direction to staff with respect to moving forward or not with the project, rather than waiting until October to provide that direction. General Manager Lancaster said it would help staff in putting together the forthcoming report from County Finance regarding debt capacity.

Motion was made by Commissioner James, seconded by Commissioner Bentley, to proceed with the jail expansion project as outlined by staff and in the range of $220-$240 million.

Substitute motion was made by Commissioner Leake and seconded by Commissioner Murrey and failed 5-3 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James voting no and Commissioners Leake, Murrey and Roberts voting yes, to defer a decision with respect to moving forward with the jail expansion project until October.

The vote was then taken on the original motion and carried 6-2 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, and Roberts voting yes, and Commissioners Leake and Murrey voting no, to proceed with the jail expansion project as outlined by staff and in the range of $220-$240 million.

Note: The above is not inclusive of every comment but is a summary.
The Board received an update on the status of Mecklenburg County’s pandemic/business continuity planning and preparedness/prevention efforts regarding H1N1 flu.

General Manager Shields introduced the item and then turned the presentation over to Health Director Dr. Wynn Mabry and Medical Director Dr. Stephen Keener.

The following was noted:

- Novel influenza A (H1N1) is a new flu virus of swine origin that emerged in March and April 2009, and quickly spread as a global pandemic causing the World Health Organization (WHO) to raise the pandemic alert level to Phase 6 on June 11, 2009. This level is an indicator of the spread of the virus, not the severity of illness caused by the virus.
- The expectation is that incidences of the virus will increase dramatically in the fall and winter.
- Mecklenburg County Government is responsible for providing community leadership and coordination on H1N1.
- The Health Department is working with the medical community, hospitals, first responders, schools, and others on all aspects of identification, treatment, control, and prevention of H1N1.
- Other county agencies are also responding to and preparing for the consequences of this Pandemic, including Public Service and Information, Human Resources, and Information Services and Technology.
- The Health Department’s plan involves four areas: Threat Awareness, Prevention and Protection Activity, Disease Outbreak Response, and Recovery Activity.
- The disease is in the community. It began in the spring and has continued into the summer and is at a “fairly” low level presently, but there is concern it may surge in the fall and winter.
- The plan has been reviewed and approved at the state level
- One of the important things in executing the plan is creating the right organization to do that and even though public health is in the lead in terms of owning the plan and organizing the response, the execution of the plan is far beyond the Health Department’s capacity, which is why the department depends so much on communication, collaboration, and cooperation with internal agencies and external partners.
- This matter is organized under what’s referred to as an incident command system, which is a system established by FEMA.
- H1N1 did originally start out being called the swine flu but the Center for Disease Control (CDC) revised the name, partly to distance it from the swine flu that was around in 1976. Also, because this is a virus that is made up of several different parts, including part bird and part human.
- This is a new virus.
- It started in Mexico.

- In terms of its severity it’s pretty similar to what is experienced every winter with seasonal influenza outbreaks.
- Symptoms consist of a fever, accompanied by respiratory symptoms, such as a cough, running nose, congestion, and a sore throat.
- It has generally been a mild illness, however, it’s important to note that in previous pandemics of influenza, the first wave of mild illness was followed by subsequent waves of more severe illness. Thus, this possibility should not be ignored with H1N1.
- The virus is spread through respiratory droplets from coughing and sneezing that contaminates surfaces and is subsequently picked up by hands and spread to the eyes, nose and mouth.
- Currently, only severely ill or hospitalized patients are being tested for H1N1.
- Testing is being used more as a surveillance tool than a diagnostic tool.
- There are several surveillance tools being used in Mecklenburg County.
The Health Department is partnering with Charlotte/Mecklenburg Schools and utilizing the data they gather daily regarding absences.

The Health Department also plans to contact day cares, private schools, and local colleges and universities for similar data.

Current data shows the County’s incidence of influenza like illness is approximately 2 percent, which is a “fairly” low level. Also, about 95 percent of the tests that have been done on those with influenza like illness that of the positive tests about 95 percent are H1N1.

Influenza like illness due to H1N1 is different than it is in seasonal influenza in that 55 percent of the disease incidence occurs in children less than 17 years old and 30 percent occurs in adults from 18-49.

There’s a high risk of severe disease for women that are pregnant, young children and young adults with chronic medical conditions.

The H1N1 vaccine should be available in October.

The prevention strategy is that of a mitigation strategy, whereby, the Health Department is trying to modify the force and intensity and impact of this illness.

The majority of the population has no resistance to this virus.

Dr. Mabry said the Health Department has no means to completely eradicate it, but is trying to help the medical community and citizens to deal with an illness that as it is known currently can basically attack a younger part of the population. Dr. Mabry said currently those that are generally healthy are able to deal with disease pretty well and recover.

Dr. Mabry said the uncertainty is it’s just not known how much this is going to change in the “near term,” but it is known that certain parts of the population need to have extra special protection because of their “inherent vulnerability.”

Dr. Mabry said one of the most important things in terms of protection is control measures. A major public risk communication effort is underway to remind individuals that it’s “their personal responsibility” if they or a family member are ill, to try to refrain from going to work or sending kids to school. Dr. Mabry said to do so is a “great disservice to employees and children that are exposed.”

Dr. Mabry noted the following activities the Health Department is encouraging the public to engage in for personal protection.

1) That people take care of themselves by getting the proper rest, diet, and exercise, because the more worn down you are the more vulnerable you are
2) Keep your hands washed constantly or use an alcohol based hand sanitizer if soap and water are not available
3) Avoid touching your mouth, nose, and eyes
4) If you have symptoms protect others from your coughing or sneezing by using tissues or coughing or sneezing into your sleeve if you don’t have a tissue
5) Keep common surfaces clean, including designated play areas for children
6) Stay at home if you’re ill. Further, that if you have the influenza like symptoms it’s recommended by the CDC that you stay home 24 hours after the fever resolves, when you’re not taking anti-fever medication.
7) It’s being recommended that those that are most vulnerable for seasonal influenza to get the influenza vaccine as early as possible
8) Stay informed

Comments

Commissioner James asked about preventive measures where people congregate at school, public or private schools. Commissioner James said often children won’t indicate that they’re sick and that parents often send children to school even if they’re ill.
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Commissioner James asked what process does Charlotte/Mecklenburg Schools (CMS) have in place to screen children to see if there’s a sign of illness. Commissioner James asked will school staff or students wear a mask if they come to school ill.

Dr. Keener said several weeks ago, top CMS administrators met and addressed some of those issues. Dr. Keener said CMS has put into place mechanisms where they have educated all of the teachers to be on the look for children with symptoms. Once a child has been identified they will be isolated at school and their parent will be called to pick them up.

Dr. Keener said CMS has decided not to use masks because it’s felt that would further stigmatize the child. Dr. Keener noted also that it’s very important that once the child is home that he or she stays home and not go out and play with others.

Commissioner James asked if contact would be made with private schools. The response was yes.

Commissioner James asked whether CMS has or plans to purchase more hand sanitizer and/or do they need assistance in this area. Dr. Keener said CMS has discussed this issue and the need for this type of item to be available. Dr. Keener said he could respond to the question of whether CMS needs help with obtaining these items.

Dr. Mabry noted with respect to school buses, that it’s important students wash their hands when they get off of the bus and before going to class. Dr. Mabry said he doesn’t feel CMS, at least at this time, has come up with a way to continually keep buses free of contaminated droplets.

Commissioner James said he’s concerned about this issue and that if CMS doesn’t take it seriously, it could get “bad really quick.” Commissioner James said he thinks the worst thing that can be done is to “underestimate” the seriousness of this virus.

Chairman Roberts asked about access and delivery when the vaccine comes in. Dr. Mabry said a Decision was made at the national level as to how the vaccine would be distributed. He said the Health Department would not want to be a central logistical source. He said that’s not the way the seasonal influenza vaccine is distributed. Dr. Mabry said the system that’s used is one wherein the pharmaceuticals basically distribute to providers on a sort of pre-scheduled basis. Further, that this is what has been decided for the H1N1 vaccine. There will be a general distribution to the providers. Dr. Mabry said he understands that it does raise some questions and concerns about who’s going to get it and what are the controls in terms of enforcing the priorities. Dr. Mabry said that’s when you have to rely on the professional commitment of the medical community to follow CDC guidelines, because the vaccine will be in scarce supply to begin with.

Chairman Roberts asked is the recommendation that parents contact their physician once they learn the vaccine is available. Dr. Mabry said yes and that the providers that know the family best will make the best decisions.

Dr. Mabry said the Health Department will have to deal with families that don’t have a “medical home.”

Dr. Mabry said this should not be a major cost issue for the community because the government is providing the vaccine, so there won’t be a vaccine charge. He’s not sure, however, if there’ll be an administrative charge.

Commissioner Cooksey asked if hand sanitizer was effective. Dr. Keener said yes (alcohol based), but that it’s not recommended for situations where there is visible soil on the hands, which would call for soap and water.
Chairman Roberts thanked Dr. Mabry and Dr. Keener for the update.

No action was taken or required at this time.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(34) ENERGY-SAVINGS PERFORMANCE CONTRACTING (COMMISSIONER BENTLEY)

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to direct the County Manager and County Real Estate Services to issue an RFP for hiring a private-sector Energy Service Company (ESCO) or companies and enter into a guaranteed performance contract(s) on select County-owned facilities (as identified by County Real Estate Services) where significant energy savings can be achieved through performance contracting.

Prior to the above vote, Commissioner Bentley and Director of Real Estate Services Mark Hahn addressed this matter.

Note: County Real Estate Services has conducted energy audits and made progress toward improving energy efficiencies at some County-owned buildings. However, through the process of performance contracting, greater cost savings can be realized more quickly at no cost to the County, thereby making significant dollars available for other County services.

Energy-Savings Performance Contracting (EPC) is a paid-from-savings programmatic solution used aggressively (especially now) across the country and advocated and legislated here in NC. It is, in fact, true stimulus in that the chosen EPC provider procures efficient technologies from local manufacturers, hires local mechanical, electrical and plumbing (MEP) contractors, finances the project through the use of local banks (B of A has historically been the largest financier of these types of programs) while reducing emissions and improving the quality and comfort of the County's infrastructure. Additionally, most projects utilize M/WBE participation in an effort to support those interests. All is guaranteed by the EPC provider and all is paid for from an existing budget set aside to pay the utility companies (which is forever rising due to rate increases). The entire program is paid-from-savings, including any fees/profit sought from the ESCO (Energy Service Company). Therefore, no additional dollars from the County would be spent above what is currently being spent on utilities at the facility.

Director Hahn noted that there is one possible impact, but staff isn’t sure at this time, which is as staff looks at other facilities, whether or not there would be a need for additional project management staff if the project gets large or very complex or a large number of facilities.

Chairman Roberts asked if staff was considering partnering with the Public Library of Charlotte/Mecklenburg County. The response was not at this time. The focus at this time is with County partners (depts.) where staff can manage those facilities and have the jurisdiction to do so. Director Hahn said with respect to other agencies that would probably have to be handled by their boards. He said many agencies are already doing this, for example, CMS is doing it and it’s believed that Central Piedmont Community College is considering it also.

STAFF REPORTS AND REQUESTS

(31) MECKLENBURG COUNTY FACILITY NAMING POLICY
Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley, to adopt a policy for naming and/or renaming of county facilities as presented, entitled Mecklenburg County Facility Naming Policy.

Substitute motion was made by Commissioner Leake, seconded by Commissioner James, and failed 4-4 with Commissioners Bentley, Clarke, Cooksey, and Dunlap voting no and Commissioners James, Murrey, Leake, and Roberts voting yes, to adopt a policy for naming and/or renaming of county facilities as presented, entitled Mecklenburg County Facility Naming Policy but with an amendment to Section VI. Facilities owned or leased by Mecklenburg County shall only be named for an elected official if: a) A minimum of five (5) years has passed since the individual last served in elected office, excluding elected officials who are deceased, by changing the timeframe from five (5) to three (3) years.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 7-1 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Murrey, and Roberts voting yes and Commissioner Leake voting no, to adopt a policy for naming and/or renaming of county facilities as presented, entitled Mecklenburg County Facility Naming Policy, but with an amendment to Section XI. Exceptions to this policy may be made by unanimous vote of the Board of County Commissioners, by changing unanimous to majority.

Assistant to the County Manager Nyki Hardy presented this matter to the Board.

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

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

(32) SWIMMING FROM PARK PROPERTY

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to amend Section 7 of the Mecklenburg County Park and Facilities Ordinance to allow lake swimming in designated areas.

Director of Park and Recreation Jim Garges and staff member Greg Jackson addressed presented this matter to the Board.

Note: Mecklenburg County banned lake swimming at McDowell Park in the 1970s after several people drowned. Since that time, the subject of opening up beach swimming areas has been debated several times. Lake Norman, Mountain Island Lake, Lake Wythe and the Catawba River are a great natural resource to which citizens have limited access unless they can afford a boat or water front property. Opening up lake front beaches with designated swimming areas will allow more people to have access to this resource. For this to happen, an amendment is needed to amend Section 7 of the Mecklenburg County Park and Facilities Ordinance to read as follows:

SECTION 7: No person shall bathe, wade, or swim in any water features in any park except in designated swim areas, spray grounds, swimming or wading pools, or enter public waters from any park to bathe, wade or swim except in connection with special events authorized by the Director. This section does not prohibit ingress or egress to or from a park by way of swimming in public waters.

This is the first action that would start a series of steps necessary to make lake swimming a reality. Once the ordinance is changed, staff would host community workshops to gain citizen feedback on the recommended location. After the community workshops, a consultant would have to be hired to design the swimming area. The design can then be submitted to Duke Energy in a FERC application to lease the swimming area from Duke. This process can take 18-24
SEPTEMBER 1, 2009
months. In addition, capital and operating funds will have to be identified. The overall time
frame from changing the ordinance to actual opening of a swimming area is estimated to take
approximately 3 years.
Note: Since all Commissioners were not present, this matter will come back to Board for a
Second Reading at the September 15, 2009 meeting.

COUNTY COMMISSIONERS REPORTS AND REQUESTS
(33)

RESOLUTION SUPPORTING HEALTH CARE REFORM (CHAIRMAN
ROBERTS)

Chairman Roberts presented a proposed Resolution Supporting Health Care Reform.
Jen Algire, Executive Director of Community Health Services spoke in support of the proposed
resolution.
Motion was made by Commissioner Clarke, seconded by Commissioner Murrey to approve a
resolution entitled: A Resolution of The Mecklenburg County Board of Commissioners In
Support of The Passage of Comprehensive Federal Health Reform Legislation and instruct staff
to forward the resolution to members of Mecklenburg County’s congressional delegation as well
as to President Obama.
Comments
Commissioner Bentley said she agrees reform is necessary, however, she has concern for some of
the language in the resolution.
Commissioner Bentley said she like would to know more about the 10 percent of children in
Mecklenburg County that may be without health insurance as referenced in the resolution;
specifically, what these children are faced with and what they look like relative to health
coverage and what’s preventing them, locally, from getting coverage.
Commissioner Bentley said with respect to the County’s contribution towards indigent care, that
there may be some unintended consequences if “we don’t reform correctly,” which could pose
significantly more cost impact on the County’s budget.
Commissioner Bentley read an e-mail that the Board received from Greg Gombar, Chief Finance
Officer for Carolinas Healthcare System and said she shared his sentiments expressed in the email. A portion of the e-mail stated that Carolinas Healthcare System “supports any well thought
out efforts to reform and improve the healthcare delivery system in the U. S.” Further, that
Carolinas Healthcare System is supportive of the initiatives proposed that have “proven results.”
Also, that although they believe reform is needed, they are concerned with the pace and the
dramatic change that will take place in safety net hospitals, like those affiliated with Carolinas
Healthcare System, the employees, physicians, and patients. Further, that this is a complex issue
that should not be rushed.
Commissioner Bentley said according a study conducted the Lewin Group, a Healthcare
consulting firm, and based on the bill that’s currently on the table in Congress, it’s projected that
hospitals, collectively, in the U.S. could see their net annual income fall by almost $62 billion,
which roughly eliminates hospital margins. Commissioner Bentley said this is something the
Board needs to be aware of and the impact that may have on local hospitals.
Commissioner Bentley said she could not support urging Congress to enact comprehensive
health reform legislation without delay before the end of its first session as stated in the
resolution. Commissioner Bentley said she thinks the Board needs to encourage “thoughtfulness,
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creativity, and deliberation in a bi-partisan manner,” which she said has not occurred.

Commissioner Bentley said she’s concerned that by Mecklenburg County and other county boards across the country approving this resolution that it may send the wrong message and that urgency of time and the result boxed in by an artificial timeframe, may not “get us the best result and may ultimately end up costing our counties more in the long run.”

Commissioner Bentley said she does not deny some of the eight points noted in the resolution and that perhaps that’s a legislative package that the County should put together and advocate for as a separate topic.

Commissioner Murrey said he agrees that this is a complex issue and worthy of deliberation, however, his concern is that deliberation on how to reform healthcare has been going on for as long as he can remember and “nothing has been done about it.”

Commissioner Murrey said he feels the only way to achieve a more “rational” healthcare system is to provide universal coverage.

Commissioner Murrey said people worry about rationing with a new system but that rationing already exist, but it’s based on economics, whether you can pay or whether you can get in, and not on medical necessity, which he said is not a rational way to run a healthcare system.

Commissioner Murrey said the first step towards getting a rational healthcare system is “universal coverage and the first step towards that is some sort of rational financing plan, universal financing that could lead to rational treatment plans, like medical homes.

Commissioner Cooksey said he shared a lot of the concerns expressed by Commissioner Bentley.

Commissioner Cooksey said he doesn’t feel the issue is whether or not reform is needed, but rather, what will that reform or “overhaul” look like. Commissioner Cooksey said it’s not about the question of “doing nothing, but “doing the right thing.”

Commissioner Cooksey said what needs to be reformed and isn’t addressed is the malpractice insurance system. Commissioner Cooksey said a reformation of that system would do dramatic things to bring down health care costs.

Commissioner Cooksey said he thinks the resolution promotes urgency over “getting it right,” which he feels is important.

Chairman Roberts highlighted the eight points referenced in the resolution, with respect to what the reform legislation should do:

1. restore the partnership between county and federal governments;
2. provide access to affordable, quality health care to all;
3. invest in public health, including health promotion and disease and injury prevention;
4. stabilize and strengthen the local health care safety net system, especially Medicaid and disproportional share hospital (DSH) payments;
5. invest in the development of the health professional and paraprofessional workforce;
6. ensure that county health agencies have the resources to meaningfully use health information technology;
7. enable elderly and disabled persons to receive the services they need in the least restrictive environment; and
8. reform the delivery and financing of health services in the jail system.

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

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey carried 5-2 with
Commissioners Clarke, Dunlap, Leake, Murrey and Roberts voting yes and Commissioners Bentley and Cooksey voting no, to approve a resolution entitled: A Resolution of The Mecklenburg County Board of Commissioners In Support of The Passage of Comprehensive Federal Health Reform Legislation and instruct staff to forward the resolution to members of Mecklenburg County’s congressional delegation as well as to President Obama.

*Resolution recorded in full in minute book 44-A, Document #_________.*

**CONSENT ITEMS**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items: 14, 16, 17, 18, 19, 22, 23, 24, 27, 28, and 29, to be voted upon separately.

(7) **APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held August 4, 2009 and Closed Sessions held August 4, 2009 and July 7, 2009.

(8) **RAY’S SPLASH PLANET CAPITAL RESERVE REQUEST**

Authorize a capital reserve expenditure of $35,000 from funds accrued through Ray’s Splash Planet revenues to replace chairs, lobby furniture, tables and replace the floor in the pre-school room.

(9) **FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT**

1) Authorize the County Manager to submit a grant request in the amount of $15,000 to the Federal Emergency Management Agency.

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

3) Authorize the carry-forward of unspent funds at the end of the fiscal year for the duration of the grant.

(10) **AUCTIONS FOR DISPOSAL OF EQUIPMENT**

1) Approve the list (Exhibit A), included in the agenda material, as surplus, and

2) Adopt a resolution authorizing sale of personal property by public auction on September 19, 2009. This auction will be conducted by Rogers Realty and Auction Company Inc.

*Resolution and Exhibit A recorded in full in minute book 44-A, Document #_________.*

(11) **DSS BUDGET AMENDMENT**

Amend the Department of Social Services’ FY 2010 budget to recognize, receive and appropriate additional funding from the Home and Community Care Block Grant and Family Caregiver Support Program Grant.
SEPTEMBER 1, 2009

(12) INTERLOCAL TAX COLLECTION AGREEMENT – HEAVY EQUIPMENT

Adopt this resolution authorizing the County Manager to enter into an agreement with the towns of Davidson, Huntersville, Matthews, Mint Hill, and Pineville to collect the gross receipt taxes on the short-term lease or rental of heavy equipment under the terms and conditions negotiated by the County Manager.

Resolution recorded in full in minute book 44-A, Document # __________.

(13) REVISED INTERLOCAL TAX COLLECTION AGREEMENTS – AD VALOREM

Adopt a resolution authorizing Mecklenburg County to modify the existing agreement with Cornelius, Huntersville, Matthews, Mint Hill, and Pineville to collect real estate, personal property, and other fees and taxes for the towns.

Resolution recorded in full in minute book 44-A, Document # __________.

(20) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Monthly Financial Report.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2010, For the period ending July 31, 2009

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>13,711,864</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,137,811</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>1,091</td>
<td>1.12%</td>
</tr>
<tr>
<td>County</td>
<td>41,880,415</td>
<td>3,501,387</td>
<td>8.36%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>89,827,383</strong></td>
<td><strong>3,502,478</strong></td>
<td><strong>3.90%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,001,354</td>
<td>602,343</td>
<td>8.60%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,548,699</td>
<td>185,765</td>
<td>1.37%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,775,818</td>
<td>152,489</td>
<td>1.96%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,867,126</td>
<td>425,955</td>
<td>3.31%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>10,382,360</td>
<td>605,087</td>
<td>5.83%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>19,268,029</td>
<td>1,346,873</td>
<td>6.99%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,984,452</td>
<td>183,965</td>
<td>0.97%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>89,827,838</strong></td>
<td><strong>3,502,478</strong></td>
<td><strong>3.90%</strong></td>
</tr>
</tbody>
</table>

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. 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.
SEPTEMBER 1, 2009

(21) CONSERVATION RESTRICTIONS ON COUNTY PROPERTY

(1) Authorize the County Manager to execute Conservation Declarations on the following County properties to facilitate stream restoration projects:


(b) McAlpine Creek: Tax Parcels: 213-351-02, 213-351-05, 213-351-06, 213-091-08, 213-091-09, and 213-091-10.

(25) EXCISE TAX REFUND REQUESTS

Delegate to the County Manager the Board’s authority to determine whether to grant or deny a refund of overpaid excise taxes under the authority granted to Mecklenburg County by S.L. 2009-110. As required by the statute, the Board retains the responsibility to conduct a public hearing on any request for refund denied by the County Manager.

(26) H1N1 FUNDING

Recognize, receive and appropriate $125,000 from the NC Division of Health and Human Services, Preparedness Program for H1N1 planning activities.

Note: It is anticipated that funding will be received for 3 phases. Phase I H1N1 funding is focused on planning activities, Phase II for community mitigation, communications, and to augment mass vaccination planning, and Phase III funding will be for implementation of mass vaccinations. This funding is the initial allocation allocated to Mecklenburg County.

(30) PURCHASE OF SYSTEMS FURNITURE

Approve purchase of systems furniture for the Revolution Sports and Learning Academy.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

____________________
Commissioners Murrey and Dunlap left the dais and were absent until noted in the minutes.

(14) TAX COLLECTOR'S ANNUAL SETTLEMENT FOR FISCAL YEAR 2009

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 5-0 with Commissioners Bentley, Clarke, Cooksey, Leake, and Roberts voting yes, to 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) and is to be entered into the records of the Board of County Commissioners as directed by statute.
Commissioner Bentley removed this item from consent in order to find out the process for collecting the uncollectives, which was addressed by Tax Collector Neal Dixon.

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

Commissioner Murrey returned to the dais.

(16) AREA MENTAL HEALTH QUALITY IMPROVEMENT PLAN

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 5-0 with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to approve and recognize the Quality Improvement Plan for 2009 and the 2008 Quality Improvement Evaluation.

Note: As the governing body for Area Mental Health, the BOCC is provided an evaluation of the
effectiveness of the quality improvement program for the past year and the Quality Improvement Plan for the coming year.

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

Commissioner Cooksey commented on the importance of employee safety and asked that consideration be given to including in the next plan, measures to make sure employees are in a safe environment and that they maintain good physical health.

Director of Area Mental Health Grayce Crockett noted that the department does have a safety committee, that looks at these types of matters and that they will work on incorporating that into next year’s Plan.

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

Commissioner Dunlap returned to the dais.

(17) PUBLIC RECREATIONAL FACILITY SUBLEASE AGREEMENT WITH THE U.S. NATIONAL WHITESTREAM CENTER

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Bentley, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to

(A) Adopt a resolution authorizing a long-term sublease agreement with the U.S. National Whitewater Center for the 0.3114 acres lying within the bed of Lake Wylie, leased from Duke Energy Carolinas, LLC.

(B) Authorize the County Manager to negotiate and execute a Public Recreational Facility (boat dock) sublease agreement with the U.S. National Whitewater Center.

Commissioner Leake removed this item from Consent for more public awareness. Park and Recreation Director Jim Garges addressed this matter.

Resolution recorded in full in minute book 44-A, Document #__________.

(18) ECONOMIC STIMULUS FUNDS – WEST BRANCH ROCKY RIVER GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to

1) Approve application for up to $1,100,000 of federal funding from the American Recovery & Reinvestment Act for the construction of West Branch Rocky River Greenway;

2) If awarded, approve, recognize, receive and appropriate any amounts awarded;

3) If awarded, authorize the County Manager to enter into a reimbursement agreement with NCDOT;

4) Adopt West Branch Rocky River Greenway Capital Project Ordinance and

5) Approve the use of Federal Disadvantaged Business Enterprise (DBE) special provision for bidding, instead of using the County M/W/SBE provisions, as required in order to obtain federal and NCDOT funding.
Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake requested a report at the next meeting regarding stimulus funds received by the County, thus far and what the funds are being used for. Chairman Roberts echoed the receiving of a report on stimulus funds received and suggested it fall under Manager’s Report.

(19) **FUNDING ADJUSTMENTS – AREA MENTAL HEALTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Bentley, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to

(A) Approve, recognize, receive and appropriate federal funds in the amount of $193,340 for Center for Prevention Resources.

(B) Approve, recognize, receive and appropriate Medicaid funds in the amount of $300,000.

(C) Approve, recognize, receive and appropriate Medicaid funds in the amount of $104,463.

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

(22) **VITAL RECORDS STATE FEES**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve an amendment to Health Department Fee Schedule for fees collected on behalf of the State for a certified birth/death certificates from $15 to $24 required by NCGS G.S. 10.22 130A-93.1 effective August 24, 2009.

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

Commissioner Cooksey asked why was the Board being asked to approve and authorize this State tax increase. The response from Attorney Bethune was that the Board in the past has been asked to approve a fee schedule for the Health Department that reflects the fees the County is required to charge. So this action is needed so that the County’s fee schedule will reflect the correct charges.

Commissioner Cooksey said he opposes the increase and wants the public to know that this is something that was approved by the State, thus the County has no choice in the matter.

(23) **GRANT APPLICATION: MALES PLACE JOURNEY TO GHANA, WEST AFRICA – 2010**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve a $10,000 grant application that has been submitted to the New Generation of African American Philanthropist (NGAAP) for funding to support a trip for 30 young men and adult mentors to Ghana, West Africa in June, 2010.

Commissioner Leake removed this item from Consent for more public awareness. Health Director Wynn Mabry explained this issue.

Commissioner Dunlap left the meeting and was absent for the remainder of the meeting.
(24)  **RYAN WHITE MINORITY AIDS INITIATIVE FUNDING**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 5-0 with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to

1) Recognize, receive and appropriate year three MAI funding of $406,274 from the U.S. Department of Health and Human Services, Health Resources and Services Administration under the Ryan White Treatment Modernization Act of 2006.

2) Approve the carry forward to the next fiscal year of any unspent grant funds at June 30, 2010.

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

(27)  **TEMPORARY FOOD ESTABLISHMENTS FEE INCREASE**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 4-1 with Commissioners Bentley, Leake, Murrey, and Roberts voting yes and Commissioner Cooksey voting no, to

1) Approve permit fee increase from $50 to $75 required by NCGS 130A-248(d) effective August 15, 2009.

2) Amend the FY 2010 Food and Facilities Sanitation Program budget to recognize, receive and appropriate an additional $9,300 resulting from the collection of the $75 permit fee.

*Commissioner Leake removed this item from Consent for more public awareness. Health Director Wynn Mabry explained this issue and noted that this is a State approved fee.*

(28)  **DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY2010 FUNDING**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of $1,490,192 for fiscal year 2010 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

*Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake requested a report on how these funds are being disseminated, to whom, how much, and how have these programs decreased the problem of juvenile delinquency. Commissioner Leake said funds are continuing to be allocated, but that the County is no receiving any results or reports.*

Chairman Roberts noted that the program providers were listed in the agenda material but there was no information regarding what they do.

Commissioner Leake said nor was there information regarding salaries.

*A copy of the funding allocation plan is on file with the Clerk to the Board.*

(29)  **AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) APPLICATION FOR EMERGENCY CONTINGENCY FUNDS**

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 5-0
SEPTEMBER 1, 2009

with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to authorize Mecklenburg County Department of Social Services to submit an application, to be included in the State of North Carolina application, to the U.S. Department of Health and Human Services for Emergency Contingency Funds to establish a Subsidized Employment program for TANF eligible participants.

Commissioner Cooksey removed this item from Consent to inquire about the amount of the grant and the County’s match. Director of Social Services Mary Wilson explained this item.

COMMISSION COMMENTS – No general comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 5-0 Commissioners Bentley, Cooksey, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 12:07 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, September 15, 2009.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

Commissioner 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) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced there would not be a Land Acquisition matter for discussion in Closed Session, only Business Location and Expansion and Consult with Attorney.

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:05 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He arrived during Closed Session.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from Consent and voted upon separately. The items identified were Items 9, 10, 11, 13, 15, 16, and 17.

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

PROCLAMATIONS AND AWARDS

(1A) RETIRE CANINE OFFICERS BRITTA AND NIKO – SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to retire Canine Officers Niko and Britta and adopt Resolutions Authorizing the Sheriff of Mecklenburg County to Transfer Ownership of Retired Mecklenburg County Sheriff’s Office Canine Officers Niko and Britta to their handlers.

Rachel Vanhoy with the Sheriff’s Office addressed this matter. Present also, were Canine Officers Niko and Britta who were accompanied by their handlers, Deputy James Riley (Niko’s) and Deputy Robert Sherwin (Britta’s).

Note: This action allows the Mecklenburg County Sheriff’s Office (MCSO) to retire and transfer ownership of Canine Officers Britta and Niko to their respective MCSO Officer Handlers. Both Canine Officers performed their duties faithfully and diligently and have reached the age and physical condition for retirement. Both Canine Officers were trained in certain law enforcement procedures and may behave unpredictably and perhaps in an aggressive manner as a result of such training. Therefore, both Canine Officers present a risk to general public health and safety if presented for sale to or adoption by the general public, who are unfamiliar with the specialized training each Canine Officer received. Such risk to public health and safety is not present when the Canine Officers are transferred to the care and keeping of their respective MCSO Officer handlers. This allows each Canine Officer to retire to a familiar environment in the care of an MCSO Officer very familiar with their training, and permits an ownership transfer of the Canine Officers that does not endanger public health and safety.

Resolutions recorded in full in Minute Book 44-A, Documents #_____., _____.

(1B) BIG SWEEP

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating Saturday, October 3, 2009 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 16 years, Mecklenburg County has been an active participant in this event, which has involved thousands
of volunteers in the removal of more than 120,000 pounds of trash from the community’s waterways.

The proclamation was read by Chairman Roberts and received by Rusty Rozzelle, Water Quality Program Manager. He was joined at the podium by faculty and students from Lake Norman Charter School.

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

(1C) SUSAN G. KOMEN CHARLOTTE RACE FOR THE CURE DAY

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating October 3, 2009 as Susan G. Komen Charlotte Race for the Cure Day in Charlotte and Mecklenburg County.

Note: Susan G. Komen Race for the Cure was born out of a promise by Nancy Brinker to her sister, Susan G. Komen, who died from breast cancer at the age of 36. Komen for the Cure has transformed the culture of how the world talks about and treats this devastating disease and helps turn millions of breast cancer patients into survivors. The Susan G. Komen Charlotte Race for the Cure raises significant funds and awareness for the fight against breast cancer, celebrates breast cancer survivorship and honors those who have lost their battle with the disease.

The proclamation was read by Commissioner Leake and received by Stacy Busby, board president for the Charlotte Affiliate Susan G. Komen for the Cure.

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

(1D) MILLION DOLLAR DAY

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating October 1, 2009, as “Million Dollar Day” in recognition of the County’s Resource Development function with the Public Service & Information Department (PSI) reaching the $1 million threshold in underwriting sponsorships and donations used for county programs and services.

The proclamation was read by Commissioner Dunlap and received by Danny Diehl, Director of Public Service and Information and Brian Gott, Resource Development Coordinator.

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

(1E) FAMILY DAY

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating September 28, 2009 as Family Day – A Day to Eat Dinner With Your Children.

The proclamation was read by Commissioner Murrey.

Note: The National Center on Addiction and Substance Abuse (CASA) at Columbia University requested support of the proclamation. According to CASA, in 2008 the President, all 50
Governors and the Mayors and Executives of more than 800 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 every 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 their request.

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

(2) PUBLIC APPEARANCE

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

Betty Allen addressed a medical issue she’s involved in with Carolina’s Medical Center. Ms. Allen said she sustained an injury while at Carolinas Medical Center in October of 2005. Ms. Allen said she has since had operations to repair damage to her throat which she said was done by Carolinas Medical Center. She plans to sue Carolinas Medical Center because when she was discharged she was told she had no injuries. She later found out that she did.

Beth Wells, Liz Clasen Kelly on behalf of Quinetta Williams and Elijah Kelly with Homeless Helping Homeless spoke in opposition to the building of new County Jail. They asked the Board to invest funds that would be used to build a new jail in a different way, such as, investing in additional mental health services. It was noted that there are many people in the jail with mental health issues and who are also homeless. It was stated that it would be cheaper to place these individuals into supportive, affordable housing, and to provide mental health professionals and social workers to help stabilize their lives and they can in turn become productive citizens. Further, the removal of these individuals from the jail would free the jail up to house the “real criminals.” Ms. Wells said “if we house people instead of warehousing them, we won’t need any new jail space.” They all said housing and supportive services for the homeless and the mentally ill, as well as more schools, and job security is what’s needed.

Neal Howes addressed the building of Stumptown Elementary School, which he said was desperately needed to relieve overcrowding at Torrence Creek Elementary.

Jeanie Welch addressed and invited the Board and the community to the third Annual Charlotte East Gala being held by the Charlotte East Community Partners on October 30, 2009 and the Taste of the World restaurant preview event on October 8, 2009.

_A flyer regarding each event is on file with the Clerk to the Board._

(3A) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

<table>
<thead>
<tr>
<th>Name</th>
<th>None</th>
<th>None</th>
<th>None</th>
<th>Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earl Foxworth, Jr.</td>
<td>None</td>
<td></td>
<td></td>
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<tr>
<td>Azania Herron</td>
<td>None</td>
<td></td>
<td></td>
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<tr>
<td>Jibril Hough</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sharon Ingram</td>
<td>Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts</td>
<td></td>
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</tr>
</tbody>
</table>

_Voting Ceased_
Barry Kirby
Patrick Rivenbark None
Amad Shakur None
Rebecca Vincent None

Note: The Board only considered the two applicants who were tied for votes at the previous meeting, Sharon Ingram and Barry Kirby.

Chairman Roberts announced the appointment of Sharon Ingram to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring September 30, 2011.

She is replacing Sara Roselli

(3B) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Constance Green-Johnson, Melissa McIntyre-Brandly and Valerie Shuler to the Adult Care Home Community Advisory Committee for a one-year term expiring September 30, 2010.

They are replacing Lauren Groves, Jim Howard and Frances Hudson.

JUVENILE CRIME PREVENTION COUNCIL

The following persons were nominated by Commissioner James for appointment consideration to the Juvenile Crime Prevention Council: George Banks and Gwendolyn Hester-Cohen.

Note: An appointment will occur on October 6, 2009.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to nominate and appoint Skip Hudspeth to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2012.

Note: He was nominated by Commissioner Bentley and is replacing Daniel DuVall.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Maryanne Dailey to the Nursing Home Community Advisory Committee for a one-year term expiring September 30, 2012.

Note: She is replacing Carol Barry.

(4) PUBLIC HEARINGS – NONE
MANAGER’S REPORT

(6A) MECKLENBURG COUNTY RECOVERY ACT UPDATE

The Board received an update on Recovery Act funds applied for and received by Mecklenburg County.

Assistant to the County Manager Nyki Hardy gave the update.

Note: On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act (ARRA). In response, the Manager's Office organized a team of staff members across several county departments whose purpose was to identify Recovery Act grant opportunities that matched the needs of the County and once approved by the Board, submit applications to seek funding. To date, the County has received approximately $10M and estimates an additional $2M in potential funding. The following departments have received funds: Social Services, Park and Recreation, Land Use and Environmental Services Agency Storm Water Services Division and Air Quality, Real Estate Services, Community Support Services, and the Sheriff’s Office.

The Board asked that a copy of Assistant Hardy's report be provided to them.

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

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

CONSENT ITEMS

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 9, 10, 11, 13, 15, 16, and 17, to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held September 1, 2009 and Closed Session held September 1, 2009.

(8) 2009 AMERICAN RECOVERY AND REINVESTMENT ACT AWARD LOCAL MATCH

1) Recognize, receive and appropriate $91,000 of N.C. Fuel Tax revenue to be used as the local match for the National Clean Diesel Fund grant.

2) Approve one full-time grant funded Project Manager position.

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

(12) MCDOWELL CAPITAL RESERVE SPENDING REQUEST

Authorize a Capital Reserve expenditure of up to $55,000 from the McDowell Park Capital
 Reserve Account to replace the lakefront deck and smaller capital improvements to the nature preserve.

14) UNITED STATES MARSHALS SERVICE VEHICLE DONATION—SHERIFF’S OFFICE

Recognize and receive the donation of a vehicle from the United States Marshals Service (USMS) to be utilized by Deputy Sheriff assigned to the District Fugitive Task Force (DFTF).

(18) TAX REFUNDS

Approve tax refunds in the amount of $83,571 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(23) TRANSITIONAL HOUSING POSITION

Approve establishing a temporary full-time position to carry out the responsibilities outlined in the recently awarded and approved three-year grant for $500,000 from the United States Department of Justice, Office on Violence Against Women Recovery Act Transitional Housing Assistance for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioners Bentley, Cogdell, and James left the dais and were away until noted in the minutes.

(9) US DEPARTMENT OF JUSTICE 2009 JUSTICE ASSISTANCE GRANT RECOVERY ACT PROGRAM—SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 5-0 with Commissioners Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate funds from the U. S. Department of Justice, Justice Assistance Grant (JAG) Recovery Act Program in the amount of $1,066,848, and recognize, receive, and appropriate interest income earned on this grant during the term of this grant in accordance with grant requirements.

Note: Federal grant funds pay for public safety initiatives and crime prevention programs.

Commissioner Leake removed this item from Consent for more public awareness. Rachel Vanhoy with the Sheriff’s Department explained what this matter was about.

(10) US DEPARTMENT OF JUSTICE 2009 JUSTICE ASSISTANCE GRANT—SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 5-0 with Commissioners Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate funds from the U. S. Department of Justice, Justice Assistance Grant in the amount of $259,273, and recognize, receive, and appropriate interest income earned
on this grant during the term of this grant in accordance with grant requirements.

Note: Federal grant funds pay for public safety initiatives and crime prevention programs.

Commissioner Leake removed this item from Consent for more public awareness. Rachel Vanhoy with the Sheriff’s Department explained what this matter was about.

Commissioners Bentley and Cogdell returned to the dais.

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

(11)  PROJECT SAFE NEIGHBORHOODS GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to approve submission of a $40,000 grant application for the Project SAFE Neighborhoods – Community Engagement Project to the Governor’s Crime Commission, serving as fiscal agent for the U.S. Department of Justice; and upon award of grant, recognize, receive, and appropriate the amount awarded.

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

(13)  SEA-CEED GRANT ADDITIONAL FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate $1,000 from the Medical University of South Carolina, contracted by the CDC National Center for Chronic Disease Prevention and Health Promotion, to prevent and control diabetes within the African American at risk population.

Note: This SEA-CEED grant, accepted by the Board of County Commissioners April 7, 2009, is allocating an additional $1,000 to cover the travel expenses to a conference later in September, 2009. This grant provides funding to expand diabetes education to four African American faith-based organizations aimed at educating and training community health ambassadors creating a coalition to create culturally sensitive and tailored primary prevention initiatives in their church and community.

Commissioner Leake removed this item from Consent for more public awareness. Cheryl Emanuel with the Health Department explained what this matter was about.

Commissioner Leake requested information on the Health Department’s budget for this program.

Commissioner Cooksey returned to the dais.

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

(15)  ELON PARK SYNTHETIC FIELD LIGHTING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes, to

1. Amend the Park and Recreation Department budget to move $225,000 from the utilities account to a capital expenditure account and appropriate the funds for the purchase and
installation of sports field lights on 2 of 4 synthetic soccer fields.

2. Approve the submission of a grant application for a $100,000 field improvement grant from the US Soccer Foundation, and if awarded, recognize, receive and appropriate the award for field lighting.

3. Authorize and appropriate up to $75,000 from the Soccer Field capital reserve account to pay the remaining balance on the field lighting project should the USSF award a grant amount that is substantially lower than the request.

Commissioner Leake removed this item from Consent for more public awareness. Jim Garges, Director of Park and Recreation addressed this matter.

(16) NC CLEAN WATER STATE REVOLVING FUND LOAN

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 adopt the Mecklenburg County Board of Commissioners Resolution to Accept Revolving Loan.

Note: On June 2, 2009, the Board of County Commissioners adopted a resolution approving a loan application to NC Clean Water State Revolving Fund for $2,576,000. As a requirement of loan approval, a resolution is necessary for acceptance of the loan.

The State Revolving Fund is providing these loans through the American Recovery Act of 2009. Fifty percent of the loan amount will be forgiven and the balance is to be repaid over 20 years at 0% interest. The principle will be paid out of general stormwater operational funds. The loan will fund restoration of approximately three miles of Torrence Creek located in Huntersville.

Torrence Creek is located in the McDowell Creek watershed (which drains to Mountain Island Lake upstream of a Charlotte Mecklenburg Utility drinking water intake) and this 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.

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

Commissioners Clarke, Cooksey, and James returned to the dais.

(17) SWIMMING FROM PARK PROPERTY (SECOND READING)

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to amend Section 7 of the Mecklenburg County Park and Facilities Ordinance to allow lake swimming in designated areas.

Prior to the above vote, Jeff Tarte, Mayor of Cornelius and Bill Russell with the Lake Norman Chamber of Commerce spoke in support of amending the ordinance.

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

Commissioner Murrey returned to the dais.
STAFF REPORTS AND REQUESTS

(19) CHARLOTTE-MECKLENBURG SCHOOLS LEASE FOR NORTHWEST SCHOOL OF THE ARTS

Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to authorize Charlotte-Mecklenburg Board of Education to negotiate and execute a lease with Silver Hammer Properties, LLC for classroom/performance space at NC Music Factory Complex.

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

(20) POLICY ON NON-VIOLENT CIVIL RIGHTS PROTESTS

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes and Commissioners Cooksey and James voting no, to approve a resolution stating that it is the policy of Mecklenburg County to prohibit the use of excessive force by law enforcement against non-violent civil rights protestors and to enforce state and local laws related to non-violent civil rights protests.

Note: To be eligible for Community Development Block Grant funds, the County must adopt a policy that prohibits the use of excessive force by law enforcement against non-violent civil rights protesters and must adopt a policy of enforcing all state and local laws prohibiting the restriction of access to or from a location where a non-violent civil rights protest is occurring.

Brian Francis, Assistant to the County Manager addressed this matter prior to the above vote.

Commissioner James said he could not support the resolution for reasons expressed in an e-mail to Assistant Francis, which he said he would not elaborate on. He did state, however, that he feels it’s providing a “double standard.”

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

(21) COMMUNITY DEVELOPMENT BLOCK GRANTS

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to accept designation from US Department of Housing and Urban Development as an urban county entitlement community.

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

1) Recognize, receive and appropriate Community Block Grant Funds of approximately $750,000 for use in promoting development within low income areas.

2) Approve an agreement with the Town of Cornelius for the joint participation in CDBG urban county entitlement program.

3) Approve an agreement with the Town of Matthews for the joint participation in CDBG urban county entitlement program.
Note: Commissioner Dunlap left the dais prior to the vote and was away until noted in the minutes.

Brian Francis, Assistant to the County Manager addressed this matter prior to the above vote.

(22) FIRST WARD PARK LAND ACQUISITION AND LAND SWAP

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to adopt a resolution to approve an Agreement with the Charlotte Mecklenburg Board of Education relative to the acquisition of Tax Parcels 080-063-09 and 080-063-10 in First Ward including +/- .5653 acre.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to adopt a resolution of intent to exchange the County parcels in the County First Ward exchange block, valued at $9,929,546, (080-063-01, 080-063-04 and 080-063-08 plus the parcels to be acquired from the City and the Board of Education for a total of +/- 3.054 acres) to Seventh Street Investors, LLC for parcels in the Seventh Street Investors, LLC exchange block, valued at $9,337,957, (a portion of 080-021-05 and 080-021-07 and all of 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14 and 080-021-15 for a total of 2.522 acres).

The County will receive the difference in value of $591,589.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

Commissioner Dunlap returned to the dais.

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

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:29 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 2:00 p.m. on Tuesday, September 22, 2009.

ATTENDANCE

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

Absent: Commissioners Dumont Clarke, Neil Cooksey, and George Dunlap

-INFORMAL SESSION-

The meeting was called to order by Chairman Roberts.

The Board met in joint session with the Charlotte/Mecklenburg Board of Education.

The purpose of the meeting was to receive presentations regarding the County’s Capital Improvement Program.

Charlotte/Mecklenburg Board of Education Chairman Molly Griffin thanked the Board for giving the Board of Education (BOE) the opportunity to meet with the Board and to present its capital program.

MECKLENBURG COUNTY CAPITAL IMPROVEMENT PROGRAM

Finance Director Dena Diorio gave a capital assessment overview beginning in March of this year, 2009. The following was covered:

* Actions to date, since March
* Approved Capital Improvement Programs: FY 2008 & FY 2009
* Authorized and Unissued Debt as of September 15, 2009
* Pay-Go Projects
* Projected Capacity as of March 2009
* Debt Allocation Options Presented in March 2009
* Current Status and Next Steps:

The Board opted to allocate capacity by purpose and borrow consistent amounts each year. At the Public Policy meeting in October the Board will consider various options for determining how much capacity to allocate to each purpose. Staff is currently analyzing cash flows and various models for allocating capacity. The Board to approve final allocation by the end of the calendar year.
A copy of the presentation is on file with the Clerk to the Board.

Comments

Commissioner James asked whether staff felt the revenue projected would create the growth, such that the projected capacity/debt service as a percentage of budget, would remain at 20%. The response: Staff feels the debt issuance numbers will remain fairly consistent and would keep the County in compliance with its debt policy, however, there could be some changes in the numbers based on another review by staff in updating the model.

Commissioner James asked when was the next planned annual sale. The response: July 2010.

(CHARLOTTE MECKLENBURG SCHOOLS CAPITAL PROGRAM)

Guy Chamberlain and Mike Raible with Charlotte Mecklenburg Schools (CMS) gave an update on CMS’ Capital Program. The following was covered:

- 2007 Bond Projects Completed
- 2007 Bond Projects Under Construction
- 2007 Bond Projects Not Started
- Revised 2007 Bond Execution Plan
- Projected Cash Flow
- Current Ten Year Capital Needs Assessment
- Growth
- Renovations
- Instructional Technology
- Indoor Air Quality
- Asbestos Removal
- Surveillance Upgrades
- ADA

It was also noted that CMS has an agreement with the developer for a free site for the Palisades Elementary School if CMS has a contract by July 1, 2010. Further, since the next issuance by the County is July 1, 2010, CMS will move forward on “faith” and put this project out for bid and caution the contractor that it is subject to the availability of funding, so that it can be under contract by July 1, 2010, in order to get the free site.

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

Comments

Commissioner Murrey asked about project cash flow and if it was based on following through with the projects listed in the presentation. The response: Yes, but it doesn’t include the matters addressed by Mr. Raible in his remarks regarding the Ten Year Capital Needs Assessment.

Board of Education member Kaye McGarry asked Mr. Raible to clarify how CMS identifies utilization. The response: CMS compares the number of classrooms in a school to the number of classroom teachers assigned to the school. If it’s a one to one comparison, then that’s 100% utilization. If there are more teachers than classrooms then it’s higher than 100%, likewise if it’s less teachers than classrooms it’s less than 100% and the allocation of teachers is based on enrollments and by formula and takes into account free and reduced lunch percentage.

Board of Education member McGarry asked was it correct that free and reduced lunch students get 1.3 versus 1. The response was yes by formula.

Chairman Roberts asked for an update on conversations between staffs regarding joint use of
facilities. The response: Staff is continuing to do research into alternative scheduling. Further, that N.C. standards limit CMS from doing some of the things that are occurring in other states, such as having double sessions.

Chairman Roberts asked how much is capacity increased if you do year round school. The response: There are several models but for a four track system it would increase capacity by about 33% and what that would mean is that students would continue to go 120 days but the schedules would be staggered.

Commissioner Leake said with respect to CMS’ ten year plan, she sees some of the same projects that have been on the list in previous years, that seem to have “slipped” down the list further. Commissioner Leake said she’s concern about how things are being categorized and the necessity of things.

Commissioner James asked how much of the $1.1 billion total authorized is CMS. The response: $360 million.

Commissioner James asked of the $360 million what’s available to spend like cash in the bank or bonds that have been sold. The response: It’s bonds to be sold.

Commissioner James asked if that means it’s $360 million to be sold before going back to the voters and asking for something else. The response was yes.

Commissioner James ask for clarification with respect to a previous ten year plan that he said had a priority list associated with it and asked whether the list noted in the presentation was based on that same priority list. The response: Yes, but it was changed from a “plan” to a capital needs assessment, “recognizing that you can’t always get what you want.”

Commissioner James asked was there anything absent from what’s in the presentation that would have been on the previous document that’s not being done. Commissioner James said he’s curious about the things that have been deferred and those CMS can’t do because of the cost of the “debt diet.” The response: CMS staff has a fiduciary responsibility to the Board of Education to accurately communicate what the capital needs are for the district, irrespective of what funding CMS may get. Thus, the ten year plan presented last year to the Board of Education reflected all of the schools needed and renovations; and staff did not waiver from the current standards it has.

Mr. Chamberlain said staff took the funded capital list, the list that went to the voters and was approved in 2007 and have essentially taken that same priority list and is shown in the presentation. However, CMS can’t execute projects in their exact priority, for example, a brand new school may not have a site, which means that project would have to wait maybe a year.

Mr. Chamberlain said staff to the best of its ability executes in sync with the priority list but some of the projects are a little out of priority. A conscious effort was made to essentially put all of the athletic facilities behind the classroom improvements and classroom build. Further, that what is reflected is the late starts and late finishes. So the lack of funding has really pushed the bond projects and stretched them out.

Superintendent Dr. Peter Gorman clarified that the information shown is bond work. He said this is what went before the voters. Dr. Gorman said it was not the ten year capital needs and that those projects are not in the information being shared because that’s five years out at a minimum.

Commissioner James said he wants to see the original list of projects for the $516 million that was originally scheduled to be completed by 2012.

Commissioner James said in determining the appropriate amount to allocate to CMS, he feels
the Board needs to know what’s the “bare” minimum that CMS can “live” with and are there some special needs that CMS would like to see funded, certain renovations, etc. Mr. Chamberlain said at some point there will be a process for doing what Commissioner James is talking, per his discussions with County finance. This process would be a tool to assess CMS needs against other needs in the County.

Commissioner James said whenever that comparison is done, the Board will need to know about not just what’s listed in the presentation, the $286 million, but also what the other needs are beyond the $286 million.

Commissioner Bentley asked about decreases in enrollment and the impact of this on the ten year plan from a capital needs perspective. The response: There are 35,000 additional students built into the capital needs assessment as the estimated increase in enrollment over the next ten years, however, that has flatten out in the earlier years, but demographically staff feels it’s still at around 35,000, even though it’s been slow starting out.

Commissioner Bentley asked at what point would CMS adjust the count if the decline continues over the next two or three years. The response was after CMS receives the 20th day data staff will begin to do both short and long projections.

Superintendent Dr. Gorman said it’s important to understand that CMS still has 900 portables. He said with the enrollment level it has allowed CMS to catch up at a little faster rate. Dr. Gorman said if growth continues to be flat for quite awhile that there could be a major change in “very back end” of the ten year capital needs assessment. He said to get to that back end would require $260 million a year for multiple years. Dr. Gorman said CMS is playing catch up in the first part of the capital needs assessment, so it’ll be multiple years before the need won’t be, but in totalaty it will definitely have an impact if that maintains.

Commissioner Cogdell asked if there was a short term or mid-term contingency plan in place, if the economic downturn continues even longer, that will be able to better utilize current facilities to meet the needs of the community, realizing that you may have constant renovation expenses coming up that will never end.

Superintendent Dr. Gorman said the main way in terms of an alternative would be something more on the line of year round schools with multiple tracks, however, at this point in time there has not been any major discussion of this. Dr. Gorman said in taking this matter to the Board of Education, that staff feels part of that discussion needs to be in conjunction with the County Commission setting priorities and the funding component.

Board of Education Member Joe White said the project list presented was the 2007 bond projects and that voters were asked to support. Board member White said because finances have changed and the County Commission can no longer issue the debt that was anticipated at that time, these projects have been “pushed back.” He said everything that was originally on the list is still there.

Board of Education member White said his concern is the delay in the start of some of the projects not occurring until two years from now. He’s afraid that when these projects come up there may not be anyone on the Board of Education who fought for those projects and his fear is that the projects will “disappear.”

Commissioner Murrey asked about utilization projections shared and what would happen to those numbers over the next seven or so years if the plan is followed. The response was that staff would be able to respond once it gets the 20th day data.

Commissioner Murrey asked if there’s no growth, is it safe to assume the utilization numbers won’t change. The response was it is not because teacher allocations are based on a number of factors, for example, the poverty level.

Commissioner Murrey said he thinks there needs to be a public conversation regarding alternatives,
such as year round schools.

Commissioner Murrey said he thinks current times is an opportunity to think differently and to possibility change the way we currently do business.

Commissioner Murrey noted the possibility of some consolidation between CMS and Park and Recreation when it comes to athletic facilities. *The response was that the two staff’s have worked together and continue to discuss any possible areas of overlap.*

Commissioner Murrey said he has said in the past that he feels CMS should not build anymore athletic facilities, that they be built, controlled and maintained by Park and Recreation.

Chairman Roberts said she thinks the message the Board is trying to send is that the County can no longer afford for everyone to have their own buildings. Further, that “we have to start thinking outside of the box” about how things are done.

Board of Education member McGarry said she agrees there needs to be some different solutions, rather than continuing the status quo.

Board of Education Member Trent Merchant said one thing that he hopes the County will reconsider is the desire to have LEAD certified buildings because it’s an additional cost. Board of Education Member Merchant said he’s for sustainability, but questions whether all the things you have to go through and the money it cost to get that certification is worth it because often you can get “similar bang for the buck” without putting “a bike rack” at a building, especially when the building is on a highway where people wouldn’t ride a bike to, but you get check off when it comes to LEAD certification.

Board of Education member Merchant commented on how recreation leagues in the community utilize County and CMS facilities and assist with maintenance. Board of Education member Merchant said if there are going to be discussions regarding sharing resources that the private sector recreation leagues should also be included.

Board of Education member Merchant said he thinks part of the “ultimate” answer is going to require some change at the state legislature level, in order to do some things with scheduling. He said CMS is in “a box” with its current schedule. He said CMS isn’t even close when it comes to being able to do year round school and multiple tracks.

He said maybe more needs to be done with our legislative delegation to build an even better working relationship other than the annual breakfast.

Board of Education Member Trent said he knows there are a lot of questions regarding the prioritization but the reality is that CMS needs the spaces. He said ultimately he thinks part of the answer might be a University of Phoenix type model at the high school level or for some types of students, where it’s not where you go to school or how you get to school and that school is “not where you go but what you study.” He said CMS is not there yet but it is something to consider long term.

Board of Education Member Trent said he doesn’t think another joint meeting is needed between the two bodies, but that maybe what needs to occur is “to say hey, you, you, and you, the thing you’re really nuts about, for example if you’re nuts about technology or legislative relations, then get some other people with that interest in a room and work on it.” He said he thinks the joint meetings are important but he thinks there are a lot more important work that members can be doing rather than having our staffs come together to listen to members talk and saying the same things.

Board of Education Member James Ross said he thinks more joint meetings should occur on the Board level and that they should also include the Park and Recreation Commission and the legislative delegation.
Commissioner Leake requested a list of alternatives CMS has decided to venture to look at with the shortness of funds. Commissioner Leake said she wants to know if CMS has any other plans beyond coming to the County and asking for funding.

Board of Education Chairman Griffin concluded the discussion by saying thank you for this opportunity. Further, that the Board of Education wants to have these types of interchanges as they try to as a community determine their priorities. They are aware of the difficult situation the County is facing with its debt diet, but they would like to be at the table to help set priorities.

Board of Education member White said in response to the question raised by Commissioner Leake that when the BOE rolled out its operating budget for this year, it reflected six tier levels that indicated what would be cut if funding came in at the different levels.

Commissioner James said what he wants to know is what would be the impact on CMS if the County only gave CMS 28% of its ten year capital plan.

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

(CENTRAL PIEDMONT COMMUNITY COLLEGE CAPITAL IMPROVEMENT ALLOCATION REQUEST)

Dr. Tony Zeiss, president of Central Piedmont Community College (CPCC) and Kathy Drumm vice-president gave an update on CPCC’s Capital Improvement (CIP) Allocation Request.

The following was covered:

* Enrollment Growth
* Summary List of Projects
* Objectives
* FY 2010 Previously Approved Projects
* CIP Allocation Request for FY 2011-2014

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

Comments

Commissioner James said he would like to know what would be the impact on CPCC’s capital plan if it only receives what the County is projecting. The response was what’s being presented is in response to that.

Commissioner Leake said she would like to know was it possible for CMS to utilize some of CPCC’s classroom space during the day. The response was that their facilities are utilized during normal schools hours.

PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY

Charles Brown, director of the Public Library of Charlotte and Mecklenburg County gave an update on the Library’s capital projects, which included the budget and completion dates. He also addressed cash flow projections.

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

Comments
Board of Education member Ross asked would the project out on Scaleybark be on the same site or across the street. The response was that it would be adjacent, about a half a block to a block from where the current library is located.

Commissioner James noted to Director Brown that if there are other projects beyond what’s listed, that the Board at some point will need to know that information.

Commissioner James asked about the Carmel Road library, which he said he thought studies have shown that it’s in the wrong location. Director Brown said the Carmel Road library would be replaced and not renovated. Further, that their facilities master plan will address it more specifically with respect to where it will be sited. It was noted that the Library has been in conversation with residents of the Town of Pineville and that there’s a proposal for a Pineville library, as well as a future library in the Ballantyne area in the future, which would address the Carmel Road area.

Commissioner Leake asked was there any libraries closed as a result of budget cuts. The response was no all libraries are opened, that hours were reduced during the summer months but that everything is up and running as it originally was.

Commissioner Cogdell asked if there has been discussion with CMS about the possibility of joint capital funding long term planning to build libraries on school sites and working in conjunction with CMS schools. The response was that the library has had discussions regarding this and that some of their future plans have involved the possibility of being on a school campus. However, the Library’s experience and experiences of other libraries have shown that having a joint use library in a school has not served the public very well. Director Brown said an example of that is with the Freedom Regional library, located in Phillip O. Berry Academy and is by far the library system’s least accessible library. Director Brown said libraries want to be in high traffic areas and that usually schools do not.

Commissioner Cogdell asked had the Library Board had discussions about looking at leasing possibilities versus construction of new facilities. Director Brown said he believes the Library Board’s philosophy has been to move away from leasing when possible. He said when you own a facility versus leasing it, there’s more flexibility. Also, that the amount of space needed for a library can be difficult to find and expensive in terms of leasing space.

Commissioner Cogdell said he can understand the Library Board’s thoughts regarding leasing but that sometimes leasing space in a particular area or neighborhood can be an economic stimulus for that area.

County Manager Jones said he does see opportunities to think differently around library availability through having private developers to bear the cost of construction and having the County leasing on a term or short term basis so that we might be able to have more library facilities scattered around the community and to close those that are not having the kind of traffic we would want to have and moving to another location.

County Manager Jones said he would hope that as the County and the library staffs have more discussions that Director Brown would encourage the Library Board to think differently about how library facilities are provided.

County Manager Jones said there are going to be additional shopping centers constructed all over the community and with Interstate 485 and the expansion of the other corridors and thinks there are tremendous opportunities to explore. County Manager Jones said that would end up not being a capital cost to the County but it does end up becoming an operational cost and that it would have to be evaluated from that perspective but it doesn’t compete then with capital cost but it does a little on operating budget.

Director Brown said he and the Library Board are open to thinking differently but that he is
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collected when it comes to the joint use concept with the schools, only because these are incredible financial commitments. He said the capital cost is one thing, the on-going operational costs are another. He said when he sees for example, an operation like a Freedom Regional Library, which he said really almost underperforming. He said they want to see libraries maximized by the public, which is not always possible when they’re located in a school.

PARK AND RECREATION

Jim Garges, director of Park and Recreation gave an update on Park and Recreation capital projects. The following was covered:

* Unsold Bonds Projects List
* 2008 Bond Referendum - $250 million Projects List and Descriptions

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

Comments

Commissioner Leake asked about the Friendship Sports Complex, which was addressed.

Commissioner James asked if Park and Recreation have a schedule, which was addressed.

Commissioner James said one of his concerns is that he disagrees with the priority of the land, greenways, and parks. Commissioner James said he believes the priority should be land, parks, and greenways. Director Garges said the headings as they appear in the presentation aren’t necessarily in priority order, but that the greenways and parks listed under the headings are prioritized.

Director Garges said the Board can debate back and forth between the parks and greenway projects but that part of the understanding is that you have to set aside some money for land. He said it’s a balance between greenways and park projects.

Commissioner James said he was referring back to the original master plan that had a summary. Commissioner James said he feels there needs to be something more defined, specifically listing what would be done in what years.

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

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

ADJOURNMENT

There being no further business to come before the Board that the meeting was declared adjourned at 4:13 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 6, 2009.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS -NONE

(2A, B, 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, Deputy County Attorney Wade announced the following land acquisition matter to be discussed in Closed Session: Tax Parcels 023-221-13, -14, -15, -16, -17, and -18 (±/- 7.70 acres) on Neck Road.

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to 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 5:50 p.m. and came back into Open Session at 6:24 p.m.
(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 10 and 13.

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

- FORMAL SESSION -

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) MECKLENBURG PARTNERSHIP - MINISTRY OF EDUCATION, SCIENCE AND CULTURE MECKLENBURG-VORPOMMERN

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint resolution reaffirming the partnership agreement between Mecklenburg County and the Ministry of Education, Science and Culture Mecklenburg-Vorpommern, Federal Republic of Germany.

Note: Several officials from Mecklenburg-Vorpommern, Federal Republic of Germany were present and thanked the Board for the resolution. The resolution was read by Chairman Roberts.

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

(1B) SUBSTANCE ABUSE AWARENESS MONTH

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating October 2009 as Substance Abuse Awareness Month.

The proclamation was read by Commissioner Murrey and received by Helen Harrill, the executive director of Substance Abuse Prevention Services and Lopa Thakkar.

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

(1C) NATIONAL 4-H WEEK PROCLAMATION

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize October 4-10, 2009 as National 4-H Week.

The proclamation was read by Commissioner Bentley and received by Robert B. Furr, Extension Agent 4-H Youth Development Park & Recreation and 4-H participant McKayla Heyward. They were joined at the podium by 4-H staff members Nicole Sanders and Susan Buckley.
A copy of the proclamation is on file with the Clerk to the Board.

(1D) CHAMPION FOR CHILDREN AWARD

The Board recognized Area Mental Health Director Grayce Crockett for receiving the Champion for Children Award. The award was presented by the Council for Children’s Rights at their annual meeting on September 21, 2009. Brett Loftis, Executive Director of the Council for Children’s Rights was present and acknowledged Director Crockett’s receipt of the award.

(2) PUBLIC APPEARANCE

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

Betty Allen – addressed a medical issue she’s involved in with Carolina’s Medical Center. Ms. Allen said she sustained an injury while at Carolinas Medical Center. Ms. Allen said her injury involved the disconnection of the inside of her throat from the esophagus. Ms. Allen said when she was discharged, she was told she had no injuries. She later found out she did. Ms. Allen said she wanted to make the public aware of what happened to her because the same thing could happen to them.

Wendell Parham, Ellen Peninger, and George Benjamin Hariston, III encouraged funding of and expansion of the jail diversion program rather than building a new jail. They said the issues of mental illness and substance abuse need to be addressed, because there are many people in the jail with these problems. Mr. Hariston commented on how he has benefited from the jail diversion program.

Sheriff Chip Bailey and Area Mental Health Director Grayce Crockett addressed jail services for inmates with mental health and substance abuse issues. Sheriff Bailey said he’s not opposed to jail diversion and that he’s been an advocate for diversion of those persons that do not need to be in jail. Sheriff Bailey said it’s important that everyone understand it’s not a jail or crime versus mental health situation; and it’s not an either/or situation. Sheriff Bailey said there are a lot of dynamics that go on to bring someone into the jail system and it’s not just mental health/mental illness. Sheriff Bailey said mental health and crime are not compartmentalized issues. He said these are community-wide issues that need to be addressed by the entire community.

Sheriff Bailey said this is not a matter where if you take all of those who are diagnosed with a mental illness out of the jails that it’ll reduce jail beds. Sheriff Bailey said he’s not sure this would happen. He said he thinks “low level” offenders can be brought out of the jail and into diversion programs that are very effective, however, he has “real hesitation” on taking violent offenders who are also diagnosed with mental illness out of the jail system because it’s a more secure environment. Sheriff Bailey said a comprehensive study needs to be done regarding mental health issues within the County.

Director Crockett addressed specific services that are being provided to inmates. Director Crockett said she agrees that this is an issue that needs to be addressed and should be studied to see what the best practices are across the country; and to take the base of services that staff has developed and use that as a spring board to put recommendations before the Board about what would be best practices for Mecklenburg County for this population.

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

(3A) APPOINTMENTS

JUVENILE CRIME PREVENTION COUNCIL
The vote was taken on the following nominees for appointment consideration to the Juvenile Crime Prevention Council:

Rev. George Banks
Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts

Voting Ceased

Gwendolyn Hester-Cohen

Chairman Roberts announced the appointment of Rev. George Banks to the Juvenile Crime Prevention Council for a two-year term expiring September 30, 2011.

Note: He is replacing Douglas Wilson.

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6C) REPORT FROM CRISIS ASSISTANCE MINISTRIES

The Board received information from Carol Hardison, Executive Director – Crisis Assistance Ministries on the current human service needs in the community. Ms. Hardison addressed the following in her presentation:

- A sample of the rental and utility requests the agency receives, specifically for the month of August
- The number of clients seen
- The amount of financial assistance provided

Ms. Hardison said her agency has been spending a million dollars a month for the last five months.

Ms. Hardison noted that Loaves and Fishes, Community Health Services, and Goodwill have also experienced and continue to experience increases in requests.

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

Commissioner Cooksey returned to the dais.

County Manager Jones said he would continue to communicate with Ms. Hardison regarding the human services needs that her agency deals with on a daily basis. County Manager Jones said he doesn’t know if the data shared suggest that the community is close to “standing on the steps of the creation of another critical needs response fund,” but he’s concerned about what the numbers show. He’s also concerned about the approaching winter months and what that might mean for the community.

County Manager Jones said if an appropriate solution is determined, he will definitely share that with the Board and the County’s other partners in the community to help meet the need.

Comments
Commissioner Dunlap informed Ms. Hardison that the Black Elected Officials Organization, in discussing its annual Christmas project, decided to provide proceeds from its Christmas holiday social to Crisis Assistance Ministries and one other organization this year.

Commissioner Dunlap said this was based on a recommendation from Congressman Mel Watt.

Ms. Hardison thanked Commissioner Dunlap.

Commissioner Cogdell informed the County Manager that there has been discussion amongst individual commissioners regarding what role the County can play in partnering and working with the private sector and the non-profit sector about developing a human services action plan. Also, what role does the County play when crisis situations come up that have a direct impact on the services the County provides. Commissioner Cogdell asked County Manager Jones if he needed specific direction from the Board that the County needs to make human services needs a priority in order to direct his office and the resources of the County to partner with the non-profit community and private sector partners to “get a head as best we can,” of whatever the critical needs are in the community. Or, does the County Manager feels he has that leeway based on hearing comments from various Commissioners about how important this is.

County Manager Jones said he doesn’t feel he needs formal direction from the Board. He said as County Manager, he recognizes that the County is primarily a health and human services organization. He recognizes the County has a number of partners in the community, and he’s heard very clearly expressions from the Board that it wants staff to consider quickly a strategy that will be comprehensive in nature, that would result in a better way to address the human services needs of the community. County Manager Jones said dialogue is already taking place and that staff will continue to stay at the table with the Board and community partners to try and make that happen.

(6A) FY11-13 STRATEGIC PLANNING PROCESS BRIEFING

Motion was made by Commissioner James, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive as information the briefing on the FY11-13 Strategic Planning Process and approve additional public policy workshop dates of October 27, January 26, and February 23.

Budget/Management Director Hyong Yi addressed this matter with the Board.

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

(6B) COUNTY MANAGER’S 2009-2010 STRATEGIC MANAGEMENT PLAN

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the County Manager’s 2009-2010 Strategic Management Plan with the following additions as noted in red in the bullets below:
Organizational Vision
To be the best local government service provider.

Values & Guiding Principles
- **Ethics:** We work with integrity.
- **Customers:** We serve our customers with dignity and respect.
- **Employees:** We recognize employees as our most important resource.
- **Excellence:** We invest in learning and improving.
- **Teams:** We work as a team, respecting each other.
- **Accountability:** We focus on results.

Personal Philosophy
It is my privilege to serve.

- Provide recommendations regarding solutions for providing law enforcement services in the unincorporated area.

- Develop a comprehensive plan for alternative solutions around mental health and substance abuse treatment for individuals currently housed in the jail. This will include additional in-jail programming and community programming.

- Attend one professional development seminar.

- Review and modify as necessary the financial management structure and processes throughout the County organization.

- Maintain the AAA bond rating

- Review the comprehensive capital planning process and provide recommendations for improvement

- Continue to review County operations to identify areas of potential cost savings, such as facility efficiency improvements, employee health care initiatives and to bring at least two proposals for substantive savings to the Board for consideration. (Offered by Commissioner Cooksey)

- To identify an accounts receivable process in the Office of the Tax Collector for managing delinquent real estate taxes. (Offered by Commissioner James)

- To work with non-profit and private community partners to develop a comprehensive and streamlined strategy to meet the critical health and human services needs of the County. (Offered by Commissioner Cogdell)
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• To add to bullet number 4 - Review and modify as necessary the financial management structure and processes throughout the County organization “including strengthening the capabilities of the County’s internal audit department (Offered by Commissioner Clarke)

Note: Prior to the above vote, Commissioner Cooksey asked that Board members be provided the County Manager’s Strategic Plan for last fiscal year.

Also, prior to the above vote, County Manager Jones and Commissioner Clarke addressed his evaluation process.

(6D) H1N1 UPDATE

Health Director Dr. Wynn Mabry gave an update on H1N1. Dr. Mabry focused his comments around the following: 1) The incidences of H1N1 to date, 2) the severity of the illness, 3) the vaccine that has arrived at the Health Department and how it will be utilized, and 4) partnering with other providers in the community. The following was noted:

• The daily surveillance system continues.
• Per the incidence of influenza like illness through testing, it’s certain that H1N1 is prevalent in the community and the incidence is rising.
• With respect to severity, the illness has not become more severe for the general population, but its impact, particularly on those that are more vulnerable, is “certainly” there. This is why there’s the urgency to protect people through the vaccine program.
• The CDC has changed their categories and the public will began to hear a different term rather than the pandemic flu level 6, which is describing the spread of the disease throughout the world. The CDC is now focusing on the level of the severity, sort of like what’s done with respect to hurricanes.
• The level of severity as described by the CDC is still fairly low, a level 1 out of 5 categories.
• The Health Department has received 3,600 doses of the vaccine out of a request for 160,000. Because the amount received was small and it’s not really the kind of vaccine that’s needed to protect the most vulnerable population, adjustments have to be made.
• The type of vaccine received was H1N1 Flu Mist.
• The CDC’s guidance with respect to who receives the flu mist versus the shot in terms of priority is different, which is changing the strategy.
• The priority population to receive the flu mist is healthy people between the ages of 2 – 24.
• The flu mist is not to be given to those that are considered high risk for complications of H1N1, such as those that are pregnant and those with chronic medical conditions. Thus, the strategy has to be adjusted to what the appropriate vaccination is for the population.
• The criteria for the mist will be healthy people between the ages of 2-24, people that are between 25-40 that are caregivers taking care of children younger than 6 months, and finally, medical personnel.
• The Health Department plans to select its medical staff that are considered most vulnerable for exposure, as well as, the medical staff of the medical community.
• The Health Department is in constant communication with the hospitals.
• The Health Department also plans to work with the women and children in the WIC Program.
• The Health Department also plans to work with CMS.
• The general population that has a medical provider and has insurance is being encouraged to contact their family physician and ask if they have the supply of vaccine that’s
appropriate for them and their healthcare situation.

- The vaccine is coming into the community slowly and it’s believed that the Health Department is currently the only provider that has received a shipment.
- The Health Department does not know when the vaccine in shot form will be received.
- The flu mist and the shot are both FDA approved, safe, efficient and effective given to the right population.
- The vaccine is free.

Comments

Commissioner Dunlap asked Dr. Mabry to comment on the safety of the vaccine.

Dr. Mabry said the process for developing the vaccine is the same process that has been used for years in developing the new seasonal vaccine every year. Further, that the pharmaceuticals producing the H1N1 vaccine are the same ones producing the seasonal.

Dr. Mabry said from a medical perspective, CDC and FDA perspective, they’ve already “earned” the trust and confidence of the majority of the medical community that they are producing a product through processes that have been tried and proven that are basically going to be the safest and most efficient way to protect the population against significant risk.

Dr. Mabry said he has confidence and trust in what’s being done and how it’s being done, such that he’s going to insist that his family, his children and grandchildren take it.

Dr. Mabry said he’s not going to say the vaccine has no risk because “anything you take in medicine has a risk, but the benefit is so much higher than the mild risk that individuals have experienced in the past.”

Commissioner Bentley commented on the ability to adequately capture the presence of H1N1 in Mecklenburg County because she’s aware that some healthcare providers are screening and some are not.

Dr. Mabry said what staff has learned watching the virus over the summer is that it came in at the “tale” end of the seasonal influenza and they were testing most people early on the onset of H1N1 experience. He said they were testing almost anyone with influenza like illness. He said the state lab was reporting a vast array of different types of viruses and one could see H1N1 “creeping” in and over the summer it has begun to dominate.

Dr. Mabry said there are sentinel providers that are testing. He said there are about 85 of these providers across the state and what has been found is that almost 98% of those tested with influenza like illness right now are H1N1. Dr. Mabry said what is occurring is that rather than waste a lot of time, effort, and expense in continuing to test people when there’s over a 98% chance that they have H1N1, “we’ve moved beyond that,” because it is the dominate virus.

Commissioner Bentley said she guess it really wouldn’t change the treatment. Dr. Mabry’s response was no, it would not. He said it’s a “fairly” mild illness and that most healthy people will resolve their illness in about 3-7 days, without any major medication and no need to see a physician or go to the emergency room.

Commissioner Murrey said the only one that’s currently available is the seasonal influenza vaccine.

Commissioner Leake asked which vaccine should be taken. Dr. Mabry said it’s being recommended that older adults take the seasonal influenza, which targets adults over 65 or starting at 50. H1N1 targets children and young adults.

Chairman Roberts asked if the Schools plan to bring the flu vaccine to the schools. Dr. Mabry
said they’ve layed the foundation to do that, but they don’t have enough to start at this time.

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

(2B) CLOSED SESSION LAND ACQUISITION

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

(1) Approve purchase of Tax Parcels 023-221-13, -14, -15, -16, -17, and -18 (+/- 7.70 acres) on Neck Road for $272,700 from Johnny W. Dellinger.


CONSENT ITEMS

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

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held September 15, 2009, Special Meeting held August 4, 2009 and Closed Sessions held September 15, 2009 and July 7, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of $32,031.69 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(9) HEALTH DEPARTMENT REVENUE ADJUSTMENTS

Recognize, receive and appropriate additional revenue of $718,089 to reflect actual state and federal allocations received by the Health Department.

(11) SIEMENS POWER GENERATION REFUND REQUEST

Authorize refund requested by Siemens Power Generation, Inc.

Note: In accordance with NCGS 105-312(k) Siemens Power Generation, Inc. has requested a refund of $74,447.32 in property tax penalty resulting from a late listing of business personal property in 2007.

(12) FIRST WARD PARK AGREEMENT

Defer until October 20, 2009 consideration of a resolution authorizing the exchange of the
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County parcels in the County First Ward exchange block, valued at $9,929,546, (080-063-01, 080-063-04 and 080-063-08 plus the parcels to be acquired from the City and the Board of Education for a total of +/- 3.0495 acres) to Seventh Street Investors, LLC for parcels in the Seventh Street Investors, LLC exchange block, valued at $9,337,957, (a portion of 080-021-05 and 080-021-07 and all of 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14 and 080-021-15 for a total of 2.5221 acres).

(14) MEDIC CONTRACT REVISIONS – ITEM REMOVED

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2009-2010 ADOPTED BUDGET

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap to approve CMS Budget Amendments.

Note: As part of the approved FY 2010 budget, the BOCC approved a total operating funding level of $317,367,391 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 and reductions required to adjust CMS’ expenditure level to the County appropriation of $317,367,391. These changes are only adjustments in the allocation of funds. No additional funds are being requested or appropriated. These adjustments have been approved by the Board of Education.

Commissioner Leake removed this item from Consent for clarity purposes. She asked if stimulus funds and/or Title 1 funds were included in this budget amendment. The response by Budget/Management Director Hyong Yi was no. He said what was before the Board was just the $317 million that the County appropriates for CMS through the budget process.

Commissioner Cooksey asked what would happen if the Board did not approve the requested amendments. The response by Director Yi was that CMS would have to abide by what the Board approved on June 16, 2009.

Commissioner Cogdell said he would like to know why the Charter School appropriation increased. County Manager Jones said it was because of an increase in Charter School enrollment.

Commissioner Murrey returned to the dais.

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 5-4 with Commissioners Bentley, Cogdell, Cooksey, James, and Leake voting yes and Commissioners Clarke, Dunlap, Murrey, and Roberts voting no, to defer taking action with respect to approving CMS budget amendments until the October 20, 2009 meeting. Secondly, that when this matter comes back to the Board that the chart provided include two additional columns, 1) the Board of Education’s submitted budget as presented to the Board on June 16, 2009 (total budget dollars for that category) and 2) the Board of Education’s approved budget, total dollars, and 3) explanatory footnotes with respect to the deviations.
Commissioner Cooksey said he wants to be able to see what subset of those total dollars are County dollars and how those numbers have changed over time. Commissioner Cooksey said that would give the Board a “fuller” picture, rather than of what’s been presented with this agenda item.

Commissioner Cogdell said he would like to see more explanation with respect to the changes.

Note: Commissioner Bentley suggested that when the matter comes back to the Board that it include explanatory footnotes with respect to the deviations. This was accepted by makers of the above motion and likewise reflected in the above motion.

(13) REGISTER OF DEEDS ENHANCEMENT/PRESERVATION SPECIAL REVENUE FUND

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize appropriating $785,000 of fund balance in the Register of Deeds Enhancement/Preservation Special Revenue Fund for automation and preservation enhancements.

Commissioner Leake removed this item from Consent, to recognize the presence of the Register of Deeds, David Granberry.

STAFF REPORTS AND REQUESTS

(15) BUSINESS INVESTMENT PROGRAM GRANT: SCR-TECH LLC

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes and Commissioners Cooksey and James voting no, to approve a Business Investment Program Grant to SCR-Tech LLC for a total estimated amount of $232,000 and authorize the County Manager to negotiate and execute a contract.

Note: SCR-Tech LLC regenerates selective catalytic reduction (SCR) systems used by coal-fired and natural gas power plants to reduce nitrogen oxide (NOx) emissions. SCR-Tech currently employs 45 at the former Clariant chemical plant in unincorporated Mecklenburg County. The new facility will be at 11707 Steele Creek Road. The expansion will include a minimum capital investment of $7.8 million beginning in 2009, with potential for another $5 million investment beginning in 2012. The expansion will create 61 new jobs within three years at an average annual salary of $49,372, and 86% of the new positions will be hired locally.

Economic Development Director John Allen presented this matter. He was assisted by Justine Hunt with the Charlotte Chamber of Commerce.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(16) WEST CHARLOTTE AND PROVIDENCE HIGH SCHOOL SWIMMING POOLS (COMMISSIONER LEAKE)

The Board received information on the partnership between Park and Recreation and Charlotte-Mecklenburg Schools (CMS) concerning the operation of pools at West Charlotte and Providence High Schools.

Director of Park and Recreation Jim Garges gave the report. The following was noted:
• Park and Recreation operated both pools from 12:00 – 6 pm, Monday - Thursday, August 3 - 20, 2009 for open swimming during the summer break.

• The average daily attendance at the West Charlotte High School pool was 30 citizens per day in August. A total of three citizens used the Providence High School pool in August.

• Park and Recreation and CMS have agreed to pilot a program at West Charlotte High School to continue use of the pool on Saturday-only for adult water fitness classes and youth learn to swim programs. This began on September 26, 2009.

• The CMS high school swim season runs November 2009 through February 2010 with practices and swim meets held Monday through Saturday at West Charlotte and Providence High School pools.

• Park and Recreation and CMS are working on plans to operate both pools daily during the summer of 2010.

Commissioner Bentley asked about participation at Providence High School, which was addressed. She asked that the utilization of the pool be tracked.

Director Garges said staff plans to track utilization at Providence High School and if the numbers don’t increase, the pool will not be kept open.

Commissioner Bentley asked about the use of CMS track fields by the general public to exercise when they’re not being used by CMS. Commissioner Bentley said the track at North Mecklenburg High School and Hopewell High School are closed.

Director Garges said he would check on this, because he was not aware that any of them were closed.

NEW ITEM – POLARIS

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to add an item to the agenda regarding a recommendation from the Board’s Criminal Justice Committee.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to direct staff to complete, in a timely manner, a study regarding the feasibility of implementing a system of selectively removing information from the Polaris, web-based land records access system for the homes of all members of the law enforcement community as identified in the letter sent to the Commissioners on August 31, 2009 requesting the County to do so. Furthermore, staff should complete a list of categories of other persons who may need to have records regarding their homes removed from the Polaris system for similar reasons.

The following comments were made prior to the above vote:

Commissioner Clarke said officials who signed the August 31st letter felt that although they’re only authorized to ask for this for law enforcement personnel, consideration should also be given to offering this option to victims of crime, witnesses, and judicial officers.

Commissioner Clarke said the feasibility study should address how this would be done, the cost involved and who would do it. He said upon receiving the results of the study, the Board would then
Commissioner Cogdell noted other categories of persons that perhaps should be considered as well, such as, probation officers, social workers, and others because of their profession.

Commissioner Clarke asked that staff get clarity on whether officials who sent the August 31 letter intent were that all law enforcement personnel be removed or is it to be done on an individual request basis.

(2C) CLOSED SESSION CONSULT WITH ATTORNEY

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 9:52 p.m. and came back into Open Session at 10:30 p.m.

COMMISSION COMMENTS – No general comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:30 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Room 280 on the Second Floor of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 4:45 p.m. on Tuesday, October 6, 2009.

ATTENDANCE

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

Absent: None.

Chairman Roberts called the meeting to order.

The purpose of the meeting was to meet and welcome officials from Mecklenburg-Vorpommern, Germany who were visiting the Charlotte and Raleigh regions from October 5 to October 10.

Chairman Roberts welcomed the delegates from Mecklenburg, Germany and they likewise thanked the Board for allowing them the opportunity to meet with them. Everyone introduced themselves.

Note: Mecklenburg County was named in honor of the state of Mecklenburg, Germany, which was the birthplace of Queen Charlotte, for whom the County’s largest city is named.

Chairman Roberts noted that later at the Board’s Regular meeting for October 6, 2009, the Board would consider adoption of a joint resolution reaffirming the partnership agreement between Mecklenburg County and the Ministry of Education, Science and Culture of Mecklenburg-Vorpommern, Germany.

The meeting consisted of dinner and general conversation amongst those present. There was no agenda and no action to be taken.

At the conclusion of dinner, the meeting was declared adjourned at 5:40 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 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, October 13, 2009.

ATTENDANCE

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

Absent: Commissioners Dumont Clarke and Bill James

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

The meeting was called to order by Chairman Roberts.

(1) DEBT CAPACITY ALLOCATION MODELS

County Manager Jones introduced the topic of discussion (debt capacity allocation). He informed the Board that the recommendation outlined in the presentation was preliminary.

County Manager Jones said the Board was not being asked to make a decision today. He would like the Board to make a decision regarding the allocation, however, prior to the start of the budget process, which is usually around February. Thus, staff can use the Board’s decision as a guidepost in determining the budget.

He then called on Finance Director Dena Diorio to make the presentation.

The following was covered in the presentation:

- Authorized & Unissued Debt
- Pay-As-You-Go Projects

Commissioner Dunlap entered the meeting.

- Projected Capacity
- Projected Debt Ratios
- Requested Cash Flow: Debt
- Requested Cash Flow: Pay-as-you-go
- Requested Cash Flow: Summary
- Allocation Options
  - Allocate based on amount of authorized/unissued debt, net of the jail project.
  - Allocate based on average sale amounts.
  - Allocate based on percent of capital expenditures.
Allocate based on percent of operating budget.

It was noted that none of these options work for the following reasons:

- Does not meet cash flow requirement identified by departments and business partners.
- Each year the allocation would be subject to change based on changing factors.
- Does not address needs or priorities.
- Does not address how future authorizations will be allocated.

**Recommendation**

- Accommodate most cash flow requests identified by departments and business partners.
- Use pay-as-you-go in FY2011 to accommodate cash requirements for the jail.
- In future years, exhaust pay-as-you-go for the jail project first, before utilizing debt financing.
- Extend Park & Recreation authorization to ten years and allocate it equally over the remaining years.
- Allocate future authorizations based on available capacity. Authorizations must meet available capacity, not the other way around.
- There is no requirement that the county issue all of the available capacity.

**Conclusions**

- Recommendation allows authorized capital projects to proceed.
- Provides flexibility for limited future authorizations.
- Provides a methodology whereby debt capacity and available pay-as-you-go drive the decision making when prioritizing capital needs.

**Next Steps**

- Receive and respond to questions from the Board.
- Prepare additional analysis as requested.
- Bring recommendation back to the Board in advance of FY2011 budget process for final approval.

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

Comments

**Commissioner Cooksey** asked about current bonds and the timeframes for issuing them. **The response:** There’s a seven year authorization, which can be extended to ten years with permission from the State Treasurer’s Office and the Local Government Commission.

Commissioner Cooksey asked about the status of Charlotte/Mecklenburg Schools’ (CMS) administrative facility. **The response:** It was deferred when the Board approved the Memorandum of Understanding (MOU) with the Board of Education because the project is tied to the First Ward Development Project. Also, one thing that needs to happen in order for that project to move forward is that the developer has to pay the County $19 million. When all that starts to move forward, that’s when the relocation with respect to the CMS administrative facility would begin. It was noted, also, the payment of the $19 million from the developer is suppose to help offset the cost associated with the relocation.

Commissioner Cooksey asked about projected debt ratios, particularly in FY12. He said it seems fairly aggressive. **The response:** It’s the revaluation year and staff feels it’s safe to assume that values since the last revaluation to date would have increased by ten percent. It was noted that the original projection for revaluation was 20%, but because of what has happened in the housing market and per discussions with the tax assessor, it was decreased to 10%. It was noted that as the time gets closer, that number could change.

**Commissioner Dunlap** asked about debt capacity for FY09 and how much it could increase and the County still remain under the 20% threshold. Commissioner Dunlap said he wants to know if other projects could possibly be done, although he’s not advocating this. **The response:** If the
Commissioner Dunlap asked for clarification on the statement that was made by staff that the County could accommodate all of the requests. The response: Staff was referring to all of the projects that are being recommended.

Commissioner Dunlap asked had the projects listed in the report and recommended for proceeding been approved. The response was no.

Commissioner Dunlap asked for more information regarding staff’s rationale for recommending the projects that it has for proceeding, as well as, those recommended for deferral, each of which was addressed.

Commissioner Dunlap asked if the park bonds were expanded over ten years, what’s the impact of this on other park projects. The response: Park and Recreation would have to work within the amount given to them. Also, the amount recommended reflects Park and Recreation spending historically. Also, that the projects covered within this timeframe are projects that are a part of the $250 million park bond referendum.

Commissioner Dunlap asked were there opportunities for Park and Recreation to have additional projects within the remaining timeframe for the $250 million. The response: If the Board decided it wants to do another referendum for park bonds, which would be above and beyond the $250 million.

Commissioner Bentley asked was the jail project the only project that decreased for FY11. The response: It didn’t decrease. It’s still $50 million, but it was split between COPs and Pay-as-you-go.

Commissioner Bentley asked was it correct that the CMS amount has not changed, which means the priority list that was presented to the Board at the joint meeting remains the same. The response was yes.

Commissioner Bentley asked about the debt ratios and what was the goal and how long would it take. The response: Staff would like it to be around the 15% range and that it will take a while to get there.

Commissioner Bentley asked whether staff felt the Board should discuss setting a soft deadline for achieving that 15% goal. The response: Staff could do an analysis and let the Board know what it would take to get there.

Commissioner Cogdell asked about the authorized amount for the Valerie C. Woodard Center. The response: This was recommended for deferral because it’s tied to the sale of the Hal Marshall Building.

Commissioner Cogdell asked about the Carmel Road Branch Library which was addressed.

Commissioner Cogdell asked was it correct that the remaining amount in Pay-as-you-go for this budget cycle would be $18 million if the County moves forward with the projects recommended by staff. The response: There would be $18 million left in debt capacity.

Commissioner Cogdell asked about Pay-as-you-go and if other projects come up, not already identified, could Pay-as-you-go address it. The response was yes.

County Manager Jones said the idea behind Pay-as-you-go was to put the County in a position of reducing its reliance on borrowing in order to meet some of the capital needs of the community.

Commissioner Leake asked about the Beatties Ford Road Library renovation. The response: The
Commissioner Leake asked where funds came from for the Beatties Ford Road Library project. The response: From prior COPs and Pay-as-you-go.

Commissioner Murrey commented on projects recommended for deferral, which he said total around $120 million. Commissioner Murrey said he knows the County still has $296 million in total available capacity based on the projects. He asked if staff knew how much of that would get “eaten up” by the $120 million that’s been presented to the Board and designated. The response: Staff can’t answer this at this time. Director Diorio said she doesn’t know if and/or when these projects would be done.

Commissioner Murrey referenced the Valerie C. Woodard Center and its connection with the sale of the Hal Marshall Center. He asked if staff knew how much the Hal Marshall Center is worth. The response: The low forties.

Commissioner Murrey asked per the assumption of revaluation going up ten percent, was a sensitivity analysis done to determine how much the pro forma would change if the County got a different percentage, such as seven, eight, eleven or twelve percent. The response: Staff did not do the pro forma because if you look at that particular ratio debt to assessed valuation that is not a ratio that staff continually has to struggle with. Thus, even if the number comes down to eight percent the County would still be safely within its policy target. Also, the one thing staff is most mindful of is the debt service as a percentage of budget.

Commissioner Murrey asked was anything being assumed with respect to new revenue, per revaluation. Any assumption for a revenue neutral revaluation. The response: No assumptions have been made.

Chairman Roberts requested a list of Park and Recreation projects and CMS projects for each of the years covered in the presentation.

Chairman Roberts said she can appreciate leaving capacity for future years, but is a little curious about leaving capacity in FY11. Chairman Roberts said if the County could issue maybe $10 million more and still remain within the guidelines. Chairman Roberts said she mentioned this since construction cost is cheaper and land cost because of the economy. Chairman Roberts said there’s a need for land, not only for park and recreation but schools as well.

Chairman Roberts said the County may not need the $18 million in capacity next year and that perhaps there are some other projects that could get done.

County Manager Jones said everyone was funded at the level they requested and by using pay-as-you-go in the manner that staff did, it left the $18 million. County Manager Jones said it was staff’s way of saying to the Board that staff, along with the Board, have embraced being on a “debt diet.” He said by borrowing less, it may free up some operational budget requests.

Commissioner Murrey asked what the debt service was annually on $18 million. The response: About $1.5 million.

Commissioner Dunlap asked about land bonds and whether the County only buys for itself or for others as well. The response: It depends on how the bond referendum is structured. Examples were given.

Commissioner Cooksey asked about the ideal percentage of the budget with respect to debt service ratio, which was said to be 15%. He asked would it be possible to provide the Board with some projections over a five year period of what it would take to get to that kind of a ratio. The response: Staff would work on this.
Commissioner Dunlap asked about the CMS administrative facility and why not move forward now. He referenced the possibility of CMS locating a possible site somewhere else.

General Manager Bobbie Shields said CMS doesn’t want to be perceived as using funds for administration vs. school construction, which is why they tied it to the Memorandum of Understanding and the park project.

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

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

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 4:15 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 20, 2009.

ATTENDANCE

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

Absent: Commissioners Dumont Clarke and Neil Cooksey

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcels 080-063-01, 080-063-04 and 080-063-08; a portion of tax parcels 080-021-05 and 080-021-07 and all of 080-021-08; Tax Parcels 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14 and 080-021-15. Also, the following Consult with Attorney matters:

- Jerry Alan Reese vs. Mecklenburg County; Mecklenburg County Public Facilities Corporation; 300 South Church Street, LLC; and R.B.C. Corporation
- Jerry Allen Reese vs. Brooklyn Village LLC and Mecklenburg County
- Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC
- Jerry Alan Reese vs. Mecklenburg County and the Charlotte-Mecklenburg Board of Education
- Jerry Alan Reese vs. Mecklenburg County and the City of Charlotte
- Jerry Alan Reese vs. North Carolina Local Government Commission
- Sugar Creek Charter School, Inc., et al vs. State of North Carolina; Mecklenburg County; Charlotte-Mecklenburg Board of Education; Union County; Union County Board of Education; Nash County; Nash-Rocky Mount Board of Education; Halifax County; Halifax County Board of Education; Edgecombe County; Edgecombe County Board of...
Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion, B) Consult with Attorney, and C) Land Acquisition.

_The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:15 p.m._

(3) **REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 9, 15, 18, 19, 20, 21, 22, 25, 26, and 27.

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

**-FORMAL SESSION-**

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

**STAFF REPORTS AND REQUESTS**

(28) **FIRST WARD PARK AGREEMENT – ITEM REMOVED FROM THE AGENDA**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to remove from the agenda Item 28 – First Ward Park Agreement.

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS – NONE**

(2) **PUBLIC APPEARANCE**

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

Jim Warren with the Carolina Raptor Center introduced Akai, an eastern screech owl. Mr. Warren informed the Board of bird releases taking place this upcoming weekend. The birds will be released back into the wild. Mr. Warren thanked the Board for its continued support of the Carolina Raptor Center. He said this year marks the Raptor Center’s 25th anniversary as tenants at the Latta Plantation Nature Preserve. He also mentioned that Park and Recreation would be hosting its Great Outdoors Fall Festival at Latta Plantation this weekend.

Betty Allen – addressed a medical issue she’s involved in with Carolina’s Medical Center. Ms. Allen said she sustained an injury while at Carolinas Medical Center. Ms. Allen said her injury involved the disconnection of the inside of her throat from the esophagus. Ms. Allen said when she was discharged, she was told she had no injuries. She later found out she did. Ms. Allen said she wanted to make the public aware of what happened to her because the same thing could happen to them. Ms. Allen shared images of her injury.
Lisa Yarrow and Kelly Fourney informed the Board of the Charlotte Mecklenburg Women’s Summit’s upcoming symposium on October 27, 2009. The focus of the summit will be on domestic violence, particularly in the workplace. The symposium will be held at the Hilton Charlotte Center City Hotel, 222 East 3rd Street, 8:00 a.m. – 3:00 p.m.

A copy of the press release regarding the summit is on file with the Clerk to the Board.

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Helen Standley to the Adult Care Home Community Advisory Committee for a one-year term expiring October 31, 2010.

She is replacing Lydia Mayfield.

AIR QUALITY COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to waive the Board’s appointment policy with respect to terms of service and reappoint Kris Knudsen to the Air Quality Commission for a three-year term expiring August 31, 2012; and to also appoint Mr. Knudsen chairman of the Air Quality Commission for the duration of his term.

Note: A copy of a letter requesting the Board to waive its policy and reappointment of Mr. Knudsen is on file with the Clerk to the Board.

CMUD ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint James Merrifield to the CMUD Advisory Committee as the Real Estate Developer representative for a three-year term expiring October 31, 2012.

He is replacing Charles Teal.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Paige Burgess to the Industrial Facilities & Pollution Control Financing Authority for a six-year term expiring October 31, 2015.

LAKE NORMAN MARINE COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Daniel Stehle to the Lake Norman Marine Commission for a five-year term expiring October 31, 2014.
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WOMEN’S COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Najeedah Stover to the Women’s Advisory Board for a three-year term expiring October 31, 2012. Secondly, to nominate all applicants for appointment consideration to the Women’s Advisory Board, including Brenda Adams, whose application is forthcoming.

Brenda Adams, Natalie Bingham, Deborah Bosley, Takisha Boyd, Chia-Li Chien, Victoria Chopra, Jenifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Jill Dinwiddie, Deborah Early, Laura Everett, Andrea Ferguson, Beverly Foster, Bliss Green, Laurel Grier, Beverly Hunt, Alice Jackson, Kathryn Johnson, Angela Joyner, Marguerite King, Sharon Lachow-Blumberg, Brook Maybach, Kate Maynard, Simona Mitchell-Kelly, Mary Murphy, Mariana Nunez, Letisha Perry, Constance Purcell, Stacey Rose, Bellverie Ross, Deborah Snowdon, Melba Streeter, Janie Sumpter, Heather Swindells, Gay Thornton, JoeAnna Trotman, Melissa Wansker, Catherine Ann Wargo, and Mimi Zelman

Note: An appointment will occur on November 4, 2009.

(3B) ENVIRONMENTAL POLICY COORDINATING COUNCIL CHAIR APPOINTMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Brad Pearce chairman of the Environmental Policy Coordinating Council (EPCC) for a term of three years, or until he is no longer in an official capacity on the EPCC.

(3C) MECKLENBURG TRANSPORTATION ADVISORY BOARD (TAB) -- APPOINTMENT OF CHAIR - ITEM REMOVED FROM THE AGENDA

(3D) WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Collette Andrea Alston to the Waste Management Advisory Board as recommended by Charlotte City Council for a three-year term beginning November 4, 2009.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS

ENVIRONMENTAL POLICY COORDINATING COUNCIL (FARM PRESERVATION AND PROMOTION OF LOCAL FOODS UPDATE)

The Board received an update from the Environmental Policy Coordinating Council (EPCC) regarding farm preservation and promotion of local foods.

The report was given by Andy Zoutewelle, EPCC Chair and Heidi Pruess, Environmental Policy Administrator LUESA.
Note: The report was being given per the request of the Board to address the priorities of: 1) Land Acquisition for Preservation exploring and developing tax incentive programs; 2) Conservation Development promotion of local food movement and equate farms to open space exploring methods to make farms profitable.

The report covered the following:
- Existing Tax Incentives
- Local Food Movement
- Equating Farms to Open Space
- Recommended Options

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

Comments

Commissioner Murrey asked about the success of the Agriburbia concept in other places around the country which was addressed. It was noted that it’s still in the early development stage.

Commissioner Murrey asked about the tax incentive program associated with this concept, which was addressed.

Chairman Roberts asked if there was currently a zoning category as open space. Mr. Zoutewelle said he believed there was, but it’s clearly required for many types of land development site plans.

Ms. Pruess said when researching this matter they found that each municipality has a different definition of what is open space. She said when they were queried regarding how and if farms would fit in there was a kind of silence. Ms. Pruess said this is something they really haven’t addressed in any detail.

Mr. Zoutewelle said what the EPCC has suggested is that it would be valuable to explore the idea of farmland as being open space that might serve as a buffer and have dual use, including a productive use rather than just being vacant land sitting there forever.

Chairman Roberts said she recalls past discussions about open space and that it wasn’t a separate zoning category, but was sort of a part of the way you work within parcels for water runoff, etc.

Chairman Roberts said the Board may need to look at its legislative agenda in terms of once there’s more agreement on how do you work that into areas where you have urban and rural right next to each other and to figure out ways that it can help support open space and farmland even close to an urban setting. Chairman Roberts said it may take working with the state delegation to figure this out.

Commissioner Cogdell said he doesn’t believe the City of Charlotte has a zoning category or classification for open space. He said that would be something good to discuss.

MANAGER’S REPORT

(6A) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY2009-2010 ADOPTED BUDGET

Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and carried 5-2 with Commissioners Bentley, Cogdell, Dunlap, Murrey and Roberts voting yes and Commissioners James and Leake voting no, to approve CMS Budget Amendments.

Note: The Board of Education requested approval of changes in the allocation of the county
OCTOBER 20, 2009

appropriation by purpose and/or function of the amount included in the Board of County Commission (BOCC) budget ordinance on June 16, 2009. As part of the adopted FY 2010 budget, the Board of County Commissioners approved a total operating funding level of $317,367,391 for CMS. The purpose and/or function allocations in the budget resolution were established by County staff as placeholders subject to revision by CMS. Since the Board of Education’s request of $342 million, they would have had to revise and adopt a County Budget which matches the funding approved by the BOCC. In turn, the BOCC is required to approve the Board of Education’s adopted county budget if any line item varies by more than 10 percent. The amendments are the result of CMS adjustments and reductions required to adjust CMS’ expenditure level to the County appropriation of $317,367,391. These changes are only adjustments in the allocation of funds. No additional funds are being requested.

Budget/Management Director Hyong Yi presented this matter to the Board.

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

CONSENT ITEMS

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 9, 15, 18, 19, 20, 21, 22, 25, 26, and 27 to be voted on separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held October 6, 2009, Special Meeting held October 6, 2009 and Closed Session held October 6, 2009.

(8) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records are comprised of:

- 651 commercial plans permitted August 2007
- Eight (8) boxes of permitting and inspections records dated July – September 2009. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet

(10) DONATIONS FOR ECONOMIC VALUE STUDY

Recognize, receive and appropriate $20,000 in donations to offset the cost to conduct an extensive economic value study of the Mecklenburg County Park and Recreation Department system.

Note: The Trust for Public Land, Catawba Lands Conservancy, Partners for Parks, and Charlotte Regional Visitor’s Authority have agreed to donate $5,000 each to help pay for a study to determine the economic value of Mecklenburg County’s park and recreation system. Total cost of the project is $40,000, with $20,000 being paid from the FY10 Park and Recreation Department operating funds. The proposed scope of the study includes specific deliverables covering seven (7) value attributes such as Storm Water Runoff Retained, Air Pollution Absorbed, Medical Savings due to Recreational Exertion in County Parks, Increase in Property
Value due to Proximity to Parkland, and Spending due to the Attraction of Tourists to Parks. The Park and Recreation Department will contract with the Trust for Public Land (Peter Harnik, Director, Center for City Park Excellence) to conduct the study, with a final report due in approximately nine (9) months from the date of the agreement.

(11) NATIONAL RECREATION AND PARK ASSOCIATION AND THE US PARALYMPICS – GRANT APPLICATION

Approve submission of a $25,000 grant application to the National Recreation and Park Association (NRPA) to promote physical activity of injured service members, and recognize, receive and appropriate funds if grant is accepted and approved by NRPA and the USOC.

(12) TAX REFUNDS

Approve refunds in the amount of $98,880.16 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) GREENWAY EASEMENTS – TOWN OF MATTHEWS ON FOUR MILE CREEK

1) Authorize the County Manager to negotiate and execute a permanent easement to the Town of Matthews on Tax Parcels 227-311-99 and 227-212-69 on Four Mile Creek for open space and greenway purposes.

2) Approve the Supplemental Agreement to the Development and Cooperation Agreement for Four Mile Creek Greenway, Matthews between Mecklenburg County and the Town of Matthews;

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

(14) RIGHT OF WAY ABANDONMENT PETITIONS

Authorize the County Manager to file Right of Way Abandonment petitions with the Charlotte Department of Transportation requesting closure of the following City of Charlotte streets and acceptance of residual property into adjacent Mecklenburg County owned properties for various Park and Recreation projects:

1) N. Myers Street ROW abandonment (+/- 22,706 SF)
2) East 12th Street ROW abandonment (+/- 6,839 SF)
3) Eveningside Drive ROW abandonment (+/- 13,937 SF)

(16) NC DIVISION OF EMERGENCY MANAGEMENT, GRANT APPROVAL – PRE-DISASTER MITIGATION

1. Recognize, receive, and appropriate $576,638 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) NC DIVISION OF EMERGENCY MANAGEMENT, GRANT APPROVAL – FLOOD MITIGATION ASSISTANCE

1. Recognize, receive, and appropriate $3,538,023 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 Flood Mitigation Assistance Grant.

3. Authorize the carry forward of unspent grant funds to subsequent years until completion of project.

(23) PURCHASE CONTRACTS FOR HYBRIDS, VANS AND SUVS

Approve unit price contracts for providing Hybrids, Vans and SUVs based on available funding to various County departments for a term of one year and authorize the County Manager to renew contracts up to four (4) additional one-year terms.

Note: The various types of rolling stock include hybrids automobiles and SUVs, trucks, vans and SUVs. All identified are required for work accomplished by different departments. There is no current contract. FY2010 expenditures are estimated to be a combined total of $720,373 with the following vendors:

- Burns Chevrolet-Cadillac, Inc., Rock Hill, SC includes 4-door hybrid compact automobile;
- Town and Country Toyota, Charlotte, NC includes 4-door hybrid hatchback automobile;
- Capital Ford of Wilmington, Wilmington, NC includes, 4-door compact automobile; ½ ton 15-passenger van and compact 4x4 SUV;
- Keith Hawthorne Ford of Charlotte, Charlotte, NC includes ½ ton cargo van and regular cab ½ ton pickup truck;
- Horace G. Ilderton, LLC, High Point, NC includes 7-passenger minivan; and
- Longo Toyota, El Monte, CA includes 4-door hybrid mid-size SUV and 4-door hybrid mid-size 4x4 SUV.

Funds to purchase these vehicles will come from the County’s Fleet Reserve Fund.

(24) BOND CONVERSION RESOLUTION

Motion was made by Commissioner James, seconded by Commissioner Dunlap to adopt the following resolution:

RESOLUTION AUTHORIZING THE CONVERSION OF THE COUNTY’S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2006A FROM A LONG-TERM INTEREST RATE TO A WEEKLY INTEREST RATE, AND AUTHORIZING RELATED DOCUMENTATION;

BE IT RESOLVED by the Board of Commissioners of the County.
October 20, 2009

Section 1. The Board of Commissioners has determined and does hereby find and declare as follows:

(a) The County has issued its Variable Rate General Obligation Bonds, Series 2006A (the “Bonds”), which currently bear interest at a fixed interest rate until November 5, 2009.

(b) It would be advantageous to convert the interest rate on the Bonds to the weekly interest rate at the end of that fixed rate period.

Section 2. The County is hereby authorized to convert the interest rate on the Bonds to the weekly interest rate. The forms, terms, provisions and distribution and use by Wachovia Bank, National Association of the Standby Bond Purchase Agreement between the County and Wachovia Bank, National Association, with respect to the Bonds and the Remarketing Supplement with respect to the Bonds are hereby approved in all respects, and each of the officers of the Board of Commissioners, the County Manager and the County Director of Finance are hereby authorized and directed to execute and deliver the former in substantially the form presented to this meeting, together with such changes not inconsistent with the general tenor hereof and thereof as they, with the advice of counsel, may deem necessary and appropriate, such execution and delivery to evidence conclusively the authorization and approval thereof by the Board. Each of those officers and employees are also 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 of Commissioners. All actions previously taken by the County and its representatives in connection therewith are hereby ratified and approved.

Section 3. This resolution shall take effect upon its passage.

The foregoing resolution was adopted by the following vote:

Ayes: Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts

Nays: None.

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

(29) County Policy on Property Disposal and Redeployment

Amend the County Policy on Property Disposal and Redeployment to include procedures to allow for disposition of property by public auction, including electronic auction, pursuant to NCGS 160A-266(a) and GS160A-270.

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

This concluded items approved by consent

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(9) Sheriff’s Special Revenue Fund
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Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to:

1. Recognize and appropriate $158,000 from Inmate Commissary for the Sheriff’s Special Revenue Fund.

2. Recognize and appropriate $85,125 from Seized Assets for Sheriff's Special Revenue Fund.

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

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

(15) **AMERICAN LEGION MEMORIAL STADIUM - ARCHITECT SELECTION**

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to:

1. Authorize the County Manager to negotiate a fee and execute a contract with Sutton-Kennerly and Associates, Inc. for architectural/engineering design services for the American Legion Memorial Stadium repairs. In the event negotiations with this firm are unsuccessful, authorize the County Manager to negotiate a fee and execute a contract with one of the other two consultants that were interviewed, Clark Nexsen Architecture and Engineering and Wagner Murray Architects, PA.

2. Authorize use of the Capital Reserve Fund for this project, and recognize and appropriate insurance reimbursements related to the damage to the Stadium to the Capital Reserve Fund.

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

__________

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to approve the following items:

*Commissioner Leake removed these items from Consent for more public awareness.*

(18) **DSS BUDGET AMENDMENT (WORK FIRST)**

Amend the Department of Social Services Fiscal Year 2010 Budget to recognize, receive and appropriate $36,000 of additional funds for the Work First Functional Assessment Program.

(19) **DSS BUDGET AMENDMENT AND AMERICAN RECOVERY & REINVESTMENT ACT (ARRA) NUTRITION FUNDING PLAN**

1) Amend the Department of Social Services’ FY2010 budget to recognize, receive, and appropriate additional funding for Food and Nutrition Services revenues of $237,997.


3) Amend the Department of Social Services’ FY 2010 budget to recognize, receive, and appropriate additional funding for Senior Nutrition revenues of $166,068.
(20) **DSS BUDGET AMENDMENT (ANNIE B. CASEY FAMILY GRANT)**

Amend the Department of Social Services FY 2010 Budget to recognize, receive and appropriate $50,000 for the Annie B. Casey Family Programs – Parent Partner.

(21) **DSS BUDGET AMENDMENT (LOW INCOME ENERGY ASSISTANCE AND CRISIS INTERVENTION)**

Amend the Department of Social Services FY 2010 Budget to recognize, receive and appropriate $29,552 of additional Federal revenue for the administration of the Crisis Intervention Program (LIEAP/CIP).

(22) **DSS BUDGET AMENDMENT (CHILD CARE SUBSIDY)**

Amend the Fiscal Year 2010 Adopted Budget by $3,122,838 to recognize, receive and appropriate additional subsidy funds from the American Recovery & Reinvestment Act (ARRA) and from the NC Division of Child Development (DCD).

(25) **CAPITAL PROJECT ORDINANCE**

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 5-1 with Commissioners Bentley, Cogdell, Dunlap, James, and Roberts voting yes and Commissioner Leake voting no, to Amend the Jail Facilities - 2008 capital project ordinance.

*Commissioner Cogdell removed this item from Consent for more public awareness and to highlight the fact that this Capital Project Ordinance reduces the size and scope of the proposed jail facility from what the consultants initially projected. He said the bed capacity for year 2020 has gone from about 2,500 beds to around 1,700. Also, that the cost is about $110 million less than originally anticipated.*

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

(26) **PREVENTION/WELLNESS GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to approve the submission of a health prevention and wellness grant application for up to $20 million for a two-year period from the United States Department of Health and Human Services/Centers for Disease Control for the American Recovery Reinvestment Act (ARRA) of 2009 Communities Putting Prevention to Work; and if awarded, recognize, receive and appropriate such funds.

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

(27) **GOVERNOR’S CRIME COMMISSION GRANT**
Motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate the Governor’s Crime Commission grant funding in the amount of $47,681 for the Assistance League of Charlotte’s Mecklenburg County Teen Court program.

Commissioner Leake removed this item from Consent for more public awareness. She also requested additional information regarding the Assistance League of Charlotte’s Mecklenburg County Teen Court program.

General Manager Michelle Lancaster addressed this matter.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

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

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:00 p.m.

____________________________  ____________________________
Janice S. Paige, Clerk       Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Wednesday, November 4, 2009.

ATTENDANCE

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

Absent: Commissioner Bill James

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS - NONE

(2A, B, & C) CLOSED SESSION - BUSINESS LOCATION AND EXPANSION, PERSONNEL MATTER AND CONSULT WITH ATTORNEY

Note: 2A) Business Location and Expansion was removed from the agenda.

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: 2B) Personnel Matter and 2C) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:40 p.m.

3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 10, 11, 14, and 15.

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A1) FAMILY CAREGIVERS MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating November 2009 as Family Caregivers Month in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Marsha McElroy with the Department of Social Services and Katie Kutcher with the Council on Aging.

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

(1A2) VETERANS DAY

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating November 11, 2009 as Veteran’s Day in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Cooksey and received by Robert Weeks, director of Veteran Services and Jim Cardo.

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

(1A3) VIETNAM VETERANS MEMORIAL DAY

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating November 11, 2009 as Vietnam Veteran’s Memorial Day in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Murrey and received by Robert Weeks, director of Veteran Services and Jim Cardo, chair of the Mecklenburg County Vietnam Memorial Committee.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(20) KOREAN WAR VETERANS OF AMERICA RESOLUTION (CHAIRMAN ROBERTS)

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a resolution recognizing veterans of The Korean War and supporting the erection of a memorial in the Town of Mint Hill on June 25, 2010,
the 60th anniversary of the beginning of the war.

The resolution was read by Chairman Roberts and received by Robert Weeks, director of Veteran Services and Colonel Billy J. Reed.

Resolution recorded in full in minute Book 44-A, Document #______.

AWARDS/RECOGNITION

(1B1) CUSTOMER SERVICE HEROES AND GERALD G. FOX EMPLOYEE OF THE YEAR AWARD

The Board recognized the County’s 2009 Customer Service Hero Award Winners.

Note: Each year the County recognizes one Customer Service Hero for each of the five Customer Service Standards identified in the County’s Customer Service Philosophy. The five standards are below:

- **Service Quality** - Meeting and exceeding our customers’ requirements and expectations within the context of achieving the organization’s mission and legal mandates.
- **Ethics** - Defined as “doing what is fundamentally appropriate.” We believe in the highest standards of lawful and ethical conduct. Our reputation for truthfulness, fairness, and honesty is earned by each of us in our daily work.
- **Timeliness** - We are dedicated to meeting or exceeding customer expectations in a timely manner.
- **Courtesy and Respect** - We will show courtesy and respect for all customers while performing the services they require.
- **Communication** - We will communicate clearly and deliberately with customers as a key building block to excellent customer service and customer satisfaction.

The County also recognizes one employee as the Gerald G. Fox Employee of the Year. This is the 48th 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 Charlotte Chapter of the Society for Human Resource Management (SHRM). Nominees are evaluated based on their contributions to the goals of the County and the welfare of the community. The recipient will receive a $600 check from The Employer’s Association (the sponsor of the award) in recognition of this accomplishment.

The County’s 2009 Customer Service Hero Award Winners were:

- **Service Quality**: Florence Jones, Community Support Services
- **Ethics**: Chris Dellinger, LUESA Code Enforcement
- **Timeliness**: Cynthia Van Houghton, Public Health
- **Courtesy & Respect**: Jackie Rogers, Park & Recreation
- **Communication**: Leroy Lewis, Area Mental Health

The Board also recognized Megan Coffey from Community Support Services as winner of the 2009 Gerald G. Fox Employee of the Year Award.

Note: Megan Coffey is a Health Program Coordinator Supervisor with Community Support Services. She was recognized for her excellence in showing compassion in service to the homeless.

Blake Hart with the Office of Strategic Organizational Improvement presented these matters to the Board. He was accompanied by Kenny Culbert, president of the Employers Association, sponsors of the award, with respect to the Gerald G. Fox Employee of the Year Award.
(1B2) MECKLENBURG COUNTY BAR DIVERSITY RECOGNITION

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a proclamation recognizing the Mecklenburg County Bar Association’s work in the area of diversity.

The proclamation was read by Commissioner Cogdell and received by Mr. Pat Kelly, president of the Mecklenburg County Bar Association and Robert Harrington.

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

(2) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

(3A) APPOINTMENTS

WOMEN’S ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

Brenda Adams                Commissioner Bentley
Natalie Bingham
Deborah Bosley
Takisha Boyd
Chia-Li Chien               Commissioners Clarke, Cogdell, Dunlap, and Roberts
Victoria Chopra             None
Jenifer Daniels
Sue Ann Davis
Zaria Davis-Humphries
Crystal Dempsey
Jill Dinwiddie
Deborah Early
Laura Everett
Andrea Ferguson
Beverly Foster
Bliss Green
Laurel Grier
Beverly Hunt                Commissioner Leake
Alice Jackson
Kathryn Johnson
Angela Joyner
Marquerite King
Sharon Lachow-Blumberg
Brook Maybach
Kate Maynard               Commissioners Cooksey and Murrey
Simona Mitchell-Kelly
Mary Murphy
Mariana Nunez
Letisha Perry
Constance Purcell
Stacey Rose
Belverie Ross
Chairman Roberts announced the appointment of Chia-Li Chien to the Women’s Advisory Board for a three-year term expiring October 31, 2012.

Note: She is replacing Maxine Eaves.

Note: Chairman Roberts asked about the possibility of expanding the Women’s Advisory Board, in light of the fact that there are so many great applicants. Attorney Bethune said in order to accomplish this, the Board would need to place an item on a future agenda, since all nine commissioners were not present; 1) to consider increasing the size of the advisory committee and 2) to make additional appointments.

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

PUBLIC HEARINGS

(4A) EXCISE TAX REFUND

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to hold a hearing on request by Horack-Talley Attorneys At Law for reimbursement of overpayment of North Carolina excise tax in the amount of $290.

No one appeared to speak.

Note: According to the documentation submitted, the tax was paid on July 27, 2007. The deadline for submitting a request for reimbursement was January 27, 2008. The request was received on August 20, 2009.

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to close the hearing on the request by Horack-Talley Attorneys At Law for reimbursement of overpayment of North Carolina excise tax in the amount of $290. Secondly, to deny the request for reimbursement on the grounds that the request was not received within six months after the date the tax was paid as required by NC G.S. 105-228.37(a) Refund of Overpayment of Tax.

(5) ADVISORY COMMITTEE REPORTS – NONE

Commissioner Cooksey returned to the dais.
MANAGER’S REPORT

(6) RECEIVE MANAGER’S REPORT

County Manager Jones announced a new procedure that is being put in place for employees to report incidences they believe to be representative of unethical behavior. The new procedure, the Mecklenburg County Report Line, will be unveiled on Friday, November 13, 2009. It will be available to employees on a 24 hour basis. Employees can either call in or go on-line. The site is secure and can be done anonymously. The County is using an independent service provider called The Network.

County Manager Jones said the Report Line will be evaluated over the course of the year to determine what the volume of complaints might be and at that time, consideration would be given to whether it’s possible to provide this service externally.

County Manager Jones shared copies of the brochure regarding the Report Line with the Board.

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

Comments

Commissioner Murrey complimented the County Manager on taking this step. He said his company has used a similar service for a little over a year. He said it has worked well and has proven to be a helpful management tool.

Commissioner Cogdell asked would all comments received be passed on to the County’s Internal Audit Department for follow-up.

County Manager Jones said all information will go to the Internal Audit Department. They will review the information and make a determination as to whether or not there is evidence of unethical behavior, fraud, or abuse.

Commissioner Cogdell asked what happens if a determination is made that there is evidence of something.

County Manager Jones said established procedures would then be followed. He said it could result in disciplinary action being taken, counseling, or even referral of the information to other authorities, including and up to, law enforcement for further follow-up.

County Manager Jones said this initiative will continue to place before employees the importance of engaging in ethical behavior.

Commissioner Bentley also complimented this initiative. She said her company does this also.

Commissioner Bentley said it’s important for employees to feel free to speak and to express their concerns without fear of retribution or anything negative happening to them.

(2B) CLOSED SESSION – PERSONNEL MATTER – COUNTY MANAGER’S COMPENSATION

Chairman Roberts complimented County Manager Jones on his responsiveness to the Board.

Chairman Roberts said Manager Jones listens to his Board, to employees, and to the community.

She said he provides positive solutions to challenges that help re-establish trust and a positive
working environment. Further, that Manager Jones has done an excellent job as manager in a very difficult year.

Chairman Roberts noted also that Manager Jones, in light of the current economic times, asked the Board to keep his salary the same as last year, because he wanted to be treated like other employees.

Commissioner Clarke, on behalf of the Board’s Compensation Committee, addressed the process used in determining the County Manager’s compensation.

Commissioner Clarke noted the elements of the Manager’s compensation for the prior year, current year, and the percentage of increase.

Commissioner Clarke said the percentage of increase for the County Manager over last year, like all County employees this fiscal year, is zero.

Commissioner Clarke said based on the Committee’s review of the County Manager’s performance, the Committee would have given him an increase in his Pay-at-risk because his performance rating was higher this year than last year. He said the County Manager, however, informed them that to receive an increase would not be right. He said the County Manager wanted to be treated the same as other employees, as noted earlier by Chairman Roberts. Thus, the Committee reduced the Pay-at-risk to the amount that it was last year. Commissioner Clarke said this was approximately 10% less than what he would have otherwise been entitled to with respect to the Pay-at-risk component.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve the recommendations of the Board’s Compensation Committee and approve the pay-at-risk and the other elements of the County Manager’s compensation as recommended by the Compensation Committee. (See below)

<table>
<thead>
<tr>
<th>Element of Manager’s Compensation</th>
<th>Prior Year</th>
<th>Current Year</th>
<th>Percentage Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Salary</td>
<td>$215,655</td>
<td>$215,655</td>
<td>0%</td>
</tr>
<tr>
<td>Pay-at-risk</td>
<td>$38,400</td>
<td>$38,400</td>
<td>0%</td>
</tr>
<tr>
<td>Benefits &amp; Retirement</td>
<td>$5,822</td>
<td>$5,822</td>
<td>0%</td>
</tr>
<tr>
<td>Deferred Compensation Match</td>
<td>$10,783</td>
<td>$10,783</td>
<td>0%</td>
</tr>
<tr>
<td>Deferred Compensation</td>
<td>$13,824</td>
<td>$13,824</td>
<td>0%</td>
</tr>
<tr>
<td>Longevity</td>
<td>$6,221</td>
<td>$6,221</td>
<td>0%</td>
</tr>
<tr>
<td>Expense Allowance</td>
<td>$12,149</td>
<td>$12,149</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total Compensation</strong></td>
<td><strong>$302,854</strong></td>
<td><strong>$302,854</strong></td>
<td><strong>0%</strong></td>
</tr>
</tbody>
</table>

County Manager Jones thanked the Board, County employees, and the community for having the opportunity to continue to serve.

CONSENT ITEMS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 10, 11, 14, and 15 to be voted upon separately:

(7) APPROVAL OF MINUTES
Approve minutes of Regular Meeting held October 20, 2009 and Closed Sessions held October 20, 2009 and October 6, 2009.

(8) TORRENCE CREEK STREAM RESTORATION CONSTRUCTION CONTRACT

Adopt a resolution of Award to Eagle Wood Incorporated for the Torrence Creek stream restoration project.

Note: This project will restore approximately 3 miles of Torrence Creek, located in the McDowell Creek Watershed (which drains to Mountain Island Lake upstream of a CMU drinking water intake). The project will reduce sediment (a major pollutant) and improve aquatic habitat. This project is partially funded by funding under the American Recovery and Reinvestment Act of 2009 (Federal Stimulus funding) in the form of a $2.6M loan from the NC Clean Water State Revolving Fund. The Resolution Approving Award of Contract is required by the NC Clean Water State Revolving Fund as part of the loan approval process.

Resolution recorded in full in minute Book 44-A, Document # ______.

(9) AREA MENTAL HEALTH FIRST QUARTER FY 2010 REPORT

Recognize and receive the First Quarter 2010 Area Mental Health Report.

Financial Management

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,716,737</td>
<td>1,013,750</td>
<td>6.45%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,859,677</td>
<td>2,431,690</td>
<td>6.98%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>11,289</td>
<td>11.60%</td>
</tr>
<tr>
<td>County</td>
<td>41,567,076</td>
<td>12,906,658</td>
<td>31.05%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>92,240,783</td>
<td>16,363,387</td>
<td>17.74%</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>7,001,354</td>
<td>1,550,115</td>
<td>22.14%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,179,546</td>
<td>1,626,652</td>
<td>11.47%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>9,118,852</td>
<td>1,265,994</td>
<td>13.88%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,958,650</td>
<td>2,581,673</td>
<td>19.92%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>10,637,008</td>
<td>1,894,504</td>
<td>17.81%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>19,268,029</td>
<td>4,746,078</td>
<td>24.63%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>19,077,344</td>
<td>2,698,371</td>
<td>14.14%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>92,240,783</td>
<td>16,363,387</td>
<td>17.74%</td>
</tr>
</tbody>
</table>

Note: In accordance with General Statue 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the Board of County Commissioners.

A copy of the full report is on file with the Clerk to the Board.
NOVEMBER 4, 2009

(12) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORTS

Recognize and receive Area Mental Health Monthly Financial Report.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2010, For the period ending August 31, 2009

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,312,274</td>
<td>7,422,933</td>
<td>4.85%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,448,877</td>
<td>1,999,190</td>
<td>5.80%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>10,019</td>
<td>10.30%</td>
</tr>
<tr>
<td>County</td>
<td>40,013,042</td>
<td>6,472,580</td>
<td>16.18%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>89,871,486</strong></td>
<td><strong>9,224,722</strong></td>
<td><strong>10.26%</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>% Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,001,354</td>
<td>1,039,812</td>
<td>14.85%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,599,047</td>
<td>741,493</td>
<td>5.45%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,775,818</td>
<td>688,631</td>
<td>8.86%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,958,650</td>
<td>1,322,198</td>
<td>10.20%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>10,426,008</td>
<td>1,280,308</td>
<td>12.28%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>19,268,029</td>
<td>2,928,899</td>
<td>15.20%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>18,842,580</td>
<td>1,223,381</td>
<td>6.49%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>89,871,486</strong></td>
<td><strong>9,224,722</strong></td>
<td><strong>10.26%</strong></td>
</tr>
</tbody>
</table>

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

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

(13) LUESA BUDGET AMENDMENT

Recognize, receive and appropriate $145,521 for Land Development (LUESA) and carry forward the unspent balance at June 30, 2010 to FY11 to complete the project.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in Harrogate Subdivision Phase 2. A letter of credit was provided by Harrogate At The Lake, LLC for completion of this work on April 18, 2006. Mecklenburg County found the developer in default of the bond obligation due to the work not being completed. The funds received by the County will be used to complete improvements required by the Town of Cornelius Subdivision ordinance. Any funds remaining after completion of these improvements will be returned to Harrogate At The Lake, LLC and their guarantor, M & I Marshall & Ilsley Bank.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(10) CHILD DEVELOPMENT GRANT (AREA MENTAL HEALTH)
Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve Area Mental Health Children’s Developmental Services submittal of a grant application to Smart Start of Mecklenburg County estimated to be $175,200 in FY 10-11; and approve, recognize, receive and appropriate the amount of the award when received.

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

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

(11) AREA MENTAL HEALTH BUDGET AMENDMENT (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate State funds in the amount of $187,102 for services provided by Children’s Developmental Services of Area Mental Health; and establish one full time position Case Coordinator position.

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

(14) CONSOLIDATED GOLF CAPITAL RESERVE EXPENDITURE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to authorize a capital reserve expenditure of $425,000 from funds accumulated to design and install an irrigation system and to construct new and renovate existing greens and tee boxes at the Revolution Park Golf Course.

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Park and Recreation Director Jim Garges.

Commissioner Clarke returned to the dais.

(15) HEALTH DISPARITIES GRANT (HEALTH DEPARTMENT)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve the submission of a health disparity grant application for $250,000 over three years to the NC Department of Health and Human Services, Office of Minority Health and Health Disparities, effective June 1, 2010; and if awarded, recognize, receive and appropriate grant funds awarded.

Commissioner Leake removed this item from Consent for more public awareness. It was addressed by Health Director Wynn Mabry.

STAFF REPORTS AND REQUESTS

(16) AREA MENTAL HEALTH BUDGET AMENDMENT (REDUCTION)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reduce State funding, with respect to the Area Mental Health budget, in the amount of $5,211,872 due to a decrease in allocated funds.
NOVEMBER 4, 2009

Note: This action is necessary due to a reduction of state funding from the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services. Statewide, the Division received an appropriation reduction of $35,000,000 which affects Local Management Entities (LMEs) management and service funding. Mecklenburg County’s portion of that reduction was $6,457,638.

Area Mental Health Director Grayce Crockett addressed this matter.

(17) H1N1 IMPLEMENTATION FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murray and Roberts voting yes, to recognize, receive and appropriate $1,790,299 from the Centers for Disease Control through the NC Division of Health and Human Services, Preparedness Program for H1N1 implementation activities.

Health Director Wynn Mabry addressed this matter.

(18) BUSINESS INVESTMENT PROGRAM GRANT: PREMIER, INC.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murray and Roberts voting yes, to approve a Business Investment Program grant to Premier, Inc. for a total estimated amount of $335,986 and authorize the County Manager to negotiate and execute a contract.

Note: Premier, Inc., headquartered currently in San Diego, CA, is a national healthcare alliance entirely owned by not-for-profit hospitals and health system organizations. Premier serves more than 2,000 hospitals and thousands of non-hospital sites such as nursing homes and ambulatory centers. Owners participate to share services and programs aimed at improving clinical quality and cost-effectiveness. Premier employs 650 workers in Charlotte. In January, 2009, Premier temporarily put the project on hold due to market conditions. The County was notified recently that the company has re-initiated the project, which now includes the relocation of its corporate headquarters and the creation of 300 new jobs. The revised project as described by the company was determined to meet all of the criteria for a five-year Business Investment Grant of 50% of net new property taxes to the City and County. The fiscal impact analysis of the project shows a net present value to the County of $1,065,460 over 10 years. The expansion will create 300 new jobs within five years, at an average annual salary of $70,000, and 90% of the new positions will be hired locally. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(21) HALL HOUSE AND SALVATION ARMY’S CENTER OF HOPE (COMMISSIONER LEAKE)

The Board received an update regarding Hall House and the Salvation Army’s Center of Hope.

Note: In December, 2008, the Charlotte Housing Authority made arrangements with the Salvation Army and A Child’s Place for use of a 191-unit apartment building known as Hall House. The use of Hall House would enable temporary transitional shelter for homeless women with children. Sixty-eight (68) families receiving services from either The Salvation Army or A
Child’s Place were selected to move into Hall House. When Hall House closed in July of 2009, 51 of the 68 families (75%) were moved into stabilized housing. The remaining 17 families returned to The Center of Hope and continued to work toward achieving permanent housing.

The Center of Hope is a 36,000-square-foot, 204-bed women and children’s shelter located near Charlotte’s center city. Overcrowding is a constant issue that has worsened since the downturn of the economy. Demand for shelter at the Center has increased by 27% over the past two years. It currently houses more than 300 families.

The update was given by Deronda Metz, director of Social Services for The Salvation Army Center of Hope and Major Hawks with The Salvation Army.

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

STAFF REPORTS AND REQUESTS

(19) CHARLOTTE-MECKLENBURG 2010 CENSUS UPDATE

The Board received an update on the purpose and work of the Census 2010 Complete Count Committee created through a partnership of Mecklenburg County, the City of Charlotte and the Chamber of Commerce to raise awareness and encourage increased participation in the U.S. 2010 Census.

The update was given by Co-chairs Sue Breckenridge and Melody Sizemore. They were introduced by Public Service and Information Director Danny Diehl.

They provided the Board with copies of various literature regarding the census.

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

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:24 p.m.

Janice S. Paige, Clerk   Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in 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 10, 2009.

ATTENDANCE

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

Absent: Commissioner Bill James

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

The meeting was called to order by Chairman Roberts.

Chairman Roberts noted the topic of discussion, the FY11-13 Strategic Planning-Community Health and Safety Review.

FY11-13 STRATEGIC PLANNING-COMMUNITY HEALTH AND SAFETY REVIEW

Prior to the start of the presentation, County Manager Jones took a point of personal privilege and made the following statement.

“Over the last several days there have been several media reports and understandably heated public reaction about my response to an e-mail inquiry regarding the DSS audit from Harry Lomax, a private citizen. There are several misconceptions surrounding my intent regarding the correspondence and this morning I spoke directly to Mr. Lomax by phone. I apologized to him for the confusion and he accepted my apology. We also agreed to meet in the near future to get to know each other better. I want to be very clear, that there was never any malicious intent in my action, but it was wrong of me to send a copy of Mr. Lomax’s e-mail to his employer. In my more than 35 years of public service this is yet another lesson learned and a mistake that I assure you will not be repeated.”

County Manager Jones then introduced the item for discussion. He said today’s meeting was the first of a series of workshops designed to prepare the Board for updating the three-year strategic business plan.

Commissioner Dunlap entered the meeting.

County Manager Jones then called on Director of Planning and Evaluation Leslie Johnson to give a report on the 2015 Performance Goals for Community Health and Safety and the FY 09 Results. The performance goals measured were:
• Child Abuse Rate
• Violent Crime Rate
• Mental Health Index
• Disabled Adult Abuse & Neglect Rate
• Health Index
• Trial Court Performance Index
• Functional Capacity of Jails
• Domestic Violence Index

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

Comments

Commissioner Clarke said he was concerned that there were no measureable results for the Trial Court Performance Index, especially since the Board approved an additional $2.4 million for the criminal justice system. He asked staff to remind the Board of when that was done. General Manager Michelle Lancaster said the funds were made available in January of this year, 2009. Also, that time has been a factor. She said there was a reorganization plan approved by the Board, but several components of that reorganization have not taken place. Further, staff was working with the court system to get those dollars moving in the direction so the County can see some change in the system, however, it’s an extremely slow process.

Commissioner Clarke suggested the “accelerator be mashed.”

Commissioner Murrey with respect to the Disabled Adult Abuse & Neglect Rate asked if it would make sense to reconstitute the measure and was that a legal process in the balance scorecard process. Director Johnson said Commissioner Murrey’s thought was in line with staff’s thinking. She said staff was recommending the measure be revisited to determine what makes sense and if there’s a need to adjust the target to be in line with the state. She said the state is actually asking that counties report more.

Commissioner Murrey asked what the process would be to get that reconstituted. The response was that staff would come back with recommendations at the Board’s strategic planning conference.

Commissioner Murrey said with respect to the Health Index that collaboration was needed with other entities, including private entities such as physician and hospital partners. He said this is not something the County can do alone. Commissioner Murrey said he met with the Medical Society Board and discussed the possibility of getting them more engaged in this process and picking out goals that the County and the medical community could work together on.

Commissioner Murrey said the County needs to get others involved or change the measure.

Commissioner Murrey said he was also concerned that there are no measureable results for the Trial Court Performance Index.

Commissioner Murrey said he’s curious to know how active the courts are on a daily basis and would like to know the following: 1) How many judges and courtrooms there are, 2) Are the courtrooms active all day, 3) What are the hours of operation, and 4) Any other factors that may feed into this, so the Board can understand what the hurdles are.

Commissioner Cooksey with respect to the criminal justice system and problems with getting staff hired asked for an update on the hiring process. Further, he would like a report on how much of the money allocated to the criminal justice system has actually been used; as well as, information on what changes have occurred as a result of the allocation of these funds. General Manager Lancaster said the largest portion of those funds was allocated to the District
Attorney’s Office, about $1.4 million for staffing. General Manager Lancaster said staff has had an extremely difficult time dealing with the Administrative Office of the Courts (AOC) to get positions approved. She said they were finally approved in October.

General Manager Lancaster said it’s her understanding the District Attorney’s Office has offers out there. General Manager Lancaster said staff would provide additional information to the Board regarding this.

Commissioner Cooksey asked was it correct to say the $1.4 million hasn’t been put to use. General Manager Lancaster said that was correct.

Commissioner Cooksey with respect to the Health Index asked had there been any improvement. Director Johnson said yes. She said although the County hasn’t achieved the 2015 goals, there has been progress.

Commissioner Cooksey said the Health Index was an important index for the community and that perhaps the County was masking real data by having all of those different categories grouped into this one index.

Commissioner Cooksey said he would like to see a breakdown of this index showing more specific data.

Commissioner Dunlap with respect to the Health Index asked how staff came up with the goal when there were so many variables. Director Johnson said the overall score was based on the twenty-four measures. She said staff looks at how many of those individual measures where the County has achieved that goal. She said there were nine measures out of the twenty-four where the County achieved what it stated in the 2015 Vision goal.

Commissioner Dunlap said the way the Health Index results were being reported, it looks like the County was not doing well in this area, which was not the case. He said there were areas the County was doing well in. Commissioner Dunlap said he’s concerned that an accurate picture was not being portrayed.

Commissioner Dunlap with respect to Functional Capacity of Jails asked what impact does staff project the new jail will have in regards to the County being more able to achieve the goal. General Manager Lancaster said she expects that the County would be very close to a green light, meaning either the goal has been achieved or performance is at least 95% of the long-term target.

Sheriff Chip Bailey said it’s expected to stay pretty close to the functional capacity, which is 85%.

Commissioner Dunlap questioned whether the County comparing itself to other counties was the appropriate way to measure some of the goals. He said when you have reporting issues, how do you really capture how well you’re doing if you simply compare to other counties. Director Johnson said Commissioner Dunlap was correct to a degree because in essence you have “apples to oranges” in terms of resources and capacity that you can’t control if it’s a measure requiring those resources to help you get that quantifiable goal that you’re trying to get to. Director Johnson said with more people you can reach more people and with fewer people it becomes more difficult to do the reporting of cases. She said there was one measure, the Child Abuse Rate, that staff based it on the state. She said the other one, the Disabled Adult Abuse and Neglect Rate, was provided for protective purposes and the target was basically projection at a given point in time, saying where we wanted to never exceed that level.

Director Johnson said the information presented was a snapshot, but it’s important that it be looked at it from a wholistic approach. She said staff was looking at how the County compares to benchmarks, industry standards, and relative to its own trend line. She said she doesn’t think
it’s one way or the other, that it’s a wholistic assessment when that data is available to do that.

Commissioner Dunlap said he understands measuring against your own trend line, but in some of the areas, he questions whether or not the County really has the ability to control the actual impact. He said the County was measuring these things but realistically would the County really ever have the control to project the outcome. Commissioner Dunlap said if that’s the case he questions why the County really measures them. He said perhaps the Board might want to look at some other types of goals that it might want to achieve.

Commissioner Dunlap with respect to the Mental Health Index said his concern was that when the County eliminated the 16 or 18 beds, it delayed things. Also, when the County realized it just obtained the 80% goal. He said the question has been raised regarding whether or not there ought to be a sense of urgency on the Board’s part to do more dealing with our mental health issues and its impact on the jail. He said to him this should be an indication that rather than delaying, it’s something that we should actually be moving forward.

Area Mental Health Director Grayce Crockett said part of the challenge is that the provider the County contracted with has run into delays and will not be able to open those beds until May or June.

Director Crockett said there’s a group actively working on trying to come up with what an appropriate continuum would be for that sector of the jail population in need of mental health services.

Commissioner Cogdell with respect to the Health Index said he supports Commissioner Murrey’s comments regarding partnering with those in the Healthcare field and other organizations that work with specific populations.

Commissioner Cogdell with respect to the Trial Court Performance Index asked what was staff looking for to demonstrate the results. What criteria were being benchmarked to come to the conclusion that no results have been demonstrated. Director Johnson said there were basically six areas where the funds were allocated out of the $2.4 million. The biggest portion went towards the reorganization plan and when staff checks in with the respective court officials on implementation of various components of that plan for varying reasons there’s a lag. Director Johnson said staff was looking for some type of progress or action that had been executed in some of these areas where funding was allocated.

Commissioner Cogdell asked when was the first part of the $2.4 million allocated. General Manager Lancaster said the $2.4 million was allocated by the Board in January of this year, 2009. General Manager Lancaster said she would love to see any movement on the use of those dollars that staff has not seen expended, especially in the District Attorney’s Office. She said the Trial Court Index is a specific group of data that the Trial Court Administrator’s Office identified as measures that should show us if the investment the County has made is making a difference around case disposition time. She said these were standards that they set for themselves and that they’re not meeting any of those standards. General Manager Lancaster said she would get the Board the specific data regarding the entire index (Trial Court Performance Index) General Manager Lancaster said these were not things the County imposed upon the courts, but rather things the Trial Court Administrator’s Office worked on with staff to say that according to industry best practices these were the things they should be doing.

General Manager Lancaster noted that the measure is not directly tied to every component of funding for the court system.

General Manager Lancaster said the statement regarding no demonstrable results is related to the Trial Court Index.

Commissioner Clarke noted that the allocation of those funds was really not all Trial Court Administrative requests. He said it was really the priority set by the Task Force. General
Manager Lancaster said that was correct.

General Manager Lancaster reminded the Board that the $2.4 million that’s been discussed was not the total amount allocated to the court system, but it was an additional $2.4 million.

Commissioner Leake said she would like to know how much of the $2.4 million allocated for the Criminal Justice System has been spent. General Manager Lancaster said staff would provide that information to the Board.

Commissioner Leake asked about the Violent Crime Rate, the Domestic Violence Index and the Child Abuse Rate. Director of Community Support Services Stacey Lowry said the components of the Domestic Violence Index are protective orders, youth risk behaviors, law enforcement, and a perpetrator or batterer number.

Commissioner Leake asked for more clarity with respect to youth risk behaviors. Director Lowry said the data comes from the Youth Risk Behavior Survey that’s administered every other year to middle and high school students in Charlotte/Mecklenburg Schools (CMS). Further, that there are two questions included in the survey regarding domestic violence, those being whether the student has been a victim of physical violence and/or sexual violence. If a student answers positive, then they would be counted as part of the measure.

Commissioner Leake asked why the survey was not administered on the elementary level. Director Lowry said she didn’t know why. She does know that it’s a state administered survey.

Health Director Wynn Mabry said it’s possible that this was the population that CMS indicated they wanted to be surveyed.

Commissioner Leake asked what’s done with the survey data once it’s received. Director Lowry said because the domestic violence index has been under development, thus far, the committee has determined that this will be one of the measures to track and to set targets for next year, this as well as the other components, in order to get a broader picture of how we measure the effectiveness as far as domestic violence and doing things to decrease it.

Commissioner Leake asked in the years the survey has been administered and data gathered, what has been done to change behaviors. Director Lowry said to her knowledge from the County’s perspective nothing has been done with the data, but perhaps Charlotte/Mecklenburg Schools has. Director Lowry looked to Health Director Wynn Mabry for assistance in responding to this question.

Health Director Mabry said this was an instance where the County’s relationship with CMS is so “critical.” He said a lot of these issues are basically conveyed to the school health program. He said from the Health Department’s perspective once they get the new information and understand the trends that a joint meeting is held with the senior leaders of CMS, the Health Department, and Mental Health to discuss what the Health Department’s analysis was.

Area Mental Health Director Grayce Crockett said the data was viewed also from a mental health perspective as it relates to the number of students that report being depressed and/or suicidal and that as a result, they have worked with CMS in conducting a campaign entitled “Ask Me How I Am.” The goal of the campaign is to make sure that students know that it’s okay to ask for mental health help and how to do it. Director Crockett said other things that have occurred is that a video was done in partnership with the Junior League entitled “Through My Eyes,” which is part of a curriculum developed for ninth graders to help them understand mental health issues. She said there are also counselors in the school system and there will also be system of care intervention specialist that will be working in all of the Learning Communities to work with intervention teams to identify students that are at-risk to make sure they’re getting appropriate services.

Commissioner Leake with respect to the Child Abuse Rate noted the information comparing the county with the state and asked for a breakdown with respect to race, gender, what section of the
county was experiencing it more. General Manager Lancaster said what’s shown was all of the aggregate data that staff has but that staff would see what other data it may be able to provide as it relates to gender, age, etc.

Commissioner Leake asked what constitutes Child Abuse, was it physical abuse, psychological or what specifically. General Manager Lancaster said there’s specific language in the law with respect to what’s child abuse and that staff would provide that information.

Commissioner Leake said her concern with respect to all of these matters is outcome. Chairman Roberts noted that a lot of the measures were not things the County has control over. She said the County was part of the funding but not really part of the policy piece, thus it’s challenging.

Chairman Roberts said the Board needs to assess whether its goals were realistically possible or just understand that when 2015 comes there still may be red lights, or should the goals be changed.

Chairman Roberts said the Board needs to ask itself as it goes into its Strategic Planning Conference and budget deliberations, how much are we stretching. What impact does it have on employees? Chairman Roberts said if you know that you’re measured by, for example trial court performance, yet you don’t really have any impact over what the state Administrative Office of the Courts says and the Chief Justice of the Supreme Court says and etc. She said how do you have real measurable results based on what we control in an environment that we know is broader.

Chairman Roberts asked for clarification on the components of the Domestic Violence Index, with respect to protective orders, law enforcement, and perpetrator which was explained by Director Lowery.

Chairman Roberts asked who was the County comparing itself to the state average. Director Lowery and Helen Lipman with Community Support Services said the County was comparing itself to itself over time. Further, that there’s no one else doing what Mecklenburg County was doing.

Chairman Roberts said she would also like to receive more information regarding the Trial Court Performance Index.

Commissioner Dunlap asked about the renovation of the old courthouse. He said if we’re basically operating the same number of courtrooms that were operated years ago, he thinks it would be a prudent use of resources to not renovate some of those existing courtrooms because as we grow instead of having two – three District Attorneys in a courtroom they would have one in a courtroom like they use to and convince the Administrative Office of the Courts to provide additional judges and you wouldn’t really have a place to put them unless you put them in the old courthouse in the courtrooms that now exist. He said it wouldn’t make sense to use that money to renovate.

Commissioner Dunlap asked whether the goals change with changes in the population. Director Johnson said some do and some do not.

Commissioner Dunlap said he concurred with Chairman Roberts that the Board may want to take a look at what its really asking staff to measure and determine if that’s what it wants staff to do.

Commissioner Clarke said what the County was doing was measuring its own performance and also measuring where the community was relative to these measures. He said red lights sound like a terrible thing, but that they tell you something, such as where we have work to do.

Commissioner Clarke with respect to the $2.4 million allocated to the criminal justice system,
said everyone was concerned about that and wants to know why it hasn’t had some immediate effect but that’s really not what the County was measuring. Further, the funds were allocated in January of this year, 2009 and that you really wouldn’t have expected that the additional staff would be on board and able to begin to make a difference until at least six months after the funds were allocated. Thus, it’s not even measureable in this year.

Commissioner Clarke asked was it correct that the Board was not really looking at the correct year when it comes to measuring the allocation of the $2.4 million. Director Johnson clarified that there are two pieces to this issue 1) there’s been no progress on the Trial Court Performance Index, 2) there has been limited progress with regards to the spending of the $2.4 million.

Commissioner Clarke said spending the $2.4 million sounds like it would be an easy thing to do, but that there’s a state process that you have to go through, which can be difficult. Commissioner Clarke said it has to be kept in mind that there is no Mecklenburg County court system, that it’s a state system.

Commissioner Clarke noted that one thing the Criminal Justice Committee was trying to come up with was a master agreement with the Administrative Office of the Courts, so that when the Board decides to put additional resources into the state court system, there is a pre-established procedure for that and that it’s not a nod of approval process by the Administrative Office of the Courts each time.

Chairman Roberts asked would it require legislation. Commissioner Clarke said it would not but it would be an agreement between the County and the Administrative Office of the Courts.

The Board then participated in an exercise where they were asked to assign chips to specific program categories. Each Commissioner was allowed 28 chips.

Director of Budget/Management Hyong Yi explained the exercise. The Commissioners were instructed that if they could focus their energy on something or county government efforts on something, which program category or categories would they place their chips on.

When the Board completed the exercise, Director Yi went over the results. Director Yi said the results of the exercise tell staff what’s important and what the Board wants staff to emphasize on. Director Yi said this information will help staff in developing information for the Board’s Strategic Planning Conference.

Point of Personal Privilege

Commissioner Cooksey took a moment of personal privilege to respond to the County Manager’s comments made at the beginning of the meeting regarding the e-mail about Mr. Lomax.

Commissioner Cooksey said he appreciated the County Manager’s comments and his willingness to call Mr. Lomax to speak with him personally. Commissioner Cooksey said he thinks that addresses one of the grieved parties in this equation. He said it partially addresses another entity, the public at large. He said the public at large needs to know that the Board is accessible to them and is willing to listen to their concerns and grievances.

Commissioner Cooksey said he was the one who encouraged Mr. Lomax to come to the County Commission and speak his mind and that he encourages all citizens to do that when they have a concern.
Commissioner Cooksey said he doesn’t want anything in the County Manager’s e-mail exchange to discourage any citizen from coming to the County Commission and speaking their mind.

Commissioner Cooksey said the third category of parties that he’s concerned about is county employees. Commissioner Cooksey said county employees need to be encouraged and need to know that they have an avenue to express concerns about the way the County is managed. He noted that the County just set up an anonymous report line for those concerns to be expressed. He said staff has assured the Board that those concerns would be addressed appropriately.

Commissioner Cooksey said he would encourage the County Manager to reach out to the employees and reassure them that there’s not retaliation for coming forward with concerns. He said he thinks this is an important message that should continue to be said.

Commissioner Cooksey thanked County Manager Jones for his opening comments, but that he can’t help but emphasize that if wrong doing is seen on the part of other county employees that needs to be reported up through the chain and needs to be dealt with.

**Commissioner Leake** took a moment of personal privilege to respond to the County Manager’s comments made at the beginning of the meeting regarding the e-mail about Mr. Lomax.

Commissioner Leake said her concern is that a lot of times there’s a “witch hunt,” meaning that people will perceive that there are problems when there are not. Commissioner Leake said “we can aggravate situations that are not there.”

Commissioner Leake said she feels that if people are “big enough” to make a complaint or have an issue that they should sign their name. Commissioner Leake said anyone who doesn’t sign their name is “file thirteen” for her. Commissioner Leake said when you have a large body of employees that everybody is never going to be “satisfied.”

Commissioner Leake said she would hope that the Board would allow the County Manager to be the County’s administrator and not “hold anything over his head,” that would indicate that he then may be “strained” with, in dealing with issues, because of the perception something is going on when it really isn’t.

Commissioner Leake said when change comes about “people always criticize and find something wrong.”

**Commissioner Murrey** took a moment of personal privilege to respond to the County Manager’s comments made at the beginning of the meeting regarding the e-mail about Mr. Lomax.

Commissioner Murrey said he agrees with Commissioner Cooksey that the message needs to “get out” that the Board is accessible, as well as, County staff and that there won’t be retribution.

Commissioner Murrey said he appreciated the County Manager acknowledging his mistake and apologizing and speaking personally with Mr. Lomax. He said that was the right thing to do and that it shows good leadership. Further, that he appreciates that it won’t happen again and that we all make mistakes from time to time and that this one, when you look in retrospect, it was. He said he feels the County Manager has taken the appropriate steps and that the Board should move on.

**Commissioner Dunlap** asked about the results of the survey and what does it mean for those program categories that received more or less chips and how that will impact the budget next year. **Director Yi said he couldn’t answer that specifically at this time but that based on the exercise, that staff will go away with the impression that out of all of the program categories listed for Community Health and Safety, the three areas of emphasis for the Board are Adult Mental Illness Prevention and Protection, Jails and Detention Facilities, and Substance Abuse Prevention and Treatment.**
Commissioner Dunlap said the three program categories that received the most chips in his opinion could really be classified as one area because they’re all interrelated. Thus, he would not want the Board to lose sight of some of the other areas that received lesser chips that may also be important.

This concluded the discussion.

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

**ADJOURNMENT**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 4:55 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at 6:00 p.m. on Tuesday, November 10, 2009 at 6:00 p.m. at ImaginOn: The Joe & Joan Martin Center, in the Wachovia Playhouse, Main Level, located at 300 East Seventh Street, Charlotte, N.C.

ATTENDANCE

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

Absent: Commissioners Karen Bentley and Bill James

The Board met in joint dinner session with the Public Library of Charlotte & Mecklenburg County Board of Trustees.

The purpose of the meeting was to receive a presentation on the Public Library of Charlotte & Mecklenburg County (PLCMC) Draft Facilities Master Plan.

The meeting was called to order by Library Board Chairman Darrel Williams.

Board of Trustee member Bob Bisanar gave the Invocation, which was followed by dinner.

Following dinner, the presentation began.

Library Board Chairman Williams said the Library Board and staff understand the budget challenges the County continues to have in light of the current economy.

Library Board Chairman Williams reminded the Board that the Library Facilities Master Plan was recommended and funded by the County, which is why the Library Board wanted to share the draft of the Plan to receive input, prior to the Library Board’s vote on it.

Library Board Chairman Williams called on Director of the Public Library of Charlotte & Mecklenburg County Charles Brown to present the Draft PLCMC Facilities Master Plan. The following was covered:

• National Awards received by PLCMC
• Knight Foundation Announcement
• Projects funded through Bonds, COPs, and Private Donations 1985-Present
• Current Projects
• Planning Ahead
  o Facilities Master Plan Process
  o Those involved
  o The Methodology
  o Results of Survey
• Population Growth
• Joint Use Success Stories
• Joint Use Challenges
• Leasing vs. Owning
• Phases of the Facilities Master Plan and costs (It was noted that the original Facilities Master Plan was a fifteen year plan, but it’s been extended out to a twenty year plan.)
• Prioritization Process
• Existing Library Locations
• Update on Main Library Redevelopment

Comments

Chairman Roberts asked about partnering with Charlotte Mecklenburg Schools (CMS). Response: The concept of having a public library in a school seems logical and appropriate, but it’s challenging in some instances because school libraries and public libraries have different missions. School libraries are more structured and bound by local value. Public libraries reflect local value but are more open in terms of what they can be. There are also desired location differences. Often schools aren’t visible or located in high traffic areas, contrary to public libraries that prefer to be in these types of areas. Also, there are some adult library patrons, parents with young children, and caregivers of young children who find teens intimidating. Safety and security can also be a problem. It was noted there are very few instances on a national level where joint use facilities for schools and libraries has worked well.

Commissioner Cogdell asked about the Independence Regional library site, in lieu of the possibility of a library at the Eastland Mall site. Response: The intent would be to sell the current Independence Regional site and build another library in that general vicinity but not across from East Meck High School. The new facility would not have the designation of a regional library. The regional designation would be applicable to a site at Eastland Mall.

Commissioner Dunlap commented on joint use with the school system from the concept of buying land, placing a school and a library, separate and apart from each other, but on the same property; that could also possibly do something with park and recreation. He said especially if it’s on a main thoroughfare.

Commissioner Dunlap asked about the Library’s experience at the Sugar Creek Branch on North Tryon Street versus the one in the school. Response: The Sugar Creek Branch on North Tryon Street has been very successful. The only drawback is the location of the branch within the joint facility. The preference would have been for it to be located more to the front of the building, thus a little more visible. Director Brown said this was not a criticism because the branch has been a success at that location.

Director Brown acknowledged and thanked Commissioner Leake for her encouragement that better signage be placed at the site, which was done and has proven to be a good thing to do.

Commissioner Dunlap asked about plans to expand the University City library. Response: The library is pretty much landlocked at the University City site. What the Library would like to do is work in partnership with University City Partners in the possible redevelopment of the University City area. It’s felt the current location is a very marketable space. It has a very interesting real estate arrangement because the Library doesn’t own the land the library is on but it does own the building. It’s felt the hospital may have an interest in the current location, which would allow the Library to build another larger building near by.

Commissioner Dunlap commented on partnering with other entities in terms of opportunities other than that of joint facilities, such TV production. He referenced past discussions about the library combining with CMS when it comes to TV production. He consideration should be given to other possible opportunities.

Commissioner Dunlap in response to Director Brown’s concern about joint use with the schools
and how the Sugar Creek Branch on North Tryon Street was not situated correctly, asked were there other areas the Library feels the County might consider consolidating that might negatively impact the public library going forward. **Director Brown clarified that he was pleased with the success of the Sugar Creek Branch. He said his only concern was where it’s located within that joint use facility. Director Brown noted the Library’s success in working with Park and Recreation and Central Piedmont Community College and cited examples. Director Brown said if the location is right, the Library can work successfully almost with any other entity.**

Commissioner Dunlap said his concern was for libraries to be used to their fullest potential as the Library moves forward. He said the Library shouldn’t be put in a position where it feels like it has to accommodate someone else if the library is not going to be used to its fullest potential.

**Director Brown** addressed libraries being on the same property as a school. He cited the Highland Creek area as an example. He said there’s not a library in this area besides University City which is about ten miles away. He said he was very excited when he came on board six years ago to know that land had been set aside for an elementary school, a middle school and a public library off of the Highland Creek Parkway. He said five years later and recently when he went out to view the site, what has happened is that the prime location had been taken up by the schools. He said the little strip of land that’s been left for the library would create a very challenging architectural design and make parking a challenge. He noted also that Highland Creek Parkway is not that heavily travelled at 11:00 a.m. in the morning as one may think in light of the population density in this area. He said very often with schools the library becomes the junior partner in terms of site location on a campus.

**Commissioner Cooksey** asked for an update on the proposed redevelopment of the main library block, and what if any public money is expected for that project, which was addressed. The following was noted:

- The current site is a highly desirable site for redevelopment, however, developers don’t have any money for redevelopment at this time.
- The cost for the new 200,000 square foot main library would cost about $250 - $300 per square foot for about $90 million - $100 million.
- Private and public funding would be needed.
- The project is on hold, in light of the economy.

**Commissioner Clarke** asked about development of the northwestern part of the county. He said there appears to be a gap between Mountain Island and Beatties Ford Road. Commissioner Clarke said he thinks consideration needs to be given to this area of the county.

**Commissioner Murrey** commented on looking out into the future, say twenty years from now and asked what’s the prospect of revisiting this plan and how often, because clearly no one knows what the community will look like in twenty years.

Commissioner Murrey said he concurred with Commissioner Clarke’s comments about looking at service needs in the northwest corridor and especially if 485 gets completed.

**Director Brown** said the Plan was a very flexible plan and the intent is to review it every two – three years. It was noted that the thought was that the Plan would address development in this area, although it’s not firm in the Plan at this time.

It was noted further that the goal of the Plan whether now or in the future, is to ensure access, convenient access, to library services for every resident of Mecklenburg County. Convenient meaning, visible, well located, easy to get to on major routes and that it is no more than a 10-15 minute drive, regardless of the mode of transportation.

**Commissioner Leake** thanked Director Brown and the library staff for being so responsive.
Chairman Roberts thanked the Library Board and staff for having the Board over and sharing the draft of the Master Facilities Plan. She said the Board looks forward to continued dialogue between the two bodies.

Library Board Chairman Williams thanked the Board as well for coming.

This concluded the discussion.

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

**ADJOURNMENT**

There being no further business to come before the Board the meeting adjourned at 8:10 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman
NOVEMBER 17, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, November 17, 2009.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS – NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session:

Tax Parcels 080-063-01, 080-063-04, 080-063-08, 080-063-09, 080-063-10 and portions of 080-063-11 and 080-063-12 for approximately 2.5221 acres consisting of all tax parcels 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14, 080-021-15 and portions of 080-021-05 and 080-021-07 (or, in the alternative, for approximately 2.3858 acres consisting of all said properties except 080-021-10) all located in First Ward in Charlotte, Mecklenburg County.

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

The Board went into Closed Session at 5:11 p.m. and came back into Open Session at 7:05 p.m.
(3) **REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 10, 11, 15, and 16.

_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 Bentley, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.*

**CITIZEN PARTICIPATION**

**AWARDS/RECOGNITIONS**

**(1B3) H. L. MCCROREY YMCA SENIOR AFRICAN DRUMMERS**

The Board recognized and congratulated the H. L. McCrorey YMCA Senior African Drummers for receiving gold medals in the Silver Arts category of Performing Arts for the best large instrumental group in the State of NC regarding African drumming at the N.C. State Senior Games held in Raleigh, NC on September 25, 2009.

Commissioner Leake introduced the group.

The Board presented a Certificate of Achievement to the group, which was received by Deborah Scott, the group’s leader.

Members of the group were present and rendered music.

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

**PROCLAMATIONS AND AWARDS**

**(1A1) NATIONAL ADOPTION AWARENESS MONTH**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation recognizing November 2009 as “National Adoption Awareness Month” in Mecklenburg County.

_The proclamation was read by Commissioner Cogdell and received by Tamara Nelson with the Department of Social Services._

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

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

**(1A2) HOMELESS AWARENESS MONTH**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts
voting yes, to adopt a joint proclamation designating November 2009, as “Homeless Awareness Month” in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Dunlap and received by Roxianna Johnson, Housing Resources Coordinator for Area Mental Health and chairperson of Homeless Services Network and Liz Clasen-Kelley with the Urban Ministry Center and Homeless Helping Homeless.

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

Commissioner Clarke returned to the dais.

AWARDS/RECOGNITIONS

(1B1) PARK AND RECREATION ACCREDITATION

The Board recognized the Park and Recreation Department for receiving Accreditation.

Director of Park and Recreation Jim Garges addressed the accreditation process.

Note: Accreditation is a distinguished mark of excellence that affords external recognition of an organization’s commitment to quality and improvement. Accreditation has two fundamental purposes: to assure quality and to assure improvement. The National Recreation and Park Association administratively sponsor two distinct accreditation programs.

The Commission for Accreditation of Park and Recreation Agencies (CAPRA) provides quality assurance and quality improvement of accredited park and recreation agencies throughout the United States. CAPRA is the only national accreditation of park and recreation agencies, and is a valuable measure of an agency’s overall quality of operation, management, and service to the community. Agencies accredited by the standards set forth by CAPRA have demonstrated not only that they meet the standards for a quality operation but also that they have the professional competence and commitment and the community support to complete the rigorous process of accreditation. Mecklenburg County Park and Recreation Department is one of only 88 recreation agencies in the U.S. to be accredited.

(1B2) PARK AND RECREATION ENVIRONMENTAL AWARD

The Board recognized the Park and Recreation Department for receiving the Barb King Environment Stewardship Award from the Nation Recreation and Parks Association (NRPA).

Director of Park and Recreation Jim Garges addressed the award.

Note: Mecklenburg County Park and Recreation Department became the first agency in America to win the Barb King Environmental Stewardship Award. This Award is presented by the National Recreation and Parks Association (NRPA). The Award recognizes outstanding efforts for environmental protection and energy-conservation.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(19) RECOGNITION OF THE BERLIN AIRLIFT AND THE UNIFICATION OF GERMANY (CHAIRMAN ROBERTS)

The Board received a presentation from the German business and cultural community recognizing the efforts of the United States of America during the Berlin Airlift and the
unification of Germany.

Note: The German business and cultural community in Mecklenburg County presented the Board tokens of appreciation from the German business and cultural community and all German citizens in Mecklenburg County.

(2) PUBLIC APPEARANCE

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

Christopher Harper addressed a program he’s with called Job Exposure Talent & Training Institute (JETTI). Mr. Harper said JETTI began in 2002 to focus on brainstorming and mind mapping solutions to the community’s educational challenges. Mr. Harper said JETTI believes based on all of its research and the things they’ve done, that the best way to take care of our students and address the problems in the educational system is through talent development coaching/talent development tutoring. He said it’s academic tutoring with a twist. Mr. Harper said JETTI is currently in the process of raising funds to provide free talent coaching/tutoring to any student in the County regardless of where they go to school. Mr. Harper encouraged the Board to get involved with JETTI.

(3A) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Frances Huntley-Christopher to the Adult Care Home Community Advisory Committee for a one-year term expiring November 30, 2010.

She is replacing Carol Barry.

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, Murrey and Roberts voting yes, to reappoint Trent Haston to the Building Development Commission as the National Association of Remodeling Industry representative for a three-year term expiring November 30, 2012.

HISTORIC LANDMARKS COMMISSION

The following persons were nominated for appointment consideration to the Historic Landmarks Commission:

Paula Lester
Raymond McGill
Michael Mulder
John Kenneth Pursley
Michael Schubert
Gerald Williams

Note: An appointment will occur on December 1, 2009.
NOVEMBER 17, 2009

(3B)  N.C. BLUMENTHAL PERFORMING ARTS CENTER BOARD OF TRUSTEES

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Chairman Roberts as the Board member to serve on the N.C. Blumenthal Performing Arts Center (NCPAC) Board of Trustees.

(4)  PUBLIC HEARINGS – NONE

(5)  ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6)  MANAGER’S REPORT – REPORT AUDIT REVIEW COMMITTEE

County Manager Jones said his report would be the receipt of a report from the Audit Review Committee, per their meeting held today. He then called on Commissioner Murrey, chair of the Audit Review Committee.

Commissioner Murrey said the report would cover three areas: 1) The Single Audit Report by the County’s outside Audit firm, Cherry, Bekaert and Holland, 2) Department of Social Services (DSS) Voucher Program and 3) the Giving Tree Program.

He then called on outside auditor Eddie Burke with Cherry, Bekaert and Holland to summarize the findings of the Single Audit. Mr. Burke was assisted by Collin Hill of his firm.

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

Comments

Commissioner Murrey asked was the following summary statements correct based on the larger report that was presented to the Audit Review Committee:

- There were some accounting issues that were not really material, that lead to some adjustments that were not material to the overall statements that they reported to the Board on.
- There were the previous issues that have been discussed extensively regarding DSS and disbursements.
- There was a new item that had to do with the Juvenile Crime Prevention Council Program that previously had been under the threshold that required monitoring, but is now above that threshold and requires monitoring but unfortunately that monitoring was not written into the contract once the amount crossed over the threshold.

Mr. Burke said Commissioner Murrey’s statements were correct.

Commissioner Murrey thanked the Auditors for their work.

Commissioner Leake asked for clarity with respect to the WIC Program. Mr. Burke addressed the receipt of WIC funds by the County and how those funds are monitored. He also addressed their findings with respect to WIC funds.

Commissioner Leake asked about the findings with respect to disbursements. The response was that the issue had to do with timing as it relates to compliance with policy.
Commissioner Cooksey asked how many areas of the County were authorized to make disbursements. Finance Director Dena Diorio said the County has one checking account to make disbursements from and the Sheriff’s Office has its own checking account.

Commissioner Cooksey asked if it was correct that all disbursements go through County Finance. Finance Director Diorio responded yes, all checks are cut by Finance.

Commissioner James addressed cash receipts and disbursements across the county.

Commissioner James said he doesn’t know how many other areas of the County have finance departments, but his understanding is that staff will be reporting on this in the near future.

Commissioner James said he thinks it’s important for the public to understand that the County’s review of cash receipts and disbursements goes beyond DSS. Also, that the County is following the external auditor’s recommendation that it be reviewed from a county-wide perspective.

Commissioner James asked if it was correct that the County only has one checking account but there are a variety of departments that aren’t necessarily under the control of Finance Director Diorio that make disbursements. Finance Director Diorio said with respect to DSS, they had their own checking account but that has since stopped. She said in terms of processing disbursements, the County is decentralized in that area. For example, individual departments have their own finance functions, where they buy goods or services, they receive the invoices, process them, and send them to County Finance for approval and payment.

Commissioner Murrey noted for the record that the Audit Review Committee accepted the Auditor’s Report and Management’s response.

Commissioner Murrey then called on Internal Audit Director Cornita Spears to report on the Youth and Family Services Voucher audit, a follow-up to a previous audit that was performed.

Internal Audit Director Cornita Spears addressed the scope of their audit and the findings.

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

Comments

Commissioner Murrey asked if it was correct in terms of the Voucher program at this point, that everything has been reviewed and there was some bookkeeping that wasn’t as good as it could have been, but no misappropriation of funds has been found. Also, that the Voucher program has been stopped. The response was yes, that’s correct.

Commissioner Murrey then asked Director Spears to comment on the report/information given at the Audit Review Committee meeting regarding the Giving Tree Program.

Director Spears referenced a memorandum dated November 17, 2009, addressed to General Manager Michelle Lancaster regarding follow-up and clarification to the June 4, 2009 audit report, per a request from General Manager Lancaster. The following was noted and is included in the memorandum:

- “In its review, Internal Audit performed a reconcilement of $162,289.74 in checks issued February 5, 2008 through December 23, 2008 to documents submitted by the employee as support for the expenditure of funds. The reconcilement disclosed a difference of $23,310.90.”

- “Documentation review indicates three official checks and cash, all totaling $33,776.23, were remitted to the County in February and March 2009.”

- “The employee indicated the payments were to return monies that were unspent; pay for
personal purchases that were inadvertently included amongst receipts dated as far back as March 2008; and reimburse the …”

• “According to the employee, the unspent funds that were remitted included $10,000 for the check issued by the County on December 19, 2008, and an additional $10,000 for the check that was issued by the County in January 2009 subsequent to the audit period.”

• “While Internal Audit adjusted out all items that were marked as personal when we did the audit so that the totals were comprised only of those transactions which were deemed business related by the purchaser, we did not apply the reimbursements received to the reconciling difference. Application of the payments results in a full accounting of the $162,289.74 through either documentation or remitted funds.”

• “As a matter of clarification, our audit accounted for the $30,000 donated to Salvation Army via documentation from the agency, but was unable to provide assurance to which the remaining funds were expended for the purposes intended or the extent to which misappropriation may have occurred due to the concealment and alteration of transactional information, unavailability of original receipts, inadequate control over the purchasing and inventory processes, and insufficiencies in recordkeeping.”

• The funds that were reimbursed by the employee do not impact the audit outcome.”

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

Director Spears concluded by saying the purpose of the memorandum was to inform the Board that as a result of information received last week, Internal Audit has gone in and reviewed its work and has adjusted the reconciling difference; and as a result of the reconciling difference, Internal Audit can now say it has an accounting of the dollars, but that overall Internal Audit still has issues relating to the documents that were submitted in support of the expenditures that were made to the various vendors.

_Comments_

_Commissioner Murrey_ asked was it correct that the repayment occurred in February and March of this year. _The response was yes._

Commissioner Murrey questioned why the statement was made that it was not until last week that this information became known to Internal Audit. _The response was that there was a clarification of those payments. Further, that when Internal Audit received this information they were informed that everything that had been repaid was for the repayment of personal purchases, and all those items had been denoted in the documentation they received. When Internal Audit went in to do their work they adjusted the transactions for all of the items that were denoted as personal purchases. When they received the information last week it was a “little bit” different. Director Spears said she then went back to revisit to make sure everything balanced and that when they did go through and add up all of the adjustments they had made to make sure it balanced out and it did not._

_Commissioner Murrey_ said as chair of the Audit Review Committee, he has to inform the Board that Director Spears’ conclusion that no material difference in the outcome of the audit is very different from the conclusion of the Audit Review Committee.

_Commissioner Murrey_ for clarity purposes asked was it correct that there was $162,000 disbursed to an employee and due to the suspicious nature of some of those transactions the audit was undertaken to review all of those disbursements. _The response was yes, that’s correct._

_Commissioner Murrey_ asked was it correct that at this point all of that money is accounted for. _The response was yes, that’s correct._
Commissioner Murrey asked was it correct that the report made by Internal Audit six months ago stating that the money was not accounted for was due to a failure to account for those repayments back in February and March. The response was yes, that’s correct, based on the information received today.

Commissioner Murrey said thus, it was an error in the accounting in the analysis that lead the Board to report to the public that $23,000 of that $162,000 was in fact missing or unaccounted for when in fact that was never actually the case.

Commissioner Murrey asked if all of the big ticket items that have been previously reported on, such as, the DVD player, diamond earrings, leather jackets that were purchased for graduation presents for foster children and the like, that all of those items have been accounted for as well and are in the custody of the County. Director Spears said that’s her understanding. County Manager Jones’ response was yes.

Commissioner Murrey said the Audit Review Committee is “pretty disappointed” that this has happened.

Commissioner Murrey said he hopes Director Spears understands and Internal Audit as a whole, how significant this accounting error is. He said he realizes $23,000 in the scope of a large budget may not seem like much, but when you have a previous report that states $23,000 couldn’t be accounted for and ended up “dragging” DSS and County government through a lot of scrutiny based on that, it’s not a small matter.

Commissioner Murrey said the competency of DSS and the County’s stewardship of public funds were called into question by the public and “rightly so.”

Commissioner Murrey said to find out now that this was never the case (unaccounted for funds) is sort of a “mixed blessing.” Commissioner Murrey said he’s happy to report that after a thousand + hours of work that the funds are all accounted for and that appropriate authorities are pursuing an investigation of the only suspicious activity that was identified. He said the audit findings have been turned over to the authorities, the Charlotte/Mecklenburg Police.

Commissioner Murrey said he can’t help but be “baffled” by Internal Audit’s erroneous report. Commissioner Murrey said one finding that came out of the audit was that more staff was needed in Internal Audit. He said the County needs to have oversight and audits and needs to continue to improve, but “if we’re going to cite County departments for mismanagement, we better be darn sure we got it right.”

Commissioner Murrey said when “wrong doing occurs we have to unearth it and provide transparency and clarity” and although the County has been making every effort to be transparent about this matter, he’s afraid that what has happened is that the public has been made more confused; and it has further jeopardized their faith in County government.

Chairman Roberts asked since there is still an on-going investigation around the Giving Tree Program, can staff address the amounts of those checks and the amount of that cash and how that was reconciled. Deputy County Attorney Tyrone Wade said it would not be appropriate to specify on the amounts, other than what has already been made available to the public.

Commissioner Bentley said she shares the concerns expressed by Commissioner Murrey and is also disappointed that this new finding was not known until now. Commissioner Bentley said she doesn’t understand the internal process that would allow this type of occurrence to happen.

Commissioner James said the Board is trying its best to get to the core of this issue.
Commissioner James said it’s not enough to just say the money was missing and it was repaid, because ultimately what has to be fixed is “why it was allowed to go missing in the first place.”

Commissioner James said he is hopeful with the change in the control environment and the review of all cash receipts and disbursements that the County will be in a position to have some concrete answers and some concrete changes to how the County does business.

Commissioner Cooksey said he had a suggestion to propose to the Board that would hopefully help restore public confidence in the way the County does its business; but that first he would like to address the e-mail exchange from one of his constituents.

Commissioner Cooksey said recently there was an article in the newspaper concerning an e-mail that one of his constituents (Harry Lomax) sent regarding concerns he had around this DSS matter. Commissioner Cooksey said Mr. Lomax’s e-mail was forwarded to his employer (Bank of America) by the County Manager asking the official to whom he sent the e-mail, if they knew who Mr. Lomax was.

Commissioner Cooksey said without further information it’s impossible to determine the County Manager’s motivation in sending that e-mail. Commissioner Cooksey said you can only speculate.

Commissioner Cooksey acknowledged that the County Manager has appropriately and properly apologized for sending the e-mail to Mr. Lomax’s employer. However, Commissioner Cooksey said it remains a fact that there are a lot of issues coming out of DSS. Commissioner Cooksey said he, as well as other commissioners have received numerous anonymous letters and e-mails from persons claiming to be current and former employees of DSS concerning alleged improprieties in DSS under the tenure of the current DSS director Mary Wilson and prior to her arrival.

Commissioner Cooksey said from the number of complaints received, he feels many employees feel threatened or frustrated from asserting their complaints under the existing channels available to them.

Commissioner Cooksey said based on the report regarding the Giving Tree Program, there appears to be a lack of coherence and a lack of unified direction in investigations within the County. Commissioner Cooksey said the County has many people working in those directions but no single person in charge of those investigations.

Commissioner Cooksey said in light of these facts, he has drawn the following conclusions:

- The County Manager did not engage in a “witch hunt” to find the identity of Mr. Lomax, but regardless of the County Manager’s motivation, it was wrong of the County Manager to forward Mr. Lomax’s e-mail to his employer.
- The County Manager has apologized to Mr. Lomax, which was accepted by Mr. Lomax, and likewise, so should the Board.
- The County Manager’s action of forwarding the e-mail has aspirated fear among employees that their complaints will not be properly investigated and that they may be subject to retaliation.
- The entire DSS situation continues to cause the citizens of Mecklenburg County to have doubts as to whether their tax dollars are being spent appropriately.
- Given these developments, the County has much work to do to restore the confidence of citizens and its employees.
- In many ways the County has acted appropriately. (Actions taken were noted.)
- The problem remains that these investigations have not been conducted in a coherent and unified manner. Further, there’s no single person responsible for conducting investigations and reporting the results of those investigations to the Board.
Commissioner Cooksey said given the points he outlined, he would like to propose consideration of establishing an ethics officer position that would report directly to the Board. The ethics officer’s job would be to investigate and make a report of all allegations concerning abuse of the public’s trust.

Motion was made by Commissioner Cooksey, seconded by Commissioner James, to adopt the following:

Whereas, recent financial irregularities in the Department of Social Services and the County’s handling thereof have shaken the public’s confidence in the County’s handling of their tax dollars;

Whereas, it appears that there is reluctance on the part of some employees of Mecklenburg County to report concerns through the regular channels;

Whereas, the Board of Commissioners deems that it is of utmost importance that the citizens of Mecklenburg County have confidence that their tax dollars are spent wisely and that the affairs of government are run properly;

Whereas, the Board of Commissioners encourages all employees to report allegations of the misuse of County funds or other irregularities, and reaffirms its commitment that no employee should be retaliated against for doing so;

Whereas, the Board of Commissioners desires to have the Effective and Efficient Government Committee review the County’s policies and procedures for handling “whistleblower” complaints and to make recommendations to the Board regarding the improvement of the same; and

Whereas, the Board of Commissioners desires to explore the possibility of appointing an Ethics Officer for the County.

Now Therefore, Be It Resolved, that the Effective and Efficient Government Committee address and consider the following issues and make a report and recommendations to the Board with respect thereto within eight (8) weeks of the date of this resolution:

1. The encouragement of reports to the Ethics Hotline and other methods of reporting potential ethics violations;
2. The handling of reports of ethics violations, including reports on the Ethics Hotline.
3. Designation and responsibilities of the Ethics Officer
4. Reporting relationship of the Ethics Officer
5. Resources available to the Ethics Officer

Commissioner Cooksey said his thoughts (which were not a part of the motion) with respect to the Ethics Officer would be as follows:

- The Ethics Officer should report directly to the chairman and the ranking member of the ethics committee.
- With the consent of these two members, the Ethics Officer would have authority to engage appropriate County or outside resources to conduct investigations.
- Although the Ethics Officer may delegate all or a part of investigations to others, the Ethics Officer would be ultimately accountable to ensure that the investigations have been conducted fairly and professionally.
- The selection in terms of employment of the Ethics Officer would be established by the Board.
- The Ethics Officer would periodically report its findings to the Ethics Committee, which would in its discretion, refer matters to the Board.

Commissioner Cooksey said he believes these steps are necessary to restore the public’s trust and confidence in the efficiency and effectiveness of Mecklenburg County Government.

Commissioner Clarke said he thinks it’s a good suggestion. He noted that it may cost somewhere
in the range of $150,000 to $250,000 to add the position to the County’s budget.

Commissioner Clarke noted that one of the problems the Board has is how to handle anonymous e-mails and letters that allege a lot of improprieties and state a lot of conclusions about peoples actions that are difficult to investigate or talk to the person about because you don’t know who to respond to. Commissioner Clarke said hopefully an Ethics Officer would have the ability to investigate and respond.

Commissioner Clarke said he supports sending it to the Effective and Efficient Government Committee.

Commissioner Cogdell posed the question of whether the Board was “over reacting” or responding to something that does not need this degree of response. Commissioner Cogdell said he doesn’t feel that he’s heard anything to justify taking this type of action at this point.

Commissioner Cogdell noted that he too is disappointed regarding the recent discovery with respect to the unaccounted for funds. He said the Board should have found out about this months ago. Commissioner Cogdell said it’s unfortunate and inexcusable, but none the less, when you put it into perspective, he feels the Board is responding to something because of the sensationalized media coverage of the Giving Tree Program incident.

Commissioner Cogdell said he thinks things should be kept in perspective. Also, that he has not seen evidence of pervasive unethical behavior in County Government as an organization. He said that’s not to say the County can’t be proactive in looking at a position of this nature, but he doesn’t want it to be under the context that things are “so wrong” in County government.

Commissioner Murrey said he doesn’t think the problem is necessarily one of a lack of ethics but rather a lack of compliance. Commissioner Murrey said the focus needs to be on how to handle lapses in compliance.

Commissioner Dunlap said he’s not sure if an Ethics Officer is needed, because he concurs with Commissioner Murrey that the issue the County has is not one of ethics but of compliance.

Commissioner Dunlap said it is however a discussion worth having in terms of how to restore the public’s confidence in how the County does business.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey, to refer to the Effective and Efficient Government Committee consideration of steps necessary to restore public confidence in the ethics and competence of Mecklenburg County Government.

Commissioner Cogdell said the wording of the substitute motion implies that there’s not public confidence in Mecklenburg County Government, which he disagrees with.

Commissioner Cogdell offered a friendly amendment to the substitute motion, which was accepted by the makers of the substitute motion, that it be worded to say … steps necessary to address issues of public confidence, rather than to restore public confidence.

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

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to refer to the Effective and Efficient Government Committee consideration of steps necessary to address issues of public confidence in the ethics and competence of Mecklenburg County Government.

Note: The above is not inclusive of every comment regarding this item but is a summary.
County Manager Jones said staff made an unacceptable error, which he, too, just became aware of on yesterday. He said he’s disappointed that this error was not caught earlier, because as a result, for the last six months the County has been ostracized, criticized and villavide. County Manager Jones said he was surprised to learn what he did from the Internal Audit Department and as County Manager his job is to work in such a way that he fixes the problems. He said he feels that’s the expectation that the Board has of him.

County Manager Jones said the whole DSS issue has totally preoccupied management. He said it has forced him, his staff, County Finance, and others to focus their attention on that issue and ignore other critical issues.

County Manager Jones noted that a month ago the Board approve his management plan for next year, but that at this point, he’s thinking that he may need to bring it back to the Board to say that he doesn’t see how he can achieve any of those goals in the fashion that he should in light of the time that has been spent on DSS.

County Manager Jones concluded his remarks by saying “who does not want ethics in government.” “Who does not want the citizens of this community to have confidence in what you do.” He continues to believe that “we’re working to achieve our goal, our mission, which is to be the best local government service provider; and we do “darn” good jobs,” “We’re the best in the country at flood mitigation.” “We’re the best in the country at greenways.” He believes that “we are the best in the country at transparency in government, in spite of the criticism that we get.”

County Manager Jones said Mecklenburg County has competent, professional, and committed staff.

CONSENT ITEMS

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 10, 11, 15, and 16:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 4, 2009; Budget/Public Policy held October 13, 2009; and Closed Sessions held November 4, 2009, October 6, 2009, and July 7, 2009.

(8) STRUCTURED DAY PROGRAM BUDGET AMENDMENT (INCREASE)

Recognize, receive and appropriate $34,598 in additional state funding for the Structured Day Program (SDP).

Note: Funds will be used to expand housing options, educational and vocational opportunities and psychiatric services for offenders. The Structured Day Program is a day reporting center for probationers residing in Mecklenburg County.

(9) RECORDS RETENTION AND DISPOSITION SCHEDULE – SHERIFF’S OFFICE

Approve Records Retention and Disposition Schedule Amendment for County Sheriff’s Office.
Note: The North Carolina Department of Cultural Resources has revised the records retention schedule for the Sheriff’s Office specifically related to the retention of Sexual Offender Records (see table below). The Board is required to approve and sign off on the new schedule.

<table>
<thead>
<tr>
<th>Sexual Offender Record</th>
<th>Current Retention</th>
<th>Proposed Retention</th>
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| Records concerning sexual offenders living within jurisdiction | a) Destroy in office records of persons registered in the “Sex Offender and Public Protection Program” after court petition and review by the State, or when individual is known dead or moves from jurisdiction.  
 b) Destroy in office records of persons registered in the “Sexually Violent Predator Program” when individual is known dead or moves from jurisdiction. | a) Destroy in office records of persons registered in the “Sex Offender and Public Protection Program” after court petition and review by the State, or after 30 years or length of court order, whichever is greater, or when individual is known dead.  
 b) Destroy in office records of persons registered in the “Sexually Violent Predator Program” when individual is known dead or after 90 years. |

(12) LITTLE SUGAR CREEK ACQUISITION IN PINEVILLE

Accept non-warranty deed from W.A. Yandell Rental & Investment Company for Tax Parcels 221-093-96, 221-091-98 and 221-091-09 (3.783 total acres) on Little Sugar Creek for a purchase price of $5,000 instead of the previously approved purchase price of $8,000.

(13) FLOODPLAIN LAND ACQUISITION – SHANNONHOUSE DRIVE

Authorize County Manager or his designee to execute an “OFFER TO PURCHASE AND CONTRACT & ADDENDUM” from National Default Servicing, LLC authorized Servicer for the property owner of 1744 Shannonhouse Drive, PID# 099-084-26 in the amount of $9,500.

Note: This action is necessary to acquire a vacant lot in the Briar Creek floodplain, which is in the vicinity of numerous other properties acquired by the County or pending acquisition. This acquisition would mitigate future flood loss, increase open space, and provide opportunities to improve water quality through stream restoration and water quality features, and prevent any redevelopment on the lot within the floodplain.

(14) TORRENCE CREEK RESTORATION – FUNDING AMENDMENT

1. Amend budget for grant from the North Carolina Clean Water Management Trust (NCCMT) to reflect actual allocation.


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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Murrey left the dais and was away until noted in the minutes.
(10) ENERGY SERVICE COMPANY SELECTION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to approve the policy to select Energy Service Companies for County projects.

Note: The purpose of this policy is to establish a process and committees for the selection of Energy Service Companies that can be utilized on current and future energy saving projects.

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

Policy recorded in full in Minute Book 44-A, Document # ______.

(11) JEFF ADAMS TENNIS CENTER COURT SURFACING GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to approve application to the United States Tennis Association (USTA) for grant funding in an amount up to $20,000 for court resurfacing and lining at the Jeff Adams Tennis Center, and if awarded, recognize, receive and appropriate the award.

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

Commissioner Murrey returned to the dais.

(15) PRISONER TRANSPORT BUS/VANS AND CARGO VANS PURCHASE – 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, Murrey, and Roberts voting yes, to approve unit price contracts for providing Prisoner Transport Bus/Vans and Cargo Vans based on appropriated funding through the American Recovery and Reinvestment Act (ARRA) of 2009 to the Sheriff’s Office department for a one-time purchase.

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

(16) NC DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION – JCPC FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive, and appropriate grant award from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County JCPC for the Gang of One Program.

Commissioner Leake requested a report on the Gang of One Program.

STAFF REPORTS AND REQUESTS

(17) MEDIC JOINT UNDERTAKING AGREEMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried
8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a resolution approving the changes to the organizational documents as outlined in the attached Exhibit A, Summary of Primary Changes to Organizational Documents, and authorizes the County Manager to execute Amended and Restated Agreements which incorporate the changes outlined in the Summary of Primary Changes to Organization Documents as follows:

(1) The Amended and Restated Joint Undertaking Agreement between Mecklenburg County and the Charlotte-Mecklenburg Hospital Authority;

(2) Approval of the Amended and Restated Affiliation Agreement between The Charlotte-Mecklenburg Hospital Authority and Novant Health Southern Piedmont Region, LLC (f/k/a Presbyterian Health Services Corporation); and

(3) The Amended and Restated Emergency Medical Services Agreement between Mecklenburg County and Mecklenburg Emergency Medical Services Agency, including changes to the EMS Performance Specifications (Exhibit A to the Emergency Medical Services Agreement).

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

General Manager Michelle Lancaster, MEDIC director Joe Penner, and MEDIC attorney Mr. Pat Kelly presented this matter to the Board.

(18) FIRST WARD PARK LAND EXCHANGE

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a resolution of intent to exchange approximately 3.0495 acres consisting of all of Tax Parcels 080-063-01, 080-063-04, 080-063-08, 080-063-09, 080-063-10 and portions of 080-063-11 and 080-063-12 for approximately 2.5221 acres consisting of all tax parcels 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14, 080-021-15 and portions of 080-021-05 and 080-021-07 (or, in the alternative, for approximately 2.3858 acres consisting of all said properties except 080-021-10) all located in First Ward in Charlotte, Mecklenburg County.

County Attorney Bethune addressed this matter.

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

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

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:48 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, December 1, 2009.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS – NONE

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

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) 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 6:02 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 12, and 13.

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

CITIZEN PARTICIPATION

ELECTION OF CHAIRMAN

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to elect Commissioner Jennifer Roberts as Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 6, 2010.

Chairman Roberts thanked the Board for its continued support.

ELECTION OF VICE-CHAIRMAN

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to elect Commissioner Harold Cogdell, Jr. as Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 6, 2010.

Vice-Chairman Cogdell thanked the Board for its continued support.

(1) PROCLAMATIONS AND AWARDS - NONE

(2) PUBLIC APPEARANCE- NONE

(3A) APPOINTMENTS

WOMEN’S ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to expand the size of the Women’s Advisory Board from twelve members to fifteen.

(3B) APPOINTMENTS

WOMEN’S ADVISORY BOARD

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Brenda Adams, Beverly Hunt and Kate Maynard to the Women’s Advisory Board for a three-year term expiring November 30, 2012.

Note: They are filling new slots as a result of the expansion of the membership.
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HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Paula Lester to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2010.

She is replacing Harold Norman.

The other nominees were: Raymond McGill, Michael Mulder, John Kenneth Pursley, Michael Schubert, and Gerald Williams.

(3C) MINT HILL ZONING BOARD OF ADJUSTMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Douglas M. Williams, Jr. as an extraterritorial jurisdiction (ETJ) member to the Town of Mint Hill Zoning Board of Adjustment for a term expiring December 31, 2012.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(6A) COUNCIL ON AGING & CHARLOTTE-MECKLENBURG SENIOR CENTERS MERGER FEASIBILITY STUDY UPDATE – ITEM WAS REMOVED FROM THE AGENDA

CONSENT ITEMS

Motion was made by Commissioner Murrey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 11, 12, and 13 to be voted on separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 17, 2009 and Closed Session held November 17, 2009.

(8) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate insurance reimbursement funds in the amount of $30,504 for Park and Recreation, $69,201 for Real Estate Services, $9,608 for Land Use and Environmental Services, $400 for the Health Department, $815 for Information and Services Technology, $1,284 for Community Support Services and $8,317 for the Sheriff’s Office.

Note: The County received insurance money based on claims for stolen and damaged items in
the departments identified. This board action provides the necessary budgetary authority to use
the insurance funds to cover the cost of replacing the items.

(9) 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 605 commercial plans permitted for October 2007.

(10) EPA REGION 4 DIESEL GRANT APPLICATION

1) Approve submission of application by Mecklenburg County Air Quality to United States
Environmental Protection Agency (USEPA) for up to $2,958,400 in grant funds.

2) Upon award of grant, recognize, receive and appropriate the grant award and $41,600 of N.C.
Fuel Tax revenue to be used as the local match.

3) If awarded, approve one full-time grant funded position to manage the project; and

4) Authorize the carry-forward of unspent grant funds until expended.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) AREA MENTAL HEALTH BUDGET AMENDMENT (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously
carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and
Roberts voting yes, to recognize, receive and appropriate Medicaid funds in the amount of
$148,000.

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

(12) NC PARK AND RECREATION TRUST FUND GRANT APPLICATION –
FRIENDSHIP PARK SPORTSPLEX

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

1) Approve an application to the North Carolina Park and Recreation Trust Fund (PARTF) in the
amount of $500,000 to supplement the construction cost for Phase I of the Friendship Park
Sportsplex;

2) If awarded (up to $500,000), recognize, receive and appropriate such funds;

3) If awarded, authorize the County Manager to enter into a contract and reimbursement
agreement with the State of North Carolina for this grant.

4) Authorize the carry-forward of any unspent grant funds at June 30, 2010.
Commissioner Leake removed this item from Consent for more public awareness.
County Manager Jones explained what this matter was about.

(13) LATTA EQUESTRIAN CENTER CAPITAL RESERVE EXPENDITURE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize a capital reserve expenditure of $10,000 from funds accumulated to repair 194 stall floors and clean and stain the exterior of four (4) barns at the Latta Equestrian Center.

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

STAFF REPORTS AND REQUESTS

(14) SPIRIT SQUARE LEASE

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to North Carolina Performing Arts Center at Charlotte Foundation.”

Jacqueline McNeil with Real Estate Services addressed this matter.

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

(15) MECKLENBURG COUNTY CHILD SUPPORT ENFORCEMENT TRANSITION PLAN – ITEM WAS REMOVED FROM THE AGENDA

(16) FIRST WARD PARK LAND EXCHANGE

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve a resolution authorizing the exchange of approximately 3.0495 acres consisting of all of Tax Parcels 080-063-01, 080-063-04, 080-063-08, 080-063-09, 080-063-10 and portions of 080-063-11 and 080-063-12 for approximately 2.5221 acres consisting of all tax parcels 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14, 080-021-15 and portions of 080-021-05 and 080-021-07 (or, in the alternative, for approximately 2.3858 acres consisting of all said properties except 080-021-10) all located in First Ward in Charlotte, Mecklenburg County.

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

(17) ARRA RECOVERY ZONE FACILITY BONDS FOR PROJECT CARDINAL

Commissioner Clarke asked to be excused from participating and voting on Item 17 ARRA Recovery Zone Facility Bonds For Project Cardinal to avoid a conflict of interest.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake,
Murrey and Roberts voting yes, to excuse Commissioner Clarke from participating and voting on Item 17 ARRA Recovery Zone Facility Bonds For Project Cardinal to avoid a conflict of interest.

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

Commissioner Bill James presented the following motion, read it by title, and moved that it be adopted:

“RESOLUTION DESIGNATING THE COUNTY AS A RECOVERY ZONE, ALLOCATING THE COUNTY’S RECOVERY ZONE FACILITY BOND ALLOCATION TO A PROJECT, AND DESIGNATING THE COUNTY BOND AUTHORITY AS THE ISSUER OF RECOVERY ZONE FACILITY BONDS”

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) (“ARRA”) modifies the Internal Revenue Code of 1986, as amended (the “Code”) to authorize, among others, two new types of bonds entitled “recovery zone economic development bonds” and “recovery zone facility bonds;” and

WHEREAS, “recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, qualified economic development purpose include expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

WHEREAS, ARRA also authorizes a new type of federally tax exempt private activity bonds entitled “recovery zone facility bonds” in Sections 1400U-1 and 1400U-3 of the Code to finance construction, renovation, or acquisition of depreciable property by a private taxpayer of a qualified business in a recovery zone, with “qualified business” defined to include any trade or business other than residential rental property and certain prohibited uses outlined in the Code;

WHEREAS, sections 1440U-2 through 1400U-3 of the Code, and related Notice 2009-50 issued by the U.S. Treasury Department (collectively, the “Recovery Zone Act”) define a recovery zone as any area designated by the County as an area of significant poverty, unemployment, rate of home foreclosure, or general distress;

WHEREAS, the County has determined that the County has experienced significant unemployment and general distress because of economic recession and plant foreclosures;

WHEREAS, the County has determined that it is in the best interest of the County and its citizens to designate the County as a “recovery zone” for purposes of the Recovery Zone Act;

WHEREAS, the County wants to allocate its entire $13,278,000 current recovery zone facility bond allocation and any future such allocations to Project Cardinal;

WHEREAS, the County wants to designate the Mecklenburg County Industrial Facilities and Pollution Control Financing Authority as the issuer of all its current and future recovery zone facility bond allocations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County that:
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1. The County hereby finds that there is significant unemployment and general distress in the County and therefore hereby designates the County as a recovery zone for purposes of the Recovery Zone Act.

2. The County hereby allocates its entire $13,278,000 current recovery zone facility bond allocation and any future such allocations to Project Cardinal.

3. The County hereby designates the Mecklenburg County Industrial Facilities and Pollution Control Financing Authority as the issuer of all its current and future recovery zone facility bond allocations.

4. The officers of the County are hereby authorized and directed to file any necessary Notices of Intent to Issue Recovery Zone Bonds and Requests for Reallocation and to take any further action necessary or appropriate in relation to the foregoing.

The motion was seconded by Commissioner George Dunlap and was adopted by the following vote:

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

NAYS: None

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

Note: The following was noted with respect to this matter:

- This is a designation for this specific purpose only.
- If these bonds get issued they will have no tax consequences to the County.
- The people that buy the bonds get tax exemption and the company that issues the bonds through the County, indirectly, receives a lower interest rate.
- This has no direct impact on the County’s budget and has the potential to create jobs.
- This is really a private activity bond and that the County isn’t subsidizing this in any way.

Commissioner Clarke returned to the dais.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(18) MECKLENBURG BOARD OF COUNTY COMMISSIONERS 2010 MEETING SCHEDULE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the Mecklenburg Board of County Commissioners 2010 Meeting Schedule.

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

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 6:45 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, December 8, 2009.

ATTENDANCE

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

Absent: Commissioner Karen Bentley

The meeting was called to order by Chairman Roberts.

Prior to the start of the agenda, Commissioner Clarke took a point of personal privilege to ask about a recent article that appeared in the Charlotte Observer regarding The Giving Tree Program, which referenced Cindy Brady, former DSS employee.

Commissioner Clarke said in the article it stated, “The County also has said that all expenditures were accounted for - a fact that the former internal audit director now disputes. Cornita Spears, who was disciplined for a flawed review of the Giving Tree, says the county can’t be sure of how $108,000 of $162,000 was spent in 2008.”

Commissioner Clarke asked County Manager Jones if he disputed anything former director of Internal Audit Cornita Spears, said either in her report that was issued on June 4, 2009 after doing a limited review of The Giving Tree Program or in her clarifying memorandum that was dated November 17, 2009.

Commissioner Clarke said “anything” meant including, but not limited to, the statements in the concluding paragraph of the November 17th memorandum which said “As a matter of clarification, our audit accounted for $30,000 donated to the Salvation Army via documentation from the agency, but was unable to provide assurance to which the remaining funds (which he said was a reference to the amount of $108,978.84) were expended for the purposes intended or the extent to which misappropriation may have occurred due to the concealment or alteration of transactional information, unavailability of original receipts, inadequate control over the purchasing and inventory processes and insufficiencies in record keeping.”

County Manager Jones said aside from what was corrected in former Director of Internal Audit Cornita Spears’ November 17, 2009 report regarding the full account of the $162,000, he doesn’t dispute any findings in the June 4th report or the November 17th report. County Manager Jones said he thought both reports accurately state the facts in terms of accounting for the $162,000. County Manager Jones reminded the Board that the report stated there were various problems with documentation that prevented internal audit from determining if misappropriation occurred or whether the funds were used for the intended purposes. County Manager Jones said that’s why the County asked for the police investigation.

Commissioner Clarke asked County Manager Jones if by any of his statements or those of his
staff, since the issuance of the memorandum on November 17, 2009, say that all $162,289.74 of Giving Tree funds represented by those checks issued during the period that was reviewed were accounted for. Did he mean to suggest, convey, or imply that the County can provide assurances that all of the $108,978.84 of purchases from vendors during that period were made for the purposes intended by donors to The Giving Tree Program and were delivered to the intended recipients; and that no misappropriation of any of these funds occurred.

County Manager Jones said no. County Manager Jones said the County still does not have full assurance whether the funds were used for the intended purposes or whether misappropriation occurred. County Manager Jones said it’s anticipated that the law enforcement investigation would provide the County with those assurances.

Commissioner Clarke thanked County Manager Jones and said he didn’t see any evidence of any dispute between the County Manager and the former internal audit director.

Commissioner Clarke said after reading in the article that a dispute existed, he felt he had to determine whether or not that was fact or was there any evidence to that statement.

(1) FY11-13 STRATEGIC BUSINESS PLANNING –GROWTH MANAGEMENT & ENVIRONMENT

Director of Planning & Evaluation Leslie Johnson presented the performance results for the Growth Management & Environment focus area, as well as, proposed changes.

The following was covered in the presentation:

- Customer Satisfaction with Recreational Opportunities (It was noted that staff believes this measure should be realigned to the Effective and Efficient Government Focus Area and included as a sublevel measure under an existing measure called Customer Satisfaction. Staff feels it’s more appropriate to have all of the customer satisfaction measures reported in one place.)
- Preservation Rate
- Parks & Open Space Index
- Environmental Quality Index
- Business Property Growth Rate
- Job Growth Rate
- Transit Proximity Index

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

Comments

Commissioner Cooksey asked for clarification on the Parks & Open Space Index, which was addressed.

Commissioner Cooksey said the report makes it seem as if the County wasn’t doing well in this area.

Commissioner Cooksey asked was it possible to measure against the capital spending plan for Park and Recreation rather than saying there are "x" number of bond dollars outstanding that haven’t been spent.

Park and Recreation Director Jim Garges said it could be done that way, but he doesn’t know how accurate it would be, but staff could look at it.

Commissioner Dunlap asked what kinds of adjustments were made in light of the fact that departments received a 10% reduction last year.
Director Jim Garges said the 10% was reflected against the operating budget and not the capital. Director Garges said adjustments could always be made and what’s being presented was based on annual targets.

Commissioner Dunlap said he’s always concerned when the data doesn’t reflect the actual situation. He said at some point you’ll experience a cut back because the Board won’t approve the capital spending as readily.

Director Garges said a red light isn’t necessarily a bad thing. He said for him, it’s about having a goal and trying to reach it.

Commissioner Dunlap said the average citizen doesn’t see a red light as being okay.

Commissioner Leake said she was concerned about the bond money and not being able to spend those bonds. She cited Greenville Center as an example of a facility in need of renovations.

Director Garges said there’s a list of park projects that includes various renovations. He said staff has not gotten to the allocation of the 08 bonds but that the 04 bond funds were being sent.

Commissioner Leake said in light of the job market being the way that it is, spending those bond funds could lead to creating jobs.

Chairman Roberts said it relates back to the “debt diet.”

Finance Director Dena Diorio said the County continued with those projects that were in process, the majority of which were school projects.

Commissioner Leake asked about the job growth rate, specifically, where was the jobs and how was the County providing those jobs for the community.

General Manager Bobbie Shields said with respect to jobs created as a result of the County’s Business Investment Program, staff would work on getting that information. He said staff would have to contact the various companies to obtain that information.

Commissioner Leake said her concern was how this information was being communicated to the public.

Chairman Roberts said once the job information is known, it could be placed on the County’s website.

County Manager Jones said as staff begins the planning process for the budget, he would be happy to attend some of Commissioner Leake’s town hall meetings to communicate information to the community.

Commissioner Leake thanked the County Manager for his willingness to attend town hall meetings but said her concern was getting information to the “broader community” and not just persons in her district.

Commissioner Murrey commented on performance management and the evaluation process.

Commissioner Murrey said he understands the perception the public may have with respect to this focus area but that it should be kept in mind that this was a management tool and a leadership tool. Thus, when you look to see what color a measure is, that color depends on several factors, 1) how easy is it to obtain, 2) how far out are you from the point where you set the goal for achieving it, and 3) budget priorities.

Commissioner Murrey said part of what’s being seen in the presentation was due to these factors. He said the ones that are green were easier to obtain than the ones that are red. He said all of
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them were early in the cycle of when you set the goal and when you expect to achieve it. Also, that many of the things on the list suffered from being lower priorities. Commissioner Murrey said the red indicators probably represent the Board’s priorities. He said there’s an aspirational aspect to some of the targets, meaning what is it that the Board would like to achieve in an ideal world.

Commissioner Murrey said not meeting an aspirational target does not mean the County has performed poorly or hasn’t done what it said it would do.

Commissioner James said he has always felt the Parks Master Plan was completely unobtainable, unaffordable and should not have been approved.

Commissioner James said at some point, whenever the Board does the capital project list to allocate the dollars, the Board needs to go back and drill that into these revised plans, so that the Board doesn’t leave a number out there that says the goal is to have 3,000 acres of neighborhood parks when the County is only at 642. He said leaving that number out there gives a false impression to the public.

Commissioner James said he hopes the Board will be more realistic with the public and drop the column regarding Master Plan goal. Commissioner James said it needs to be dropped or changed.

Commissioner Clarke addressed the issue of the County’s ability to create jobs. Commissioner Clarke said bond spending was a way that the County could most affect the creation and sustaining of jobs, particularly in the construction industry. He said as the Board approach the allocation next year, it should be kept in mind, this was the County’s primary vehicle of stimulating the economy through government spending.

Commissioner Clarke asked was it correct that the measurement was against voter approved bonds and not the Master Plan numbers. Director Johnson said yes.

Commissioner Clarke asked what’s the current voter approved amount of bonds that have not been issued for Park and Recreation. The response was $283 - $290 million.

Commissioner Clarke asked Director Garges was the allocation by category of those voter approved bonds and what was sort of promised to the voters. The response yes.

Commissioner Cogdell asked about the index weight and how it was developed. Staff said it would get that information.

Commissioner Cooksey asked about the job growth rate and what would it take to get a yellow or red light, in light of what it took to get a green. He feels the percentage shown basically shows that the County stayed the same. He said for him a really good year would be a five or ten percent increase. Director Johnson said she would have to report back with respect to what it would take for yellow or red. Director Johnson said to be green was just a positive net growth as approved by the previous Board when they adopted the measure. Director Johnson said it doesn’t mean the measure can’t be changed to make the target more specific. Director Johnson said she believed this was the first time it’s been this low.

Commissioner Cooksey said he wasn’t sure if it should be a green when the County has basically held its own.

Commissioner Dunlap said one of the criticisms he hears was that too much time was given to league play. Commissioner Dunlap asked how does Park and Recreation determine league time play. Director Garges said there’s a balance between league play and open play. He said a vast amount of time at recreational centers was set aside for open play.

Chairman Roberts asked why wasn’t there a Master Plan goal for Nature Preserves. General Manager Shields said during the process an inventory was done and this was based on the need for different facilities. He said where there’s a zero on the report, there wasn’t a perceived need
Commissioner Leake asked for clarity with respect to basketball courts and tennis courts and how were the numbers derived. Director Garges addressed the process used for determining the need.

Commissioner Leake said she felt more basketball courts were needed to help get youth off of the street.

**Sustainable Communities**

General Manager Shields addressed Sustainable Communities and aligning programs and services with Mecklenburg Vision 2015.

The following was noted:

- After its inception, the Growth Management and Environment Focus Area Leadership Team recognized that a “growth management and environment” focus lacked clarity as related to programs and services offered by Mecklenburg County Government.
- The “growth management” portion was particularly unclear because Mecklenburg County does not have any significant legislative authority for regional planning, land development or zoning.
- It was recognized also that the County’s program categories and core services are better aligned with improving community “livability” than with “growth management.”
- Staff feels the time is right to better align this focus area with existing statutory authority and responsibilities and capitalize on opportunities associated with state, federal and global sustainability initiatives.
- It’s felt that a Sustainable Communities focus area is more compatible with the Community Health and Safety, the Social, Education & Economic Opportunity and the Effective and Efficient Government focus areas, rather than Growth Management and Environment.

Three new 2015 Performance Goals were recommended:

1. Environmental Leadership Index
2. Park and Recreation Capital Leverage Ratio
3. Insurance Services Office Ratings

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

Comments

Commissioner Clarke suggested staff use the singular form of communities and say Sustainable Community rather than Sustainable Communities.

Commissioner Dunlap asked for clarification with respect to Park and Recreation Capital Leverage Ratio which was addressed.

Commissioner Cooksey commented on the use of the word sustainable and having a clear definition of it. He encouraged staff that as this is rolled out, to attach a meaning to the word sustainable so that the public can understand what the County is trying to achieve.

General Manager Shields said staff’s intent was to get assistance from The Ferguson Group to help staff to use the right definition, so that the County could be successful on the federal level. General Manager Shields said sustainability grants were available on the federal level, which could leverage additional resources coming to the community.

Commissioner Cooksey said he wanted to know exactly what the County was striving for when it uses the term sustainable.
Commissioner Cogdell said in order to have a truly sustainable community and the authority to be able to make those types of decisions, that Growth Management and Environmental decisions have to be made from a broader perspective. He said currently there’s no regional planning board that has that authority.

Commissioner Cogdell said Mecklenburg County sits in a position of being the largest or having the most influenced areas geographically, being in the center of the region. Commissioner Cogdell said as the County moves forward both in its legislative agenda, as well as at the strategic planning conference, he hopes there would be the opportunity to have more discussion on this to find out what role was incumbent upon the Board to be actively involved in the regional approach to growth management and the environment. Commissioner Cogdell said this was something the County should take the lead on.

Commissioner Cogdell asked was this being presented for information purposes. General Manager Shields said yes and unless staff hears otherwise, staff would continue to explore this concept and would report back to the Board in February at the Strategic Planning Conference.

Commissioner Leake said her concern was that “we talk about growth, privatizing and affording that opportunity but then everybody is not economically strong to do this.” She asked “how then with good intentions and some degree of economic support, but not fully, it eliminates given groups of people from being a part is this development process.” She asked how does the County afford them the same opportunity as it did with Whitewater or others who come in and ask the County to privatize or partner with them, with the process. How do we help them to generate the kinds of funds necessary to have an equal level of participation in this process of developing this community. General Manager Shields said he couldn’t say exactly how, but that was a component of economic sustainability. He said if the County doesn’t deal with the entire community, then the County can’t be successful in sustaining the community.

General Manager Shields said what Commissioner Leake said about opportunity, was part of the big picture. He said with respect to how, “we will have to work together to come up with strategies on the best approach to dealing with that.”

Commissioner Murrey asked how do you get an item added to the program category list. Director Yi said the appropriate time would be at the Board’s Strategic Planning Conference.

Commissioner Murrey suggested consideration be given to adding Food Quality and Food Access, which he said were equally as important as water and land quality.

The Board then participated in a Program Category ranking exercise which was explained by Director Yi.

This concluded the discussion.

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

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 4:59 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, December 15, 2009.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

Commissioner 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) STAFF BRIEFINGS - NONE

(2A, 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 matters to be discussed in Closed Session: Kim Harmon v. Mecklenburg County and Cleveland Construction, Inc. v. Mecklenburg County, F.N. Thompson Turner, WSD, BE&K Building Group, Inc, and The Walter B. Davis Company (07-CVS-15408).

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:10 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The
items identified were Items 10, 14, 15, 16, 17, 20, 21, 22, and 23.

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

-FORMAL SESSION-

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

The meeting was called to order by Chairman Roberts.

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

CITIZEN PARTICIPATION

Commissioner Murrey entered the meeting.

PROCLAMATIONS AND AWARDS

(1A) 2010 CENSUS

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation recognizing December 15, 2009 as “2010 Census Awareness Day” in Mecklenburg County.

The proclamation was read by Commissioner Dunlap and received by Angeles Ortega-Moore, N.C. 2010 Census Team Leader.

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

(2) PUBLIC APPEARANCE

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

Dwayne Collins referenced the Board’s November 17, 2009 discussion concerning Medic. He noted a concern raised by Commissioners Dunlap and Leake, which he is also concerned about, the issue of persons who utilize Medic services but do not have medical coverage of any kind, are unable to pay for services received and whose credit could be damaged unnecessarily. Mr. Collins said it’s his understanding that this issue is being discussed by the Board’s Effective and Efficient Government Committee and he hopes the Board will support a forthcoming recommendation for a change in policy so that persons who don’t have medical coverage of any kind would not have their credit damaged as a result of utilizing Medic services.

Martin Davis addressed the economy on the local, state, and national level. Mr. Davis addressed the unemployment rate, Medicare liability, social security, state post-retirement healthcare liability, and local taxes. Mr. Davis said his recommendation for improving the economy would be to cut taxes, reduce the size of government, and reform the public school system. Also,
government does not need to go into the banking business. He encouraged the Board to pursue “free market measures” to try and pull us out of this economic downturn.

**Dr. Wesley Carter** addressed Working Charlotte, a magazine and web presence created to introduce Charlotte’s displaced professionals to potential employers. It was created specifically to facilitate job opportunities for displaced employees that are active volunteers in the community. Dr. Carter is the Editor-in-Chief, Founder, and President of Working Charlotte. It was noted that free profiles are available in “Working Charlotte” for displaced workers.

### (3A) APPOINTMENTS

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Barbara Edwards to Adult Care Home Community Advisory Committee for a three-year term expiring December 31, 2013.

**FIRE COMMISSION**

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Don Monteith to the Fire Commission for a three-year term expiring December 31, 2012.

### (4) PUBLIC HEARINGS – NONE

### (5) ADVISORY COMMITTEE REPORTS – NONE

**MANAGER’S REPORT**

**6A) MECKLENBURG COUNTY CHILD SUPPORT ENFORCEMENT TRANSITION PLAN**

The Board received information and a recommendation on the Mecklenburg County Child Support Enforcement Transition Plan.

Assistant to the County Manager Janet Payne gave the report.

The following was noted:

- Through its 2009 Appropriations Act, the North Carolina General Assembly directed each Child Support Enforcement (CSE) office currently being administered by the North Carolina Department of Health and Human Services, Division of Social Services to be administered by the local county government, effective July 1, 2010.
- The State will eliminate funding for 16 state-operated CSE offices which provide services to 28 counties, including Mecklenburg County.
- With this change, Mecklenburg County has the responsibility to select an entity that will assume the role of administering the Child Support Enforcement Program.
- By January 1, 2010, the 28 counties must each submit to the North Carolina Division of Social Services a Transition Plan for administering CSE within the county.
- The State will provide approval within 30 days of receipt of the Transition Plan.
CSE works to ensure that both parents are responsible for the financial support of their children to the best of their ability.

CSE administration options include having 1) CSE services provided by the County’s Department of Social Services or some other County department; 2) managed by the County with private consultant input; 3) outsourcing services to a private provider under contract to the County; or 4) partnering with other counties to administer the services regionally.

Staff Recommendation: Privatize Child Support Enforcement Service Delivery. The County Manager’s Office recommends that the County contract with a private vendor to operate a full service Child Support Enforcement Program. The reasons are as follows:

- Private vendors have highly experienced staff.
- Privately operated CSE programs in North Carolina rank among the top programs in performance.
- Better performance will offset costs by maximizing revenues.
- Private vendor will be able to leverage synergies of existing relationships between County department and community agencies.
- County Manager’s Office will manage the lease for office space.
- County Manager’s Office will manage the contract with the private vendor.

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

Comments

Commissioner James asked for clarification with respect to current staffing levels, which was addressed. He also asked would CSE staff be employees of the County or the private vendor. The response: All current employees would be eligible candidates and interviewed by the private vendor in accordance with the contract. Thus, they would be employed by the private vendor.

Commissioner James asked about salaries. The response: Included in the Request for Proposal (RFP) is the stipulation that existing salary rates be maintained or increased. Thus, at a minimum, CSE employees existing salary rates, should they be hired, would continue at the same level.

Commissioner James asked was it correct that all of the existing 75 employees would not necessarily remain on staff. The response was yes that was correct.

Commissioner James asked was it correct that the existing employees would no longer receive State benefits. The response was yes that’s correct.

Commissioner James asked was the State going to buy-out early retirement or consider doing this for the existing employees. The response: Staff thinks this issue has been discussed by the State but will find out and report back.

Commissioner James said he doesn’t think it’s a County responsibility, but he’s curious to know what the implication of this change will be on existing employees and what, if any, fiscal impact this will have on the County.

Commissioner Leake said she was concerned about existing employees of CSE maintaining their jobs and benefits.

Commissioner Leake asked if staff already knew who the vendor would be or who has submitted a RFP. The response: Three entities have responded, Policy Studies, Inc. (PSI), Young Williams, P.C., and Maximus, Inc.

Commissioner Leake asked had the respondents been interviewed. The response: No, the County Manager’s Office would complete those interviews and analysis over the next several weeks.
Commissioner Leake said she doesn’t feel the Board has sufficient enough information to move forward with approving staff’s recommendation.

County Manager Jones said this was an “unfunded mandate” from the State. Further, in whatever form the program is administered, the County is going to be responsible for carrying out this program effective July 1, 2010.

County Manager Jones said the County could elect to assume the responsibility for the operation of this program and do so as a County department or from within another County department. He noted, however with respect to performance, the existing CSE office ranks 82nd out of 88 programs.

County Manager Jones said having reviewed the performance of those programs that have been privatized, staff felt the better approach for Mecklenburg County at this time would be to look at privatization.

County Manager Jones said one critical element of this operation will be the County’s evaluation of performance. County Manager Jones said the County will always be responsible for this program and if a determination is made at any point in the future that the privatized entity is not meeting the performance standards the County can always resort to another approach, such as doing it in-house.

Commissioner Dunlap asked if staff knew what the case load would be under the privatization model versus under the State’s current administration. The response: It could be stipulated in the contract minimum or maximum case loads. Further, included in the RFP was a stipulation that at a minimum the current case load be maintained. Staff will report back with respect to the individual responder’s response to case loads.

Commissioner Dunlap asked would employees maintain their current benefits or something comparable. The response: Benefits would be received, but they would no longer be a part of the State retirement system. Staff will report back with specific benefit information.

Commissioner Dunlap asked how did Mecklenburg County get selected by the State. The response: Mecklenburg County was one of the only 28 remaining counties that the State was providing CSE services to.

Commissioner Cogdell commented on the City of Charlotte’s Privatization/Competition Committee. He asked whether consideration should be given to establishing such a committee for the County and letting that committee review this issue.

Commissioner Cogdell asked how urgent was it for the Board to make a decision tonight.

County Manager Jones said staff may be able to get an extension from the State with respect to the deadline for submittal of a Transition Plan, which is currently January 1, 2010.

County Manager Jones said he does feel, however, that the State has every hope that this matter will be resolved and that the County would be fully implementing this new service by July 1, 2010.

Commissioner Leake expressed concern with respect to program evaluation and asked was there an instrument already in place.

Commissioner Leake said she also wants to know what kind of control would the Board have to protect the process and the hiring and firing if it’s not a part of the process.

County Manager Jones said staff was recommending privatizing this service because this was an area the County has no experience in providing. He said the private sector vendors who have
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applied have experience in providing the service. County Manager Jones said if the County privatizes, it would give staff the opportunity to learn how the program works and if it’s decided at some point in the future that it might make more sense to do it in-house that can be done.

County Manager Jones said the “ramp up” time to make this happen and given the other issues staff was dealing with, he thought privatization was the better approach at this time.

Commissioner Clarke asked what would it cost the County to operate the program versus privatizing it. Commissioner Clarke said he was a little reluctant to approve this at this time because the costs associated with each of the models was unknown.

General Manager Michelle Lancaster said cost was not the driving factor for staff when making its decision.

General Manager Lancaster reiterated the County Manager’s comment regarding staff’s lack of experience in providing this service. Thus, staff doesn’t feel confident overtaking this endeavor at this time, which is why privatization was being recommended.

General Manager Lancaster said the cost was comparable and that staff would provide that information to the Board. Further, that it would be a little cheaper by the County’s model after a few years of experience.

Commissioner Clarke asked since all of the current employees were here in Mecklenburg County, wouldn’t it be simpler to just take it over July 1, 2010 and let it operate as a County department, utilizing the people (management and employees) that were there now.

General Manager Lancaster said that’s an approach the County could take but informed the Board that currently CSE ranks 82nd out of 88 offices in the State. General Manager Lancaster asked was this the model that Mecklenburg County wants to use in doing business. General Manager Lancaster said that would not be her recommendation.

General Manager Lancaster noted also that if the County were to operate this program as a County department, it would receive no guidance from the State, which was why staff is recommending using private vendors who are experienced in providing this service in North Carolina and have been successful.

General Manager Lancaster said staff would like to have the opportunity to see how this goes. She said staff would spend a lot of time managing this contract and would make a different decision when it had more experience.

Commissioner Clarke asked why the County wouldn’t require the private vendor to keep the current staff as part of the RFP. General Manager Lancaster said staff could do that if that’s the desire of the Board.

Commissioner Clarke said it seems to him that these employees, many of whom have worked in this office for years, doing a very difficult job, that the County should be a little more sensitive to how this transition occurs. General Manager Lancaster said staff would be happy to include in the RFP that existing employees be maintained.

Commissioner Clarke said at the very least he thinks the private vendor should be required to take on the existing staff and offer them all employment, not just merely interview them.

Commissioner Clarke said the other counties that staff has compared the County to were smaller entities with a less mobile population. Commissioner Clarke said he’s sure there’s room for improvement and that he’s “a little suspicious” when it comes to performance numbers sometimes.
Commissioner Clarke said he was not comfortable with sort of “cutting” these employees lose.

Commissioner Clarke said he would like to see the cost comparison if the County were to operate this program.

General Manager Lancaster said staff would go back and provide the Board with more information and report back at the first meeting in January at which time the Board could make its decision.

County Manager Jones echoed General Manager Lancaster’s comment regarding deferring this matter until the Board’s first meeting in January, at which time staff would provide additional information; and at the Board’s second meeting in January, the 20th a decision could be made.

County Manager Jones said he doesn’t believe the State would object to this timeframe for making a decision and the submittal of the transition plan.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake, to direct staff to ask the State for a 30 day extension of time for submittal of the County’s Transition Plan for the Child Support Enforcement (CSE) Program. Secondly, that in the interim staff provide the Board with a comparison of cost with respect to what it would cost the County to run CSE as a County department.

Commissioner Cogdell asked Commissioner Clarke would he accept a friendly amendment to consider the feasibility of establishing a County privatization/competition committee or reaching an agreement with the City of Charlotte to jointly utilize their existing privatization/competition committee to evaluate projects or circumstances such as this.

Commissioner Clarke and Commissioner Leake, makers of the motion accepted the friendly amendment offered by Commissioner Cogdell.

Commissioner Cogdell said he doesn’t expect the concept of having a privatization/competition committee to be fully evaluated by the time this matter comes back to the Board in January. He would like to see information, however, on how as a Board, the County could either look at creating its own committee or partnering with the City of Charlotte.

Commissioner Dunlap noted the following with respect to the City of Charlotte’s Privatization/Competition committee, that unlike the City instances where they’ve utilized this committee, for example, as they have in the sanitation area, and were able to look at the competition versus their own staff for providing that service, the County doesn’t have a CSE department, thus it can’t make a comparison.

Commissioner Dunlap noted also that the word privatization has taken on such a negative connotation, that the word outsourcing is what’s being used now. He suggested staff consider using this terminology instead of the word privatization.

Commissioner Dunlap encouraged fellow Board members to keep in mind staff has said they have no experience in this area, which is why they’re recommending outsourcing this function.

Commissioner Dunlap said this should not be forced upon staff to do. He said the Board needs to consider litigation costs and other costs associated with not having done something before. He said mistakes will be made and will be costly.

Commissioner Dunlap said he’s concerned about the employees and want to make sure they receive a comparable salary for what they do and receive benefits.

Commissioner Dunlap said you “don’t want to force a company to take on employees that aren’t
doing the job.” He referenced the fact that the current office ranks 82nd out of 88 offices in the State.

Commissioner Dunlap said under the current administration and current structure, based on its ranking, CSE was “not doing the job.” He said if someone else is going to take over this operation, they have to have the ability to “weed out” the people who aren’t doing the job.

Commissioner James said he was not opposed to privatization or waiting to make a decision on this matter in 30 days.

Commissioner James said he doesn’t think a privatization committee would work based on his experience having served on the City’s privatization committee years ago. He noted also that the County at one time had a privatization committee.

Commissioner James said these were state employees and not County. He said the County can’t hire these employees if it doesn’t know if they’re qualified to do the job. He said if they’re 82nd out of 88, it sounds like “they’re not,” unless the ranking is a “bum wrap.”

Commissioner Murrey said when this matter comes back to the Board, he would like to see some consideration for mitigating propositions, perhaps something along the lines of what Commissioner Clarke mentioned with respect to retaining existing employees or salary levels as mentioned by Commissioner Dunlap; or to have some period of time where there’s no transition of employees at a certain rank. He said it’s understandable if there’s a need for leadership change, as a result of the new company taking over this operation.

Commissioner Murrey said there may be a way to mitigate the effects of privatization and still get a result that’s better than what has occurred as a State ran operation and if it were operated by the County starting from scratch in a short timeframe.

The following persons spoke in opposition to privatizing CSE and in favor of it being operated by the County.

Eileen Simpson (Has been a State employee for 17 years, was unaware of what the transition plan was until tonight’s meeting. Ms. Simpson said ranking 82 doesn’t sound good but their case loads are extremely high. She said their case loads double and triple the State recommended case load. She asked the Board not to get “stuck” on the 82 ranking.)

Tom Chumley (Felt the presentation was “one sided.” Per Mr. Chumley, the CSE office has been kept almost “totally” in the dark with respect to this matter. He said upper management hardly knew anything about this. Mr. Chumley addressed the case load differences in Mecklenburg County compared to others in the state. Mr. Chumley said CSE has the same number of employees as it did in 1998. He said there are 175,000 more people in Mecklenburg County now than in 1998. He said CSE is probably stretched harder than any other agency for the State. Mr. Chumley said privatization has been tried but the majority of the offices were operated by the county or the state. Mr. Chumley said CSE is a government service and that it operates well as a government service. Mr. Chumley asked the Board to support Commissioner Clarke’s motion to defer taking action. He said this would give the Board an opportunity to hear CSE’s side.)

Ronald Stalcup (Addressed CSE’s working relationships with other agencies, including the Department of Social Services. He said if the County were to operate CSE then employees could continue in the State retirement system. He said there are over 36,000 cases in Mecklenburg County and that the average case load size is 850 – 900. He said the federal mandated average case load size is 300. Mr. Stalcup said this is why the ranking was 82. Mr. Stalcup said CSE has 51 agents and has never been allowed to be fully staffed. He said CSE collects over $3 million monthly. He said CSE’s collection rate is 60% and could be much better if given the manpower to achieve those results.)
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Betty Stephenson (Has been with CSE 16 years. The information received tonight is the most CSE employees have received regarding this issue. She feels a transition from the State to the County would be most logical resolution.)

Chairman Roberts noted for the record that the County has been communicating with the State liaison with respect to this matter. She said the State liaison and the State as the employer has responsibility for communicating information to CSE. Further, that the County regrets that this has not occurred. The County was not trying to keep anyone “in the dark.”

Commissioner Clarke asked for clarification with respect to the modeling that has been done that it would cost the County less money if the County operated the program itself. General Manager Lancaster said under the model of having CSE services provided by the County’s Department of Social Services it would cost slightly less.

Commissioner James said with respect to CSE employees that the State has a huge liability associated with their pensions (the State retirement system). Commissioner James said he would like to know if the County assumes that role, does the County assume that liability.

Commissioner James said he thinks part of the calculation with respect to how much money the County may slightly save versus costs depending on where the County goes, needs to take into account the unfunded pension liability that goes along with this because the State has not fully funded their pension obligation. He said when the County acquires people with 10 – 16 years of experience that’s a liability that the taxpayers will have to pick up unless the State writes a check.

Commissioner James said he doesn’t know if the State is going to transfer that liability or not.

Chairman Roberts encouraged Board members to send any additional questions they may have to staff.

County Manager Jones said in light of the additional information that’s been requested, that it may be necessary to discuss this issue at all three of the Board’s meetings in January and not just the first and third Tuesday meetings.

County Manager Jones noted again that the County would be ultimately responsible for CSE in whatever form it comes.

County Manager Jones said he would not want anybody who is currently employed with the State to feel that County staff would not welcome them as an employee of Mecklenburg County, however, there is a protocol that staff has to follow and have been following. He said that protocol involves dealing with the State liaison.

County Manager Jones said he would make some phone calls to encourage the State to keep CSE employees informed of what’s taking place.

The Board then voted on the motion as amended, which reads as follows:

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to: 1) direct staff to ask the State for a 30 day extension of time for submittal of the County’s Transition Plan for the Child Support Enforcement (CSE) Program, 2) that in the interim staff provide the Board with a comparison of cost with respect to what it would cost the County to run CSE as a County department, 3) that the Board consider the feasibility of establishing a County privatization/competition committee or reaching an agreement with the City of Charlotte to jointly utilize their existing privatization/competition committee to evaluate projects or circumstances such as this.
The above is not inclusive of every comment but is a summary.

**6B) CRISIS ASSISTANCE MINISTRY**

Motion was made by Commissioner James seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to appropriate $100,000 from unrestricted contingency to Crisis Assistance Ministry for emergency assistance to prevent homelessness and utility disconnection.

*Note: The community continues to see increased demand for utility and rental assistance at Crisis Assistance Ministry. The appropriation of $100,000 will provide assistance for approximately 288 families through payments made directly to landlords and utility companies.*

Carol Hardison with Crisis Assistance Ministries addressed this issue, prior to the above vote.

Also, prior to the above vote, Commissioner Leake asked how much funding has Crisis Assistance Ministries received from the County this year. Ms. Hardison said there are two areas that receive funds from the County, General Assistance in the amount of $300,000 and Emergency Assistance in the amount of $1.8 million.

**6C) FINANCIAL UPDATE**

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

- Property Tax Collections
- Sales Tax Collections
- Investment Income
- Current Year Expenditures
- FY 2011 Cost Increases

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

County Manager Jones addressed the pension fund contribution. It was noted that employees who participate in the state retirement system pay 6% towards their retirement. The County contributes 4.8% on behalf of the employees. The new annual required contribution that’s being recommended by the State Pension Fund Advisory Board for the employer contribution is going to be 6.35% instead of the 4.8% to offset loses that have resulted from investment loses. Also, there will be a higher contribution for law enforcement personnel.

County Manager Jones said the estimated cost to the County will be about a $4 million increase to the County next fiscal year.

Comments

Commissioner Dunlap asked whether the County would be responsible for paying any of the increased retirement cost for law enforcement personnel, since the County currently pays for the provision of law enforcement services in the unincorporated portions of the County.

County Manager Jones said the County won’t pay it directly but indirectly if the City indicates an increase in the cost to provide services. County Manager Jones said the County’s payment was based upon a percentage of the total police department budget. Thus, if the police department budget goes up, it could be concluded that the County’s cost for providing services in the unincorporated area could also go up.

Commissioner Cogdell asked with respect to costs increase projections for FY 2011, was it...
correct that 93% of the $10 million costs increase that’s being projected comes from the shifting of costs from the state to local government. Director Yi said two of the items are because of cost shifting and that the pension contribution is just a function state law.

Commissioner Cogdell asked was the change from 4.8% to 6.35% with respect to the employer’s contribution towards the employee pension fund, was how staff came up with the $4 million increase. Director Diorio said yes, it’s an increase on total payroll.

CONSENT ITEMS

Motion was made by Commissioner Murrey, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held December 1, 2009, Budget/Public Policy Meeting held November 10, 2009, Special Meetings held November 10, 2009, September 22, 2009, and January 29, 2009 and Closed Session held December 1, 2009.

(8) TAX REFUNDS

Approve refunds in the amount of $78,649.19 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.

(9) 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.”

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

(11) GREENWAY DEDICATION – MCDOWELL CREEK

Accept the donation of +/-18.37 acres (a portion of Tax Parcel 015-051-08) on McDowell Creek from Carrington Ridge, LLC.

Note: The subject property, located within the Carrington Ridge subdivision at the intersection of Beatties Ford Road and Bud Henderson Road is being dedicated to the County as a required condition of subdivision approval. The property will become part of the land assemblage for the McDowell Creek Greenway in the North Park District.

(12) GREENWAY DEDICATION – LONG CREEK

Accept the donation of Tax Parcel 025-113-23 (+/- 6.916 acres) on Long Creek from Charter Properties, Inc.

Note: The subject parcel is located off Reames Road and is being dedicated to the County as a required condition of rezoning approval for the Long Creek Club Apartments development.
property will become part of the land assemblage for the Long Creek Greenway in the North Park District.

(13) CONSTRUCTION AND MAINTENANCE EASEMENT AGREEMENT

Authorize the County Manager to negotiate and execute a Construction and Maintenance Easement Agreement with Long Creek Club Apartments, LLC for the Long Creek Greenway.

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

(18) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT FOR OCTOBER 2009

Recognize and receive Area Mental Health Monthly Financial Report.

AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2010, For the period ending October 31, 2009

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>15,716,737</td>
<td>2,265,344</td>
<td>14.41%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>34,859,677</td>
<td>6,033,587</td>
<td>17.31%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>97,293</td>
<td>14,716</td>
<td>15.13%</td>
</tr>
<tr>
<td>County</td>
<td>41,567,076</td>
<td>15,515,943</td>
<td>37.33%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>92,240,783</td>
<td>23,829,590</td>
<td>25.83%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Service Continuum</th>
<th>Budget</th>
<th>Actual</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Developmental Services</td>
<td>7,001,354</td>
<td>1,941,211</td>
<td>27.73%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>14,179,546</td>
<td>3,119,501</td>
<td>22.00%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>9,118,852</td>
<td>1,775,936</td>
<td>19.48%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>12,958,650</td>
<td>3,845,829</td>
<td>29.68%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>10,637,008</td>
<td>2,624,995</td>
<td>24.68%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>19,268,029</td>
<td>6,092,951</td>
<td>31.62%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>19,077,344</td>
<td>4,429,167</td>
<td>23.22%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>92,240,783</td>
<td>23,829,590</td>
<td>25.83%</td>
</tr>
</tbody>
</table>

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

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

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

(19) NATURE PRESERVE DESIGNATION
Designate as Nature Preserve +/-7.27 acre parcel of parkland (parcel 013-042-25) purchased in August, 2008 for the purpose of watershed protection.

(24) SETTLEMENT AGREEMENT – CLEVELAND CONSTRUCTION, INC.

Receive as information that the case of Cleveland Construction, Inc. v. Mecklenburg County, F.N. Thompson Turner, WSD, BE&K Building Group, Inc, and The Walter B. Davis Company (07-CVS-15408) was settled by payment of $1,515,494.31 as authorized by the Mecklenburg County Board of Commissioners in closed session on October 6, 2009. Instruct the Clerk to record the action taken by the Board of Commissioners in the official minutes.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Cooksey entered the meeting.

(25) DONATION OF MOWING EQUIPMENT – PARK AND RECREATION

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

1) Recognize and accept equipment donations from Jacobsen and E-Z-Go for a range picker cart, an all electric tee box mower, a greens mower and a fairway mower. The value of the donated equipment is $56,000.

2) Recognize Dan Wilkinson (President, Jacobsen) and Kevin Holleran, (President, E-Z-Go.) and Del Ratcliffe (President, Ratcliffe Golf Services).

James Alsop with Park and Recreation addressed this item.

(26) DOMESTIC PARTNER BENEFITS

The Board received a report on Domestic Partner Benefits.

Human Resources Director Chris Peek gave the report. The following was covered:

- Results of Research and Analysis
- Legal Considerations
- Key Board Considerations

Note: During the January 6, 2009 Strategic Planning Conference, the Board of County Commissioners asked staff to review the feasibility of offering domestic partner benefits to County employees.

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

Comments

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey, to direct the County Manager to begin the process to offer County employees, same sex, Domestic Partner benefits, that would begin at the time of the next open enrollment period. Domestic Partners will be defined as follows: “Two individuals who have reached the age of majority and live together in a long term relationship of indefinite duration, with an exclusive mutual commitment in which
the partners share the necessities of life and are financially interdependent. Also, domestic partners are not married to anyone else, do not have another domestic partner, are legally prohibited from marrying each other in the state of N.C., and are not related by blood more closely than would bar their marriage in this state.” Furthermore, we should require an Affidavit of Domestic Partnership modeled on others used by other jurisdictions in this state requiring the following: joint financial documents, a joint mortgage or lease, a relationship that has been in existence at least one year, and any other similar requirements. Employees will have to sign these Affidavits of Domestic Partnership to obtain the benefits. Finally, the benefits offered should include health and leave benefits that are the same as those offered to the families of other County employees who are married.

Commissioner Clarke asked if current employees pay the full costs for their dependents, spouses and children. Also, would anything change if a domestic partner is added. **Director Peek said employees pay the difference between the premium and the County’s contribution. It was noted that the County’s contribution is the same whether an employee covers dependents or not. Thus, the County’s contribution does not increase when a dependent is added. It was noted also that since the risk is shared over the aggregate group, to say that the additional portion will balance out the cost may or may not be the case.**

Commissioner Clarke asked would this be true as well anytime you have a new employee and they decide to insure their spouse and you don’t know whether the spouse has chronic health issues or not. He said the County doesn’t have control over that. **Director Peek said that was correct.**

Commissioner Dunlap asked was it concluded that a domestic partner had to be of the same sex or was that just the motion. **Chairman Roberts said that was the motion and that’s still to be discussed as a policy.**

Commissioner Cooksey asked Director Peek to address the business reasons for providing domestic partner benefits. **Director Peek noted those things that were cited per staff’s research. He said, however, the number one reason cited was for recruitment and retention. The second reason had to do with the perception of fairness that you’re providing a benefit to married partners as oppose to a benefit to those that aren’t married.**

Commissioner Cooksey asked had any documentation been found indicating there’s an advantage in terms of retention and recruitment of employees. **Director Peek said staff was unable to find any empirical data specifically related to that.**

Commissioner Cooksey asked Director Peek what would be the business reasons in his view to not provide domestic partner benefits. **Director Peek said that’s a policy decision for the Board, but with regard to a business case he would suggest that there are a number of considerations that have to be made in the whole decision of what the County offers as a benefit package and whether or not this makes the County more competitive.**

Commissioner Cooksey asked Director Peek if cost factors into that. **Director Peek said he’s certain under the current economic conditions, he would assume that cost would be a factor, which was noted in the report and that the Board should consider as one of the factors in making a decision.**

Commissioner Cooksey asked how much does the County currently pay in benefit costs for all employees. **Director Peek said the claims costs last year were close to $40 million dollars.**

Commissioner Cooksey asked Director Peek to clarify claims costs. **Director Peek said since the County is self-insured, the County and/or the employees must contribute to an insurance reserve account, whereby the health care claims are paid. Thus, the actuaries are looked at every year and projections are made annually based on the County’s health care trends. Staff budgets accordingly and that costs is shared between employees and the County. Also, that this is the**
Commissioner Cooksey asked about other benefits such as vision, life insurance, cancer insurance, etc. Director Peek said the vision, cancer, and accident and with the exception of basic life, are all 100% paid by the employee. The County only contributes to medical and dental and a basic life policy that applies to all employees. Further, that if an employee adds a dependent on life, the County doesn’t contribute to that.

Commissioner Cooksey asked about family medical leave. Director Peek said the County would pay for family medical leave with regard to the granting of leave, so there would be a productivity cost.

Commissioner Cooksey asked Director Peek if he knew what the County’s family medical leave costs was. Director Peek said he didn’t have that information.

Commissioner Cooksey referenced the cost impact noted in the report and asked was that 1% - 3% of the $40 million. Director Peek said that’s the total claims costs.

Commissioner Cooksey asked had there been a demand from County employees for this benefit. Director Peek said based on staff’s measurement, the two things looked at were the last three years of exit interviews by employees and in those three years there were no responses citing that as a particular desire or reason for their departure. Also, that in the last employee survey only one request was received.

Commissioner Cooksey asked Director Peek if he had any sense of the utilization of this benefit. Director Peek said if he had to guess he would suggest somewhere in the 1% range, which would be about 60 people.

Commissioner Cooksey asked would there be additional staff costs to implement this. Director Peek said yes and the estimate is between $8,000 - $10,000. He said this would be an initial costs, which would be minimized once the system is set up and it would be absorbed in the open enrollment process.

Commissioner Cooksey cited other things that would need to occur to implement this change and asked Director Peek wouldn’t the cost be more than $10,000. Director Peek said it’s possible. Director Peek said his estimate doesn’t include any legal considerations that may have to occur.

Commissioner Cooksey asked how many counties in North Carolina have implemented domestic partner benefits. Director Peek said six jurisdictions, not all are counties. The two counties are Durham County and Orange County.

Commissioner Cooksey asked what was the participation rate in these jurisdictions. Director Peek said between 5 and 24 employees or .1% to .9% of their total insured employees.

Commissioner Cooksey asked about the participation rate across the country. Director Peek said he didn’t have that data.

The following persons spoke in opposition to providing domestic partner benefits:

Pastor Jason Coley (Pastor Coley said this action would be wrong. He said it’s against the law in North Carolina to “co-habit.” Pastor Coley said it seems to him that “minorities always get their way and a minority class, whatever it may be.” Further, that he thought “we were governed by the majority rules, but it doesn’t seem that way.”)

Dr. C. Hendricks (Dr. Hendricks said “to give benefits to domestic partners will serve no purpose than to stroke a certain group of people and cause a rift between people of our county and even may even cause a legal issue.” Dr. Hendricks cited increased costs as a factor that should be
taken into consideration. She said providing benefits to persons who are married was okay but for “someone who is just living together whether they are heterosexual or homosexual would not be to the benefit of Charlotte.” Dr. Hendricks said doing this “would be unfair to Charlotte, unfair to the taxpayer, and even unfair to the domestic partners.” Further, that what if the domestic partners decided to part, how would the County go about taking away the health benefits and other benefits given to them, as to a married couple were they to divorce.)

Pastor Charlie Scott (Pastor Scott said this should not be offered to unmarried persons. He said co-habitation is against the law in North Carolina. He said “it’s placing this conduct as acceptable and equal, equal legally with marriage.” He said marriage is defined in the State of North Carolina as “one man and one woman in legal marriage.” He said costs would increase for the County at a time when the County is struggling to keep the services it currently provides. Pastor Scott said he believes this is “tearing down the moral fibers in our community and our country.”)

Dr. Mark Harris, Pastor of First Baptist Church of Charlotte (Dr. Harris said there are three things the Board needs to stop and think about. 1) It’s a matter of common sense and based on the report from staff there’s not an “outcry or need” Pastor Harris said “the fact that the motion was made so quickly after the report was given, certainly leads someone to believe that there’s something else driving this than common sense.” 2) The issue of consistency. He said the State of North Carolina does not have same sex marriage under the current laws. 3) He realizes there are all sorts of convictions of right and wrong that people hold, but he would ask that the Board “not make the citizens of Mecklenburg County ask did you check your common sense at the door when you came into this meeting.”)

Martin Davis (Mr. Davis said he doesn’t believe that domestic partner benefits are needed in order to attract and retain employees. He said there’s not a shortage of people wanting to work for government in this country.)

The following persons spoke in support of providing domestic partner benefits:

Owen Sutkowski (Mr. Sutkowski said the “common sense” is to provide equitable access to benefits for all County employees. He said they are all taxpaying citizens and deserve to be treated equitably and equally. He said there are a lot of large employers in Mecklenburg County that offer domestic partner benefits. With respect to employees not requesting this benefit and/or indicating this as a reason for leaving the County’s employ, Mr. Sutkowski said people are still “scared to be out.” Mr. Sutkowski said the Board should not just focus on the numbers but the people and the context behind them.)

Ken Wittenauer (Mr. Wittenauer said he took a job with a company two years ago because they offered domestic partner benefits. He said in order to encourage employment, Charlotte/Mecklenburg County needs to be viewed as a “progressive county that encourages diversity and inclusiveness.” He said having domestic partner benefits as a part of that employee package would help facilitate that. Mr. Wittenauer said perhaps the reason there aren’t any County employees present to speak in support of this is because they are fearful.)

LaWana Mayfield (Ms. Mayfield said the issue of domestic partner benefits is one of “fairness and equality, not religion.”)

Synde Reames (Ms. Reames said the issue is one of equality, attracting good and qualified employees, and fairness. Ms. Reames said employees don’t ask for this type of benefit because they “risk getting fired, getting thrown out of their families, and risk getting ostracized.”)

Commissioner Murrey with respect to the estimated participation rate, asked was it correct that if the County’s participation rate was like that of the other jurisdictions in North Carolina then the
cost would be less than $400,000. Director Peek said that was correct because the $400,000 is based on a participation rate of 1%.

Commissioner Murrey said the report indicates that no evidence was found where domestic partner benefits has an impact on recruitment. He asked how many studies did staff find that showed it did not help recruitment. Director Peek said the same number, which was none.

Commissioner Murrey asked how many times did staff find this issue had been studied. Director Peek said staff referred to the major two consulting firms and don’t have a specific number.

Commissioner Murrey said was it correct that staff was unable to find a study that said domestic partner benefits did not help recruitment, yet staff did find a number of surveys that subjectively thought that it did help with recruitment, about 71% of the respondents. Director Peek said that was correct.

Commissioner Murrey asked with respect to employee exit interviews whether it was specifically asked if one of the reasons for leaving the County’s employ was because of the lack of domestic partner benefits. Director Peek said it was not one of the questions asked.

Commissioner Murrey asked as a follow-up to exit interviews, since the question is not asked, this means that staff would rely on the employee to bring the issue up. Director Peek said yes.

Commissioner Murrey asked Director Peek if he could imagine any reason why an employee would not want to bring this issue up in an exit interview. Director Peek said there would be some reasons to assume that as indicated by some of the speakers. He said hopefully with the County’s policy of no discrimination even based on sexual orientation, it’s hoped that the County would provide a “safe environment” for that, but he can certainly see where an individual would be concerned.

Commissioner Murrey said particularly if this person had been discriminated against before that they may not trust, while the County is very good at this, that they may not hit a 100% of the time, that they may suffer some ill affects of discrimination. Director Peek said that was quite possible.

Commissioner Murrey asked how many people with disabilities receive benefits from the County. Director Peek said he didn’t have that data.

Commissioner Murrey asked how many Native Americans receive benefits. Director Peek said it’s less than 1%, which would be less than 60.

Commissioner Murrey asked how many people are expected to take advantage of this benefit. Director Peek said the projection would be 1% or less.

Commissioner Murrey asked was there any correlation to the number of people seeking benefits from a particular demographic class and whether or not they receive benefits. Director Peek said no.

Commissioner Murrey said the number of people seeking benefits is really not relevant from the issue of fairness in terms of who receives the benefit. Director Peek said that would be fair to say.

Commissioner Bentley referenced a section of the report, Appendix F, which was a report from the Corporate Resource Council regarding the hidden costs of domestic partner benefits, specifically Section III, B, The Unique Case of Same-Sex Relationships. She asked Director Peek if he agreed with the statements noted therein. Director Peek said he does not have any evidence to agree or disagree with regard to a medical research, therefore it would be difficult for him to respond without being completely subjective.
Commissioner Bentley asked Director Peek in general, does he concur that the findings in this report are substantial enough to build a case that the Board would consider the implications from a costs perspective against providing these benefits. Director Peek said it certainly provides data to make that a part of the consideration.

Commissioner Bentley noted the report’s findings with respect to recruitment and retention of employees and said that argument that it’s done for recruitment and retention purposes really “doesn’t hold water.”

Commissioner Bentley with respect to the number of local employers who provide domestic benefits, said Mecklenburg County would be taking a lead role rather than following a market trend. Commissioner Bentley said this indicates that Mecklenburg County is not at a recruitment disadvantage because it doesn’t currently offer domestic partner benefits.

Commissioner Bentley said she doesn’t think the County is “behind the curve” on this. She doesn’t feel that there’s an “outcry” for this benefit, internally or externally from the market place.

Commissioner Dunlap said for him it makes sense to make sure that people can support one another. He said for him this was not about religion and the church. He said a lot of people would want to make this issue about “sin.” Commissioner Dunlap said the word says “all have sinned and fall short, even those that spoke against sin, sin.” Commissioner Dunlap said for him the issue was about what’s fair. Commissioner Dunlap said “whether you support people who are gay or not, he still believes they have a right to feed their family, that they are God’s creation, that they are human, and that we are our brother’s keeper; and it’s our responsibility to look out for them regardless of what their sexual orientation may be.” Commissioner Dunlap concluded by saying “because you believe that your Christianity leads you to believe and think one way is not to suggest that somebody else can’t be a Christian because they think differently.”

Commissioner Murrey said he wanted to clarify that HIV/AIDS is not a “homosexual” disease. He said the numbers for Mecklenburg County show that a lot more “heterosexuals” have HIV/AIDS than “homosexuals.”

Commissioner Murrey said he knows this is a very challenging issue and has the potential to be very divisive in the community. Commissioner Murrey said some will “frame” this as a human rights issue and others in moral or theological terms.

Commissioner Murrey said his reading of scripture directs him to support this issue on theological grounds, as well as social and business grounds that have been highlighted in the report. Commissioner Murrey said “given the opportunity to improve fairness, show tolerance, and support committed relationships” he would do so. He said and given the chance to enhance the County’s ability to recruit top talent and to show companies considering relocating their businesses here that Mecklenburg County is tolerant and supportive of a degree of social diversity that matches our religious diversity, he would do so.

Commissioner Murrey concluded by saying he believes in the value of long-term committed relationships and the family units they create. He said those who can express their commitment through marriage have access to these benefits in County government. Further, that those who are legally prohibited from expressing their commitment to one another through marriage should have access to these benefits as well.

Commissioner Cooksey referenced the oath taken by Commissioners upon taking office. He also referenced the definition of marriage according to North Carolina law.

Commissioner Cooksey said the statute he referenced regarding marriage, confirms that North Carolina does not recognize marriages between individuals of the same sex and because this is
expressed so emphatically in North Carolina law, he can’t help but conclude that the effort on the
table is an attempt to evade or undermine North Carolina law; “further eroding the culture of
marriage.”

Commissioner Cooksey said he can’t support this issue for the following reasons: 1) It would be
in conflict with the oath he took as a County Commissioner, 2) the alleged benefits of this policy
have not been identified and/or quantified, 3) there’s little or no demand from existing employees
for this benefit, 4) the costs are ill-defined, 4) the timing is off because Congress is currently
debating changes in how employers provide insurance coverage to their employees.

Commissioner Cooksey said County Human Resources should be spending its time analyzing the
impact of the coming healthcare reform and determining how the County can cut healthcare
costs.

Commissioner Cooksey said he fears that in taking this action the Board is catering to a small but
vocal constituency at the expense of a much larger constituency, the taxpayers.

Commissioner James asked about insurance rates paid by employees. He asked were the
categories self-sustaining, meaning do the premiums for employee + spouse cover the costs of
the employee + spouse. Director Peek said they aren’t factored that way. He said the risk is
shared across the aggregate of all of the insured.

Commissioner James asked if that included employee only. Director Peek said yes.

Commissioner James referenced a section of the report, Appendix F, which was a report from the
Corporate Resource Council regarding the hidden costs of domestic partner benefits. He asked
where did staff locate this report. Director Peek said Commissioner Bentley referred this group
to staff.

Commissioner James also addressed a section of the Corporate Resource Council report that
addressed possible fraud.

Commissioner James concluded by making the following statement. “Elections have
consequences and you’re there and you don’t’ like this, well these guys took a ton of money,
from his perspective, most of them, from the Gay Pac here in town and that helped them get
elected.”

Commissioner James said he believes “they are sincere in their beliefs that they think that this
behavior is perfectly okay; and he thinks like most people that believe they are right, they have
rationalized away the law and morality, and even sin” because in their mind it’s all about “being
fair.”

Commissioner Cogdell said he felt this issue was about fairness, equity, and human rights.

Commissioner Cogdell said with respect to the timing of this issue, “to do the right thing there is
never a bad time.”

Commissioner Leake said she “grieves” when she sees and hears persons of the “cloth” speak
non-acceptance of the “sheep.”

Commissioner Leake noted that her son died of AIDS and to “hear the remarks and the discredit
and the claimants that those who are had to be homosexuals.” Commissioner Leake said she met
with a group of young people recently who are living with HIV/AIDS contracted as a result of
their bloodline and not because they are promiscuous.

Commissioner Leake said “no one selects his or her lifestyle as it relates to one’s sexuality.” She
said many “Christians” say people make themselves that way, but that’s not true. Commissioner
Leake said persons must “study science.”

Commissioner Leake said for her this is a human rights issue and that she wants all people to be respected and valued.

Chairman Roberts said this was not a decision made in secret that this matter was discussed at the Board’s Strategic Planning Conference held earlier this year.

Chairman Roberts said she was disappointed that staff would include the Corporate Resource Council report as part of its report because it’s not an objective report.

Chairman Roberts said she agreed with the comment that there is no season for fairness.

Chairman Roberts said the big picture needs to be looked at with respect to this issue. She said there are many employers who recognize that fairness is appropriate at all times and that employees are valued for who they are and for what they bring to the table in terms of creativity and energy and care and compassion.

Chairman Roberts said employees come in all kinds of sizes, shapes, and sexual orientation and domestic situations and that it’s always the right time to value employees in a down economy or a good economy.

Chairman Roberts said the Supreme Court in Lawrence vs. the State of Texas, determined that you cannot prosecute people, consenting adults, for acts in the privacy of their own home. Further, that law, which is a federal law, trumps state law. Thus, the Board is acting within the law, which is also indicated in staff’s report and has been supported also by a professor of law at the University of North Carolina.

Chairman Roberts concluded by saying what the Board was doing was lawful, fair, values employees, and helps employees if one partner loses their job. Chairman Roberts said it’s known that people are healthier when they have health care and it’s less expensive when people are covered because they’re able to have preventive care. She said the health care issue is being discussed on the national level. Further, that there’s no legal reason why the Board can’t approve this.

The vote was then taken on the motion as follows:

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts and voting yes and Commissioners Bentley, Cooksey, and James voting no, to direct the County Manager to begin the process to offer County employees, same sex, Domestic Partner benefits, that would begin at the time of the next open enrollment period. Domestic Partners will be defined as follows: “Two individuals who have reached the age of majority and live together in a long term relationship of indefinite duration, with an exclusive mutual commitment in which the partners share the necessities of life and are financially interdependent. Also, domestic partners are not married to anyone else, do not have another domestic partner, are legally prohibited from marrying each other in the state of N.C., and are not related by blood more closely than would bar their marriage in this state.” Furthermore, we should require an Affidavit of Domestic Partnership modeled on others used by other jurisdictions in this state requiring the following: joint financial documents, a joint mortgage or lease, a relationship that has been in existence at least one year, and any other similar requirements. Employees will have to sign these Affidavits of Domestic Partnership to obtain the benefits. Finally, the benefits offered should include health and leave benefits that are the same as those offered to the families of other County employees who are married.

*The above is not inclusive of every comment but is a summary.*
DECEMBER 15, 2009
COUNTY COMMISSIONERS REPORTS AND REQUESTS

(27) CPCC STUDENT CASE STUDY ON COUNTY SEAL (CHAIRMAN ROBERTS)

The Board received a report from CPCC students regarding a case study developed this semester on the Mecklenburg County Seal.

Note: Students from Central Piedmont Community College undertook a case study this semester on the Mecklenburg County Seal. The students used the project to learn more about branding and graphic layout. The case study includes essays, opinions from members of the Board of County Commissioners, and thoughts from students regarding the seal and possible redesign.

Becky Kobsik and Mike Calitri gave the report. They asked the Board to review the report and to feel free to provide feedback at a later date.

The students were thanked for their work.

Commissioner Clarke suggested to the students that they may want to consider getting their work copyrighted.

No action was taken or required.

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

(28) SCHEDULE A CLOSED SESSION MEETING OF THE MECKLENBURG BOARD OF COUNTY COMMISSIONERS OPERATING AS THE ‘BOARD OF SOCIAL SERVICES’ TO DISCUSS VARIOUS MATTERS RELATED TO DSS FOR NOON ON DECEMBER 17, 2009 (COMMISSIONERS KAREN BENTLEY, NEIL COOKSEY AND BILL JAMES)

Motion was made by Commissioner Bentley, seconded by Commissioner James to at the conclusion of the rest of the agenda for this meeting, recess the meeting until noon on December 17, 2009 to investigate matters involving personnel of the Department of Social Services and, in connection therewith:

A. Instruct County Manager (as the human services director of the County’s Consolidated Human Services Agency, which agency includes the Department of Social Services) to instruct the Social Services Director, Mary Wilson, to appear at this meeting in closed session to provide answers to certain questions and to provide documents as requested by the members of the Board of County Commissioners in advance of that meeting.

B. Instruct the County Manager to instruct the Director of Social Services to make her supervisors and employees (especially those in DSS Finance) available to the Board of County Commissioners for questioning in closed session without management present.

C. Instruct the Chairman of the Board to invite former acting DSS head Janice Allen Jackson to appear in closed session and to offer private commentary about DSS personnel matters.

D. Offer an invitation to current or former DSS ‘Giving Tree’ and DSS Finance employees to appear in closed session and to offer private commentary about DSS’ Giving Tree program personnel matters. Interested individuals may sign up by contacting the Clerk.

E. Instruct the County Manager to make available to the Commissioners copies of any and all internal memos produced by internal Audit and senior management involving DSS Giving Tree matters from the last 12 months, with appropriate actions to insure statutory confidentiality as to personnel matters, for the Board to review.
F. Instruct the County Manager to provide to the Board in open session a detailed list of gifts purchased for others with Giving Tree funds from February 2008 through December 2008 and his opinion as to whether these purchases actually benefited (were received by) the individuals to whom they were intended.

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

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

This matter was presented and addressed by Commissioners Bentley, James, and Cooksey.

It was noted that a substitute motion was forthcoming, which they could support. Commissioner Cooksey with respect to the substitute motion that was forthcoming, said he would like to see Items E, F, G, and H as noted above included as a part of the substitute motion.

Commissioner Clarke addressed why he felt there was not a need to hold a special Closed Session with respect to this matter. He also addressed the hiring of Director of Social Services Mary Wilson.

He said he felt staff has been transparent and acknowledged when errors occurred.

Substitute Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to 1) approve the following:

Statement Of Critical Findings And Continued Confidence
In County Management

WHEREAS, on February 19, 2009, Mecklenburg County Department of Social Services Director Mary Wilson brought to the attention of the County Manager’s Office concerns about deficient internal controls involving the DSS Giving Tree Program and the DSS Voucher Program; and

WHEREAS, the Mecklenburg County Internal Audit Department was simultaneously notified of Ms. Wilson concerns; and

WHEREAS, at that time Ms. Wilson asked the County Finance Department to oversee a thorough audit of the fiscal management processes of DSS; and

WHEREAS, on March 17, 2009, the Mecklenburg County Board of Commissioners was briefed on Director Mary Wilson’s audit request; and

WHEREAS, in March 2009, the Mecklenburg County Finance Department secured the services of an outside audit firm, Cherry, Bektaert & Holland, L.L.P. to conduct an audit designed to complete the testing of transactions and disbursement report; and

WHEREAS, on March 31, 2009, Mecklenburg County Public Service and Information provided the public and media with a news release announcing Ms. Wilson’s request that the County’s Finance Department oversee an independent review of DSS’s fiscal management processes, the County Manager’s reorganization of the DSS finance division and the hiring of a new Financial Management Director; and

WHEREAS, on June 16, 2009, the Board of County Commissioners received a report on audits conducted in the Department of Social Services (DSS) at the request of DSS Director Mary
Wilson and the BOCC referred this matter to its Audit Review Committee (ARC) for further review; and

WHEREAS, on June 24, 2009, the ARC concluded, among other things, that the audits of DSS indicate insufficient internal controls, which is unacceptable and inconsistent with expectations for appropriate fiscal management of public funds; and

WHEREAS, on June 24, 2009, the ARC also concluded that it believes management’s responses to the audit findings are appropriate and sufficient to strengthen internal controls and address inconsistent and insufficient supervision; and

WHEREAS, on June 30, 2009, Cherry, Bekaert & Holland, L.L.P. notified the BOCC that it had reviewed county management’s responses to issues identified in its audit report completed May 31, 2009 and the responses appeared appropriate to resolve the identified issues; and

WHEREAS, on June 30, 2009, Cherry, Bekaert & Holland, L.L.P. also advised that the risk management and methodology process currently being followed by the Mecklenburg County Internal Audit Department appears to be an acceptable process that is being used throughout the industry; and

WHEREAS, during the same time frame that county management and staff have spent hundreds of hours developing and implementing measures designed to address these insufficient internal fiscal controls, Mecklenburg County has also in the past year:

- Maintained an AAA bond rating in part by creating a “debt diet” policy toward capital projects and refinancing various obligations to reduce taxpayer interest payments by $18M over the next decade,
- Submitted a budget 6% lower than last year, thereby, avoiding a tax hike while minimizing layoffs,
- Expanded social services hours and access points to meet sharp increases in demand for services.
- Increased job satisfaction ratings of County employees in spite of no raises being given,
- Achieved and maintained targets for customer satisfaction and public awareness.
- Achieved an “A” rating for transparency from the John Locke Foundation, one of only two counties in North Carolina to do so,
- Earned a best in the state rating for Mental Health services by a NC DHHS independent consultant,
- Earned recognition as the best EMS service provider in the country according to the national publication EMS Magazine,
- Earned national accreditation from the Commission for Accreditation of Park and Recreation Agencies, one of only 88 counties nationally to be accredited,
- Earned multiple awards from the National Association of Flood & Stormwater Management Agencies, the Association of State Floodplain Managers, and the US Geological Survey.

NOW, THEREFORE BE IT RESOLVED, that the Mecklenburg County Board of Commissioners do find and determine that:

1) internal controls in the Giving Tree and Voucher programs were woefully insufficient to ensure adequate accountability of funds entrusted to public entities; and consequently, the county will likely never be able to determine to anyone’s entire satisfaction if every dollar contributed to the Giving Tree Program was used solely for the purposes intended by the donors; and
2) county management, upon becoming aware of the unacceptable fiscal management practices in the Giving Tree, Voucher and other programs as DSS admitted error, accepted responsibility and responded appropriately and in a timely manner to call for external and internal audits and to strengthen internal controls and address inconsistent and insufficient supervision;

3) county management has shown the highest respect for the public’s right to know, that is, been entirely transparent throughout this process, by posting all DSS audit-related documents on the County’s website for ease of access by the citizens of Mecklenburg County;

4) county management at the highest levels has been held accountable by being subjected publicly to over six months of intense scrutiny and harsh criticism by members of the general public, county commissioners from both political parties and the media;

5) After taking into account all of the foregoing, the Board of County Commissioners nonetheless wishes to affirm that the Board remains highly confident in the integrity, management skills and leadership ability of Harry Jones, our County Manager, the County Manager’s office, the Director of the Department of Social Services and the entire Mecklenburg County leadership team.

Commissioner Murrey offered a friendly amendment to the substitute motion, which was accepted by Commissioners Cogdell and Clarke makers of the substitute motion, to direct the County Manager to report back to the Board with respect to Items E, F, G, and H as stated in the original motion.

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

Substitute Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to 1) approve the following:

**Statement Of Critical Findings And Continued Confidence In County Management**

**WHEREAS,** on February 19, 2009, Mecklenburg County Department of Social Services Director Mary Wilson brought to the attention of the County Manager’s Office concerns about deficient internal controls involving the DSS Giving Tree Program and the DSS Voucher Program; and

**WHEREAS,** the Mecklenburg County Internal Audit Department was simultaneously notified of Ms. Wilson concerns; and

**WHEREAS,** at the time Ms. Wilson asked the County Finance Department to oversee a thorough audit of the fiscal management process of DSS; and

**WHEREAS,** on March 17, 2009, the Mecklenburg County Board of Commissioners was briefed on Director Mary Wilson’s audit request; and

**WHEREAS,** in March 2009, the Mecklenburg County Finance Department secured the services of an outside audit firm, Cherry, Bekaert & Holland, L.L.P. to conduct an audit designed to complete the testing of transactions and disbursement report; and

**WHEREAS,** on March 31, 2009, Mecklenburg County Public Service and Information provided the public and media with a news release announcing Ms. Wilson’s request that the County’s Finance Department oversee an independent review of DSS’s fiscal management processes, the county manager’s reorganization of the DSS finance division and the hiring of a new Financial Management Director; and
WHEREAS, on June 16, 2009, the Board of County Commissioners received a report on audits conducted in the Department of Social Services (DSS) at the request of DSS Director Mary Wilson and the BOCC referred this matter to its Audit Review Committee (ARC) for further review; and

WHEREAS, on June 24, 2009, the ARC concluded, among other things, that the audits of DSS indicate insufficient internal controls, which is unacceptable and inconsistent with expectations for appropriate fiscal management of public funds; and

WHEREAS, on June 24, 2009, the ARC also concluded that it believes management’s responses to the audit findings are appropriate and sufficient to strengthen internal controls and address inconsistent and insufficient supervision; and

WHEREAS, on June 30, 2009, Cherry, Bekaert & Holland, L.L.P. notified the BOCC that it had reviewed county management’s responses to issues identified in its audit report completed May 31, 2009 and the responses appeared appropriate to resolve the identified issues; and

WHEREAS, on June 30, 2009, Cherry, Bekaert & Holland, L.L.P. also advised that the risk management and methodology process currently being followed by the Mecklenburg County Internal Audit Department appears to be an acceptable process that is being used throughout the industry; and

WHEREAS, during the same time frame that county management and staff have spent hundreds of hours developing and implementing measures designed to address these insufficient internal fiscal controls, Mecklenburg County has also in the past year:

- Maintained an AAA bond rating in part by creating a “debt diet” policy toward capital projects and refinancing various obligations to reduce taxpayer interest payments by $18M over the next decade,
- Submitted a budget 6% lower than last year, thereby, avoiding a tax hike while minimizing layoffs,
- Expanded social services hours and access points to meet sharp increases in demand for services,
- Increased job satisfaction ratings of County employee in spite of no raises being given,
- Achieved and maintained targets for customer satisfaction and public awareness.
- Achieved an “A” rating for transparency from the John Locke Foundation, one of only two counties in North Carolina to do so,
- Earned a best in the state rating for Mental Health services by a NC DHHS independent consultant,
- Earned recognition as the best EMS service provider in the country according to the national publication EMS Magazine,
- Earned national accreditation from the Commission for Accreditation of Park and Recreation Agencies, one of only 88 counties nationally to be accredited,
- Earned multiple awards from the National Association of Flood & Stormwater Management Agencies, the Association of State Floodplain Managers, and the US Geological Survey.

NOW, THEREFORE BE IT RESOLVED, that the Mecklenburg County Board of Commissioners do find and determine that:

1) internal controls in the Giving Tree and Voucher programs were woefully insufficient to ensure adequate accountability of funds entrusted to public entities; and consequently, the county will likely never be able to determine to anyone’s entire satisfaction if every dollar contributed to
DECEMBER 15, 2009
the Giving Tree Program was used solely for the purposes intended by the donors; and

2) county management, upon becoming aware of the unacceptable fiscal management practices in the Giving Tree, Voucher and other programs as DSS admitted error, accepted responsibility and responded appropriately and in a timely manner to call for external and internal audits and to strengthen internal controls and address inconsistent and insufficient supervision;

3) county management has shown the highest respect for the public’s right to know, that is, been entirely transparent throughout this process, by posting all DSS audit-related documents on the County’s website for ease of access by the citizens of Mecklenburg County;

4) county management at the highest levels has been held accountable by being subjected publicly to over six months of intense scrutiny and harsh criticism by members of the general public, county commissioners from both political parties and the media;

5) After taking into account all of the foregoing, the Board of County Commissioners nonetheless wishes to affirm that the Board remains highly confident in the integrity, management skills and leadership ability of Harry Jones, our County Manager, the County Manager’s office, the Director of the Department of Social Services and the entire Mecklenburg County leadership team.

2) To direct staff to report back on the following matters:

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

    F. Instruct the County Manager to provide to the Board in open session a detailed list of gifts purchased for others with Giving Tree funds from February 2008 through December 2008 and his opinion as to whether these purchases actually benefited (were received by) the individuals to whom they were intended.

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

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

Note: Prior to the above vote, Commissioner Cooksey said he still feels the County needs an Ethics Officer as he’s noted at a previous meeting.

Statement of Critical Findings And Continued Confidence In County Management recorded in full in Minute Book 44-A, Document #______.

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

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

(10) GOVERNOR’S CRIME COMMISSION GRANT AWARD – 1ST

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate the Governor’s Crime Commission grant award of $662,550 for the Mecklenburg County Criminal Justice Data Warehouse.
Commissioners Bentley and Leake removed this item from Consent for more public awareness. General Manager Michelle Lancaster explained what this matter was about.

*Commissioner Murrey returned to the dais.*

(14) **SPIRIT SQUARE LEASE**

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to North Carolina Performing Arts Center at Charlotte Foundation.”

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

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

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

(15) **REZONING APPLICATION FOR SPIRIT SQUARE**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey, and Roberts voting yes, to approve submission of a rezoning application to the City of Charlotte requesting rezoning of Mecklenburg County owned Tax Parcels 080-023-03, 080-023-04, 080-23-11, 080-023-12, and 080-023-13, site of the Spirit Square complex.

Commissioner Leake removed this item from Consent for more public awareness. General Manager Bobbie Shields explained what this matter was about.

(16) **AREA MENTAL HEALTH – GRANT RENEWAL APPLICATIONS**

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

A) Approve submission of the following single-year renewal grant applications for HUD Mental Health ACCESS program:
   1) Grant for $316,764 for fiscal year 9/1/2010 - 8/31/2011,

B) Approve submission of Shelter Plus Care single-year renewal grant applications as follows:
   1) Samaritan Bonus Grant for $242,340 for the period 8/1/10-7/31/2011,
   2) Grant for $1,301,436 for the period 3/6/2010-3/5/2011,

C) Recognize, receive and appropriate the amounts of the awards when received.

*Note: These grants are renewal of current grants from the U.S. Department of Housing and Urban Development. The goals of the programs are to provide rental subsidies and supportive services, such as mental health treatment and case management, for consumers who are homeless and disabled.*

Commissioner Leake removed this item from Consent for more public awareness.
County Manager Jones explained what this matter was about.

**Commissioner Dunlap returned to the dais.**

(17) **AREA MENTAL HEALTH REVENUE ADJUSTMENT (DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to reduce Medicaid revenue and related expenditures in the amount of $384,857 due to changes in Medicaid service delivery guidelines.

Commissioner Leake removed this item from Consent for more public awareness. County Manager Jones explained what this matter was about.

(20) **MCALPINE CREEK STREAM RESTORATION CONSTRUCTION**

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

1) Authorize the County Manager to execute a construction contract with Blythe Development in the amount of $1,966,450.66.

2) Adopt a Resolution to authorize the County Manager to negotiate and execute an Interlocal Agreement (funding agreement) with the City of Charlotte.

3) Recognize, receive, and appropriate $1,350,000 from the City of Charlotte.

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

Commissioner Leake removed this item from Consent for more public awareness. General Manager Bobbie Shields explained what this matter was about.

Commissioner Leake said she would like to know if the MWSBE goals are met.

(21) **WEST BRANCH ROCKY RIVER GREENWAY – CONSTRUCTION CONTRACT**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a Resolution to award a construction contract to Blythe Development Co. for a total amount of $424,145.

*Note: This contract is for the construction of the West Branch Rocky River Greenway. The project site is located inside the River Run Development in Davidson, NC. Construction funding will be reimbursed by an American Recovery and Reinvestment Act (ARRA) agreement with NCDOT. The contract includes the construction of the main greenway trail, boardwalks, a plaza, retaining walls, site furnishings, landscaping and other trail amenities.*

*Resolution recorded in full in Minute Book 44-A, Document # ____.*
Commissioner Leake removed this item from Consent for more public awareness. General Manager Bobbie Shields explained what this matter was about.

Commissioner Leake said she would like to know if the MWSBE goals are met.

(22) **TOBY CREEK GREENWAY – CONSTRUCTION CONTRACT**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a resolution to award a construction contract to Eagle Wood, Inc. for a total amount of $1,064,690.50.

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

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake said she would like to know if the MWSBE goals are met.

(23) **DOG PARK IMPROVEMENTS – CAPITAL RESERVE REQUEST**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve a capital reserve expenditure of $107,000 from funds accrued in Mecklenburg County’s Dog Parks Capital Reserve Account to construct a new dog park facility in Shuffletown Park.

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

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

**ADJOURNMENT**

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:59 p.m.