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, January 10, 2012.

ATTENDANCE

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

Absent: None

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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 Cogdell, after which the matters below were addressed.

(1) RED LINE REGIONAL RAIL PROJECT

Note: The Red Line Regional Rail Project is an initiative to upgrade an existing 25-mile section of Norfolk Southern “O” Line in the North Corridor of the Metrolina region. The capital construction cost has been set at $452 million based on 90% design plans. The full cost of Construction, Operation and Maintenance is proposed to be funded through a partnership among the State of North Carolina, Charlotte Area Transit System and the seven north corridor jurisdictions (Charlotte, Mooresville, Davidson, Cornelius, Huntersville, Iredell County and Mecklenburg County). The proposed funding is Pay-as-you-go and bonds to be issued by a Joint Powers Authority using revenue from the State, CATS and the seven jurisdictions.

Mark Briggs with Parsons Brinckerhoff and Katherine Henderson with KKH Consulting addressed the Red Line Regional Rail Project. The presentation covered the following:

- Project Introduction

Commissioner Cooksey entered the meeting.

- Policy Framework
- Governance: Joint Powers Authority
- Funding and Finance Plan
- Recommendations
- Process/Next Steps
A copy of the report is on file with the Clerk to the Board.

Comments

Commissioner Cooksey asked about the 75-25 split on the TIF portion and how was it arrived at, which was addressed.

Commissioner Cooksey asked was it essential that all jurisdictions sign up for the same percentage. The response was yes.

Commissioner Cooksey asked for clarification of the term, Availability Payments, which was addressed.

Commissioner Cooksey asked what if the project doesn’t get off the ground, how could the County get out of the agreement and get its tax revenue back, which was addressed. Mr. Briggs said one thing that had been suggested was that local governments may want to transfer that risk to the private sector and say to the private sector that they do their underwriting, look at the numbers, look at the projects, look at the structure, look at the commitments from the various taxing entities and anyone else and at that point in time, you are responsible to design, build, operate and maintain this project and you may not come back to the County or anyone else; and say to them, you took that risk.

Commissioner Cooksey asked about the Special Assessment District and what’s the incentive to participate, which was addressed.

Commissioner Cooksey asked why build a new transit center on Graham street, when you have one downtown already, which was addressed by someone from CATS.

Commissioner Cooksey asked for clarification regarding the Guggenheim Securities Approach which was addressed.

Commissioner Cooksey asked about CATS and the City of Charlotte’s participation which was addressed.

Commissioner Bentley asked about Lowes participation financially in the build out. The response was that they would be members of the assessment districts, and would likewise make assessment payments exactly equal to all the others.

Commissioner Bentley asked about the east/west connector which was addressed.

Commissioner Bentley asked about Norfolk Southern’s participation. The response was that they’re just being engaged.

Commissioner Bentley asked about ridership which was addressed.

Commissioner Bentley asked about the state’s commitment to backstop the debt, which was addressed by Jack Flarity with the NC DOT.

Commissioner James asked about CATS and the City of Charlotte’s voting percentages, which was addressed.

Commissioner James asked was it true that if CATS had the amount of money they projected that today's conversation would not be taking place. There was no one present to accurately respond.
Commissioner James said there needed to be a vote to say whether or not the County, as well as the towns, want to proceed with this type of taxing scheme.

Commissioner Roberts said CATS could do the Red Line 20 years from now with financing, but the reason this was coming forward was because the towns on that line were excited about the development opportunities, transit oriented development and what it would mean for future businesses, that they want to “jump start it” and were willing to explore these type of assessment districts.

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

Commissioner Roberts asked about the tax increment financing and was it indefinitely the future for additional revenues. The response was that the tax increment district would have a 30 year life.

Commissioner Dunlap asked for clarification regarding Fund Operation and Maintenance Costs, which was addressed.

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

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

Chairman Cogdell thanked the presenters for the report.

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

(2) NOMINATIONS/APPOINTMENTS-PLANNING COMMISSION

Commissioner Dunlap nominated the following persons for appointment consideration to the Charlotte-Mecklenburg Planning Commission: Raymond Eschert, Susan Lindsay, Gray Newman, and Nancy Wiggins.

Appointments will occur at the January 18, 2012 meeting.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 5:25 p.m.

Janice S. Paige, Clerk  Harold Cogdell, Jr., Chairman
ATTENDANCE

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

Absent: Commissioner Neil Cooksey

-INFORMAL SESSION-

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

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12, 13, 19, and 21.

(2) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:45 p.m.

Commissioners Clarke and Dunlap were present when the Board came back into Open Session. They entered the meeting during Closed Session.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

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- FORMAL SESSION -

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

CITIZEN PARTICIPATION

(1) AWARDS/RECOGNITION—NONE

(2) PUBLIC APPEARANCE - NONE

(3) NOMINATIONS/APPOINTMENTS

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner James, to defer an appointment to the Park and Recreation Commission until the first meeting in February at the request of the chairman of the Park and Recreation Commission, Robert Brisley.

Commissioner Bentley said according to Mr. Brisley, the Park and Recreation Commission had not had an adequate opportunity to get candidates to apply.

Commissioner Leake commented on the applicant before the Board for consideration, Sheryl Smith. Commissioner Leake said Ms. Smith was a diligent worker in District Two and that she had the support of District Two.

Commissioners Dunlap and Roberts expressed the desire to move forward with the one applicant.

Chairman Cogdell said he was also aware of community support for Ms. Smith.

Substitute motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Sheryl Smith to the Park and Recreation Commission as the Central Region 1 representative to fill an unexpired term expiring June 30, 2013.

She replaces Beverly Lawson.

(3B) APPOINTMENTS

PLANNING COMMISSION

The following persons were previously nominated for appointment to the Planning Commission: Raymond Eschert, Ron Frazier, Danmon Gregory, Wendy Jamison, Susan Lindsay, Gray Newman, Deborah Ryan, Joe Simpkins, and Nancy Wiggins.
Note: Danmon Gregory and Joe Simpkins asked that their names be removed from consideration. Wendy Jamison’s name was removed from consideration because she currently serves on the Information Services & Technology Committee.

Persons nominated for appointment to the Planning Commission are required to go through an interview process by an Ad Hoc Committee of the Board. The Ad Hoc Committee members were Commissioners Leake, Dunlap, Pendergraph and Chairman Cogdell.

Commissioner Dunlap presented one of the committee’s recommendations which was to appoint Deborah Ryan to fill an unexpired term, expiring June 30, 2012.

Commissioner Pendergraph presented the committee’s second recommendation for Raymond Eschert to fill an unexpired term, expiring June 30, 2014.

A copy of the Committee’s recommendation is on file with the Clerk to the Board.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Deborah Ryan to the Planning Commission to fill an unexpired term expiring June 30, 2012.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Raymond Eschert to the Planning Commission to fill an unexpired term expiring June 30, 2014.

They replace Claire Fallon and Nina Lipton.

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held December 20, 2011, Budget/Public Policy Meeting held November 8, 2011 and Closed Session held December 20, 2011.

(10) TAX REFUNDS

Approve refunds in the amount of $97,027.44 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(11) REPORT OF SETTLEMENT OF LAWSUIT

Receive as information that Arjan Jagtiani vs. Mecklenburg County, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 11-CVS-2278 was settled.

Note: On November 15, 2011, the Board of County Commissioners approved in Closed Session the settlement of the lawsuit entitled “Arjan Jagtiani vs. Mecklenburg County,” in the General
JANUARY 18, 2012

Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 11-CVS-2278.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey, and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to settle this lawsuit on terms negotiated with the plaintiff.

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.

Settlement agreement recorded in full in Minute Book ____, Document # _____.

(14) HAZARD MITIGATION “QUICK BUY” PROGRAM—FLOODPLAIN ACQUISITIONS

1) Accept the “Offer of Sale of Land” from Patricia Wilkes of 2759 Coronet Way (Parcel ID: 07113117) for $42,625.

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

(15) AD VALOREM TAX ADVERTISEMENT

Order the advertisement of delinquent 2011 real estate and personal property taxes.

Note: The advertisement is a notification to taxpayers of outstanding tax balances. This action is required by NCGS 105-369(a).

(16) BUDGET AMENDMENT—LUESA (REVENUE INCREASE)

1. Recognize, receive and appropriate $659,464 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) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Monthly Financial Report for the period ending October 2011.

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.
MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending October 2011

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>$8,966,442</td>
<td>$1,458,182</td>
<td>16.26%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>33,372,871</td>
<td>3,384,980</td>
<td>10.14%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>74,318</td>
<td>1,872</td>
<td>2.52%</td>
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<tr>
<td>County</td>
<td>39,803,728</td>
<td>8,030,748</td>
<td>20.18%</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>$82,217,359</td>
<td>$12,875,782</td>
<td>15.66%</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>$7,501,036</td>
<td>$1,947,452</td>
<td>25.96%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,111,062</td>
<td>2,178,285</td>
<td>16.61%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,510,306</td>
<td>969,365</td>
<td>12.91%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>13,641,395</td>
<td>3,498,568</td>
<td>25.65%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>7,774,099</td>
<td>1,879,404</td>
<td>24.18%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>22,157,265</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>10,522,196</td>
<td>2,402,708</td>
<td>22.83%</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td>$82,217,359</td>
<td>$12,875,782</td>
<td>15.66%</td>
</tr>
</tbody>
</table>

| Net (Revenues - Expenditures) | 0 | 0 | 0% |

(18) GRANT APPLICATIONS—NORTH CAROLINA CLEAN WATER MANAGEMENT TRUST FUND

1. Authorize the County Manager to submit two stream restoration grant applications to the North Carolina Clean Water Management Trust Fund. The first grant for an amount up to $853,000 (Main Stem McDowell Creek Upstream of Torrence Creek) and the second grant for an amount up to $806,000 (Goose Creek).

2. Authorize the Chairman to execute the Authorization to File the Applications and Enter into Grant Contracts with Clean Water Management Trust Fund.

3. Recognize, receive and appropriate the amount of the awards when received.

4. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

*Resolution recorded in full in Minute Book _____, Document # ____.*

(20) AUTHORIZE THE SALE OF SURPLUS EQUIPMENT

1) Adopt resolutions authorizing the sale of the following Mecklenburg County equipment to Carolina Cat and H&E Equipment Caterpillar, Model 320CL, Hydraulic Excavator, SWT503 Diamond Z, Model 1460B, Tub Grinder, SWZ933

2) Upon sale of the equipment, recognize, receive and appropriate funds in the amount of $210,000 for the Solid Waste Capital Reserve Fund.

*Resolutions recorded in full in Minute Book ____ Documents # _____, _____ and _____.*
DELEGATION OF AUTHORITY TO DEPUTY CLERK

Approve delegation of authority to Deputy Clerk to the Board to execute documents in the absence of the Clerk.

Delegation of Authority Form recorded in full in Minute Book _____, Document # _____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

MANAGER’S REPORT

ENVISION CHARLOTTE UPDATE

The Board received an update on Envision Charlotte activities from Heidi Pruess, the County’s Environmental Policy Administrator and Vincent Davis with Duke Energy.

Note: Mecklenburg County is one of the partners supporting Envision Charlotte. Smart Energy Now (SEN) is the first model program of Envision Charlotte under the “Energy” pillar and it is now up and running.

The update addressed the progress of SEN to date, plans for the future of SEN and plans for the future of Envision Charlotte as it pursues additional model programs (under the pillars of Air, Water and Waste) to complete a full environmental sustainability platform.

Highlights

- Smart Energy Now (SEN) is an initiative sponsored by Duke Energy.
- It’s all about energy efficiency.
- Envision Charlotte is now a 501(3c).
- Community enthusiasm for this program continues to build.
- Community engagement has begun.
- To participate in the program, a business has to be within the I-277 Loop and have at least 10,000 sq. ft. of office space.
- A tremendous response has been received from businesses.
- The program is slated for five years, a twenty percent reduction in energy consumption over five years.

Chairman Cogdell thanked them for the update.

PUBLIC HEARINGS

REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE (MCAPCO)

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing to receive comments on revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO).

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake,
JANUARY 18, 2012

Pendergraph and Roberts voting yes, to close the public hearing on revisions to the Mecklenburg County Air Pollution Control Ordinance and adopt revisions to the Mecklenburg County Air Pollution Control Ordinance.

Note: The adoption of revisions to MCAPCO is in response to State certification requirements and USEPA grant requirements. The revisions include increases in air quality permit application and annual administering and compliance fees for the first time since 2004. Fees will become effective October 1, 2012.

Ordinance recorded in full in Minute Book ____, Document # _____.

(48) STREET LIGHTING ASSESSMENT—CARDINAL WOODS SUBDIVISION

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing on Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision and hear from staff and any other persons desiring to speak.

No one from the public appeared to speak.

Dave Canaan with LUESA addressed this issue with the Board and explained the background of this particular assessment.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision and authorize the County Manager to:

a) Restart the public hearing process for FY11 for Phase 1, Maps 1 – 3 of the Cardinal Woods Subdivision;

b) Reimburse the Cardinal Woods Homeowners Association $7,853.85 for the amount the County over-assessed in Phase 1, Map 4 and Phase 2, Map 1; and

c) Continue coordinating with Cardinal Woods Homeowners Association, Cardinal Woods Estate homeowners association, and Duke Energy to identify options and come to consensus on recommendations for the Board to consider on how to perform future street lighting assessments for the Cardinal Woods Subdivision.

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

(12) BUDGET AMENDMENT—SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $70,000 from Inmate Commissary for the Sheriff’s Special Revenue Fund; and recognize, receive and appropriate $43,132 from Vocational Facility Telephone Revenue for the Sheriff’s Special Revenue Fund.

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

(13) CONTRACT AWARD—MISCELLANEOUS LAW ENFORCEMENT VEHICLES
Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve a unit price, term contract with Parks Chevrolet for one year for the purchase of 15 Chevrolet Caprice Marked Sedans and one Chevy Caprice Detective Sedan and authorize the County Manager to renew this contract for up to four additional one-year terms.

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

Commissioner Clarke returned to the dais.

(19) SET PUBLIC HEARING—NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to 1) Schedule a public hearing on February 21, 2012 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 2012-2013. 2) Authorize the Clerk to the Board to publish Notice of the public hearing.

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

(21) SET REGISTER OF DEED FILING FEE FOR OFFICE OF REGISTER OF DEEDS

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a Resolution to Establish Salary for the Office of Register of Deeds.

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

County Attorney Bethune explained the purpose of the resolution.

Resolution recorded in full in Minute Book ____, Document # _____.

(5) ADVISORY COMMITTEE REPORTS—NONE

(7) STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(88) UPDATES FROM COG AND NCACC BOARD MEETINGS (COMMISSIONER ROBERTS)

The Board received updates from Commissioner Roberts regarding the Centralina Council of Government and North Carolina Association of County Commissioners Board Meetings.

(8A) DAIS SEATING ASSIGNMENT FOR BOCC MEETINGS (COMMISSIONER LEAKE)

Commissioner Leake addressed the dais seating assignment for Board meetings and asked for clarity from Chairman Cogdell regarding procedure and effective date for seating of commissioners around the dais at meetings held in the meeting chamber.
Note: At the December 20, 2011 meeting of the Board of County Commissioners, changes were made to the seating arrangements of the commissioners pursuant to instructions given to the Clerk by Chairman Cogdell.

Commissioner Leake said she was not upset about where she sits around the dais but would like to know from the Chairman why he moved her from her previous seat.

Commissioner Leake said she had hoped this matter could have been discussed in private, but that it became public when the news media received information that no “democrat or republican” wanted to sit next to her.

Commissioner Leake said there was a note left at the podium by a commissioner that stated, “tell her the truth that no one wants to sit beside her because she is so disruptive; that came from Commissioner Pendergraph.”

Commissioner Leake said “I have not disrupted this meeting, nor have I, in any way, created any outburst or have not followed the procedures or process.”

Chairman Cogdell said he did not have any remarks.

(8C) ITEM REMOVED - UNCC FOX ENDOWMENT FUND CONTRIBUTION (CHAIRMAN COGDELL)

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:15 p.m.

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Janice S. Paige, Clerk Harold Cogdell, Jr., Chairman
FEBRUARY 7, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 7, 2012.

ATTENDANCE

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

Absent: None

-INFORMAL SESSION-

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 12, 17, 20, and 22.

(2) STAFF BRIEFINGS - NONE

(3A) CLOSED SESSION – CONSULT WITH ATTORNEY

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

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

The Board went into Closed Session at 5:11 p.m. and came back into Open Session at 6:05 p.m.

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

-FORMAL SESSION-

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

(1) AWARDS/RECOGNITION—NONE

(2) PUBLIC APPEARANCE

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

Betty Marlin gave an update on Primary Health-Care of Charlotte and the services provided to the unserved, underserved and uninsured.

A copy of handouts from Ms. Marlin is on file with the Clerk to the Board.

(3) APPOINTMENTS—NONE

(4) PUBLIC HEARINGS—NONE

ADVISORY COMMITTEE REPORTS

(5A) MOUNTAIN ISLAND LAKE MARINE COMMISSION

The Board received as information the Annual Report of the Mountain Island Lake Marine Commission. The report was presented by Cathy Roche, Chairman of the Mountain Island Lake Marine Commission and Skip Hudspeth, Vice-Chairman.

The following was covered:

2011 Accomplishments
Stakeholder Process
Stakeholder Consensus of Top Priorities
  • Protect Water Quality
  • Promote Public Safety
  • Preserve The Environment
Proposed Boating Regulations Are Not the Solution
Stakeholder Recommendations
   Form Technical Advisory Committee
   Improve Communications
   Become “Voice Of The Lake”
   Determine Milmc Authority
   Explore New Funding Sources
   Science-Based Lake Management Plan
   Expand Public Education
   Preserve Multi-Use Nature Of Lake
   Protect Public Access
   Explore New Funding Sources
   Science-Based Lake Management Plan
   Expand Public Education
   Preserve Multi-Use Nature Of Lake

2012 Priorities
Areas of Concern
A copy of the report is on file with the Clerk to the Board.

Chairman Cogdell thanked the presenters for the report.

Comments

Commissioner Bentley thanked Ms. Roche for her leadership and the work of the other members of the Marine Commission.

Commissioner Bentley asked about the potential development of the Bechtler property and the charter school. She asked had there been any consideration regarding dialogue with the developers and the Gaston County Commissioners around regulations similar to what’s in Mecklenburg County to address some of the runoff issues and some of the other concerns of the Marine Commission.

Ms. Roche said the Marine Commission asked the developers to come and present their plans to the Marine Commission. Ms. Roche said there was another area of concern when the Marine Commission presented to the Gaston County Commission and since that time she met with the developer, who provided her with information that was then shared with the Marine Commission. The Marine Commission reviewed that information and was satisfied.

Ms. Roche said it would be nice if the developer would sit down and work with the Marine Commission on the watershed issue.

Ms. Roche said per a recent neighborhood meeting she attended, residents have a strong concern regarding traffic in the area, however, that’s not a Marine Commission matter.

Commissioner Dunlap thanked Ms. Roche for her leadership, also.

Commissioner Roberts expressed thanks also to the Marine Commission. Commissioner Roberts asked for clarity regarding the challenge to no-wake zone authority. Ms. Roche said the Marine Commission tried to get the no-wake zones they’ve established in the Administrative Code but the Wildlife Commission denied the request.

Mr. Hudspeth said the Marine Commission was looking into this to determine what was the problem.

Commissioner Roberts said if legislation was needed, or if there’s a loophole in the current legislation that could resolve this issue, that the Marine Commission inform the Board, so that it could be a part of the Board’s Legislative Agenda.

This concluded the discussion.

MANAGER’S REPORT

(6A) FACT FINDING PROBE REPORTS

The Board received a report from US ISS, Agency, LLC. and from the County Attorney on its fact finding probe regarding the establishment of an ongoing attorney-client relationship between Commissioner Harold Cogdell, Jr. and C.W. Williams Community Health Center, Inc. (“CWW”), based on the discussions between representatives of CWW and Harold Cogdell, Jr. that began “several weeks after the county budget vote was finalized.”

Prior to receiving the report, Chairman Cogdell asked to be excused from participating in the discussion, since he was the subject of the investigation.
Motion was made by Commissioner James, seconded by Commissioner Roberts and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes and Commissioner Cooksey voting no, to excuse Chairman Cogdell from participating in the discussion of the Fact Finding Probe Reports, since he was the subject of the investigation.

**Chairman Cogdell turned the gavel over to Vice-Chairman Pendergraph and was away from the dais until noted in the minutes.**

Vice-Chairman Pendergraph chaired the meeting until noted in the minutes.

County Manager Jones presented the report findings, which stated there had been no evidence of a *quid pro quo* in the attorney-client relationship established between Commissioner Cogdell and C.W. Williams Community Health Center, Inc. or violation of the County’s Code of Ethics on the part of Commissioner Cogdell. Also, that according to the report from the County Attorney, none of the Commissioners with knowledge of the relationship between Chairman Cogdell and C.W. Williams Community Health Center prior to the Board’s December 6, 2011 meeting had violated the County’s Code of Ethics.

**Summary of Findings from US ISS, Agency, LLC**

“Based on the facts established in this investigation, it is our opinion there is no evidence of a *quid pro quo* in the attorney-client relationship established between Commissioner Cogdell and C.W. Williams Community Health Center, Inc. In addition, it is our opinion that Mr. Cogdell did not violate the *Code of Ethics for Mecklenburg County Officials* or *NCGS 14-234-Public officers or employees benefiting from public contracts; exceptions*. Also, it is our opinion there is no evidence that any matter or issue pertaining to the C.W. Williams Community Health Center, Inc. came before the Board of County Commissioners since the budget workshop other than amending the County Manager’s original budget proposal June 2, 2011.”

**Summary of Findings from the County Attorney**

“In my opinion, none of the County Commissioners with knowledge of the C. W. Williams engagement of Harold Cogdell, Jr. to render legal services to C.W. Williams on an ongoing basis prior to the Board’s meeting on December 6, 2011 violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct with respect to what they did, or failed to do, with respect to such Information.”

Commissioner Leake asked what was Chairman Cogdell’s salary, per his work for C.W. Williams.

Dave Stevens with US ISS, Agency, LLC, said the contract called for a pay rate of $250.00 an hour with a monthly ten hour minimum.

Commissioner Cooksey asked County Attorney Bethune had he known the name of the agency Chairman Cogdell was referring to in a conversation between the two of them, would his advice been the same, which was to excuse himself from matters concerning C.W. Williams. County Attorney Bethune said yes.

Commissioner Cooksey asked County Manager Jones a similar question. County Manager Jones said he, too, would advise Chairman Cogdell to excuse himself from matters concerning C.W. Williams.

Commissioner Clarke asked County Attorney Bethune if Chairman Cogdell’s employment had been with a for profit entity receiving money from the County, would it have violated the County’s Code of Ethics Policy. Attorney Bethune said he would review the policy and report back. He said he would be reviewing to see if it was an ethical violation for an attorney on the Board to represent an agency that might have some business dealings with the County. He said
the simple fact of representation was what he was talking about and not participating in matters that come before the Board, which he said was a different issue; about which there might be both County ethical issues, as well as, Bar ethical issues.

Note: At its December 20, 2011 meeting, the Board directed the County Manager and County Attorney jointly to develop and implement a plan for an independent and objective person with appropriate professional experience (the “Investigator”) to do the following: (A) investigate and assess the facts and circumstances regarding the establishment of an ongoing attorney-client relationship between Commissioner Harold Cogdell, Jr. and C.W. Williams Community Health Center, Inc. (“CWW”), based on the discussions between representatives of CWW and Harold Cogdell, Jr. that began “several weeks after the county budget vote was finalized”, and (B) deliver, no later than the Board’s first meeting in February, a written report to the Board in which the Investigator shall tell the Board, based on the results of his or her investigation, what the Investigator knows and what the Investigator thinks about those facts and circumstances, including whether the Investigator believes Harold Cogdell, Jr. violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct. The Investigator should consult with the County Attorney at any time during the investigation or during preparation of the report to the Board to the extent the Investigator believes is necessary or appropriate.

Consistent with this direction, the County Manager contracted with U.S. ISS, Agency to serve as the Investigator. U.S. ISS Agency has completed its fact finding probe and is providing the Board a written report for the February 7, 2012 meeting.

Also at its December 20, 2011 meeting, in accordance with Section 8(a) of the Code of Ethics for Mecklenburg County Officials, the Board directed the County Attorney to (A) investigate and assess whether George Dunlap or any other Commissioner violated the County’s Code of Ethics by not notifying the full Board and/or the public about the information he or she had learned about CWW’s engagement of Harold Cogdell, Jr. to render legal services to CWW on an ongoing basis (the “Information”) until the Board’s meeting on December 6, 2011, and (B) to report, no later than the Board’s first meeting in February, the findings of his investigation to the Board of County Commissioners telling the Board what he knows and what he thinks about Commissioner Dunlap’s or any other Commissioner’s conduct regarding the Information, including whether he believes George Dunlap or any other Commissioner with knowledge of the Information violated the Code of Ethics for Mecklenburg County Officials or any applicable statutes or other rules of conduct.

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

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

Chairman Cogdell returned to the dais and resumed chairing the meeting.

(6B) REID PARK COLLABORATIVE INITIATIVE UPDATE

The Board received an update on the Reid Park Collaborative Initiative. General Manager Michelle Lancaster introduced the matter. The following persons participated in the presentation: Mary Sturge, Principal at Reid Park, Mary Wilson, Social Services Director, Kimm Campbell, Mecklenburg County System of Care Coordinator, and Brett Loftis, Executive Director Council for Children’s Rights.

Note: The Reid Park Collaborative Initiative is the partnership of Mecklenburg County, Charlotte-Mecklenburg Schools, Council for Children’s Rights and several other human services agencies, working together to provide the students and families of Reid Park Academy greater access to wrap-around support services. These services will be offered on-campus and are
focused around four key areas - human/social services, health/mental health services, family involvement and early childhood education.

The report addressed the following:

- Identifying Needs as a Community
- The Pre-K-8 School Model
- Community Partners
- The Vision
- Reid Park School & Community Demographics, Social & Physical Characteristics, Economics, Student and Family Needs
- Collaborative Structure
- System of Care Philosophy
- Framework for Support
- Eligibility Criteria
- Expected Outcomes
- Progress to Date
- Evaluation Development
- Timeline & Next Steps

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

Comments

Chairman Cogdell thanked the presenters for their presentation and work in this effort.

Commissioner Leake asked the presenters to consider Johnson C. Smith University as a potential partner in this process because of its involvement in the total community.

Commissioner Leake asked that the presenters take a look at the agencies they’re involving in this process and that some of them “look like the people in the community.” Commissioner Leake said it helps the community to see “their own participating in what they’re trying to do.”

Commissioner Leake thanked the presenters for their work.

Commissioner Roberts asked whether this effort, once established and launched, would be a model for collaboratives like this at other Charlotte-Mecklenburg Schools. Mr. Loftis said that’s the hope.

Commissioner Roberts asked about the use of the Amay James Recreation Center. General Manager Lancaster said there would be an item on the Board’s next agenda regarding this.

This concluded the discussion.

(6C) REVALUATION STATUS REPORT

The Board received an update on revaluation and the ongoing appeals process. Tax Assessor Garrett Alexander gave the update.

The following was noted:

- Revaluation is controlled strictly by law.
- The Assessor and the Board of Equalization and Review must adhere to all of the requirements set forth by the N.C. Legislature.
A copy of the presentation is on file with the Clerk to the Board.

Tax Assessor Alexander noted that his current staffing level was less than what it was during the last revaluation because of budget cuts.

Comments

Commissioner Bentley asked County Attorney Bethune what authority the Board had as it relates to the revaluation process. County Attorney Bethune said at this point in time, the Board had no statutory authority. County Attorney Bethune explained how the process worked and noted the Board’s authority to set the schedule values and to appoint the Board of Equalization and Review. County Attorney Bethune said once the Board completed those two requirements, which put the process in place, the Board no longer had a role in the process, which was governed by state rules.

Commissioner Bentley asked if the Board had the authority to “halt” the process. The response was no.

Commissioner Bentley said per her constituents, the revaluation process was very complex and confusing.

Commissioner Bentley said the state law governing revaluation was lengthy (150 pages) and outdated, having been established in 1971. Commissioner Bentley said N.C. was a different state at that time.

Commissioner Bentley said she spoke with Representative Thom Tillis regarding available options to perhaps make changes to the legislation. She said Representative Tillis said other counties had expressed this same concern.

Commissioner Bentley said Representative Tillis plans to put a working group together, which she will serve on, to review the Machinery Act to see how it can be improved.

Commissioner Bentley said one thing the County could do going forward was to make improvements in the area of communication with respect to revaluation. Commissioner Bentley said there were a lot of residents who don’t know to go to the County’s website for information or to call 311. Commissioner Bentley said direct mailings to those in the appeals process may be a better communication route.

Commissioner Bentley asked was there a need to strengthen or increase the tax assessor’s staff to accommodate the workload as a result of revaluation. Commissioner Bentley said if that was the case, then the Board should have been informed of that, so that action could have been taken with respect to that need.

Commissioner Bentley also addressed the Board of Equalization and Review hearings, noting that five minutes didn’t appear to be enough time for a resident to state their case, especially when they’ve put in hours to prepare and expended funds.
Commissioner Bentley said she also received feedback from residents regarding what they viewed as “unprofessional” behavior by some members of the Board of Equalization and Review. Commissioner Bentley said if that’s true, then that’s a poor reflection on the Board of Commissioners and the County.

Tax Assessor Alexander said his department went through some tough budget cuts over the last several years and lost some very experienced staff as a result of reductions in force.

Tax Assessor Alexander addressed the appeal hearing time. He said there’s an extensive process wrapped around that to ensure that all of the information about the appeal has been presented and in a manner that the Board of Equalization and Review can take action on it “quickly.” He said the Board of Equalization and Review does a “fabulous” job in five minutes addressing most of the concerns of the majority of the appeals. He said that’s not to say that some don’t require more than that and they get more time than that.

Tax Assessor Alexander said if you’re hearing 75 hearings per day, time limits have to be set. He said it was a very time consuming task.

Tax Assessor Alexander said he was not aware of any unprofessionalism on the part of Board of Equalization and Review members.

Commissioner Bentley said she thinks some of it had to do with starting on time and people’s expectations of what was to occur.

Commissioner Bentley said she felt that to receive a letter from the Mayor of Cornelius expressing concerns on behalf of residents in the area and asking that the process be put on halt, expresses the “frustration” of residents, not only in Cornelius, but the northern part of the County in general.

Commissioner Pendergraph said there were a lot of residents that felt their property was not valued appropriately. He specifically addressed lake properties in Cornelius that appear to have the same lake view and lot size but were valued differently. He asked was it possible for staff to go back and review those 1800 properties to see if they’re valued properly.

Tax Assessor Alexander said it would be extremely difficult to do that and that those properties were looked at very closely by staff and by the Board of Equalization and Review.

Tax Assessor Alexander said the market in the Cornelius area dictates value. He said the differences in value were for various reasons that may not necessarily be clear. He explained the various factors taken into consideration in determining value.

Commissioner Pendergraph asked about the market value used to assess the properties and was there enough recent information around January 1, 2011 to give an accurate picture of value at that date or were dates back in 2005 taken into consideration.

Tax Assessor Alexander said staff began examining sales for this revaluation in June 2009. He said they used the period of June 2009 to December 2010 with the most emphasis being placed on the last two quarters of 2010 to set value.

Tax Assessor Alexander said the County received about 11% of the total property appraised for appeal, which meant 89% of it was accepted by the property owner and not appealed.

Tax Assessor Alexander said that’s an indication for “the most part” that property owners were satisfied with the assessment.
Tax Assessor Alexander said he could understand that in areas where values have increased substantially that it can be very concerning and that staff tried to address that.

Commissioner Pendergraph asked would having adequate staff to conduct the revaluation have made a difference with the outcome. Tax Assessor Garrett said yes, but that didn’t mean it wouldn’t have been a lengthy process. He said this was a very “abnormal” economic time. He said having adequate staff would have allowed the department to respond faster.

Commissioner Pendergraph asked how many people the department was short of for this process. The response was about 12 employees from where the department was in 2003.

Commissioner Pendergraph asked about GIS information on the website which was addressed. Tax Assessor Alexander said property owners can also contact the Tax Assessor’s Office directly for information.

Commissioner Cooksey said he’d received questions from a lot of his constituents wanting to know how to go about conducting a successful appeal. He said per his review of the Tax Assessor’s Office website, there’s no information about what to expect at the appeal hearing.

Commissioner Cooksey said persons need to be informed of how much time they’ll have to present their case, the type of information the Board of Equalization and Review was going to use, what’s the kind of “favorite and unfavorite” information, what happens when you present an appraisal after January 1, 2011.

Commissioner Cooksey encouraged Tax Assessor Alexander to consider providing that type of information going forward on the website. Commissioner Cooksey said taxpayers should also be given some type of time estimate regarding when their case would be heard and that it should be included in information that’s sent to them regarding their appeal.

Commissioner Cooksey said communication was very important in this type of situation.

Tax Assessor Alexander addressed the type of communication efforts conducted by staff and the Board of Equalization and Review.

Tax Assessor Alexander thanked the Board for its feedback. He said staff would continue to work on ways to enhance the communication process.

Commissioner Cooksey said another concern that’s been expressed was the issue of fairness amongst districts. He said in some districts foreclosure sales were considered and in some it was not.

Tax Assessor Alexander explained that in some instances it was necessary to look at extreme levels of foreclosure and determine how much effect that was having on the market sales.

Tax Assessor Alexander said foreclosure was a tough area and that this was an area that may need to be discussed with the state legislature regarding how to go about dealing with foreclosure in these types of economic times.

Commissioners Cooksey and James requested a copy of the white paper that was prepared for the Tax Assessor’s Office regarding the impact of foreclosure sales in the County.

Commissioner Dunlap asked Tax Assessor Alexander if he noticed whether or not there was a group of appraisers or an appraiser that did a significant number of appraisals in a particular area. Commissioner Dunlap said if there was, then he felt they had to have known that those appraisals were not valid, yet they continued to do them.
Tax Assessor Alexander said the only thing he could say was that they did receive a lot of appraisals that did not reflect the market value of January 1st in accordance with property tax law.

Commissioner Dunlap asked about the Board of Equalization and Review membership and the impact on the Board with the loss of members as a result of the Board’s attendance policy. He asked Tax Assessor Alexander if he had any suggestions with respect to the Board of Equalization and Review, for example, did the attendance policy need to be changed.

Tax Assessor Alexander said he would provide the Board with recommendations with respect to the percentage of attendance requirement and the compensation level.

Commissioner Clarke asked was the appeal percentage received the average. Tax Assessor Alexander said in an appreciating economy the national average ran around 10%.

Commissioner Clarke asked would it make sense to value one-quarter of the properties in the County each year, so that every four years, everyone got revalued. Tax Assessor Alexander said state law states when it’s to be done, but aside from that, it probably would not make sense to do this.

Tax Assessor Alexander said if it were done as proposed by Commissioner Clarke, there would not be any point in time where there would be across the board equalization of property value, which was the purpose of revaluation.

Commissioner Clarke asked Tax Assessor Alexander to still give some thought to this.

Tax Assessor Alexander said this was something that would be discussed at the Board’s upcoming Strategic Planning Conference.

Commissioner James expressed concern with respect to foreclosures not being taken into consideration in all areas of the County based on a percentage. Commissioner James said that was unfair.

Tax Assessor Alexander explained how foreclosure was taken into consideration and why.

Commissioner Roberts asked was it correct that taxpayers who go before the Board of Equalization and Review and don’t receive a reduction could appeal to the state. The response was yes.

Commissioner Roberts asked was it possible for a taxpayer whose request was denied through the informal process, but they did not appeal to the Board of Equalization and Review, that they still have the option of going before the Board of Equalization and Review next year; or do they have to wait until the next revaluation. The response was that they can appeal this year if they like. Tax Assessor Alexander said there were persons that appeal every year.

Commissioner Bentley asked for those that appeal multiple times was it correct, however, the appraisal they must use must be as of January 1, 2011. The response was yes.

Commissioner Bentley asked how soon could the County do another evaluation. The response was that it’s all tied to resources and that this would be discussed at the Board’s upcoming Strategic Planning Conference.

Chairman Cogdell asked what percentage of residents received an assessed value based on a determination that there was a certain level of extreme distress. Tax Assessor Alexander said he would provide that information at a later date.
STAFF REPORTS AND REQUESTS

(7A) BUSINESS INVESTMENT PROGRAM GRANT: MARBACH AMERICA, INC.

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Pendergraph voting no, to adopt a resolution approving a Business Investment Program grant to Marbach America, Inc. for an estimated amount of up to $52,930 and authorize the County Manager to negotiate and execute a contract.

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

Note: This project entails the opening of a manufacturing operation by Marbach America, Inc. in Charlotte. The company is a world leader in the manufacturing of steel rule dies used in the packing industry.

Resolution recorded in full in Minute Book _____ Document # ________.

(7B) CAPITAL PROJECT ORDINANCE

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the FY2013 Authorization School Facilities Approved November 6, 2007 Referendum capital project ordinance for the purpose of providing funds, together with any other available funds, for the following projects:

- Stumptown Elementary School

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months’ school term as required by Section 2 of Article IX of the North Carolina Constitution, $15,300,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds: $15,300,000

Finance Director Dena Diorio presented this matter to the Board prior to the above vote.

Shannon Vecchiarello spoke in support of the Ordinance prior to the vote. She also addressed needs at Torrence Creek Elementary.

Ordinance recorded in full in Minute Book _____ Document # ________.
FEBRUARY 7, 2012

(7C) REPORT ON COYOTE POPULATION

The Board received a report from Park & Recreation Department staff regarding the coyote population in Mecklenburg County.

Chris Matthews with Park and Recreation addressed this matter with the Board. The report addressed the following:

- An Overview of What was Occurring
- Why Was This Important
- The County’s Role
- Other Entities Roles
- Current Efforts
- Future Plans

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

Comments

Commissioner Dunlap said efforts needed to be made to make sure the public was aware of these types of issues and others in some way other than the internet. Commissioner Dunlap said there were many residents who don’t have access to the internet.

Commissioner Clarke asked what would be the response to the question of why can’t you kill the coyote. Mr. Matthews said the answer to that question was complex. He said staff first needed to make sure it had a good understanding of what the coyote population looked like. Secondly, that coyote persist throughout the entire state, which meant if Mecklenburg County did an eradication effort, they would continue to move back in. He said there’s a lot of biology and population dynamics associated with that.

Mr. Matthews said staff was following the best practices for wildlife management.

Commissioner Clarke asked if the coyote had any natural predator or would they increase exponentially in number. Mr. Matthews said historically the wolf would have been their natural predator, but the wolf was done away with on the east coast long time ago. He said there was no natural predator other than humans and the occasional car accident.

Mr. Matthews said coyote activity could occur any time during the day, but it’s mostly at night because coyote don’t like being around people.

Commissioner Pendergraph asked was there a season for coyote or was it open season in areas where it’s legal to shoot them. Mr. Matthews said in Mecklenburg County there was a trapping season. He said if issues occur after the trapping season, a wildlife damage control agent could be hired at any point in the year to take care of a specific situation. He said this would be for small incidents that were occurring, nothing large scale.

Commissioner Cooksey said residents in the Cameron Woods neighborhood were afraid. He said they were concerned about their pets and small children.

Commissioner Cooksey asked was there other resources available other than hiring a wildlife damage control agent. Mr. Matthews said County staff did not have the training or resources to handle this issue, so staff leaves it up to the private sector. He said the Wildlife Resources Commission doesn’t have the staff to engage in large scale trapping. He would advise homeowners to contact a Wildlife Damage Control Agent.
Mr. Matthews said there’s a list of Wildlife Damage Control Agents on the Wildlife Resources Commission webpage, which there’s a link to off of the Park and Recreation website.

Commissioner James asked was there a way of tracking them. He said in some places the coyote is tagged so that their location can be monitored. Mr. Matthews said there was a proposal in place that would allow that to happen. He said staff was currently investigating possible sources of funding to help make this happen. He said staff was looking at using GPS collars.

Commissioner James asked was the population count in Mecklenburg County known. The response was no.

This concluded the discussion.

(7D) ORDINANCE PROHIBITING CAMPING AND UNAUTHORIZED USE OF COUNTY PROPERTY AND FACILITIES

County Attorney Bethune addressed a proposed Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities. County Attorney Bethune said for years the County has had an ordinance prohibiting camping in parks, except in designated areas. He said recently staff realized the County’s ordinance only addressed camping in parks and not County property in general. The proposed ordinance would fill that gap.

Comments

Ms. Scottie Wingfield spoke in opposition to the proposed ordinance. Ms. Wingfield said she was concerned about the language in the proposed ordinance and its definition of camping. Ms. Wingfield said she was concerned about the impact of this ordinance on the homeless population. Ms. Wingfield said she was concerned that Board members would get the “DNC fever” (Democratic National Convention).

Ms. Wingfield said it was her understanding that groups seeking to use County parks during the time of the DNC were told all of the parks were reserved by the DNC. She asked would residents be able to enjoy the parks during the DNC.

Ms. Wingfield said it appeared the proposed ordinance would criminalize napping in parks during the day. Ms. Wingfield said she was concerned that the proposed ordinance would be selectively enforced.

County Attorney Bethune said the proposed ordinance was not effective in County parks. He said it addressed County property other than parks. Attorney Bethune said the County’s Park Ordinance governs what goes on in parks.

County Attorney Bethune said it was not true that all of the County parks have been reserved by the DNC. He said what staff has done was to stop taking reservations for County parks during the DNC.

Commissioner Dunlap expressed concern for the homeless and asked how the proposed ordinance would impact the homeless.

County Attorney Bethune said per staff’s analysis of County property, excluding parks, these were not areas where the homeless sleep, to staff’s knowledge.
Commissioner Dunlap asked about the Hal Marshall property and whether a sleeping ordinance was enforced in that area. County Attorney Bethune said there was no sleeping ordinance applicable to that area. He said there’s nothing in place to prevent persons from camping in that area.

Commissioner Dunlap asked under the proposed ordinance would persons be prohibited from putting up a tent or having a sleeping bag on the Hal Marshall property. The response was yes.

County Attorney Bethune said what law enforcement would do under those circumstances would vary.

Commissioner Dunlap said he was trying to determine whether or not rules that don’t exist today were being put in place just because it’s anticipated that a large group of people may be coming to Charlotte/Mecklenburg that may or may not be homeless during the DNC and that these rules would be relaxed once the DNC concluded.

County Attorney Bethune said it was not the intent of staff that these rules would go away after the DNC or only be in effect during the DNC. He said it was staff’s belief that camping should only occur in those areas that have been designated for such.

Commissioner Dunlap asked what precipitated the need for the proposed ordinance.

County Attorney Bethune said staff realized this was needed as a result of the camping that occurred on Old City Hall property by Occupy Charlotte. He said staff reviewed current policy and realized that camping was only addressed as related to park property.

Commissioner Dunlap said currently there were vacant properties that the homeless sleep on without any fear of being arrested but under the proposed ordinance they would be in jeopardy of being arrested.

Commissioner Dunlap asked staff to investigate what implications might occur for the homeless as a result of the proposed ordinance.

Commissioner Dunlap asked staff to contact representatives from the homeless community to find out whether or not the proposed ordinance would “unduly” effect the homeless population.

Commissioner Roberts asked if the language that’s in the Parks ordinance similar to what’s in the proposed ordinance. County Attorney Bethune said it simply prohibits camping and may be lacking some detail.

County Attorney Bethune said if the proposed ordinance was approved by the Board, then staff would compare it to the existing Parks ordinance to see if the Parks ordinance language needed to be more specific.

Commissioner Roberts said she would also be concerned about unintended consequences for the homeless.

Commissioner Cooksey asked was there any County property to staff’s knowledge that’s periodically or historically used for demonstrations or public events, such as a political event or public information event.

General Manager Bobbie Shields said he couldn’t recall any County property that would have been used for camping or demonstrations.
Commissioner Cooksey asked would those types of events be allowed in parks and was there a process that persons have to go through. General Manager Shields said there was a process for using public parks, as well as, City of Charlotte restrictions with regards to permits for parades, demonstrations, etc.

Commissioner Cooksey asked that the Board be provided with the list of County properties that the proposed ordinance would apply to, at least those within the I-277 area.

Commissioner Cooksey said there was a difference between someone setting up a shelter during the day versus at night with the intention of spending the night on the property, which he said may be one way of fine tuning the proposed ordinance.

Commissioner Cooksey suggested this matter be deferred until the Board’s next meeting because of questions raised.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, to defer further consideration of this matter until the Board’s next Regular meeting.

Substitute motion was made by Commissioner James, seconded by Commissioner Clarke, to adopt a new Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities.

General Manager Shields said an option could be that if staff discovered there were homeless sleeping on County property applicable to the proposed ordinance, that perhaps those individuals could be connected with appropriate service providers that could be of assistance to them.

Commissioner Dunlap asked staff to provide the Board with information on possible alternatives for the homeless, if it’s determined they were sleeping on County property subject to the proposed ordinance.

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

Substitute motion was made by Commissioner James, seconded by Commissioner Clarke and carried 6-3 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, and Pendergraph voting yes and Commissioners Dunlap, Leake, and Roberts voting no, to adopt a new Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities.

Note: A second reading will be required, since the vote was not unanimous. This matter will roll over to the Board’s next Regular meeting.

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held January 18, 2012 and Closed Session held January 18, 2012.
(10) TAX REFUNDS

1. Approve refunds in the amount of $2,039,123.25 plus interest of $20,921.20 for a total of $2,060,044.45 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

2. Approve refunds in the amount of $784,454.50 with accrued interest of $277.26 for a total of $784,731.76 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) CLEAN AIR ACT, SECTION 103, SPECIAL PURPOSE FEDERAL GRANT

1. Approve the submission of the County’s FY12 CAA Section 103, Special Purpose federal grant application.

2. Upon award of grant, recognize, receive and appropriate the CAA Section 103 grant award.

(14) HAZARD MITIGATION PROGRAM—FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Jeffery H. Honeycutt, owner of property at 2964 Dunlavin Way (Tax Parcel 093-131-25) for $140,000.

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

(15) HAZARD MITIGATION “QUICK BUY” PROGRAM—FLOODPLAIN ACQUISITION

1. Accept the “Offer of Sale of Land” from Ben A. Carter of 1738 Shannonhouse Drive (Parcel ID: 09908427) for $97,001.

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

(16) CANOE/KAYAK LAUNCH GRANT—PARK AND RECREATION

1) Approve submission of application for a $25,000 NC Recreational Trails Program grant for a new canoe/kayak launch at Latta Plantation Nature Preserve.

2) Recognize, receive and appropriate funds if grant is awarded.

3) Agree to fund at least a 25% grant match and complete the project within 2 years if awarded, per grant requirements.

(18) DESTRUCTION OF DOCUMENTS—DEPARTMENT OF SOCIAL SERVICES

Approve the destruction of records by the Department of Social Services.

*Note: In accordance with regulations set forth by the NC Department of Health and Human*
Services and NC Department of Cultural Resources, the Department of Social Services is required to store all confidential client and employee files and records for established periods of time, during which time all records shall remain accessible to staff and auditors. Once the specific time period for each type of file has elapsed, these files are deactivated and must be destroyed as confidential waste in accordance with the instructions and schedule established by the State. At this time, all records currently scheduled for destruction have been identified and are scheduled to be removed or destroyed on or before February 11, 2012. Reference the State Records Retention and Disposition Schedule, revised August 2006 by the NC Department of Cultural Resources, Division of Archives and History and approved by this Board at its April 15, 2003 meeting.

(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 comprise:

60 Housing Code and Junk Vehicle Closed Case Files (2005)

(21) RIGHT-OF-WAY CONVEYANCE TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

1) Approve the conveyance of a permanent storm drainage easement (+/- 0.046 acres) and right-of-way (+/- 0.018 acres) on a portion of Tax Parcel #193-151-31 to the North Carolina Department of Transportation to facilitate a bridge replacement project on Sam Newell Road.

2) Recognize $1,100 from the North Carolina Department of Transportation as compensation for right-of-way and a permanent storm drainage easement and appropriate that amount to the County’s Pay-As-You-Go fund for capital projects.

(23) TAX ADMINISTRATION RECORDS RETENTION SCHEDULES

Adopt a Resolution approving the Tax Administration Records Retention and Disposition Schedule.

Resolution recorded in full in Minute Book ____ Document # ________.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(11) PROCLAMATION—TEEN DATING VIOLENCE AWARENESS MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating February, 2012, as “Teen Dating Violence Awareness and Prevention Month.”

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

A copy of the proclamation is on file with the Clerk to the Board.
FEBRUARY 7, 2012

(12) BUDGET AMENDMENT—SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize and appropriate for Sheriff’s Special Revenue Fund $340,669 from Concealed Handgun Permit Fees.

Commissioner Leake removed this item from Consent for more public awareness. She also requested information regarding the number of vehicles purchased by the Sheriff’s Office in 2011.

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

(17) WALMART GRANT—PARK AND RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $1,000 from a Walmart Local Community Contribution grant for the Great Urban Escape Program offered by McDowell Nature Center.

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

(20) GREENWAY DONATION—PAW CREEK

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve receiving a donation of a portion of Tax Parcel #113-031-06 (+/- 13.72 acres) from LBP Berryhill, LLC on Paw Creek.

Commissioners Leake and Roberts removed this item from Consent for more public awareness.

(22) CONSTRUCTION CONTRACT—ROMARE BEARDEN PARK

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to award a construction contract to JD Goodrum Co., Inc. in the amount of $7,885,000 for the construction of Romare Bearden Park.

Commissioners Leake and Roberts removed this item from Consent for more public awareness.

*Note:* The project site is located in uptown Charlotte bordered by MLK Blvd., 3rd, Mint, and Church Streets. Park construction includes open space, lawns, plazas, gardens, retaining walls, interactive and decorative fountains, public art, site furnishings, lighting, landscaping and other amenities.

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:11 p.m.
FEBRUARY 14, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA  
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, February 14, 2012.

ATTENDANCE

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

Absent:
Commissioners Neil Cooksey, Bill James, and Jim Pendergraph

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 Cogdell, after which the matters below were addressed.

(1) CHARLOTTE-MECKLENBURG PLANNING COMMISSION

The Board received a presentation on the Charlotte-Mecklenburg Planning Commission. The presentation was made by Stephen Rosenburgh, Chairman of the Charlotte-Mecklenburg Planning Commission and Yolanda Johnson, Vice-Chairman. They were introduced by General Manager Bobbie Shields. The following was covered with respect to the Charlotte-Mecklenburg Planning Commission:

Commissioner Dunlap entered the meeting.

- Commission Structure
- Commission Duties
- Accomplishments
- Current Sample Projects

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

Comments

Commissioner Bentley, a member of the Board’s Economic Development Committee asked that consideration be given to having someone from the County participate with the Planning Commission’s Economic Development Subcommittee that they plan to establish, so that economic development efforts amongst the County, City, and Towns could be better coordinated, understood, and streamlined because planning and zoning impacts economic
Mr. Rosenburgh said in Tampa, Florida, they have a Development Office that assists developers with their plans to make it fit within the community’s vision for growth. Mr. Rosenburgh said he’d love to see something like that in Charlotte-Mecklenburg.

Commissioner Leake asked would this be something that would benefit “mom and pop” type business owners. Mr. Rosenburgh said assistance would be available to anyone that had a project that fit within established area plans for the community.

Mr. Rosenburgh said it would not be financial help, just tangible help to get them through the system of what’s required.

Debra Campbell, Director of the Charlotte-Mecklenburg Planning Commission addressed efforts by the City of Charlotte to collaborate more with the County to minimize the barriers for economic development.

Director Campbell said Charlotte City Council had established as part of its Focus Area Plans, to reduce barriers to economic development. She said each of the City departments, like the Planning Department, who were responsible for various aspects of economic development, were looking at their processes, ordinances and regulations and customer service processes to ensure that they were not establishing undo barriers for customers.

Director Campbell said this was something they continuously look at, because they were aware of complaints regarding the length of time it took to get something accomplished.

Director Campbell said one of the projects the Planning Commission’s Economic Development Committee was working on was an Economic Development Business 101.

Director Campbell said one of the difficulties most people have when it came to working with local government was knowing what was the point of entry, where does one go, and who do you contact to address an issue, particularly when it came to business development.

Director Campbell said the subcommittee was looking at how could they work with the City and the County to try and develop information to clarify who did what and where to go and who to contact in order to help promote business development in the community.

Commissioner Leake said there was a perception in the community that it’s all about “big” business. Director Campbell said that perception did exist and that it has to change.

Commissioner Roberts asked if consideration had been given to having a focus group of persons who had recently gone through the process to get feedback on what could be done differently to streamline the process. Director Campbell said the Planning Commission had not done anything in that area.

Director Campbell said the Economic Development Committee subcommittee discussed the idea of convening a couple of people who have either gone through the process in the past or recently went through the process to get their feedback on what things could have been streamlined.

Commissioner Roberts encouraged them to form a group of citizens that recently went through the permitting process and that a focus group be formed with representation from every district to talk about ways to streamline the process, hurdles that could be avoided, and ways to make it more business friendly.

Mr. Rosenburgh said if directed by the Board, the Economic Development Committee of the
There was no objection that this be considered.

County Manager Jones noted that as a part of LUESA’s Code Enforcement Division’s customer service strategy, under the leadership of Jim Bartl, focus groups were convened on a regular basis, as well as the receipt of feedback from customers.

General Manager Bobbie Shields said the Board’s Building Development Commission did exactly what Commissioner Roberts was speaking of. General Manager Shields said persons were always welcome to come before the Building Development Commission and share their experiences.

General Manager Shields said County staff would be willing to work with the City of Charlotte to improve the process.

Mr. Rosenburgh said they would get with City and County staff to see how they could accomplish what Commissioner Roberts suggested and incorporate it into some of the things the committee was considering.

Commissioner Bentley asked that the towns be included as well.

Commissioner Dunlap asked were the committees of the Planning Commission representative of city and county appointees. The response was yes.

Commissioner Dunlap asked how were differences between the Planning Commission and what a town may want worked out. Director Campbell said the Planning Commission Department had a very good working relationship with all of the municipalities within the county.

Director Campbell said all of the municipalities had their own planning departments. She said what occurs whenever there was a plan that overlap boundaries or the boundaries touch, notification goes out and staff from that municipality participates in the Planning Commission’s effort with respect to a plan and the same was done by municipalities. Director Campbell said a lot of dialogue takes place.

Director Campbell said issues were resolved as they would with any party, there’s some “give and take” and sometimes there was disagreement, but most of the time there’s a lot of collaboration.

Commissioner Dunlap said the duties of the Planning Commission as outlined in the presentation only spoke of advising Charlotte City Council and that there’s no mention of the County.

Director Campbell said generally the land development authority was with Charlotte City Council, which was why it was probably worded that way.

Commissioner Roberts commented on the Council of Governments (COG) HUD grant for coordinating and planning. She asked whether the City of Charlotte had been contacted by COG regarding that grant. Director Campbell said yes, they’ve been in contact with COG and worked with COG to develop the grant and were working with them on the planning piece of the grant.

Chairman Cogdell thanked the presenters for their presentation.
The Board received a presentation about the proposed Flood Risk Assessment and Risk Reduction Plan and funding for the FY13 Storm Water Services, Flood Mitigation Program. The presentation was made by Dave Canaan, Director of Storm Water Services and Tim Trautman, Project Manager. The following was covered:

- Storm Water Services: Water Quality and Flood Mitigation
- Flood Mitigation Challenges
- Accomplishments & Problems
- Floodplains and Flood Mitigation
- Flood Mitigation Success
- Need for New Mitigation Plan
- Flood Risk Assessment and Reduction Plan Process
- Flood Risk Assessment and Reduction Plan Concept
- Need for Re-tooled Flood Mitigation Funding
- Current Flood Mitigation Funding
- Proposed Flood Mitigation Funding
- Storm Water Fee Impacts
- Results with Fee Increase
- Results with Current Funding

The Board was also provided a copy of the Flood Risk Assessment and Risk Reduction Plan prepared for Storm Water Services by AECOM and Storm Water Services Annual Programmatic and Funding Strategy Flood Mitigation CIP FY13 and Beyond.

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

Comments

Commissioner Clarke asked about federal funding being available going forward, which was addressed. It was noted there would be a shifting of the position of the program from focusing on federal dollars to a local plan based on local criteria with the vast amount of funding being local dollars.

Commissioner Clarke asked about the adoption of the fee initially which was addressed. It was noted that initially the fee was established to cover operating costs.

Commissioner Clarke said if the fees were approved, what would the funds be used for. The response was that it would be spent on structures and mitigation efforts designed to decrease the incidences of flooding and flood damage.

Commissioner Clarke asked if the County would be rechanneling steams and things of that nature. The response was that it was doubtful there would be anything of that magnitude.

Commissioner Clarke asked had there been any analysis of the fee taking into consideration inflation since it was first adopted. The response was no. Commissioner Clarke said it would be interesting to see what that would be.

Commissioner Bentley asked about Future Losses Avoided (Estimated) as noted in the presentation and how were those estimates derived, which was addressed.

Commissioner Bentley asked about the fee increase recommendation over a three year period and whether there had been any discussion of stretching that out, which was addressed.
Commissioner Bentley said she would like to see the pros and cons for stretching it out, because it was a significant increase over a short period of time. She suggested stretching it out to around five or six years and what that would look like from a mitigation perspective.

Commissioner Dunlap asked had there been any comparisons made to other similar size counties in the state when it came to rates. The response was that data was available, but staff did not have it with them. It’s felt however, that the County was probably the second highest in the state when it came to storm water rates.

Commissioner Dunlap said he’d like to know more about the comparisons.

Commissioner Dunlap asked why continue the buy-out plan, when there were people who knowingly live in the floodplain and were required to have insurance. The response was that people who live in the floodplain were not required to have flood insurance, but it’s strongly suggested they do. Further, that having flood insurance does not take away the flood risk, but it provides monetary assistance to the property owner to rebuild after the flooding. Also, that what it doesn’t do, was return that floodplain back to its natural condition.

Director Canaan said its better for the floodplain to be natural and not have development in them, which was the long term goal.

Commissioner Dunlap asked about the removal of debris from creeks. The response was that’s a service provided by the County for the major systems when the debris causes a blockage and impacts the function of the creek. Other debris was removed through the Adopt a Stream Programs and the Big Sweep program, both of which rely on volunteers.

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

Commissioner Dunlap asked were the fee changes being proposed applicable only to areas outside of Charlotte City limits. The response was that the fee being discussed was applicable to all properties within Mecklenburg County.

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

(3) NATIONAL CENTER FOR ARTS AND TECHNOLOGY PILOT PROGRAM UPDATE

The Board received an update from the Arts & Science Council on the Charlotte-Mecklenburg pilot project, Charlotte Center for Arts & Technology. Scott Provancher, President of the Arts & Science Council and Denise Watts, Executive Director of Project Lift gave the update. They were introduced by County Manager Jones.

The pilot was initiated as an effort to increase Charlotte-Mecklenburg Schools’ graduation rates. The Arts & Science Council is leading an effort to create a local National Center for Arts and Technology (NCAT) site, modeled after the nationally recognized curriculum and program of the Manchester Bidwell Corporation (MBC) in Pittsburgh PA. The National Center for Arts and Technology was created in 2005, as a nonprofit 501(c) (3) subsidiary of MBC, to oversee the replication of Centers for Arts and Technology around the nation. The MBC program has been successfully replicated as NCAT sites in Cincinnati, Grand Rapids and San Francisco.

This local initiative was being launched in response to a feasibility study completed on behalf of ASC and Mecklenburg County. The program seeks to create a seamless bridge for students, linking school day instructions with out of school learning opportunities that connect the dots of teaching, education and eventually life-long learning. Launching this effort with
programming beginning in 9th grade would help address the gap in after-school and non-
school hours learning opportunities for students while aligning with academic goals for North
Carolina and CMS. The main goals of the MBC youth arts educational model are drop out
intervention and prevention, improvement in attendance and cross-disciplinary education. The
outcomes of the MBC curriculum demonstrate success in serving the diverse population that is
the target group for this effort.

The idea came about as a result of Mecklenburg County staff hearing Bill Strickland speak
about Manchester Bidwell program and its success at a National Association of Counties
(NACo) annual conference. County Manager Jones after hearing the presentation at NACo and
others traveled to Pittsburgh to visit Manchester Bidwell Center. Mr. Strickland was then
invited to give the keynote address at the Cultivating Creative Communities Conference in
Charlotte in 2006. He came again in 2007 for the MetLife Lecture Series. Because of the
success of the program, a feasibility study was done for Charlotte-Mecklenburg County. The
following was covered in the presentation:

• Charlotte Feasibility Study
• Feasibility Study Key Findings
• Why the Manchester Bidwell Model
• Manchester Bidwell Core Values
• A History Of Success
• Outline of Charlotte Center for Arts & Technology
• Partnerships Established To Date
• Goals – Year 1
• Pilot Photography Program
• Program Advisory Committee
• Next Steps

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

Comments

Commissioner Leake asked about the cost of the program and student participation from
West Charlotte High School, which was addressed. Mr. Provancher said the budget request was
forthcoming and that it may be in the $500,000 range.

Commissioner Leake said she was still concerned about reading, writing, and arithmetic for
students before they reach the 9th grade.

Commissioner Dunlap said he was concerned about the possibility of a $500,000 budget
request for only 50 students. Mr. Provancher said next year it would expand beyond 50
students.

Mr. Provancher said it’s like a “start up” and there’s infrastructure costs that’s required at the
outset. He said the full cost of the program would decrease over time once equipment was
bought, location secured, staffing infrastructure and the private sector investment was
determined.

Commissioner Dunlap questioned the per pupil cost and how that would look to the
community.

Commissioner Dunlap said he was also concerned the pilot program was only targeting
students from West Charlotte High School, when there were students all over the county that
may have a greater need.

Mr. Provancher said in the first year of the pilot, “you have to start somewhere and that with
the infrastructure that exists at West Charlotte, it made “sense” to start there. Mr. Provancher said the program would expand to open up to a much broader range of students across the school district.

Commissioner Dunlap said he understood, but there were people throughout the community that were justifying why they should have their own school district because of funding issues. Commissioner Dunlap said this further “exacerbates” the issue when you continue to focus on the same group and there were other students in the community that had the same or similar needs.

Ms. Watts said this was not a West Charlotte initiative. She said she viewed it as a way to sustain change in that entire community, not just for the students at West Charlotte.

Chairman Cogdell said the public perception would be that it was public dollars from all over the county, once again being focused on a somewhat narrow geographic area.

Chairman Cogdell asked about the $350,000 that was budgeted by the County. Mr. Provancher said it’s been invested in four areas, the fee to the Manchester Bidwell Corporation who was building the curriculum and pilot for Charlotte-Mecklenburg, instructor fees and fees related to the work that the Light Factory would do, equipment and related materials costs, and administrative costs.

Chairman Cogdell said perception was important and that there needed to be a clear understanding of what the start up expenses were.

Commissioner Leake asked about the staffing process and whether the people involved were already in the district.

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

Chairman Cogdell thanked the presenters for the update.

This concluded the discussion.

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

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 5:37 p.m.
FEBRUARY 21, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 21, 2012.

ATTENDANCE

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

Absent: Commissioner Jennifer Roberts

-INFORMAL SESSION-

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12, 15, 16, 18, 22, and 28.

(2) STAFF BRIEFINGS - NONE

(3A, B) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, and Pendergraph voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion and B) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:50 p.m.

Commissioner Dunlap was present when the Board came back in Open Session. He entered the meeting during Closed Session.

Commissioner Cooksey entered the meeting.
Commissioner Dunlap asked the Board to consider moving Item 30-PROCLAMATION-GO RED FOR WOMEN MONTH 2012 from Consent to Awards/Recognition for more public awareness.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to move Item 30-PROCLAMATION-GO RED FOR WOMEN MONTH 2012 from Consent to Awards/Recognition.

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

(1) AWARDS/RECOGNITION

(30) PROCLAMATION—GO RED FOR WOMEN MONTH 2012

Motion was made Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to adopt a Proclamation proclaiming February, 2012 as Go Red for Women Month in support of the Health Department project Village Heart BEAT.

Dr. Ophelia Garmon-Brown and Pastor Jonathan Edwards, First Mount Zion Missionary Baptist Church addressed and received the proclamation.

Note: The Mecklenburg County Health Department will join forces with community stakeholders to implement Village Heart BEAT to address the number one killer, heart disease, and to help improve the health of African-American and Latino Women residents. The Village Heart BEAT will be building awareness of women’s heart disease risk and empowering them to reduce their risk and prevent heart disease.

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:

Colin Pinkney, Executive Director Urban Restoration, Joe Coleman, and Tyneisha Johnson, student, addressed the importance of fathers and father figures in the lives of daughters. They announced an upcoming Fatherhood Initiative in June called the Amazing Love Event. The goal of the event is to host 500 father-father figure/daughter couples annually for an evening of “elegance, dancing, affirmation and encouragement.”

A copy of a handout from Mr. Pinkney is on file with the Clerk to the Board.

Blanche Penn addressed the accomplishments being made at Rocky River High School. Ms. Penn said Rocky River High School seniors had received $1.2 million in scholarships.
Ron Virmani, M.D. addressed his dismissal from Presbyterian Hospital here in Charlotte/Mecklenburg County. Dr. Virmani said he felt he was discriminated against.

A copy of a handout from Dr. Virmani is on file with the Clerk to the Board.

Flay Hoover spoke in opposition of his son, Devin Flay Hoover, being in the custody of the Mecklenburg County Department of Social Services. Mr. Hoover said he felt his rights as a father were being “stump” on.

Kathy Stratton spoke in opposition of her son, Spencer Stratton, being in the custody of the Mecklenburg County Department of Social Services. Ms. Stratton said her son was being given drugs against his will. Ms. Stratton said she was issuing the Board a notice, “before the legal,” to stop giving her son drugs. Ms. Stratton said her son should be with his family and not in a group home.

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES

Approve minutes of Regular meeting held February 7, 2012.

(10) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $14,715 for Park and Recreation Department, $6,715 for Real Estate Services and $6,399 for Sheriff’s Office.

Note: All reimbursements are for stolen and damaged items.

(11) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT


Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the Board of County Commissioners ad hoc reports as requested by the Board of County Commissioners.
FEBRUARY 21, 2012

MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending November 2011

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<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
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<td>State and Federal</td>
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<td>Third Party/Other</td>
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<th>Actual</th>
<th>% Spent</th>
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**Net (Revenues - Expenditures)**

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<th>Actual</th>
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<td>0</td>
<td>0</td>
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</tbody>
</table>

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

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

(13) TAX REFUNDS

Approve refunds in the amount of $1,500,741.35 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(14) OZONE NONATTAINMENT BOUNDARY RECOMMENDATION

ITEM WAS MOVED TO ADVISORY COMMITTEE REPORTS AS ITEM (5B)

(17) GREENWAY DONATION—BACK CREEK

Accept donation of a portion of Tax Parcels #105-0012-33, 105-013-88, and 105-015-69 (+/- 3.156 acres) from M/I Homes, LLC on Back Creek.

Note: The property was being donated by M/I Homes of Charlotte, LLC as part of the subdivision approval for The Farms at Back Creek development. The property is within the floodplain and will add to greenway assemblage along Back Creek Greenway.
(19) SHELTER PLUS CARE GRANT RENEWAL

Recognize, receive and appropriate federal funds from the U.S. Department of Housing and Urban Development for the renewal of the following Shelter Plus Care Grants:

- SPC Renewal B-11 - $284,352
- SPC Renewal A-11 - $1,360,392
- SPC New Samaritan Housing Initiative Renewal-11 - $119,784

*Note: These Shelter Plus Care Grants are renewals of the current grants from the U.S. Department of Housing and Urban Development. The goal of the programs is to provide rental subsidies and supportive services, such as mental health treatment and case management, for consumers who are homeless and disabled.*

(20) BUDGET AMENDMENT—COMMUNITY SUPPORT SERVICES (REVENUE DECREASE)

PROJECT SAFE NEIGHBORHOODS

Reduce the budget of the Project Safe Neighborhoods grant by $21,213 due to federal reductions administered through the NC Governor’s Crime Commission.

(21) DONATION—PROJECT SAFE NEIGHBORHOODS

Recognize, receive and appropriate a donation in the amount of $1,000 from the Freemore West Group for promotion and advertising for Project Safe Neighborhoods.

*Note: Project Safe Neighborhoods is a grant-funded program that receives grant funds for media outreach and community engagement to educate the public about gun violence and the reduction of gun violence in the community.*

(23) CRUSHED STONE CONTRACT WITH MARTIN MARIETTA MATERIALS

Approve a unit price contract to Martin Marietta Materials for providing crushed stone for an estimated annual amount of $148,119.17 for a term of one (1) year with the option to renew for an additional four (4) one-year terms with possible price adjustments at the time of renewal.

(24) CAPITAL RESERVE REQUEST—PARK AND RECREATION—AQUATIC FACILITIES

Authorize and appropriate expenditures from the Consolidated Aquatic Capital Reserve Funds as follows:

1. $26,625 - pool accessible lifts and stairs to be used at all aquatic facilities
2. $14,820 – repairs on pool features at Ray’s Splash Planet (RSP)
3. $7,200 – replacement of four large umbrella canopies at Mecklenburg County Aquatic Center (MCAC) and RSP
4. $10,000 – repairs and replacement of security cameras and equipment at the MCAC and RSP
5. $9,000 – Wi-Fi repairs and upgrades at MCAC and RSP
6. $7,870 – two diving boards at MCAC
FEBRUARY 21, 2012

(25) CAPITAL RESERVE REQUEST—PARK AND RECREATION—COPPERHEAD ISLAND FEASIBILITY STUDY

Authorize and appropriate expenditure of $10,000 from the “Copperhead Island Boat Launch Fee” Capital Reserve account to conduct a feasibility study of the access road to Copperhead Island and prepare initial drawings for the Copperhead Island Cabin Construction project.

(26) YMCA OF GREATER CHARLOTTE / MCPPD PARTNERSHIP

1) Approve Resolution Declaring Intent to Enter into Lease with the YMCA of Greater Charlotte for a joint use indoor facility at Park Road Park.

2) Authorize the County Manager to seek permission from the Charlotte City Council for the County to enter into the Lease.

Resolution recorded in full in Minute Book _____ Document # ______.

(27) BALLFIELD LIGHTING FINANCING

1. Approve the purchase and installation of lighting for six synthetic turf fields.

2. Appropriate $250,000 from Park and Recreation Synthetic Turf Field Capital Reserves.

3. Authorize Director of Finance and County Manager to arrange financing for the balance, $650,000, and adopt RESOLUTION APPROVING FINANCING TERMS.

Resolution recorded in full in Minute Book _____ Document # ______.

(29) PROCLAMATION—GREAT AMERICAN CLEAN UP FOR KEEP MECKLENBURG BEAUTIFUL

Adopt a Proclamation designating March 1 through May 31 in Mecklenburg County as the “Great American Clean Up.”

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(3A) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Anna Maria Medvid to the Adult Care Home Advisory Committee for a three-year term expiring February 28, 2015.

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to nominate and appoint Lori Lynch and Lesley Selby to the Adult Care Home Advisory Committee for one-year terms expiring February 28, 2013.
Note: They replace Julie Elliott and Patricia Fletcher.

BICYCLE COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Jane Wasilewski to the Bicycle Committee for a three-year term expiring March 31, 2015.

DOMESTIC VIOLENCE ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Elizabeth Thornton Trosch to the Domestic Violence Advisory Board to complete her unexpired term expiring April 30, 2012.

Note: Ms. Trosch failed to meet the attendance requirement for calendar year 2011.

Commissioner Cooksey nominated all applicants for appointment consideration to the Domestic Violence Advisory Board: Nicole Ivory, Vanessa Lane, and Beverle’ Thomas.

Note: An appointment will occur on March 6, 2012.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Gregory Hardin, Mike Hill, Bill Hodges and Wendy Jamison to the Information Services & Technology Committee for three-year terms expiring February 28, 2015.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to nominate and appoint John Carson to the Information Services & Technology Committee to fill an unexpired term expiring February 28, 2013.

Note: He replaces Jeff Beebe.

Commissioner Dunlap made an observation as it related to persons failing to meet the attendance requirement. He suggested the Board refer the attendance policy for boards and commissions to the Board’s Efficient and Effective Government Committee for review to see if changes need to be made.

It was the consensus of the Board that this be done.

LAKE WYLIE MARINE COMMISSION

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley to reappoint Howard Virkler to the Lake Wylie Marine Commission to complete his unexpired term expiring September 30, 2014.
Note: Mr. Virkler failed to meet the attendance requirement for calendar year 2011.

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

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and failed 4-3 with Commissioners Clarke, Cogdell, Leake, and Pendergraph voting no and Commissioners Cooksey, Dunlap, and James voting yes, to defer for 30 days consideration of appointments to the Lake Wylie Marine Commission, in order to seek additional applicants.

The vote was then taken on the original motion by Commissioner Pendergraph, seconded by Commissioner Bentley and failed 5-2 with Commissioners Clarke, Cogdell, James, Leake, and Pendergraph voting yes and Commissioners Cooksey, and Dunlap voting no, to reappoint Howard Virkler to the Lake Wylie Marine Commission to complete his unexpired term expiring September 30, 2014.

Note: It's takes a unanimous vote of all those present at the dais to reappoint someone.

Commissioner Cooksey then nominated Howard Virkler for appointment consideration to the Lake Wylie Marine Commission.

An appointment will occur on March 6, 2012.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Betty Leake to the Nursing Home Community Advisory Committee for a three-year term expiring January 31, 2015.

PUBLIC ARTS COMMISSION

Motion was made by Commissioner Leake, but died for lack of a second to reappoint Katrina Streiner to the Public Arts Commission to continue to fill her unexpired term expiring June 30, 2012.

Note: Ms. Streiner failed to meet the attendance requirement for calendar year 2011.

The following persons were nominated for appointment consideration to the Public Arts Commission:

Katrina Streiner by Commissioner James
Patricia Fletcher by Commissioner Dunlap, pending that she qualifies to represent the business sector

An appointment will occur on March 6, 2012.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint William Smith to the Waste Management Advisory Board for a three-year term expiring February 28, 2015.
FEBRUARY 21, 2012

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to nominate and appoint Lynne Warholic to the Waste Management Advisory Board to fill an unexpired term expiring August 31, 2014.

Note: She replaces Angela Haigler.

WOMEN’S ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to reappoint Beverly Hunt to the Women’s Advisory Board to complete her unexpired term expiring November 30, 2012.

Commissioner Pendergraph nominated all applicants for appointment consideration to the Women’s Advisory Board: Li Mia Bowen, Robyn Codrington, Twanna Daniels, Vickie Evans, Taylor Holloman-Pressley, Karen Okhoya, and Amanda Prothero.

Note: An appointment will occur on March 6, 2012.

PUBLIC HEARINGS

(4A) NC DOT COMMUNITY TRANSPORTATION GRANT APPLICATION—DSS

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to open the public hearing on the Mecklenburg County Department of Social Services submitting an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2012-2013, which was due January 27, 2012.

Chairman Cogdell 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 Clarke and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submitting an application for the North Carolina Department of Transportation’s Community
Transportation Grant for Fiscal Year 2012-2013, which was due January 27, 2012; and approve
the Mecklenburg County Department of Social Services submittal of an application for the
North Carolina Department of Transportation’s Community Transportation Grant for Fiscal
Year 2012-2013, which was due January 27, 2012; and recognize, receive and appropriate grant
funds when awarded.

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and
carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and
Pendergraph voting yes, to adopt a Community Transportation Program Resolution Section
5311 FY 2013 Resolution authorizing the Mecklenburg County Department of Social Services
submittal of an application for the North Carolina Department of Transportation’s Community
Transportation Grant for Fiscal Year 2012-2013.

Resolution recorded in full in Minute Book _____, Document # ______.

ADVISORY COMMITTEE REPORTS

(5A) WOMEN’S ADVISORY BOARD 2011 ANNUAL REPORT

The Board received the Women’s Advisory Board 2011 Annual Report.

Pamela Hemphill, Chair of the Women’s Advisory Board (WAB) presented the report. She was
accompanied at the podium by other members of the Advisory Board.

Note: The 2011 Annual Report identified key issues and recommendations affecting the status of
women in Mecklenburg County.

The following was covered:
- 2011 Accomplishments of the WAB
- Economic Status of Women
- Domestic Violence
- Elder Care
- Child Care
- Women’s Health Issues
- Gender Representation on Boards/Commissions
- Sex Trafficking of Women and Girls
- Annual Women’s Equality Day
- Recommendations

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

Comments

Commissioner Leake asked the WAB to prioritize their 36 recommendations and to report back
to the Board with the top five, that perhaps the Board could address.

Commissioner Leake said two of her biggest concerns were Domestic Violence and Sex
Trafficking of Women and Girls.

Chairman Cogdell noted the Economic Status of Women portion of the report. He asked the
WAB what were some of the key underlining factors with respect to the wage difference. Ms.
Hemphill said continued support of the Displaced Homemakers Program could assist in this area.
Ms. Hemphill said a discussion of salary as it relates to race and gender needed to take place.
FEBRUARY 21, 2012

WAB member Yvonne McJetters said there was no study or any numbers available regarding the pay differences of men and women veterans. She said if the number of female veterans was known, then it could be determined how many needed to be served, not only as it related to economics but other issues women face as well.

Ms. Hemphill said women also needed to have equal representation on appointed committees that impact economic growth.

Chairman Cogdell encouraged the WAB to communicate the need for more women participation on committees that impact economic growth with private sector entities as well, including the Charlotte Chamber of Commerce.

Commissioner Leake said she would like to know how many women serve on County boards that receive compensation.

Commissioner Leake said she would also like to know if there was a difference in pay for male and female City of Charlotte and Mecklenburg County employees, doing the same type of work.

Chairman Cogdell thanked the WAB for its report.

(5B) OZONE NONATTAINMENT BOUNDARY RECOMMENDATION

The Board received a recommendation from the Mecklenburg County Air Quality Commission regarding ozone nonattainment boundaries.

Keith Long, Vice-Chair of the Air Quality Commission and Don Willard, Air Quality Division Director of LUESA presented this matter to the Board.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, that in accordance with the recommendation from the County’s Air Quality Commission, staff is authorized to:

1) Submit comments to U. S. Environmental Protection Agency (EPA) supporting and endorsing USEPA’s recommended ozone nonattainment boundary for the “Metrolina” region.

2) To request that NC and SC provide data for Iredell and Lancaster counties, respectively, regarding their contribution to non-attaining ozone levels.

3) To ask the EPA in the County’s comments, why the northern part of Lancaster County was not included in the “Metrolina” region and to say that the Board has requested staff to do an analysis of this area.

Prior to the above vote, the comments below were made.

Comments

Commissioner Cooksey asked was the current standard of 0.08 parts per million, the standard that the current attainment zone was meeting. Director Willard said the County does meet the current ozone standard of 0.08 parts per million. Director Willard said the new EPA standard was 0.075.

Commissioner Cooksey asked when the new standard would go into effect. Director Willard said the new attainment zones would be designated by June 30, 2012 and the County would have three years from that point to meet the new standard.
Commissioner Cooksey asked about the differences in the standards and the impact on the health of the community under one standard versus another, which was addressed.

Commissioner Cooksey said the fact that the EPA doesn’t run this through a cost benefit analysis or look at the cost of lowering the standard was a “flaw” in the way the entire system was set up.

Commissioner Dunlap asked for clarification regarding why certain parts of the community outside of Mecklenburg County were not considered a part of this region, which was addressed.

Commissioner Dunlap asked about the four monitors that do not meet the requirements, which was addressed. It was noted that it had to do with wind patterns.

Commissioner Clarke asked why wasn’t the northern part of Lancaster County not included in the recommended attainment area, which was addressed. Commissioner Clarke said he felt it made sense to include it. Dir. Willard said staff and the Air Quality Commission concurred.

Chairman Cogdell asked about the broadening of the attainment area, which was addressed.

Chairman Cogdell asked was it possible for the Board to request that the northern part of Lancaster County be included. Dir. Willard said the reason staff and the Air Quality Commission did not make that recommendation was because of a lack of data, but if that was the Board’s desire it could make that request.

Commissioner James said what concerned him was that at some point, if the County hadn’t met the standard, the federal government was going to come in and require the County to do certain things that would result in restricting residents from doing certain things.

MANAGER’S REPORT

(6A) LEGISTAR AGENDA MANAGEMENT

The Board received a report and demonstration from General Manager John McGillicuddy regarding the Legistar software to be used for the Board’s agenda management.

(6B) STRATEGIC PLANNING CONFERENCE

County Manager Jones reminded the Board of its Strategic Planning Conference scheduled for February 23 and February 24, 2012 at the Foundation For The Carolinas, located at 220 North Tryon Street, Charlotte, N.C.

STAFF REPORTS AND REQUESTS

(7A) SET PUBLIC HEARING—FIRE PROTECTION SERVICE DISTRICTS

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-1 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Pendergraph voting yes and Commissioner James voting no, to adopt a resolution to limit the tax rate in the proposed Fire Protection Service Districts within the unincorporated areas of Mecklenburg County and to set the public hearing date of April 3, 2012 in accordance with NCGS 153A-309.2.
FEBRUARY 21, 2012

MECKLENBURG COUNTY BOARD OF COMMISSIONERS

RESOLUTION

APPROVING A TAX RATE LIMIT
FOR PROPOSED

FIRE PROTECTION SERVICE DISTRICTS

IN

UNINCORPORATED MECKLENBURG COUNTY

AND CALLING A PUBLIC HEARING ON CREATING

FIRE PROTECTION SERVICE DISTRICTS

Whereas, N.C.G.S. 153A-301(a)(2) authorizes the board of commissioners of any county to establish fire protection service districts in unincorporated portions of the county; and

Whereas, N.C.G.S. 153A-309.2 authorizes the board of commissioners to limit the levy of property taxes in a fire protection service district to a rate not to exceed fifteen cents (15¢) on each one hundred dollars ($100.00) of property subject to taxation if the board of commissioners adopts a resolution setting such a limit within 90 days prior to the public hearing required before creating such a fire protection district, but prior to the first publication of notice of the public hearing; and

Whereas, although the Mecklenburg County Board of Commissioners has not voted on creating fire protection service districts, it has decided that if it does create such fire protection service districts, that the fire protection service districts being considered should have the fifteen cents (15¢) property tax levy limitation; now, therefore be it

RESOLVED, that the Mecklenburg County Board of Commissioners adopts this Resolution to limit the levy of property taxes at a rate not greater than fifteen cents (15¢) on each ($100.00) of property subject to taxation in the proposed fire protection service districts if the Board votes to create such fire protection service districts; and be it further

RESOLVED, that a public hearing is set for 6:30 pm on April 3, 2012 in the Meeting Chamber at the Charlotte-Mecklenburg Government Center, 600 East 4th Street, Charlotte, NC, on the proposed establishment of fire protection service districts as shown on the map attached to this Resolution, and that the Clerk to the Board is directed to publish notice of this public hearing as required by N.C.G.S. 153A-309.2(b).

Director of Land Use & Environmental Services Agency Cary Saul, Director of Code Enforcement Jim Bartl, and Fire Marshal Mark Auten presented this matter to the Board.

Comments prior to the above vote:

Commissioner Pendergraph asked that the public, especially those in the unincorporated areas, be made aware of the public hearing, not only via the newspaper, but through some other means as well.

Commissioner Dunlap said those in the unincorporated areas of the County should be informed of what the cost for fire services would be if provided by the City of Charlotte vs. being provided via the fire service districts.

Commissioner James concurred with Commissioner Pendergraph that those in the unincorporated areas of the County should be informed by some means other than through the newspaper.

Commissioner James said the limit that the County was proposing to set up should be more reasonable. Commissioner James said he felt the establishment of the fire protection services districts was “setting up a bureaucracy that would be ultimately hard to unwind.”

Commissioner James said this may end up being a disincentive for annexation of the unincorporated areas. Commissioner James said there needed to be another way to address this issue other than through a tax.

County Manager Jones said staff would come up with a communication strategy to inform those in the unincorporated areas of the County.
Chairman Cogdell asked that staff place on the map what the proposed amount would be for each of the districts.

Commissioner Cooksey asked about size of Fire Protection Service District 5: Charlotte (+Pineville) and the value of property in that district, which was addressed.

Commissioner Cooksey asked had the towns been consulted regarding this and was there any strong objection. Director Saul said all of the Towns had been contacted and that the Town of Cornelius expressed opposition because it results in a loss of revenue for Cornelius.

Resolution recorded in full in Minute Book _____, Document # _____.

Commissioner Bentley returned to the meeting.

(7B) ORDINANCE PROHIBITING CAMPING AND UNAUTHORIZED USE OF COUNTY PROPERTY (SECOND READING)

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to adopt new Mecklenburg County Ordinance Prohibiting Camping and Unauthorized Use of County Property and Facilities.

Prior to the above motion the following persons spoke in opposition:

Ms. Scottie Wingfield expressed concern for the impact of the ordinance on the homeless community and selective enforcement.

Mr. Nathan Morrison said he was homeless and concerned about the possibility of being arrested if he fell asleep on County property. Mr. Morrison said he did not want to be arrested. Mr. Morrison said “a person that lays down a blanket is not necessarily camping.”

Mr. Ayende Alcala asked the Board not to approve the ordinance without thinking about its impact on the community.

Mr. Domenic Battiotella questioned the necessity of the ordinance. He said there was no evidence of camping taking place on County property.

Commission comments prior to the above motion:

Commissioner Dunlap asked staff to respond to his question from the previous meeting regarding whether or not there were homeless persons sleeping on County property.

General Manager Bobbie Shields said there was no evidence of homeless persons sleeping on County property.

Commissioner Dunlap said the response to Mr. Battiotella’s question of why this ordinance was being put in place, was because Mecklenburg County was being proactive.

Commissioner Dunlap said there should not be any selective enforcement of the ordinance against any individual, group or organization.

Commissioner James said the presence of Occupy Charlotte on Old City Hall property was evidence in his mind as to why, this type of ordinance was needed.

Resolution recorded in full in Minute Book ______, Document # ______.
Commissioner Cooksey left the dais and was away until noted in the Minutes.

(12) AREA MENTAL HEALTH FIRST QUARTER FY 2012 REPORT

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Pendergraph voting yes, to receive the Second Quarter FY 2012 Area Mental Health Report.

Note: In accordance with General Statue 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

FINANCIAL MANAGEMENT

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<td>County</td>
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Net (Revenues - Expenditures)    | 0       | 0       | 0%       |

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

(15) HAZARD MITIGATION “QUICK BUY” PROGRAM—FLOODPLAIN ACQUISITIONS

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

1) Accept the “Offer of Sale of Land” from Judy Su of 1027 Andrill Terrace (Parcel ID: 07509307) for $1.00.
2) Accept the “Offer of Sale of Land” from Judy Su of 1033 Andrill Terrace (Parcel ID: 07509308) for $1.00.
3) Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for
Commissioner Leake removed this item from Consent for more public awareness.

Commissioner Cooksey returned to the dais.

(16) NORTH CAROLINA DIVISION OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP)—MECKLENBURG COUNTY JCPC

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to recognize, receive and appropriate $2,000 in State grant funds to host a local forum, Improving Outcomes for Our Youth, for community partners working with undisciplined or low-risk juvenile offenders.

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

(18) LEASE FOR AMAY JAMES RECREATION CENTER

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to authorize the County Manager to negotiate and execute a lease for the Amay James Recreation Center with Charlotte-Mecklenburg Schools.

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

(22) BUDGET AMENDMENT—DSS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to amend the Department of Social Services (DSS) FY12 Budget to recognize, receive and appropriate:

1) Child Care Subsidy Title IV-E federal revenue increase of $115,577 received from the North Carolina Division of Child Development.

2) Low Income Energy Assistance Program (LIEAP), additional federal revenue of $438,056 allocation received from North Carolina Division of Social Services (NCDSS).

3) Low Income Energy Assistance & Crisis Intervention Payments Administration (LIEAP/CIP), additional allocation of $206,801 in federal revenue received from the North Carolina Division of Social Services (NCDSS).

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

(28) ABC CEO SALARY

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 6-2 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, and Pendergraph voting yes and Commissioners Cogdell and James voting no, to approve the salary increase recommended by the Alcoholic Beverage Control (ABC) Board for ABC Chief Executive Paul Stroup.

Note: As part of SL 2010-122, Modernization of the State ABC System, the General Assembly
FEBRUARY 21, 2012

added legislation requiring the "appointing authority" to approve the salary for the local ABC system chief executive, if that salary is greater than the salary for the clerk of court in that county. While executives hired prior to October 1, 2010 are exempted from this requirement, the Mecklenburg ABC Board wanted to follow its provisions. The ABC Board approved a 2% salary increase for all employees for calendar year 2012 and is requesting the BOCC approve a 2% increase for Mr. Stroup as well.

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

Chairman Cogdell said he voted no because the Board’s approval was not necessary, in that Mr. Stroup was hired prior to the change in the law.

(8)    COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:47 p.m.

Janice S. Paige, Clerk
Harold Cogdell, Jr., Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 6, 2012.

ATTENDANCE

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

Absent: Commissioner Jennifer Roberts

-INFORMAL SESSION-

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

(1) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 15, 16, 19, and 20.

(2) STAFF BRIEFINGS - NONE

(3A) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority v. Mecklenburg County.

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:30 p.m. and came back into Open Session at 5:53 p.m.

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

-FORMAL SESSION-
(1) AWARDS/RECOGNITION - NONE

(2) PUBLIC APPEARANCE

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

Flay Hoover informed the Board that since his appearance at the February 21, 2012 meeting, the Department of Social Services has scheduled a visit for him with his son next Wednesday. Mr. Hoover said it's been ten months since he'd seen his son. Mr. Hoover's son, Devin Flay Hoover, is in the custody of the Mecklenburg County Department of Social Services.

James Bensman, who was accompanied at the podium by Bob Elliott, and Barbara & John Scott, addressed the County’s revaluation process as addressed by Tax Assessor Garrett Alexander at the Board’s February 7, 2012 meeting.

Mr. Bensman said many of the things stated by the Tax Assessor on February 7 were not accurate.

Mr. Bensman provided the Board with a letter of complaint signed by citizens and property owners, requesting action by the Board concerning the 2011 Revaluation Process by the County Assessor’s office. The letter of complaint stated “we contend that the current process is flawed and results in citizens being denied fair and equitable treatment and due process under the law, generally as follows…..” The letter of complaint outlined 16 concerns. The letter also outlined 13 actions that the signees would like the Board to take.

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

The following persons expressed concerns and disagreement with how the County’s revaluation process had taken place: Jack Ziegler, Mark Neroni, Ed Glass, Mike Osborne, John Hettwer, Jayne Trustram Eve, and David Eagle.

They addressed the decline in the housing market, significant increases in values, their experience with the informal appeals hearing process, due process, the format of due dates on letters, appraised values, and their experience before the Board of Equalization and Review.

Mr. Glass said he requested a copy of the recording of his informal appeal hearing but was told that could not be provided.

A copy of a handout from Mr. Ziegler is on file with the Clerk to the Board.

Motion was made by Commissioner Cooksey, seconded by Commissioner James and carried 5-3 with Commissioners Bentley, Clarke, Cooksey, James, and Pendergraph voting yes and Commissioners Cogdell, Dunlap, and Leake voting no, to suspend the Board’s policy regarding the amount of time individuals and groups would be allowed to speak and allow everyone desiring to speak about Revaluation two minutes to speak.

The following persons also expressed concerns and disagreement with how the County’s revaluation process had taken place: Wayne Goode, John Scott, Susan Medlin, and Cheryl Rotoatori. They addressed the same issues noted by the other speakers and referenced above; and in addition, they spoke of the need for transparency on the part of the Tax Assessor’s
MARCH 6, 2012

Office and the inability to obtain information relevant to one’s appeal and used by the Tax Assessor’s Office and/or the Board of Equalization and Review to make its determination.

Ronald Kelley said he experienced some of the same problems expressed by the other speakers six years ago. He offered suggestions to remedy the process, including getting state legislative changes if necessary.

Frederick “Tim” Timmerman addressed the stigma adjustment, which he said was not fair.

Jim Payseur asked the Board to form a study committee to review these issues and needed changes in the Tax Assessor’s Office.

A copy of a handout from Mr. Payseur is on file with the Clerk to the Board.

Chairman Cogdell read an email received from the Tax Assessor regarding revaluation concerns expressed by residents in the Cornelius and Lake Norman area.

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

Kathy Stratton, who was joined at the podium by Ken Sloan, Virginia McMahon, and Ms. T. Denton, spoke in opposition of her son, Spencer Stratton, being in the custody of the Mecklenburg County Department of Social Services (DSS). Ms. Stratton spoke in opposition to the Department of Social Services visitation rules. Ms. Stratton accused DSS attorneys of committing fraud. Ms. Stratton said her son’s rights were being violated by DSS as it relates to the amount of time and the frequency of visits with his family. Ms. Stratton said her son should be with his family.

Betty Allen addressed a medical issue she has with Carolinas Healthcare System involving an injury to her throat. Ms. Allen said she wanted to share this with the Board and the community for public awareness purposes.

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

(3A) APPOINTMENTS

DOMESTIC VIOLENCE ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Domestic Violence Advisory Board:

Nicole Ivory
Vanessa Lane
Beverle’ Thomas

Chairman Cogdell announced the appointments of Nicole Ivory and Vanessa Lane to the Domestic Violence Advisory Board to fill unexpired terms expiring April 30, 2012.

They replace Andrea Pettit and Marage Blakeney.

LAKE WYLIE MARINE COMMISSION
MARCH 6, 2012

The vote was taken on the following nominee for appointment to the Lake Wylie Marine Commission:

Howard Virkler  Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph

Chairman Cogdell announced the appointment of Howard Virkler to the Lake Wylie Marine Commission to complete his unexpired term expiring September 30, 2014.

PUBLIC ARTS COMMISSION

The vote was taken on the following nominees for appointment to the Public Arts Commission:

Patricia Fletcher  Commissioners Bentley, Cogdell, Dunlap, James, Leake, and Pendergraph
Katrina Streiner  Commissioner Cooksey

Chairman Cogdell announced the appointment of Patricia Fletcher to the Public Arts Commission to fill an unexpired term expiring June 30, 2012.

She replaced Katrina Streiner.

Commissioner Clarke returned to the dais.

WOMEN’S ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

Li Mia Bowen  Commissioners Cogdell and Leake
Robyn Codrington  None
Twanna Daniels  None
Vickie Evans  Commissioner Dunlap
Taylor Holloman-Pressley  None
Karen Okhoya  None
Amanda Prothero  Commissioners Bentley, Clarke, Cooksey, James, and Pendergraph

Chairman Cogdell announced the appointment of Amanda Prothero to the Women’s Advisory Board to fill an unexpired term expiring June 30, 2013.

She replaced Julie Owens.

(4)  PUBLIC HEARINGS - NONE

(5)  ADVISORY COMMITTEE REPORTS—NONE

(6)  MANAGER’S REPORT

County Manager Jones reminded the Board that effective with the March 20, 2012 meeting,
staff would begin using the new agenda management software, Legistar. He encouraged Board members to contact staff if they had not already done so, regarding training on the new software.

(7) STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(8A) BOARD COMMITTEES (CHAIRMAN COGDELL)

Motion was made by Commissioner James, seconded by Commissioner Bentley, to approve a revised Policy and Procedures for Board Committees.

Note: At its Strategic Planning Conference (SPC) on February 23, 2012, the Board directed the County Manager to provide a policy and procedures for the establishment and operation of Board committees, per the consensus reached by the Board. The consensus of the Board was to only have two standing committees of the Board: a Compensation Committee and the Audit Review Committee. The Board would establish ad hoc committees as determined by a majority vote of the Board. Currently the Board has seven Board committees: Criminal Justice, Health & Community Support, Effective & Efficient Government, Economic Development, Natural Resources, Education Liaison, and Compensation.

Commissioner Cooksey expressed concern regarding eliminating the other Board committees, especially those that had been active, such as the Effective & Efficient Government Committee.

Commissioner Cooksey said his preference would be to leave the current Board committees in place, but that they only meet if there’s a need and not based on a preset schedule.

Commissioner Cooksey said per the revised policy, it would take a majority vote of the Board to establish an Ad Hoc committee and a majority vote of the Board to dissolve it. He said Board members appointed to serve would do so until that committee was dissolved. Commissioner Cooksey said with the current process members can rotate off annually, which allows others an opportunity to serve on a particular committee.

Commissioner Cooksey said he was also concerned about the language regarding the makeup of the committees by political parties and specifically saying Democratic or Republican. He doesn’t feel specific parties should be mentioned.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, to send the Policy and Procedures for Committees back to staff for revisions based on comments from Board members.

Commissioner James addressed the history behind having the committees composed of members from the two political parties.

Commissioner James said his preference would be to support what’s been presented, which would be to only have the two standing committees and appoint ad hoc committees as needed.

Commissioner James said he would support changing the language to accommodate all political parties and independents.

Commissioner Clarke said the policy before the Board was consistent with the Board’s consensus at its Strategic Planning Conference.
Commissioner Clarke said per Commissioner Cooksey’s comments, he would suggest discussing this matter in more detail at a Budget/Public Policy meeting, rather than sending it back to staff.

Commissioner Clarke said perhaps it would be good to leave the current Board committees in place, but that they don’t meet unless the Board refers something to a committee.

Commissioner Dunlap suggested keeping the current committee structure and that the committees only meet as needed.

Motion was made by Commissioner Leake to refer the matter of Board Committees to a future Budget/Public Policy meeting, but it could not be recognized because there was already a substitute motion on the floor, nor was there a second.

Chairman Cogdell asked County Manager Jones if the Board was in agreement that the current Board committee structure should remain in place, meet on an ad hoc basis and only meet if a matter is referred to the committee by the full Board, was that sufficient enough information for staff to go back and revise the policy. County Manager Jones said yes.

Commissioner Cooksey and Commissioner Dunlap amended the substitute motion, to refer the matter of Board Committees back to staff and that staff revise the policy to reflect that the current committees would remain in place, but only meet to address matters referred to a committee by the full Board.

Chairman Cogdell questioned the language in the policy regarding the makeup of committees and limiting it to only two political parties. He suggested some alternative language be used which would be inclusive of all political parties and independents or unaffiliated.

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

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes to refer the matter of Board Committees back to staff and that staff revise the policy to reflect that the current committees would remain in place, but only meet to address matters referred to a committee by the full Board.

CONSENT ITEMS

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

(9) APPROVAL OF MINUTES


(10) TAX REFUNDS

1) Approve refunds in the amount of $1,645,063.14 plus accrued interest in the amount of $11,143.18 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.
2) Approve accrued interest refund in the amount of $14,178.48 which was omitted from the refund request submitted and approved on February 21, 2012. Refund to be made by the Finance Department as requested by the Tax Assessor.

A list of the refund recipients is on file with the Clerk to the Board.

(11) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT

1) Approve the list (Exhibit A) of vehicles and other small tools and equipment as surplus, and

2) Adopt a resolution authorizing sale of surplus personal property by public auction on April 14, 2012.

Resolution and Exhibit A recorded in full in Minute Book _____ Document # ______.

(12) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $33,620 for Park and Recreation Department, $799 for Business Support Services Agency-Asset & Facility Management and $1,580 for Business Support Services Agency-IT.

Note: All reimbursements are for stolen and damaged items.

(13) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT


Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the Board of County Commissioners ad hoc reports as requested by the Board of County Commissioners.
MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending January 2012

Revenue Source
Budget  Actual  Received
Medicaid & CAP  $8,856,442  $3,051,961  34.46%
State and Federal  33,359,945  11,402,934  34.18%
Third Party/Other  75,756  26,431  34.89%
County  39,803,728  11,541,441  29.00%
Total Revenues  $82,095,871  $26,022,767  31.70%

Service Continuum
Budget  Actual  Spent
Children’s Developmental Services  $7,501,036  $3,681,231  49.08%
Child & Adolescent Services  13,236,062  4,712,206  35.60%
Adult Mental Health  7,320,056  2,560,234  34.98%
Adult Substance Abuse  14,034,186  6,939,613  49.45%
Local Management Entity  7,775,537  3,559,953  45.78%
BHC Randolph  22,157,265  0.00%
Developmental Disabilities  10,071,729  4,569,530  45.37%
Total Expenditures  $82,095,871  $26,022,767  31.70%

Net (Revenues - Expenditures)  0  0  0%

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

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

(14) NAMING OF CIRCULAR LAWN ON LITTLE SUGAR CREEK GREENWAY

Approve naming the circular lawn area near the “Spirit of Mecklenburg” sculpture of Captain James Jack on Little Sugar Creek Greenway at the intersection of 4th Street and Kings Drive to “Zeiss Green on Little Sugar Creek Greenway.”

(17) ARCHITECT/ENGINEER SELECTION—CAULKING AND WATERPROOFING

Authorize the County Manager to negotiate fees and execute contracts with Sutton-Kennerly and Associates and Facility Engineering Associates, P.C. for design services for the caulking and waterproofing of eight County buildings. If negotiations with one of the firms are unsuccessful, authorize the County Manager to negotiate with the other firm for the remaining projects.

Note: The other firm to negotiate with if negotiations with one of the firms are unsuccessful is Nelson Hall and Associates, Inc.

(18) LITTLE SUGAR CREEK GREENWAY—STORM DRAIN REPLACEMENT MOU AND CAPITAL RESERVE PROJECT

1) Authorize the County Manager to negotiate and execute an MOU between Mecklenburg County and the City of Charlotte for City storm drain improvements on the Little Sugar Creek Greenway at Elizabeth Avenue and Kings Drive.

2) Recognize and appropriate revenue in the Capital Reserve Fund revenue to be received from
the City in an amount not to exceed $75,000 as a reimbursement for storm drain improvements at Little Sugar Creek Greenway

(20) PROCLAMATION—INDIAN UNITY DAY

Adopt Proclamation declaring Thursday, March 8, 2012 as Indian Unity Day in Mecklenburg County.

Note: Commissioner Cooksey acknowledged the Indian Unity Day event that would take place.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(15) PURCHASE AGREEMENT—COMPACT FOUR-DOOR SEDANS

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to approve a unit price contract for compact four-door sedans with Capital Ford of Wilmington, NC for a term of one year with the option to renew up to two additional one-year terms.

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

(16) CONSULTANT SELECTION—ROOF REPAIR/REPLACEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to authorize the County Manager to negotiate fees and execute contracts with Nelson Hall & Associates and Stafford Consulting Engineers for design services for roof repair/replacements on four County-owned buildings. If negotiations with one of the firms are unsuccessful, authorize the County Manager to negotiate with the other firm for the remaining projects.

Note: The buildings are the Aquatic Center, Amay James Recreation Center, Naomi Drennan Recreation Center, and WTVI. The other firm to negotiate with if negotiations with one of the firms are unsuccessful is Conley Group.

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

(19) YMCA OF GREATER CHARLOTTE / PARK & RECREATION DEPARTMENT PARTNERSHIP

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Pendergraph voting yes, to approve a Resolution to enter into a lease with the YMCA of Greater Charlotte for a joint use indoor facility at Park Road Park.

Commissioner Leake removed this item from Consent for more public awareness. Lee Jones, with
Park and Recreation addressed this matter.

Resolution recorded in full in Minute Book _____ Document # ______.

ADJOURNMENT

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

______________________________
Janice S. Paige, Clerk

______________________________
Harold Cogdell, Jr., Chairman
MARCH 13, 2012

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, March 13, 2012.

ATTENDANCE

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

Absent: None

Commissioners Clarke, Dunlap, Leake, and Roberts were absent when the meeting was called to order and until noted in the minutes.

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

(1) WTVI/CPCC MERGER

Background:
- WTVI and Central Piedmont Community College (CPCC) have developed a plan that would result in CPCC operating WTVI.
- The plan includes the transfer of WTVI’s FCC broadcast license to CPCC and the lease or transfer of the County-owned WTVI facility to CPCC.
- The plan also calls for Mecklenburg County to provide transition funding to CPCC in FY 2013 of up to $450,000, depending on the actual costs, and includes $200,000 for new equipment. Funding of $200,000 for additional equipment refresh also is requested for each of the subsequent fiscal years 2014, 2015 and 2016.
- In addition, CPCC is asking the Board to repurpose the $5 million in currently approved capital funding for CPCC to renovate the vacant Citizens Center for use as a data center instead of a production/laboratory facility for its cable telecasts (Time Warner Cable channel 17).
- WTVI also is requesting $125,000 in funding from the County for severance costs for three of its employees ($53,000 for unused vacation and $72,000 for severance for one manager and two technicians).
- The plan does not include Mecklenburg County providing any ongoing operations funding to CPCC for the operation of WTVI. However, Mecklenburg County would be expected to provide ongoing support of the facility consistent with the County’s current facility support responsibilities (e.g., capital financing, capital reserve, maintenance and
 security).

- The plan also requires the Board of Education to consent to the transfer of the WTVI FCC license to CPCC due to the requirements in the CMS/County agreement that established the Charlotte Mecklenburg Public Broadcasting Authority (CMPBA). This requirement is contained within the agreement’s terms for dissolving the CMPBA.

- The total estimated cost of the proposal for Mecklenburg County would be $1.15 million.

- The timeline for the transition of this merger is accelerated to minimize the amount of transition costs as well as to finalize the transfer of the FCC License prior to the deadline for applying for the eight-year renewal of the license.

- Key elements of the timeline are:
  - March 13 – Board of County Commissioners (BOCC) workshop
  - March 20 – BOCC approval of plan and associated requests outlined above
  - March 21 – CPCC applies for FCC license transfer (contingent on BOCC approval and BOE consent)
  - April 20 – FCC acts on CPCC license request
  - June 12 – FCC final decision on license request
  - June – Moving of staff, equipment and operations of CPCC to WTVI facility
  - July 1 – Formal transfer of FCC license to CPCC
  - July 1 – Dissolve the CMPBA; transition of CMPBA Board to Board of Advisors for CPCC/WTVI
  - August – CPCC applies for FCC license renewal

Dr. Tony Zeiss, President of Central Piedmont Community College (CPCC) and Kathy Drumm, Vice-President reported on the proposed merger of WTVI and CPCC. The presentation addressed the following:

- History and Process
- CPCC/WTVI Response

**Commissioner Leake entered the meeting.**

- Benefits of the Merger

**Commissioner Clarke entered the meeting.**

- Transfer Process
- Actions Requested of the Board
- Transition Budget Request
- Alternatives/Options
  - The County continues the Joint Undertaking Agreement of 1981, providing funding to WTVI
  - The County takes no action, WTVI goes dark, and the FCC license is surrendered
  - The County accepts the CPCC/WTVI proposal

Comments

Commissioner Cooksey asked about student involvement with the operation of the station by CPCC, which was addressed.

**Commissioner Roberts entered the meeting.**

Commissioner Cooksey asked about CPCC creating a capital reserve fund, which was addressed.

Commissioner Bentley asked WTVI Executive Director Elsie Garner about WTVI’s business
model and fundraising activity which were addressed.

Commissioner Bentley asked about the management structure under CPCC’s administration, which was addressed by Dr. Zeiss. It was noted that those details had not been finalized, however, there would be a transition management piece, which involved keeping some of current WTVI management staff, such as Ms. Garner for transition purposes. Dr. Zeiss said the manager of the station would have fundraising experience, management experience, and educational experience.

Commissioner Bentley asked about the cost of the license renewal. Ms. Garner said the cost should be less than $10,000, maybe $5,000. Ms. Garner said the FCC doesn’t charge, but that the attorneys charge to complete the paperwork.

Commissioner Pendergraph asked if CPCC could pay the transition costs. Dr. Zeiss said no.

Ms. Garner suggested the County fund WTVI next year and in the interim establish a study Commission, similar to what was done with the Library, to weigh in on a proposed merger.

Commissioner Dunlap entered the meeting.

Commissioner James asked the County Manager to comment on what his logic was for a statement he made in a memo that WTVI was not a viable entity. County Manager Jones said his logic and what he said in a March 8 communication to the Board was that this was a matter that was being taken out of context with the budget.

County Manager Jones said it was a context issue to consider saying to CPCC and WTVI that the Board would commit funding, in light of other expected budget increase requests. He said the Board has not seen the totality of the request as it related to next year’s budget.

Commissioner James said he didn’t feel WTVI was viable as long as SCETV and UNCC PBS were operating.

Commissioner Leake asked about WTVI’s lease, which was addressed by Ms. Garner and Ms. Drumm.

Commissioner Leake asked about WTVI’s outsourcing to S. C. of its finance department and how many jobs would be lost due to the merger, which was addressed by Ms. Garner.

Commissioner Dunlap asked about the timeline which was addressed by Ms. Garner.

Commissioner Cooksey asked County Manager Jones had he looked at liquidation expenses if Option 2 was chosen. The response was no.

Commissioner Cooksey suggested staff take a look at the liquidation expenses.

Commissioner James said he would like know how much money WTVI had remaining in the bank and what WTVI’s monthly cash expenses were.

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

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

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

(2) CHARLOTTE-MECKLENBURG COALITION FOR HOUSING PROJECT
The Board received a report on the progress of the Charlotte-Mecklenburg Coalition for Housing and potential budget implications. Stacy Lowry, Director of Community Support Services and the Charlotte-Mecklenburg Coalition for Housing Chair (CMCH), Mike Rizer gave the report. The presentation covered the following:

- Composition/Appointments to the Charlotte-Mecklenburg Coalition for Housing
- Ten-Year Plan Goals
  - Housing
  - Outreach and Engagement
  - Prevention
- Policy Shift
- Key Accomplishments
- Community Engagement & Advocacy Committee Accomplishments/Current Initiatives
- Research & Evaluation Committee Accomplishments/Current Initiatives
- Development & Service Integration Committee Accomplishments/Current Initiatives
- Supportive Housing Joint RFP
- Next Steps

Comments

Commissioner Dunlap asked about housing diversity throughout the county which was addressed. He also asked what efforts were being made to educate the community regarding affordable housing, in order to address the myths and stigma associated with affordable housing. Pamela Wideman with the City of Charlotte addressed this and noted the City of Charlotte’s Housing Locational Policy.

Commissioner Dunlap asked if there was any coordination or partnership with Charlotte-Mecklenburg Schools, with respect to land that may be available. Ms. Wideman said yes, there have been discussions with CMS regarding available land.

Commissioner Leake asked what were some of the stigmas associated with affordable housing that causes some parts of the community to oppose affordable housing in their neighborhoods. Mr. Rizer said there’s a perception of increased crime and lower property values, but that studies have shown this was not the case.

Commissioner Clarke said there needed to be a clear understanding of what the County’s role was in this process.

General Manager Michelle Lancaster said the County’s role had more to do with providing services.

General Manager Lancaster said there’s nothing being asked of the County for FY13.

General Manager Lancaster said the County was doing what it has always done with respect to providing services, but in a more strategic manner.

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

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

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

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:34 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in
the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center
located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of
the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, March 20, 2012.

ATTENDANCE

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

Absent: None

- INFORMAL SESSION -

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

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately.
The items identified were Items 103, 112, 121, 122, 123, and 128.

STAFF BRIEFINGS – NONE

(12-0133 & 0134) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION AND
CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced there would not be a need to go
into Closed Session to discuss Business Location & Expansion, only to Consult with Attorney.

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 8-0 with
Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting
yes, to go into Closed Session to Consult with the Attorney.

The Board went into Closed Session at 5:35 p.m. and came back into Open Session at 5:38 p.m.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
MARCH 20, 2012

-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/RECOGNITION - NONE

PUBLIC APPEARANCE

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

Kathy Stratton spoke in opposition to her son, Spencer Stratton, being in the custody of the Mecklenburg County Department of Social Services. Mrs. Stratton said her visitation rights with her son was limited to one hour every 30 days, prior to her appearing before Board and noting that prisoners receive more visitation time than her son. Mrs. Stratton said she received a calendar indicating potential visits with her son for the months of March, April, and May on a weekly basis. Mrs. Stratton said when she called to confirm a March visit, she was informed that a determination had been made by the psychiatrist that her visits may not be in the best interest of her son, per her son’s behavior after her last visit. Mrs. Stratton said the Department of Social Services has now “ceased” her visitations with her son.

Flay Hoover addressed his visit with his son, Devin Flay Hoover, who is in the custody of the Mecklenburg County Department of Social Services. Mr. Hoover said it was a good visit, just too short (45 minutes). He said his son asked when he could come home. Mr. Hoover commented on the operation of group homes. He accused the Mecklenburg County Department of Social Services of breaking laws.

Justin Ruckman, co-founder and executive editor of CLT Blog, a local citizen media outlet, addressed the purpose of CLT Blog. He also spoke in support of WTVI and the proposed merger with Central Piedmont Community College.

Angelique Diaz Landry addressed the court system. Ms. Landry said there was “fraud and corruption” going on in the court system, Sheriff’s Department, Police Department, “etc.” Ms. Landry said she appeared before the Board in 2008 regarding paternity. Ms. Landry said she had not seen her son since March of 2008. Ms. Landry said she had taken her case to the NC Supreme Court. Ms. Landry also addressed an eight day stay she had in the Lincoln County jail because she refused to come to a plea bargain with the District Attorney regarding a speeding ticket. Ms. Landry said she was not speeding. Ms. Landry said she would like to know why she has not seen her son, when she has never committed a crime. She stated further that the person her son was with was not his biological father, but was pretending to be so.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(12-0102) BUDGET AMENDMENT (LUESA)--NC CLEAN WATERMANAGEMENT TRUST FUND (REVENUE INCREASE)

1. Recognize, receive and appropriate up to $400,000 from the NC Clean Water Management...
Trust Fund for the Torrence Tributary Stream Restoration project at I-77 to Gilead Road.

2. Authorize the carry forward of unspent grant funds for subsequent years until completion of the project.

**SET PUBLIC HEARING—PRELIMINARY STREET LIGHTING—CARDINAL WOODS**

1) Adopt the Preliminary Assessment Roll Resolution for the operating cost of street lights that also sets a public hearing on April 3, 2012 on Street Lighting Preliminary Assessment Roll for the Cardinal Woods Subdivision.

2) Direct Clerk to the Board to publish notice of public hearing.

*Resolution recorded in full in Minute Book ____ Document # _____.*

**TAX REFUNDS**

Approve refunds in the amount of $712,219.74 plus accrued interest in the amount of $605.41 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.*

**SPECIAL PURPOSE GRANT APPLICATION—LUESA, AIR QUALITY**

1) Approve the submission of a Clean Air Act Section 103, Special Purpose Federal Grant application for the "Near Road" NO2 monitoring grant.

2) Upon award of grant, recognize, receive and appropriate CAA Section 103 grant revenue.

3) Authorize the carry forward of unspent grant funds to subsequent years until completion of project.

**BUDGET AMENDMENT -- LUESA/CODE ENFORCEMENT (REVENUE INCREASE)**

Recognize and appropriate $126,031 in additional permit revenue.

Approve eight additional positions to address the increase in customer service demand, including;

- 3 plans examiners
- 3 building inspector III
- 2 administrative assistant III

**LANDSCAPE ARCHITECT/ENGINEER SELECTION—TOBY CREEK GREENWAY--PHASE II**

Authorize the County Manager to negotiate fees and execute a contract with HadenStanziale, PA for design services for Toby Creek Greenway Phase II. If negotiations with this firm are unsuccessful, authorize the County Manager to negotiate fees and execute a contract with Kimley-Horn and Associates.
(12-0132) MINUTES


2) Authorize the Clerk to amend Closed Session minutes of February 7, 2012 approved on March 6, 2012 to reflect a correction in the attendance section.

(12-0135) PURCHASE AGREEMENTS -- ON-ROAD EQUIPMENT (LUESA)

Authorize the County Manager to negotiate and execute unit price contracts for the purchase of one (1) 44" Dump Truck, (1) 72" Dump Truck, (1) Tandem Drive Compressed Natural Gas (CNG) Rolloff Truck, and (1) Mechanics Truck for a total amount of $482,875.10 to the following lowest responsible bidders:

Piedmont Truck Center, Inc.
44" Dump Truck -- $78,199.00 per unit

Rush International Truck Center
72" Dump Truck -- $86,688.10 per unit

Advantage Truck Center
Mechanics Truck -- $134,473.00 per unit

(12-0143) BUDGET AMENDMENT - LUESA (REVENUE INCREASE)

Recognize and appropriate $800,000 additional property tax revenue.

Note: The County Tax Assessor contracts with Tax Management Associates (TMA) to provide discovery and audit services for the business listing process. This is a contingency contract and compensation for TMA is based on actual additional tax revenue collected. For this fiscal year, the amount generated by TMA has exceeded projections included in the budget. The estimated gross revenue from TMA audits this year totals approximately $6.5 million resulting in approximately $1.9 million in fees for TMA. This action allows for payment of additional fees earned by TMA. The additional amount over what was included in the budget is $800,000. Overall, TMA’s efforts have resulted in net additional property tax revenue of $4.6 million for FY2012.

THI 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

(12-0141) NOMINATIONS/APPOINTMENTS

AIR QUALITY COMMISSION

Commissioner James nominated all applicants for appointment consideration to the Air Quality Commission: Lauren Billheimer, Anthony Kent, and Megan Sadler.

Note: An appointment will occur on April 3, 2012.
MARCH 20, 2012

BOARD OF EQUALIZATION AND REVIEW

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint JoAnne Allen, James Barnett, Zanthia Hastings, William Hawkins and Unithia McGruder to the Board of Equalization and Review for three-year terms expiring April 7, 2015.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint James Barnett as Chairman of the Board of Equalization and Review for the duration of his term.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Parker Black as Vice-Chairman of the Board of Equalization and Review for the duration of his term.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Larry Edwards and Thomas Vinson to the Charlotte-Mecklenburg Community Relations Committee to fill unexpired terms expiring July 2, 2014.

Note: They replace Stefanie Austin and Bolyn McClung.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Cynthia Bush and Sarah Funkhouser to the Citizen’s Capital Budget Advisory Committee for two-year terms expiring July 31, 2014.

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Eric Sieckmann to the Citizen’s Capital Budget Advisory Committee for a two-year term expiring July 31, 2014.

Note: He replaces Wilton Savage.

DOMESTIC VIOLENCE ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Patrick Burris, Beverly Foster, Nicole Ivory, Vanessa Lane and Elizabeth Trosch to the Domestic Violence Advisory Board for three-year terms expiring April 30, 2015.

WOMEN’S ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts
voting yes, to reappoint Melissa Duscha, Donna Hughes, Sandra Johnson, Yvonne McJetters, Nancy Plummer and Lisa Yarrow to the Women’s Advisory Board for three-year terms expiring April 30, 2015.

Commissioner James nominated all applicants for appointment consideration to the Women’s Advisory Board: Li Mia Bowen, Robyn Codrington, Twanna Daniels, Vickie Evans, Taylor Holloman-Pressley, and Karen Okhoya

Note: An appointment will occur on April 3, 2012.

(12-0161) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS

Motion was made by Commissioner Bentley seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Kathleen Kaney to the Mecklenburg EMS Joint Agency Board of Commissioners as a Charlotte-Mecklenburg Hospital Authority (Carolinas Healthcare System) representative to fill an unexpired term, expiring December 31, 2013.

She replaces Suzanne Freeman.

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(12-0124) FUTURE OF THE LIBRARY TASK FORCE UPDATE

The Board received a verbal report on the one-year accomplishments of the Library per the Future of Library Task Force recommendations. The report was given by Dr. Jim Woodward, who chaired the Task Force, Gloria Kelley and Ed Williams, former Task Force members and current Library Board of Trustee members. The following was noted:

- The Task Force recommended using a per capita funding methodology to fund the Library. This was accepted by the County Manager and resulted in an increase in Library funding by $2 million following that methodology. The additional funding allowed the hours of operation at regional libraries to be extended and it also allowed the Library to maintain the branch libraries.
- The relationship between the County and the Library was good thanks to County Manager Jones and his staff and Vic Phillips and the Library staff.
- The programming recommendations of the Task Force have been embraced by Library management and they are working to make them a part of their business model for the future.
- The Task Force recommendation to create a new Library Foundation to raise more private dollars for the library was approved by the Library Board of Trustees and recruitment for the Foundation board has begun.
- A study of the role of the Main Library was recommended and the Citizen Committee charged to do this is in the process of completing its work.

Chairman Cogdell thanked Library representatives for the update.
The Board received a report on the revaluation and appeals process.

Note: At its March 6, 2012 meeting, several residents in the Lake Norman/Cornelius area of Mecklenburg County spoke during the public appearance section of the agenda to express questions and concerns about the revaluation process and appeals associated with properties in this area.

County Manager Jones asked that the following be entered into the record:

MEMORANDUM

To: Board of County Commissioners
From: Harry L. Jones, Sr., County Manager
Date: March 20, 2012
Subject: Manager's Report – Revaluation and Appeals Process

I am writing to provide the Board with an introduction to the presentation the Board will receive from staff regarding the revaluation and appeals process. The report is provided to address questions and concerns raised by Mecklenburg residents in the Lake Norman/Cornelius area regarding revaluation. In summary, the Board will receive the following facts:

No “stigma adjustment” was applied to any property and was not used in any way in the revaluation process.

Cornelius property owners are not being provided preferential treatment. The additional review proposed by staff is consistent with the protocol staff has used throughout the revaluation process in other geographic areas of the County.

Staffing levels in the Tax Assessor’s Office did not hinder the revaluation process. The number of appeals has resulted in the Tax Assessor hiring nine temporary staff to support full-time staff in this portion of the process.

There is no postponement of hearing appeals for properties in the Lake Norman/Cornelius area.

There is no evidence of numerous or widespread errors in the revaluation process. There have been some errors made such as the listing of land use codes or condition factors on some properties. These have been corrected through internal review or when they have been brought to the attention of staff by property owners. Errors on the property record resulting in a physical error in the valuation can be corrected at any time with the appropriate adjustment in value. The appeals process allows for the identification and correction of any problems in the property records or valuation.

The processes used by staff and the independent Board of Equalization and Review are consistent with North Carolina statutes that govern revaluation.

There is no legal authority for the Board to halt, postpone, suspend or cancel the 2011 revaluation or appeals process.

There are 288 properties in the Lake Norman/Cornelius area that are pending review by the Board of Equalization and Review.

The Board of Equalization and Review (BER) will continue its work until every appeal that was filed consistent with deadlines is heard. There is no deadline for the BER to hear these appeals and all these appeals will be heard.

Finally, none of the appeals filed with the North Carolina Property Tax Commission (PTC) have been heard by the PTC, so the appeals process is not yet complete for any appeals to the PTC.

Additional information on these and other questions and concerns raised by residents are being provided to the Board in writing. In addition, the staff presentation will provide additional facts and details regarding the information above.
I have reviewed this information and immersed myself in discussion with staff, with members of the Board of Equalization and Review, with County Attorney Marvin Bethune and with his law partner Ham Wade, who is the attorney advising the Tax Assessor’s Office regarding the North Carolina statutes governing revaluation. As a result of this review and in-depth discussions, I have reached the following conclusions:

First, the revaluation and appeals process has been and is being conducted consistent with state law and in a fair and equitable manner, and with considerable professional expertise and acumen by staff.

Secondly, the Board of Equalization and Review, the independent body of professional realtors, appraisers, and other experts appointed by the Board of County Commissioners, is conducting fair and equitable reviews of the appeals submitted by property owners.

My third conclusion is that there is room for improvement in our customer service performance in the revaluation and appeals processes. This includes improvement in communicating clearly and comprehensively as part of carrying out these processes.

Additionally, there is considerable inaccurate information and misinformation that is contributing to misunderstanding among some residents and perhaps members of the Board about how the revaluation and appeals process has been and is being managed. This misinformation and inaccuracies are being perpetuated as facts through the use of technology, such as emails and blogs, in such a way that, unfortunately, results in some people having perceptions that are not based on the truth.

Compounding this problem is that once these distorted perceptions arise, it is often difficult to adjust these perceptions to the truth. The only way to help people align their perceptions with the facts is to continue to provide the facts and for responsible community leaders to express their confidence in these facts.

I have confidence in these facts and have great confidence that the revaluation and appeals process has been and is being conducted consistent with state law and in a fair and equitable way throughout our county. I believe members of the Board should and will express the same confidence based on the information it receives tonight and has received in numerous reports it has received previously regarding the 2011 revaluation.

A copy of the Manager’s Memorandum is on file with the Clerk to the Board.

County Manager Jones called on Director of LUESA Cary Saul and Chuck Hicks with the Tax Assessor’s Office to address the revaluation and appeals process. The following was noted:

- The current status of the revaluation process
- 41,885 appeals were received.
- All of the informal appeals have been completed.
- From the informal appeals around 9,400 appeals were made to the Board of Equalization and Review.
- The Board of Equalization and Review has heard approximately 4,700 of those appeals.
- It’s possible that the Board of Equalization and Review may get a few more appeals.
- 677 of the appeals heard by the Board of Equalization and Review have been appealed to the State Property Tax Commission, but none have been heard to date.
- Between the informal appeals and Board of Equalization and Review appeals, the tax base has been reduced by $2 billion.
- It was clarified that per a meeting with Cornelius representatives arranged by Commissioner Bentley, the Tax Assessor did not agree to reassess the entire assessment in Cornelius and to postpone the revaluation in Cornelius; but rather he agreed to review the information that was presented by Cornelius representatives and if necessary to reschedule some appeals that were pending that might be effected by that review.
- There were two pending appeals that would be effected before that review could be done and those appellants asked not to delay their appeal.
The Tax Assessor’s staff was in the process of reviewing that information and based on that review, if adjustments are needed, they would be made to those areas.

This is the same review process that’s used in other areas of the County when issues have been brought to the Tax Assessor’s attention on a neighborhood basis.

With respect to Stigma Adjustments, there was the perception that the Tax Assessor’s Office looked at properties and neighborhoods and if foreclosures exceeded a certain percentage, then the values were reduced in those areas that had high foreclosure rates. The Tax Assessor’s Office did not do this.

The process used to get the assessment was explained.

A Stigma Adjustment was not made.

A value adjustment was made based on qualified sales.

A copy of handouts relating to the update is on file with the Clerk to the Board.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

Commissioner James addressed his agenda item, 12-0130 Revaluation Report.

(12-0130) REVALUATION REPORT

Commissioner James asked for clarification regarding a map shown by Director Saul reflecting parcels with factor adjustments which was addressed.

Commissioner James asked about the setting of values and when did it occur, which was addressed.

Chuck Hicks with the Tax Assessor’s Office clarified for the record that the process used by staff was not a stigma adjustment. Mr. Hicks said he has never used the word “stigma” to describe the activity in the market place. Mr. Hicks said in an email to the Tax Assessor on May 23, 2011, regarding where the heaviest foreclosure activity was in the county, he used the term “negative externality”, an appraisal term, which means economic activity in that market place was resulting in falling selling prices.

Mr. Hicks explained that the word “stigma” refers to some defect in the property.

The following persons addressed the County’s 2011 Revaluation Process:

Jim Bensman, who was joined at the podium by Barbara Scott, Ron Kelley, and Bob Elliot noted the following: 1) Cornelius residents were getting mixed messages, 2) they used the term “stigma adjustment” because that’s the term the Tax Assessor used on February 7, 2012 at the Board’s meeting, 3) they disagree with the basic premise that the 2011 Revaluation was done well, 4) they disagree with the basic premise that the 2011 Revaluation was done in accordance with state statute, & 5) an example of mixed messages, on February 7, 2012 Tax Assessor Garrett Alexander said his department was short 12 people, but two weeks later it was said that the shortage of staff did not impact the processing of 41,000 appeals. Mr. Bensman said there were only six staff working on this out of a staff of 72.

Mr. Bensman provided the Board with a list of recommendations for improvement.

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

Mr. Bensman said the County needs to come up with an Action Plan to fix this process.

Mr. Bensman said they would respond to the County’s response to a previous letter they submitted to the County.
Thomas Mussoni addressed commercial real estate. He asked why weren’t staff in the Tax Assessor’s Office MAI (Member of the Appraiser Institute) licensed or certified. He addressed the benefits of having MAI certified staff.

Josephine Fletias, who was joined at the podium by Dan Sullivan, Lloyd Hartsel, and Tom Ferrer said they lived in a small, very stable neighborhood in southeast Charlotte. She said the homes were built between the 50’s & 60’s. Ms. Fletias said in their neighborhood homes were bought, torn down and much larger homes were built, “mini mansions.” Ms. Fletias said their homes were revaluated based on the larger homes that are now in their neighborhood. Ms. Fletias questioned the true market value.

Mr. Sullivan said the Tax Assessor’s Office dismissed the appraisals he and others had done. He said they dismissed any talk of market value. Mr. Sullivan said his land value went from just under $100,000 to over $425,000. Mr. Sullivan said they have appeals set up but were not optimistic.

Mr. Hartsel said his property value went up over 300%. Mr. Hartsel said it appears that the land value was established by the sales price of the properties that were torn down, the properties being land, building, and features. He said that number was then transferred as land value to the other 24 old houses.

Mr. Ferrer said he echoed his neighbors comments.

Charlie Hooks addressed his experience with the revaluation process. He said his value tripled, thus his taxes tripled. Mr. Hooks said he had a parcel that the value went from $500.00 to $200,000. Mr. Hooks said he didn’t think the process was fair. He said it took over a year to get an answer to the Informal appeal. He said it was a much better value, but it was still too high. He said there were still some inconsistencies. Mr. Hooks said the new tax value “severely” affected his ability to sell his home.

Michael Osborne addressed his experience with the revaluation process. Mr. Osborne said the Tax Assessor’s Office should be required to show taxpayers what was used to determine market value. Mr. Osborne said taxpayers should be able to appeal based on the response received from the Tax Assessor’s Office. Mr. Osborne said the letters were not clear with respect to when a taxpayer was to respond. Mr. Osborne said the Tax Assessor’s Office should provide clearer and specific information regarding what the steps were for appealing.

Jack Ziegler provided the Board with a handout regarding real estate transactions. He addressed establishing market value.

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

Comments

Commissioner Pendergraph said at this point it would take legislative action from Raleigh to “scrap” this process (2011 Revaluation) and start over. Commissioner Pendergraph said the Legislature would not do that in the short session, which was this year. He said if it was taken up next year in the short session and it went into effect the following year, it would be time for another revaluation.

Commissioner Pendergraph said mistakes were made. Further, the questions that have been asked deserve answers, which the Board was committed to providing.

Commissioner Pendergraph asked that those with concerns be patient until this matter can get fixed going forward.
Commissioner Bentley asked the following questions, all of which were addressed.

- Where did the 10% come from and where did the “stigma” come from?
- When was the initial appraisal process started for the northern part of the County?
- How is market value established?
- Where was staff at with respect to a review of the lake properties in Cornelius?

Commissioner Bentley said there seemed to be a disconnect in how market value is established at the Tax Assessor’s Office versus market value established in the private real estate sector. She asked Mr. Hicks to comment on this, which he did.

Commissioner Bentley asked about some of the communications received recently by the Board, specifically a letter from James Barnett, chairman of the Board of Equalization and Review. Commissioner Bentley requested a copy of the full analysis that was used by the Board of Equalization and Review.

Commissioner Bentley said transparency in the revaluation process has been a barrier.

Commissioner Bentley said she would like staff to find a way where the taxpayer could go to the website, enter their tax parcel number, and link to the file at the Tax Assessor’s Office that has all of the information regarding their property; including qualified sales that were looked at, if their appeal was denied and if so, why. Commissioner Bentley said this same information should somehow be made available to those that don’t have access to a computer.

Commissioner Bentley said she would like staff to produce a Frequently Asked Questions document around process questions, in layman’s terms, to be placed on the website and made available upon request for a hard copy.

Commissioner Bentley requested a list of the names and certifications of all appraisers in the Tax Assessor’s Office.

Commissioner Bentley announced that State Representative Thom Tillis has put together a statewide working group to look at the Machinery Act and that she would be participating in this process and going to Raleigh early April.

Commissioner Roberts asked whether during the process did staff partner with Senior Centers, Council on Aging, Just 1 Call, etc. and/or was there a senior outreach effort. The response was no but that there was staff who specifically handles elderly exemptions, along with some of the farm use issues.

Commissioner Roberts said going forward, consideration should be given to having a senior outreach component.

Commissioner Roberts asked what was the earliest time that someone could appeal an evaluation going forward. The response was that a property owner could appeal now, effective for 2012. If staff finds any mistakes that would be retroactive, that could be explored as well.

Commissioner Roberts asked what the process was if someone appealed and took it as far as they could and was denied, could they appeal again in 2012.

County Attorney Bethune said if there were errors in the card, those could be made any time. However, if the question was around whether the value was too high or too low, last year was the time to make those types of appeals based on the 2011 Revaluation.
County Attorney Bethune said someone could make an appeal every year but the circumstances under which relief could be granted was considerably “narrower” in years after revaluation. He said it’s limited to factual errors or changes in the condition of the property.

Commissioner Roberts said customer service improvements were needed as well with respect to the Board of Equalization and Review, such as giving taxpayers specific time slots versus them having to take a whole day from work because they’re not sure what time their appeal may be heard.

Commissioner Roberts said the following needed to occur: 1) an evaluation of the staffing levels at the Tax Assessor’s Office and that she hopes this is something that the Board would look at in May, 2) an evaluation of the size of the Board of Equalization and Review to make sure it’s appropriate, and 3) a discussion of the revaluation schedule, because eight years was too long in between.

Commissioner Dunlap asked was it possible for two different independent appraisers to have different values on a piece of property. The response was yes, but their value estimate should be fairly close, within a 10% range.

Commissioner James asked that the following information from Cornelius representatives be entered into the record.
Commissioner James said although the Board can’t change the 2011 Revaluation, the Board could decide to do a “do over” and have another revaluation effective January 20, 2012 and drop everyone’s value down by 30% as an example.

Commissioner James said he would like to have a new revaluation January of 2013, if that’s the earliest it could be done per the law; or he would like to find a way to do a study, as Cornelius residents have suggested, of the existing revaluation. He suggested the Board give consideration to doing this.

Commissioner James said the reason values were messed up was because the County wasn’t allowed to consider foreclosures and bank owned sales.

Commissioner Leake expressed concern also for seniors in this process. Commissioner Leake said there were other communities in the County that have also experienced problems with the 2011 Revaluation process.
Commissioner Dunlap asked staff to explain the appeals process opportunities. The response was that if a taxpayer was not satisfied with the determination made by the Board of Equalization and Review, they could appeal to the State Property Tax Commission. It was noted at that level a taxpayer would need legal representation. The next level of appeal would be to the N. C. Court of Appeals.

Chairman Cogdell said he felt had the Board been aware of the “significant” undertaking to conduct the 2011 Revaluation and of what the current available resources were, the Board probably would have been more than willing to provide for adequate staffing.

Chairman Cogdell said there needed to be a clear distinction and separation between the Board of Equalization and Review and the Tax Assessor’s Office. Chairman Cogdell said from the outside it looks as if there’s a “close” relationship between the two. He said something needed to be done to make sure it’s understood that the Board of Equalization and Review work independent of the Tax Assessor’s Office and were not influenced by the Tax Assessor’s Office.

Chairman Cogdell said going forward additional Board of Equalization and Review members will be needed.

Chairman Cogdell said there were lessons to be learned from the 2011 Revaluation process.

County Manager Jones said he would agree that there were lessons to be learned from the 2011 Revaluation process.

County Manager Jones informed the Board with respect to comments made regarding the staffing levels in the Tax Assessor’s Office, that the budget presented to the Board last year was the budget he received from the Tax Assessor’s Office. County Manager Jones said the request received from the Tax Assessor’s Office was not for staffing but for technology funding. County Manager Jones said he was caught by surprise when he heard at a previous briefing that an additional 12 people were needed. County Manager Jones said he has expressed his “dismay” at that statement to the Tax Assessor.

This concluded the discussion. It’s not inclusive of every comment but is a summary.

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

STAFF REPORTS AND REQUESTS

(12-0129) BOARD COMMITTEES

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve Policy and Procedures for Board Committees.

Policy recorded in full in Minute Book _____, Document # ______.

Commissioner Bentley returned to the dais.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(12-0140) CPCC/WTVI MERGER
Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke, to 1) approve the funding of the proposed one-time transition budget in the amount of $377,000 from the FY 2012 budget for the acquisition of WTVI by Central Piedmont Community College; 2) that the Board of County Commissioners transfer the existing WTVI facility and equipment lease to Central Piedmont Community College under the same terms that it currently has with WTVI; 3) that Central Piedmont Community College (CPCC) continue to receive the $5 million for the renovation of the CPCC Citizen Center as approved in the 2007 construction bond referendum; and 4) with the understanding that the $800,000 for equipment replacement would be funded in $200,000 increments over four years (FY13, FY14, FY15, & FY16), after which the County would be out of it all together.

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

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, and Roberts voting yes, to allow those signed up to speak regarding the CPCC/WTVI Merger two minutes to speak.

Commissioner Dunlap returned to the dais.

The following persons appeared and spoke in support of the CPCC/WTVI Merger. They each commented on the value of WTVI to the community:

Dan Morrill, Jack Dillard, Jack Brayboy, Terri DeBoo, Matthew Tyndall, Justine Koch, Chris Williams, Charles Jones, Liz Downing, and LaL Vishin.

Commissioner Dunlap spoke in support of the merger. He noted that although he sits on the WTVI Board as the Board’s representative, he has not participated in the merger discussions.

Commissioner Cooksey entered the meeting.

Commissioner Dunlap addressed the financial support provided to WTVI by the County for the last five years.

A copy of the handout regarding that is on file with the Clerk to the Board.

Commissioner Pendergraph asked what was the bottom line cost of WTVI, if they were to close. Budget Director Hyong Yi said based on the information available, WTVI appears to have enough cash on hand, if the Board decided not to approve the merger, to pay off their bills and outstanding liabilities and that there would be nothing left.

Commissioner Pendergraph asked would the same programming that’s currently on WTVI completely transfer over to Central Piedmont Community College. Dr. Tony Zeiss, President of Central Piedmont Community College, said “not likely.”

Dr. Zeiss said CPCC would bring its own programming to the station and enrich it in many ways.

Commissioner Pendergraph asked why did funding for WTVI stop 2 ½ years ago. County Manager Jones said 2 ½ years ago was when the great recession started. County Manager Jones said adjustments had to be made and were done in keeping with the Board’s priorities. He said WTVI was not one of the Board’s high priorities. He said it was a budgetary decision.

Commissioner Pendergraph said he supports the merger but doesn’t feel taxpayers should have to pay for it. He said there should be private donors who would be willing to support this merger.
Commissioner Bentley asked staff to comment on its engagement processes with WTVI over the last five or six years around their business model and the sustainability of that model.

County Manager Jones said his conversations with WTVI have been around WTVI looking at a way to enhance its business model. He said WTVI’s business model was primarily based on funding from the County. County Manager Jones said he felt it was a failed business model because it was “highly” dependent upon taxpayer dollars.

Commissioner Bentley asked how long have those discussions been going on with WTVI. County Manager Jones said since before 2008.

General Manager John McGillicuddy echoed the County Manager’s remarks.

Commissioner Bentley asked about repurposing the $5 million that was in the capital improvement plan. County Manager Jones said he felt if the Board were to repurpose the $5 million, it would “represent a lack of discipline” on the part of the Board and explained why.

Commissioner Bentley said her concerns had to do with 1) WTVI’s business model and the fact that it’s been known for quite some time that it was not sustainable, 2) the urgency in which this matter was being brought to the Board, 3) lack of fundraising on the part of WTVI, and 4) repurposing the $5 million.

Commissioner Bentley suggested WTVI go to the private sector for support.

Commissioner Clarke spoke in support of the merger.

Commissioner Leake expressed concern for the management of WTVI and the failure to raise funds. She also expressed concern for the out of state outsourcing that had occurred.

Commissioner Cooksey asked about the value of the equipment at WTVI which was addressed by Elsie Garner.

Commissioner Cooksey asked about debt service which was addressed by General Manager McGillicuddy.

General Manager McGillicuddy said it was his understanding that at the end of the current fiscal year the County would be finished with paying off the debt service on equipment financed for WTVI.

Commissioner Cooksey asked Dr. Zeiss to comment, which he did, on what CPCC’s current television programming was like versus what it would be like if the merger took place.

Commissioner Cooksey asked Dr. Zeiss to comment, which he did, on the County’s involvement going forward. Commissioner Cooksey said he had two concerns, how long would the lease of the facility be extended for and what would be the County’s responsibility beyond the lease.

Dr. Zeiss said they would recommend transferring the same lease arrangements that currently exist with WTVI. Dr. Zeiss said the County’s obligation would be the same as it would be for any other County owned facility.

Commissioner James said this was a good thing for CPCC but not for the taxpayer.

Commissioner Roberts spoke in support of the merger.

Commissioner Cooksey made a substitute motion that was identical to Commissioner Dunlap’s motion with the exception of the $5 million for the renovation of the CPCC Citizen Center as
approved in the 2007 construction bond referendum. Commissioner Cooksey said he would like to see that go through the capital project ranking process.

Chairman Cogdell said it was his understanding, per a conversation with staff, that staff could go through the vetting process with respect to this matter to look at the repurposing and come back to the Board with a recommendation prior to tonight’s meeting. Chairman Cogdell said that did not happen and he was somewhat surprised that it hadn’t taken place.

Commissioner Roberts asked Dr. Zeiss would the proposal be acceptable with the removal of the $5 million. Dr. Zeiss said he would have to take the matter back to his Board of Trustees because what they agreed to was including the $5 million. Dr. Zeiss said it’s possible that the removal of the $5 million from the motion could be a “game killer.”

Commissioner Bentley asked about the reprioritization referenced by Chairman Cogdell.

General Manager McGillicuddy said he did not recall staff making that commitment.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and failed 7-2 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting no and Commissioners Bentley and Cooksey voting yes, to approve the funding of the proposed one-time transition budget in the amount of $377,000 from the FY 2012 budget for the acquisition of WTVI by Central Piedmont Community College; and that the Board of County Commissioners transfer the existing WTVI facility and equipment lease to Central Piedmont Community College under the same terms that it currently is with WTVI; and with the understanding that the $800, 200 over four years, after which the County would be out of it all together.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 6-3 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, James and Pendergraph voting no, to 1) approve the funding of the proposed one-time transition budget in the amount of $377,000 from the FY 2012 budget for the acquisition of WTVI by Central Piedmont Community College; 2) that the Board of County Commissioners transfer the existing WTVI facility and equipment lease to Central Piedmont Community College under the same terms that it currently has with WTVI; 3) that Central Piedmont Community College (CPCC) continue to receive the $5 million for the renovation of the CPCC Citizen Center as approved in the 2007 construction bond referendum; 4) and with the understanding that the $800,000 for equipment replacement would be funded in $200,000 increments over four years (FY13, FY14, FY15, & FY16), after which the County would be out of it all together.

County Attorney Bethune informed the Board that there were already two existing agreements which would need to be revised. County Attorney Bethune said the building and equipment was currently leased to the Charlotte Mecklenburg Public Broadcasting Authority (WTVI) and they would now have to enter into an agreement with the County to give that up.

County Attorney Bethune said there would need to be a new agreement with CPCC in order to lease it to CPCC.

County Attorney Bethune said there would need to be a third agreement, an Interlocal agreement between the County and the Board of Education.

The above is not inclusive of every comment but is a summary.
MARCH 20, 2012

Commissioners James and Cooksey left the meeting and were absent for the remainder of the meeting.

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

(12-0103) U.S. DOJ GRANT-FUNDED POSITION (COMMUNITY SUPPORT SERVICES)

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 approve a new position (senior social worker) to implement a two-year grant from the U.S. Department of Justice, Office of Violence Against Women; and appropriate funding in compliance with the grant period.

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

Commissioner Pendergraph returned to the dais.

(12-0121) ARTS AND SCIENCE COUNCIL CULTURAL ACCESS GRANTS (PARK AND RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve submission of two applications for Arts and Science Council Cultural Access Grants and to recognize, receive and appropriate funds if awarded.

Note: The two grant applications, up to $15,000 ($7,500 each) would be utilized to offer youth science and senior cultural arts programs.

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

(12-0122) GRANT APPLICATION -- NATIONAL RECREATION AND PARK ASSOCIATION (NRPA) "SPRITE SPARKS PARKS" (PARK AND RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve submitting an application for an NRPA "Sprite Sparks Parks" grant to refurbish the Frazier Park basketball court and upon award, recognize, receive and appropriate funds for the duration of the project.

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

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

(12-0123) BUDGET AMENDMENT -- PARK AND RECREATION (REVENUE/EXPENSE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate $20,000 from additional park program fees.

NOTE: Due to higher than expected recreation programming participation, such as senior citizen day trips and youth after-school and sport programs at Tom Sykes Recreation Center, the
MARCH 20, 2012

Park and Recreation Department requested a budget amendment that increases both revenue and expenses by $20,000. The increased expenditures will provide needed program materials and supplies for registered participants.

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

(12-0128) PROCLAMATION--SOCIAL WORK APPRECIATION MONTH

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 proclamation designating March, 2012 as “Social Work Appreciation Month” in Mecklenburg County.

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

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

Commissioner Pendergraph returned to the dais.

NO ACTION WAS TAKEN ON 12-0112.

Note: This was one of several Consent Items pulled by Commissioner Leake. The question was asked whether this item had been approved and it was felt it had been. In preparing the minutes, however, it was discovered that the Board had omitted this item by mistake. It will be placed on the next Regular meeting agenda for action.

(12-0112) GRANT APPLICATION--THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (OVW) SAFE HAVENS

1) Approve the submission of an application for a $400,000 three-year grant to the United States Department of Justice (OVW) for a grant to provide supervised visitation and safe exchange of children.

2) If awarded, recognize, receive and appropriate such funds for the grant period.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:25p.m.

____________________
Janice S. Paige, Clerk

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Harold Cogdell, Jr., Chairman
MARCH 27, 2012

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 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, March 27, 2012.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

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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 Cogdell, after which the matters below were addressed.

(1) CMS OPERATING FUNDS HISTORICAL TRENDS AND BUDGET PROCESS

Budget Director Hyong Yi outlined the agenda for the meeting. He said the objective of the meeting was to provide context for Charlotte Mecklenburg Schools (CMS) budget request, explain how CMS develops a budget, and to provide an update on the work of the CMS Privatization Committee.

Interim School Superintendent Hugh Hattabaugh, CMS Chief Finance Officer Sheila Shirley and CMS Executive Director of Budget and Development Dennis Covington addressed the CMS Budget Development Process.

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

Comments

Commissioner Leake said she’d like answers to the following questions:

- What’s the population of the school district based upon race and gender?
- Which programs were successful and which weren’t and would those that weren’t successful be eliminated?
- Why were funds allocated to CMS for education given to other agencies by CMS to do what the District “should be doing.”
- With respect to National Certified teachers and Teach for America, how much is paid to each teacher coming from Teach for America?
Commissioner Clarke asked was there a precedent for County funding of school employee raises without any increase by the state in compensation. Finance Officer Shirley said not in her eleven year tenure with CMS. She said CMS has used County funding for supplement and at times for market adjustments, but that in terms of an across the board salary increase, CMS has not requested that of the County. She said typically CMS follows the state’s lead with respect to this and CMS would ask the County for that same increase amount to be provided for locally funded employees. Finance Officer Shirley said it was being asked this year because it’s been almost four years since employees have had any increase in salary, and CMS was asking the County to make that adjustment for the total costs.

Commissioner Clarke asked what percentage of CMS employees were totally funded by County dollars versus those that were state funded, which was addressed.

Commissioner Bentley said she would like to see the state law regarding what the County was mandated to do from a compensation perspective, relative to the state’s obligation. Finance Officer Shirley said she didn’t think there was a law saying the County had to provide any salary adjustment to school employees. She said CMS has always made it clear that the state mandates what CMS provides for state employees. She said what CMS has done was come to the County and asked the County to provide that same match for locally funded employees.

Commissioner Bentley said she would be interested in knowing the state requirement with respect to compensation.

Commissioner Roberts asked was the trend data provided adjusted for inflation. Director Yi said no, but that staff would do so.

Commissioner Roberts asked if charter schools were included in the total student population and was there a difference in per capita spending for a charter school student versus a regular student; and if so, what was it. Finance Officer Shirley said when CMS talks about its projected K-12 enrollment for next year, it does not include the charter school enrollment. Finance Officer Shirley said the County provides that funding to CMS, which was why CMS has to have an estimate of what the charter school growth in enrollment was going to be.

Commissioner Roberts asked whether charter school state funding remained with the school if a child leaves after the 20th day. The response was yes.

Commissioner Roberts said she would like information regarding the attrition rate for teachers who have moved to other school districts and the breakdown as it related to the subject matter taught by the teacher.

Commissioner James asked CMS why it delayed the disclosure of the “windfall” it received from the state last year. He said CMS was made aware of it on Monday prior to the Board of Commissioners vote on its budget that Tuesday, but it wasn’t disclosed to the County until Wednesday, after the Board had voted on its budget. Commissioner James said that information should have been disclosed to the County, prior to the Board’s vote on its budget.

Finance Officer Shirley said the House and Senate did come to an agreement the weekend leading up to that Monday, however, the Governor was suggesting a veto on her part, which she did veto it, therefore, CMS was not in a position to say what the state was going to do in terms of their funding to CMS. She said until CMS actually receives its allotment from the state, CMS doesn’t know what it’s going to receive.

Commissioner James said he would like to know why District 6 received the least amount when it came to per pupil spending and the breakdown of the differences in per pupil spending.
Commissioner Leake said she would like to know the last time the County provided a supplement to CMS for teacher salaries and how much it was.

Commissioner Leake said she’d also like to know the number of National Certified teachers in the district and at what schools.

County Manager Jones asked why was the Charlotte-Mecklenburg Police Department (CMPD) Resource Officers contract increase and Project Lift included in the Superintendent’s proposed budget recommendation as a program continuation and not as a program expansion. Finance Officer Shirley said they were not asking for an expansion of CMPD Resource Officers, but rather CMS was trying to maintain what they have. She did not address Project Lift at this time.

Chairman Cogdell said he would like to know the primary factors for the increase in the graduation rate.

Chairman Cogdell said he would like to know the factors effecting the End-of-Course Proficiency (with retests) scores.

Chairman Cogdell said he would like to know, as it related to last year’s budget cycle, whether CMS was aware of the additional funding from the state prior to the Board of Commissioners meeting, where it adopted its budget and were attempts made to contact the County.

Chairman Cogdell said he would like to know if the County contributed what was necessary to maintain current funding levels for CMS, in light of what was contributed by the state last year, what would be the baseline number for this year, assuming CMS received the same thing from the state. He said in other words, what would be required on the County’s part from a funding perspective.

County Manager Jones clarified Chairman Cogdell’s request to mean, if the County maintained funding at the current level, what impact would that have on CMS funding, assuming CMS’ level of funding from the state was the same as last year.

Commissioner Roberts said fiscal year end was a structural issue and one that CMS nor the County had control over. She said this was a state issue that needed to be addressed on the state level with legislators.

Chairman Cogdell asked CMS to provide answers to questions raised by Board members in one concise document at a later date.

Chairman Cogdell thanked CMS officials for their report.

Budget Director Hyong Yi addressed County Funding of CMS

- Historical CMS Funding
- CMS Funding as % of County Revenues
- Composition of CMS Funding
- County Per Pupil Funding
- Per Pupil Expenditure Trend
- Education Mandates
- Mandated Funding

Comments

Commissioner James referenced past conversations regarding placing funds in restricted
contingency for CMS, which he said the County could do.

Commissioner James said if the Board was going to place CMS funding in restricted contingency, then CMS needed to know in advance, so that they could participate in that calculation of how much.

(2) CMS PRIVATIZATION ADVISORY COMMITTEE TO THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION

Budget Director Yi introduced Robert Harrington, chair of the CMS Privatization Advisory Committee to present the First Report of the CMS Privatization Advisory Committee to the Charlotte-Mecklenburg Board of Education. The report covered the following:

- Background and the Board of Education’s Charge to the Committee
- Committee’s Time-Line
- Criteria Applied by Committee
- Service Areas Reviewed
- Challenges
- Recommendations
- Next Steps

Comments

Commissioner Leake requested a list of the Privatization Advisory Committee members.

Commissioner Pendergraph asked if custodial services included maintenance. The response was yes.

Commissioner Pendergraph said he would like to receive the total budget for food services, payroll, IT services, and maintenance.

Commissioner Pendergraph said he would like to see some pilot programs with respect to CMS privatization.

Commissioner Dunlap noted that food services was an enterprise fund. Commissioner Dunlap said he would like to know the amount of funds in the food services enterprise fund.

Commissioners Clarke, Roberts, and Pendergraph left the meeting and were absent for the remainder of the meeting.

Commissioner Leake asked what was the County’s responsibility with respect to CMS’ privatization report.

Chairman Cogdell said the receipt of the report helps the County to make more informed decisions. Further, that questions have been raised about any possible cost savings to CMS as a result of privatization.

Commissioner Bentley said it should be a part of CMS’ culture to look at opportunities to outsource and become more efficient.

Commissioner Bentley asked if the food services enterprise fund covered all of its costs. The response was yes.
Commissioner Bentley asked Mr. Harrington what was his sense of the Board of Education’s receptiveness of the privatization report. *Mr. Harrington said he felt the Board of Education was committed to what the committee was doing.*

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

Chairman Cogdell thanked Mr. Harrington for the report.

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

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

**ADJOURNMENT**

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Cogdell, Dunlap, James, and Leake voting yes, that there being no further business to come before the Board the meeting be adjourned at 5:35 p.m.

________________________________________  ________________________________
Janice S. Paige, Clerk  Harold Cogdell, Jr., 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 3, 2012.

ATTENDANCE

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

Absent: Commissioners Bill James and Jennifer Roberts

-INFORMAL SESSION-

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0080, 12-0144, 12-0145, 12-0164, & 12-0179.

STAFF BRIEFINGS - NONE

(12-0170, 12-0194, 12-0204) CLOSED SESSION – 0170) CONSULT WITH ATTORNEY, 0194) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S.143-318.11(A) (1), & 0204) LAND ACQUISITION

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcels 123-062-12, 123-062-16, & 123-062-17.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to go into Closed Session for the following purposes: Consult with Attorney; To Prevent Disclosure of Information that is Confidential Pursuant to G.S.143-318.11(A)(1); and Land Acquisition.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:37 p.m.

County Attorney Bethune noted for the record the Consult with Attorney matters discussed in Closed Session, that were mistakenly not mentioned prior to going into Closed Session, were Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County and Jerry Alan Reese vs. Mecklenburg County, Knights Baseball, LLC.
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 Dunlap, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

AWARDS/RECOGNITION - NONE

CONSENT

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

(12-0147) GRANT APPLICATION -- DISPLACED HOMEMAKER (COMMUNITY SUPPORT SERVICES)

Approve submission of a grant application to the North Carolina Council for Women/Domestic Violence Commission for the New Choices Strategies for Success (New Beginnings) Program in the amount of $63,181 ($13,248 from Displaced Homemaker State Funds, $47,283 from Divorce Filing Fees with $2,650 County match); and if awarded, recognize, receive and appropriate grant funds.

Note: This grant submission will provide continuation funding for the New Choices program within Mecklenburg County’s Community Support Services Department, which provides training and support for displaced homemakers in their return to self-sufficiency.

(12-0150) TAX REFUNDS

Approve refunds in the amount of $1,827,234.09 plus accrued interest in the amount of $4,418.77 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(12-0154) STATE SECONDARY ROAD PROGRAM FY 2012 - 2013

1) Receive a report from the North Carolina Department of Transportation on the Secondary Road Program for Mecklenburg County for construction to be done during FY 2010 - 2011.

2) Approve the State Secondary Road Program for FY 2010 - 2011 for Mecklenburg County.

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

(12-0160) APPOINTMENT OF REVIEW OFFICERS
Amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” to designate Jim King and David Nelson as Review Officers and to delete from the Resolution adopted on September 16, 1997 the names of Linda Beverly and Tim Manes.

Resolution recorded in full in Minute Book _____ Document # _____.

(12-0171) CONTRACT APPROVAL -- ROMARE BEARDEN PARK EXTERIOR LIGHT FIXTURES

Approve a contract in the amount of $523,551.30 with Graybar for exterior light fixtures for Romare Bearden Park.

(12-0189) MINUTES

Approve minutes of Regular meeting held March 20, 2012 and Closed Session held March 20, 2012.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12-0186) PUBLIC APPEARANCE

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

Angelique Diaz Landry said she felt she’d been targeted because she’s voiced opposition towards law enforcement and the judicial system. Ms. Landry said she had not seen her son in four years. Ms. Landry said she’d never been convicted of a crime, but has had charges against her. She said she’d also been arrested. Ms. Landry shared examples of her encounters with law enforcement and the judicial system.

James Bensman addressed the 2011 Revaluation. Mr. Bensman said it’s been brought to his and other residents attention that there were issues with commercial properties. Mr. Bensman said the Lake Norman Chamber of Commerce had established a study committee to look at revaluation of commercial properties.

Mr. Bensman complimented Cary Saul, Director of LUESA, for his outreach efforts to the Cornelius and Lake Norman community.

Mr. Bensman said the Town Boards of Huntersville and Cornelius had voted unanimously to submit a formal resolution to the Board of County Commissioners requesting the County to engage an external auditor to conduct an audit of the Tax Assessor’s Office.

Mr. Bensman presented a list of recommended tasks for an audit of the Tax Assessor’s Office.

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

Mr. Bensman presented a Public Records request for information from the Tax Assessor’s Office.

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

Mr. Bensman noted for the record the following points in rebuttal to what he said was stated by staff at the previous meeting.

A copy of the request is on file with the Clerk to the Board.
Market value and assessed value were identical, statutorily.
• The qualified sales report on-line was incorrect and does not match the printed report.
• The existence of a qualified sales report was not on any documentation.
• An attorney is not needed when one appears before the Property Tax Commission.
• The Board of Equalization and Review has the power to pause a revaluation but not the Board of County Commissioners.

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

Marian Black addressed Rezoning Petition 65-2011, which is scheduled for consideration by Charlotte City Council later this month or in May. Ms. Black said she was aware the Board would not be voting on this matter, but felt it should still be of interest to the Board. Ms. Black said if approved, the petition would have a “devastating” effect on Lake Wylie.

Ms. Black gave the Board a handout regarding the petition, entitled, Save Lake Wylie’s Coves - Wither’s Cove, Adjacent to Parcel B & Phase 3 of Chapel Cove.

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

Commissioner Leake said she would like to receive reports from the Planning Commission regarding their decisions on Rezoning Petitions, so that the Board could be aware of what’s occurring.

Chairman Cogdell suggested Commissioner Leake contact the Director of the Planning Commission and/or the chairman of the Planning Commission regarding receiving updates on issues of concern.

Commissioner Leake asked that staff coordinate this for her.

County Manager Jones said he would.

(12-0204) CLOSED SESSION – LAND ACQUISITION – WILMORE PROPERTY

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to authorize the County Manager to negotiate and execute necessary documents for the purchase of the following tax parcels in the Wilmore Neighborhood of the City of Charlotte from Waypoint Development, LLC for $515,000: 123-062-12 (+/- 0.65 acre), 123-062-16 (+/- 0.13 acre); and 123-062-17 (+/- 0.10 acre).

(12-0165) APPOINTMENTS

AIR QUALITY COMMISSION

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

ROUND ONE

<table>
<thead>
<tr>
<th>Name</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lauren Billheimer</td>
<td>Clarke, Cogdell, Dunlap, and Leake</td>
</tr>
<tr>
<td>Anthony Kent</td>
<td>None</td>
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<tr>
<td>Megan Sadler</td>
<td>Cooksey and Pendergraph</td>
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</tbody>
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ROUND TWO

<table>
<thead>
<tr>
<th>Name</th>
<th>Commissioners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lauren Billheimer</td>
<td>Clarke, Cogdell, Cooksey, Dunlap, Leake, and</td>
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</tbody>
</table>
Chairman Cogdell announced the appointment of Lauren Billheimer to the Air Quality Commission to fill an unexpired term expiring August 31, 2012 as a General Public representative.

*She replaces Ray Fuentes.*

**WOMEN’S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

**ROUND ONE**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Round Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Li Mia Bowen</td>
<td>Commissioner Cooksey</td>
</tr>
<tr>
<td>Robyn Codrington</td>
<td>Commissioners Cooksey and Leake</td>
</tr>
<tr>
<td>Twanna Daniels</td>
<td>None</td>
</tr>
<tr>
<td>Vickie Evans</td>
<td>Commissioner Leake</td>
</tr>
<tr>
<td>Taylor Holloman-Pressley</td>
<td>Commissioners Clarke, Cogdell, Dunlap, and Pendergraph</td>
</tr>
<tr>
<td>Karen Okhoya</td>
<td>Commissioners Clarke, Cogdell, Dunlap, Pendergraph</td>
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<tr>
<td>Karen Okhoya</td>
<td>Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph</td>
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**ROUND FOUR**

<table>
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**ROUND FIVE**

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<td>None</td>
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<tr>
<td>Twanna Daniels</td>
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</tbody>
</table>
Chairman Cogdell announced the appointments of Li Mia Bowen and Karen Okhoya to the Women’s Advisory Board for three year terms expiring April 30, 2015.

They replace Dr. Angelia Fryer and Pamela Hemphill.

(12-0149) PUBLIC HEARING- STREET LIGHTING ASSESSMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to open the public hearing on Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision and hear from staff and any other persons desiring to speak.

Dave Canaan, Director of Storm Water Management presented this matter to the Board.

Manuel Rosas, former Cardinal Woods Subdivision Homeowners Association President and current project contact as it relates to this issue, spoke in support of assessment for fiscal year 11, but expressed concern for future assessments and authorizing the County Manager to coordinate with the Cardinal Woods Homeowners Association, Cardinal Woods Estate Homeowners Association, and Duke Energy, such that, in FY13 the homeowners associations will become responsible for the Duke Energy bills and the County will end the street lighting assessment program for the Cardinal Woods Subdivision. Mr. Rosas said there were matters that had not yet been resolved. Mr. Rosas said the Homeowners Association would like for the County and the Association to discuss further options and have a complete understanding of the financial implications of each item and option.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph 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 Cardinal Woods Subdivision that are part of this assessment. Secondly, to close the public hearing on Mecklenburg County’s participation in the Street Lighting Assessment project for the Cardinal Woods Subdivision and adopt the Final Assessment Roll Resolution for the Cardinal Woods Subdivision.

Resolution recorded in full in Minute Book _____ Document # ______.

Note: In light of the comments and request of Mr. Rosas, no action was taken with respect to authorizing the County Manager to coordinate with the Cardinal Woods Homeowners Association, Cardinal Woods Estate Homeowners Association, and Duke Energy, such that, in
APRIL 3, 2012

FY13 the homeowners associations will become responsible for the Duke Energy bills and the County will end the street lighting assessment program for the Cardinal Woods Subdivision.

Staff indicated that taking no action at this time would not pose any problems and that staff would report back at a later date.

(12-0151) PUBLIC HEARING AND RESOLUTION ON FIRE PROTECTION SERVICES IN MECKLENBURG COUNTY

Jim Bartl, director of Code Enforcement and Mark Auten, County Fire Marshall, addressed the establishment of the proposed Fire Protection Service Districts.

City of Charlotte

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to open the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the City of Charlotte.

The following persons spoke in support of the establishment of the proposed Fire Protection Service Districts within the unincorporated areas of Mecklenburg County (Cornelius, Davidson, Huntersville, Mint Hill and Charlotte) with funding to begin in the FY13 budget.

Harley Cook, President of the Mecklenburg County Volunteer Firemen’s Association and Larry Irvin, Chairman of the Mecklenburg County Fire Commission.

The following person spoke not in opposition but voiced concern with respect to this being an additional tax on those in the unincorporated areas of the County: Charles Guignard. Mr. Guignard posed the question of what would the County do with the $2 million that’s to be saved from this measure. He further posed the question of would the County reduce taxes as a result of the savings.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to close the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the City of Charlotte.

Town of Cornelius

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to open the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Cornelius.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to close the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Cornelius.

Town of Davidson

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to
open the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Davidson.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to close the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Davidson.

**Town of Huntersville**

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to open the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Huntersville.

No one appeared to speak.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to close the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Huntersville.

**Town of Mint Hill**

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to open the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Mint Hill.

No one appeared to speak.

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to close the public hearing on the establishment of the proposed Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Mint Hill.

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Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to adopt five Resolutions Establishing Fire Protection Service Districts as follows:

A. Resolution Establishing a Fire Protection Service District in the Extraterritorial Jurisdiction of the City of Charlotte

B. Resolution Establishing a Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Cornelius

C. Resolution Establishing a Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Davidson

D. Resolution Establishing a Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Huntersville
E. Resolution Establishing a Fire Protection Service District in the Extraterritorial Jurisdiction of the Town of Mint Hill

Resolutions recorded in full in Minute Book _____ Documents # ______, ______, ______, ______ and ______.

ADVISORY COMMITTEE REPORTS

(12-0166) ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE & NURSING HOME COMMUNITY ADVISORY COMMITTEE

The Board received the Annual Report of the Mecklenburg County Nursing Home Community Advisory Committee & Adult Care Home Community Advisory Committee. The report was given by Hillary Kaylor and Pam Irish, Regional Ombudsmen. The Board also heard from members of the committees: Betty Leake and Ellen Blaine.

The report addressed the following:

- 2011 Committee Activities & Accomplishments
- Committee Goals For 2012
- Facility Strengths And Challenges
- Committee Support

Recommendations:

- The committee and the ombudsman program ask for the Board’s support in attracting volunteers and that the County devises a plan to promote the program.
- The committee and the ombudsman program ask for Board support by completing a criminal background check on all prospective community advisory committee volunteers.
- The committee and the ombudsman program ask for Board support in encouraging active current members in a way that displays acknowledgement and appreciation for their service to our county.
- The committee and the ombudsman program ask for mileage reimbursement.

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

Chairman Cogdell, on behalf of the Board, thanked the presenters and Committee members for their report and service.

Commissioner Dunlap suggested to the County Manager that the County expand its annual recognition of employees to include members of advisory boards as well.

Chairman Cogdell and Commissioners Leake and Dunlap expressed support of providing mileage reimbursement to those serving on the Adult Care and Nursing Home Community Advisory Committees and the committees’ recommendation regarding criminal background checks. They encouraged the County Manager to remember this during budget deliberations.

MANAGER’S REPORT

(12-0180) BOARD BULLETIN
The Board received the County Manager’s Board Bulletins published since the last Board meeting.

*Note:* As needed each week, the County Manager distributes to the Board a newsletter called “Board Bulletin” to keep the Board informed about policy matters and other key issues related to Mecklenburg County government.

(12-0197) CHARLOTTE-MECKLENBURG 2012 CRIMINAL JUSTICE SYSTEM SURVEY FINAL REPORT

The Board received as Information, results of the Charlotte-Mecklenburg 2012 Criminal Justice System Survey.

Tom Eberly, Criminal Justice Planning Manager and Dr. Nancy Burnap with MarketWise, Inc. gave the report.

The survey sought feedback on the following: 1) Perception of Crime in Mecklenburg County, 2) Viewpoint on Criminal Justice, 3) Perceptions of the Performance of Groups in the Mecklenburg County Criminal Justice System, 4) Viewpoint on Arrests and Citations, 5) Viewpoint on Bail and Release Conditions, 6) Viewpoint on Sanctions, and 7) Sources of Information and Experience with Criminal Justice System.

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

The following person spoke in opposition to the results of the survey: Marcus Philemon, director of CharMeck Court Watch.

A copy of Mr. Philemon remarks is on file with the Clerk to the Board.

Commissioner Pendergraph asked was the definition of a low level offender and the categories associated with that explained to those surveyed. The response was “sometimes yes and sometimes no,” which was elaborated on.

Commissioner Pendergraph questioned responses regarding the court system, if the person surveyed never had dealings with the courts. Dr. Burnap addressed this and said the purpose of the survey was to get perceptions.

Commissioner Pendergraph said he was concerned about the validity of the report, in light of the understanding of the questions by those surveyed.

Commissioner Dunlap said much of the results of the survey were in line with what’s perceived nationally.

Commissioner Leake expressed concern for the amount of time wasted in the courtroom.

Commissioner Bentley returned to the dais.

Commissioner Leake questioned the size of the survey population.

Commissioner Clarke thanked the consultant and staff for the report.

Commissioner Clarke said if the survey was ever done again, he would like a question to be asked to determine whether or not people understand that the court system is operated and funded by the State and not Mecklenburg County.
Chairman Cogdell thanked the presenters for the report.

Note: At this point in the meeting and per Commissioner Bentley’s return to the meeting, the Board considered appointments to the Women’s Advisory Board, which is reflected in the minutes under Appointments.

STAFF REPORTS & REQUESTS

(12-0156) LEGISLATIVE AGENDA 2012

Brian Francis, Assistant to the County Manager presented the proposed Mecklenburg County Legislative Agenda for the 2012 short session of the General Assembly.

Note: The General Assembly will reconvene for its “short” session on May 14, 2012. The adjournment resolution that calls for the General Assembly to reconvene on this date also sets rules restricting which bills are eligible for consideration. While there are 15 separate categories, the three categories most applicable to Mecklenburg County are:

1. Only bills that have passed one house or the other during the 2011 session.
2. Only bills which impact the state budget.
3. Only local bills that have been signed by every representative elected from the impacted area.

Therefore, any Mecklenburg County bill will need the support of all 10 House members and all 5 Senate members to move forward.

Commissioner Requests

1. Request the General Assembly to study the issue of the expunction of misdemeanors from an individual’s criminal record.

Note: This request was recommended by Chairman Cogdell.

Staff recommendation: This item will likely be controversial and may not be eligible under the rules of the short session. This is more appropriate during the long session and should be submitted to the NCACC for their consideration as well due to its statewide impact.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to approve including in the Board’s legislative agenda for the 2012 short session of the General Assembly the following request: Request the General Assembly to study the issue of the expunction of misdemeanors from an individual’s criminal record given a certain amount of time and conditions.

Note: Commissioner Cooksey suggested in addition to the above motion that this matter be forwarded to the North Carolina Association of County Commissioners for feedback and support and possibly inclusion in their agenda as some point.

2. Seek reforms to the revaluation process.

Note: This request was recommended by Various Commissioners.

Staff recommendation: The Speaker has indicated that he will convene a group to study the issues around revaluation. Mecklenburg County will have the opportunity to participate in this
group and potential legislation could be brought forward in next year’s legislative agenda.

Note: No action was taken with respect to this request in light of staff’s recommendation.

Note: Commissioner Bentley will serve on the study committee. Commissioner Bentley noted that the first meeting of the committee would be April 5. She asked Board members to provide her with any information they would like for her to share for consideration by the committee.

3. Seek legislation that would allow Child Support Enforcement to retain a portion of recovered funds to offset costs.

Note: This request was recommended by Commissioner James.

Staff recommendation: This item will likely be controversial and may not be eligible under the rules of the short session. This is more appropriate during the long session and should be submitted to the NCACC for their consideration as well due to its statewide impact.

Note: No action was taken with respect to this request in light of staff’s recommendation.

Note: Commissioner Dunlap said this was an issue that was worth looking into.

4. Seek legislation that would give local health inspection jurisdiction over weekly motels.

Note: This request was recommended by Commissioner James.

Staff recommendation: Because this item concerns public health, it must be considered as a public (statewide bill). The bill could be limited to Mecklenburg using a population threshold. In order to be eligible during the short session, the legislature would have to use extraordinary means.

Note: No action was taken with respect to this request in light of staff’s recommendation.

5. Seek legislation to allow Mecklenburg County Commissioners to attend meetings remotely via electronic device.

Note: This request was recommended by Commissioner Cooksey.

Staff recommendation- Similar legislation currently exists for Hyde County (SL 2008-111) though Commissioner Cooksey would like broader legislation that allows commissioners to attend closed session remotely and to allow commissioners to participate when outside the county. This legislation is eligible during the short session with the unanimous support of the delegation.

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to approve including in the Board’s legislative agenda for the 2012 short session of the General Assembly the following request: Seek legislation to allow Mecklenburg County Commissioners to attend meetings remotely via electronic device.

Commissioner Dunlap left the meeting and was absent until noted in the minutes.

Staff Recommendations:

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake and Pendergraph voting yes,
to approve including in the Board’s legislative agenda for the 2012 short session of the General Assembly the following requests:

1. Seek legislation that allows for the electronic transmittal of commitment orders between law enforcement and the courts.

2. Clarify S.L. 2010-158 to insure that secondary PSAPs that have inter-local agreements with Primary PSAPs are eligible for 911 funds and that decisions made by the 911 board are subject to the Administrative Procedures Act. (carry over)

3. Continue supporting the following guiding principles for state and federal issues:
   - Support legislation that grants flexibility to Counties
   - Oppose legislation that restricts County authority
   - Support legislation that provides funding to counties and oppose legislation that cuts county funding
   - Oppose unfunded mandates

Assistant to the County Manager Francis informed the Board that the General Assembly would reconvene on May 16 and that on April 16 there will be a breakfast meeting with the Mecklenburg County Legislative Delegation for the purpose of presenting the County’s 2012 Legislative Agenda. Assistant Francis said the Courts and Board of Education have also been invited to present their legislative agendas as well.

Commissioner Dunlap returned to the dais.

(12-0163) POLICY AMENDMENT - PROCLAMATIONS AND AWARDS

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to approve amendments to the Board policy on Proclamations and Awards.

Note: The Board’s current policy considers an action taken by a super majority of the Board but does not specify the number of votes that constitute a super majority. The amendment clarifies this by specifying that it takes a two-thirds vote of the Board members present and voting at the meeting during the Informal Session to move a Proclamation from the Consent section of the agenda to the Awards/Recognition section of the agenda. Additionally, the amendment clarifies that Resolutions used in a way similar to Proclamations will be subject to this policy.

Policy recorded in full in Minute Book _____, Document # _____.

(12-0181) SELECTION OF EXTERNAL AUDITORS

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to approve a one-year extension of the external audit contract with Cherry Bekaert and Holland for the June 30, 2012 fiscal year audit, based on the April 21, 2009 Audit Review Committee recommendation for the initial contract.

(12-0080) PROCLAMATION - CHILD ABUSE AWARENESS AND PREVENTION MONTH

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and
Pendergraph voting yes, to adopt a Proclamation designating April, 2012 as "Child Abuse Awareness and Prevention Month."

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

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

(12-0144) **BUDGET AMENDMENT--SHERIFF’S OFFICE CIVIL FEES (REVENUE/EXPENSE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to recognize, receive and appropriate $260,000 in increased civil fee revenue for the Sheriff’s Office to hire four Deputy Sheriff staff (with equipment) and two Administrative Assistant II staff for two months in FY12 as provided for by N.C.G.S. 7A-311(a) (1) c.

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

(12-0145) **BUDGET AMENDMENT--SHERIFF’S OFFICE (REVENUE INCREASE)**

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

1. Recognize and appropriate $90,000 from Inmate Commissary for the Sheriff’s Special Revenue Fund.

2. Recognize and appropriate $50,000 from Vocational Facility Telephone Revenue for Sheriff's Special Revenue Fund.

*Note: All funds collected through inmate commissary operations to be used for inmate education, library and self-sufficiency programs as well as supplies and equipment to support programs. All funds received from 16.8 percent of commissions from the inmate telephone system to be used for inmate vocational education programs.***

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

(12-0164) **GRANT APPLICATION--THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN (OVW) SAFE HAVENS**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to approve the submission of an application for a $400,000 three-year grant from the United States Department of Justice (OVW) to provide supervised visitation and safe exchange of children; and if awarded, recognize, receive and appropriate such funds for the grant period.

*Note: This item was one of several pulled by Commissioner Leake to be voted upon separately at the March 20 meeting, but was inadvertently skipped. The question was raised concerning whether it had been voted on and the response was that it was felt it had been, but upon follow-up it was discovered that it had not been voted upon. Since Board members did not express opposition to this matter on March 20 and assumed it had been approved, staff moved forward...*
with submitting the application to meet the submission deadline of March 26. Submittal of grant applications, prior and subject to subsequent Board approval, do occur occasionally due to timing of the grant deadline and the Board meetings. The grant funding will be used to provide supervised visitation and safe exchange of children in situations involving domestic violence, sexual assault, dating violence, child abuse or stalking. Batterers often use visitation and exchange of children as an opportunity to inflict emotional, physical, and/or psychological abuse on victims and their children. The Mecklenburg Domestic Violence Fatality and Review Team recently recommended that resources be sought for supervised visitation and exchange. The deadline for submitting the grant application was March 26, 2012.

(12-0179) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY12 FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, to recognize, receive and appropriate Community Development Block Grant (CDBG) funds of $433,163 until expiration of the grant period for use in promoting development within low-income areas.

COUNTY COMMISSIONER REPORTS AND REQUESTS – NONE

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:01 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, April 10, 2012.

ATTENDANCE

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

Absent: Commissioners Karen Bentley, Bill James, and Jim Pendergraph

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 Cogdell, after which the matters below were addressed.

(1) PROPOSED REVISIONS TO THE CAPITAL PROJECT PRIORITIZATION PROCESS

Finance Director Dena Diorio presented proposed revisions to the Capital Project Prioritization Process, the challenges and next steps. The following was covered in the presentation:

- Unanticipated Projects
- Projects that exceed Budget
- Changes in Project Scope
- Emergency Projects
- Funding Unanticipated and Emergency Projects
- Modifications to Criteria to address growth and other changing circumstances

Commissioner Dunlap entered the meeting.

- Growth
- Other Criteria
- Project Viability

Comments

Commissioner Dunlap questioned whether growth should be used as a measure for schools since high growth areas typically need more schools. Finance Director Diorio said staff was responding to feedback received from Charlotte Mecklenburg Schools (CMS) with regards to projects CMS thought were most important, that were growth related, that did not get credit in the model. Thus, this allows CMS to get credit for those projects in the model.
Finance Director Diorio said it should be kept in mind that was only one criteria.

Commissioner Dunlap said it may not be possible, but he was wondering whether or not the County could make a part of its process, such that it prioritizes the projects that CMS wants.

Chairman Cogdell asked for clarification regarding Growth and the criteria of utilizing census data by BOCC Districts to measure growth and associated points, which was addressed.

Chairman Cogdell asked was there any other consideration around growth measures other than BOCC districts. The response was no, but if there were other ways the Board would like staff to look at it, staff would do that.

Commissioner Clarke asked about the makeup of the criteria ranking committee and their role, which was addressed.

Commissioner Clarke asked about aging infrastructure and how it’s taken into account, which was addressed.

Commissioner Cooksey asked how do you address older infrastructure needs if it’s in an area that’s not in a growth area, which was addressed.

Commissioner Cooksey asked about the role of the Citizens Capital Budget Advisory Committee (CCBAC). The response was that the CCBAC would be looking at the community capital standards and would seek input from the public regarding those standards. They would also make sure that the projects proposed were going to help meet those standards. They would also report to the Board annually regarding the County’s progress in meeting those capital standards.

Commissioner Cooksey suggested staff give consideration to having citizen involvement in the criteria ranking process, in addition to staff representatives, perhaps have a few members from the CCBAC to serve.

Commissioner Dunlap asked was there a process that would allow a project that was to be funded by some other entity, other than the County, for example 80% of the funding, that wasn’t on the list of projects, to get on the list, if the County only had to fund a small portion of it. The response was that this would fall under unanticipated projects. Thus, there would be provisions for such projects to get on the list because of set aside funds that would be available if a match were needed. Prior to the proposed revision, the only way to accommodate such a project would be to bump a project already on the list.

Commissioner Dunlap commented on parks that haven’t been fully developed, yet new parks continue to open. He asked where did the priority set between opening new parks and completing existing parks that haven’t been fully developed. Park and Recreation Director Jim Garges said it depended on the site and what was available in a neighborhood.

Commissioner Dunlap suggested the Park and Recreation Commission and staff communicate to the public how the process works as to when parks are developed in a particular area.

Commissioner Roberts asked about the pay-as-you-go set aside and whether the $3 million was refunded every year, or if it’s not used, accumulates to the next year. The response was it does not accumulate and it’s capped at $3 million.

Chairman Cogdell said the Economic Outcome rating criteria was an important thing to have. He said he would not want to support a reduction in that criteria for the purpose of increasing the Growth criteria based on BOCC districts.
Chairman Cogdell asked had there been any discussion regarding whether any points should be included if you hit certain MWSBE goals in a project. The response was this was a process that determines which projects get funded and that the MWSBE components of a project aren’t known until a project was bid.

Commissioner Dunlap stressed the importance of CMS understanding the ranking process to avoid the type of misunderstanding that occurred previously when the rankings came out.

Michael Raeble from CMS said he understood the process and was present at all of the meetings with County staff. Mr. Raeble said he passed the information onto the interim superintendent and planned to share it with the Board of Education.

Commissioner Dunlap asked Mr. Raeble if he felt the process was fair. Mr. Raeble said yes. He said the proposed revisions would balance the process as it related to renovations and growth.

Commissioner Leake requested additional information regarding the Friendship Partnership project and Double Oaks Pool project.

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

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

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

(2) REVISIONS TO DEBT MANAGEMENT POLICY

Finance Director Dena Diorio presented proposed revisions to the Debt Management Policy. The following was covered in the presentation:

- Definitions
- Profile of AAA Counties Nationally
- Debt Profiles of AAA NC Counties
- Mecklenburg County Debt Ratios
- Proposed Ratios
- Rationale for Revising Ratios
- Debt Policy Recommendations

Comments

Commissioner Cooksey asked about the value of the towns debt, which was addressed.

Commissioner Cooksey asked about the City of Charlotte’s debt policy, which was addressed.

Commissioner Clarke asked was the County doing this to make itself look like other AAA credits. The response was yes.

Commissioner Clarke asked about pay-as-you-go as it related to debt management, which was addressed.

Commissioner Dunlap asked about debt per capita, which was addressed.

Commissioner Cooksey suggested staff have discussions with its City of Charlotte counterparts to see if the County and City could come up with some “off the record” agreements regarding how both entity’s can do their part to help ensure both entity’s maintain their AAA credit.
rating. He suggested perhaps each could agree to maintain certain debt service ratios and hold each other accountable.

Commissioner Cooksey said he was suggesting this since the rating agencies look at the overall debt of a political jurisdiction.

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

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

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

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 5:00 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., 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 17, 2012.

ATTENDANCE

Present:  Chairman Harold Cogdell, Jr. and Commissioners
Karen Bentley, Dumont Clarke, 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:  Commissioners Jim Pendergraph and 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 Chairman Cogdell, after which the matters below were addressed.

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0138, 12-0162, 12-0175, & 12-0188.

STAFF BRIEFINGS - NONE

(12-0228) 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: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 6-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:09 p.m.

Commissioner Clarke was present when the Board came back into Open Session. He entered the meeting during Closed Session.

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

AWARDS/RECOGNITION – NONE

(12-0230) PUBLIC APPEARANCE

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

Kathy Davis addressed revaluation of her neighborhood, P330 Myers Park. Ms. Davis addressed 1) the calculation the County Assessor’s Office performed in order to arrive at a “Standard Parcel Land Value” for her neighborhood, 2) “the inequality” in which the Standard Parcel Land Value was applied and 3) the “lack of adjustments being made to properties to “properly” reflect their Fair Market Value as required. Ms. Davis provided the Board with a written statement. The statement included the following requests:

• That the Board takes action to address the issues brought to its attention in regards to the 2011 Revaluation Process as soon as possible
• A meeting within the next two weeks with the neighborhood’s District Representative Commissioner Cooksey, At-Large representative Commissioner Roberts, County Manager Jones, Director of LUESA Cary Saul, Board of Equalization and Review Chairman Jim Barnett, and a representative from the Tax Assessor’s Office
• That their values be valued equitably at their fair market value as of January 1, 2011 as required by the Standards

A copy of Ms. Davis’s statement is on file with the Clerk to the Board.

Emily Zuyus, another resident of Myers Park also addressed revaluation of their neighborhood. Ms. Zuyus presented the Board with a petition signed by over 250 property owners from Myers Park and other neighborhoods in the city of Charlotte. The petition states “We, the undersigned, know our real estate properties to be excessively over-valued in the 2011 Mecklenburg County Revaluation. The Uniform Schedules of Values, Standards and Rules for the 2011 Appraisal have been blatantly disregarded by the Tax Assessor and Board of Equalization and Review. We request the County Commissioners to take immediate action to remedy the situation to ensure that our real estate property values are being appropriately and equitably determined.”

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

Note: Ms. Davis and Ms. Zuyus were joined at the podium by Lydia McNeary and Jack McNeary.

Blanche Penn addressed accomplishments and upcoming events at Rocky River High School.

Pastor Charlie Scott, Senior Pastor of South Charlotte Baptist Church -Pineville, spoke in support of the N.C. Marriage Amendment, scheduled to be on the ballot May 8, 2012. He spoke in support of marriage being defined as the union of a man and a woman. Pastor Scott said approval of the amendment would not prohibit businesses that offer benefits to “same sex” couples from continuing to offer those benefits. He asked the Board to refrain from trying to influence voters on this matter and not support the Amendment One Resolution proposed by Chairman Cogdell and scheduled to be on the Board’s May 1, 2012 agenda.

Bob Deaton addressed the 2011 Revaluation and the Uniform Schedules of Values, Standards and
Rules. Mr. Deaton said there were areas of the Uniform Schedules of Values, Standards and Rules that were not complied with. He specifically addressed Rule 6-1C.

Mayor Jeffery Tarte, Town of Cornelius, presented the Board with a resolution adopted by the Cornelius Town Board of Commissioners requesting that the County conduct an external and independent audit of the Mecklenburg County Tax Assessor’s Office relating to its performance of the 2011 Revaluation and take immediate corrective action.

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

**APPOINTMENTS**

**(12-0215) TOWN OF CORNELIUS PLANNING BOARD**

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to reappoint 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, 2015.

**(12-0213) NOMINATIONS/APPOINTMENTS**

**AUDIT REVIEW COMMITTEE**

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to nominate and appoint Jeffery Browning to the Audit Review Committee for a three-year term expiring December 3, 2015.

*Note: He replaces Mercer Ward Simmons.*

**CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES**

The following persons were nominated for appointment consideration to the Central Piedmont Community College Board of Trustees:

- Benton Bragg by Commissioner Dunlap
- Daniel Cook by Commissioner Cooksey
- Twanna Daniels by Commissioner Cooksey
- Danmon Gregory by Commissioner Cooksey

*Note: An appointment will occur following interviews of the above nominees by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Central Piedmont Community College Board of Trustees must undergo an interview process.*

**CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE**

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to nominate and appoint Victor Alexander to the Citizen’s Capital Budget Advisory Committee for a two-year term expiring July 31, 2014.
Note: He replaces Barney Stewart.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to reappoint Alan Adler (Dist 1), Dennis Brown (Dist 3), James Henry (Dist 2) and Beverly Moss (Dist 4) to the Criminal Justice Citizen’s Advisory Committee for three-year terms expiring May 31, 2015.

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to nominate and appoint Lawrence Wingate as the District 5 representative to the Criminal Justice Citizen’s Advisory Committee for a three-year term expiring May 31, 2015.

Note: He replaces Sean Mulhall.

DOMESTIC VIOLENCE ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to reappoint Myna Advani to the Domestic Violence Advisory Board for a three-year term expiring April 30, 2015.

GROUNDWATER ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to reappoint Laura Lupton to the Ground Water Advisory Committee as the Healthcare representative for a three-year term expiring May 31, 2015.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to nominate and appoint Emerald Fulmore and Mary Lisa Moore to the Juvenile Crime Prevention Council as General Public representatives to fill unexpired terms expiring June 30, 2013.

Note: They replace Simona Mitchell-Kelly and Richard Zaleskie.

PLANNING COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to reappoint Deborah Ryan, Dwayne Walker and Andrew Zoutewelle to the Planning Commission for three-year terms expiring June 30, 2015.
WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to nominate and appoint Louis Watts to the Waste Management Advisory Board to fill an unexpired term expiring March 14, 2013.

Note: He replaces Laila Macs.

ADVISORY COMMITTEE REPORTS

(12-0191) DOMESTIC VIOLENCE ADVISORY BOARD (DVAB) 2011 ANNUAL REPORT - ITEM WAS REMOVED FROM THE AGENDA.

MANAGER’S REPORT

(12-0227) BOARD BULLETIN

The Board received the County Manager’s Board Bulletins published since the last Board meeting.

Note: As needed each week, the County Manager distributes to the Board a newsletter called “Board Bulletin” to keep the Board informed about policy matters and other key issues related to Mecklenburg County government.

(12-0206) MAIN LIBRARY REVIEW COMMITTEE

The Board received the report of the Main Library Review Committee. Jim Palermo, chair of the Committee gave the report.

Note: The Future of the Library Task Force recommended establishing a subsequent committee to explore the possibilities for the Main Library. From November, 2011 to March, 2012, the Main Library Review Committee worked to fulfill the following charge: To review the functions and utilization of the Main Library and to consider the feasibility of consolidating, downsizing or relocating the functions of Main to ImaginOn, other county-owned sites or other sites downtown or elsewhere, in order to achieve financial savings. The Committee’s report provides a summary of its research, conclusions and recommendations. Committee members were: Jim Palermo (Chair); Wanda Towler (Vice Chair); Carol Hull; Tim Jarman; John Saclarides; Izzy Sanchez; Stoney Sellars.

The committee’s deliberations resulted in the following conclusions:

1. Real Estate—given the current real estate environment and the single-purpose nature of the Main Library building, it is not reasonable to expect to achieve significant financial savings for the Library or the County through a real estate transaction involving the Main Library.

2. Process Improvement—given the current economic environment and the current state of functional processes performed in the Main Library building, it is not reasonable to expect to achieve significant financial savings through relocating, consolidating, re-engineering or outsourcing some or all of these functions.
These conclusions regarding near-term financial savings do not mean, however, that the committee has no recommendations on the future of the Main Library. It is the opinion of the committee that the Library should undertake three specific steps to address future use of this building:

1. Redevelopment of the entire block (the Spirit Square Plan)
2. Relocation of functions
3. Continuous process improvement
4. Joint-use facility

The committee recognizes that the first two recommendations depend on improvement of the real estate market and the interest of an investor in redeveloping the entire block. The committee cannot know when, or even whether, those conditions will occur. The recommendations are, therefore, based on the committee’s belief that the real estate market will rebound and its desire that the Library will be fully prepared to participate in that market when it occurs.

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

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

Chairman Cogdell thanked Mr. Palermo for the report. No action was taken or required.

STAFF REPORTS & REQUESTS

(12-0205) VOLUNTEER PROGRAM

The Board received a report on Mecklenburg County’s volunteer program in partnership with Hands on Charlotte. Citizens Involvement Coordinator Sophia Hollingsworth, Senior Human Resources Consultant Julissa Fernandez, Hands on Charlotte Program Director Doug Macomb, and Hands on Charlotte Executive Director Lisa Quisenberry gave the report.

Note: In October, 2011, Mecklenburg County and Hands on Charlotte entered into a partnership to establish and operate the County’s volunteer program throughout all County departments to utilize volunteers effectively in the work environment.

Highlights:

• In April, 2012, Hands on Charlotte and the Volunteer Council will meet to create volunteer job descriptions.
• In May, Hands on Charlotte begin recruiting volunteers for the County by listing those opportunities on its website.
• In June, the Volunteer Council members will begin posting volunteer opportunities directly to the site. Residents also can access the HoC volunteer recruitment site from the County’s website.
• Volunteers recruited by the County and Hands on Charlotte provide assistance to County staff in the execution of their duties and, at times, provide expertise not otherwise available to County staff.
• The volunteer program also allows Mecklenburg County residents to experience first-hand the workings of their county government.
• For many years, Mecklenburg County has had successful volunteer programs within individual departments, such as Park and Recreation and Social Services.
• The partnership with Hands on Charlotte enables all County departments to utilize volunteers through multiple opportunities.
The volunteer program is one aspect of MeckConnect, Mecklenburg County’s multi-faceted strategy for increasing and enhancing citizen involvement.

Chairman Cogdell thanked the presenters for the report. No action was taken or required.

CONSENT

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James and Leake voting yes, to approve the following item(s):

(12-0172) GRANT APPLICATION - NCDOT CMAQ BICYCLE AND PEDESTRIAN (PARK AND RECREATION)

Approve the submission of grant applications by Mecklenburg County Park and Recreation for up to seven NCDOT Congestion Mitigation and Air Quality Improvement (CMAQ) Grants to help fund the construction of Irvin’s Creek, Little Sugar Creek, McAlpine Creek, McDowell Creek, South Prong Rocky River, Stewart Creek and Walker Branch Greenways (at total of up to $9,001,520 in possible grant dollars).

(12-0185) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT


MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending February 2012

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>$8,856,442</td>
<td>$3,781,673</td>
<td>42.70%</td>
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<tr>
<td>State and Federal</td>
<td>$33,359,945</td>
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<tr>
<td>Third Party/Other</td>
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<tr>
<td>County</td>
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<tr>
<td>Total Revenues</td>
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<td>$29,962,394</td>
<td>36.50%</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>$7,496,036</td>
<td>$4,216,140</td>
<td>56.24%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>$13,236,062</td>
<td>$5,380,925</td>
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</tr>
<tr>
<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>
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<td>Developmental Disabilities</td>
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<td>$5,165,675</td>
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<tr>
<td>Total Expenditures</td>
<td>$82,095,871</td>
<td>$29,962,394</td>
<td>36.50%</td>
</tr>
<tr>
<td>Net (Revenues - Expenditures)</td>
<td>$0</td>
<td>$0</td>
<td>0%</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.

(12-0187) BUDGET AMENDMENT - AREA MENTAL HEALTH (REVENUE/EXPENSE INCREASE)

Recognize, receive and appropriate $37,000 in Medicaid funds for the Shelter Substance Abuse Comprehensive Outpatient Treatment (SACOT) Programs.

(12-0192) GRANT APPLICATION - 2016 CONGESTION MITIGATION AND AIR QUALITY GRANT APPLICATION (LUESA)

A. Approve the submission of application by Mecklenburg County Air Quality to North Carolina Department of Transportation for $625,000 in grant funds. Submittal Deadline: April 27, 2012

B. Upon award of grant, recognize, receive and appropriate CMAQ FFY 2016 grant revenue.

C. Authorize the carry forward of unspent grant funds to subsequent years until completion of the project.

Note: Mecklenburg County Air Quality is applying to the North Carolina Department of Transportation for CMAQ funds to be used to reduce air pollution from nonroad construction equipment in the eight-county ozone nonattainment region through the County’s diesel engine replacement program known as Grants to Replace Aging Diesel Engines (GRADE).

(12-0200) PROCLAMATION - ARMENIAN MARTYR’S DAY

Adopt a Proclamation declaring April 24, 2012 as Armenian Martyr’s Day in Mecklenburg County.

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

(12-0201) TRANSFER OF FUNDS – LUESA

Approve transferring $350,000 from Solid Waste Enterprise Fund operating expense budget to the capital expense budget for equipment capital maintenance.

(12-0202) REPORT OF SETTLEMENT OF LAWSUIT

Receive as information that Mecklenburg County, a political subdivision of the State of North Carolina v. Schenkel & Shultz, Inc., HDR Architecture, Inc., Kalimann McKinnell & Wood Architects, Inc., and Schenkel Shultz/HDR/Kalimann McKinnell & Wood Architects Inc., a Joint Venture, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 10-CVS-16383 was settled with defendant HDR Architecture, Inc.
Settlement Agreement recorded in full in Minute Book ______, Document # ________.

(12-0203) ANNEXATION OF COUNTY PROPERTY BY THE CITY OF CHARLOTTE

Authorize the County Manager to execute a petition for voluntary annexation of the following County-owned properties into the City of Charlotte:

(1) Tax Parcel 037-071-69 (+/- 16.55 acres)
(2) Tax Parcel 141-061-03 (+/- 24.00 acres)
(3) Tax Parcel 141-083-06 (+/- 4.19 acres)
(4) Tax Parcel 141-094-02 (+/- 3.32 acres)
(5) Tax Parcel 199-151-07 (+/- 22.24 acres)
(6) Tax Parcel 199-151-08 (+/- 18.62 acres)

(12-0231) MINUTES

Approve minutes of Regular meeting held April 3, 2012 and Closed Session held April 3, 2012.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(12-0207) NORTH CAROLINA RAIL VISION

The Board received a report on the North Carolina Rail Vision. The report was presented by General Manager Bobbie Shields, N. C. Dept. of Transportation Deputy Secretary for Transit Paul Morris, Allen Paul and Michael Shumsky, and Reid Simons, Rail Division staff.

Note: In January, 2010, the North Carolina Department of Transportation (NCDOT) was awarded $545 million from the American Recovery and Reinvestment Act (ARRA) funds to improve rail safety, capacity, and overall rail corridor service in North Carolina. NCDOT allocated $247 million of the ARRA funds to the Charlotte Railroad Improvement and Safety Program (CRISP). One of the CRISP projects involves a mainline grade separation (MLGS) project for the Norfolk Southern and CXST rail lines in Charlotte, which is one of the most congested rail intersection in North Carolina. In addition to freight lines, this area also includes passenger routes for Amtrak, future high-speed rail and commuter lines (Red Line).

The following was covered:

- NC DOT Rail Division
- Track and Signal Improvements
- Ridership
- Stations and Equipment Improvements
- Current Focus – Piedmont Projects
- Track & Structures Program Highlights between Raleigh and Charlotte
- Station and Facilities Program Highlights
- Equipment Program Highlights
- Other Projects of Interest in the Charlotte Area
  - Charlotte Gateway Station
Proposed North Corridor Red Line

- Process Update and Next Steps
- CSX Railroad Intermodal Facility Improvement
- Norfolk Southern Intermodal Freight Facility
- Piedmont and Northern Railroad Corridor
- Charlotte Railroad Improvement and Safety Program

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

Comments

Commissioner Dunlap asked about the status of additional tracks in the Orr Road area, which was addressed. It was noted that there were no plans in the near term to acquire any property in this area. Things are still in the planning stages.

Commissioner Dunlap asked would grade separation take place at Back Creek Road and Sugar Creek Road and would Craighead Road be closed. The response was yes.

Commissioner Clarke asked about the North Corridor Red Line and the Financing Plan, which was addressed.

Commissioner Clarke said it’s important that the Board understands the Financing Plan and what would be required of the County with respect to the Financing Plan. He asked that staff provide the Board with a clear understanding of the Financing Plan, well in advance of the Board being asked to take action with respect to the Plan.

Commissioner Clarke asked about the timeline for the Charlotte Gateway Station. The response was currently there was not a schedule attached to the Charlotte Gateway Station. Mr. Morris said N.C. DOT was working with the City of Charlotte and CATS to determine what’s wanted at this location. He said they would welcome the County’s input as well.

Commissioner Leake said she would like to know more about jobs associated with the various projects, the types, the number of jobs, and when would they be available.

Chairman Cogdell asked about discussions with Northern Southern regarding the engineering studies along the Red Line Corridor, which was addressed.

Chairman Cogdell asked was it correct that at some point, the County would receive a request to allow a street to run through the County’s current Fleet Maintenance Facility, in order to make possible the work that’s being proposed for the Main Line Grade Separation site. The response was yes.

Chairman Cogdell thanked the presenters for the report. No action was taken or required.

Commissioner Dunlap left the meeting and was absent until noted in the minutes.

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0229) RESOLUTION OPPOSING AMENDMENT ONE – CHAIRMAN COGDELL – ITEM WAS REMOVED FROM THE AGENDA

Commissioner Dunlap returned to the meeting.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 5-0
with Commissioners Clarke, Cogdell, Cooksey, Dunlap, and Leake voting yes, to approve the following items:

(12-0138)  BUDGET AMENDMENT - DSS (LIEAP REVENUE DECREASE)

To amend the FY12 Department of Social Services (DSS) budget to reduce state revenue by $500,000 for the Low Income Energy Assistance Program (LIEAP).

Note: The North Carolina Department of Health and Human Services (DHHS) has reduced the Low Income Energy Assistance Program revenue provided to Mecklenburg County by $500,000.

(12-0162)  BUDGET AMENDMENT - DSS (JOB BOOST REVENUE INCREASE)

To recognize, receive and appropriate $379,497 additional Federal revenue for the Job Boost program.

Note: The program purpose is to provide job placements for TANF-eligible individuals who need work experience necessary to acquire and maintain long-term employment.

(12-0175)  BUDGET AMENDMENT - PARK AND RECREATION CAPITAL EXPENDITURE APPROPRIATION

To approve transfer of $80,000 from various Park and Recreation Department operating expense accounts to capital expenditure accounts for purchase of maintenance equipment. Carry forward any unspent funds.

(12-0188)  BUDGET AMENDMENT - COMMUNITY SUPPORT SERVICES/VETERANS SERVICES (REVENUE INCREASE)

Recognize, receive and appropriate $1,452 in additional state revenue for Mecklenburg County Veterans Services.

Note: The State of North Carolina has allocated additional funding for all county veteran services offices. Funding will be used to offset costs of Mecklenburg County’s veterans services provided by the Community Support Services Department.

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

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 4-1 with Commissioners Clarke, Cogdell, Cooksey, and Dunlap voting yes and Commissioner Leake voting no, that there being no further business to come before the Board that the meeting be adjourned at 8:48 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

MAY 1, 2012

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 1, 2012.

ATTENDANCE

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

Absent: None

-Informal Session-

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0217, 12-0218, 12-0224, 12-0225, 12-0226, and 12-0234.

STAFF BRIEFINGS - NONE

(12-0260) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County and Jerry Alan Reese vs. Mecklenburg County and the City of Charlotte.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney.

The Board went into Closed Session at 5:23 p.m. and came back into Open Session at 5:40. p.m.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Chairman Cogdell called this portion of the meeting to order and asked that those at the dais introduce themselves. Invocation was then given by Commissioner James, which was followed by the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

Commissioner Leake was away from the dais during the opening of this portion of the meeting. She entered the meeting after the Pledge of Allegiance.

Motion was made by Commissioner Pendergraph, seconded by Commissioner James, that in light of the number of persons that have signed up to speak on various agenda items, and in order to allow everyone the opportunity to speak, to allow each speaker two minutes to speak on matters appearing on the agenda and three minutes for those speaking on matters not on the agenda (Public Appearance).

Substitute motion was made by Commissioner Roberts, seconded by Commissioners Bentley, Cogdell, Cooksey, James, Leake, Pendergraph and Roberts voting yes and Commissioners Clarke and Dunlap voting no, that in light of the number of persons that have signed up to speak on various agenda items, to allow each speaker three minutes to speak.

AWARDS/RECOGNITION – NONE

(12-0261) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

APPOINTMENTS

(12-0258) TOWN OF DAVIDSON PLANNING BOARD

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Michael Higgs to the Town of Davidson Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Davidson Board of Commissioners for a term effective January 2012 - January 2014.

CONSENT ITEMS

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

(12-0139) PROCLAMATION - NATIONAL NURSES' WEEK

Adopt a Joint Proclamation declaring the week of May 6-12, 2012 as National Nurses Week in Charlotte and Mecklenburg County.

A copy of the proclamation is on file with the Clerk to the Board.
PROCLAMATION – DRUG COURT MONTH

Adopt a Proclamation designating May, 2012 as Drug Court Month in Mecklenburg County.

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

CAPITAL RESERVE REQUEST - MCDOWELL NATURE PRESERVE CAMPGROUND

Approve and appropriate expenditure of $3,000 from the Park & Recreation McDowell Capital Reserve account to replace six tents at McDowell Nature Preserve Campground.

DONATION AND NAMING REQUEST - "ROBERT HAYWOOD MORRISON GARDENS ON LITTLE SUGAR CREEK GREENWAY"

1. Approve naming a public garden park "Robert Haywood Morrison Gardens on Little Sugar Creek Greenway".

2. Recognize, receive and appropriate $250,000 donation from Partners for Parks for developing Robert Haywood Morrison Gardens on Little Sugar Creek Greenway in the Capital Reserve fund. Funds remain appropriated for this purpose until project is completed.

NCDOT GRANT - BARTON CREEK GREENWAY

1) Approve the County’s acceptance of an NCDOT Congestion Mitigation and Air Quality Improvement (CMAQ) Grant award to help fund the design and construction of Barton Creek Greenway.

2) Recognize and appropriate grant funds awarded until completion of the project.

3) Approve the use of Federal DBE special provision for bidding, instead of using the County M/W/SBE provisions, as required to obtain NCDOT grant funding.

4) Authorize the County Manager to negotiate and execute a contract with NCDOT for the Barton Creek Greenway project.

SET PUBLIC HEARING - CITY OF CHARLOTTE STORM WATER FEE

Set a public hearing on May 15, 2012 on proposed changes in the minor system component of the City’s Storm Water fee.

INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate insurance reimbursement funds in the amount of $2,610 for Park and Recreation and $4,923 for BSSA-AFM.

Note: All reimbursements are for stolen and damaged items.

TAX REFUNDS
MAY 1, 2012

Approve refunds in the amount of $952,247.94 plus accrued interest in the amount of $18,399.46 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(12-0256)         MINUTES

1. Approve minutes of Regular meeting held April 17, 2012 and Closed Sessions held April 3, 2012 and April 17, 2012.

2. Authorize the Clerk to amend Closed Session minutes of March 20, 2012, approved on April 3, 2012 to reflect a date correction in the header section.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS – NONE

COMMISSIONERS REPORTS AND REQUESTS

(12-0253)         REVALUATION – COMMISSIONER BENTLEY

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph, to

1. Direct the County Manager to report back to the Board within 30 days with a recommended auditor, scope of work and budget for the conduction of a full investigation and review of the Tax Assessor’s implementation of the 2011 Mecklenburg County revaluation. This investigation and review would specifically relate to the determination of land values, data integrity of the property database, adjustments made by appraisers, validity of the market analysis and compliance with the Machinery Act relative to the appeals process (informal and formal) as well as the controls and processes that were used to establish the mass appraisal system values used across Mecklenburg County. The audit will provide recommendations on how to remedy the issues identified during the current reappraisal cycle. The audit is to be completed within 60 days of engagement and the report will include recommended specific actions to be taken to correct errors identified through the audit relative to the 2011 Revaluation.

2. Allocate funds to meet the budget amount recommended for Action step #1 out of contingency funds for the costs associated with this investigation and review.

3. Set the date for the next property revaluation at 1/1/2014.

Commissioner Bentley shared the following: “There has been significant public outcry regarding the implementation of the 2011 revaluation. While the Tax Assessor and staff legal counsel have communicated to this Board and to the public at several meetings that the assessment methodology and implementation of the 2011 revaluation was completed in compliance with the Machinery Act, significant questions remain unanswered. Citizen’s groups have addressed our Board on numerous occasions, supplying compelling documentation that we believe justifies an outside investigation and review of the processes and procedures used for the 2011 revaluation. As Commissioners, it is our obligation to ensure the fairness of this
MAY 1, 2012

process and to hold all involved accountable for executing this State-mandated function in a manner that is transparent, trustworthy and responsive to the taxpayer. Therefore, we believe the only way to bring confidence back to the process is to authorize an outside investigation and review of the 2011 Mecklenburg County revaluation. With regard to the proposal to set the next date for revaluation, due to the continued decline in property values since 2011, it was our goal to determine when it was practical to set and conduct a new revaluation, we anticipate being done with all of the appeals, I believe by September of this year; we would reassess properties next year with notices going out January 1, 2014; and from a practical standpoint, we believe that’s as early as we could do the next assessment.”

The following persons spoke in favor of Commissioner Bentley’s motion to have an outside investigation and review of the Tax Assessor’s implementation of the 2011 Mecklenburg County revaluation.

Greg Johnson, Lynette Rinker (Mayor Pro Tem Town of Cornelius), James Peterson, Wayne Powers, Robert Stone (suggested that if there’s a near term revaluation, that citizens who have gone through the appeals process and received a reduction in their values be exempted from the next revaluation), Eldewins Haynes (said revaluation should be addressed appropriately and that any increase in revenue from property taxes should be used to restore County services previously cut), Bob Bruton (said adjustments should be made to the land value), John Scott, James Bensman (shared a video asking the Board to “Fix It” and provided the Board with a memo dated May 1, 2012 regarding recommendations for fixing the 2011 revaluation, a copy of the memo is on file with the Clerk to the Board), Kathy Davis, Paul McMellon, Barb Scott, Emily Zuyus, Charles Jeter (commissioner for the Town of Huntersville), Bob Deaton (gave the Board a memo dated May 1, 2012 addressed to the Board regarding a 2011 Reappraisal Audit, a copy of the memo is on file with the Clerk to the Board), Bill Russell, and Tim Timmerman.

Jim Barnett, chairman of the Board of Equalization and Review spoke in support of the work performed by the Board of Equalization and Review and the Tax Assessor’s Office.

County Manager Jones provided the following response to this agenda item:

County Manager’s Response to Revaluation item on the Board’s May 1, 2012 Agenda

“Mr. Chairman and members of the Board, I feel compelled to provide a response to the agenda item asking the Board to direct the county manager to identify an outside contractor to conduct an audit of the 2011 revaluation. I also need to provide a response to the request that the Board direct the next revaluation to be conducted effective January 1, 2014. I will address these two items separately.

Regarding the intent to hire an outside contractor to conduct an audit of the 2011 revaluation, I believe this action is neither necessary nor appropriate for the following reasons:

First, there is no statistical evidence that indicates County staff did not follow statutory guidelines and/or state law in conducting the revaluation.

In fact, we have statistical evidence that provides strong affirmation that the revaluation was conducted consistent with state law. This Board has heard in person and seen in writing from David Baker, Director of the Local Government Division of the North Carolina Department of Revenue that, based on the statistical measures that indicate the level of assessment and the quality of the reappraisal, Mecklenburg County’s reappraisal “scores fairly well and within the acceptable ranges.”

Mr. Baker also has written that “there will be errors in any appraisal and the appeal process is set up to correct these issues.” Furthermore, Mr. Baker has stated in writing that “What Mecklenburg County is going through is not unheard of and the process that is in place will work if it is allowed to do so.”

In addition, the rate by which the Board of Equalization and Review is substantiating the new values indicates that, to a significant extent, the new assessed values are consistent with market values as of
January 1, 2011.

I recognize that some property owners are unhappy with the new assessed values. As Mr. Baker points out, this is what the appeals process is intended to address.

It’s also important to remember that the Board of Equalization and Review has not yet heard all the appeals, and the Property Tax Commission has not heard a single appeal dealing with the 2011 assessed value of a property. Therefore, conducting an audit prior to knowing the actual result of the appeals process is unwarranted and an unwise use of taxpayer resources.

Recently, I met in Raleigh with Michael Brown of the North Carolina Department of Revenue. He shared with me the “test” used by the Property Tax Commission in appeals that come before the PTC. Under this analysis, the Commission considers the following three questions:

1. Did the county employ an arbitrary or illegal method of appraisal in reaching the assessed values that the county assigned to appellants’ properties?; and, if so,

2. Were the property tax values determined by the County Board of Equalization and Review substantially greater than the true values of the subject properties?

3. If the Appellants provide competent, material and substantial evidence that tends to show that the County employed an arbitrary or illegal method of appraisal and that the tax values were substantially greater than the true values in money of the subject properties, then what were the values of the subject properties as of January 1, 2011?

Based on our research, we cannot find one example when there was an audit of a revaluation in North Carolina. Perhaps this is true because the appeals process that includes this analysis by the Property Tax Commission is the built-in audit of revaluation.

Both the Board of Equalization and Review and the Property Tax Commission comprise citizens from Mecklenburg County and throughout North Carolina, respectively, who are appointed by you, the Governor and the General Assembly because of their expertise and experience in determining the appropriateness of the assessed value relative to market value.

The findings and decisions of these two citizen bodies inform this Board and Mecklenburg property owners about the quality of the revaluation. I have confidence in these appointed citizens to be fair and impartial in their review of the appeals they consider. I urge you to allow the appeals process to proceed, and demonstrate your confidence in the people you appointed to do the right things.

Therefore, my strongest recommendation for this Board is to not authorize an audit and instead rely on the appeals process set forth by the General Assembly to address the concerns expressed by property owners about the new assessed values.

I also want to comment about the scheduling of a new revaluation effective January 1, 2014. This is problematic from a practical standpoint but more importantly because we have no statistical evidence that a new revaluation is warranted.

In February, the Board received a staff presentation that said, realistically, the next revaluation could not be accomplished for four years. We indicated doing it sooner would cost approximately $6 million and that we would essentially have to start a 2014 revaluation right now, even as we will still be addressing appeals throughout FY2013 and FY2014. It’s simply a very costly and highly impractical proposition to conduct a revaluation for 2014.
Secondly, the General Assembly has determined that statistical indicators should drive decision making about when to conduct a revaluation more often than every 8 years. The state now mandates that counties with more than 75,000 residents must conduct a revaluation within three years after the sales assessment ratio falls below 85% or exceeds 115%. Our recommended triggers for a revaluation are when the sales assessment ratio falls below 92% or exceed 108%. As determined by the State as of January 1, 2012, Mecklenburg County’s sales assessment ratio is approximately 100%.

By either the state mandates or our recommended triggers, we are far from meeting the statistical or legal standard that dictates the need for another revaluation. To start a revaluation when our sales assessment ratio is 100% would be wasteful, both in terms of time and money. It also would create a false expectation among property owners regarding new assessed values. In short, we would likely find ourselves in the same situation we have now in terms of unsatisfied expectations.

Finally, it is illogical to call for another revaluation without any statistical evidence that the 2011 revaluation was conducted contrary to reappraisal regulations or laws. And, if this Board deems it appropriate to conduct an audit of the 2011 revaluation rather than letting the appeals process serve as the built-in audit, it would be even more illogical to mandate a new revaluation before knowing the results of this audit.

I recognize that some or all the members of this Board are experiencing political pressure to “do something” about the revaluation. Given that we are in campaign season, I am sympathetic with the daunting pressure you are experiencing. But when confronting actual facts, there is no purpose -- other than political purposes -- that would be served by conducting any audit of the 2011 revaluation, particularly when the built-in audit -- the appeals process -- is not complete. There also is no purpose of mandating a new revaluation in 2014, based on our current sales assessment ratio."

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

Comments were then received from Commissioners in the following order:

Commissioner Pendergraph spoke in support of the motion to have an independent audit of the Tax Assessor’s Office implementation of the 2011 Revaluation.

Commissioner James spoke in support of the motion to have an independent audit of the Tax Assessor’s Office implementation of the 2011 Revaluation.

Commissioner Roberts spoke in support of the motion to have an independent audit of the Tax Assessor’s Office implementation of the 2011 Revaluation.

Cary Saul Director of LUESA addressed questions regarding the status of current appeals and costs to do an audit.

Commissioner Dunlap spoke in opposition of the motion to have an independent audit of the Tax Assessor’s Office implementation of the 2011 Revaluation. Commissioner Dunlap read a response from David Baker, Director, Local Government Division, N. C. Dept. of Revenue, to Jim Bensman dated April 2, 2012. A copy of the response is on file with the Clerk to the Board.

Commissioner Cooksey spoke in support of an independent audit but not necessarily as outlined by the motion and subsequently offered a substitute motion, that included some of the wording of the original motion.

Commissioner Clarke spoke in opposition to the motion because of timing. Commissioner Clarke said in light of other issues facing the Board and staff at this point in time, including upcoming budget deliberations, that this was not the appropriate time to move forward with this request.
Commissioner Leake said she could not vote for the motion at this time because she lacked clarity on what the motion was asking.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Roberts and carried 6-3 with Commissioners Bentley, Cogdell, Cooksey, James, Pendergraph, and Roberts voting yes and Commissioners Clarke, Dunlap, and Leake voting no, to:

1. Direct the County Manager to report back to the Board no later than our June 19, 2012 Regular Business Meeting with a recommended reviewer, specific scope of work to be performed and budget for the conducting of a review of the Tax Assessor’s implementation of the 2011 Mecklenburg County revaluation. The focus of this review is to specifically determine legal compliance with the North Carolina Machinery Act and any other state law governing the 2011 Countywide Revaluation relative to the appeals process (informal and formal) as well as the controls and processes that were used to establish the mass appraisal system values used by the Tax Assessor’s office across Mecklenburg County in determining tax values. This investigation and review would specifically relate to the determination of land values, data integrity of the property database, adjustments made by appraisers, validity of the market analysis and compliance with the Machinery Act. In addition, the direction to the reviewer shall be to:

   1) Identify areas of non-compliance with NC State law by the Office of the Tax Assessor during the course of the 2011 Revaluation Process;
   2) Develop lawfully permitted remedial or corrective measures designed to address any identified non-compliance areas in the 2011 Revaluation process;
   3) Identify areas where county staff may have exercised lawfully permitted individual discretion; and
   4) Develop recommendations in the review findings as to how either county staffing levels, independent county employee discretion or NC law could be amended to eliminate or reduce discrepancies between fair market and tax assessed valuations in future countywide revaluations.

2. Direct the County Manager to provide an estimate of the costs and logistical challenges involved in conducting the next revaluation in either 2014 or 2015.

(12-0251) SMALL BUSINESS CONSORTIUM UPDATE

The Board received an update from Commissioner Leake regarding the Small Business Consortium. The following was noted:

The Small Business Consortium began holding bi-monthly meetings in 2011. The group has grown in attendance from approximately five attendees per meeting to its current attendance of approximately 60 attendees per meeting. Meetings are held bi-monthly, with lunch provided by small businesses in the Charlotte-Mecklenburg community. During the meetings, attendees are provided with networking opportunities, updates on contracting opportunities with the City, County and State, and hear messages from speakers on issues of importance to small businesses.

Pamela Lue-Hing addressed the benefits of the Small Business Consortium.

(12-0229) RESOLUTION OPPOSING AMENDMENT ONE

The following persons spoke in support of Chairman Cogdell’s proposed Resolution Opposing
Amendment One:

Krista Tillman, Scott Bishop (Chair of Mecklenburg Lesbian, Gay, Bi-Sexual and Transgender Political Action Committee), Steve Shoemaker (Sr. Minister Myers Park Baptist Church), Brian Horton, and Morgan Rodden.

The following persons spoke in opposition of Chairman Cogdell’s proposed Resolution Opposing Amendment One:

Warren Smith, Steve Triplett (Pastor of Fellowship Baptist Church), Karla Lowman, Charlie Scott (Pastor of South Charlotte Baptist Church Pineville), Dr. Mark Harris (First Baptist Church Charlotte), Richard Pope, David Benham, Steve Widdows, Rev. Flip Benham, Allen Hoyle, Mark Metzger, William Grice, and Jeanette Wilson.

Comments were then received from Commissioners in the following order:

Commissioner Cooksey said this was not an issue the Board should be taking up and rendering a decision on. He said it was outside of the Board’s purview of responsibilities.

Chairman Cogdell passed the gavel to Vice-Chairman Pendergraph, who chaired the meeting until noted in the minutes.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap, to adopt a Resolution in Opposition to Amendment One.

Vice-Chairman Pendergraph spoke in opposition of the proposed resolution. He also expressed concern that if approved as written, it wouldn’t reflect the vote of those in opposition.

Commissioner Bentley spoke in opposition of the proposed resolution.

Commissioner Dunlap addressed how this matter came to be on the Board’s agenda. He said it came about as a result of a commissioner responding to an inquiry from a student at UNC-Charlotte to all commissioners wanting to know their position with respect to this issue.

Commissioner Dunlap said only one commissioner responded and that the response basically said that in 2003 the County Commission had taken a position on this issue and that the position was to support “this same initiative.” Further, that since no vote had been taken since that time, that position still stood on behalf of the County Commission.

Commissioner Dunlap said people were concerned about that being the position of the County Commission and thought there should be a different position, which was probably why Chairman Cogdell placed the matter on the agenda.

Commissioner Cogdell spoke in support of the proposed resolution.

Substitute motion was made by Commissioner Cooksey, that the Board retracts the prior resolution adopted in 2003 relating to this issue, so that it’s no longer the public policy of Mecklenburg County; further that the Board not take a position with respect to Amendment One and not vote on Commissioner Cogdell’s proposed resolution in opposition to Amendment One.

After further discussion Commissioner Cooksey restated his substitute motion as follows:

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap, that the Board 1) not take a position on the definition of marriage in N. C., 2) retract any prior resolutions that took such a position, and 3) that the Board not take a position with respect to
Amendment One.

Commissioner Leake asked Commissioner Cooksey to consider separating his motion out.

After further discussion, Commissioner Cooksey said his substitute motion would no longer reference the retraction of any prior resolutions.

Commissioner Dunlap withdrew his second to the substitute motion, since it no longer included a retraction of a resolution approved in 2003. Thus, the substitute motion died for lack of a second.

Commissioner James addressed the action taken by the Board on June 1, 2003. Commissioner James said he felt this was a matter for the voters to decide and should not be on the Board’s agenda.

The Board then voted on the original motion as noted below.

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, Cooksey, James, and Pendergraph voting no, to adopt a Resolution in Opposition to Amendment One.

RESOLUTION OPPOSING
A PROPOSED AMENDMENT TO NORTH CAROLINA’S STATE CONSTITUTION

WHEREAS the Community Vision for Mecklenburg County includes for people who live in the county that “We will have respect for and will celebrate the diversity of and promote equality of opportunity for all our citizens;” and

WHEREAS, Mecklenburg County includes at least 3,385 same-sex couples and has the highest number of same-sex couples among North Carolina counties; and

WHEREAS, Mecklenburg County has adopted a policy of promoting equal rights and opportunities for employees of Mecklenburg County without regard to race, color, religion, sex, national origin, handicap, age or sexual orientation.

WHEREAS, the Mecklenburg County has adopted a policy of extending equal health care benefits to Mecklenburg County Government employees who are in same-sex domestic partnerships; and

WHEREAS, this Mecklenburg County Board of Commissioners recognizes that some local and national companies doing business in Mecklenburg County extend equal health care benefits to employees in same-sex relationships; and

WHEREAS, on May 8, 2012, the people of North Carolina will vote on Amendment One, a proposed amendment to the North Carolina State Constitution that would prohibit marriage between people of the same sex, and further prohibit the recognition of any other form of domestic legal union; and

WHEREAS, Since North Carolina Law already defines marriage as between a man and a woman, the proposed amendment would only serve to express hostility against a minority group; and

WHEREAS, the proposed language of Amendment One is vague and ambiguous and will thereby invite litigation that will require extensive judicial resources to be devoted to resolving these avoidable legal disputes; and

WHEREAS, this uncertainty will have broad legal impacts for all households where the residents are not married, and
WHEREAS, the adoption of such a Constitutional amendment is inconsistent with the County’s commitment to equal rights and opportunities for its residents and employees and could invalidate Mecklenburg County’s domestic partner benefits; and

WHEREAS, Mecklenburg County proudly embraces the diversity of its residents; now, therefore, be it

RESOLVED by the Mecklenburg Board of County Commissioners that: 1) The Board of County Commissioners opposes Amendment One. 2) The Board of County Commissioners urges North Carolina voters to vote against the proposed Amendment One on May 8, 2012. 3) Whether Amendment One passes or fails on May 8, 2012, the Board of County Commissioners reaffirms its commitment to equal rights and opportunities for County employees and for all residents and families of Mecklenburg County, including the rights of same-sex couples to share fully and equally in the rights, responsibilities, and commitments of civil marriage. 4) This resolution shall be effective upon its passage, and shall be shared with the members of Mecklenburg County’s General Assembly delegation, the Governor and members of the news media.

Resolution recorded in full in Minute Book _______ Document # _______.

Vice-Chairman Pendergraph returned the gavel to Chairman Cogdell.

MANAGER’S REPORT

STAFF REPORTS AND REQUESTS

(12-0232) FY12 AND FY13 REVENUE UPDATES

The Board received an update on FY12 and FY13 revenue projections.

Dena Diorio, Finance Director gave the update. It addressed estimates for actual versus budgeted revenues in FY12 as well as an update on FY13 revenue projections. The following was covered:

* FY 2012 Assessed Valuation & Property Tax
* FY 2012 Property Tax
* FY2012 Sales Tax
* FY2012 Projected Revenue
* FY2013 Assessed Valuation & Property Tax
* FY2013 Sales Tax
* Other Revenue
* FY2013 Projected Revenue

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

(12-0246) LUESA FY13 FEE CHANGES

The Board received a presentation on proposed fee changes for FY13 in the Land Use & Environmental Services Agency (LUESA).

Cary Saul, Director of Land Use and Environmental Services Agency (LUESA), Jim Bartl, director of Code Enforcement and Jon Morris, chair of the Building Development Commission presented this matter to the Board.

Note: The LUESA/Solid Waste Division is requesting tipping fee increases to offset new contractual costs at the Speedway Landfill and an anticipated lease cost increase at Compost
Central. The Waste Management Advisory Board has reviewed the fee changes and recommended the request be provided to the Board for its consideration. In addition, at the Building Development Commission’s (BDC) request, LUESA/Code Enforcement engaged a customer task force to consider changes to the LUESA Fee Ordinance, focusing on areas where fees do not align with cost of service. The task force delivered its final report to the BDC at the BDC’s January 12, 2012 meeting, recommending eight changes in the LUESA Fee Ordinance. The BDC supports the code enforcement fee changes. LUESA/Land Development is proposing an ordinance change that allows customers to pay LUESA/Land Development is proposing an ordinance change that allows customers to pay 70% of the fee upfront and 30% upon plan approval.

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

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

(12-0236) SOLID WASTE MANAGEMENT 10-YEAR PLAN

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt the Resolution Approving the Mecklenburg County Solid Waste Management Plan 2012 -2022, dated July 1, 2012.

Note: Bruce Gledhill, director of Solid Waste and Daryle Benson chair of the Waste Management Advisory Board presented this matter to the Board, prior to the above vote.

Resolution & Plan recorded in full in Minute Book _______ Document # _______.

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

(12-0239) FLOOD RISK ASSESSMENT AND RISK REDUCTION PLAN; ORPHAN PROPERTY FLOODPLAIN ACQUISITION PLAN

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt the Flood Risk Assessment & Risk Reduction Plan and the Orphan Property Floodplain Acquisition Plan.

Tim Trautman, with LUESA presented this matter to the Board prior to the above vote.

An executive summary of the Plans is on file with the Clerk to the Board.

(12-0217) BUDGET AMENDMENT – CSS/DOMESTIC VIOLENCE CHILDREN’S SERVICES (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate a donation of $2,500 from Justice Initiatives, Inc. for promotion and advertisement of Domestic Violence Children’s Services.
Commissioner Leake removed this item from Consent for more public awareness.

(12-0218) BUDGET AMENDMENT - DSS CHILD CARE REVENUE INCREASE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $172,433 in Federal child care revenue from the Division of Child Development for the children in foster care.

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

(12-0224) BUDGET AMENDMENT - AREA MENTAL HEALTH (REVENUE DECREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reduce Area Mental Health State revenue and expenditure budgets by $2,359,850 due to a reduction in State funding.

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

(12-0225) BUDGET AMENDMENT - MECKLENBURG MEDICAL ALLIANCE & ENDOWMENT (MMAE) AWARD (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $3,900 from the Mecklenburg Medical Alliance & Endowment (MMAE) for the purchase of three automated external defibrillators (AEDs) awarded to the Mecklenburg County Sheriff's Office for use in the Field Division patrol vehicles.

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

(12-0226) BUDGET AMENDMENT - DSS/CASEY FAMILY PROGRAM (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $83,000 for the Child Welfare Initiative Program from Casey Family Programs.

*Note: These funds will support the Child Welfare Initiative from January 1, 2012 through December 31, 2012. This initiative is designed to prevent the need for and improve foster care by safely reducing the number of youth in foster care, and reinvest savings from reduced foster care populations to strengthen the system and vulnerable families, improve education, employment and mental health outcomes. The funds will be used to contract with a family partner agency to expand community support services and resources and provide follow-up home visits for child welfare families.*

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

(12-0234) GRANT APPLICATION - COMMUNITY FOCUSED ELIMINATING HEALTH
MAY 1, 2012

DISPARITIES INITIATIVE

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

1. Approve submission of a $510,000 grant application for the Community Focused for Eliminating Health Disparities Initiative from the NC Department of Health and Human Services, Office of Minority Health. This grant application is due May 4, 2012.

2. If awarded, recognize, receive and appropriate awarded funds for the grant period.

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

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:20 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman
MAY 9, 2012

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 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, May 9, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners
Karen Bentley, Dumont Clarke, Neil Cooksey
George Dunlap, Vilma Leake, Jim Pendergraph
and Jennifer Roberts
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 Cogdell, after which the matter below was addressed.

(1) CMS FY2013 BUDGET REQUEST

Charlotte-Mecklenburg Board of Education Chairman Ericka Ellis-Stewart addressed the presentation of the Board of Education (BOE) 2012-13 Proposed Budget Request. She then called on Interim School Superintendent Hugh Hattabaugh to make the presentation. The following was covered:

- BOE 2012-13 Proposed Budget - $1,278,967,820 with includes the following
  - $355,862,561 County Funding
  - $673,508,028 State Funding
  - $137,121,206 Federal/Other Grants
  - $ 29,377,331 Other and Special Revenue
  - Capital Replacement $4,960,000
  - Child Nutrition $64,211,098
  - After School Enrichment Program $13,927,596
  - The proposed budget includes a 3% cost of living increase for staff, who has not received a salary adjustment in nearly four years. CMS is seeking increased funding from the county for 2% of that cost-less any amount the state may provide

- Capital Replacement 2012-13 Proposed Budget
- Comparison to Prior Year
- Sources of Funding
- Uses of Funding
- Proposed Budget Reductions and Redirections
Factors Increasing the 2012-13 Proposed Budget
Framework for Budget Development
Per Pupil Expenditure Ranking
Public Schools Funding - % of State Budget
Public Schools Funding - % of County Revenues
Budgeted Per Pupil Expenditure
Total Student Enrollment
Employer Benefits Cost Trends
Historical Salary Increases
Historical Budget Reductions by Area
State Budget Outlook
Sources of Revenue Trend
Per Pupil Expenditure Trend
Math Proficiency (with retests)
Math Trends Between Subgroups – Grades 3-8 (with retests)
Reading Proficiency (with retests)
Reading Trends Between Subgroups – Grades 3-8 (with retests)
End-of-Course Proficiency (with retests)
Trends Between Subgroups (with retests)
SAT Tests Taken
AP Pass Rates (%)
AP Tests Taken
Strategic Plan 2014: High Academic Achievement
ABC Results – All Schools

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

Comments

Commissioner Roberts asked for and received clarification regarding Proposed Budget Reductions and Redirections, specifically on, adjustment to bell schedules, utilities consumption, Central Office salary and benefits, eliminate teachers for Zones, and Exceptional Children funding.

Commissioner Roberts also asked about Cost of Living increases, which was addressed.

Commissioner Cooksey asked for clarification on how CMS decides what’s to be funded by the County, state, and federal governments, which was addressed.

Commissioner Dunlap entered the meeting.

Commissioner Cooksey asked about historical funding, which was addressed.

Commissioner Cooksey asked about CMS’ prioritization process and how CMS decides what the County was going to be asked for and which items would CMS take care of themselves or through some other means.

Interim Superintendent Hattabaugh addressed the prioritization process used by CMS. He said compensation was a number one priority for CMS.

Commissioner Cooksey asked why wasn’t compensation in CMS’ base budget, if it was the number one priority. Interim Superintendent Hattabaugh said it was not in the base budget because if CMS doesn’t receive the increased funding from the state or the County, it won’t come to fruition.
Commissioner Cooksey said he understood that, but asked why wouldn’t that need just bump out some other programs in the base budget. Interim Superintendent Hattabaugh said there wasn’t much to cut, in light of previous cuts over the last several years.

Commissioner Cooksey said it appeared that the County was being “put on the spot” to fund things like teacher salaries. Commissioner Cooksey said if these things were important, then they should be protected by being in CMS’ based budget.

Commissioner Pendergraph questioned why salaries and benefits were not in CMS’ base budget.

Commissioner Pendergraph addressed the benefits of privatizing certain services. He encouraged CMS to pursue savings through privatizing.

Interim Superintendent Hattabaugh said CMS currently outsources $36 million in services.

Commissioner Bentley said constituents in her district were already frustrated because of increases in property tax bills and with the idea of another possible increase because of CMS’ request for more funding. She asked what could she say to her constituents to get them to support CMS’ request for more funding.

Interim Superintendent Hattabaugh said it was about “investing in children.” He said the investment made in children and their ability to be career and college ready in the future is by far better to do on the front end, then it is later on when they’re a “drag” on social services; and they’re unable to get the job and to make us globally competitive. He said investing in education was the foundation that continues to give anybody, no matter what their ethnicity was, what their level in life happens to be, or whether they’re born into poverty, that’s the one area that can get them out to be successful and that’s why we need to invest in public education.”

Commissioner Dunlap asked wasn’t it correct that CMS’ base budget first deals with a continuation budget, the dollars needed to maintain the same services next year that they’re doing today and anything beyond that would be a part of CMS’ request. He said this was the same process the County goes through. The response was yes.

Commissioner Dunlap asked about programming and whether anything had been done to “strip away” all the programs and put in place the programs that work. Commissioner Dunlap preferred his question by saying, he heard at a conference once that when new superintendents arrive, they don’t strip away programs, but rather they just add programs on top of other programs; thus you don’t know which programs work. Interim Superintendent Hattabaugh said programs were evaluated and some have been discontinued over the years.

Commissioner Dunlap said part of the frustration that some feel was that they’re not aware of things that CMS has done to reduce its budget. He said he’s aware of things that CMS has done but those things aren’t conveyed to the Board of County Commissioners. He encouraged CMS to share that information.

Commissioner Dunlap asked about CMS’ replacement policy as it related to furniture, which was addressed. It was noted that furniture was replaced as needed, usually when something breaks.

Commissioner Dunlap asked about changes in bus stops and bell schedules. Interim Superintendent Hattabaugh said CMS was not adding bus stops. He said the only changes CMS would make would be if routes were changed or if there’s a new student, for example a rising kindergartener, where there’s not an existing stop. He said there was no intention to
MAY 9, 2012

make any modifications in shuttle stops or common stops. He said CMS reduced its buses from about 1,200 down to about 975.

Commissioner Clarke asked about the usefulness of the per pupil cost as a measuring stick for the County’s contribution to CMS’ budget, which was addressed.

Commissioner Clarke said he would like to know what the per pupil funding gap between the true County funding and what it would be next year if the County maintained a flat budget.

Commissioner Clarke asked if CMS was still funding Middle School sports. The response was no. It was explained how it’s currently being funding through participation fees.

Commissioner Leake said she would like to know how many programs did CMS have, those that work and don’t work and the costs of those programs.

Commissioner Leake asked about charter schools rate adjustments. Commissioner Leake said she hoped CMS included as part of its legislative agenda, a request that charter school funds follow the student and not remain at the charter school if the student leaves.

Commissioner Leake suggested CMS eliminate the Leadership Training program. Commissioner Leake said per persons in the School District, there’s discrimination in the process based upon gender and race. Commissioner Leake said she would like to know the cost of the program.

Commissioner Leake asked about Title I funds and what happens when a principal doesn’t follow the process to obtain those funds, which she said negatively impacts the children.

Commissioner Leake said her other concerns dealt with reading and math and closing the gap in the graduation rate.

Commissioner Leake said she was concerned about the eight schools that were closed and would like to know how much was saved as a result of those closings. The response was $5.3 million in operational savings annually.

Commissioner Leake asked if those savings could be used for teacher salaries. The response was the savings had already been utilized in CMS’ budget to sustain operations and for continuation of positions and supplies and resources.

Commissioner Leake asked about Project Lift, which was addressed.

Commissioner Leake encouraged the Board of Education to find program cuts that would allow those savings to be used for teacher raises.

Commissioner Leake encouraged the Board of Commissioners to support funding an increase in teacher salaries, if the Board of Education was willing to help by cutting out programs.

Chairman Cogdell acknowledged the fact that CMS is recognized nationally and was well respected. He acknowledged that CMS had committed individuals throughout its organization.

Chairman Cogdell said he felt everyone wanted to see improved outcomes in the community, but the question was “how do we get there” and what was the direct correlation between resources and outcomes.

Chairman Cogdell asked how was giving a 2% raise for teachers going to equate to seeing some kind of different outcome, such that future Board of County Commissioners would say significant gains were made in closing the achievement gap and the drop out
Commissioner Cogdell asked what assurances did the Board have that this would be the case.

Interim Superintendent Hattabaugh said when you look at the total picture of what teachers do every day, “they’re not in the business just for a paycheck.” Further, that when you look at 2%, by the time various deductions are taken out, teachers would still find themselves “lucky to hold even” in the cost of living, etc.

Interim Superintendent Hattabaugh said the 2% demonstrates to teachers and other employees that they are “valued.”

Commissioner Dunlap commented on per pupil funding by districts. Commissioner Dunlap said when CMS receives federal and other dollars, the funds are for a particular student, which impacts the per pupil costs.

Commissioner Dunlap said to be a “fair comparison,” those dollars need to be pulled out because students in District 1 and District 6 may not qualify.

Commissioner Dunlap said in his opinion it would be unfair to say less is spent per pupil in Districts 1 and 6, when they wouldn’t be eligible for the dollars reflected in some of the per pupil cost as in other districts.

Commissioner Bentley asked for a breakdown in the per pupil cost by districts and by categories.

It was noted by CMS that a study was done where it was shown that contributing to the per pupil cost were discrepancies in Title 1 dollars, state funds that have to be spent on certain populations, varying administrative cost, and Exceptional Children programs.

Board of Education member Richard McElrath said he would like to know what it would cost the school district if certain programs were eliminated.

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

Chairman Cogdell thanked CMS for its presentation.

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

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

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 5:33 p.m.
MAY 15, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 15, 2012.

ATTENDANCE

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

Absent: None

____________________

-INFORMAL SESSION-

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

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0177, 12-0178, 12-0266, 12-0254, 12-0255, 12-0259, and 12-0273.

STAFF BRIEFINGS - NONE

(12-0276, 12-0277) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: Business Location and Expansion and Consult with Attorney.

The Board went into Closed Session at 5:00 p.m. and came back into Open Session at 6:12 p.m.
MAY 15, 2012

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

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

____________________________________

- FORMAL SESSION -

Chairman Cogdell called this portion of the meeting to order and asked that those at the dais introduce themselves. Invocation was then given by Commissioner James, which was followed by the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION – NONE

PUBLIC APPEARANCE – NONE

CONSENT

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

(12-0265) CONSTRUCTION CONTRACT - TORRENCE CREEK TRIBUTARY 1 STREAM RESTORATION

Authorize the County Manager to execute a construction contract with Eagle Wood, Inc. for Torrence Creek Trib 1 Stream Restoration Project in the amount of $1,125,716.

(12-0267) CONSTRUCTION CONTRACT - FOUR MILE CREEK GREENWAY PARKING LOT

Award a construction contract to J. D. Goodrum Co., Inc. in the amount of $103,399.80.

Note: This contract is for the construction of a 40-car parking lot for the Four Mile Creek Greenway.

(12-0268) CONTRACT AMENDMENT - TARHEEL TRAILBLAZERS

Authorize the County Manager to amend an existing contract with the Tarheel TrailBlazers to include leased property at the Charlotte Mecklenburg Utilities Sugar Creek Treatment Plant on Little Sugar Creek.

Note: Tarheel TrailBlazers is a non-profit organization that builds and maintains natural surface mountain bike trails on properties owned or leased by Mecklenburg County and managed by the Park and Recreation Department.

(12-0254) BUDGET AMENDMENT - AREA MENTAL HEALTH (CARRY FORWARD OF UNSPENT FUNDS)
MAY 15, 2012

A) Carry forward all funds related to the State Crisis service program that remain unspent at June 30, 2012.

B) Carry forward all funds related to the Managed Care Organization start up that remain unspent at June 30, 2012.

**(12-0280) BUDGET AMENDMENT - CODE ENFORCEMENT (REVENUE INCREASE)**

Recognize and appropriate $650,000 in additional permit revenue.

**(12-0255) NC DEPARTMENT OF PUBLIC SAFETY - DIVISION OF JUVENILE JUSTICE FY13 PROGRAM FUNDING**

1. Approve FY13 program plan recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

2. Recognize and appropriate FY13 NC Department of Public Safety - Division of Juvenile Justice (formerly Department of Juvenile Justice and Delinquency Prevention) funds in the amount of $746,048.

**NOTE:** The selected programs and their recommended award amounts, are as follows:

<table>
<thead>
<tr>
<th>Program Challenge</th>
<th>$369,996</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAP Program</td>
<td>$173,971</td>
</tr>
<tr>
<td>Barium Springs</td>
<td>$136,801</td>
</tr>
<tr>
<td>DASH Juvenile Diversion</td>
<td>$49,780</td>
</tr>
</tbody>
</table>

In addition to the above, the JCPC unanimously recommended that $15,500 of the FY13 DJJ funds be allocated for an independent program monitor and customary administrative expenses. Therefore, the total amount recommended by the JCPC to be recognized, received and appropriated by the Board of County Commissioner at this time is $746,048.

**(12-0257) APPOINTMENT OF REVIEW OFFICERS**

Amend "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2 to designate Ben McCray as a Review Officer and delete the names of Meredith Judy and Lauren Blackburn.

*Resolution recorded in full in Minute Book______ Document # ______._*

**(12-0259) HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN - DSS**

Approve the Home and Community Care Block Grant funding plan for FY 2013.

*Note: Annually, 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 submission to Centralina Council of Governments, the local grant authority. To prevent a disruption of services, this funding plan is an interim allocation due to the uncertainty of federal and state funding. The funding plan is a request for $3,090,226 for aging services, which requires a match of $343,360. The match will be included in the DSS Fiscal Year 2013 budget. The following services are provided with this grant: In-Home Aide Services;*
MAY 15, 2012

Transportation Services; Congregate Meals; Home Delivered Meals; Senior Center Operations; Adult Day Care/Day Health; and Legal Services.

(12-0264) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

Accept the “Offer of Sale of Real Estate” from Elizabeth Johnson, owner of property at 1024 Westbrook Drive (Tax Parcel 073-213-02) for $50,000.

Note: This acquisition is a continuation of ongoing flood mitigation efforts which have resulted in over 250 buildings being removed from the floodplain.

(12-0273) CPCC/WTVI MERGER

Adopt Resolution Approving Actions to Accomplish Operation of WTVI by CPCC.

Resolution recorded in full in Minute Book______ Document # _______.

(12-0287) MINUTES

Approve minutes of Regular meeting held May 1, 2012 and Closed Session held May 1, 2012.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Note: Commissioner Dunlap took a point of personal privilege and recognized this week as Law Enforcement Week in honor of those serving and that have served.

(12-0279) APPOINTMENTS

CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES

Commissioner Dunlap presented the recommendation of Board’s Ad Hoc Appointment Committee for Central Piedmont Community College Board of Trustees. The committee recommended Benton Bragg.

A copy of the committee’s recommendation is on file with the Clerk to the Board.

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes to appoint Benton Bragg to the Central Piedmont Community College Board of Trustees for a four year term, effective July 1, 2012 and expiring June 30, 2016.

Note: Daniel Cook was the other nominee considered. Twanna Daniels and Danmon Gregory withdrew from consideration.

He will replace David Lewis.

(12-0278) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE
MAY 15, 2012

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Jane Simmons and Carolyn Talley to the Adult Care Home Advisory Committee for a one-year term expiring May 31, 2013.

_They replace Julie Elliott and Patricia Fletcher._

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Ismael Sanchez to the Waste Management Advisory Board to fill an unexpired term expiring August 31, 2014.

_He is replacing Angela Haigler._

WOMEN’S ADVISORY BOARD

Commissioner Roberts nominated all applicants for appointment consideration to the Women’s Advisory Board: Jenny Bonk, Shanita Britton, Twanna Daniels, Yolyndra Green, Taylor Holloman-Pressley, Melandee Jones, Pamela McCarter, Shalawn Moore, Ashleigh Thornton.

_Note: An appointment will occur on June 5, 2012._

PUBLIC HEARINGS

(12-0238) CITY OF CHARLOTTE’S STORM WATER MINOR SYSTEM FEE RATES

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

_Note: To address new and backlogged citizen request for services and water quality improvements that enhance the environment, the City of Charlotte’s staff is proposing a 6% increase to the City’s minor system component of the storm water fee as follows:_

**Detached Single Family Properties**
- Tier I from $6.41 to $5.08
- Tier II from $7.06 to $7.48

**Non-Single Family Properties**
- The per acre fee will increase from $117.68 to $124.70

No one appeared to speak.

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Pendergraph and Roberts voting yes, to close the public hearing on a proposed increase in the City of Charlotte’s storm water fee for the minor system inside the City of Charlotte.

ADVISORY COMMITTEE REPORTS

(12-0248) DOMESTIC VIOLENCE ADVISORY BOARD (DVAB) 2011 ANNUAL REPORT

The Board received the annual report of the Domestic Violence Advisory Board. Beverly Foster, chair of the Domestic Violence Advisory Board gave the report. She was assisted by Vice Chair LaMia Bowen, Patrick Burris, Judge Elizabeth Thornton Trosch, and Joe Marinello.

The following was covered in the report:
- Positive Changes in Coordinated Community Response to Domestic Violence
- Data On Domestic Violence in Mecklenburg County/City of Charlotte
- Impact on Children and Families
- Domestic Violence Services for Adult Victims
- Advocacy and Public Awareness
- Recommendations:
  - 1) Continue to support domestic violence education, prevention and services as safety priorities;
  - 2) Support Mecklenburg County, United Family Services, and community collaborative partners in their grant application request for a supervised visitation/safe exchange center;
  - 3) Support the need to expand training to police in identifying the primary aggressors and add training in an evidence-based lethality assessment as recommended by the Domestic Violence Fatality Review Team;
  - 4) Utilize media technology to support access to a magistrate in North Mecklenburg County;
  - 5) Continue to support funding for the shelter hotel program and support new shelter;
  - 6) BOCC/City Council work with CMS to develop partnerships for programs to increase awareness and services related to dating violence;
  - 7) Support increased awareness of human trafficking and interventions in Charlotte/Mecklenburg.

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

Note: Chairman Cogdell asked for a volunteer to serve as the Board’s liaison to the Domestic Violence Advisory Board, per the Domestic Violence Advisory Board request to have someone serve in this capacity. Commissioner Roberts volunteered to serve.

Comments

Commissioner Bentley requested a report from United Family Services on the impact of having a domestic violence advocate in North Mecklenburg, for example, what type data has been captured as a result of having the advocate.

Commissioner Bentley encouraged the Committee to continue to pursue the utilization of media technology to support access to a magistrate in North Mecklenburg.

Commissioner Roberts asked was the issue of domestic violence a part of the Charlotte-Mecklenburg Schools health curriculum, which was addressed.

Commissioner Roberts said consideration should also be given to having a domestic violence advocate in the southern region of the County, which she said was a part of initial
Commissioner Pendergraph suggested the Committee touch basis with Central Church on Sardis Road regarding their domestic violence prevention efforts with respect to Human Trafficking.

Commissioner Pendergraph addressed the issue of Human Trafficking and how it exists locally.

Commissioner Leake encouraged the community as a whole and the faith community, in particular, to do what it can with respect to domestic violence prevention efforts. She encouraged victims of domestic violence to report those incidences.

Commissioner Dunlap suggested the Committee share the report with Charlotte-Mecklenburg Schools and the Police Department.

Commissioner Dunlap said he noticed also that there’s no mention of the need for three positions in the report, although it was verbally stated by vice-chair Bowen in her remarks.

Chairman Cogdell thanked the Committee for its report.

MANAGER’S REPORT

(12-0283) REVALUATION REVIEW PROCESS TIMELINE

General Manager John McGillicuddy addressed the proposed Revaluation Review Process timeline.

Commissioner Cooksey asked for clarification regarding the ending of the Board of Equalization and Review term on June 30th and whether the revaluation process continues, which was addressed.

County Attorney Bethune said it does not stop the revaluation process, that it has to do with certain tasks the Board of Equalization and Review has which are sort of exclusive of hearing appeals.

Commissioner Cooksey asked about the type of firm staff would be seeking.

LUESA Director Cary Saul said staff would be seeking firms that have experience in doing mass appraisals in N.C.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the proposed process timeline for the Revaluation Review.

May 15, 2012 - Receive Board approval of Revaluation Review Process and Timetable
June 5, 2012 - Receive Board approval of Request for Proposal (RFP)
June 6, 2012 - Disseminate RFP
June 13, 2012 - Pre-submittal Q&A meeting of staff with prospective bidders
June 25, 2012 - Deadline for RFP responses
July 3, 2012 - County Manager reports to Board with recommended reviewer, scope of work and budget for the Revaluation Review

S. Neal Broome spoke in support of a review of the 2011 Revaluation process.

General Manager John McGillicuddy addressed a proposed citizen involvement process for the Revaluation Review.

Commissioner Bentley said she was supportive of having an expert panel involved, completely independent of the process, however, she’s a little hesitant with respect to the Citizens Revaluation Advisory Committee (CRAC) because they’ve had a part in the process.

Commissioner Bentley said there may be a desire on the part of citizens to have a new group.

Commissioner Bentley said the expert panel would serve as a quality control or review group. Further, that she would see them as being involved on the front end, once a decision is made with respect to a firm being selected, at a certain point throughout the process and at the end of the process; so that they could either concur or not concur with the findings of the independent reviewer.

Commissioner Bentley said the expert panel doesn’t need to be overly involved.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to direct staff to include in the RFP, a requirement that the contractor include public input in the form of broad-based citizen participation through workshops and other forums; that they call upon the resources of the Citizens Revaluation Advisory Committee as needed; that they provide the Board its vision of how that public involvement would work.

Commissioner James asked that the following list of questions that have been raised by citizen groups be entered in the minutes. Also, that staff inform the Board as to whether or not getting answers to these questions was reasonable in light of the RFP, meaning can the Board get answers to these questions as part of the RFP process. Or, are the questions “so far out” that it’s not possible.

RECOMMENDED 2011 REVALUATION AUDIT SCOPE
May 15, 2012
The audit should address, but not be limited to, the following:

1. Was the data integrity of the property database(s) tested, verified and updated prior to the 2011 Reappraisal to ensure correctness and adequacy of property data? Were property characteristics accounted for consistently and uniformly, such as outbuildings, garages, porches, waterfront, golf course, etc.? Were these characteristics, as part of the test, communicated to tax payers for verification, to ensure correct property card information prior to the Revaluation?

2. Were Qualified Sales identified, verified and used correctly according to the Values & Rules, State Statutes and generally accepted appraisal standards? During the sales verification process, were any sales disqualified that should have been used? (i.e., did not have a “not-arms-length” (NAL) code)

3. Were residential and commercial land values developed appropriately and according to procedures outlined in the Values & Rules, State Statutes and appraisal standards? Were they calculated using the correct parameters, including those outlined in the Values document: location, size, shape, topography, road frontage, water frontage, etc.? Were all characteristics considered in determining value, not just one (such as road frontage or water frontage)? Was the base lot (standard land value) for each tax neighborhood determined and used in accordance with the Values & Rules requirements, and were base lots used appropriately for the “highest and best use” of the parcels within the neighborhood? Were
proper adjustment factors applied to land parcels? After valuation, were factors checked, especially size factors for large parcels? Did the system produce appropriate fair and equitable land market values?

4. Were all special features and outbuildings accounted for and valued consistently, correctly, fairly and equitably? Were proper adjustment factors applied to buildings? Do the building assessed values reflect market value reality?

5. Were staffing levels in the Assessor’s Office adequate for the both the 2011 Reappraisal and the informal/formal appeals process? Are they adequate now?

6. Did all revaluation appraisers use a consistent, countywide approach to determining assessed values, such as use of adjustment factors, interpretation of data, determination of property’s "highest and best use", other subjective criteria and utilization of technology? Was appraisers' work spot checked to ensure countywide consistency?

7. Do Assessor staff assigned to work on the reappraisal and appeals have adequate training, credentials and experience to conduct and evaluate a reappraisal using the new technology acquired for the 2011 Reappraisal (CAM-GIS)? Are the Board of Equalization and Review members trained in evaluating appeals of properties valued using the new technology?

8. Did all communications sent to property owners (including the information on the website) clearly communicate instructions and important deadlines? Were they factually correct? Was there a script or handbook for customer service staff use in answering taxpayer inquiries? Were customer service representatives adequately trained? Were actions taken to deal with inconsistencies in communications or miscommunications?

9. Was the process for dealing with property owners’ informal and formal reviews adequately documented, transparent and consistent throughout the appeal process? Were the requirements outlined in State Statutes met? Were actions taken to deal with inconsistencies, when identified?

(12-0275) COUNTY MANAGER’S FY2013 RECOMMENDED BUDGET

County Manager Jones presented his recommended budget for Fiscal Year 2012-2013. He was assisted by Budget Director Hyong Yi. The following was covered:

- Budget Summary
- Economic and Service Context
- Revenues
- Expenditures
  - General Fund
  - Law Enforcement Service District
  - Fire Protection Service District

Highlights

- FY13 Recommended Tax Rate – 79.22¢
- Decrease of 2.44¢ from current rate of 81.66¢
- Recommended CMS Operating $335,132,664 a 2.8% increase
- Recommended CPCC Operating $26,899,486 a 4.1% increase

A copy of the County Manager’s recommended budget is on file with the Clerk to the Board.

Director Yi encouraged the Board to submit any questions they may have after reviewing the budget to his attention.

Comments
Commissioner Pendergraph said he was supportive of teachers but felt it was the state’s responsibility with respect to funding pay increases for teachers. Commissioner Pendergraph asked about the Law Enforcement Service District tax which was addressed.

Commissioners Cooksey and Clarke left the meeting and were absent for the remainder of the meeting.

Commissioner Dunlap asked about Central Piedmont Community College’s budget and the transition of WTVI which was addressed. Commissioner Dunlap said he thought the $450,000 as it related to the WTVI transition was going to be taken from FY12 overage and not be a part of the budget. He asked that staff clarify that.

Commissioner Dunlap said he planned to bring forth a recommendation to establish a revolving loan fund for small businesses and asked what would be the process for doing this during the straw voting process, which was addressed.

Commissioner James questioned ASC funding which was addressed.

Commissioner James said the list which outlines a $9 million increase to CMS won’t matter if there’s no restricted contingency associated with it. Commissioner James said he would like to know how the County could put the $9 million in restricted contingency, if it wanted to.

Commissioner Bentley asked about the $9 million increase to CMS, specifically the Utilities Rate Increase. She requested information on whether CMS conducts performance contracting for their utility services and at what level and what savings have been realized.

Commissioner Bentley asked about Law Enforcement Service District and how the $680,000 General Fund amount was derived.

Commissioner Bentley said she asked the Charlotte-Mecklenburg Police Department for information regarding how much it cost to patrol the lake but has had difficulty in getting a response. Director Yi said staff received a response. Commissioner Bentley asked that the response be shared with the Board.

Commissioner Bentley asked about the Fire Protection Service District, specifically the ETJ area in Cornelius and the cost of service. She asked who determined what the cost of service figure would be. Director Yi said the Town of Cornelius.

Commissioner Bentley asked what body was responsible for determining the tax rate for each of the fire protection service districts. Director Yi said it was the Fire Marshall’s Office and the County working in conjunction with the towns.

Commissioner Roberts asked about projected revenue and asked for information regarding the assumptions used in looking at the decline in federal and state revenue.

Commissioner Roberts asked was the per pupil funding chart adjusted for inflation. Director Yi said it was not.

Commissioner Leake asked about teachers’ salaries and was there a way to place funds in the budget in escrow for teacher supplement only.

Commissioner Leake asked about the funding of parks that had been started but not completed, such as the park in Lincoln Heights and Derita. Park and Recreation Director Jim Garges said those parks were scheduled to be funded in the July 2013 budget assuming the County was able to take on more capital debt.
Commissioner Leake asked about the Health Department transition which was addressed.

Commissioner Leake asked about the expansion of Park and Recreation’s youth employment program and expressed her desire to have more funds appropriated for this.

Chairman Cogdell asked what would be the impact of increasing funding for the Park and Recreation youth employment program by 100% and would the department be able to manage an increase which was addressed.

Chairman Cogdell thanked the County Manager for his presentation.

**STAFF REPORTS & REQUESTS**

(12-0281) **FUND BALANCE POLICY**

Finance Director Dena Diorio presented the proposed fund balance policy. The following was covered:

- Rationale for Revising the Policy
- GASB 54
- Current Fund Balance Policy
- Best Practices/Rating Criteria
- NC Triple-A Counties Comparison

Recommendations

- Maintain a total fund balance of 28% of actual revenues
- Maintain unassigned fund balance of 8% of subsequent year’s expenditures
- Any fund balance in excess of 28% could be allocated to fund the capital, technology, and fleet reserves with a cap equivalent to 1.75 cents on the property tax rate
- Of the amount appropriated, 90% will be allocated to projects; balance will remain unallocated
- If total fund balance falls below 28% threshold a two year replenishment period will commence; can be extended to three years at the BOCC discretion
- Replenishment will be budgeted over the next two fiscal years
- General Fund balance and Debt Service Fund balance will be combined for purposes of calculating the 28% threshold
- General Fund balance will not be appropriated to support on-going operations except in emergency situations

Conclusions

- New policy complies with GASB Statement #54
- New policy meets the LGC policy requirements, reflects best practices, and ensures that total fund balance is consistent with AAA medians
- Appropriating available fund balance to fund reserves may provide more stability in the funding process
- Does not create a structural imbalance in the budget which would require continuous funding
- Consistent with the fiscal discipline exhibited the Board

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

(12-0262) **CONNECT CONSORTIUM MEMBERSHIP FOR HUD GRANT**
MAY 15, 2012

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 4-3 with Commissioners Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, James, and Pendergraph voting no, to 1) approve MOU CONNECT Consortium Membership in support of the Sustainable Communities Regional Planning Grant; 2) appoint Commissioner Roberts as the Board’s elected official to the Consortium’s Policy Forum; and 3) appoint Heidi Pruess to represent County staff to the Consortium’s Program Forum.

Heidi Pruess and Jim Prosser with Centralina Council of Governments addressed this issue prior to the above vote.

MOU recorded in full in Minute Book _____, Document # ______.

COUNTY COMMISSIONERS REPORTS & REQUEST – NONE

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve the following items:

(12-0177) CONSTRUCTION CONTRACT - MECKLENBURG COUNTY REGIONAL SPORTSPLEX
Award a construction contract to Eagle Wood Inc. in the amount of $3,019,875 for the construction of Mecklenburg County Regional SportsPlex.

(12-0178) CONSTRUCTION CONTRACT - MECKLENBURG COUNTY REGIONAL SPORTSPLEX SYNTHETIC TURF
Award a construction contract to Sports Construction Management in the amount of $2,218,846 for the construction of Mecklenburg County Regional SportsPlex Synthetic Turf.

(12-0266) CONSTRUCTION CONTRACT - MECKLENBURG COUNTY REGIONAL SPORTSPLEX ATHLETIC FIELD LIGHTING
Award a construction contract to MUSCO Sports Lighting, LLC in the amount of $680,720 for the construction of Mecklenburg County Regional SportsPlex Athletic Field Lighting.

Commissioner Leake removed these items from Consent for more public awareness.

Commissioners James and Dunlap left the meeting and were absent for the remainder of the meeting.

Note: Commissioner Leake also highlighted the following Items which were approved under Consent:

(12-0254) BUDGET AMENDMENT - AREA MENTAL HEALTH (CARRY FORWARD OF UNSPENT FUNDS)

(12-0255) NC DEPARTMENT OF PUBLIC SAFETY - DIVISION OF JUVENILE JUSTICE FY13 PROGRAM FUNDING

Note: Tom Eberly, Criminal Justice Director and Franklin Freeman, vice chair of the Juvenile Crime
Prevention Council addressed this issue.

(12-0259) HOME AND COMMUNITY CARE BLOCK GRANT FUNDING PLAN – DSS

(12-0273) CPCC/WTVI MERGER

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Cogdell, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:35 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, May 29, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Jim Pendergraph and Jennifer Roberts

County Manager Harry L. Jones, Sr.

Clerk to the Board Janice S. Paige

Absent: Commissioners Neil Cooksey, Bill James, and Vilma Leake

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 Cogdell, after which the matter below was addressed.

(1) CENTRAL PIEDMONT COMMUNITY COLLEGE FY2013 BUDGET REQUEST

Dr. Tony Zeiss, President of Central Piedmont Community College, Kathy Drumm, Vice-President, Michael Moss, Vice President of Finance and Administrative Services and Jeff Lowrance, Community Relations & Marketing Services presented Central Piedmont Community College (CPCC) FY2013 Budget Request.

Commissioner Clarke entered the meeting.

Note: CPCC’s FY2013 County Operating Budget Request was $31,785,873. CPCC’s Capital Reserve request was $2,101,000.

Dr. Zeiss summarized by saying CPCC’s budget request was reasonable. He said CPCC was asking for what they felt was “verifiable and justifiable.” Dr. Zeiss said deferred maintenance and the salary supplement accounted for parts of the gap between CPCC’s request and the County Manager’s recommendation for CPCC.

Dr. Zeiss said “when you think about CPCC, think about the return on investment that you’re getting.”

Dr. Zeiss thanked the Board for its past and future support.

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

Comments

Commissioner Pendergraph asked about financial aid applicants and their awareness of the repayment requirements, which was addressed.
Commissioner Pendergraph asked for clarification regarding the salary supplement, which was addressed.

Commissioner Pendergraph asked about CPCC’s outsourcing efforts, which was addressed.

Commissioner Clarke asked about CPCC’s total enrollment and full time equivalent, which was addressed.

Commissioner Clarke asked about CPCC’s current expenses and growth, which was addressed.

Commissioner Clarke asked about the state’s decrease in funding to community colleges, which was addressed.

Commissioner Clarke asked if the $4.4 million gap included CPCC’s capital request. The response was no, it was operating only.

Commissioner Roberts also asked about decreased funding from the state, which was addressed.

Commissioner Roberts asked about the average number of classes or hours taken by a full time equivalent student, which was addressed.

Commissioner Roberts asked about the Entrepreneurship Small Business Center and the 174 jobs created and retained per the presentation, which was addressed.

Commissioner Dunlap asked about the cost per student and what it was based on, which was addressed.

Commissioner Dunlap asked was the supplement for all employees. The response was yes.

Commissioner Dunlap asked about CPCC’s take on whether the state’s funding would help take up part of the $4.4 million gap. Dr. Drumm said $2.1 million of the $4.4 million was for facility repairs and that state funds couldn’t be used for that. Dr. Drumm said the only piece of CPCC’s budget, historically, that was not required was the salary supplement.

Commissioner Dunlap asked was it conceivable the state could close the gap with the exception of the salary supplement and facility maintenance piece. The response was yes.

Commissioner Dunlap asked about the WTVI piece referenced in the budget. Dr. Zeiss said what was in CPCC’s budget was what was agreed upon.

Dr. Drumm said it was confusing because they weren’t sure if the $250,000 would be received by June 30, 2012 or July 1, 2012.

Budget Director Hyong Yi with respect to WTVI said originally the way the Board action was written, everything was being paid out of FY13, but the Board’s motion stated that a portion would be paid out of FY12. He said staff would provide the Board with a suggestion at its straw voting session on how to clear this matter up; so that what’s presented would reflect the Board’s motion.

Dr. Zeiss said the WTVI transition was complicated but was going well.

Chairman Cogdell asked for clarification regarding the $2.1 million for facility maintenance and the $2.1 million capital request, which was addressed.

Chairman Cogdell asked about the Cato Middle College population. The response was that
Commissioner Clarke asked if the Board increased its allocation to CPCC for current expenses by $2.4 million was Dr. Zeiss in a position to say that those funds would not be used to give employees a salary increase. Dr. Zeiss said the first priority for those funds would be to restore classes, but that he couldn’t say with certainty that some of the funds wouldn’t be used for salaries.

Dr. Zeiss said if CPCC received an increase, it would free up some state funds, but the state thus far, has said they can’t give an increase. Thus, he really didn’t know how to best answer Commissioner Clarke’s question.

Commissioner Clarke said he asked because unless the answer was no, it puts the Board in a difficult position to be able to do it. Commissioner Clarke said it would be hard for him to support an increase in funds when there’s a possibility that it may be used to increase salaries for CPCC and the same couldn’t be done for Charlotte-Mecklenburg Schools employees.

Dr. Drumm said there was some proposed legislation this year, for the first time, that would allow colleges to have the option to give bonuses that won’t be funded, but colleges can do so, if they find it within their allocated state funds.

Dr. Zeiss said that’s what they would do if the legislation were to pass. Dr. Zeiss said he would get back to the Board with a better response, because he would not want to mislead the Board.

Commissioner Clarke said he understood CPCC was “juggling” multiple funding sources.

Commissioner Bentley asked what would be CPCC’s priority for funding. Dr. Zeiss said the salary supplement, followed by maintenance.

This concluded the discussion.

Chairman Cogdell thanked Dr. Zeiss for the presentation.

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

Budget Adoption Schedule

Commissioner Clarke addressed the state adopting its budget and asked the Board to give thought to delaying its straw voting until after the state’s budget was known.

Commissioner Clarke said he heard the state might adopt its budget soon.

Commissioner Dunlap said he wouldn’t be opposed to waiting, because it would assist the Board in its decision making with respect to CMS’ salary increase request. He said it would also give the Board guidance on filling the gap for CPCC.

Commissioner Dunlap asked would there be any adverse affect for not adopting the budget, per the schedule presented. County Manager Jones said no. County Manager Jones said the law requires the budget to be adopted by June 30.

County Manager Jones said the issue for staff would be calendaring the straw voting sessions and having enough time to ensure that the budget ordinance was prepared as it should be. Therefore, he wouldn’t suggest the Board wait until June 30, but rather do it several days before June 30.
Commissioner Roberts said the only problem with deviating from the established schedule was that it may pose scheduling conflicts for Board members when it came to selecting other dates.

Commissioner Clarke suggested selecting dates in the middle of June, prior to June 19 and that the session starts at 1:00 p.m. with the hope of completing everything in one day.

Chairman Cogdell suggested the Board move forward with meeting as scheduled, starting tomorrow and then address the issue of delaying.

County Manager Jones suggested the Board keep the first meeting date, get questions answered, and then discuss moving forward.

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

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Pendergraph, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 5:07 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman
The Board of Commissioners of Mecklenburg County, North Carolina, met in a Special Budget Workshop Session in Conference Center Room CH-14 and Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 5:00 p.m. on Wednesday, May 30, 2012. Dinner was held at 4:00 p.m. in Conference Center Room CH-14.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

FY2012 - 2013 BUDGET DELIBERATION

Commissioner Roberts was away when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chairman Cogdell at 5:00 p.m.

The purpose of the meeting was to begin the Board’s deliberation on the County Manager’s FY12-13 Recommended Budget.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Pendergraph voting yes, to recess the meeting and reconvene in Conference Center Room 267.

Commissioner Roberts returned.

The Board reconvened at 5:15 p.m.

Chairman Cogdell turned the meeting over to County Manager Jones, who then called on Budget/Management Director Hyong Yi.

Director Yi addressed alternative dates for conducting the Board’s Straw Voting session(s).

There was discussion regarding whether or not the Board should delay its Straw Voting session(s) in hopes that the state would have adopted its budget, prior to the Board taking action. Thus, the Board would have a better idea or know for certain what the state’s funding would be for Charlotte-Mecklenburg Schools and Central Piedmont Community College. It was noted also that Commissioner Cooksey’s absence should also be taken into consideration.
Per the discussion, it was felt that the likelihood of the state finishing its work, prior to the Board needing to take action was not that favorable.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to move forward with the FY12-13 Recommended Budget Straw Voting session.

Budget Manager Michael Bryant addressed technical adjustments that had been made to the County Manager’s FY12-13 Recommended Budget.

Commissioner Dunlap asked about the City of Charlotte’s request for reimbursement of $1.4 million for funding the City provided last year to support the funding of the Library. It was clarified by staff that the County was under no obligation to reimburse the City of Charlotte.

Note: Below is the response from staff regarding this issue.

**Question:** What is the County’s agreement with the City of Charlotte and the towns regarding their funding for libraries?

**Answer:** In developing the FY11 Adopted Budget the Library received a 45.7 percent budget reduction. In an effort to sustain Library services in their respective jurisdictions, The City of Charlotte, Town of Cornelius and the Town of Mint Hill provided funding to sustain library services. The County executed interlocal agreements with the Town of Cornelius and the Town of Mint Hills. The terms regarding reimbursement of these funds to the Towns and the City of Charlotte are as follows:

- **Town of Cornelius** – The Town will contribute $175,000 in cash to PLCMC or to the County for the benefit of the PLCMC and in return the Town shall receive a recorded option to purchase the Cornelius branch library building and associated land at then appraisal fair market value should it cease to be used as a library branch for any reason. (Recorded in Clerks minutes dated 10/5/2010).

- **Town of Mint Hill** – The Town will contribute $175,000 in cash to PLCMC or to the county for the benefit of the PLCMC and in return the Town will receive either (i) reimbursement from the County in the amount of $175,000 or (ii) at the election of the Town, services or land from the County that may otherwise be paid for by the Town valued at $175,000 on or before July 1, 2018. (Recorded in Clerks minutes dated 10/5/2010).

- **City of Charlotte** – Any appropriation given by the City of Charlotte of $1 or more would be credited to the County’s Real Estate Ledger for future land transactions. (Recorded in Clerks minutes dated 6/3/2010). On June 30, 2011, a $1.4 million entry was logged into the Real Estate Ledger as a credit for the City of Charlotte.

**STRAW VOTES**

*Note: Straw vote motions do not require a second in order to be considered and can be made by any commissioner, including the chairman.*

**FY12-13 TAX RATE**

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and **carried 5-3** with Commissioners Bentley, Cogdell, James, Leake, and Pendergraph voting yes and Commissioners Clarke, Dunlap and Roberts voting no, to adopt a budget for FY12-13 with a tax rate no higher than 79.22 cents, which would result in a tax rate change of -2.44 cents.
CHARLOTTE-MECKLENBURG SCHOOLS (CMS)

Motion was made by Commissioner James, but was not voted on, to place in Restricted Contingency from Line 3 – Charlotte-Mecklenburg Schools Operational Funding (Refers to Straw Vote Spreadsheet), whatever amount is over the statutory amount the County is mandated to provide to CMS, for the purpose of providing raises to CMS employees to at least the level that County employees would receive.

Chairman Cogdell suggested the following motion which Commissioner Leake agreed to make.

Motion was made by Commissioner Leake, but was not voted on, to place in Restricted Contingency from Line 3 – Charlotte-Mecklenburg Schools Operational Funding (Refers to Straw Vote Spreadsheet), $18.5 million to be used for CMS staff salary increase, which would consist of Step Pay and a 2% increase; and if there are specific conditions attached to the way future state funds have to be used, such that those funds have to be used for raises for CMS staff, the Board of Education should request of the Board that those restrictions be removed.

Commissioner Bentley asked was it possible for the Board to inform CMS that the funds placed in restricted contingency was based on CMS employees receiving a salary increase, with the understanding that this would not be a repeat every year on the part of CMS to expect the County to assume a state funding obligation. Further, that the funds would remain in restricted contingency until CMS can demonstrate to the Board that it has given its employees salary increases, irrespective of the $18.5 million.

County Attorney Bethune said the Board could put the $18.5 million in restricted contingency to be released upon an acceptable agreement between the County and the Board of Education as to how the $18.5 million would be used to provide salary increases CMS employees.

There was discussion regarding the best way to word Commissioner Leake’s motion.

County Attorney Bethune was asked to work on the wording in order to accomplish the desire of the Board.

It was consensus of the Board to move forward and to come back to the matter of funding for CMS.

Commissioner Leake made the following comment with respect to Central Piedmont Community College and asked that it be included in the minutes.

Commissioner Leake said “as it relates to contracts, the question was brought to me, as a commissioner, why is it that, I guess we have no control over who they employ to do their contract work, but for the last 10—15 years it’s been the same contractor. This is the wind out in the community. So, I wanted to put that out there, that there needs to be that dispersment and that all people have that opportunity to be a part of the contract process.”

MEDASSIST

Motion was made by Commissioner Dunlap and carried 5-3 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Roberts voting yes and Commissioners James, Leake, and Pendergraph voting no, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $50,000 in order to increase funding for MedAssist (OSA) by $50,000.

HOUSING PARTNERSHIP
Motion was made by Commissioner Dunlap and **failed 5-3** with Commissioners Bentley, Clarke, James, Leake, and Pendergraph voting no and Commissioners Cogdell, Dunlap, and Roberts voting yes, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $65,000 in order to fund the Housing Partnership in the amount of $65,000.

**GETHSEMANE GREATER ENRICHMENT PROGRAM**

Motion was made by Commissioner Dunlap and **failed 5-3** with Commissioners Bentley, Clarke, James, Leake, and Pendergraph voting no and Commissioners Cogdell, Dunlap, and Roberts voting yes, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $199,000 in order to fund The Gethsemane Greater Enrichment Program in the amount of $199,000.

**BATTERED WOMEN’S SHELTER**

Motion was made by Commissioner Dunlap and **carried 7-1** with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes and Commissioner James voting no, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $243,000 in order to increase funding for the Battered Women’s Shelter in the amount of $243,000.

**PHYSICIAN’S REACH OUT/CARE RING**

Motion was made by Commissioner Dunlap and **carried 5-3** with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Roberts voting yes and Commissioners James, Leake, and Pendergraph voting no, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $100,000 in order to fund Physicians Caring in the amount of $100,000.

**LEVINE SENIOR CENTER**

Motion was made by Commissioner Dunlap and **carried 6-2** with Commissioners Bentley, Cogdell, Dunlap, James, Roberts, and Pendergraph voting yes and Commissioners Clarke and Leake voting no, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $65,000 in order to fund the Levine Senior Center in the amount of $65,000; however, those funds are to be placed in restricted contingency in order to allow staff the opportunity to work with the Charlotte Senior Center and the Levine Senior Center around the duplication of services and the opportunities for functional consolidation of the two centers operations, similar to what the County did a few years ago with the Senior Center and the Council on Aging. The funds would be released upon the Board’s receipt of a report back from staff regarding whether there are efficiencies that can be derived from the two groups (the Charlotte Senior Center and the Levine Senior Center) looking at ways to provide services jointly.

**REVOLVING LOAN FUND FOR SMALL BUSINESSES**

Motion was made by Commissioner Dunlap and **failed 4-4** with Commissioners Clarke, Cogdell, Dunlap, and Roberts voting yes and Commissioners Bentley, James, Leake, and Pendergraph voting no, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $500,000 and place $500,000 in restricted contingency to possibly be used for establishing a Revolving Loan Fund for Small Businesses. Secondly, that staff review the pros and cons and feasibility of establishing such a program and report back to the Board.

*The Board recessed for a break at 7:20 p.m. and reconvened at 7:36 p.m.*
Commissioner Bentley asked about the funding history of the Children’s Theatre.

Director Yi addressed the Children’s Theatre’s relationship with the Library, ImaginOn and the City of Charlotte and what they were requesting of the County.

Children’s Theatre Executive Director Bruce LaRowe and Public Library of Charlotte-Mecklenburg Chief Executive Officer Vick Phillips addressed this issue.

Commissioner James said he recalled a conversation that was held years ago in the Chairman’s office, when the County was considering the building of ImaginOn, where it was stated and agreed upon that the Children’s Theatre would never come back to the County at any time requesting operational funding, if the County committed to the capital funding needed for the building of ImaginOn, which would include the Children’s Theatre.

Mr. LaRowe noted in response to the comment made by Commissioner James, that what was agreed upon between, then, County Manager Jerry Fox and Arts and Science Council Executive Director Michael Marsicano, was an agreement that the Arts community would not ask the County for any more capital cultural facilities because at the time there was concern about an aquarium and renovations to the Carolina Theatre. Mr. LaRowe said there was never any conversation about there not being any operational support.

Commissioner Leake requested a copy of the Children’s Theatre budget.

CHILDREN’S THEATRE

Motion was made by Commissioner Clarke and failed 5-3 with Commissioners Bentley, Cogdell, James, Leake and Pendergraph voting no and Commissioners Clarke, Dunlap, and Roberts voting yes, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $190,000 and reduce other revenue by the same. Secondly, to direct the County Manager to work with the parties involved in the agreement between the Library and the Children’s Theatre to resolve the issue of operational funding on the part of the Children’s Theatre, which includes the cost for information technology, maintenance, & security, such that the Children’s Theatre would no longer be required to pay for a portion of these costs.

Motion was made by Commissioner Roberts and carried 5-3 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Roberts voting yes and Commissioners James, Leake, and Pendergraph voting no, to amend the County Manager’s Recommended FY12-13 Budget by increasing the sales tax projections by $95,000 and reduce other revenue by the same. Secondly, to direct the County Manager to work with the parties involved in the agreement between the Library and the Children’s Theatre to resolve the issue of operational funding on the part of the Children’s Theatre, which includes the cost for information technology, maintenance, & security, such that the Children’s Theatre would no longer be required to pay for a portion of these costs.

Prior to the above votes, the following was noted:

General Manager John McGillicuddy said if the agreement between the Library and the Children’s Theatre was changed there would have to be a shift in revenue source for the County. He said currently the revenue source that the County uses to pay for operational/maintenance service at ImaginOn comes from the Library via payment they receive from the Children’s Theatre. He said what Commissioner Clarke was suggesting was that instead of those funds coming from the Library, they would come basically from the County’s general fund by increasing the sales tax revenue.

General Manager McGillicuddy said that then creates a need for the County to release the Library from its obligation to provide the County with the revenue that it receives from the Children’s Theatre and for the Library and Children’s Theatre to change their agreement, such that the
Library would no longer require the Children’s Theatre to provide that revenue to the Library.

HEALTH DEPARTMENT PREVENTION/WELLNESS

Motion was made by Commissioner Leake and carried 5-3 with Commissioners Bentley, Clarke, James, Leake, and Roberts voting yes and Commissioners Cogdell, Dunlap and Pendergraph voting no, to amend the County Manager’s Recommended FY12-13 Budget by raising the sales tax projections by $150,000 and increase the Health Department Prevention/Wellness service by $150,000 to be used to fund a communication and health education component of the Health Department which would focus on the prevention of chronic diseases.

CHARLOTTE MECKLENBURG SCHOOLS OPERATIONS FUNDING

Motion was made by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to amend the County Manager’s Recommended FY12-13 Budget by placing $18,555,613 in Restricted Contingency from Line 3 – Charlotte-Mecklenburg Schools Operational Funding (Refers to Straw Vote Spreadsheet) to be released when CMS provides the Board with evidence that those funds together with other funds available to CMS have been used to give all employees a 3% salary increase.

Note: The wording of the above motion was suggested by Commissioner Clarke and accepted by Commissioner Leake.

A copy of the Straw Vote Spreadsheet is on file with the Clerk to the Board.

LEGAL SERVICES OF SOUTHERN PIEDMONT

Motion was made by Chairman Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to amend the County Manager’s Recommended FY12-13 Budget by adding $55,000 in funding for the Legal Services of Southern Piedmont’s Veterans Legal Service Project; and that the adjustment be made without increasing the tax rate of 79.22 cents.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 8:28 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 5, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts

County Manager Harry L. Jones, Sr.

County Attorney Marvin A. Bethune

Clerk to the Board Janice S. Paige

Absent: None

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-INFORMAL SESSION-

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

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0307, 12-0285, and 12-0310.

STAFF BRIEFINGS - NONE

(12-0324, 12-0325) CLOSED SESSION – BUSINESS LOCATION AND EXPANSION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matter to be discussed in Closed Session: Charlotte-Mecklenburg Hospital Authority vs. Mecklenburg County.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Cogdell, Cooksey, James, Leake, and Pendergraph voting yes, to go into Closed Session for the following purposes: Business Location and Expansion and Consult with Attorney.

The Board went into Closed Session at 5:23 p.m. and came back into Open Session at 5:40 p.m.

Commissioners Clarke, Dunlap, and Roberts were present when the Board came back into Open Session. They entered the meeting during Closed Session.
Commissioner Leake asked the Board to go back into Closed Session to Consult with the Attorney regarding questions she had with respect to complaints received from previous public appearance speakers regarding their children.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-2 with Commissioners Bentley, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts voting yes and Commissioners Clarke and Cogdell voting no, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 5:43 p.m. and came back into Open Session at 5:55 p.m.

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

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- FORMAL SESSION -

Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Leake, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

Commissioner Cooksey entered the meeting.

AWARDS/RECOGNITION - NONE

(12-0329) PUBLIC APPEARANCE

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

Kathy Davis addressed the 2011 Revaluation. She referenced pages 4.2 – 4.3 of the Schedule of Values, which she said outlined the land appraisal procedures to be followed when determining land values and specifically quality control measures. Ms. Davis said the Tax Assessor’s Office were to have ran a report that compares 2011 assessed land values to 2003 for each neighborhood. Ms. Davis said the report is called a Land Line report. Ms. Davis said the Land Line report and the Qualified Sales report in the Tax Assessor’s Office were in direct conflict. Ms. Davis questioned the fluctuations and percentage changes in land values amongst properties in the same neighborhood. Ms. Davis said she took her concerns to Tax Assessor Garrett Alexander and was still waiting on a response.

Barb Scott addressed the 2011 Revaluation. She expressed thanks to the Tax Assessor’s Office for addressing the “confusion” around whether or not an attorney was needed if you appealed to the Property Tax Commission, which she said the answer was that you do not.

Ms. Scott said there was another communication issue still pending that had to do with the date that appears on the informal appeal letters indicating when you could file an appeal with the Board of Equalization and Review. Ms. Scott said on one page it states an appeal could be filed any time before the adjournment of the Board of Equalization and Review but on the next page it has the same wording and a date of June 30 without a specific year. She said the letter was dated in 2012 giving one the impression that you had until June 30, 2012. Ms. Scott said she wanted to know the status of dealing with that particular communication.

Ms. Scott asked a question with respect to tax collection. She referenced NC General Statute 105-378 (d) Limitation on the Use of Remedies which reads: (Effective for taxable years beginning before January 1, 2011) Enforcement and Collection Delayed Pending Appeal.
When the board of county commissioners or municipal governing body delivers a tax receipt to a tax collector for any assessment that has been or is subsequently appealed to the Property Tax Commission, the tax collector may not seek collection of taxes or enforcement of a tax lien resulting from the assessment until the appeal has been finally adjudicated. The tax collector, however, may send an initial bill or notice to the taxpayer. Ms. Scott asked County Attorney Bethune to look into this matter because there were taxpayers who have said they were being moved against to collect their taxes, even though they’re in the Board of Equalization and Review appeal process.

Lloyd Scher, a former County commissioner noted the recent death of a fourteen year old who was not wearing a helmet while bicycling. Mr. Scher addressed the importance of wearing a helmet and the need for enforcement of the local ordinance requiring helmets be worn in County parks. He said there should also be enforcement of the state law requiring children to wear helmets when rollerblading, skateboarding, etc. Mr. Scher asked for the Board’s support in the following ways:

- Prepare a joint resolution or proclamation with the City of Charlotte requesting that the helmet law be enforced and that parents be informed that children must wear a helmet.
- Support a bicycle rodeo he’s putting together, at which, helmets would be distributed to children. He’s seeking sponsors and plans to approach the Park and Recreation Department, the Fire Department, and the Police Department.
- Send a letter to the Charlotte-Mecklenburg Police Department encouraging them to pass out tickets to those not wearing a helmet.

Mr. Scher said he was preparing a bill to send to Raleigh that would require with every purchase of a bicycle, the purchase of a helmet. He also plans to ask the City of Charlotte not to allow any garbage cans to be left on the sidewalk, but rather on the grassy area.

**APPOINTMENTS**

**WOMEN’S ADVISORY BOARD**

The vote was taken on the following nominees for appointment to the Women’s Advisory Board:

- Jenny Bonk
- Shanita Britton
- Yolyndra Green
- Taylor Holloman-Pressley
- Melandee Jones
- Pamela McCarter
- Shalawn Moore
- Ashleigh Thornton

None
Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph, and Roberts

*Voting Ceased*

Note: Twanna Daniels was nominated at the previous meeting but asked that her name be removed from consideration.

Chairman Cogdell announced the appointment of Shanita Britton to the Women’s Advisory Board to fill an unexpired term expiring October 31, 2012.
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She replaces Chia-Li Chien.

PUBLIC HEARINGS - NONE

ADVISORY COMMITTEE REPORTS – NONE

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

CONSENT ITEMS

Motion was made by Commissioner Roberts, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(12-0301) ORDINANCE AMENDMENT - MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance

Ordinance recorded in full in Minute Book ______ Document # _____.

(12-0316) TAX REFUNDS

Approve refunds in the amount of $2,242,624.14 and interest as statutorily required to be paid as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(12-0286) BOARD BULLETIN

Receive the County Manager's Board Bulletins published since the last Board meeting.

Note: As needed each week, the County Manager distributes to the Board a newsletter called "Board Bulletin" to keep the Board informed about policy matters and other key issues related to Mecklenburg County government.

(12-0289) BUDGET AMENDMENT - HEALTH DEPARTMENT (REVENUE INCREASE)

Recognize, receive and appropriate $295,358 in state and federal revenue allocations from the NC Department of Health and Human Services for the Health Department.

Note: The $295,358 increase is the net impact of revenue increases in the Breast and Cervical Cancer, Tobacco Prevention, and Syphilis Elimination, along with a decrease related to the elimination of the Health Disparities Initiative this spring.

(12-0282) BUDGET AMENDMENT - DSS (REVENUE INCREASE)
Recognize, receive and appropriate $401,632 additional Federal revenue from the N.C. Division of Child Development broken down as follows: $1,632 for the administration of the Smart Start Child Care Subsidy program and $400,000 to Department of Social Services for child care subsidies.

(12-0290) CARRY FORWARD OF FUNDS - CRIMINAL JUSTICE SERVICES PROFESSIONAL FEES

Carry forward remaining funds as of June 30, 2012 to FY13 for the County’s agreement to support the criminal justice system.

Note: The funding is used for providing support services, primarily staffing, to the court system through agreements with the Administrative Office of the Courts and the local state criminal justice. This action item provides for a carry forward of approximately $879,000.

(12-0303) SET PUBLIC HEARING - STREET NAME CHANGE

Set a public hearing at 6:30 p.m. on July 3, 2012 to change the name of a portion of Odell School Road to Mallard Creek Road, and to change a portion of Mallard Creek Road to Ridge Road.

(12-0318) SET PUBLIC HEARING - NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

1) Set a public hearing at 6:30 p.m. at the June 19, 2012 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 2012-2013, and 2) Direct the Clerk to publish notice of intent to hold a public hearing.

(12-0312) RAMSEY CREEK BOAT LAUNCH FEE CAPITAL RESERVE – PARK AND RECREATION

Appropriate $12,000 from the Ramsey Creek Boat Launch Fee Capital Reserve account to repair the boat dock and make landscape improvements at Ramsey Creek Park.

(12-0313) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITIONS

1. Accept the “Offer of Sale of Real Estate” from Carolina Foods, Inc., owner of property at 3215 Cullman Avenue (Tax Parcel 08303126) for $180,000.

2. Accept the “Offer of Sale of Real Estate” from Carolina Foods, Inc., owner of property at 240 East 36th Street (Tax Parcel 08303127) for $520,000.

3. Accept the “Offer of Sale of Real Estate” from Gregory W. Smith and Gayle J. Smith, owners of property at 1100 Willhaven Drive (Tax Parcel 18511117) for $195,335.49.

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

Note: These acquisitions are a continuation of ongoing flood mitigation efforts.
(12-0317) LEASE EXTENSION - CHARLOTTE EAST COMPLEX

Authorize the County Manager to negotiate and execute a lease extension with Charlotte East, LLC for office space for Child Support Enforcement Services.

(12-0322) MINUTES

Approve minutes of Regular meeting held May 15, 2012 and Special meeting held May 30, 2012 and Closed Session held May 15, 2012.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following items.

(12-0307) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS AND REVISIONS TO THE BUILDING DEVELOPMENT ORDINANCE

1) Amend LUESA Fee Ordinance effective July 1, 2012 to revise various fees.

Ordinance recorded in full in Minute Book ______ Document # _____.

2) Amend the Building-Development Ordinance effective July 1, 2012 regarding various definitions and projects with designated inspection counts included in permit fees.

Ordinance recorded in full in Minute Book ______ Document # _____.

(12-0285) GRANT APPLICATION - BLUMENTHAL FOUNDATION (GIS)

Approve the submission of a grant application for funding in the amount of $1,000 from the Blumenthal Foundation; and if awarded, recognize, receive and appropriate such funds and carry forward unspent funds.

Note: The requested funding will allow Mecklenburg County GIS to support GIS Day activities. GIS Day is an international event where local governments open their doors and showcase the benefits of geographic technology to the public and schools.

(12-0310) BUDGET AMENDMENT - BUSINESS SUPPORT SERVICES AGENCY (CARRY FORWARD OF UNSPENT FUNDS)

Approve carry forward of up to $350,000 of Business Support Services Agency funds that remain unspent at June 30, 2012.

Note: This Board action is necessary to carry forward sufficient funds to obtain a vendor self-service (VSS) procurement module.
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MANAGER’S REPORT - NONE

STAFF REPORTS & REQUESTS

Commissioner Bentley returned to the dais.

(12-0305) CAPITAL IMPROVEMENT PROGRAM AND DEBT MANAGEMENT POLICY

Finance Director Dena Diorio addressed the Capital Improvement Program and Debt Management Policy.

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

1) FY2013 Authorization Park & Recreation Approved in November 4, 2008 Referendum Capital Project Ordinance

Section I. That for the purpose of providing funds, together with any other available funds for the following projects:

- Ballantyne Park
- Wesley Heights Greenway
- First Ward Park

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, $10,190,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds $10,190,000

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as financing is arranged, at which time repayment will be made and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

Ordinance recorded in full in Minute Book _____ Document # _____.

2) FY2013 Authorization Central Piedmont Community College Facilities Approved in November 6, 2007 Referendum Capital Project Ordinance

Section I. That for the purpose of providing funds, together with any other available funds, for the Broadcast Center Renovation Project including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, $5,000,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds $5,000,000
JUNE 5, 2012

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as financing is arranged, at which time repayment will be made and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

Ordinance recorded in full in Minute Book _____ Document # _____.

3) FY2013 Authorization Land Bonds Approved in November 6, 2007 Referendum Capital Project Ordinance

Section I. That for the purpose of providing funds, together with any other available funds, for providing land for present and future county corporate, open space and community college purposes and the acquisition of improvements thereon and interests in such real property, $6,600,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the acquisition period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds $6,600,000

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent bond proceeds in the Capital Projects Funds, cash in an amount necessary to meet obligations until such time as financing is arranged, at which time repayment will be made and the Director of Finance is authorized to sign the Declaration of Official Intent to Reimburse Expenditures as required by Internal Revenue Service regulations.

Ordinance recorded in full in Minute Book _____ Document # _____.


Sections I and II are amended to read as follows and Section III is added:

Section I. That for the purpose of providing funds, together with any other available funds, for the following projects:
- East Mecklenburg High Renovation
- Garinger High Renovation
- Independence High Renovation
- Myers Park High Renovation
- Palisades Elementary New
- Ranson Middle Renovation
- Stumptown Elementary New
- Vance High Renovation

including the acquisition and construction of new facilities, the improvement and expansion of existing facilities and the acquisition and installation of furnishings and equipment and the acquisition of interests in real property required therefor, in order to provide additional school facilities in said County to maintain the nine months’ school term as required by Section 2 of Article IX of the North Carolina Constitution, $108,610,000 is hereby appropriated.

Section II. That it is estimated that the following revenues will be available during the construction period to meet the appropriations in Section I, as set forth in the following schedule:

Proceeds from sale of bonds, Pay-As-You-Go/Other County Funds: $108,610,000

Section III. That the Director of Finance is authorized from time to time to transfer as a loan from the General Fund or unspent County proceeds in the Capital Projects funds, cash in an amount
necessary to meet obligations until such time as financing is arranged, at which time repayment
will be made and the Director of Finance is authorized to sign the Declaration of Official Intent to
Reimburse Expenditures as required by Internal Revenue Service regulations.

Ordinance recorded in full in Minute Book _____ Document # _____.

Prior to the above vote:

Commissioner Leake asked if the amendment to the FY2013 Authorization School Facilities
Approved November 6, 2007 Referendum capital project ordinance as it related to
Independence High Renovation, include renovation to the school’s gymnasium. Finance
Director Diorio said yes.

Commissioner Pendergraph asked about the status of a stadium at Olympic High School.
Finance Director Diorio said that project had not yet been ranked. Finance Director Diorio said
the project would be part of the 2014 ranking process.

Commissioner Pendergraph said residents in the Steele Creek area were promised a stadium for
Olympic High School 20+ years ago. He encouraged the Charlotte-Mecklenburg Board of
Education to “remember the promises” that were made to the residents in the Steele Creek
area regarding a stadium for Olympic.

Commissioner James requested information from Charlotte-Mecklenburg Schools regarding
their revised capital plan and how it fits into the County’s ability to fund projects.

CIP Prioritization Process

Motion was made by Commissioner Roberts, seconded by Commissioner Cooksey and
unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Pendergraph and Roberts voting yes, to approve revisions to the Capital Improvement
Program (CIP) prioritization process as presented by staff with one amendment to the CIP
Criteria for Ranking, which would be to change the Funding Source Rating Criteria point range
from 0-10 to 0-15.

Note: Commissioner Roberts said the impact of this change would be that if a project has an
outside company or federal grant that’s time sensitive, and there’s commitment to fund, for
example, 100% of the project, that would add 15 points to that ranking as oppose to 10 points.
Commissioner Roberts said that would be a compelling reason to move something up, if the
funding was there and it was time sensitive.

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

Debt Management Policy

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and
carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph
and Roberts voting yes, to approve the revised Debt Management Policy.

Policy recorded in full in Minute Book ______ Document # _____.

(12-0298) MECKLENBURG COUNTY FUND BALANCE POLICY
Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the proposed fund balance policy.

Finance Director Diorio addressed this matter prior to the above vote.

Policy recorded in full in Minute Book ______ Document # ______

(12-0299) REVALUATION REVIEW REQUEST FOR PROPOSAL

Land Use & Environmental Services Agency Director Cary Saul addressed the proposed Revaluation Review Request for Proposal (RFP).

Commissioner Cooksey returned to the dais.

Commissioner Dunlap asked would Board members be involved in the bidder selection process. 
Director Saul said if the Board wanted to select a member to participate staff had no objection.

Chairman Cogdell asked Director Saul to notify Board members of any interviews that would take place following RFP submissions. Director Saul said June 13, 2012 was the pre-submittal Q & A meeting of staff with prospective bidders, which would probably be the one Board members would want to attend in case there were any questions regarding the Board’s intent.

The following persons expressed concern for the way the 2011 Revaluation was conducted.

Dorothy Rainey from the Villa Heights Community said there were approximately 400 homes in their neighborhood, many of which were built in the 1940’s. Further, many of the residents have lived in the neighborhood for 20 and 40 years. Ms. Rainey said its felt the increase was because of the nearby NoDa community. Ms. Rainey said many residents did not appeal because they were not aware of the process for doing so and those that did appeal received rejection letters. Ms. Rainey said the letter received from the Tax Assessor’s office was very confusing when it came to the deadline date for appealing. Also, they were not aware, until recently, of the availability of information such as the property record card, the qualified sales report and the land line report, all of which she said was complicated to understand.

Ms. Rainey said residents feel they’re being “taxed out of their homes.”

Joe Huss said he attended a community meeting prior to the 2011 Revaluation where it was noted to the Tax Assessor’s office representatives that consideration should be given to the fact that their neighborhood had multiple types of housing, built by multiple developers, and was near the airport. Mr. Huss said they were told all of these factors would be taken into consideration; however, when he received his revaluation notice, it had not been taken into consideration in his opinion. Mr. Huss said he appealed, but to no avail.

Director Saul clarified that the selection committees Board members serve on were for the selection of architects and engineers and not routine departmental RFP’s.

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the Request for Proposal for the review of the 2011 Revaluation.

COUNTY COMMISSIONERS REPORTS & REQUEST
(12-0320) ADOPTION OF BUDGET ORDINANCE FOR FY2012-2013

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the Mecklenburg County, N.C. Budget Ordinance Fiscal Year 2012-2013 that reflects a county property tax rate of 79.22 cents, as well as a law enforcement service district tax rate of 19.37 cents and a fire district service tax rate for the following Extra Territorial Jurisdictions (ETJs): Charlotte = 5 cents; Cornelius = 5 cents; Davidson = 5 cents; Huntersville = 5 cents; and Mint Hill = 7 cents.

Prior to the above vote, Commissioners commented on the budget in the following order:

Commissioner Roberts noted the importance of education, value of teachers, and her regret that funds had to be placed in contingency.

Chairman Cogdell asked County Manager Jones to share with the Board staff’s perspective of the impact of the State House passage of their budget as it related to Charlotte-Mecklenburg Schools’ budget presentation to the Board on May 9, 2012.

County Manager Jones said based on the information received today from Raleigh, the House budget bill includes $333 million of additional funds for the Local Education Authority (LEA), to refund LEA flexibility cuts. County Manager Jones said based on staff’s calculation the potential increase for Charlotte-Mecklenburg Schools (CMS) would be an estimated additional $30 million based upon the District’s Average Daily Membership (ADM) compared to the statewide ADM figure.

County Manager Jones said in addition, the House budget proposal also included a $250.00 bonus to all state employees and teachers and an additional five vacation days.

Commissioner Pendergraph said he too valued teachers and understands the importance of education and felt this was a good budget.

Commissioner Clarke asked could the restriction placed on a portion of CMS funds be amended if necessary. County Attorney Bethune said the Board could amend its budget ordinance at any time with respect to how it appropriates funds.

Commissioner Cooksey offered the following observations and suggestions for future budget processes:

Comments on Budget Book

The budget book as it’s currently outlined provides more information but “less knowledge” about where the County is in its financial position and where it wants to go in its financial position.

The budget book has “a lot of numbers in it, but it does not provide a lot of knowledge” about what he needs to do as a County Commissioner and how he needs to react.

Suggestions

- Have each department to list three or four budget/staff changes that have occurred in the past year that had a dramatic effect on their budget that changed the way it operated, such as initiatives that were implemented to make them more efficient. This would help Board members understand the department better and where they’re heading. In addition, have departments to state what their major initiatives are for the coming year.
• That the budget book reflects more “verbal communication and less numerical communication.”

Commissioner Cooksey said when you look at the numbers presented on the spreadsheet, it’s hard to see, line by line, the comparison between the FY2012 and FY2013 numbers, thus it’s hard to see what’s occurring in each of those line categories.

Comments on Budget Process

The Board has a responsibility to get more involved in the beginning of the budget process to set forth its expectations to the County Manager about what the Board expects to see in the budget.

The Board does a good job with respect to setting its priorities and staff does a good job to make sure those priorities are reflected in the budget.

Suggestions

• Have a Board task force involved in the budget development process by sitting in on some of the meetings where decisions are made regarding how much should an agency be defunded, etc.

• The Board should be clearer with the County Manager regarding the Board’s expectation with respect to the tax rate. For example, that the Board would like to see a flat tax rate or a decrease in the tax rate or an increase.

• There should be more time allowed in the schedule for deliberation from the time the County manager presents his budget to the time the Board begins its straw voting. This would allow for more discussion and receipt of answers to questions, per those discussions.

• There should be a Budget/Public Policy meeting for the purpose of discussion and asking questions prior to straw voting.

Commissioner Cooksey said the Board was really left out of some of the fundamental decisions about funding in the County and was “forced” to focus on things the Board has control over, such as community service grants. Thus, 90% of the Board’s discussion during straw voting is evolved around 2% - 3% of the budget or less, which is not a “helpful” situation for the Board to be in.

Comments on Community Service Grants

The discussion regarding Community Service Grants should take place prior to straw voting and should be more “transparent” with respect to who applied, what were the results of staff’s recommendations and how they were reached, and the process used to make the determination. In addition, information regarding why there were less new outside agencies funded in a given particular year should be shared.

Comments on the Timing of the Budget Process

Suggestion

Consider adding to the Board’s legislative agenda or to at least begin some discussion with the North Carolina Association of County Commissioners regarding trying to make the budget decision process more sequential and less simultaneous, meaning let the state make its decisions about what it’s going to fund and what its funding is going to look like before
requiring schools and counties to make its decisions, to a lesser degree than cities. This would allow counties to have better information about what it can expect from the state versus trying to “look at the crystal ball.”

Commissioner Cooksey said he too valued teachers and hopes the Board’s action to place funds in restricted contingency will allow CMS employees to receive a raise.

Commissioner Dunlap in response to some of the comments made by Commissioner Cooksey said there should be a separation between management and governance. He said once the County Manager makes his budget recommendation to the Board, then it’s the Board’s responsibility to determine what should be in the budget using whatever processes the Board likes in order to get more information.

Commissioner Dunlap said he would be interested in knowing in the future, what departments had funds left over and who did not.

Commissioner Dunlap said the placement of funds in restricted contingency for CMS employees salary increase was done in keeping with what the Interim Superintendent said was CMS’ top priority.

Commissioner Bentley echoed Commissioner Dunlap’s comment regarding the placement of funds in restricted contingency for CMS salary increases, that it was done as an assurance that the employees would receive a pay raise.

Commissioner Bentley said she would implore the incoming superintendent and the Board of Education to communicate “strongly” to its staff and teachers that they are serious about supporting them with pay raises and that you “don’t look to the local governing body to make that happen, that you would build that into your base budget.” Commissioner Bentley said this would communicate to CMS employees that pay raises was important.

Commissioner Leake spoke in support of teachers, but encouraged educators to voice their concerns to those in Raleigh.

Commissioner James said the budget was not perfect, but was a good compromise. Commissioner James acknowledged his opposition to the law enforcement service district tax and the fire protection service district tax, which was a part of the budget ordinance, but can’t be voted upon separately.

Chairman Cogdell expressed his thoughts on the budget. He said with respect to some of the comments made by Commissioner Cooksey that the Board should not be directly involved in the development of the County Manager’s budget to the extent that Commissioner Cooksey suggested. He said it would be helpful, however, if staff would provide the Board with information regarding what agencies applied for funding, those recommended and not recommended and the reason why.

Chairman Cogdell thanked the County Manager and staff for all of its work on the budget.

Ordinance recorded in full in Minute Book ______ Document # ______.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:40 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 19, 2012.

ATTENDANCE

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

Absent: Commissioner Neil Cooksey

-INFORMAL SESSION-

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0366, 12-0321, 12-0333, 12-0330, 12-0370, 12-0373, 12-0343, and 12-0369.

STAFF BRIEFINGS - NONE

(12-0269, 12-0356) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(a)(1), CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the only purpose for going into Closed Session would be To prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a)(1).

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a)(1).

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:07 p.m.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION -

Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Leake, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION - NONE

(12-0357) PUBLIC APPEARANCE

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

J. R. Collins addressed problems he was having with selling his property located off of Sam Wilson Road. Mr. Collins said the property was overvalued by the tax office.

Jeanie Welch addressed the annual Hickory Grove 4th of July Parade & Celebration, Wednesday, July 4, 2012, 10:30 a.m. – 2:00 p.m. She invited the Board and the community to attend.

Consent Items

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

(12-0328) BUDGET AMENDMENT - LUESA (CARRY FORWARD)

Carry forward unspent, appropriated revenue from FY12 to FY13 for subdivision improvements to Crosswinds Village Phase 2, Map 1.

(12-0331) BUDGET AMENDMENT - YOUTH AND FAMILY SERVICES (REVENUE INCREASE; CARRY FORWARD)

1) Recognize, receive and appropriate FY2012 Special Adoption Funds in the amount of $96,000 from NC Dept. of Health & Human Services.

2) Approve carry forward of unspent Special Adoption Funds remaining at June 30, 2012, estimated to be $146,000.

(12-0337) BUDGET AMENDMENT - LUESA/CODE ENFORCEMENT (CARRY FORWARD)

Approve the carry forward of FY2012 Code Enforcement technology funds remaining at June 30, 2012 until the completion of the project involving enhancements to the Electronic Plan Management (EPM) system.

(12-0351) BUDGET AMENDMENT - LUESA (REVALUATION CARRY FORWARD)
Approve the carry forward of revaluation funds to FY13 of $236,000 remaining at June 30, 2012 to ensure completion of the FY11 revaluation activities and begin preparing for the next revaluation.

(12-0360)  BUDGET AMENDMENT - (CARRY FORWARD OF UNSPENT FUNDS)

Approve the carry forward of the following expenditures to FY2013:

- $6.7 million for the Medicaid Waiver implementation
- $4.3 million for technology for Public Health Department transition
- $4 million for upgrading/replacing jail security systems (hardware and software)
- $4 million for the Sheriff’s Office public safety radio replacement, vehicle replacement, weapon replacement (including ammunition) and food services/laundry equipment replacement
- $300,000 for election primary run-off.

(12-0336)  CONSULTANT SELECTION - HVAC REPLACEMENT

Authorize the County Manager to negotiate fees and execute contracts with Maloney Engineering, McKnight-Smith-Ward-Griffin Engineers Inc, and REFRESCO for design services for HVAC replacements in ten County-owned buildings. If negotiations with one of the firms are unsuccessful, authorize the County Manager to negotiate with the other firms for the remaining projects.

(12-0338)  AIR POLLUTION CONTROL PROGRAM, SECTION 105, GRANT APPLICATION

Approve the submission of the County's FY13 & FY14 Clean Air Act Section 105 continuing Federal grant application.

(12-0341)  DESTRUCTION OF FINANCE DOCUMENTS - LUESA

Approve the disposal of LUESA (Solid Waste) records in accordance with the State of North Carolina Record Retention statutes.

Note: The records to be destroyed in accordance with the State Records Retention and Disposition Schedule, established by the NC Department of Cultural Resources, Division of Archives and History are comprised of:

- Solid Waste Accounts Receivable Records (Collection Reports, Check Logs, Duplicate Statements, and Accounts Uncollectable) from FY09 and older
- Solid Waste Landfill Tickets from FY09 and older
- Scrap Tire Rebates from FY05 and older
- US Tire Payments from F05-FY09
- Community Development records from FY99-FY03
- Republic Waste Contract payments from FY99-FY06
- Engineering contracts from FY00-FY04
- Accounting files: Accounts Payable, Purchasing from FY97-FY09
- Solid Waste contracts prior to FY04
- Miscellaneous contracts prior to FY04
- Storm Water Bond projects prior to FY04
- Motor Maintenance records from FY94-FY03
- Property Tax Refunds from FY02-FY04
- Administrative Files- Projects from FY04-FY08
(12-0350) INSURANCE REIMBURSEMENTS

Recognize, receive and appropriate funds in the amount of $4,259 for Business Support Services Agency-Asset & Facility Management, $1,835 for Park & Recreation and $2,779 for Sheriff.

Note: All reimbursements are for stolen and damaged items.

(12-0354) CONSTRUCTION CONTRACT - FOXHOLE LANDFILL RECYCLING CENTER

Authorize the County Manager to negotiate and execute a contract with Blythe Construction, Inc. for the Foxhole Landfill Recycling Center project in the amount of $1,088,403.

(12-0355) PURCHASE OF ONE-TON INMATE TRANSPORT VANS - SHERIFF’S OFFICE

Approve a unit price contract for one-ton inmate transport vans to Parks Chevrolet of Charlotte, NC for a term of one year with the option to renew up to two additional one-year terms. The annual expenditure for this contract is estimated to be $114,693.

(12-0374) MEETING MINUTES

Approve minutes of Regular meeting held June 5, 2012 and Closed Session held June 5, 2012.

(12-0375) BOARD BULLETIN

As needed each week, the County Manager distributes to the Board a newsletter called "Board Bulletin" to keep the Board informed about policy matters and other key issues related to Mecklenburg County government.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12-0368) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Ellen Blaine to the Adult Care Home Advisory Committee for a three-year term expiring July 31, 2015.

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Lori Love to the Adult Care Home Advisory Committee for a one-year term expiring June 30, 2013.
ALCOHOLIC BEVERAGE CONTROL BOARD

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Cleveland Edwards and Jerry Hwang to the Alcoholic Beverage Control Board for three-year terms expiring June 30, 2015.

BOARD OF MOTOR VEHICLE REVIEW

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Dietrich Brown, Eric Little and Charles Roberts to the Board of Motor Vehicle Review for one-year terms expiring July 18, 2013.

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Charles Roberts as chairman of the Board of Motor Vehicle Review for the duration of his term, expiring July 18, 2013.

CHARLOTTE-MECKLENBURG COALITION FOR HOUSING

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Lori Thomas to the Charlotte-Mecklenburg Coalition for Housing as the education representative for a three-year term expiring June 30, 2015.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Jeanette Ayeni to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring September 30, 2014.

She replaces Azania Herron.

HISTORIC LANDMARKS COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint David Gieser to the Historic Landmarks Commission for a three-year term expiring July 31, 2015 and to nominate and appoint Mark Miller to the Historic Landmarks Commission for a three-year term, effective August 1, 2012 and expiring July 31, 2015.

He replaces William Hobbs.
INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Jeff Beebe and Paul Rossi to the Information Services & Technology Committee to complete their unexpired terms expiring February 28, 2013.

Note: Both failed to meet the attendance requirement for 2011. It was noted, however, that Mr. Beebe missed the requirement by four points and Mr. Rossi missed the requirement because of back surgery.

PARK AND RECREATION COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Brenda McMoore (Central Region 2), Charles McRee (Central Region 3), Norman Mitchell (At-Large) and Jeffery Tarte (North Region 2) to the Park and Recreation Commission for three-year terms expiring June 30, 2015.

PERSONNEL COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Elizabeth Walker to the Personnel Commission for a three-year term expiring June 30, 2015.

She replaces Clarissa Henderson.

PUBLIC ARTS COMMISSION

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Patricia Fletcher to the Public Arts Commission for a three-year term expiring June 30, 2015.

REGION F AGING ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Michelle Lucas-Webb to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2014.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Connie Ellington to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2014.

She replaces Hazel West.
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Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Marilyn O’Connor as an alternate to the Region F Aging Advisory Committee for a one-year term expiring June 30, 2013.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint David Robinson to the Waste Management Advisory Board for a three-year term expiring June 30, 2015.

He replaces Daryle Benson.

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Steve Pepper chairman of the Waste Management Advisory Board for the duration of his term.

PUBLIC HEARINGS

(12-0332) NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services submission of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2012-2013.

Chairman Cogdell 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 Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submission of an application for the NC Department of Transportation’s Rural Operating Assistance Program for fiscal year 2012-2013 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 2012-2013; and recognize, receive and appropriate grant funds when awarded.

Certified Statement recorded in full in Minute Book _____, Document # _______.

ADVISORY COMMITTEE REPORTS – NONE

MANAGER’S REPORT

(12-0358) REPORT ON COSTS/CHALLENGES OF 2014 OR 2015 REVALUATION

Cary Saul, director of Land Use & Environmental Services Agency, gave the Board a report on the estimated costs and logistical challenges involved in conducting the next revaluation in either 2014 or 2015. The following was noted and elaborated upon:

There are several challenges associated with conducting a county-wide revaluation in 2014 or 2015. These challenges fall into the following four broad categories:

1. Staffing and other resources available
   a. Existing staff working on appeals process for two more years
   b. Implementing CAMA upgrade through at least mid-2014
   c. Listing and assessing new construction
   d. Enhancing customer service

2. Cost
   a. Outsourcing revaluation costs estimated to be $10 million (revised estimate $9 million)

3. Inconsistent with revaluation purpose and standards
   a. Revaluation in 2014 or 2015 unlikely to gain additional equity of assessed values
   b. Unlikely that a revaluation would be warranted based on standards (e.g., sales ratio)

4. Unrealistic expectations creating additional public anger and distrust
   a. New revaluation would establish unreasonable expectations of significant value changes, resulting in additional public anger and distrust with revaluation process

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

Comments

Commissioner Dunlap asked about the expected outcome of a 2014 revaluation versus a 2015 revaluation. Director Saul said staff would probably be in a better position to undertake another revaluation process in 2015 depending upon whether or not all of the current appeals get cleared within the next year or so. In addition there’s the revaluation review that’s being done and there’ll be recommendations for service enhancements and improvements to the process which may be in place by that time as well.

Commissioner Dunlap asked at what point would or should the Board determine when it wanted to do revaluation. Director Saul said staff previously recommended that the Board look at the assessment sales ratio, which the state calculates every year and shares that information with the County in April of every year. Director Saul said if the assessment sales ratio drops to 92% or less or increases to 108% that would be the trigger to set revaluation two years from that date. Director Saul said that recommendation was presented but no action was taken.
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Director Saul said if in April of 2013, the County receives an assessment sales ratio of 108%, then staff would inform the Board that a revaluation would be needed in 2015.

Commissioner Roberts asked was it correct that in order to conduct a revaluation in 2014, the Board needed to have voted two months ago in order to meet the timeline requirements. Director Saul said if the Board was to totally privatize it, and instruct staff tonight to do it in 2014, staff would go out and get proposals, award a contract and a firm could have it done. He said staff, however, would need more than 18 months to get things in place.

Commissioner Bentley said when the Board gets to the point of discussing the next revaluation, she would like to know what the cost would be to do it in-house versus outsourcing it.

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

Commissioner Pendergraph said a 2014 revaluation should still remain as an option.

Tax Assessor Garrett Alexander explained that the sales ratio was a comparison of what a house is selling for now, to its assessed value on the revaluation date. The fact that it’s a 100% now means sale prices are above where the assessed values are. Further, that value is carried until the next revaluation is done.

Commissioner Bentley returned to the dais.

Bob Bruton addressed this issue. He asked the Board not to make a decision regarding a 2014 revaluation until after it received the audit report of the 2011 Revaluation.

County Manager Jones said there was an editorial in today’s paper regarding revaluation and contrary to what the article stated, County staff was very interested in the results of an outside audit. County Manager Jones said he did not recall saying that an outside review was unnecessary and inappropriate.

County Manager Jones said he recalled sharing with the Board when the issue of hiring an outside auditor was discussed, was that the County had a built in audit process already through its Board of Equalization and Review and if questions aren’t answered at that level, the state property tax commission also serves as auditors.

County Manager Jones said he wanted the record to show that “tonight we have done exactly what this board has asked us to do; and that is, to provide you and the public with what we believe to be the costs and challenges associated with conducting a revaluation in 2014.”

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

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

STAFF REPORTS & REQUESTS

(12-0339) SALE OF PROPERTY TO FIBER MILLS, LLC

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Sell Property to Fiber Mills, LLC.”

Note: The County owns a 5.065 acre tract (tax parcel 078-425-12), located at 900 West 12th Street, which is the location of the County’s fleet maintenance facility. Fiber Mills, LLC (“Fiber
Mills”) owns adjacent property known as the North Carolina Music Factory, and has leased a +/- 17,683 square feet portion of County Property since 2008 which is being used as a portion of the North Carolina Music Factory amphitheater located on the Fiber Mills property. The County is discussing with NCDOT and the City of Charlotte the possibility that NCDOT will buy right-of-way from the County through the County Property for construction of a new road leading from Maxwell Court to Hamilton Street (“Maxwell Court Extension”). Fiber Mills desires to purchase the entire County Property, or as much as would remain if NCDOT purchases the right-of-way for the Maxwell Court Extension.

Prior to the above vote, Mark Hahn, Director of Asset and Facility Management presented this matter to the Board.

Resolution recorded in full in Minute Book _____ Document # ________.

(12-0367) UPDATE ON GREENVILLE CENTER

The Board received an update from CJS and CMPD staff on the Greenville Center. Fran Cook, Director of the Gang of One program with the Charlotte-Mecklenburg Police Department gave the update. She was joined at the podium by Titus Ivory, Center Coordinator for the Gang of One and Major John Diggs with the Charlotte-Mecklenburg Police Department.

Note: The Board has provided grant funding to Charlotte Mecklenburg Police Department to re-open the Greenville Center and provide gang prevention programs, including a culinary program.

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

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

(12-0321) BUDGET AMENDMENT - SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to:

1. Recognize and appropriate for the Sheriff’s Special Revenue Fund, $165,331 from Inmate Commissary.

2. Recognize and appropriate for the Sheriff’s Special Revenue Fund, $76,842 from Vocational Facility Telephone Revenue.

Note: 1. All funds collected through Jail commissary operations are to be used for inmate education, library and self-sufficiency programs, as well as supplies and equipment to support programs. 2. All funds received from 16.8 percent of commissions from the inmate telephone system are to be used for inmate vocational educational programs.

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

(12-0330) BUDGET AMENDMENT - COMMUNITY SUPPORT SERVICES (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to recognize, receive and appropriate $15,925 of additional revenue to be generated from fees, charges and donations.
Note: Community Support Services anticipates additional fees and charges in the amount of $14,663 to be collected from Nova program client sessions before June 30, 2012. Also, $1,262 of contributions have been received by various Community Support Services programs.

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

(12-0333) BUDGET AMENDMENT - UNSPENT VENDING FUNDS/SHERIFF’S OFFICE (CARRY FORWARD)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to approve a carry forward and appropriation to FY2013 the balance remaining (not to exceed $25,000) from vending machine revenue at June 30, 2012.

Note: The funds collected from the vending machines are from Sheriff’s Office employees and the funds are used for employee recognition and other employee activities approved by the Sheriff and/or Chief Deputy.

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

(12-0370) BUDGET AMENDMENT - DSS (REVENUE DECREASE)

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

1. Reduce Crisis Intervention Program (CIP) budget by $979,442.
2. Reduce Job Boost Program budget by $500,000.
3. Reduce Family Violence Prevention and Services budget by $4,224.

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

(12-0373) BUDGET AMENDMENT - DSS COMMUNITY TRANSPORTATION PROGRAM GRANT (CARRY FORWARD)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the carry forward of $68,500 from FY12 Federal Transit Administration (FTA) Sect. 5311 Community Transportation Program Grant funds to FY13.

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

(12-0366) NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF JUVENILE JUSTICE

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes to:
JUNE 19, 2012

1. Recognize and appropriate FY13 Department of Public Safety - Division of Juvenile Justice (formerly Department of Juvenile Justice and Delinquency Prevention) funds in the amount of $641,572.

2. Approve revised FY13 program plan recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

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

(12-0343) CHARLOTTE-MECKLENBURG REGIONAL HOUSING CONSORTIUM RENEWAL

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to adopt Resolution entitled: Resolution authorizing County Manager to Execute the Charlotte-Mecklenburg regional Housing Consortium Joint Cooperation Agreement for Federal Fiscal Years 2013, 2014, 2015 and Subsequent Three-Year Qualification Periods.

RESOLUTION AUTHORIZING COUNTY MANAGER TO EXECUTE THE CHARLOTTE MECKLENBURG REGIONAL HOUSING CONSORTIUM

JOINT COOPERATION AGREEMENT FOR FEDERAL FISCAL YEARS 2013, 2014, and 2015 AND SUBSEQUENT THREE-YEAR QUALIFICATION PERIODS

WHEREAS, the Cranston-Gonzalez National Affordable housing Act of 1990, as amended, authorizes units of general local government to enter into cooperation agreements and form a Consortium to undertake or assist in undertaking affordable housing pursuant to the HOME Investment Partnership Program; and

WHEREAS, the Mecklenburg Board of County Commissioners has elected to continue to participate in the Charlotte Mecklenburg Regional Housing Consortium for the Federal fiscal years 2013, 2014, and 2015 qualification period; and

WHEREAS, participation in the Charlotte Mecklenburg Regional Housing Consortium will automatically renew for successive three-year qualification periods unless Mecklenburg Board of County Commissioners or its designee provides written notice of its election not to participate in the Consortium for a new qualification period, as specified in the Charlotte Mecklenburg Regional Housing Consortium Joint Cooperation Agreement; now, therefore be it

RESOLVED by the Board of County Commissioners that:

1. Mecklenburg County hereby elects to continue to participate in the Charlotte Mecklenburg Regional Housing Consortium and to become a party to and enter into the Charlotte Mecklenburg Regional Housing Consortium Joint Cooperation Agreement for the three-year qualification period, October 1, 2012-September 30, 2015, and for such successive qualification periods as may be applicable pursuant to the terms of said Cooperation Agreement;

2. That County Manager Harry L. Jones, Saris authorized to execute said Cooperation Agreement on behalf of Mecklenburg County; and

3. That this resolution shall be effective upon its adoption.

BE IT FURTHER RESOLVED that the Charlotte Mecklenburg Regional Housing Consortium Joint Cooperation Agreement shall be appended to this resolution and made part of the official minutes of the Board for this date.

Resolution recorded in full in Minute Book ______ Document # ________.

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

(12-0369) TRANSFER GOLF FEES TO THE GOLF COURSE CAPITAL RESERVE FUND
Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve transferring $175,000 in golf fees collected in FY2012 to the Golf Course Capital Reserve Fund.

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

Note: Commissioner Clarke took a point of personal privilege and informed the Board of the Audit Review Committee that was held today. The following was noted:

- The committee met with the County’s independent auditors, Cherry, Bekaert & Holland who went over their audit plan.
- An audit is done of the County’s financial statements and a single audit is also done.
- The single audit is more of a compliance review of the way the County is administering programs, social welfare programs primarily, that are funded by the federal government and state government.
- The audit of the County’s financial statements will probably be available in October.
- The Committee also heard from the director of the County’s Internal Audit Department regarding its accomplishments, challenges, and goals going forward.
- The Department of Social Services and Area Mental Health outsourced a lot of their functions to small non-profit organizations and its required that they provide the County with audited financial statements. This request has turned out to be a challenge for some of the smaller organizations because the revenue they have is small and it’s expensive to get an audit. Therefore, the Audit Review Committee concluded that the audit rule should be waived for those organizations that received a very small amount of revenue from the County and instead require them to get compilation by a CPA or a review.

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:15 p.m.

__________________________
Janice S. Paige, Clerk

__________________________
Harold Cogdell, Jr., Chairman
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 3, 2012.

ATTENDANCE

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

Absent: Commissioner Bill James

-Informal Session-

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

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0371, 12-0376, 12-0377, 12-0384, 12-0407, 12-0417.

STAFF BRIEFINGS - NONE

(12-0412, 12-0398, 12-0399) CLOSED SESSION - TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A)(1), LAND ACQUISITION AND CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel 015-071-01.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(A)(1), Land Acquisition and Consult with Attorney.

The Board went into Closed Session at 5:15 p.m. and came back into Open Session at 6:20 p.m.
Commissioners Cooksey and Dunlap were present when the Board came back into Open Session. They entered the meeting during Closed Session.

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

-Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Pendergraph, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

Prior to the start of the business portion of the meeting, Commissioner Cooksey requested a point of personal privilege and made the following remarks.

“When I called Harold this morning and realized I was probably feeling well enough to come and do this, this evening. I thought, well, I can sit down and write out some poignant remarks that I could read and would get all the things out on the table I’ve been wanting to say; but then I said that would be a waste of a really good afternoon. So, I am going to speak from the heart this afternoon. I first want to say, I never thought in all my years that I’d be able to use this and really mean it, but, I want to point out to the news media that’s out there, that the rumors of my demise have been greatly exaggerated. I am still alive and kicking. I am looking towards this time of my life as a time to reconnect, a time to share memories with people that I have known since childhood. I had a visit on Saturday with probably my oldest friend, who I met in the third grade and we still stay in contact. So, it’s been a real time of blessing for me. I also wanted to spend a moment and thank the Charlotte community for the way they’ve reached out to me and my family and loved ones. It’s really been unbelievable. I know that I’ve taken some actions to kind of maintain my privacy. I don’t do that lightly, but if you know somebody who is going through a difficult time in the hospital, it’s hard enough to get any rest in the hospital as it is, but it’s near impossible to get any rest in the hospital if you have visitors coming through the door. So, I apologize if some people felt excluded, but you’re not the only one, everybody else has been excluded too. I would like to recognize at this time probably the one person that has helped me get this far through this journey, the love of my life, my wife Allison. Allison if you would stand up. I call Allison my caregiver. She has been more than that. She’s helped me get through the maze, that is the hospital system. If you ever go through the hospital system, find somebody that you trust, that can stand by your side. If you find someone who can do it anywhere like she can, then you’ll truly be a blessed person. Also, in the audience is my brother and my daughter. Abigail stand up. Abigail just finished her freshman year at Chapel Hill. I couldn’t be more proud of you. Abigail’s name means “A Father’s Source of Joy.” She certainly has been that for me throughout her entire life. Hailing from Wyoming is my brother Greg. He’s out here from Wyoming. I want to talk a little about where I am in life and where maybe all of us should be. I’ve learned through this process a lot about the historical dichotomy between the ways of science and the ways of faith. The ways of science in my current condition say that I’m incurable. Basically, that there is not a path forward that will take me into a long term sustainable course. That’s because doctors don’t understand everything about the human body that there is to understand. There’s another way out there too, and that’s the ways of faith; and the ways of science are certainly un-understandable and miraculous. Two and half years ago when I first got this diagnosis, I thought there was about a zero percent chance I’d be here today; and I’m still here. I’ve probably had, despite all the setbacks, some of the best two and half years that I’ve ever had in my life. I’ve done things with my kids and my wife that I’ll never forget and hope they never forget. It’s been a real blessing. So, tonight, I guess what I want to say is, it’s that ways of faith that I want you to focus on. I want you to focus on lifting up those who are down trodden and needy. Doing something out of the ordinary or unexpected for somebody that you don’t know. Just praying without ceasing. Make your whole life be a prayer to Christ above. I’m not praying, so I think I’m allowed to say
that Marvin. Let your whole life be a prayer. I guess I’d like to close by just suggesting to you, well actually, I do want to add a little politics to this, this being the fourth of July there was something I wanted to say about politics that I think is appropriate. Many of you know that I am kind of an Abraham Lincoln fan and recently I was reading a portion of a biography of Abraham Lincoln about the Lincoln/Douglas debates and that was an election, an important election in a frontier state that was a long way from the center of what was then the metropolis, the center of our country. They had 10, 11 or 12 debates. I can’t remember what the number is, but they would have thousands of people come and listen to those debates and thousands more people read the texts of those debates in the paper the next day. This was before we had all the recording equipment and all the other stuff that we have today so people from the newspaper would take notes and jot down what transpired and they printed it the best they could word for word and people would read it, word for word, in the paper the next day; that was the level of interest in our political culture back then. I pray for this nation as we move forward, that we have that level of interest again; that we really have a new birth of freedom and a new birth where people take seriously their rights, their obligations as citizens of this country. If more people would get involved in the political process and elect representatives that they’re truly proud of, and they truly respect; then a lot of these issues that we see in the newspaper everyday would go by. But, I’m afraid and I’m ashamed to say that I think a lot of our issues either evolve out of apathy or people wanting to “toot” their own horn and be more than just wanting people to make a career out of politics as oppose to making it an avocation and duty. I respect my colleagues here who have decided to go on and try for higher offices. I wish you both luck in your race. I hope you have a very civil race. My hope is that as we move into this election season, we, and I frankly have been guilty of this as much as other people, have more civility. It’s easy to say, but have more civility in our political discourse. I realize how important that is now, looking back on my two and a half year terms of public service. So, I leave with you tonight, with just this one admonition, when you get home tonight, first of all I thank you for coming out and showing your interest in public affairs tonight, but when you get home tonight, there are special people in your life that you spend time with, that you care enough to build a life together, make sure that you hug that person a little extra harder, that you go out of your way to be a little extra nicer. One of the things that you realize in a hospital, is that you’re completely dependent upon other people for your care and if you’re an ogre in the hospital you’re not going get very good care, likewise, if you’re an ogre to your husband or your children, I think you can expect them to be an ogre right back at you and it’s a vicious cycle. So be a little gentler, a little more loving and it’ll serve you well. So, with that, I’m not going stay for the meeting tonight. I wanted to just say goodbye in my own way and hope that you guys have a productive meeting. I may go watch NCIS. I leave you guys to your devices and the Lord willing I’ll see you at the August meeting. Okay.”

Commissioner Cooksey excused himself from the meeting and was absent for the remainder of the meeting. Commissioners and staff embraced Commissioner Cooksey upon his departure and wished him well.

AWARDS/RECOGNITION - NONE

(12-0400) PUBLIC APPEARANCE

No one appeared to speak during the Public Appearance portion of the meeting.

(12-0402) NOMINATIONS/APPOINTMENTS

BUILDING DEVELOPMENT COMMISSION
Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Bernice Cutler to the Building Development Commission as the Charlotte Apartment Association representative for a three-year term expiring July 31, 2015.

CITIZEN’S CAPITAL BUDGET ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Richard Kingsberry and Chad Lacy to the Citizen’s Capital Budget Advisory Committee for two-year terms expiring July 31, 2014.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Charles Ashford to the Information Services & Technology Committee for a three-year term expiring February 28, 2015.

He replaces Edward Deason.

PERSONNEL COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Sheila Fetner to the Personnel Commission to fill an unexpired term expiring February 4, 2013.

She replaces Phillip Plott.

(12-0411) TOWN OF HUNTERSVILLE PLANNING BOARD

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint JoAnne Miller to the Town of Huntersville Planning Board as an Extraterritorial Jurisdiction (ETJ) representative as recommended by the Town of Huntersville Board of Commissioners for a three-year term effective July 1, 2012 through June 30, 2015.

(12-0422) ALCOHOLIC BEVERAGE CONTROL BOARD CHAIRMAN

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to reappoint Cleveland Edwards as Chairman of the Alcoholic Beverage Control Board for the duration of his term.

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

PUBLIC HEARINGS

(12-0372) STREET NAME CHANGE - PORTION OF ODELL SCHOOL ROAD TO MALLARD CREEK ROAD, AND PORTION OF MALLARD CREEK ROAD TO RIDGE ROAD
JULY 3, 2012

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to open a public hearing to hear residents’ comments on the proposed renaming of a section of Odell School Road to Mallard Creek Road, and a section of Mallard Creek Road to Ridge Road.

Note: Due to the construction of I-485, some existing road alignments will change which will require name changes for portions of the affected streets as indicated on the site map provided. NCDOT has requested official street name change approval before it fabricates street signs. The actual changes will take place once road construction is completed in 12-18 months.

No one appeared to speak.

Motion was made by Commissioner Roberts, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the proposed renaming of a section of Odell School Road to Mallard Creek Road, and a section of Mallard Creek Road to Ridge Road.

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the renaming of a section of Odell School Road to Mallard Creek Road, and a section of Mallard Creek Road to Ridge Road.

(12-0406) COLLATERAL SUBSTITUTION FOR 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 153A-158.2 of the North Carolina General Statutes, as amended, for the purpose of considering whether the Board of Commissioners for the County (the “Board”) should acquire a parking facility known as the CPCC Deck #2, located on Fourth Street in Charlotte, North Carolina (the “Parking Deck”), from Central Piedmont Community College (“CPCC”).

The costs of constructing, renovating and equipping the Parking Deck were refinanced using the proceeds of the Mecklenburg County Public Facilities Corporation Refunding Limited Obligation Bonds, Series 2009 (the “2009 Bonds”). The County’s obligations with respect to the 2009 Bonds are secured by a deed of trust granting a security interest in certain property (the “Mortgaged Property”). The County wants to modify the deed of trust to release a portion of the Mortgaged Property and to add certain property, including the Parking Deck, as Mortgaged Property. In order to accomplish this, the County must acquire the Parking Deck from CPCC.

The Chairman announced that the notice of the public hearing was published in The Mecklenburg Times on June 22, 2012.

Motion was made by Commissioner Pendergraph, seconded by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to open the public hearing.

It was requested that the Clerk to the Board inquire to determine whether there were any persons who wished to speak at the public hearing. The names, addresses and testimony of the persons who were present and who offered comments on the proposed acquisition, or who responded in writing to the notice of public hearing, are as follows: None.
After the Board had heard all persons who had requested to be heard, Commissioner Jennifer Roberts moved that the public hearing be closed. The motion was seconded by Commissioner Jim Pendergraph and was adopted 6-0.

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

RESOLUTION AUTHORIZING AND APPROVING (1) THE ACQUISITION OF CERTAIN PROPERTY TO BE USED BY CENTRAL PIEDMONT COMMUNITY COLLEGE AND (2) THE MODIFICATION OF THE DEED OF TRUST SECURING THE COUNTY’S OBLIGATIONS PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT

WHEREAS, the proceeds of the Mecklenburg County Public Facilities Corporation’s (the “Corporation”) $223,980,000 Refunding Limited Obligation Bonds, Series 2009 (the “2009 Bonds”) were used by Mecklenburg County (the “County”) to, among other things, refinance the costs of building or improving Central Piedmont Community College’s (“CPCC”) Deck #2, located on Fourth Street in Charlotte, North Carolina (the “Parking Deck”);

WHEREAS, the County granted a lien on certain property financed or refinanced with the proceeds of the 2009 Bonds (the “Mortgaged Property”) by recording a Deed of Trust dated as of September 1, 2009 (the “Deed of Trust”) from the County to a deed of trust trustee (the “Deed of Trust Trustee”) for the benefit of the Corporation;

WHEREAS, the County wants to modify the Deed of Trust to (a) release a portion of the property, including the improvements thereon, known as the Behavioral Health Center and currently described as part of Parcel Two in Exhibit A to the Deed of Trust and (b) add the sites and improvements of the Parking Deck and the County’s Valerie C. Woodard Office Center to the Mortgaged Property;

WHEREAS, in order to add the Parking Deck to the Mortgaged Property, the County must acquire the Parking Deck from CPCC pursuant to Section 153A-158.2 of the North Carolina General Statutes;

WHEREAS, the County wants to lease the Parking Deck to CPCC for the term of the 2009 Bonds, after which the County will convey the Parking Deck back to CPCC;

WHEREAS, the Board of Commissioners of the County (the “Board”) duly conducted a public hearing today regarding the County’s acquisition of the Parking Deck from CPCC; and

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

(1) a Modification of Deed of Trust to be dated as of September 1, 2012 (the “Modification of Deed of Trust”), between the County and Regions Bank; and

(2) a Lease to be dated as of September 1, 2012 (the “Lease”) between the County and CPCC.

WHEREAS, the Board of Commissioners of the County wants to approve the acquisition of the Parking Deck and the modification of the Deed of Trust 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. Each of the Modification of Deed of Trust and the Lease, 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.

2. 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 acquisition of the Parking Deck and the modification of the Deed of Trust. Execution of the Modification of Deed of Trust and the Lease 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 acquisition and modification.

3. All actions of the County effectuating the proposed acquisition of the Parking Deck and modification of the Deed of Trust are hereby approved, ratified and authorized pursuant to and in accordance with the transaction contemplated by the documents referred to above.

4. This Resolution shall become effective immediately upon its adoption.

Commissioner Vilma Leake seconded the motion and the motion was adopted by the following vote:

Ayes: Commissioners Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Vilma Leake, Jim Pendergraph and Jennifer Roberts.

Noes: None.

Extract/Resolution recorded in full in Minute Book _____ Document # _____.

Commissioner Bentley returned to the dais.

ADVISORY COMMITTEE REPORTS

(12-0334) DOMESTIC VIOLENCE FATALITY REVIEW TEAM SECOND INTERIM REPORT

The Board received a report from the Domestic Violence Fatality Review Team. The presenters were Jane Harper, chair of the Domestic Violence Fatality Review Team, Kim Barker, vice-chair, and Kim Livingston.

Note: Session Law 2009-52, which authorized Mecklenburg County to establish a Domestic Violence (DV) Fatality Prevention and Protection Review Team, requires an annual report to the Board of County Commissioners.

It was noted that the ongoing themes as it relates to domestic violence involves Firearms, Substance Abuse, Jealousy, Rage & Perceived Loss of Control Over Victim, Families & Friends were Aware of the Domestic Violence.

The report included the following recommendations, each of which were elaborated upon.

- Name the Violence, Condemn It, and Raise Awareness about the Lethality Risk
JULY 3, 2012

- Enhance DV Safety Planning for Victims and Children
- Increase Frequency/Focus of Probation Contacts
- Promote Development of Workplace Policies Regarding DV
- Magistrate’s Office and Sheriff’s Office Need to Provide Privacy to Persons Seeking Protective Orders
- Faith Community Leaders Require On-going DV Education
- Supervised Visitation and Exchange
- Additional Need for Victim Advocates
- Improved Law Enforcement Response to 50B violations
- Inadequate Time for Hearing 50B Cases
- Explore Improvements to Batterer Intervention Programs
- Address Co-occurring Issues
- Restrict Access to Illegal Weapons

The report highlighted the following accomplishments of the Team, each of which were elaborated upon.

- Increase DV Training for Law Enforcement Officers
- Implement Lethality Assessments
- Increase DV Screenings Among Health Care Providers
- Increase Public Awareness about the statutory mandate for reporting to Child Protective Services when a juvenile has been exposed to DV.
- Continue to educate staff and the public about the lethality of domestic violence situations.
- Educate prosecutors to seek out defendants’ military records (when applicable) to strengthen DV cases—both homicide and non-homicide.
- Strengthened Relationships

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

Comments

Commissioner Leake addressed restraining orders. She said the procedures associated with restraining orders were “difficult, long and drawn out.” Commissioner Leake said an individual could go from one site, that’s not known to the public, to the courthouse and then discover they don’t have the appropriate paperwork; subsequently, that individual has to go back to the original site. Commissioner Leake suggested that once a victim appears, that they be given the appropriate information to avoid making multiple trips to the same site.

Commissioner Leake addressed protective orders.

Commissioner Leake said she hoped efforts were being made to reach out to parents and children as young as five years of age, that sometime display acts of violence or bullying in their interaction with other children.

Commissioner Bentley addressed the need for a magistrate, via satellite in North Mecklenburg County, as well as, in South Mecklenburg County. Commissioner Bentley asked whether this need had been discussed by the Team with the Chief Magistrate. Ms. Harper said they had not discussed this with the Chief Magistrate since they haven’t had a case in that area that involved a fatality. Ms. Harper said she appreciated Commissioner Bentley’s persistence on this matter.

Commissioner Bentley asked that the Team assist her in advocating for this need.

Commissioner Clarke asked if the Team planned to present their report to Charlotte City Council. The response was no, since this was a County established group.
Commissioner Clarke suggested consideration be given to presenting the report to Charlotte City Council, in light of the Charlotte-Mecklenburg Police Department’s involvement with these types of matters. Ms. Harper said they would follow-up on that suggestion.

Commissioner Roberts asked would the phone number for the Battered Women’s Shelter change, per their move to a new facility in December. Ms. Harper said she did not know but that was a good question.

Commissioner Roberts suggested if it was at all possible, that the number remain the same.

Commissioner Dunlap encouraged the Team to be proactive. He made that statement in light of the response to Commissioner Bentley’s question regarding discussions around having a magistrate in North and South Mecklenburg. Commissioner Dunlap said it was better to be proactive and have measures in place before an incident occurred.

Ms. Harper addressed the Team’s scope of work as outlined by the statute establishing the team. She said, however, that she would take the suggestions regarding the need for a magistrate in North and South Mecklenburg to the team for discussion and a possible recommendation.

Chairman Cogdell thanked the presenters for the report.

MANAGER’S REPORT

(12-0409) NAMING OF COUNTY FACILITY

The Board received a report from County Manager Jones on the process for considering the naming of a County facility.

Note: An application was submitted by Chairman Cogdell for the Board to consider naming the former Criminal Courts building located at 700 E. 4th Street, which is owned by the County, in honor of Judge Clifton E. Johnson.

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to schedule a public hearing on August 14, 2012 at 6:30 p.m. to receive public comment on the proposed naming of a County facility.

(12-0408) KNIGHT’S BASEBALL FINANCING PLAN UPDATE

The Board received an update from General Manager Bobbie Shields on the Knight’s Baseball Financing Plan.

Note: The Charlotte Knights were required to submit its Finance Plan to the County by June 30.

The following was noted:

- The Charlotte Knights have submitted their Finance Plan as was required.
- The Charlotte Knights have two sponsors confirmed and possibly two more forthcoming.
- Ballpark Construction Financing:
  - A Ballpark Construction Financing Sources spreadsheet was provided. General Manager Shields noted a correction to the spreadsheet that was originally provided to the Board. General Manager Shields said there was a line item that
showed $2 million for Capitalized Interest and Transaction Fees provided from ownership, however, the $2 million was a part of the $10 million on the equity.

- The Knights have a confidential construction loan commitment letter from lenders committing to lend the Knights $45 million.
- The Knights have a confidential confirmation of ownership contribution capacity from financial advisors, in the amount of $15 million.
- The Knights have provided a budget in the amount of $56 million, which is consistent with the $56 million identified financing.
- The Knights provided contractor certification of adequacy of sources to fund ballpark construction.
- The Knights provided an update on their Feasibility study.
- The Knights provided comparable market/ballpark attendance data.
- In the Development Agreement, the Knights have committed to play ball as long as they have a minimum attendance of 430,000.
- The Knights provided a schedule for construction.
- The Knights are required to begin construction by October 1, 2012.

No action was taken or required.

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

**12-0403) 2011 REVALUATION REVIEW**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to negotiate and execute an agreement with Pearson's Appraisal Service to serve as the reviewer of the 2011 Mecklenburg County revaluation.

Cary Saul, director of Land Use and Environmental Services Agency presented this matter to the Board.

Note: On May 1, 2012, the Board directed the County Manager to recommend a reviewer, specific scope of work and budget for conducting a review of the 2011 Mecklenburg County revaluation. The recommended reviewer was Pearson’s Appraisal Service. The specific scope of work, timetable (16 weeks) and budget ($254,400) proposed by Pearson's Appraisal Service was provided to the Board.

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

Commissioner Bentley asked that the following email exchange be entered into the record.

Pearson proposal

Bentley, Karen
Page 1of 2

From: Saul, Cary [Cary.Saul@mecklenburgcountync.gov]
Sent: Tuesday, July 03, 2012 2:36 PM
To: Bentley, Karen; Jones, Harry L.
Cc: McGillicuddy, John; William Putney
Subject: RE: Pearson proposal

Commissioner Bentley,

We have confirmed with Pearson’s Appraisal Services Inc. that the scope of work presented is intended to identify non-compliance areas in the 2011 Revaluation process. The final report will make recommendations for remedial or corrective measures to address the areas of non-compliance. The recommendations could include
actions to remediate or correct aspects of the 2011 revaluation as well as recommendations for changes in subsequent revaluations. Obviously, it would be up to the County if, when and how to proceed.

Please contact me if you any further questions.

Cary Saul
Director
Mecklenburg County
Land Use & Environmental Services Agency
700 N. Tryon St.
Charlotte, NC 28202
704-336-3725
Cary.Saul@MecklenburgCountyNC.gov

From: Bentley, Karen [mailto:kbentley@novanthealth.org]
Sent: Tuesday, July 03, 2012 11:21 AM
To: Jones, Harry L.; Saul, Cary
Subject: Pearson proposal

Good morning, Harry and Cary.

After reviewing the proposal from Pearson, I have a question. In the RFP we specifically stated that the vendor should:

3.1. Board of County Commissioners' Directions:

2) Develop lawfully permitted remedial or corrective measures designed to address any identified noncompliance areas in the 2011 Revaluation process;

And,

1) Detailed Scope of Work/Services

The Service Provider must provide a recommended and detailed scope of work/services to meet the directions provided by the Board in Section 3.1 above, as well as a scope for providing citizen involvement consistent with Section 3.2.

Pearson proposal Page 2 of 2

I do not see where Pearson addresses this in their scope of work. Can you provide some clarification around this? Thanks.

Karen
Karen. 'Bentley
Director, Community Relations
Presbyterian Healthcare
704-384-3651 (o)
704-316-8616 (f)
980-297-9670 (c)
k bentley@novanthealth.org

07/03/2012
End of Email

Commissioner Dunlap asked that Director Saul suggest to the reviewer that when they meet with the public to “be up front and say that this does not mean that your taxes will change.”
Motion was made by Commissioner Leake seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve releasing and appropriating to Charlotte Mecklenburg Schools (CMS) $18,555,613 of FY13 County funds currently held in restricted contingency based upon the Board of Education’s approved plan outlined in its June 26, 2012 meeting agenda item III(c) that provides all CMS employees a 3% Cost of Living Salary Increase and completes planned market adjustments.

Prior to the above vote, Sheila Shirley, Finance Officer for CMS addressed questions from Board members. Superintendent Heath Morrison was also present and addressed the Board.

Commissioner Leake asked of CMS, how much money was saved as a result of the closing of schools last year. Finance Officer Shirley said the total savings related to the continuous improvement project, which involved the closing of some schools, moving of some schools, consolidating schools, and a number of different items, that total net annual savings was $5.2 million.

Commissioner Leake asked how were the savings being utilized in the school district. Finance Officer Shirley said when the Board of Education adopted its budget for this year that it cut those dollars out of the budget because they’re considered an annual savings and they were looking for budget reductions. So those items that they were able to cut as a result of those consolidations and closings, those dollars were cut from the budget.

Commissioner Clarke asked of CMS how much more or less was the State of N.C. giving CMS this year compared to last year, not only taking into account what they are giving CMS as an appropriation, but then they tell you, you have to give them back a certain amount of money. Finance Officer Shirley said CMS has not received its final allotments from the state as of to date.

Commissioner Clarke asked of CMS that when they received final numbers from the state, to provide Commissioners with that information. Superintendent Morrison said they would provide that information to the Board.

STAFF REPORTS & REQUESTS

(12-0335) BUSINESS INVESTMENT PROGRAM GRANT AND ECONOMIC DEVELOPMENT GRANT: UNITED TECHNOLOGIES CORPORATION

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioner Pendergraph voting no, to adopt Resolution approving a Business Investment Program grant and an Economic Development grant to United Technologies Corporation for a total estimated amount of up to $1,351,596 and authorize the County Manager to negotiate and execute a contract.

Note: This project entails the relocation of United Technologies Corporation (UTC) Aerospace Systems headquarters to Charlotte. The project will include a capital investment of between $4 million and $14.54 million beginning in 2012. It will create 325 new jobs over the first five years with a minimum average annual wage of approximately $168,462, which is more than three times the required BIP annual wage of $45,610, and is 80% of the expected annual average wage of $210,578.

John Allen, Economic Development Director presented this matter to the Board.
Resolution recorded in full in Minute Book _____ Document # ______.

(12-0378) BUSINESS INVESTMENT PROGRAM GRANT: MSC INDUSTRIAL DIRECT CO., INC.

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioner Pendergraph voting no, to adopt Resolution approving a Business Investment Program Grant to MSC Industrial Direct Co., Inc. for a total estimated amount of up to $603,263 and authorize the County Manager to negotiate and execute a contract.

Note: MSC Industrial Direct Co., Inc. (MSC) is one of the largest direct marketers and premier distributors of Metalworking and Maintenance, Repair and Operations ("MRO") supplies to industrial customers throughout the United States. This project entails the establishment an auxiliary headquarters in Davidson. The project will include a capital investment of approximately $31 million. The investment will be in the construction of a 180,000 square-foot office building, parking structure, and new business personal property. It will create 400 new jobs over five years with a projected average annual salary of approximately $87,000.

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

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0380) SMALL BUSINESS REVOLVING LOAN FUND - CHAIRMAN COGDuell

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to direct the County Manager to explore all opportunities to provide economic development opportunities to micro businesses and report back to the Board.

Commissioner Dunlap presented this matter to the Board for consideration. His original thought was to ask the County Manager to evaluate the feasibility of a County administered small business revolving loan fund, however, at the suggestion of Commissioner Roberts, he agreed to amend his motion as stated above.

Commissioner Roberts said she was not comfortable with the County getting into the loan business in this fashion. She said there were other ways that assistance could be provided to small businesses, such as combining the permitting offices (City/County) or the County could explore leniency in permitting timeframes or tax penalties for small companies starting up.

(12-0405) FY12 PROGRAM REVIEW RESULTS

The Board received a report on the FY12 Program Review results. Monica Allen, Performance & Evaluation Manager and Charles Rutherford gave the report.

Note: The County began Program Review in 2003 that was modeled after the Federal Government approach to assess services. Since inception of the model in Mecklenburg County, staff have conducted numerous reviews of County services on relevance, performance and efficiency. Staff will also provide an update on the process moving forward for FY2013 and beyond.

The report addressed the following:

- Background of Program Review
JULY 3, 2012

- Current Methodology
- Performance Results
- Recommendations
- Efficiency Review Results
- Efficiency Methodology
- Efficiency Service Results
- Recommendations
- Conclusions
- Evolve Performance Evaluation

It was noted that in general, County services were meeting targets and have systems to collect and report data.

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

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

**COUNTY COMMISSIONERS REPORTS & REQUEST**

(12-0418) **SELECTION OF NACO VOTING DELEGATE**

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to select Commissioner Dunlap to serve as the County’s voting delegate for the 2012 National Association of Counties (NACo) Annual Conference to be held July 13-17, 2012 in Allegheny County, PA; and in the event the Board’s representative is unable to attend, authorize the president of the NC Association of County Commissioners (or his/her designee) to cast the County’s vote.

(12-0419) **SELECTION OF NCACC VOTING DELEGATE**

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to appoint Commissioner Roberts as the County’s voting delegate for the 105th Annual Conference of the North Carolina Association of County Commissioners to be held in Wake County, N.C., on August 16-19, 2012.

*Commissioner Pendergraph 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 5-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Leake, voting yes, to approve the following item(s):

(12-0327) **STORM WATER FEE - RESOLUTION ADOPTING THE CITY OF CHARLOTTE’S MINOR SYSTEM RATES**

Adopt the RESOLUTION AUTHORIZING INCREASING THE MINOR SYSTEM COST COMPONENT OF THE STORM WATER SERVICE CHARGES TO BE LEVIED WITHIN THE CITY OF CHARLOTTE

*Note:* the Board of Commissioners of Mecklenburg County that effective July 3, 2012 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:
JULY 3, 2012

- $5.08 per month for single family residences with less than 2,000 square feet of impervious area (lower tier)
- $7.48 per month for single family residences with 2,000 or more square feet of impervious area (upper tier)
- $124.70 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 _____ Document # ______.

(12-0359) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Monthly Financial Report for period ending April 2012.

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.

MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending April 2012

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>$ 8,893,442</td>
<td>$ 4,674,237</td>
<td>52.56%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>33,359,945</td>
<td>19,012,105</td>
<td>56.99%</td>
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<tr>
<td>Third Party/Other</td>
<td>75,756</td>
<td>37,037</td>
<td>48.89%</td>
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<tr>
<td>County</td>
<td>39,803,728</td>
<td>14,157,683</td>
<td>35.57%</td>
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<tr>
<td>Total Revenues</td>
<td>$ 82,132,871</td>
<td>$ 37,881,062</td>
<td>46.12%</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>$ 7,496,036</td>
<td>$ 5,232,546</td>
<td>69.80%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,236,062</td>
<td>6,952,632</td>
<td>52.53%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,320,056</td>
<td>3,921,906</td>
<td>53.58%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,076,186</td>
<td>10,402,525</td>
<td>73.90%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>7,775,537</td>
<td>5,072,875</td>
<td>65.24%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>22,157,265</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>10,071,729</td>
<td>6,298,578</td>
<td>62.54%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$ 82,132,871</td>
<td>$ 37,881,062</td>
<td>46.12%</td>
</tr>
<tr>
<td>Net (Revenues - Expenditures)</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

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

(12-0381) AREA MENTAL HEALTH FY2012 THIRD QUARTER REPORT

Recognize and receive the Third Quarter 2012 Area Mental Health Report.

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each
quarter of the fiscal year, the program director of the county program shall present to each 
member of the board of county commissioners a budgetary statement and balance sheet that 
details the assets, liabilities, and fund balance of the county program. This information shall be 
read into the minutes of the meeting at which it is presented. The program director of the 
county program shall provide to the board of county commissioners ad hoc reports as requested 
by the board of county commissioners.

FINANCIAL MANAGEMENT

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
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<td>Medicaid &amp; CAP</td>
<td>8,856,442</td>
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<td>State and Federal</td>
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<tr>
<td>Third Party/Other</td>
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<td>County</td>
<td>39,803,728</td>
<td>12,441,978</td>
<td>31.26%</td>
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<tr>
<td>Total Revenues</td>
<td>82,095,871</td>
<td>33,430,886</td>
<td>40.72%</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>7,496,036</td>
<td>4,709,599</td>
<td>62.83%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>13,236,062</td>
<td>6,159,799</td>
<td>46.54%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
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<td>43.60%</td>
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<tr>
<td>Adult Substance Abuse</td>
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<td>9,199,324</td>
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<tr>
<td>Local Management Entity</td>
<td>7,775,537</td>
<td>4,612,482</td>
<td>59.32%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>22,157,265</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>10,071,729</td>
<td>5,557,812</td>
<td>55.18%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>82,095,871</td>
<td>33,430,886</td>
<td>40.72%</td>
</tr>
</tbody>
</table>

Net (Revenues - Expenditures) 0 0 0%

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

(12-0382) CONSTRUCTION CONTRACT - TORRINGTON BRIDGE REPAIRS ON LOWER MCAPLINE CREEK GREENWAY

Award a construction contract to JD Goodrum Co., Inc. in the amount of $255,675 for the 
construction/repair of Torrington Bridge on Lower McAlpine Creek Greenway.

Note: The project site is located near the intersection of I-485 and Johnston Road, behind Pike’s 
nursery. Repairs include rebuilding the existing bridge abutments, installing prefabricated 
concrete ramps.

(12-0391) GRANT APPLICATION - ENVIRONMENTAL HEALTH (PUBLIC HEALTH/LUESA)

Approve submission of $60,000 grant application, Advancing Conformance with the Voluntary 
National Retail Food Regulatory Program Standards from US Food and Drug Administration to 
Mecklenburg County Health Department. This grant application is due July 15, 2012; and if 
awarded, recognize, receive and appropriate amount awarded through the grant period.

(12-0385) AMENDMENT TO BYLAWS - WASTE MANAGEMENT ADVISORY BOARD

Approve an amendment to the Bylaws of the Waste Management Advisory Board.
Note: The first proposed change identifies several specific individual and business interests that should be represented in the membership of the WMAB to provide a diversity of interests in waste management issues. The second proposed change to the Bylaws relates to the conduct of meetings to provide for broader participation of the membership, while still recognizing the need for member recusal from voting on matters of conflict.

(12-0386) ON-ROAD EQUIPMENT PURCHASE (LUESA)

Authorize the County Manager to award and execute a unit price contract for the purchase of one Tandem Drive Compressed Natural Gas (CNG) Rolloff Truck for a total amount of $190,933 to the following lowest responsible bidder:

Charlotte Truck Center
Tandem Drive CNG Rolloff Truck $190,933 per unit

(12-0387) SALE OF PROPERTY TO FIBER MILLS, LLC

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Sale of Property to Fiber Mills, LLC.”

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0389) RELOCATION OF COUNTY FLEET OPERATIONS – INTERLOCAL AGREEMENT RESOLUTION

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution for an Interlocal Agreement among the North Carolina Department of Transportation (NCDOT), the City of Charlotte (City) and Mecklenburg County (County).”

Note: Approval of this resolution will authorize the County Manager to negotiate and execute an Interlocal Agreement among the three parties consistent with the business terms in Exhibit B of the Resolution; and will authorize the County Manager to negotiate and execute an amendment to the Interlocal Agreement for Consolidation of Fleet Maintenance Operations with the City of Charlotte consistent with the business terms in Exhibit B of the Resolution.

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0390) EQUIPMENT LEASE - PITNEY BOWES POSTAGE EQUIPMENT

Authorize the County Manager to negotiate and execute a four-year lease for postal Equipment with Pitney Bowes.

(12-0392) SET PUBLIC HEARING - ROAD CLOSINGS/ABANDONMENT AT CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT

Set a public hearing at 6:30 p.m. on August 14, 2012 to hear all interested citizens who appear with respect to the abandonment and closing of roadways and their right-of-ways at the Charlotte-Douglas International Airport.

Adopt resolution declaring intent to abandon.
Resolution recorded in full in Minute Book _____ Document # ______.

(12-0393)  
RESOLUTION OF FIRE PROTECTION INTERLOCAL AGREEMENTS

Approve the Resolution of Fire Protection Interlocal Agreements with the Towns of Davidson, Huntersville and Mint Hill.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
APPROVING FIRE PROTECTION INTERLOCAL AGREEMENTS
WITH THE TOWNS OF
DAVIDSON, HUNTERSVILLE AND MINT HILL

WHEREAS, under Article 20 of Chapter 160A of North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise, or the contractual exercise by one government for another government, of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, N.C.G.S. §153A-233 provides that a county may maintain a fire department and provide financial assistance to incorporated volunteer fire departments, and may contract for fire-fighting or prevention services with counties, cities, or other units of local government, and may for these purposes appropriate funds not otherwise limited as to use by law; and

WHEREAS, the Mecklenburg Board of County Commissioners has established fire protection service districts that cover the entire unincorporated area of Mecklenburg County and has levied a property tax for every fire protection service district for the purpose of funding fire protection services in the unincorporated area of Mecklenburg County; and

WHEREAS, the County has offered to contract with the Towns of Cornelius, Davidson, Huntersville and Mint Hill for the Towns to provide fire protection services in the fire protection service districts located in the spheres of influence of the Towns by the Towns exercising the power granted to the County by N.C.G.S. 153A-233 to maintain a fire department and to provide financial assistance to incorporated volunteer fire departments in the unincorporated area of Mecklenburg County using funds to be provided by the County from the property taxes levied in the fire protection service districts, but Cornelius has already rejected this offer; now, therefore, be it

RESOLVED by the Mecklenburg County Board of Commissioners that the attached form of Interlocal Agreement is hereby approved, that the County Manager is hereby authorized to execute Interlocal Agreements with the Towns of Davidson, Huntersville and Mint Hill in substantially the form attached to this Resolution and to negotiate and execute any further ancillary documents or changes to the Interlocal Agreements as may be necessary, and that this Resolution shall be spread upon the minutes.

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0395)  
TAX REFUNDS

Approve refunds in the amount of $486,950.26 and interest as statutorily required to be paid as requested by the Tax Assessor resulting from clerical errors, audits and other amendments, including revaluation appeals.

A list of the refund recipients is on file with the Clerk to the Board.

(12-0396)  
RESOLUTION - REGISTER OF DEEDS REVIEW OFFICER
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,” in order to add Gregory L. Van Hoose as a Review Officer.

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0397) CITY OF GASTONIA RADIO SERVICE INTERLOCAL AGREEMENT

Adopt a resolution authorizing Execution of an Interlocal Agreement for Radio Service Between the City of Charlotte, Mecklenburg County and City of Gastonia.

WHEREAS, under North Carolina General Statutes §160A-461 and §153A-445, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, in December of 2003, the City of Charlotte and Mecklenburg County entered into an Interlocal Agreement consolidating all functions of the Public Safety Radio Network within Mecklenburg County under the City of Charlotte. That agreement provides that the City and the County will work together to promote regional participation in building a shared radio network (the “Regional Public Safety Radio Network”).

WHEREAS, on or about May 27, 2008 the City of Gastonia entered into an Interlocal Agreement for Access to and Service of Radio System under which Gastonia joined the Regional Public Safety Radio Network as a participant using Charlotte/Mecklenburg infrastructure (the “2008 Gastonia Radio Interlocal”).

WHEREAS, the City of Gastonia has now obtained funding to build its own radio subsystem to participate in the Regional Public Safety Radio Network instead of participating as a user on the Charlotte / Mecklenburg infrastructure.

WHEREAS, having Gastonia buy its own radio subsystem will enhance the technical capability and interoperability of the Regional Public Safety Radio Network.

WHEREAS, addition of the Gastonia radio subsystem will entail terminating the 2008 Gastonia Radio Interlocal and having the City of Gastonia, the City of Charlotte and Mecklenburg County enter into a new Interlocal Agreement for Radio Service.

WHEREAS, the City of Charlotte, City of Gastonia and Mecklenburg County now desire:

(a) to terminate by mutual consent the 2008 Gastonia Radio Interlocal and replace it with a new Interlocal Agreement for Radio Service, a copy of which is attached to this resolution as Exhibit A (the “Agreement”), and

(b) to authorize their respective City and County Managers to amend
the Agreement to incorporate any future changes that the parties may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do not impose any costs on the County that are not subject to reimbursement by the City of Gastonia.

NOW, THEREFORE, BE IT RESOLVED by the Mecklenburg County Board of Commissioners that the Agreement is hereby approved, that the County Manager is hereby authorized to execute such Agreement in substantially the form attached to this Resolution, that the County Manager is hereby authorized to terminate the 2008 Gastonia Radio Interlocal in accordance with the Agreement, that this Resolution shall be spread upon the minutes, and that the County Manager is authorized to amend the Agreement to incorporate any future changes that the County Manager, City of Gastonia and City of Charlotte may agree to from time to time regarding the radio service or support provided under the Agreement, so long as such changes do not impose any costs on the County that are not subject to reimbursement by the City of Gastonia.

Resolution/Agreement recorded in full in Minute Book _____ Document # ______.

(12-0410) LEASE FOR ATM MACHINES AT COUNTY FACILITIES

Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Fifth Third Bank” for ATM Machines at county facilities.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS
RESOLUTION DECLARING INTENT TO LEASE PROPERTY TO FIFTH THIRD BANK

WHEREAS, Mecklenburg County is the owner of several park and recreation, jail and general government facilities in Charlotte, NC; and

WHEREAS, Fifth Third Bank has submitted a proposal to lease space for one automated teller machine (ATM) at each of nine (9) Mecklenburg County owned facilities consistent with the following business terms:

Locations
(1) Mecklenburg County Courthouse
(2) Ray’s Splash Planet
(3) Mecklenburg County Jail Central
(4) Bob Walton Plaza
(5) Wallace Kuralt Center
(6) Hal Marshall Center
(7) Valerie C. Woodard Center
(8) Mecklenburg County Work Release
(9) Mecklenburg County Jail Annex

Lease Term
Five (5) years

Base Lease Rate
Tenant shall pay County 90% of all revenue after deducting all expenses, including operating expenses, interest paid, taxes, and depreciation
Option to Renew  County to have Two (2) options to renew for two (2) years each

Insurance  Bank shall carry comprehensive general liability insurance insuring against a combined loss of not less than $1,000,000.00 for each occurrence.

WHEREAS, the County BSSA-Asset and Facility Management has determined that the space that Fifth Third Bank desires to lease will not be needed by the County during the term of the lease; and

WHEREAS, pursuant to G.S. 160A-272 the Board of Commissioners has determined that it would be in the public interest for it to agree to the arrangement proposed by Fifth Third Bank; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners does hereby declare its intent to enter into a lease arrangement with Fifth Third Bank, as described above, and directs that the Clerk to the Board publish a notice of the Board’s intent to approve the lease arrangement with Fifth Third Bank at the Board’s August 14, 2012 meeting as required by law.

Resolution recorded in full in Minute Book ______ Document # ______.

(12-0413)  MEETING MINUTES

Approve minutes of Regular meeting held June 19, 2012 and Closed Session held June 19, 2012.

(12-0425)  BOARD BULLETIN

Receive the County Manager’s Board Bulletins published since the last Board meeting.

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

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, and Leake voting yes, to approve the following items:

(12-0371)  BUDGET ADJUSTMENT - AREA MENTAL HEALTH (REVENUE INCREASE)

Recognize, receive and appropriate NC Department of Health and Human Services funds of $1,026,563.

Note: The North Carolina Division of MH/DD/SAS has issued a three-way contract between Mecklenburg County Area Mental Health, Presbyterian Hospital and the NC Division of MH/DD/SAS in the amount of $1,026,563 in FY2013. The primary purpose of the contract is for the establishment and usage of new local psychiatric inpatient bed capacity at the local community level for indigent acute care. Mecklenburg County Area Mental Health will reimburse Presbyterian Hospital for actual services provided on a per day/per unit basis, and the NC Division of MH/DD/SAS will reimburse Mecklenburg County for the expenditures paid to Presbyterian.
(12-0376) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY13 FUNDING

Recognize, receive and appropriate Community Development Block Grant (CDBG) funds of $515,368 until expiration of the grant period for use in promoting development within low-income areas.

(12-0384) GRANT APPLICATION - CDC COMMUNITY TRANSFORMATION GRANT

1. Approve submission of a $2,500,000 grant application to Centers for Disease Control and Prevention for a Community Transformation Grant. This grant application is due July 31, 2012.

2. If awarded, recognize, receive and appropriate awarded funds for the grant period.

Note: In partnership with community stakeholders, the Mecklenburg County Health Department is requesting approval to apply for a Community Transformation Grant to support efforts to increase access to healthy foods, promotion of physical activity and cessation of tobacco products, to reduce chronic disease rates, prevent the development of secondary conditions and address health disparities.

(12-0407) PURCHASE AND LEASE AGREEMENTS - DRUG TESTING REAGENTS, SUPPLIES AND EQUIPMENT (SOLE SOURCE)

1. Authorize County Manager to negotiate and execute a unit price sole source contract with Siemens Healthcare Diagnostics Inc. of Columbia, SC for a term of five years to provide drug testing reagents and supplies. After the initial five year term, the contract will automatically renew annually with the option to terminate with notice. Based on the number of clients currently receiving these services, the annual expenditures for this contract is estimated to be $42,312.54.

2. Authorize County Manager to negotiate and execute a lease agreement for drug testing equipment and software with Siemens Healthcare Diagnostics Inc. of Columbia, SC for a term of five years. After the initial five-year term, the contract will automatically renew annually with the option to terminate with notice. The annual expenditure for the lease agreement is $9,612.

(12-0417) CHARLOTTE-MECKLENBURG SCHOOLS LEASE OF PROPERTY

Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Authorizing Charlotte-Mecklenburg Board of Education to Negotiate and Execute a Lease with Grace & Mercy Cathedral Ministries, Inc.”

Note: Charlotte-Mecklenburg Schools (CMS) proposes to enter into a lease agreement with Grace and Mercy Ministries, Inc. to lease property located at 2670 Dr. Carver Rd, Charlotte, North Carolina. This site then will be subleased to Project L.I.F.T. (Leadership and Investment for Transformation). The site will be known as the L.I.F.T. Institute, and will host 75-100 high school boys. L.I.F.T. is a public-private partnership that provides support, additional services, and educational enhancements for CMS students in the West Charlotte corridor, defined as West Charlotte High School and the 8 middle and elementary schools that feed into it.

North Carolina G.S. 115C-530 stipulates that operational leases of real or personal property for use as school buildings or facilities for three years or greater must be approved by a resolution adopted by the local board of county commissioners.
Resolution recorded in full in Minute Book _____ Document # _____.

Commissioner Leake removed these items from Consent for more public awareness.

________

Commissioner Pendergraph returned to the dais.

(12-0377) GRANT APPLICATION - WIC REGIONAL LACTATION TRAINING CENTER – HEALTH DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to:

1. Approve submission of a $180,000 grant application ($60,000 per year for three years) for continuation of the WIC Regional Lactation Training Center program from the NC Department of Health and Human Services, Division of Public Health, Women’s and Children’s Health Section. This grant application is due August 24, 2012.

2. If awarded, recognize, receive and appropriate funds for the grant period.

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

12-0398 CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, to:

Authorize the County Manager to:

Negotiate and execute necessary documents for the purchase of Tax Parcel 015-071-01 (+/- 89.45 acres) and 015-081-02 (+/- 48.447 acres) in the Town of Huntersville from the Trust for Public Land for $2,625,000; and

Negotiate and execute a lease between the County and Beatrice Sherrill for the single family home located on Tax Parcel #015-071-01.

Note: The property is in close vicinity to several large residential communities west of I-77 and south of Gilead Road in Huntersville that suffer from a lack of available public parks and outdoor recreation opportunities. The acquisition of this property will serve those neighborhoods and is consistent with the County’s adopted 2008 Parks Master Plan as well as the Town’s adopted 2020 Master Plan, which specifically identified the need for a 100+ acre active park west of I-77 and south of Gilead Road.

ADJOURNMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:01 p.m.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 14, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts

County Manager Harry L. Jones, Sr.

County Attorney Marvin A. Bethune

Clerk to the Board Janice S. Paige

Absent: None

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-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 Cogdell, after which the matters below were addressed.

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0416, 12-0420, 12-0423, 12-0437, 12-0440, 12-0442, 12-0443, 12-0451, 12-0454, 12-0462, 12-0463, 12-0465, and 12-0470.

STAFF BRIEFINGS - NONE

CLOSED SESSION - (12-0485) BUSINESS LOCATION AND EXPANSION, (12-0487) CONSULT WITH ATTORNEY AND (12-0500) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO N.C.G.S. 143-318.11(A) (9)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: Business Location and Expansion, Consult with Attorney and To Prevent Disclosure of Information that is Confidential pursuant to N.C.G.S. 143-318.11(a)(9).

The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 6:13 p.m.

Commissioner Cooksey was present when the Board came back into Open Session. He entered the meeting during Closed Session.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

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-FORMAL SESSION-

Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Pendergraph, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION

(12-0480) NACO ACHIEVEMENT AWARDS

The Board recognized Mecklenburg County programs that received Achievement Awards from the National Association of Counties (NACo). Roger Kortekaas with Public Service and Information presented the award recipients.

Note: The annual Achievement Award Program was begun by the National Association of Counties in 1970 to recognize innovative programs that modernize county government and increase services to residents. The Achievement Awards are non-competitive. Each application is judged on its own merits and not against other applications received. Awards are given in 21 different categories including children and youth, criminal justice, county administration, environmental protection, information technology, health, and many more. Mecklenburg County has been honored with seven Achievement Awards this year, plus a special honor for one of the programs that was selected “Best in Category.”

The 2012 Mecklenburg County department winners were:

• Community Support - Project Safe Neighborhoods Strengthens Enderly Park
• Park and Recreation - The Natural Element and Resources (NEaR) GIS Tool
• Park and Recreation - Urban Outdoors
• Park and Recreation - Cicada Watch: Mecklenburg County Brood XIX Magicicada Monitoring Project
• Department of Social Services - Comprehensive Quality Improvement Initiative-Working Together to Achieve
• Department of Social Services - Office of Consumer Advocacy
• Department of Social Services - Mecklenburg County DSS Community Resources Division Job Boost II Program

The National Association of Counties also recognized the Job Boost II program with its 2011 “Best in Category” award.

A copy of each program’s details is on file with the Clerk to the Board.

(12-0488) PUBLIC APPEARANCE

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

Blanche Penn addressed Men Taking Kids To School On The First Day. She encouraged fathers and father figures to participate in this annual effort.

Doris Spears informed the Board that the Silver Fox Cheerleaders, whose ages range from 55 – 77, would be competing on the state level in an event scheduled for September 27-28 in
Raleigh. Ms. Spears said the Silver Fox Cheerleaders mission statement is “To Provide an Outlet for Older Adults through Education, Participation, and Entertainment.

(12-0161) APPOINTMENT -- MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Tanya Blackmon to the Mecklenburg EMS Joint Agency Board of Commissioners as the Presbyterian/Novant Healthcare representative to fill the unexpired term of Mark Billings, expiring December 31, 2013.

(12-0447) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Frances Huntley-Christopher to the Adult Care Home Advisory Committee for a three-year term expiring August 31, 2015.

Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint David Gwilt to the Adult Care Home Advisory Committee for a one-year term expiring August 31, 2013.

He replaces James Guntrum.

AIR QUALITY COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Lauren Billheimer and Robert Statnick to the Air Quality Commission as General Public representatives for three-year terms expiring August 31, 2015.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Anthony Kent to the Air Quality Commission as a General Public representative for a three-year term expiring August 31, 2015.

He replaces Curtis Watkins.

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board by Commissioner Pendergraph: Ernest Barry, Chris Price, and Lloyd Scher.

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake,
Pendergraph and Roberts voting yes, to keep nominations open and continue to accept applications for appointment consideration to the Alcoholic Beverage Control Board until September 4, 2012.

Note: This matter will be back on the Board’s agenda September 18, 2012.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Matthew Lucarelli to the Building Development Commission as the Charlotte Chamber of Commerce representative to fill an unexpired term expiring July 31, 2013.

He replaces Jon Morris.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The following persons were nominated for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee by Commissioner Bentley: Mable Hemphill, Melandee Jones, Valarie Reed, and Nadia Vanderhall

Note: Appointments will occur on September 18, 2012.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Maurice Dunn, Kenneth Gjertsen and Mark Owen to the Information Services & Technology Committee for three-year terms expiring February 28, 2015.

They replace Pamela Gordon, John Lillard and Tomeko Smith.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Skip Hudspeth to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2015.

PERSONNEL COMMISSION

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Jeannine Sargent to the Personnel Commission to fill an unexpired term expiring June 30, 2013.

She replaces Carrie Cook.
STORM WATER ADVISORY COMMITTEE

Motion was made by Commissioner Dunlap, seconded by Commissioner James and
unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Pendergraph and Roberts voting yes, to nominate and appoint Zena Savoy to the Storm
Water Advisory Committee as the Residential Neighborhood representative for a three-year
term expiring June 30, 2015.

She replaces James Patterson.

(12-0498) APPOINTMENT - CENTRALINA ECONOMIC DEVELOPMENT COMMISSION -
PRIVATE SECTOR REPRESENTATIVE

Motion was made by Commissioner Dunlap, seconded by Commissioner James and
unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,
Leake, Pendergraph and Roberts voting yes, to recommend the appointment of Robert Hillman
as the Board’s private sector representative on the Centralina Economic Development
Commission to fill an unexpired term expiring December 2013.

He would replace Ron Leeper.

PUBLIC HEARINGS

(12-0453) GOODWILL INDUSTRIES BOND APPROVAL

Motion was made by Commissioner Bill James, seconded by Commissioner Karen Bentley and
unanimously carried to open the public hearing on the proposed financing of a revenue bond
project for Goodwill Industries of the Southern Piedmont, Inc.

No one appeared to speak.

Motion was made by Commissioner Bill James, seconded by Commissioner Karen Bentley and
unanimously carried to close the public hearing on the proposed financing of a revenue bond
project for Goodwill Industries of the Southern Piedmont, Inc.

The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the
“Authority”) intends to file an application with the Secretary of the North Carolina Local
Government Commission for approval of the financing of new special purpose projects and
refinancing of existing special purpose projects in Mecklenburg County, North Carolina for
Goodwill Industries of Southern Piedmont, Inc. (the “Company”), consisting of the acquisition and
improvement of social services facilities located at 16025 Lancaster Highway, Charlotte, North
Carolina and 14420 Statesville Road, Charlotte, North Carolina and the refinancing of the
Authority’s Series 2008 Bonds previously issued to finance the acquisition and improvement of
social services facilities located at 2515 Plantation Center, Matthews, North Carolina, 12716 South
Tryon Street, Charlotte, North Carolina and 2905 Mount Holly-Huntersville Road, Charlotte, North
Carolina, all for use as goodwill retail stores/donation sites in connection with providing workforce
development and job-force training services to disabled and disadvantaged individuals and other
individuals in the greater Mecklenburg County area (collectively, the “Project”), to be financed for
the Company by not exceeding $10,500,000 aggregate principal amount of bonds of the Authority.

The Project constitutes a “special purpose project” under and as defined in Section 159C-3(15a)(h) of the North Carolina General Statutes.

Attached as Exhibit A is a summary of a public hearing held by the Board of Commissioners
on August 14, 2012 as required by Section 159C-8(c) of the North Carolina General Statutes, which
public hearing related to the advisability of the Project and the issuance by the Authority of its revenue bonds (the “Bonds”) to finance the Project. Because the Authority’s application for approval cannot, under statute, be officially approved by the North Carolina Local Government Commission until, among other things, the Board approves in principle and finally approves the issuance of the Bonds for the purposes of paying all or part of the proposed Project, the Authority has recommended and requested that the Board pass a resolution approving in principle and finally approving the Bonds. Furthermore, the Board hereby acknowledges that the law firm of Pope Zeigler, LLC, Charlotte, North Carolina, has been approved by the Authority to serve as bond counsel in connection with the issuance of the Bonds and the Board deems it necessary to provide its approval of Pope Zeigler, LLC’s service as bond counsel for the financing.

Thereupon, Commissioner Bill James introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda materials:

RESOLUTION OF APPROVAL OF THE ISSUANCE OF NOT TO EXCEED $10,500,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT REVENUE BONDS OF THE MECKLENBURG COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A NEW PROJECT AND REFINANCE AN EXISTING PROJECT, ALL LOCATED IN MECKLENBURG COUNTY, NORTH CAROLINA, FOR GOODWILL INDUSTRIES OF SOUTHERN PIEDMONT, INC., AND APPROVAL OF BOND COUNSEL FOR THE FINANCING.

BE IT RESOLVED by the Board of Commissioners for the County of Mecklenburg:

Section 1. The issuance of not exceeding $10,500,000 aggregate principal amount of bonds (the “Bonds”) of The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the “Authority”) to finance a new special purpose project and refinance an existing special purpose project in Mecklenburg County, North Carolina for Goodwill Industries of Southern Piedmont, Inc. (the “Company”) is hereby approved in principle.

Section 2. Pursuant to and in satisfaction of the requirements of Section 159C-4 (d) of the General Statutes of North Carolina and Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board hereby approves the issuance by the Authority of the Bonds described herein.

Section 3. The Board hereby acknowledges receipt from Pope Zeigler, LLC, Charlotte, North Carolina, of a statement of qualifications to serve as bond counsel for the financing, and the Board hereby approves Pope Zeigler, LLC’s service as bond counsel.

Section 4. The Clerk to the Board of Commissioners for the County of Mecklenburg, North Carolina, is directed to file a certified copy of this resolution with the North Carolina Local Government Commission.

Section 5. This resolution shall take effect immediately upon its passage.

Commissioner Bill James moved passage of the foregoing resolution entitled:

RESOLUTION OF APPROVAL OF THE ISSUANCE OF NOT TO EXCEED $10,500,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT REVENUE BONDS OF THE MECKLENBURG COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A NEW PROJECT AND REFINANCE AN EXISTING PROJECT, ALL LOCATED IN MECKLENBURG COUNTY, NORTH CAROLINA, FOR GOODWILL INDUSTRIES OF SOUTHERN PIEDMONT, INC., AND APPROVAL OF BOND COUNSEL FOR THE FINANCING.
Commissioner Karen Bentley seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts

Noes: None

Abstaining: ________________________________

Extract/Resolution recorded in full in Minutes Book _____, Document # _____.

(12-0461) ROAD ABANDONMENT AND CLOSURE AT THE CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing to hear comments with respect to the abandonment and closure of three roadways and right-of-ways at the Charlotte-Douglas International Airport.

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

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the abandonment and closure of three roadways and right-of-ways at the Charlotte-Douglas International Airport; and adopt the Order For Abandonment and Closure Of Three Roadways And Their Right-of-ways At The Charlotte-Douglas International Airport.

Order recorded in full in Minutes Book _____, Document #______.

(12-0495) NAMING OF COUNTY FACILITY

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing on Mecklenburg County's proposal to name the Old Criminal Courts Building located at 700 East 4th Street as the "Judge Clifton E. Johnson Building" in honor of the late Honorable Judge Clifton E. Johnson.

Note: Chairman Cogdell initiated the request. According the Mecklenburg County Bar website, in 1969, Clifton E. Johnson made history in being the first African American hired (Mecklenburg County) as an Assistant State Prosecutor for North Carolina since the 19th century. He subsequently became the first African American District Court Judge of Mecklenburg County in 1969. Judge Johnson was North Carolinas first African American Chief District Court Judge in 1974 and the first African-American Resident Superior Court Judge for North Carolina in 1977. In 1978 he was one of two African-Americans first elected to a statewide office in North Carolina. He was appointed to the North Carolina Court of Appeals in 1982. He rose to the rank of Senior Associate Judge of the North Carolina Court of Appeals. While on the Appellate Court, Judge Johnson served as the state's first African American Chairman of the North Carolina Judicial
Standards Commission. He retired from the bench at the end of 1996. In May 2008, he again became part of the judiciary as a Recall Judge of the state’s Court of Appeals and as a North Carolina Emergency Superior Court Judge. In addition to breaking historic barriers and selflessly serving his community, Judge Johnson devoted himself to helping others do the same by actively working to facilitate the recruitment, hiring, retention and promotion of diverse individuals in the legal profession. Judge Clifton E. Johnson was selected, posthumously, as the recipient of the 2010 Julius L. Chambers Diversity Champion Award. According to the NC Central University School of Law, Judge Johnson was not in the habit of asking or encouraging others to do that which he himself would not. Through the years, Judge Johnson without substituting or compromising qualification and ability with race or gender, did not hesitate to integrate his staff of clerks. Judge Johnson married his high school sweetheart, Brenda Joyce Wilson, more than thirty-four years prior to his death in 2009. This union was blessed with two biological and two adopted children. Notwithstanding, his service to the legal profession, Judge Johnson cared daily for his disabled wife for years prior to her death and nurtured his four children.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on Mecklenburg County’s proposal to name the Old Criminal Courts Building located at 700 East 4th Street as the "Judge Clifton E. Johnson Building" and approve naming the Old Criminal Courts Building located at 700 East 4th Street the "Judge Clifton E. Johnson Building."

Commissioner Cooksey returned to the dais.

(12-0450) BID WITHDRAWAL -- MECKLENBURG COUNTY AQUATIC CENTER ROOF REPLACEMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open a hearing on DAVCO Sheet Metal and Roofing (DAVCO) request to withdraw its bid on the Mecklenburg County Aquatic Center Roof Replacement.

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, Pendergraph and Roberts voting yes, to close the hearing on DAVCO Sheet Metal and Roofing (DAVCO) request to withdraw its bid on the Mecklenburg County Aquatic Center Roof Replacement and adopt a resolution allowing DAVCO to withdraw its bid, resolution entitled Mecklenburg County Board of Commissioners Resolution Approving DAVCO Roofing and Sheet Metal Request To Withdraw Its Roof Replacement Bid On The Mecklenburg County Aquatics Center.

Resolution recorded in full in Minutes Book _____ document # _____.

ADVISORY COMMITTEE REPORTS - NONE

MANAGER’S REPORT

(12-0434) 2012 LEGISLATIVE REVIEW
The Board received a report on the 2012 session of the North Carolina General Assembly. Brian Francis, Assistant to the County Manager, Kevin Leonard, Deputy Director of the North Carolina Association of County Commissioners (NCACC), and Daniel Baum of Troutman Sanders gave the report.

Mr. Leonard addressed issues of statewide importance and Mr. Baum legislative issues specific to Mecklenburg County.

Note: The General Assembly adjourned on July 3, 2012.

The report covered the following:

- State Budget
- Human Services Flexibility
- Broadband
- Fracking
- Contingency Fee Audits
- Five Priority Goals in 2011-12 Biennium
- NCACC Legislative Goals Achieved in 2011-12 Biennium
- 2012 Short Session: Adjournment Report
  - Overview
  - Legislative Agenda Items
  - Tracked Bills
  - Studies

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

Comments

Chairman Cogdell asked if the NCACC had given thought to 1) bringing forward a constitutional amendment request to the General Assembly, 2) a request to place on the ballot a constitutional amendment, or 3) working with the State School Board Association, to require the State to adopt the budget by a date certain, prior to the end of the fiscal year. Mr. Leonard said to his knowledge that specific goal had not been raised during the NCACC goals process.

Mr. Leonard said the issue was brought up this past session by Speaker of the House Thom Tillis, who said local governments needed the certainty of having the state budget adopted prior to when their budgets have to become effective.

STAFF REPORTS & REQUESTS

(12-0457) AMENDMENTS -- FIRST WARD PROJECT LAND EXCHANGE AND DEVELOPMENT AGREEMENTS

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve amended terms to the First Ward Redevelopment — Economic Development Grant and Reimbursement Agreement and authorize the County Manager to negotiate final agreements for Board subsequent approval.

Note: A summary of the amended projects terms is on file with the Clerk to the Board.

John Allen, Economic Development Director presented this matter to the Board.
Comments prior to the above vote:

Commissioner Roberts asked was any of the square footage of the park being reduced. The response was no.

Commissioner Roberts asked had the park been designed. The response was the designed has not yet been finalized, thus there would not be any redesign of something that has already been designed.

Commissioner Leake asked if affordable housing was a part of this process. The response was yes, there would be 50 affordable housing units.

Commissioner Leake asked about the value of the County’s property and the Levine property, which was addressed.

Commissioner Cooksey asked for clarification on the Conceptual Plan map and location of the parking deck, which was addressed by Mr. Lee Cochran.

Commissioner Cooksey asked about the 10th Street Apartments which was addressed.

Commissioner Clarke asked if this matter had gone through a review by the Planning Commission. Mr. Cochran said all of their conversations with the City of Charlotte have involved Planning Director Deborah Campbell. He said the project had not gone through any formal review by the Planning Commission because he doesn’t think it’s required.

Commissioner Clarke asked about the timing of other development in the area which was addressed.

Chairman Cogdell asked about the total build-out which was addressed.

(12-0455) BUSINESS INVESTMENT PROGRAM GRANT: GENPAK, LLC

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt a Resolution approving a Business Investment Program Grant to Genpak, LLC for a total estimated amount of up to $276,043 and authorize the County Manager to negotiate and execute a contract.

Note: Genpak is headquartered in Glens Falls, New York. The company makes single-use food service items including cups, foam and plastic containers, and cutlery. It has 18 locations across the United States, including a facility on Westinghouse Boulevard that employs 120 people. The company is now adding paper bags to its product line, and will expand its existing Charlotte facility to produce the bags. The project will include a capital investment of approximately $15 million. It will create 80 new jobs over three years with a projected average annual salary of approximately $36,400. The County’s grant is equal to 90% of the net new taxes that will be paid by Genpak over three years and will be subject to the County’s standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis showed a present value of net benefits to the County of $105,618 over 6 years. The City of Charlotte will also provide financial assistance to this project and the State of NC will provide training assistance.

Resolution recorded in full in Minutes Book _____ Document # _______.

10
(12-0494) UPDATE ON CAPITAL FINANCING

The Board received a report on Capital Financing. Finance Director Dena Diorio gave the report. The following was covered:

Background
- Authorized/Unissued Debt as of June 30, 2009
- Debt Management Strategies
- Impact of Strategies
  - Reduced Outstanding Debt By 19.2%
  - Reduced Authorized/Unissued Debt by $558.6 million or 47.2%
  - Utilized pay-as-you-go in lieu of bond financing
  - Avoided interest expense estimated at $37.5 million
  - Bond authorizations allowed to lapse

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

Comments

Commissioner Dunlap asked about the County’s debt capacity in terms of bonds, which was addressed.

Commissioners James and Bentley complimented staff on the report.

Commissioner Leake asked for clarification regarding bond authorizations allowed to lapse, which was addressed.

Commissioner Clarke asked what would the next five years look like based upon what’s known about the current rate of issuing new debt and the County’s rate of paying off outstanding debt, which was addressed.

Commissioner Clarke asked where staff rank the current amount of debt outstanding in terms of whether the County was at the right point or too high, which was addressed.

Commissioner Clarke asked about pay-go which was addressed.

This concluded the presentation. No action was taken or required. The above is not inclusive of every comment.

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0481) DOCUMENTATION OF CMS STUDENT IMMIGRATION STATUS - COMMISSIONER JAMES

The following persons appeared to speak in opposition to the proposal put forth by Commissioner James and Co-sponsors Commissioners Bentley and Pendergraph, to request that Charlotte-Mecklenburg Schools (CMS) quantify the financial impact on the Mecklenburg County budget of illegal immigrants who attend CMS and request CMS to obtain documentation about students immigration status beginning with the start of the new school year in 2012: Briana Urbina, Jess George with the Latin American Coalition, and Hector Vaca.

They noted the following:
- Undocumented immigrants pay taxes
- The proposed request was unconstitutional
- “An attack on innocent children.”
AUGUST 14, 2012

Mr. Vaca said according to “the United Nations human rights to education guarantees every child access to quality schools, services, without discrimination, including quality teachers, curricula, and safe and welcoming school environments that respect human dignity.” Mr. Vaca said the proposed request intent “was not to look after the welfare of the taxpayer. Their intent was plainly and simply to stage an attack on the immigrant population and to deny innocent children the opportunity to a quality education.”

Commissioner Pendergraph said the intent of the request was not to take away the rights of children to an education.

Commissioner Pendergraph said the request was about being able to respond to constituents that ask him how much it costs to educate illegal immigrants who attend CMS. Commissioner Pendergraph said he’s been trying for at least two years to get an answer to that question.

Commissioner Pendergraph said this issue had nothing to do with “hate.” He said it was about getting information. He said the best guess, from what he’s been told, was that there were between 8,000-10,000 undocumented students in CMS and most were between the 8th & 12th grades. Commissioner Pendergraph said he didn’t blame the children because they were brought here by their parents.

Commissioner Pendergraph said the best guess on the cost to educate these children was about $100 million annually. Commissioner Pendergraph said he wanted to know if this was true or not.

Commissioner Pendergraph said he talked with a member of Congress, who was willing to introduce a federal bill for reimbursing a county for the costs of educating undocumented students.

Commissioner James said he felt Commissioner Pendergraph summarized the matter fairly “succinctly and eloquently.”

Commissioner James said this was about obtaining valid information that impacts the County’s budget.

Commissioner James said what this came down to was whether or not the County wants to ask CMS for information they should already have or if not, they should be able to bring it up.

Commissioner Bentley said she agreed to co-sponsor the request in the spirit of transparency and full disclosure, and taxpayer advocacy.

Commissioner Bentley said there was “no harm or discrimination intended” by the request.

Commissioner Dunlap said he felt this was about the media and politics, in light of it being political season.

Commissioner Dunlap said the figures mentioned were “substantially higher” than what it costs the community.

Commissioner Dunlap said there were children who were afraid to go to school because of issues like the proposed request.

Commissioner Roberts said she felt the proposed request was based on “wrong assumptions.”

Commissioner Roberts said there may be a lot of immigrants whose documents may be in process. She said they work and pay taxes.
Commissioner Roberts said she understood the frustration and challenges that local governments have to deal with because of “failed federal policies.” Commissioner Roberts said energy should be put into looking at immigration from a bigger picture.

Commissioner Roberts said the proposed request may result in unintended consequences.

Commissioner Cooksey said in light of Commissioner Roberts’ comments regarding looking at immigration from a bigger picture that perhaps the Board should add this matter to its federal legislative agenda and ask for a federal public policy that would require the information proposed by Commissioners James, Bentley, and Pendergraph from the school district.

Commissioner Cooksey said he supported the proposed action by Commissioners James, Bentley, and Pendergraph which was to request that CMS (Charlotte-Mecklenburg Schools) quantify the financial impact on the Mecklenburg County budget of illegal immigrants who attend CMS and request CMS to obtain documentation about students immigration status beginning with the start of the new school year in 2012.

Commissioner Cooksey said he supported the proposal because he felt the County needed to have and deserved the information, so that the Board could react to it appropriately.

Commissioner Cooksey said that didn’t mean the Board would necessarily go in and remove these kids from their classroom, but there may be things that could be done to structure programs that better suit this population.

Commissioner Cooksey said “we may be putting kids in programs that don’t suit their needs, because we don’t know what their immigration status is.” Commissioner Cooksey said there were some positive things that could come out of this as well.

Commissioner Clarke said he was going to vote against the proposed request.

Commissioner Clarke said it would be expensive to do and would put an additional “burden” on CMS administrators, “a huge one.” Commissioner Clarke said the Board would be “demanding” CMS to do more with less in a growing school system. “We’re demanding that they focus on core educational things and we want them to spend the money on that, we don’t want them doing unnecessary things.”

Commissioner Clarke said “the law of this land is that these children are entitled to a public education funded by the taxpayers in this country, just as any other child is.”

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

Commissioner Leake said this request reminded her of Brown vs. The Board of Education in 1954 and Swan vs. The Board of Education. Commissioner Leake said every child needs to be provided a “quality education.”

Chairman Cogdell said the proposed request could lead to “unintended and foreseeable” consequences, such as bullying. He said it could create an environment of separatism. He said there were children currently who would be impacted by this request because they would have to provide that information if asked by CMS to do so, which would have a “stigma and a psychological impact.”

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and failed 5-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, James, and Pendergraph voting yes, to request that CMS (Charlotte-Mecklenburg Schools) quantify the financial impact on the Mecklenburg County budget of
illegal immigrants who attend CMS and request CMS to obtain documentation about students' immigration status beginning with the start of the new school year in 2012.

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

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

(12-0433) REPORT ON PARK SAFETY - CHAIRMAN COGDELL

The Board received a report from staff on park safety, including security measures and agreements with law enforcement regarding park safety. Park and Recreation Director Jim Garges, and staff members Jeff Robinson and Greg Clemmer and Police Officers Kerr Putney and Freda Lester gave the report.

Note: The tragic loss of life recently at a public park (Theresa Elder Park) and subsequent comments by a resident of the neighborhood near the park raised concerns about park safety.

The following was covered:
- Key Facts regarding reported crimes in parks
- Mecklenburg County vs. Park and Recreation: Property Crime Comparison
- Mecklenburg County vs. Park and Recreation: Violent Crime Comparison
- Crime Hotspots January 2009-June 2012
- Crime Hotspots by Park Region January 2009-2012
  - Non-Aggravated Assault
  - Aggravated Assault
  - Armed Robbery
  - Strong Armed Robbery
  - Rape
  - Homicide
  - Larceny from Auto
- Security Measures

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

Comments

Commissioner Leake asked about lighting in parks, which was addressed.

Chairman Cogdell asked what should persons do if they observe suspicious behavior or individuals at parks after the park has closed. Officer Putney said they should call 911 and that they should call when they first see it, rather than after the fact.

Chairman Cogdell thanked the presenters for the report.

(12-0497) WOMEN'S EQUALITY DAY FUNDING - COMMISSIONER LEAKE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-1 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioner Bentley voting no, to appropriate $1,500 from FY2013 Unrestricted Contingency to Community Support Services to fund the Women’s Equality Day event to be held August 20, 2012.

(12-0486) AMEND THE BOCC 2012 ANNUAL MEETING SCHEDULE - CHAIRMAN COGDELL
AUGUST 14, 2012

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to amend the Mecklenburg County Board of Commissioners 2012 Annual Meeting Schedule to cancel the September 11, 2012 Budget/Public Policy meeting because there is no business to come before the Board at the September 11, 2012 Budget/Public Policy meeting.

CONSENT ITEMS

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve the following item(s):

(12-0401) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT


MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending May 2012

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Budget</th>
<th>Actual</th>
<th>Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid &amp; CAP</td>
<td>$ 8,893,442</td>
<td>$ 4,856,934</td>
<td>54.61%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>$ 31,000,095</td>
<td>$ 23,177,837</td>
<td>74.77%</td>
</tr>
<tr>
<td>Third Party/Other</td>
<td>75,756</td>
<td>38,645</td>
<td>51.01%</td>
</tr>
<tr>
<td>County</td>
<td>$ 39,800,837</td>
<td>$ 14,031,009</td>
<td>35.25%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>$ 79,770,130</td>
<td>$ 42,104,425</td>
<td>52.78%</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>$ 7,483,145</td>
<td>$ 5,703,753</td>
<td>76.22%</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>12,443,062</td>
<td>7,889,467</td>
<td>63.40%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>6,881,285</td>
<td>4,279,494</td>
<td>62.19%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>14,051,186</td>
<td>11,545,978</td>
<td>82.17%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>7,775,537</td>
<td>5,684,131</td>
<td>73.10%</td>
</tr>
<tr>
<td>BHC Randolph</td>
<td>21,594,186</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>9,541,729</td>
<td>7,001,602</td>
<td>73.38%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$ 79,770,130</td>
<td>$ 42,104,425</td>
<td>52.78%</td>
</tr>
</tbody>
</table>

Net (Revenues - Expenditures) 0 0 0%

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

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.

(12-0404) RETIRE CANINE OFFICER REX (SHERIFF’S OFFICE)
Retire and approve the donation of a retired Canine Officer to Deputy Sheriff Handler.

Note: This action will allow the Mecklenburg County Sheriff's Office (MCSO) to retire and transfer ownership of Canine Officer Rex to his MCSO Officer handler. The Canine Officer performed his duties faithfully and diligently and has reached the age and physical condition for retirement. The Canine Officer was specifically trained in certain law enforcement procedures and may behave unpredictably and perhaps in an aggressive manner as a result of such training. Therefore, the Canine Officer presents 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 the Canine Officer received. Such risk to public health and safety is not present when the Canine Officer is transferred to the care and keeping of his MCSO Officer handler. 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 officer that does not endanger public health and safety.

(12-0415) AMEND ORDINANCE -- PUBLIC GOLF COURSES CONSOLIDATED CAPITAL RESERVE FUND

Amend the Public Golf Courses Consolidated Capital Reserve Fund Ordinance to authorize 100% of golf fees (except The Tradition) to be set aside in the reserve fund.

Ordinance recorded in full in Minutes Book _____ Document # _____.

(12-0429) AUCTION FOR DISPOSAL OF VEHICLES AND EQUIPMENT

Approve the attached list (Exhibit A) as surplus, and

Adopt a resolution authorizing sale of surplus personal property by public auction on September 22, 2012 at 10:00 a.m. at 5550 Wilkinson Blvd, Charlotte, NC.

Resolution and Exhibit A recorded in full in Minute Book _____ Document # _____.

(12-0430) BUDGET AMENDMENT -- HEALTH DEPARTMENT (REVENUE INCREASE)

Recognize, receive and appropriate Cities Readiness Initiative funds in the amount of $38,736 from the NC Office of Preparedness and Response for planning during the upcoming Democratic National Convention.

Note: The Cities Readines Initiative funds (CRI) will pay for the cost of two part-time planners who will assist the Mecklenburg County Health Department staff with preparing for all aspects of the Democratic National Convention (DNC). They will assist in strengthening plans to respond to potential communicable disease threats during the Democratic National Convention (DNC). They will coordinate with local, state and federal public health partners and will be available to provide support during the DNC and will assist in post-event action reports.

(12-0431) GRANT APPLICATION -- CATAWBA-WATereeH HABITAT ENHANCEMENT PROGRAM (HEP)

Approve submitting a $36,000 grant application for a Catawba-Wateree Habitat Enhancement Program and recognize, receive and appropriate funds if awarded.
(12-0436)    FOREST LAND AGREEMENT

Approve “Agreement for the Protection, Development and Improvement of Forest Land in Mecklenburg County.”

Note: This is a renewal of a one-year agreement with a 40% County and 60% State funding establishing a Mecklenburg County office of the North Carolina Forestry Service with duties and responsibilities as specified in the agreement.

Agreement recorded in full in Minutes Book _____ Document # _______.

(12-0438)    BUDGET AMENDMENT -- AREA MENTAL HEALTH (REVENUE DECREASE)

A) Recognize, receive and appropriate state single-stream funding in the amount of $203,736 per annual state allocation letter.

B) Reduce developmental disabilities federal funding and expenditure budget in the amount of $131,820 per annual state allocation letter.

C) Reduce substance abuse federal funding and expenditure budget in the amount of $397,347 per annual state allocation letter.

(12-0441)    CAPITAL RESERVE REQUEST -- SYNTHETIC TURF FIELDS (PARK & RECREATION)

Appropriate $20,000 from the Turf Field Capital Reserve Fund to conduct soil test and install additional foundations for sports field lighting poles at Elon Park.

(12-0445)    REPORT OF SETTLEMENT OF HOSPITAL AUTHORITY LAWSUIT

Receive as information that The Charlotte-Mecklenburg Hospital d/b/a Carolinas HealthCare Sys. v. Mecklenburg County, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 11-CVS-13379 was settled as approved by the Board of County Commissioners on June 5, 2012, in closed session, the Board of County Commissioners authorized settlement of this lawsuit. Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to execute the Settlement Agreement with the Charlotte-Mecklenburg Hospital Authority.

Settlement Agreement recorded in full in Minutes Book _____ Document # _______.

(12-0448)    CONSERVATION DECLARATION AGREEMENT -- DAVIE PARK STREAM RESTORATION

Authorize the County Manager to negotiate and execute a Conservation Declaration Agreement with the Army Corps of Engineers - Wilmington Division for Wetlands mitigation on portions of tax parcel #225-082-05.

(12-0449)    BUDGET AMENDMENT -- STATE BOARD OF ELECTIONS AUDIO CODING GRANT (REVENUE INCREASE)
Recognize, receive and appropriate grant funds in the amount of $1,948.10 from State Board of Elections to pay for audio coding.

(12-0452) AMENDMENT TO AGREEMENT WITH ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

(1) Authorize the County Manager to amend an existing agreement with the Administrative Office of the Courts (AOC) for the AOC to provide funding for the additional costs of furniture for a training room constructed under the agreement.

(2) Recognize, receive and appropriate in the Capital Reserve Fund up to $3,500 for the additional costs of furniture for the training room.

(12-0459) BUDGET AMENDMENT -- LAND USE AND ENVIRONMENTAL SERVICES (REVENUE INCREASE)

Recognize, receive and appropriate $342,072 for required improvements on Brief and Ira Flowe Roads and authorize carry forward of funds through completion of the project.

(12-0460) CONSERVATION RESTRICTIONS ON COUNTY PROPERTY

Authorize the County Manager to execute Conservation Declarations on the following County properties for the stream restoration project funded by NC Clean Water Management Trust Fund along Little Sugar Creek:

(a) Right Stream Bank: Tax Parcel 08303136

(b) Left Stream Bank: Tax Parcel 08303124, 08303123, 08303122, 08303121, 08303120, 08303119, 08303118, 08303117 & 08303116

(12-0466) TAX COLLECTOR’S ANNUAL SETTLEMENT FOR FISCAL YEAR 2012

Receive and accept the Tax Collector's Settlement for fiscal year 2012.

Note: The Tax Collector’s Settlement is submitted to the Board of County Commissioners in accordance with North Carolina General Statute 105-373(3). The Settlement is to be entered into the records of the Board of County Commissioners as directed by statute.
MECKLENBURG COUNTY
Office of the Tax Collector

To: Board of County Commissioners
   Harry L. Jones, Sr., County Manager
   Dena Diorio, Finance Director

From: Neal L. Dixon, Tax Collector

Date: July 30, 2012

Subject: Tax Collector’s Settlement for Fiscal Year 2012

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector’s report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2012 (tax year 2011).

Total FY 2012 Tax charged to the Tax Collector for Collection: $980,999,483.38

<table>
<thead>
<tr>
<th>Real Estate &amp; Personal Property Tax</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Levy</td>
<td>$907,023,540.96</td>
<td>Collected</td>
<td>$897,035,372.48</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Registered Motor Vehicle Tax</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Levy</td>
<td>$58,278,324.07</td>
<td>Collected</td>
<td>$50,812,977.41</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Combined Total</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Levy</td>
<td>$965,301,865.03</td>
<td>Collected</td>
<td>$947,848,349.89</td>
</tr>
</tbody>
</table>

At the end of FY2012 there were a total of 331 parcels with tax bills totaling $1,511,494.14 under formal appeal with the Board of Equalization and Review or the Property Tax Commission; consequently, the Tax Collector was barred from pursuing collection for these tax bills. In addition, the Tax Collector was barred by the U.S. Bankruptcy Court from collecting 1,031 real estate, personal property, and registered motor vehicle tax bills totaling $1,158,748.52.

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700 East Stonewall Street (28202) • P.O. Box 31457 • Charlotte, North Carolina 28221 • 704-336-3322
This represents a 30% increase in the dollar amount under bankruptcy protection from last year. Since the above totals were barred from collection, it is important to note that when these totals are removed from the net levy calculation, the combined collection percentage increases to 98.46%.

Reference is hereby made to reports in the Office of the Tax Collector that list the persons owning real property and personal property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person. These reports are available for inspection and review upon request. The Tax Collector has made diligent efforts to collect the taxes due from the persons listed by utilizing the remedies available to him for collection.

**Prior Year Collections**

During FY 2012, the Tax Collector pursued collection of delinquent prior year taxes.

**Real Estate and Personal Property Tax:**

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Net Levy</th>
<th>Collected in FY2012</th>
<th>Uncollected</th>
<th>Pct. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>$687,118,189.38</td>
<td>$388,553.46</td>
<td>$1,437,683.24</td>
<td>99.79%</td>
</tr>
<tr>
<td>2006</td>
<td>$696,440,195.56</td>
<td>$434,940.87</td>
<td>$1,750,316.44</td>
<td>99.75%</td>
</tr>
<tr>
<td>2007</td>
<td>$744,415,705.02</td>
<td>$721,977.93</td>
<td>$2,322,937.29</td>
<td>99.69%</td>
</tr>
<tr>
<td>2008</td>
<td>$779,195,252.51</td>
<td>$923,124.84</td>
<td>$2,648,147.88</td>
<td>99.67%</td>
</tr>
<tr>
<td>2009</td>
<td>$806,273,867.98</td>
<td>$1,669,312.43</td>
<td>$3,659,998.96</td>
<td>99.55%</td>
</tr>
<tr>
<td>2010</td>
<td>$813,685,506.21</td>
<td>$5,019,591.95</td>
<td>$7,524,789.03</td>
<td>99.10%</td>
</tr>
</tbody>
</table>

**Registered Motor Vehicle Tax:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Levy</th>
<th>Collected</th>
<th>Uncollected</th>
<th>Pct. Collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>$60,324,219.68</td>
<td>$125,336.11</td>
<td>$1,497,977.49</td>
<td>97.52%</td>
</tr>
<tr>
<td>2009</td>
<td>$54,929,860.51</td>
<td>$332,314.43</td>
<td>$1,492,487.82</td>
<td>97.29%</td>
</tr>
<tr>
<td>2010</td>
<td>$54,448,232.73</td>
<td>$4,824,928.24</td>
<td>$1,735,562.24</td>
<td>96.81%</td>
</tr>
</tbody>
</table>

**Tax Collector Comments**

The North Carolina Tax Collector’s Association, in conjunction with the UNC School of Government and others, reviewed and provided new guidelines for the preparation of annual tax settlements. Although North Carolina law does not require that collection percentages be calculated and reported on this settlement, it has been customary to report the percentage of the original billed amount that was collected for the settlement year. Based on the new guidelines provided, the collection percentages for all years reflected in this settlement are based on the net levy rather than the original billed amount. The net levy is the difference between what was originally billed and any releases, discoveries, and/or adjustments that were made after the initial billing. Since releases and downward adjustments cannot be collected, basing the collection percentage on the net levy is a more accurate measure of the result of the Tax Collector’s work during the fiscal year.

Please contact me at Neal.Dixon@MecklenburgCountyNC.gov or 704-336-3222 if you have any questions or comments regarding this settlement report.
(12-0467)  GRANT APPLICATION -- FEMA (LUESA)

1) Authorize the County Manager to submit a grant request in the amount of $20,000 with the Federal Emergency Management Agency; and

2) If awarded, recognize, receive and appropriate grant funds and authorize the County Manager to execute a contract to implement grant scope of work as specified in Mapping Activity Statement; and

3) Authorize the carry-forward of unspent funds for the duration of the grant.

(12-0468)  ORDER OF COLLECTION – 2012 AD VALOREM TAXES

Adopt the Order of Collection authorizing the Tax Collector to collect 2012 ad valorem taxes.

Note: This is a requirement of 105-321(b) of the North Carolina General Statutes. General Statute 105-32(b) states: “Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so, shall not affect the tax collector’s rights and duties to employ the means of collecting taxes provided by this subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers’ real and personal property.”

ORDER OF COLLECTION
NORTH CAROLINA, MECKLENBURG
TO THE TAX COLLECTOR OF MECKLENBURG COUNTY
GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg and this order shall
be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Order recorded in full in Minutes Book _______, Document # _______.

(12-0469) TAX REFUNDS

Approve refunds in the amount of $2,547,376.04 and interest as statutorily required to be paid as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(12-0471) LEASE FOR ATM MACHINES AT COUNTY FACILITIES

Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Fifth Third Bank" for placement of ATM Machines at County facilities.

Locations
(1) Mecklenburg County Courthouse
(2) Ray's Splash Planet
(3) Mecklenburg County Jail Central
(4) Bob Walton Plaza
(5) Wallace Kuralt Center
(6) Hal Marshall Center
(7) Valerie C. Woodard Center
(8) Mecklenburg County Work Release
(9) Mecklenburg County Jail Annex

Lease Term Five (5) years

Resolution recorded in full in Minutes Book _____ Document # ______.

(12-0472) CMS CELL TOWER LEASES

Decline to exercise statutory right of first refusal for Berkley Group, LLC cell tower sites on the campuses of:

1) Ardrey Kell High School
2) Community House Middle School
3) Croft Community School
4) Elon Park Elementary School
5) Jay M. Robinson Middle School
6) Myers Park High School

Note: North Carolina General Statute (NCGS) 115C-518(a) requires local school boards of education to give local boards of county commissioners the first opportunity to acquire any school-owned real estate that is proposed for disposal. To comply with this statute, CMS must offer the above cell tower sites to the County prior to entering into a lease with the Berkley Group, LLC to construct, operate and maintain wireless communications facilities (a cell tower) on CMBE Property.

(12-0474) CHARLOTTE-MECKLENBURG SCHOOLS LEASE FOR DISTRIBUTION WAREHOUSE
Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Authorizing Charlotte-Mecklenburg Board of Education to Negotiate and Execute a Lease with 5401 Hovis Road II, LLC” for warehouse space.

Note: North Carolina G.S. 115C-530 stipulates that operational leases of real or personal property for use as school buildings or facilities for three years or greater must be approved by a resolution adopted by the local board of county commissioners.

Resolution recorded in full in Minutes Book _____ Document # ______.

(12-0476) PROCLAMATION -- WOMEN'S EQUALITY DAY - 2012

Adopt a proclamation designating August 26, 2012 as Women’s Equality Day.

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

(12-0477) MECKLENBURG COUNTY PROPERTY DISPOSAL AND REDEPLOYMENT POLICY AND PROCEDURE

Approve an amendment to the Mecklenburg County Property Disposal and Redeployment Policy and Procedure to include disposal of motor vehicles.

Policy recorded in full in Minutes Book _______ Document # ________.

(12-0479) APPOINTMENT OF REVIEW OFFICERS

Amend “Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2” to designate Krystal M. Bright as a Review Officer.

Resolution recorded in full in Minute Book _____ document # ______.

(12-0484) BUDGET AMENDMENT -- AREA MENTAL HEALTH (REVENUE INCREASE)

Recognize, receive and appropriate federal grant funds from the U.S. Department of Housing and Urban Development in the amount of $361,127 for the grant period in renewal of ACCESS Project Grant.

Note: The goal of the program is to provide supportive services, such as mental health treatment and case management for consumers who are homeless and disabled.

(12-0489) TRANSFER OF VEHICLES

Pursuant to G.S. 160A-279, adopt a resolution approving the transfer of eleven vehicles to Community Alternatives Incorporated, d/b/a Community Choices, a non-profit community-based agency that provides substance abuse treatment and residential services to pregnant women with dependent children.

Resolution recorded in full in Minutes Book _____ Document # ______.
AUGUST 14, 2012

(12-0492) MINUTES

Approve minutes of Regular meeting held July 3, 2012 and Closed Session held July 3, 2012.

(12-0502) BOARD BULLETIN

Receive the County Manager's Board Bulletins published since the last Board meeting.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12-0416) AMEND ORDINANCE -- MALLARD CREEK RECREATION CENTER CAPITAL RESERVE FUND

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

A. Amend the Mecklenburg County Recreation Centers Capital Reserve Fund ordinance to include all recreation centers

B. Rename the fund to Recreation Centers Capital Reserve Fund

C. Approve a set aside of 10% of recreation center revenues from admissions, passes, and rental fees from all recreation centers to be held in the amended fund.

Ordinance recorded in full in Minutes Book _____ Document # ______.

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

(12-0420) CAPITAL RESERVE EXPENDITURE -- NATURAL AREAS CAPITAL RESERVE (PARK & RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate expenditure of up to $31,125 from the Park & Recreation Natural Areas Capital Reserve account to prepare the timber sites for planting and to install shortleaf pine tree seedlings.

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

(12-0423) BUDGET AMENDMENT -- SHERIFF'S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate $18,203 from seized assets and video poker funds for Sheriff's Special Revenue Fund.

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

(12-0437) REVALUATION RESERVE FUND
Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to adopt resolution establishing a special reserve fund for the next property reappraisal.

Resolution recorded in full in Minute Book _____ Document # _______.

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

(12-0440) CAPITAL RESERVE EXPENDITURE -- AQUATIC FACILITIES (PARK & RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate $4,700 from the Consolidated Aquatic Capital Reserve to drill and set pool deck anchors at all aquatic facilities to install ADA pool lifts.

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

(12-0442) CAPITAL RESERVE EXPENDITURE -- RECREATION FACILITIES FOR SOCCER/ TENNIS/PICNIC

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate $75,000 from the Soccer/Tennis/Picnic Capital Reserve Fund to repair and renovate tennis courts at Veterans Park, Colonel Francis Beatty Park, Jetton Park and Coulwood Park.

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

(12-0443) PURCHASE AGREEMENT -- NON-LATEX GLOVES (SHERIFF'S OFFICE)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to approve and execute a unit price five-year contract with Performance Safety Group, LLC for the purchase of non-latex gloves for a total of $330,050.

Note: The estimated FY 2013 expenditures are estimated to be $64,170.

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

(12-0451) CONSTRUCTION CONTRACT -- MECKLENBURG COUNTY AQUATIC CENTER ROOF REPLACEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to award a Contract to Interstate Roofing in the amount of $715,000 for the roof replacement at the Mecklenburg County Aquatic Center.

Commissioner Leake removed this item from Consent for more public awareness.
Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve CMS Budget Amendments

Note: The Board of Education requested approval of changes in the allocation of the County appropriation by purpose and/or function of the amount included in the Board of County Commissioners (BOCC) budget resolution on June 5, 2012. As part of the adopted FY 2013 budget, the Board of County Commissioners approved a total operating funding level of $337,432,664 for CMS. Of this amount, $18,555,613 was placed in restricted contingency for funding pay increases for CMS staff. The changes reflect the incorporation of the release of the restricted contingency funding. The previous allocations were established by CMS staff as placeholders in the budget resolution until the adoption of CMS budget by the Board of Education. 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 changes are the result of CMS adjustments required to adjust CMS expenditure level to the County appropriation of $337,432,664. These changes are only adjustments in the allocation of funds. No additional funds are being requested.

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

(12-0462) NCDOT GRANT -- LITTLE SUGAR CREEK GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

1) Approve Mecklenburg County as a recipient for an NCDOT Grant to fully fund the design of Little Sugar Creek Greenway from the confluence of Briar Creek and Little Sugar Creek to the County-owned land off Cadillac Street in Pineville (project designated by NCDOT as LSC Greenway - Phase E).

2) Authorize the County Manager to negotiate and execute the grant agreement.

3) Recognize and appropriate grant funds awarded for the duration of the grant period.

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

(12-0463) NCDOT GRANT -- WESLEY HEIGHTS GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

1) Approve Mecklenburg County as a recipient for an NCDOT Congestion Mitigation and Air Quality Improvement (CMAQ) Grant to help fund the construction of Wesley Heights Greenway, Cedar Street to Summit Avenue.

2) Approve Haden Stanziale PA as the design firm for the Wesley Heights Greenway without going through the RFP process because its familiarity with the project will provide greater efficiency and effectiveness, as authorized by NCGS 143-64.32.
3) Approve the use of Federal DBE special provision for bidding, instead of using the County M/W/SBE provisions, as required to obtain NCDOT grant funding.

4) Authorize the County Manager to negotiate and execute the agreements listed above.

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

**3-0465) CAPITAL RESERVE EXPENDITURE -- PUBLIC GOLF COURSES CONSOLIDATED CAPITAL RESERVE FUND**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate $475,000 from the Public Golf Courses Consolidated Capital Reserve Fund to renovate the men and women restrooms at the Renaissance Park Golf Course; and repair and pave the parking lot and the 18 holes of cart paths at the Sunset Hills Golf Course.

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

**3-0470) GREENWAY DONATION -- MCMULLEN CREEK**

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to accept donation of portions of Tax Parcels #209-223-75, #209-223-76, and #209-223-79 (totaling +/- 4.968 acres) from Heydon Hall, LLC and Rhein Interests of Charlotte on McMullen Creek.

*Note: The property is being donated by Heydon Hall, LLC and Rhein Interest of Charlotte as part of the subdivision approval for the Heydon Hall residential development. The property is within the floodplain and will add to greenway assemblage along McMullen Creek Greenway.*

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

**ADJOURNMENT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, 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

__________________________________________
Harold Cogdell, Jr., 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 18, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, George Dunlap Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts General Manager Bobbie Shields 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 Cogdell, after which the matters below were addressed.

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0490, 12-0499, 12-0509, 12-0510, 12-0512, 12-0524, 12-0525, 12-0530, 12-0535, 12-0513, 12-0539, and 12-0540.

STAFF BRIEFINGS - NONE

CLOSED SESSION – (12-0544) BUSINESS LOCATION AND EXPANSION, (12-0545) LAND ACQUISITION AND, (12-0546) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session:

- 318 East Matthews Street, Matthews, NC
- Jerry Alan Reese vs. Mecklenburg County and the City of Charlotte
- Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: Business Location and Expansion, Land Acquisition and Consult with Attorney.

The Board went into Closed Session at 5:11 p.m. and came back into Open Session at 6:12 p.m.
The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

- FORMAL SESSION-

Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Roberts, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION - NONE

(12-0542) PUBLIC APPEARANCE

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

Nancy Plummer and granddaughter Elizabeth Plummer extended an invitation to the Board and the community to the upcoming "Taste of the World" event.

Wayne Powers addressed the review of the 2011 Mecklenburg County Revaluation process by Pearson’s Appraisal Service. Mr. Powers said he attended all of the workshops. Mr. Powers said he was aware of a letter Commissioners received from N.C. Speaker of the House Thom Tillis regarding the County’s revaluation process that basically said if the problem didn’t get fixed locally, then it would be done on the state level, which the County may not like. Mr. Powers said it was incumbent upon the County to fix the revaluation problem. He said in 2008 the world changed, but the County’s revaluation process did not. He said the revaluation process was seriously broken. Mr. Powers said there were issues of data integrity, equity, and market value. Further, that the appeals process was inaccessible for many people, especially senior citizens, and was dysfunctional. Mr. Powers said he would write the Commissioners a letter to further express his views on this subject.

(12-0514) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Mable Hemphill Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts
Melandee Jones None
Valarie Reed Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts

Voting Ceased

Nadia Vanderhall

Chairman Cogdell announced the appointments of Mable Hemphill and Valarie Reed to the Charlotte-Mecklenburg Community Relations Committee for three-year terms expiring August 31, 2015.

They replace Kaz Muhammad and Michelle Sterling.
SEPTEMBER 18, 2012

(12-0515) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint John Burling to the Adult Care Home Community Advisory Committee for a one-year term expiring September 30, 2013.

He replaces Margaret Moreland.

ALCOHOLIC BEVERAGE CONTROL BOARD

Commissioner Dunlap nominated all applicants for appointment consideration to the Alcoholic Beverage Control Board: Ernest Barry, Malachi Greene, Chris Price, Lloyd Scher, and Jennifer Stanton.

Note: An appointment will occur following interviews of the above nominees by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Alcoholic Beverage Control Board must undergo an interview process.

Commissioners Clarke, Cogdell, and Leake volunteered to serve on the ad hoc committee.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

Motion was made by Commissioner Roberts, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Luther Moore to the Industrial Facilities & Pollution Control Financing Authority for a six-year term expiring October 31, 2018.

He replaces Cary Nadelman.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Lawrence LaSalle to the Information Services & Technology Committee for a three-year term expiring February 28, 2015.

He replaces Tomeko Smith.

(12-0547) APPOINTMENT

AIR QUALITY COMMISSION CHAIRMAN

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Keith Long as Chairman of the Air Quality Commission for the duration of his term.
MANAGER’S REPORT

(12-0496) LIBRARY CEO REPORT

The Board received a verbal report from Lee Keesler, CEO of the Charlotte Mecklenburg Public Library. Mr. Keesler addressed the status of the Future of the Library Task Force Report recommendations, the Library’s relationship with the County, how the community was being served by the Library, and issues that need addressing in order to meet community demand. The following was noted:

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

Status of the Future of the Library Task Force Report Pending Recommendations

- Create a new Foundation for the Library to help raise private funds for the library
  - The Charlotte-Mecklenburg Library Foundation has been formed and will be partnering with the Foundation for the Carolinas to establish and govern the new foundation.
  - The new foundation master accounts will be set up and funded hopefully in the next two-three weeks.
  - The Founding Board will meet for the first time in October.
  - A development plan for the Charlotte-Mecklenburg Library Foundation is currently being worked on.

- Develop a strategic planning process
  - The Library is doing a three year strategic plan with the intention of it being aligned with County planning processes as they develop.
  - The planning process has been designed.
  - The project management team has met.
  - The steering committee has been recruited and will meet in October. The hope is to complete this work in time for next spring’s budget discussions with the Board.

It was noted the Library Board of Trustees recruited two persons that served on the Future of the Library Task Force to be on the Library Board of Trustees and one task force member was hired to be a part of the senior staff at the Library. Mr. Keesler said having these individuals involved with the Library provided continuity and it keeps the task force effort, which the Board was a part of, alive.

Status of the Library’s Relationship with the County

- The partnership is working very well.
- The following Library functions have been outsourced to the County: Human Resources, Security, Facility Maintenance, Real Estate Capital Activity, and Information Technology (IT), with the exception of a few propriety IT systems, that are library specific and will remain with the Library.
- There is daily interaction between Library staff and County staff with respect to these areas.
Highlights of How the Community was Being Served

The Library system is busy. In FY 2012 there were 180,000 unique individual users of the library.
September is National Library Card Sign Up Month and in FY 2012 more than 40,000 library cards were issued.
Library programming is focused on Early Childhood Literacy, Educational Success, and Workforce Development.
The Library has developed a proprietary programming model that allows the Library to plan and fully costs and track its programming.
The Urban Library Council awarded the Library with its 2012 Innovator Award for the changes the Library made to its programming model coming out of the funding challenges of 2010 and 2011.
The Library was the subject and presenter on a nationwide webinar where it shared its story of why and how it changed its methods for programming during and coming out of financial challenges.
There were 440,000 participants in last year’s programs, which was almost to the levels of pre-financial challenges.
The Summer Reading Program was a big success. It was also available on-line for the first time.
The Story Time program is doing very well.
Parent/Child Early Literacy Workshops were held this past year. The program will be expanded in 2013.
Tutor.com is a third party on-line professional tutoring provider that the Library has partnered with.
The most recent composite Customer Service satisfaction score was 97%.
The Jobs Help Center is doing well

Issues that will be addressed in order to meet community demand:

Library hours
The library collection
E-Books

Mr. Keesler thanked the Board for its continued support.

Comments

Commissioner Leake commented on the Beatties Ford Road Library and how valuable it was to the community.
Commissioner Leake asked how was the Library working with the School System as it related to assisting with reading programs. Mr. Keesler referenced the Summer Reading Program. He said there were a number of other programs that the Library provides in the K-5 space and that he would provide the Board with a list of those programs.
Commissioner Roberts asked about the Library’s collection and when would it reach a critical point and how would resources be channeled into that area. Mr. Keesler said he could not pinpoint a specific fiscal year, but that the Library’s collection staff was monitoring this issue very closely. Mr. Keesler said he would address that issue the next time he provides an update to the Board.
Chairman Cogdell thanked Mr. Keesler for his report.

(12-0530) INTERLOCAL AGREEMENT WITH PUBLIC LIBRARY
Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a resolution authorizing changes to the existing interlocal agreement signed on June 7, 2011 to reflect additional services provided by the County.

MECKLENBURG COUNTY
BOARD OF COMMISSIONERS

RESOLUTION AMENDING THE INTERLOCAL AGREEMENT WITH THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY

WHEREAS, N.C. General Statute 160A-460, et seq., authorizes units of local government to jointly exercise any function which they have been granted the power to exercise alone, or to contract with the other for the exercise of any governmental function which they have been granted to power to exercise alone, and to enter into contracts and agreements to specify the details of these undertaking; and

WHEREAS, THE PUBLIC LIBRARY OF CHARLOTTE AND MECKLENBURG COUNTY (hereinafter “Library”), a body corporate created by the North Carolina General Assembly, and MECKLENBURG COUNTY (hereinafter “County”), a political subdivision of the State of North Carolina, have negotiated and executed an Interlocal Agreement effective June 30, 2010 for the provision of Facility Management and Security Services by the County for the Library as more particularly described in the Interlocal Agreement; and

WHEREAS, the Library and the County have now negotiated for the County to provide the additional services of Capital Project Management, Human Resources, and Information Technology Services for the Library; and

WHEREAS, in order to formalize this relationship, the Library and the County will need to enter into an Amended Interlocal Agreement pursuant to N.C.G.S. 160A-461; now, therefore, be it

RESOLVED by the Mecklenburg Board of County Commissioners, in regular session duly assembled, that the Chairman of the Board of County Commissioners is hereby authorized to execute the Amended Interlocal Agreement with the Library in substantially the form attached to this Resolution, and this Resolution shall be made a part of the minutes of the Board of Commissioners.

Resolution recorded in full in Minute Book _____ Document # ______.

STAFF REPORTS & REQUESTS

(12-0516) 2012 NCACC LEGISLATIVE AGENDA PROPOSALS

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the following 2013 Legislative goals for submission to the North Carolina Association of County Commissioners as presented by staff.

1. Protect county revenues during consideration of comprehensive tax reform.
2. Restructure the means for distributing 911 fees to insure local emergency responders have the resources necessary to protect the public.
3. Allow electronic notification of public notices in lieu of compulsory advertising purchases.
4. Support incentives and programs designed to attract jobs, such as the Job Development Investment Grants, One North Carolina Fund, film incentives.

Note: The North Carolina Association of County Commissioners (NCACC) has requested that
counties submit legislative proposals for consideration in its 2013 legislative agenda. Proposals will be vetted by NCACC committees and a 2013 legislative agenda will be adopted during its January 2013 legislative conference.

Brian Francis, Assistant to the County Manager presented the 2013 NCACC Legislative Agenda Proposals prior to the above vote.

Prior to the above vote, Commissioner Dunlap asked about the 911 fees, which was addressed.

Commissioner Dunlap with respect to electronic notification of public notices, said he hoped the County was not asking for permission to do this in lieu of published notices because there were people who do not access information by electronic means.

Assistant Francis said the request was to do it in lieu of published notices, but specifically, the County wants to have the flexibility to make that decision locally as to what’s the best means of notifying the public.

Commissioner Leake asked prior to the above vote about job development on the state level, which was addressed.

(12-0517) BUSINESS INVESTMENT PROGRAM GRANT: BEARDOW ADAMS, INC.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-1 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt Resolution approving a Business Investment Program Grant to Beardow Adams, Inc. for a total estimated amount of up to $50,907 and authorize the County Manager to negotiate and execute a contract.

Note: Beardow Adams, Inc. is a hot-melt adhesives manufacturer based in the United Kingdom. Its products are used in a variety of applications including packaging, labeling, bookbinding and woodworking. The company currently has 130 employees in Europe, and was recently named one of the UK’s top ten fastest growing manufacturers. Beardow Adams historically exports all its products sold in North America, but recently decided to open a North American manufacturing facility. The project will include a capital investment of approximately $3 million. It will create 20 new jobs over three years with a projected average annual salary of approximately $61,579. The County’s grant is equal to 90% of the net new taxes that will be paid by Beardow Adams over three years and will be subject to the County’s standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis shows a present value of net benefits to the County of $45,767 over six years. The City of Charlotte and the State of North Carolina will also provide financial assistance to this project.

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

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0520) AMENDMENT TO THE ELIZABETH AVENUE DEVELOPMENT AGREEMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to 1) approve an Amendment to the Development Agreement with the City of Charlotte (City), Providence Road Land Partners, Grubb Properties, Novant Health and East Park LLC (collectively, Developer) extending the parking financing commitment date for the development and funding of up to 1,000 public parking spaces in the Elizabeth Avenue redevelopment from September 15, 2014 to September 15, 2020 and adding MWSBE goals;
and, 2) adopt a resolution amending an Interlocal Agreement with the City of Charlotte that provides for the financing, ownership and operation of these public parking spaces to extend its term by six years.

RESOLUTION
AUTHORIZING EXECUTION OF AN AMENDMENT TO
AN INTERLOCAL AGREEMENT BETWEEN
THE MECKLENBURG COUNTY AND CITY OF CHARLOTTE

WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and

WHEREAS, Mecklenburg County and the City of Charlotte have entered into a Development Agreement among the County, the City, Developers, Owners, and Guarantors dated September 15, 2004 for a project referred to as the Elizabeth Avenue Redevelopment project; and

WHEREAS, the Development Agreement contemplates certain public participation in the Elizabeth Avenue Redevelopment project; and

WHEREAS, the County and the City have entered into an Interlocal Agreement dated April 20, 2004 (“Interlocal Agreement”) that establishes the rights and responsibilities of the County and the City with respect to the public participation in the Elizabeth Avenue Redevelopment project; and

WHEREAS, the Developers have requested an extension of six (6) years to September 15, 2020 by which the parking financing must be in place, citing delays to their project schedule and the Interlocal Agreement needs to be amended to accommodate that change in the Development Agreement; and

WHEREAS, G.S. § 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 Mecklenburg County Board of Commissioners that an amendment to the Interlocal Agreement to extend its term by six (6) years is hereby approved and the County Manager is hereby authorized to negotiate and execute such an Amendment to the Interlocal Agreement, and that this resolution shall be spread upon the minutes.

Resolution recorded in full in Minute Book ______, Document # ________.

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

Prior to the above vote:

Commissioner James asked whether the MWSBE goal referenced in the agreement in keeping with the County’s definition of MWSBE goal, which he said was an aspirational goal, that’s not enforceable and not a “fixed” requirement.

Director Allen said it was his understanding the developer would follow the County’s current guidelines with respect to MWSBE participation; thus the developer had to show a “good faith effort” to meet the goal, even if it’s not met.

Commissioner Dunlap asked had a cost benefit analysis been done or would there be any additional costs to the County to extend the agreement. Director Allen said no, because it was all performance based. He said if the developer didn’t construct enough taxbase to equal 110% of the debt service and or at least equal $25 million, there wouldn’t be any payments. He said the cost benefit analysis was essentially built into it because of that.
Todd Williams with Grubb Properties addressed the project’s affordable housing component, prior to the above vote. Mr. Grubb’s said the commitment to affordable housing was 5% of the total rental housing pool.

Commissioner Leake asked about the proposed hotel. Mr. Grubb’s said to date nothing had been negotiated with a hotel owner or developer, so it’s unknown at this time what hotel it would be.

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0538) 2012 EMPLOYEE CLIMATE SURVEY RESULTS

The Board received a report on the 2012 Employee Climate Survey Results.

Note: Each year, the Office of Management and Budget staff conducts the annual Employee Climate Survey (ESC) to collect data on employee opinions regarding Mecklenburg County as a workplace. The ESC results are tied to the County’s balanced scorecard and used by the County Manager, executive team, department/agency directors and other staff in evaluating the County’s policies and procedures that influence employee motivation and satisfaction, workplace safety and other aspects of employee morale. The 2012 ESC marks the tenth consecutive year the survey has been conducted.

Performance and Evaluation Manager Monica Allen presented the report. The report covered the following:

• Survey Background
• Survey Methodology
• Corporate Results
• Department Results
• Summary and Next Steps

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

Comments

Commissioner Dunlap asked about the six departments that had no red lights, which was addressed. The departments were Area Mental Health, Finance, Geospatial Information System (GIS), LUESA, Park and Recreation, and the Medical Examiner’s Office.

Commissioner Dunlap asked how many departments were there. The response was somewhere between 15-17.

Commissioner Dunlap asked about those departments that had a red light(s) and was there anything that “stuck out” amongst those departments, primarily as it related to management. Director Allen said there were no management concerns that “jumped out.” Director Allen said when you looked at the individual items within the index there may have been a concern about supervisors communicating performance or something of that nature to an employee, but there was nothing across all of those departments that would alert staff to management concerns or anything that needed responding to immediately.

Commissioner Dunlap asked was it fair to say the concerns expressed were things that Director Allen felt confident the County could address, so that next year the Board would see an improvement in that area on the department level. The response was yes.
Commissioner Leake asked about the process involved in developing an individual development plan. It was explained that an individual development plan did not necessarily mean it’s in response to employee performance issue. Director Allen said an individual development plan was a plan that’s basically trying to get ahead of any potential performance issue or problem that an employee could experience. Director Allen said it was a proactive measure.

Commissioner Leake asked if employee evaluations played any role in the survey as it related to employee responses. Director Allen said not directly, not that staff could assess.

Commissioner Leake asked was there questions relating to the employee evaluation process. The response was no.

Commissioner Leake asked was it correct that all departments came in well. The response was yes.

Commissioner Leake asked was it correct that no departments came in below standards. The response was not at the aggregate level. Director Allen said there may have been specific components within the survey that showed a decline from last year, but in terms of wholistically, all departments “pretty much” did better than last year.

Commissioner Leake asked about workplace safety which was addressed.

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

Chairman Cogdell thanked Director Allen for the report.

COUNTY COMMISSIONERS REPORTS & REQUEST – NONE

Consent Items

Motion was made by Commissioner Pendergraph, seconded by Commissioner Roberts and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):

(12-0504) REGISTER OF DEEDS ENHANCEMENT/PRESERVATION SPECIAL REVENUE FUND
Recognize and appropriate $850,000 in fee revenue in the Register of Deeds Enhancement/Preservation Special Revenue Fund for automation and preservation enhancements.

(12-0505) MECKLINK BEHAVIORAL HEALTHCARE MONTHLY FINANCIAL REPORT

Note:
MeckLINK Behavioral Healthcare
Statement of Revenues and Expenses
FY 2013, For the period ending July 2012

<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>$ 7,047,768</td>
<td>2,821,141</td>
<td>4.00%</td>
</tr>
<tr>
<td>State and Federal</td>
<td>26,554,615</td>
<td>5</td>
<td>0.00%</td>
</tr>
<tr>
<td>County</td>
<td>28,288,321</td>
<td>133,505</td>
<td>0.47%</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>$ 6,189,704</td>
<td>4,156,51</td>
<td>0.67%</td>
</tr>
<tr>
<td>Service Continuum</td>
<td>Budget</td>
<td>Actual</td>
<td>Spent</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------</td>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>Child &amp; Adolescent Services</td>
<td>11,340,787</td>
<td>18,938</td>
<td>0.17%</td>
</tr>
<tr>
<td>Adult Mental Health</td>
<td>7,265,361</td>
<td>5,400</td>
<td>0.07%</td>
</tr>
<tr>
<td>Adult Substance Abuse</td>
<td>7,054,832</td>
<td>8,593</td>
<td>0.12%</td>
</tr>
<tr>
<td>Local Management Entity</td>
<td>7,616,534</td>
<td>303,920</td>
<td>3.99%</td>
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<tr>
<td>BHC Randolph</td>
<td>11,251,813</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Developmental Disabilities</td>
<td>9,454,196</td>
<td>9,143</td>
<td>0.10%</td>
</tr>
<tr>
<td>Managed Care Organization (MCO)</td>
<td>7,907,181</td>
<td>69,657</td>
<td>0.88%</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$61,890,704</td>
<td>$415,651</td>
<td>0.67%</td>
</tr>
</tbody>
</table>

Net (Revenues - Expenditures) 0 0 0%

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 (i.e., MeckLINK, formerly Area Mental Health) 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.

(12-0506) BUDGET ADMENDMENT -- MECKLINK BEHAVIORAL HEALTHCARE (REVENUE INCREASE)

Recognize, receive and appropriate additional federal funds in the amount of $52,447 to be used for the Center for Prevention Resources (CPR) in the Western Region.

(12-0523) AMEND ORDINANCES -- LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING-DEVELOPMENT ORDINANCE

1. Amend the LUESA Fee Ordinance creating a combined upfit/renovation cost calculator, revising residential “owner as contractor” permit fees for projects less than $30,000 construction cost, and clarify permit cost for work started without a permit.

2. Amend the Building-Development Ordinance regarding residential “owner as contractor” inspection process for projects less than $30,000 construction cost.

3. Recognize and appropriate additional fee revenue for the current fiscal year.

Note: A second reading will be required since all nine Commissioners were not present.

(12-0526) BUDGET AMENDMENT - LUESA (REVENUE INCREASE)

1. Recognize, receive and appropriate $486,757 in Hazard Mitigation Funds from the NC Department of Public Safety, Division of Emergency Management.

2. Authorize the County Manager to execute a contract with the NC Department of 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.
A. Set a public hearing on October 16, 2012 with respect to the abandonment of the right-of-way for former portion of Youngblood Road (SR 1102).

B. Adopt resolution declaring intent to abandon the right-of-way.

Resolution recorded in full in Minute Book _____ Document # _____.

Amend "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant N.C.G.S. 47-30.2" as follows:

1. C. Stewart Edwards, Donald Brian Robinson, David T. Baker, and Travis Morgan are hereby designated as Review Officers in addition to those persons so designated in the Resolution of September 16, 1997, and other appointees as amended on prior occasions; thus the Resolution is accordingly amended to add these names.

2. Kevin P. Icard shall be deleted from the Resolution adopted September 7, 2005, and Mike Rose and Bill Sherrill shall be deleted from the Resolution adopted on April 6, 1999.

Resolution recorded in full in Minute Book _____ Document # _____.

Approve refunds in the amount of $4,650,020.91 and interest as statutorily required to be paid 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.

Authorize the County Manager to execute a lease with Charlotte East, LLC for office space for MeckLINK, formerly Area Mental Health.

Approve Mecklenburg County ABC Board travel policy.

Note: G.S. 18B-700, as amended by S.L. 2010-122 allows a local ABC Board to adopt a travel policy if it conforms to the travel policy of the appointing authority and is approved by the appointing authority. The Mecklenburg Board of County Commissioners is the appointing authority for the ABC Board. Annual approval is needed. The ABC Board travel policy is identical to the County policy except for changes to conform with appropriate department names, titles and forms.

Policy recorded in full in Minutes Book _____, Document # ______.
Approve minutes of Regular meeting held August 14, 2012; Budget Public Policy Meetings held May 9, 2012, April 10, 2012, March 13, 2012, and January 10, 2012; Special Meeting held March 27, 2012; and Closed Session held August 14, 2012.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

(12-0490) **BUDGET AMENDMENT -- DIVORCED FILING FEES GRANT - COMMUNITY SUPPORT SERVICES (REVENUE DECREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve a budget amendment for the Community Support Services Department to reduce revenue and expenses for the Divorce Filing Fee Grant by $2,821.48, based on revised award letter received from North Carolina Council for Women/Domestic Violence Commission.

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

(12-0499) **BUDGET AMENDMENT -- USDJ 2012 JUSTICE ASSISTANCE GRANT (JAG) - SHERIFF'S OFFICE (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate funds from the U. S. Department of Justice, Justice Assistance Grant in the amount of $132,284 received by the Sheriff’s Office.

Note: This federal grant provides funding for public safety initiatives and crime prevention programs, specifically:

- The Mecklenburg County Sheriff’s Office (MCSO) will use $115,320 to purchase 81 Taser X2 devices. MCSO will trade-in approximately 40 old, unassigned devices to offset the cost of the newer models.
- MCSO will use $12,300 to replace two walk-through metal detectors that are located in critical areas of Jail-North with more efficient, updated walk-through metal detectors using current technology.
- MCSO Community Services will use $4,664 to develop community service material, including videos for customers of the Sheriff’s Office. Funds will also be used to purchase books designed to assist community services in self-protection and child safety instruction.

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

(12-0509) **RYAN WHITE PART A GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to:
1. Approve the submission of a grant application for $7,000,000 in Ryan White Part A funds, covering March 1, 2013 through February 28, 2014, with the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) under the Ryan White HIV/AIDS Treatment Extension Act of 2009.

*Note: The grant application is due October 22, 2012.*

2. If awarded, recognize, receive and appropriate awarded funds for the grant period.

3. Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

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

(12-0510) GRANT APPLICATION -- Z. SMITH REYNOLDS FOUNDATION, SOCIAL JUSTICE AND EQUITY SMALL GRANT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to:

1) Approve the submission of a grant application for $70,000 over two years to develop and implement a screening and response domestic violence protocol at Health Department family planning clinic, women's health clinic, STD clinic and WIC clinic.

2) If awarded, recognize, receive and appropriate such funds, and carry forward any unspent funds.

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

(12-0512) GRANT APPLICATION -- MECKTEENS FASHION DESIGN (PARK AND RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve submitting a $5,000 grant application to Walmart for the MeckTeens Fashion Design program in the Park and Recreation Department. If the grant is awarded, recognize, receive and appropriate awarded grant funds.

*Note: The grant would be used to purchase start-up supplies and equipment such as sewing machines, sewing kits, dress forms, irons and ironing boards, and other supplies for The MeckTeens Fashion Design program.*

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

(12-0524) LANDSCAPE ARCHITECT/ENGINEER SELECTION - BARTON CREEK GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to negotiate fees and execute a contract with Kimley-Horn and Associates, Inc. for design services for Barton Creek Greenway, and in the event that negotiations with that firm are unsuccessful, authorize negotiations with the second ranked firm.

*Note: Site Solutions was the second ranked firm.*
(12-0525) CONSTRUCTION CONTRACT -- ROOF REPLACEMENT FOR AMAY JAMES AND NAOMI DRENAN RECREATION CENTERS AND THE WTVI BUILDING

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to award a construction contract to AAR of North Carolina in the amount of $962,200 for the roof replacements at Amay James Recreation Center, Naomi Drenan Recreation Center and the WTVI building.

Commissioner Pendergraph returned to the dais.

(12-0535) SOLE SOURCE PURCHASE -- ARREST PROCESSING RENOVATION SECURITY EQUIPMENT AND PROGRAM INTEGRATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to authorize the County enter into a contact to purchase security equipment and services from Norment Security Group as a sole source purchase to complete the renovation and interface with the current Norment equipment at Jail Central as authorized by G.S. 143-129 (e)(6)(iii) and to assign the contract to Rodgers Builders/Balfour Beatty Joint Venture to manage.

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

(12-0513) DONATION TO PARK AND RECREATION FOR PARALYMPIC SPORTS CLUB

Motion was made by Commissioner Roberts, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate a $10,000 donation from BP Oil’s Fueling Communities initiative for the Paralympic Sports Club - Metrolina, a program of Mecklenburg County Park and Recreation / Therapeutic Recreation Section to enhance the program for the community.

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

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

(12-0539) RELEASE CONSERVATION EASEMENT ON FISHER FARM PARK PROPERTY

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph, and Roberts voting yes, to approve releasing the County’s conservation easement on that portion of the Fisher Farm Park property where the Town will grant a conservation easement to the State of North Carolina.

(12-0540) BIG SWEEP PROCLAMATION

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 5-0 with Commissioners Clarke, Cogdell, Leake, Pendergraph, and Roberts voting yes, to adopt a proclamation designating Saturday, September 29, 2012 as BIG SWEEP Day in Mecklenburg County.

A copy of the proclamation is on file with the Clerk to the Board.
Commissioner Dunlap returned to the meeting.

Chairman Cogdell took a moment of “personal privilege” to inform the Board of an idea that he was approached about and supported regarding having a community support center and a mediation garden to help support and encourage persons that have been impacted by cancer. He said it would be a collaborative effort between Carolinas Healthcare System, Novant/Presbyterian, and County Park and Recreation. The hope is that conversation could take place regarding this possibility. It’s being suggested in light of how the disease of cancer has impacted the Board and the County as an organization, with respect to the County Manager.

Chairman Cogdell asked for feedback from Commissioners, not at this time, but sometime later after the meeting regarding thoughts around this.

Commissioner Leake commended Chairman Cogdell for his thoughts with respect to providing a place of outreach and solace to persons impacted by cancer, but asked that it be thought through clearly because there were many persons whose lives have impacted by cancer and other life threatening diseases. Commissioner Leake said you wouldn’t want to leave anyone out.

CLOSED SESSION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney and Land Acquisition.

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney and Land Acquisition matters to be discussed in Closed Session: 316 East Matthews Street, Matthews, NC, Jerry Alan Reese vs. Mecklenburg County and the City of Charlotte and Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC.

The Board went into Closed Session at 8:40 p.m. and came back into Open Session at 9:15 p.m.

Commissioner Bentley was present when the Board came back into Open Session. She returned to the meeting during Closed Session.

Commissioner Clarke was absent when the Board came back into Open Session and for the remainder of the meeting.

(12-0545) LAND ACQUISITION

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to approve the Historic Landmarks Commission purchase of the house and land parcel 215-01-224 located at 316 East Matthews Street, Matthews, NC for $312,500 for historic preservation and resale, and recognize and appropriate up to $400,000 for the purchase and immediate stabilization needs.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes,
SEPTEMBER 18, 2012

that there being no further business to come before the Board that the meeting be adjourned at 9:15 p.m.

______________________________  ____________________________
Janice S. Paige, Clerk                Harold Cogdell, Jr., Chairman
ATTENDANCE

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

Absent: Commissioners Neil Cooksey and Jim Pendergraph

-INFORMAL SESSION-

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0548, 12-0551, and 12-0564.

STAFF BRIEFINGS - NONE

(12-0568) CLOSED SESSION – CONSULT WITH ATTORNEY

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to go into Closed Session to Consult with Attorney.

The Board went into Closed Session at 5:27 p.m. and came back into Open Session at 6:00 p.m.

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

-FORMAL SESSION-

Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Bentley, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION - NONE
PUBLIC APPEARANCE

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

**Allison Billings**, on behalf of the Commonwealth Park Neighborhood Association Board of Directors, addressed the Charlotte Inn located at 2701 East Independence Boulevard. Ms. Billings said the Charlotte Inn was the last of the “run down” motels that “plaques” their neighborhood. Ms. Billings said the motel was an “eyesore and a crime magnet.” Ms. Billings said the motel was preventing growth and development in the area. Ms. Billings asked the Board to partner with the City of Charlotte and exercise the option to purchase and demolish the Charlotte Inn and convert the property to the uses outlined in the Independence Area Plan.

**Dr. Cheryl Nicholas** addressed InnerVision, which provides psychosocial rehabilitation services to persons with trauma, mental health and addiction challenges and provides education, employment, personal development skills, resources and services for persons with these types of challenges. InnerVision is located at 415 East Fourth Street. Dr. Nicholas said InnerVision was getting ready to launch its Veterans Peer and Career Center that will offer the nations’ first certified peer support specialist training for veterans that includes the President’s initiative in terms of hiring peer support specialist to serve veterans. Dr. Nicholas announced the upcoming Work and Wellness Fair at InnerVision, Inc. on October 31, 2012, 9:00 a.m. – 1:00 p.m.

**APPOINTMENTS - NONE**

**PUBLIC HEARINGS - NONE**

**ADVISORY COMMITTEE REPORTS - NONE**

**MANAGER’S REPORT**

**CENTER FOR ARTS & TECHNOLOGY PILOT PROJECT**

The Board received an update from the Arts & Science Council on the Charlotte-Mecklenburg Center for Arts & Technology pilot project.

Note: **Aligning with the goal of increasing CMS graduation rates, The Arts & Science Council (ASC) is leading an effort to create a local Center for Arts and Technology site, modeled after the nationally recognized curriculum and program of the Manchester Bidwell Corporation (MBC) in Pittsburgh PA. The National Center for Arts and Technology (NCAT) was created in 2005 as a nonprofit 501(c) (3) subsidiary of MBC to oversee the replication of Centers for Arts and Technology around the nation. NCAT model uses art, technology and other after-school instruction as a means of reducing high school dropouts. NCAT also provides adult workforce training to build employment skills. The NCAT has been replicated successfully in Cincinnati, Grand Rapids and San Francisco.**

**This local initiative is being launched in response to a feasibility study completed on behalf of ASC and Mecklenburg County, and is funded in part by Mecklenburg County. Under the direction of the ASC in partnership with other community agencies including Charlotte-Mecklenburg Schools (CMS), the local initiative is starting with a focus on drop out intervention and prevention.**
Called, Studio 345, the free, local after-school program will launch in mid-October at Spirit Square. Eleven teaching artists and a program coordinator (all part-time) have been hired for the program. All teaching artists and the program coordinator have been trained by NCAT staff either in Pittsburgh or Charlotte. The first semester target was to enroll 64 high school students. Program staff has done recruiting at all 20 CMS high schools, with 90 students registered, representing 17 different schools and resulting in a potential waiting list. To maintain interest among all the student who registered, Studio 345 staff is exploring options to accommodate those who may be on the waiting list. Studio 345 curriculum includes digital media (music videos and basic filming), digital photography and a gathering center where students will engage in activities from yoga to meditative arts to dance movement. Public transportation will be made available for students to get to the studio. CATS has made monthly transit passes available for ASC to purchase at half-price for each of the students enrolled in the program. The program is offered two-days per week (Monday and Wednesday or Tuesday and Thursday) with an "open studio" on Friday. The first trimester session will end with a gallery exhibit showcasing the youths' work.

Dr. Barbara Ann Temple with the Arts and Science Council presented this matter to the Board. County Manager Jones introduced Dr. Temple after giving the Board the history of how this program got started.

**A brochure about the program is on file with the Clerk to the Board.**

**Comments**

**Commissioner Bentley** expressed her support of the program and said she had visited the school in Pittsburg.

Commissioner Bentley asked how would the impact of the program be measured. The response was by keeping track of the participants’ attendance rates, behavior in school, their grade point average, and their motivation level before entering the program, during the program, and when they leave the program. Dr. Temple said there were other measures that would be used as well, but these were the key measures.

**Commissioner Roberts** expressed her support of the program.

Commissioner Roberts asked was there any coordination with ImaginOn, which was addressed.

Commissioner Roberts encouraged Dr. Temple to follow-up with ImaginOn regarding the possible use of their Digital Studio.

**Commissioner Leake** asked about the involvement of middle school students, which was addressed. Dr. Temple said they do want to show middle school students the potential of the possibility of their future and would like to have middle school students directly involved, but their release time from school was a barrier. Dr. Temple said they would be offering professional development for middle school teachers to show them how they can create studios for literacy learning in their classrooms.

Commissioner Leake asked were they working with the Northwest School of the Performing Arts. The response was yes.

**Commissioner Dunlap** expressed his support of the program and said he had visited the Center in Pittsburg.

Commissioner Dunlap asked about partnering with Charlotte-Mecklenburg Schools. He specifically addressed the issue of transportation for students, which was addressed.
Commissioner Clarke asked was the relationship with Charlotte-Mecklenburg Schools a cooperative one. The response was yes.

Commissioner Clarke asked about the Center’s funding strategy, which was addressed.

Chairman Cogdell thanked Dr. Temple for presenting this matter to the Board.

STAFF REPORTS & REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0578) UPDATE ON MECKLINK WAIVER - CHAIRMAN COGDELL

The Board received an update from staff regarding MeckLink's progress in implementing the Medicaid Waiver and converting to a Managed Care Organization (MCO).

General Manager Michelle Lancaster and MeckLink Director Phil Endress gave the update. The following was noted.

- The State is moving to a Medicaid Waiver Plan for Behavior Healthcare.
- Mecklenburg County plans to begin operating under this plan January 1, 2013.
- Despite concerns received by some Board members and staff from State officials questioning whether Mecklenburg County would be ready to operate on January 1, 2013, staff has not heard anything that causes “pause” for the County in its efforts to be ready on January 1, 2013.
- The status of the County’s preparation efforts was reviewed.
- Software has been purchased and delivered.
- Software testing has begun.
- The total staffing for the program will be 250 – 270 employees, and is currently at about the 50% mark.
- Mecklenburg County will be the only single county operated Managed Care Organization in the state.
- Network development has begun and the application process is on-going.
- Currently the County has received approximately 170 applications from agencies wanting to participate in the program.
- The process has begun for credentialing and licensing individual practitioners.
- There will probably be 850 – 950 different organizations that will be providing services to Mecklenburg Medicaid Behavior Healthcare individuals.
- One of the critical pieces of Managed Care and one of the reasons why the state was doing this was so that the state would be able to predict their costs and to also save money.
- Starting January 1, 2013, the dollar amount that the County would have to work with would be 10% less than what the state was currently paying now for these services.
- The County will need to be able to reduce its reliance on in-patient care, with the first step being to identify who those individuals that are at the highest risks of requiring in-patient care.
- The Care Coordination Unit was addressed.
- The plan is to be fully operational on January 1, 2013.

Comments
Commissioner Bentley said she was contacted by Representative Burr who is the co-chairman of the House Appropriations Subcommittee on Health and Human Services, regarding this matter.

Commissioner Bentley asked why was there concern on the part of the state regarding where Mecklenburg County was in the process. Director Endress said it was his belief that from the state’s perspective they wanted to see the County go first, which would have been a year ago or last January; but the County informed the state that it was not in a position to take this on and to do it in a successful manner at that point. Thus, the County put in a request to the state to push the start date back a year, which was approved. Further, that the state was still concerned that the County won’t be ready.

Commissioner Bentley asked about dialogue with the state to give the state confidence that the County would be ready. Director Endress said he met recently with Jim Jarrard who is the Acting Director for the Department of Mental Health. He said the County also submitted its updated progress report to the state Medicaid authority yesterday and that they were pleased with the progress that the County had made.

Commissioner Bentley asked about Mercer’s visit to the County to access its readiness. Director Endress said they were here for one day, that it was his 8th day on the job. He said the County was not in good shape for that visit.

Director Endress said Mercer was informed that the County’s software was in the process of being delivered and therefore it hadn’t been tested, nor had there been any staff training.

Director Endress said Mercer wanted to see actual utilization of the software. Director Endress said, since that time however, the software was delivered, training and testing has occurred and thus, far it appears to be working.

Commissioner Bentley asked was it possible that Mercer’s visit was what prompted contact from Representative Burr. Director Endress said that was possible.

Director Endress said to date, staff had not received a report, per Mercer’s visit.

Commissioner Bentley asked whether Mercer clearly identified to staff what their concerns were while here. Director Endress said no.

Commissioner Bentley asked whether anyone from the state had clearly identified what their concerns were. Director Endress said the state’s concern was that the County would not be ready January 1, 2013 and that for every month the County wasn’t a viable Managed Care Organization, it would cost the state $1.5 million. Thus, the state’s concern was what this would do to the state’s budget.

Commissioner Bentley asked whether the state had provided the County with specific areas of concern. Director Endress no.

Commissioner Bentley asked was it correct that staff received positive feedback from the state with respect to the progress report submitted by the County yesterday. Director Endress said the only feedback he received was acknowledgement of the receipt of the report and that the report looked very good. He said the report was submitted to Mark O’Donnell who was the liaison with the DMH and to Cathy Nichols with DMA.

Commissioner Dunlap asked about the 10% the state would be taking, which was addressed.

Commissioner Dunlap asked who bears the costs of overruns. General Manager Lancaster said the state would.
Commissioner Dunlap asked what if the County managed the program in such a way that the County realized the 10% and more, would the County be able to keep the difference or would it go to the state. Director Endress said the County would keep the savings, at minimum, for the first two years because the state committed to the per member, per month costs for two years.

Director Endress said if the County showed that its per member, per month costs was significantly less than what the state was providing the County, the state would then reduce the County’s per member, per month costs. He said what the County would need to do beginning fiscal year 2014, would be to look at what other services the County needed to be developing in the community, which would allow the County to reinvest the savings and address the needs of a broader range of consumers and expand access to individuals that may be at need or at risk and haven’t accessed behavior services in the past.

Commissioner Dunlap asked Director Endress if he’d had an opportunity to look at the list of providers and whether in his opinion there were too many or too few providers at this time. Director Endress said he had not had that opportunity yet since coming on board.

Commissioner Dunlap asked about consumer choice which was addressed.

Commissioner Dunlap asked about the evaluation of providers which was addressed.

Commissioner Clarke asked to receive a copy of any communications received by Commissioners regarding this matter from state officials.

Commissioner Clarke asked that the Board receive another update in November.

Chairman Cogdell asked about Mercer, which was addressed. Director Endress said Mercer was a consulting firm hired by the state (DMA) to conduct readiness assessments.

Chairman Cogdell thanked Director Endress for the update.

Consent Items

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

(12-0552)  STORM WATER FUND BALANCE APPROPRIATION

Appropriate $375,736 in Storm Water Fixed Fee Funds from the Storm Water Fund Balance.

Note: The Interlocal Agreement between the City and the County for the operation of Mecklenburg County’s Storm Water System indicates that the fixed and administrative cost component of the storm water fee shall be used to pay administrative expenses, including but not limited to the cost of producing bills and collecting fees and operating customer service functions. The City of Charlotte has reimbursed Storm Water Services $375,736 for the year-end reconciliation for fiscal year 2011. In fiscal year 2011, the fixed fee revenues collected exceeded the operating cost. These funds have been received but have not been appropriated for expenditure by County Storm Water.

(12-0553)  INSURANCE REIMBURSEMENTS
Recognize and appropriate insurance reimbursement funds in the amount of $35,319 for Park and Recreation, $36,783 for BSSA-Asset Facility Management and $183 for Sheriff’s Office.

**Note:** All reimbursements are for stolen and damaged items.

(12-0562) **BUDGET AMENDMENT - GEOSPATIAL INFORMATION SYSTEMS (REVENUE INCREASE)**

Recognize and appropriate $5,628 donated by various sponsors for GIS Day.

**Note:** Mecklenburg County GIS has organized GIS Day for the past 12 years. GIS Day is an international event principally sponsored by the National Geographic Society, the Association of American Geographers, University Consortium for Geographic Information Science, the United States Geological Survey, the Library of Congress, Sun Microsystems, Hewlett-Packard, and the Environmental Systems Research Institute (ESRI). It is a venue to train the public on Mecklenburg County’s on-line GIS applications as well as outreach to area schools. The event increases awareness about other services offered by GIS and Mecklenburg County.

(12-0567) **AMEND ORDINANCES - LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING-DEVELOPMENT ORDINANCE - SECOND READING**

1. Amend the LUESA Fee Ordinance creating a combined upfit/renovation cost calculator, revising residential “owner as contractor” permit fees for projects less than $30,000 construction cost, and clarify permit cost for work started without a permit.

2. Amend the Building-Development Ordinance regarding residential “owner as contractor” inspection process for projects less than $30,000 construction cost.

3. Recognize and appropriate additional fee revenue for the current fiscal year.

**Note:** This was the Second Reading on these ordinances.

Ordinances recorded in full in Minute Book____ Documents # _____ and ______.

(12-0571) **MINUTES**

Approve minutes of Regular meeting September 18, 2012 and Closed Session held September 18, 2012.

(12-0574) **BOARD BULLETIN**

Receive the County Manager’s Board Bulletins published since the last Board meeting.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

(12-0548) **BUDGET AMENDMENT - MECKLINK BEHAVIORAL HEALTHCARE (REVENUE INCREASE)**
Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate additional Social Services Block Grant (SSBG) federal funds in the amount of $50,847 to provide services within the developmentally disabled population.

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

(12-0551) TORRENCE CREEK AT HUNTERSVILLE BUSINESS PARK STREAM ENHANCEMENT AND WATER QUALITY PROJECT

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

1. Recognize, receive and appropriate up to $364,711.45 as a grant award from the NC Clean Water Management Trust Fund for the Torrence Creek Stream Enhancement and Water Quality project at the Huntersville Business Park in Huntersville, NC.

2. Authorize the carry forward of unspent grant funds for subsequent years until completion of the project.

3. Authorize the County Manager to execute a construction contract with Eagle Wood, Inc. in the amount of $753,737.82.

4. Authorize the County Manager to negotiate and execute a Memorandum of Agreement with the Town of Huntersville up to $45,000 for construction on the Torrence Creek Stream Enhancement and Water Quality project at the Huntersville Business Park in Huntersville, NC.

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

(12-0564) CAPITAL RESERVE REQUEST - AQUATIC FACILITIES

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

1. Authorize and appropriate expenditure of $105,000 from the Consolidated Aquatic Capital Reserve Fund to renovate the Marion Diehl Recreation Center Pool locker rooms.

2. Authorize and appropriate expenditure of $34,500 to repaint all locker rooms, redo the flooring in the locker rooms, and repaint railing for the large water slide at Ray’s Splash Planet.

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

(12-0565) BUDGET AMENDMENT - SHERIFF’S OFFICE (REVENUE INCREASE)

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

1. Recognize and appropriate $78,645 from inmate commissary for the Sheriff’s Special
2. Recognize and appropriate $38,193 from vocational facility telephone revenue for the Sheriff’s Special Revenue Fund.

3. Recognize and appropriate $66,828 from concealed handgun permit fees for the Sheriff’s Special Revenue Fund.

Note: All funds collected through inmate commissary operations are used for inmate education, library and self-sufficiency programs as well as supplies and equipment to support programs. All funds received from 16.8 percent of commissions from the inmate telephone system are used for inmate vocational education programs. The Sheriff’s Office share of all funds resulting from the issuance of concealed carry permits are used for law enforcement purposes only. These funds will be used for the purchase of supplies and equipment as necessary.

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

Commissioner Leake asked to receive a list of the educational and vocational programs offered by the Sheriff’s Office.

ADJOURNMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:52 p.m.

____________________  ______________________________  __________________________
Janice S. Paige, Clerk                 Harold Cogdell, Jr., 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 9, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Dumont Clarke, George Dunlap, Vilma Leake and Jim Pendergraph
General Manager Bobbie Shields
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioners Karen Bentley, Neil Cooksey, Bill James, and Jennifer Roberts

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

(1) BROOKLYN VILLAGE

General Manager Bobbie Shields gave an update on the status of the agreement of sale for County property located at 800 East Third Street, Charlotte, NC. The update covered the following:

- Date of the Agreement
- Seller
- Buyer
- Property
- Purchase Price
- Outside Dismissal Date
- Key Seller’s Covenants
- Uses of Sale Proceeds

The following was also noted:

- The buyer was not obligated to close on the property.
- The County now owns the former Charlotte-Mecklenburg Schools (CMS) Education Center building, which had been totally vacated by CMS.
- The Board of Education/CMS was no longer a part of this transaction with the exception of receiving payment from the County for the Education Center site.
- The County was in the process of getting a new appraisal on the Educational Center site, which was something the County agreed to do if the property was not sold by January 2011, which it was not.
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• CMS would receive the higher appraised value if it came in higher than what it was originally appraised for.
• The design and development fees might increase or decrease.
• The County was obligated to build the park as shown on the design map.
• Per the developer, if the property was purchased by December 1, 2012, they would start construction on the apartments Spring of 2013.
• If that occurred, the County would need to be ready to build the park as well.

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

Comments

Commissioner Clarke asked would the Education Center building need to be removed prior to the developer starting construction. General Manager Shields said yes, and that the developer was responsible for demolishing the building. He said the County was only responsible for removing the asbestos.

General Manager Shields said the developer decided to build the apartments first rather than condos.

Commissioner Clarke asked about the culvert removal, which was addressed.

Commissioner Clarke asked if staff knew whether the developer planned to purchase the property. General Manager Shields said yes, that was staff’s understanding.

Commissioner Dunlap asked about funds for building the park. General Manager Shields said capital funds would be used, bonds or pay-as-you-go.

Commissioner Dunlap asked what did the County receive from the entire transaction. General Manager Shields said this was presented as an economic development opportunity for the County and that the County was in the business of building parks.

Commissioner Leake asked would the Second Ward gymnasium remain in the area. General Manager Shields said the developer was going to work with CMS to see what could be done with the gymnasium, whether there could be some type of adaptive reuse of the facility. General Manager Shields said the gymnasium was owned by CMS.

General Manager Shields said the developer planned to establish an advisory board, which would include someone with ties to the old Brooklyn High School. He said the chairman of the County Commission would also serve on that advisory board.

Commissioner Leake said she hoped there’s some type of remembrance of old Brooklyn and Second Ward.

Commissioner Leake asked about the future of Marshall Park, which was addressed.

Chairman Cogdell asked about the payment to CMS and how it should be taken into consideration by the County when considering future capital requests from CMS. General Manager Shields said CMS placed in the agreement that the County not take that into consideration with respect to future capital requests. This payment would not be related to bond money or operating funds. It would be a separate pool of funds. General Manager Shields said the County agreed to that stipulation.

Chairman Cogdell asked if staff foresaw a request to extend this beyond the Outside Dismissal Date of December 1, 2012. General Manager Shields said not to his knowledge and that per the developer they would not.
MECKLENBURG COMMUNITY VISION

Associate General Manager Leslie Johnson reported on proposed modifications to the Mecklenburg Community Vision 2015.

Associate General Manager Johnson said the Board would be asked to formally adopt the proposed modifications at the October 16, 2012 meeting.

Note: On November 1, 2011, the Mecklenburg Board of County Commissioners adopted a revised scorecard - Vision 2020: Community & Corporate Scorecard. The scorecard was updated to reflect the new realities post the Great Recession and to incorporate the Critical Success Factors that emerged from community input and that were endorsed by the Board of County Commissioners. Mecklenburg County’s Community & Corporate Scorecard is the organization's performance management tool for translating its vision to action. As a result of the changes to the scorecard, the vision narrative also needed to be updated.

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

Comments

Commissioner Dunlap questioned the statement “We will have safe neighborhoods with comparable crime rates from one neighborhood to another …” Commissioner Dunlap asked to what degree the County had responsibility for doing that. Associate General Manager Johnson said the County’s Scorecard was both community and corporate.

Associate General Manager Johnson said some of the things expressed in the Community Vision statement and in the Scorecard were things beyond the County’s primary accountability, but they were things that the Board believed were important.

Commissioner Dunlap said part of his concern was why create a document that you can’t be accountable for, but yet the County holds itself accountable. He also questioned the removable of the date in the title of the document.

Chairman Cogdell said he understood Commissioner Dunlap’s concern and likewise suggested the statement “Through joint master land use planning and capital investments, quality of life in neighborhoods will be maximized” be changed by adding “in collaboration with all municipal governments” or something to that effect.

Chairman Cogdell said the County was trying to put out a Community Vision of what it wanted, but what that vision required was much greater than what the scope of county government did.

Commissioner Dunlap questioned the statement “We will have eliminated preventable child deaths and injuries,” in light of the County’s limited control over such matters.

Commissioner Dunlap said in reference to the Scorecard, why rate yourself on things you’re not accountable for.

Commissioner Leake questioned the statement “We will have eliminated preventable child deaths and injuries and will have no disparities in resident health based on ethnic background. We will have lower than the national average per capita cases of cancer, HIV/AIDS and other sexually transmitted diseases, heart disease, …” Commissioner Leake asked how could this statement be made when Mecklenburg County had some of the highest numbers in the state when it comes to health disparities.
Associate General Manager Johnson said the statements were the goals and that the County had strategies and efforts in place to combat these issues.

Associate General Manager Johnson said the companion piece to the Community Vision was the Balanced Scorecard that had supporting strategies and measures to assure the County meets the goals that had been established.

Commissioner Leake referenced the statement “Our senior citizens will have the choice to age with dignity in their homes.” Associate General Manager Johnson said that’s the “over arching” goal since the adoption of the Community Vision and that there were services being provided to help ensure that happened.

Commissioner Leake questioned whether the statement should read will have or shall have.

Commissioner Dunlap said he still questioned the crime rate statement and how the County could improve the crime rate. Associate General Manager Johnson said the statement could be rephrased if there was no objection by the Board to say “we will have safe neighborhoods” as opposed to saying something about comparable crime rates.

Commissioner Pendergraph said it should be kept in mind that this document was written eleven years ago. Commissioner Pendergraph said the Sheriff’s Office had the opportunity to improve the crime rate for example, through the work release program and other programs provided by the Sheriff’s Office to inmates.

Chairman Cogdell noted the County’s funding of the Drug Court, which he said impacted the crime rate.

Associate General Manager Johnson said based on the feedback three changes were suggested:

1. Per Commissioner Dunlap, have a more generic statement when it came to talking about having safe neighborhoods and the crime rate.
2. Per Commissioner Leake, change “will” to “shall” where it talked about senior citizens will have the choice. . .
3. Chairman Cogdell suggested adding the words “in collaboration with” where it talked about joint master land use planning ...

Commissioner Dunlap asked that the proposed changes, per the feedback, be submitted to the Board in advance of the October 16 meeting for review.

Chairman Cogdell said he respected Commissioner Dunlap’s perspective with respect to the crime rate, but that he was okay with the way it currently read.

Chairman Cogdell suggested consideration be given to adding something to the effect that Mecklenburg County would work with federal, state, and local officials in order to address various things outlined in the Community Vision.

Associate General Manager Johnson noted the following statement already in the Community Vision “We will maintain a local government that is highly efficient, effective, accountable, and inclusive. Partnerships between government, the private sector and the faith community will be bringing together people from diverse backgrounds to address and solve community problems.”

Chairman Cogdell said the existing statement addressed what he was suggesting.
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(3) RYAN WHITE PROGRAM

Dr. Wynn Mabry, Health Director and Bobbie Cobb Deputy Director reported on the Ryan White HIV/AIDS Program. The following was covered:

- History of the program
- Components of the program
- Program model
- Participating Counties
- Funding by Counties
- Program Oversight
- Required Meetings
- Funding Awards and Expenditures
- 2012 Priority Allocations
- The Planning Council
- The Advisory Board
- Advisory Board Model

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

Comments

Commissioner Dunlap asked about support services funding and who made the decision to move funding from one area to another. Deputy Director Cobb explained that there were a number of processes that took place when it came to the allocation of funds and elaborated on those processes.

Commissioner Dunlap asked what if a consumer needed financial assistance that was authorized under support services or needed assistance with housing or child care. Deputy Director Cobb said in order to meet that need, it meant cutting off the provision of medical services for another consumer.

Deputy Director Cobb said there was a limited pool of funds. He said over the years the demand for medical services and medications had increased. He said in light of that increased demand, funds were moved from other categories to medical services.

Deputy Director Cobb said persons with HIV/AIDS were living longer and that a lot of the emergency type support services that were needed in years past were no longer needed and that the greater need was for medical services.

Commissioner Dunlap asked for clarification on having an advisory board vs. a planning council. Deputy Director Cobb said having a planning council was much more restrictive than an advisory board.

Deputy Director Cobb said there’s more flexibility with having an advisory board.

Commissioner Dunlap asked was it correct that consumers make up a portion of the advisory board. Deputy Director Cobb said yes, 50%.

Deputy Director Cobb said if Board members knew of individuals interested in serving on the advisory board to let staff know.

Commissioner Dunlap asked was it correct that providers on the advisory board do not vote to direct funds to certain agencies or organizations. Deputy Director Cobb said they couldn’t do that. Deputy Director Cobb said what they could do was say here were areas that we find were
priority and percentages that you should allocate. He said the contract process was a fair, open
bid process.

Commissioner Dunlap asked whether someone on the advisory board, who was also a provider
participated in the bid process. *Deputy Director Cobb said there were four providers on the
advisory board and that even if they grouped together they could not sway the opinion of the
advisory board. Deputy Director Cobb said they have one of 28 votes.*

Commissioner Dunlap said the perception was there were providers that served on the
advisory board that awarded contracts and that they influence the outcome.

Commissioner Dunlap said he understood from staff that this would not happen, but wanted
to share the perception was out there.

Commissioner Dunlap said he would be “careful” about providers having anything to do with
reviewing or awarding contacts.

*Deputy Director Cobb* said they do not review contracts or bids. They were not allowed to
participate in the review of the applications. He said they weigh in on the allocation of
categorical resources.

*Commissioner Leake* said her concern was for prevention efforts.

Commissioner Leake asked about management of the Ryan White program. *Deputy Director
Cobb said Luis Cruz was the Program Manager.*

Commissioner Leake asked was Mr. Cruz out in the community. *Deputy Director Cobb explained
that the Ryan White Program was more about medical care. He said prevention under the
Health Department was a function of the Prevention Outreach and Education division that was
under the Carolina’s Healthcare contract that would be transitioning back to the County next
year.*

Commissioner Leake asked had the information shared with the Board today been shared with
the community. *Deputy Director Cobb said the Health Department dealt with HIV in several
areas. He said there were disease intervention specialists, the outreach component, and the
Ryan White component. He said outreach was done by the department.*

Dr. Mabry said the Health Department had a broad spectrum of services that supported the
overall strategy. He said Commissioner Leake was correct that the secret to success in this area
was both prevention and keeping individuals in treatment.

Dr. Mabry said it’s been learned over time that if individuals were kept in treatment that was
prevention. He said Ryan White was a form of prevention because if you had individuals who
were HIV positive and took their medicines on a regular basis they don’t transmit the disease.

*Chairman Cogdell* asked for a list of the advisory board members. *Deputy Director Cobb said he
could provide a list of the groups represented but would not list individuals that were living with
HIV and serving on the advisory board for confidentiality purposes.*

Chairman Cogdell asked about the difference between having a planning council vs. an advisory
board, which was addressed. *Deputy Director Cobb said a planning council was more
bureaucratic.*

Chairman Cogdell asked about the process for applying to serve on the advisory board. *Deputy
Director Cobb said it was just a matter of informing the Health Department Director of one’s
interest and that you meet the criteria required to serve.*
Chairman Cogdell asked who made the decision regarding an individual’s eligibility to serve. *Deputy Director Cobb said he didn’t recall anyone ever being denied the opportunity to serve.*

Dr. Mabry said the process was pretty open, ended. He said sometimes recruitment was done to make sure the right balance was in place. He said the department was doing more encouragement to get individuals to serve vs. persons seeking to serve.

In response to Chairman Cogdell’s question of who made the decision regarding an applicant’s eligibility to serve, the response was the program director, who was currently Luis Cruz. The decision was made based on the criteria of need.

Chairman Cogdell asked why was the appointment decision made by the program director and not by the Board of County Commissioners like with other advisory boards. *Deputy Director Cobb said it probably was set up that way initially for expediency purposes. He said it was compared to the guidelines for a planning council and made sure that it met the criteria and that the applicant met the criteria of the planning council.*

*Deputy Director Cobb* said the appointment process could easily be changed. He said the matter could be presented to the Board if that was the desire of the Board. He said the Board would be making those appointments for a six county region.

Dr. Mabry reminded the Board that it already had an HIV Advisory Board and those representatives were placed on the regional advisory board.

Chairman Cogdell asked was there a conflict of interest policy that the advisory board adheres to with regards to voting on anything that could potentially appropriate resources to an employer. *Program Director Cruz said members were required to sign a conflict of interest form.*

*Deputy Director Cobb* said staff could go back and detail out the current policy, based on today’s comments and forward that information to the County Manager to alter the process.

Commissioner Dunlap said he didn’t know if the persons that have made allegations regarding the process were right or wrong, and noted that he’d learned a lot today, but nonetheless, it’s the appearance that something was not right.

Commissioner Dunlap said there needed to be some specificity to the appointment process. He said it appeared to be “loose knit”, with no specific number of members.

*Deputy Director Cobb* said the members of the existing advisory board did a good job. He said the department didn’t want a negative perception about the program or process. He said staff would report back, per the Board’s feedback.

Commissioner Leake said she would like to see the policy and procedures regarding the program. Commissioner Leake questioned the advisory board’s meeting schedule and said she would prefer the advisory board not meet on the same day and time as the Board of County Commissioners. Commissioner Leake said this prevented a commissioner who might want to attend one of their meetings from doing so.

Chairman Cogdell suggested the Board be provided with information regarding the goals and responsibilities of the advisory board, the criteria for membership, who made or should make the appointment decision, and categories for appointment.

*Deputy Director Cobb* said staff would report back to the Board within a month.

This concluded the discussion. No action was taken or required.
ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 5:21 p.m.

____________________
Janice S. Paige, Clerk

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Harold Cogdell, Jr., 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 7, 2012.

ATTENDANCE

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

Absent: None

Note: Commissioner Neil Cooksey passed away on October 10, 2012.

-INFORMAL SESSION-

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

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0643, 12-0652, 12-0629, 12-0599, 12-0603, 12-0611, 12-0614, 12-0616, 12-0622, 12-0624, 12-0625, 12-0626, 12-0634, 12-0640, 12-0642, and 12-0644.

STAFF BRIEFINGS - NONE

(12-0646, 12-0650) CLOSED SESSION – CONSULT WITH ATTORNEY AND PERSONNEL MATTER

Motion was made by Commissioner Pendergraph, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Pendergraph voting yes, to go into Closed Session for the following purposes: Consult with Attorney and Personnel Matter.

The Board went into Closed Session at 5:12 p.m. and came back into Open Session at 5:57 p.m.

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

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Clarke, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

Note: Commissioner Dunlap returned to the meeting during introductions.

AWARDS/RECOGNITION

(12-0651) MECKLENBURG COUNTY PARK AND RECREATION - 2012 NATIONAL GOLD MEDAL AWARD GRAND WINNER

The Board recognized and commended the Park and Recreation Department for receiving the National Recreation and Park Association Gold Medal Award (Class 1, Over 250,000 population).

Note: The Gold Medal Award honors communities throughout the United States that demonstrate excellence in long-range planning, resource management, and agency recognition. Each agency is judged on its ability to address the needs of those it serves through the collective energies of citizens, staff and elected officials. Mecklenburg County Park and Recreation Department was selected the winner in the Class I category (population 250,000 and over) competing against: · City of Henderson (NV) Parks and Recreation Department· Maryland-National Capital Park and Planning Commission, Riverdale, MD· Plano (TX) Parks and Recreation

Park and Recreation Director Jim Garges was present and received the recognition on behalf of his department.

(12-0647) PUBLIC APPEARANCE

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

Kathy Davis, a resident of District 5, addressed the loss of Commissioner Cooksey as the District 5 representative. Ms. Davis asked that in light of Commissioner Cooksey’s passing that the At-Large members of the Board look out for the interest of District 5 to give them a “voice.” She asked the At-Large Board members to attend the District 5 public meeting to be conducted by Pearson’s regarding the 2011 Revaluation Review on November 13, 2012 from 7:00 p.m. – 9:00 p.m. at the Marion Diehl Center on Tyvola Road. Ms. Davis noted that at the first District 5 public meeting held by Pearson’s that Commissioner Cooksey was unable to attend for health reasons and that there was no representation from the Board present. Ms. Davis encouraged all Commissioners to attend meetings held in their district.

Paul Risk, Division Director of Youth and Family Services, along with staff members Carla Holloman, Foster Care Social Worker, Carol Rickle, Foster Parent, and Peter McNeil, Supervisor in Investigations, addressed the work, dedication, and commitment of Youth and Family Services staff, in light of recent unfavorable statements in the newspaper.

APPOINTMENTS

(12-0636) APPOINTMENTS
JUVENILE CRIME PREVENTION COUNCIL

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

**Round One**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Committee(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawrence Brinson</td>
<td>None</td>
</tr>
<tr>
<td>Stephanie Carter-Tyson</td>
<td>Commissioners Cogdell, James, and Roberts</td>
</tr>
<tr>
<td>Jamica LaFranque</td>
<td>None</td>
</tr>
<tr>
<td>Emmett Tankersley</td>
<td>Commissioners Bentley, Clarke, Dunlap, and Pendergraph</td>
</tr>
</tbody>
</table>

**Round Two**

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Committee(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawrence Brinson</td>
<td>None</td>
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<td>Stephanie Carter-Tyson</td>
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</tr>
<tr>
<td>Jamica LaFranque</td>
<td>None</td>
</tr>
<tr>
<td>Emmett Tankersley</td>
<td>Commissioners Bentley, Clarke, Cogdell, Dunlap, James, and Pendergraph</td>
</tr>
</tbody>
</table>

Chairman Cogdell announced the appointment of Emmett Tankersley to the Juvenile Crime Prevention Council as the General Public representative to fill an unexpired term expiring June 30, 2014.

*He replaces Chris Ferguson.*

LIBRARY BOARD OF TRUSTEES

Commissioner Dunlap presented the Board’s Ad Hoc Appointment Committee recommendation for appointments to the Library Board of Trustees: Jennifer Appleby and Robert Harrington. Committee members were Chairman Cogdell and Commissioners Dunlap and Pendergraph.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Jennifer Appleby and Robert Harrington to the Library Board of Trustees for four-year terms expiring December 31, 2016.

*They replace Sally Robinson and Darrel Williams, whose terms will expire December 31, 2012.*

*Note: Commissioner Leake asked that all Board members be informed of when ad hoc appointment committees meet to conduct interviews.*

PUBLIC HEARINGS - 6:30 PM - NONE

ADVISORY COMMITTEE REPORTS - NONE

MANAGER’S REPORT

(12-0619) 2011 REVALUATION REVIEW STATUS UPDATE
NOVEMBER 7, 2012

The Board received an update on the status of the 2011 Revaluation Review. The update was provided by County Manager Jones, Cary Saul, Director of LUESA and Emmett Curl with Pearson’s Appraisal Service. The Board also heard from Tom Durham, chair of the Citizens Revaluation Advisory Committee (CRAC) regarding its involvement in the process.

Note: Pearson’s Appraisal Service is conducting a review of the County’s 2011 Revaluation process.

The following was noted:

- Pearson’s has been working under a very aggressive schedule.
- Pearson’s will present their findings and recommendations to the Board at its November 13, 2012 Budget/Public Policy meeting at 3:00 p.m.
- Pearson’s final report will be available Thursday or Friday of next week, November 15 or 16 and will be provided to the Board in advance of the November 20, 2012 meeting.
- The Board will be asked to consider any action it wants to take with respect to the final report findings and recommendations at the November 20, 2012 meeting.
- Pearson’s held six public meetings, one in each county commission district.
- The meetings lasted anywhere from 1 1/2 hours to 4 hours.
- Pearson’s visited 151 different neighborhoods that were selected at random.
- Pearson’s reviewed 52 neighborhoods that were from high to low with respect to land value increase.
- A total of 203 neighborhoods were visited.
- Pearson’s reviewed 375 records.
- Pearson’s has reviewed project management, the appeal process, and statutory compliance.
- Pearson’s plans to do the citizen’s review after the meeting on November 13, 2012.

Comments

Commissioner James asked would the report be presented to management first and then the Board. The response was no, the first presentation of the report would be to the Board on November 13, 2012.

Commissioner James asked would there be any advance copies of the report. The response was no.

Commissioner James asked would the final report include recommendations to fix problems that were found and where the problems occurred. The response was yes.

Commissioner Bentley asked would there be an executive summary of the report available prior to the final report being published. Mr. Curl said he hoped so, but he couldn’t promise that there would be. He said the actual report would not be too lengthy, but that the lengthiness of the report would mainly be due to exhibits and maps.

Mr. Curl said they plan to have a PowerPoint, which could serve as an executive summary.

Commissioner Bentley asked about the purpose of the additional district meetings that were going to be held between now and the Board’s receipt of the final report. Mr. Curl said the purpose of the additional district meetings would be to share the information that was shared with the Board on November 13, 2012.

Commissioner Roberts asked about the meeting schedule for the upcoming additional district meetings. It was noted that the schedule was available on-line.

Commissioner Clarke asked about the 375 records that were reviewed. Mr. Curl explained the purpose for reviewing those records, which was to see the condition of the data that overall
Commissioner Clarke asked were the records reviewed records the County had on file for properties. *The response was yes.*

Commissioner Clarke said he wanted to see in writing what process was used to come to the conclusions that were drawn in the report.

**Commissioner Leake** said hard copies of the report should be made available because everyone did not have access to a computer.

Commissioner Leake asked would there be recommendations on how Mecklenburg County should conduct its revaluation going forward. *Mr. Curl said there would be recommendations to improve the process to make it acceptable to citizens and easier for citizens. He said the report would be customer focused. He said there would be timeline recommendations in the report.*

**Commissioner Dunlap** asked if all the test data was being valued at the same percentage of its value. *The response was yes.*

Commissioner Dunlap asked whether definitions would be provided for the various terms used in the revaluation process, such as market value, sales price, etc. *Mr. Curl said if he was referring to asking price vs. what it actually sells for, that they plan to define arms length transactions and define reasons why it’s not arms length.*

Commissioner Dunlap questioned the timing of the presentation of the final report and the Board’s ability to absorb the information and make an “intelligent” decision, in light of the fact that November 20, 2012 would be the last meeting for the current board.

Commissioner Dunlap suggested that whatever information was provided to the Board, also be provided to Commissioners elect. Also, that Commissioners-elect be invited to any meetings where this matter would be discussed.

**County Manager Jones** said in light of the timing, the Board could consider holding a Special Meeting after the November 20, 2012 meeting and prior to December 3, 2012.

**Chairman Cogdell** asked would feedback received at the upcoming additional district meetings be included in the final report. *Mr. Curl said they would try to include as much as they could given the timeline involved. He said there would be a digital record of everything that would be turned over to the County.*

**Tom Durham**, chair of the Citizens Revaluation Advisory Committee complimented staff on the RFP that was developed and Pearson’s for adhering to what was requested in the RFP. Mr. Durham said there was a representative from the Citizens Revaluation Advisory Committee at each of the district meetings held by Pearson’s. Mr. Durham said they would also attend the upcoming additional district meetings.

Mr. Durham said the concern heard frequently from residents was the question of equity.

Mr. Durham thanked the Board on behalf of the Citizens Revaluation Advisory Committee for allowing them the opportunity to serve the community in this fashion.

**Commissioner Pendergraph** asked about the possibility of holding another community meeting in the 49 South, South Tryon, Buster Boy Bridge/Lake Wylie area. Commissioner Pendergraph said the location of the District meetings for District 2 and District 6 were quite a distance away for residents in these areas.
Director Saul explained the process staff went through working with the District representatives to find locations and the tight time schedule that Pearson’s had left. It was also noted that Pearson’s was required to conduct twelve meetings, six before they began their work and six at the end of the process. He said if they could do one more, it would be after the presentation of the final report on November 20, but it should be kept in mind that if you hold an additional meeting for one district, other districts may want the same opportunity.

Commissioner Pendergraph said he understood.

The following persons appeared to speak to this issue:

Jeff Hare of Cornelius thanked the Board for its decision to have an external review the 2011 Revaluation process. Mr. Hare encouraged the Board to release the Pearson’s report to the public. He said it needed to be clear to everyone what the report concluded and recommended.

Mr. Hare asked the Board to think about what could be done to make any necessary value changes that might need to be done based upon the report. Mr. Hare said he’s aware that the Board of Equalization and Review and the Tax Assessor’s Office could make changes.

Mr. Hare said he, as well as others, had spoken with members of the N.C. House and Senate and they stand ready to propose legislation that would enable Mecklenburg County to do what it needed to do to get this matter “right.”

Barb Scott of Cornelius said she was concerned about the schedule for the release of the Pearson’s report. Ms. Scott said she understood the timeline was very tight, but suspected some of the findings had already been discussed. Ms. Scott said any findings that had been discussed should be released to the public.

Ms. Scott said some of the findings had already been “leaked” to the Press, per what was in the newspaper last week. Ms. Scott said she suspected staff and the Citizens Revaluation Advisory Committee had been briefed and that information should be released for the benefit of the County Commission and public, because this was a complicated issue.

Ms. Scott encouraged the Board to consider holding an additional meeting sometime after the November 20, 2012 meeting to make a decision, as suggested by the County Manager.

Ms. Scott thanked the Board, staff, the Citizens Revaluation Advisory Committee and Pearson’s for its work in this effort.

Commissioner Leake inquired about Ms. Scott’s statement that there was a “leak” with respect to information in the Pearson’s report.

Chairman Cogdell said he didn’t know if Ms. Scott was referring to the interview he did with the Charlotte Observer or not.

Chairman Cogdell said there was an email to him from General Manager John McGillicuddy where he outlined some key themes that were very preliminary and high level themes; that email was public record and made public.

Chairman Cogdell said it was his understanding the report had not been finalized and no one had seen the report or any preliminary versions of the report.

Chairman Cogdell said there was an important word that he used when he interviewed with the Charlotte Observer that was not used by the Observer, which was possible “inequities.”
Chairman Cogdell said the Observer used for its headline the word “inaccuracies.”

Chairman Cogdell said he was not aware of any leaks.

Commissioner Roberts said to her knowledge, none of the Commissioners had seen the Pearson’s report.

County Manager Jones noted for the record that staff had not seen the Pearson’s report, preliminary or final.

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

(12-0670) NOTICE OF INTENT – SECOND AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY

Motion was made by Commissioner Dunlap, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to adopt a resolution authorizing the Clerk to the Board to publish a notice of intent to amend the Agreement of Sale for three (3) parcels of land (+/-11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Spectrum Investment Services.

Bobbie Shields, General Manager presented this matter to the Board. It was noted that Jim Dulin, Chairman of Spectrum Investment Services was requesting a six month extension of the closing deadline to purchase the subject property.

Resolution recorded in full in Minute Book ______, Document # ______.

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0649) NAMING OF COUNTY FACILITY

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to acknowledge receipt of an application submitted by Commissioner Karen Bentley to name the Health Department’s Southeast Campus facility located at 249 Billingsley Road in honor of the late Commissioner Neil Cooksey. Secondly, to schedule a public hearing on November 20, 2012 at 6:30 p.m. to receive public comment on the proposed naming of a County facility in honor of the late Commissioner Neil Cooksey.

Consent Items

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

(12-0599) MECKLINK BEHAVIORAL HEALTHCARE MONTHLY FINANCIAL REPORT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to receive MeckLink’s Monthly Financial Report for the period ending August 2012.

Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program (i.e., MeckLINK,
formerly Area Mental Health) 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.

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

Commissioner Leake removed this item from Consent to receive clarity on what department MeckLink was and its role. County Manager Jones explained that MeckLink was the department formerly known as Area Mental Health.

(12-0603) LATTIA EQUESTRIAN CENTER

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to adopt a resolution declaring intent to enter into a lease agreement with the Country Times Carriages, LLC for the overall management, routine daily maintenance and operation of the Latta Equestrian Center.

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

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0609) BUDGET AMENDMENT - GREATER CHARLOTTE NC AIR AWARENESS GRANT (REVENUE INCREASE)

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate $165,961 from the NC Department of Environment and
Natural Resources (NCDENR), Division of Air Quality, for the "Greater Charlotte NC Air Awareness Program" for each grant period.

(12-0611) JAIL HEALTH MEDICAL PLAN

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to approve the Jail Health Medical Plan as required by G. S. 153A-225.

Note: Any jurisdiction that operates a local confinement facility is required to develop a plan for providing medical care for inmates/prisoners in the facilities. G.S. 153A-225 requires that the plan be adopted by the governing body. The Jail Health Medical Plan is designed to protect the health and welfare of inmates/prisoners and to avoid the spread of contagious disease. It provides for medical supervision of inmates/prisoners and emergency medical care to the extent necessary for their health and welfare. It also provides for the protection, examination and treatment of inmates/prisoners who are infected with tuberculosis or other communicable diseases. The plan was developed in coordination with the Sheriff’s Office medical provider and the Health Director and has been deemed adequate to protect the health and welfare of the inmates/prisoners.

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

A copy of the Plan is recorded in full in Minute Book _____, Document # _____.

(12-0614) BUDGET AMENDMENT - HEALTH DEPARTMENT (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate additional revenue in the amount of $123,997 to reflect actual state and federal allocations.

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

(12-0616) BUDGET AMENDMENT - WORK FIRST BLOCK GRANT (TEMPORARY ASSISTANCE FOR NEEDY FAMILIES)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Roberts voting yes, to amend the Fiscal Year 2013 Adopted Budget by $1,464,256 to recognize, receive and appropriate Federal Revenue for Work First Block Grant.

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

Commissioner Pendergraph returned to the dais.

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

(12-0617) PROCLAMATION - HOMELESS AWARENESS MONTH
NOVEMBER 7, 2012

Adopt a joint proclamation designating November 2012 as “Homeless Awareness Month.”

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

Commissioner Dunlap removed this item from Consent for more public awareness

(12-0629) PROCLAMATION - NATIONAL ADOPTION AWARENESS MONTH

Adopt a proclamation designating November 2012 as “National Adoption Awareness Month” in Mecklenburg County.

Chairman Cogdell removed this item from Consent for more public awareness.

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

(12-0652) PROCLAMATION - PANCREATIC CANCER AWARENESS MONTH

Adopt a proclamation designating November, 2012 as Pancreatic Cancer Awareness Month in Mecklenburg County.

Chairman Cogdell removed this item from Consent for more public awareness.

Note: County Manager Jones read the proclamation.

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

(12-0618) BOARD BULLETIN

Motion was made by Commissioner Pendergraph, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to receive the County Manager's Board Bulletins published since the last Board meeting.

(12-0622) NEW POSITION - COMMUNITY SUPPORT SERVICES DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve establishing a new position to enhance job readiness and job placement services for displaced homemakers.

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

(12-0623) GRANT APPLICATION - SUSAN G. KOMEN FOUNDATION – BREAST CANCER SERVICES - HEALTH DEPARTMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve submission of a $130,000 grant application for breast cancer screening and support for needed diagnostics from the Susan G. Komen Foundation. If awarded, recognize, receive, and appropriate awarded funds for the duration of the grant period.
Commissioner Leake removed this item from Consent for more public awareness and clarity.

(12-0624) GRANT APPLICATION - NC DHHS - TEEN PREGNANCY PREVENTION PROGRAM

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve submission of a $300,000 grant application for the Adolescent Pregnancy Prevention Program from the NC Department of Health and Human Services, Office of Women's Health. If awarded, recognize, receive and appropriate awarded funds for the duration of each grant period.

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

(12-0625) GRANT APPLICATION - HIV/STD INTEGRATED TARGETED TESTING SERVICES

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve submission of a three-year, $120,000 per year ($360,000 total) grant application for the Integrated Targeted Testing Services Program from the NC Department of Health and Human Services, HIV/STD Prevention Program. If awarded, recognize, receive and appropriate awarded funds for the duration of the grant period. This grant application is due November 13, 2012. The grant becomes effective June 1, 2013.

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

(12-0626) GRANT APPLICATION - HIV/STD COUNSELING, TESTING AND REFERRAL IN SUBSTANCE ABUSE TREATMENT CENTERS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve submission of a three-year, $120,000 per year ($360,000 total) grant application for the HIV/STD Counseling, Testing and Referral in Substance Abuse Treatment Centers Program from the NC Department of Health and Human Services, HIV/STD Prevention Program. If awarded, recognize, receive and appropriate awarded funds for the duration of the grant period. This grant application is due November 13, 2012. The grant becomes effective June 1, 2013.

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

(12-0627) PROCLAMATION - GIS DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt a proclamation designating Wednesday, November 14, 2012 as GIS Day in Mecklenburg County.

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

(12-0628) SET PUBLIC HEARING - NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION
Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to:

1) Set a public hearing for December 4, 2012 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 2013-2014.

2) Authorize the Clerk to the Board to publish Notice of Intent to hold a public hearing on December 4, 2012.

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

(12-0630) NOTICE OF INTENT - FIRST AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY TO FIBER MILLS, LLC

Adopt a resolution entitled, “Mecklenburg County Board of Commissioners Resolution Declaring Intent to Amend the Agreement to Sell Property to Fiber Mills, LLC.”

Resolution recorded in full in Minute Book ______ Document # ______.

(12-0633) PROPERTY TRANSFER TO THE CITY OF CHARLOTTE FOR THE BLUE LINE EXTENSION PROJECT

Approve the transfer of Parcel 049-241-05 (1.18 acres) to the City of Charlotte for $437,500 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 transfer.

(12-0634) RESERVE FUND APPROPRIATION - DISCARDED WHITE GOODS FUND

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appropriate $190,933 from the fund balance of the Discarded White Goods Fund for the purchase of one tandem drive compressed natural gas (CNG) rolloff truck.

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

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

(12-0635) TAX REFUNDS

Approve refunds in the amount of $573, 222.58 and interest as statutorily required to be paid as requested by the Assessor resulting from clerical errors, audits and other amendments.
A list of refund recipients is on file with the Clerk to the Board.

(12-0637) GRANT APPLICATION - ESRI AND PCI GEOMATICS NATURAL RESOURCES IMAGERY (GIS)

Approve submitting a $100,000 grant application to ESRI for a Natural Resources Imagery Grant. If awarded, recognize, receive and appropriate awarded funds for the grant period. This grant application is due November 16, 2012. Winners will be announced on January 18, 2013.

(12-0639) TORRENCE CREEK AT HUNTERSVILLE BUSINESS PARK CONSERVATION EASEMENT AND AGREEMENT

1. Authorize the County Manager to execute a conservation easement for the stream restoration project funded by NC Clean Water Management Trust Fund along Torrence Creek at The Park-Huntersville on portions of Tax Parcels: 01716506 & 01718401.

2. Authorize the County Manager to execute a stream restoration and maintenance agreement for portions of Tax Parcels: 01718117, 01718108, & 01718116.

(12-0640) NOVA PROGRAM LEASE

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to negotiate and execute a lease with Rozzelles Ferry, LLC for the NOVA Program.

Note: The New Options for Violent Actions (NOVA) program, which is part of the County’s Community Support Services Department, is a state-certified batterer intervention program that aims to end violent behavior between intimate partners. NOVA serves residents of Mecklenburg County, and is the largest program of its kind in North Carolina. Program participants are referred by the court system, the Department of Social Services, or other human service providers. It is a 26-week, fee-based service that attempts to initiate change in abusers’ behavior and introduce non-controlling, non-violent ways of relating to partners and loved ones.

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

——

Commissioner Roberts asked to be excused from voting on Item 12-0643 Refunding Bonds to avoid a conflict of interest.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to excuse Commissioner Roberts from voting on Item 12-0643 Refunding Bonds to avoid a conflict of interest.

Commissioner Roberts left the dais and was away until noted in the minutes.
RESOLUTION RELATING TO REFUNDING BONDS

Chairman Harold Cogdell, Jr. introduced the following resolution, which was read by the above title:

WHEREAS, the Board of Commissioners for the County of Mecklenburg, North Carolina (the "County"), is considering authorizing the issuance of refunding bonds of the County in an aggregate principal amount not exceeding $276,000,000 for the purpose of providing funds, with other available funds, for refunding all or a portion of certain outstanding general obligation bonds, including paying expenses related thereto, and it is necessary to take certain related action at this time;

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

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds that (i) the issuance of such bonds is necessary or expedient in order to realize debt service and other savings and benefits for the County, (ii) the principal amount of such bonds is adequate and not excessive for the proposed purpose of such bonds because it is based upon the best estimate of the County of the funds needed for such purpose and takes into account other funds of the County available for such purpose, (iii) the County’s debt management procedures and policies are good and are managed in strict compliance with law, (iv) no increase in taxes will be necessary to service such bonds because it is expected that debt service and other savings will be realized in connection with the issuance of such bonds and (v) such bonds can be marketed at reasonable rates of interest.

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

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

<table>
<thead>
<tr>
<th>Professional</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Counsel</td>
<td>Robinson, Bradshaw &amp; Hinson, P.A., Charlotte, North Carolina</td>
</tr>
<tr>
<td>Financial and Swap Advisor</td>
<td>First Southwest Company, Charlotte, North Carolina</td>
</tr>
<tr>
<td>Underwriters</td>
<td>Wells Fargo Securities and Citigroup Global Markets, Inc. (senior managers) U.S. Bank, N.A. (co-manager)</td>
</tr>
<tr>
<td>Underwriter’s Counsel</td>
<td>McGuireWoods LLP</td>
</tr>
</tbody>
</table>

The Board hereby requests the Local Government Commission to approve such professionals as members of the financing team. The County will at a later date make recommendations for the selection of other parties required in connection with the issuance of the bonds.
Section 4. The Board hereby requests that the Local Government Commission of North Carolina sell the bonds at private sale without advertisement at prices and at interest rates determined by Local Government Commission, subject to the approval of the Director of Finance of the Board. The minimum purchase price shall be the statutory minimum set forth in G.S. 159-123(c), and the maximum interest cost shall be 8%.

Section 5. The Board hereby authorizes the full or partial termination or modification of any interest rate swap agreements in connection with issuance of the bonds, and further authorizes using proceeds of the bonds to make any termination payments due from the County in connection with such swap terminations or modifications. The Board hereby requests the Secretary of the Local Government Commission to approve any such swap terminations or modifications.

Section 6. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner George Dunlap, seconded by Commissioner Bill James, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, Vilma Leake, and Jim Pendergraph.

Noes: None.

RESOLUTION INTRODUCING REFUNDING BOND ORDER

Commissioner Bill James introduced the following bond order, which was read by the above title.

BOND ORDER AUTHORIZING THE ISSUANCE OF $276,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLEMBURG

WHEREAS, the County of Mecklenburg (the “County”) has issued Variable Rate General Obligation Public Improvement Bonds, Series 2003B (the “2003B Bonds”), a certain portion of which remain outstanding (the “Outstanding 2003B Bonds”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2004B (the “2004B Bonds”), a certain portion of which remain outstanding (the “Outstanding 2004B Bonds”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2005A (the “2005A Bonds”), a certain portion of which remain outstanding (the “Outstanding 2005A Bonds”); and

WHEREAS, the County has issued General Obligation Refunding Bonds, Series 2005C (the “2005C Bonds”), a certain portion of which are subject to mandatory sinking fund redemption on February 1, 2013 (the “2013 2005C Bonds”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2007A (the “2007A Bonds”), a certain portion of which remain outstanding (the “Outstanding 2007A Bonds”); and
WHEREAS, the County has issued General Obligation Park and Recreation Bonds, Series 2008A (the “2008A Bonds”), a certain portion of which remain outstanding (the “Outstanding 2008A Bonds”); and

WHEREAS, the County has issued General Obligation Public Improvement Bonds, Series 2008B (the “2008B Bonds”), a certain portion of which remain outstanding (the “Outstanding 2008B Bonds”); and

WHEREAS, the Board of Commissioners of the County deems it advisable to refund all or a portion of the Outstanding 2003B Bonds, the Outstanding 2004B Bonds, the Outstanding 2005A Bonds, the 2013 2005C Bonds, the 2007A Bonds, the 2008A Bonds, and the 2008B Bonds (collectively referred to herein as the “Bonds to be Refunded”) pursuant to and in accordance with The Local Government Finance Act;

NOW, THEREFORE, BE IT ORDERED by the Board as follows:

Section 1. The County Board of Commissioners has ascertained and hereby determines that it is advisable to refund the Bonds to be Refunded.

Section 2. To raise all or a portion of the money required to refund the Bonds to be Refunded as set forth above and to pay expenses in connection therewith, bonds of the County are hereby authorized and shall be issued pursuant to The Local Government Finance Act. The maximum aggregate principal amount of bonds authorized by this bond order shall be $276,000,000.

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 seconded by Commissioner Jim Pendergraph and adopted by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, Vilma Leake, and Jim Pendergraph.

Noes: None.

*       *       *

RESOLUTION AUTHORIZING PUBLIC HEARING ON BOND ORDER

Commissioner Bill James moved the adoption of the following resolution, the motion was seconded by Commissioner Jim Pendergraph, and the resolution was read by title:

WHEREAS, the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $276,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” has been introduced at the meeting of the Board of Commissioners (the “Board”) for the County of Mecklenburg (the “County”) held on November 7, 2012, 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. on December 18, 2012.

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 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 to adopt the resolution was adopted by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, Vilma Leake, and Jim Pendergraph.

Noes: None.

Extracts and Resolutions recorded in full in Minute Book ______ Documents # ______, ______ and______.

Commissioner Roberts returned to the dais.

(12-0642) TRAIL OF HISTORY ARTWORK MAINTENANCE CAPITAL RESERVE FUND ORDINANCE

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to adopt the Trail of History Artwork Maintenance Capital Reserve Fund Ordinance.

Ordinance recorded in full in Minute Book ______ Document # ______.

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

(12-0644) PARK & RECREATION EQUIPMENT FINANCING

Motion was made by Commissioner Leake, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager and the Director of Financial Services to negotiate and execute financing for acquisition of equipment for Park and Recreation for an amount not to exceed $500,000 and a term not to exceed 59 months.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the following items:
(12-0641)  REVALUATION RESERVE FUND ORDINANCE

Adopt Revaluation Reserve Fund Ordinance and authorize the transfer of $254,400 from the Revaluation Reserve Fund to the General Fund.

Ordinance recorded in full in Minute Book ______ Document # ______.

(12-0648)  MINUTES

Approve minutes of Regular Meeting held October 16, 2012 and Closed Session held October 16, 2012.

CLOSED SESSION

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

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

The Board went into Closed Session at 8:40 p.m. and came back into Open Session at 10:15 p.m.

ADJOURNMENT

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:18 p.m.

____________________  ______________________________  __________________________
Janice S. Paige, Clerk                        Harold Cogdell, Jr., Chairman
ATTENDANCE

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

Absent: None

Note: Commissioner Neil Cooksey passed away on October 10, 2012.

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

The meeting was called to order by Chairman Cogdell, after which the matter below was addressed.

(1) 2011 REVALUATION REVIEW REPORT

The Board received a presentation from Pearson’s Appraisal Service regarding the review of the County’s 2011 Revaluation. The presentation was made by Emmett Curl with Pearson’s. Robert Pearson, owner of Pearson’s Appraisal Service was also present.

Commissioner Dunlap entered the meeting as Mr. Curl began his presentation.

Commissioner Roberts entered the meeting during Mr. Curl’s comments on the neighborhood review.

The following was covered:
- Scope of Work
  - Initial Public Input Meetings
  - 150 Randomized neighborhoods – Focus: Equity
  - 50 neighborhoods: highest land value increase – Focus: Validity of sales analysis: Equity
  - 375 Randomized property record cards reviewed – Focus: Accuracy of property data
  - Statutory Compliance – Machinery Act
NOVEMBER 13, 2012

- Review of Project Management
- Review of Appeals Process
- Follow-up Public Meetings on Findings

Highlights:

Grading used in Neighborhood Review
Acceptable: The County’s overall valuation of the subject neighborhood is satisfactory based on the scope and procedures of our review. The overall equity of the parcels is reasonable and acceptable for January 1, 2011. Any errors we may have discovered were infrequent and limited to the individual parcel level.

Minor Issues: During the review, instances of inequity or erroneous data were discovered. These instances of inequity or incorrect information, by our determination, did not have a major effect on the overall valuation of the neighborhood. Issues pointed out as minor can be addressed by County staff in a reasonable manner as we attempted to pinpoint the inequities or inaccuracies.

Note: 34 of 151 neighborhoods reviewed were determined to have minor issues of equity.

Major Issues: During the review, instances of inequity or erroneous data were discovered that have a significant impact on the valuation of the neighborhood as a whole. Examples of this type of issue may include; significant erroneous data on sales used to determine market value for the neighborhood, widespread misapplication of grades/lot values/neighborhood modifiers, or any other issue that, in our opinion, significantly affects the market value as of January 1, 2011 or the parcel-by-parcel equity of the neighborhood as a whole.

Note: 15 of 151 neighborhoods reviewed were determined to have major issues of equity and of the 15, 5 were commercial neighborhoods.

Results of % Land Increase Neighborhoods
- 20 of the 52 neighborhoods reviewed were determined to have major issues – Approximately 40%.
- 18 of the 52 neighborhoods reviewed were determined to have minor issues – Approximately 35%.

Recommendation for addressing neighborhoods with issues
- Fix neighborhoods with major issues-most will require field visits.
- Review other heterogeneous neighborhoods with high ratio of land-to-building values for Compliance
- Process could be completed in 10 mos. to 1 year with adequate staffing

Key Appraisal Findings
- Overall valuations are acceptable
- Subdivisions of similar homes, especially newer homes, were typically acceptable
- Neighborhood modifiers used inappropriately in some neighborhoods
- Inequities in improvement values

Stigma Adjustment
- Neighborhood factors were applied to many neighborhoods reviewed

Appeals Process
- Percent of properties appealed at informal level was Typical
NOVEMBER 13, 2012

- Percent of properties that filed Board of Equalization and Review appeal was Not Typical
- Informal appeal process was ineffective at addressing taxpayer concerns
- Major frustration among citizens at public meetings

Statutory Compliance
- The revaluation was conducted in compliance with the N.C. Machinery Act

Project Management
- More time and effort was needed in the valuation process for the more difficult properties
- Greater level of quality control needed

Recommendations for Future Revaluations
- Provide access for taxpayers to speak to appraisers
- Standardize and simplify all correspondence that is mailed to property owners
- Make property record card available on-line
- Make customer service a top priority for entire Tax Office
- Greater emphasis on quality control before new notices are mailed
- Management should continuously sample work from all appraisers for consistency in Techniques
- Update construction cost from local market prior to next revaluation
- Recommend that sales not be automatically disqualified for “out of state”, “divorce”, or “probate”. Time on market should be considered.
- Field visits are needed before the next revaluation
- Photos of improvements should be updated
- Greater transparency in land appraisal techniques - Individually adjust for view, topography, shape, size instead of a lump sum adjustment by way of neighborhood modifiers
- Greater emphasis on income approach is needed
- A more detailed and thorough market study is needed
- Delineate more commercial neighborhoods
- Greater transparency in land appraisal - Reduce the use of neighborhood modifiers
- Offer an option for face-to-face appeals – Cannot overstate the importance of this recommendation
- Give a more thorough review to fee appraisals submitted
- One appraiser should work all appeals in a neighborhood to maintain consistency of decisions
- Neighborhoods with high appeal rates should be reviewed by project management
- Notices should be mailed before the effective date of revaluation to allow for more time in deciding appeals
- Informal appeals should be worked in six months or less
- Procedures should remain consistent throughout appeal cycle
- Offer recommended values PRIOR to the date of the hearing
- All properties scheduled for a hearing should be field visited by an appraiser prior to hearing
- Hearings should be scheduled in time blocks – More convenient for appellant and Board
- Board members should review all case documentation prior to rendering a decision
- Board members should perform deliberations with only assistance from Clerk to the Board

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

Comments
Commissioner James asked about the results of on-site property reviews and whether the percentages shown meant that the information in the tax office file was different from the on-site review. The response was yes.

Commissioner James asked about randomized neighborhoods and whether the numbers shown in the report were equity issues in terms of the values that were set. The response was yes.

Commissioner James asked about the difference between the summary of percentage of increase results and the summary of randomized neighborhoods, which was addressed.

Commissioner James said in light of the number of major issues discovered, the process was “flawed.”

Mr. Curl said the overall tax base may not change, but what you achieve is more equity because for everyone that’s on the high side, there’s a corresponding low side.

Commissioner James with respect to over assessments, asked staff to quantify and address what the impact was of the error rates identified on other neighborhoods, when staff reported back.

Commissioner Pendergraph said it appeared the majority of errors were in District 1. He asked how many field visits were made by the tax office to properties on the lake. Mr. Curl said his understanding was that there were limited field visits throughout the county.

Commissioner Pendergraph asked was that because of a lack of staff. Mr. Curl said revaluations were very expensive and things were done to control costs. He said statistically the County did a good job, but what Pearson’s found was that the older neighborhoods didn’t get the field visits they needed. Mr. Curl said this was not unusual throughout the state because budgets have been tight.

Commissioner Pendergraph asked Mr. Curl about the assignment of appraisers to neighborhoods and whether it was one or two appraisers that covered a particular neighborhood. Mr. Curl said he did not know if multiple appraisers were used or not.

Commissioner Pendergraph asked Mr. Curl if he knew how many of those that appeared before the BER had a field visit prior to the BER hearing process, separate and apart from the BER hearing. Mr. Curl said he did not. County Manager Jones said staff would find out.

Commissioner Bentley asked Mr. Curl for his opinion on what the appropriate ratio of parcels to appraisers was. Mr. Curl said there were publications that address that question, however, he doesn’t look at it from that standpoint. Mr. Curl said he really wasn’t qualified to answer that question but his approach in the jurisdiction he came from was to contract out and bring in expertise on the commercial side through the MIA approach and on the residential side persons who were experienced in looking at older neighborhoods. He said they only used one staff person to do the older neighborhoods. He said they contracted out on a per person, per day. He said the assessor needs to stay in control of the project and contracting out on a per person, per day allowed for better control. He said using the per person, per day method allowed the assessor to make changes as needed and quicker, if an appraiser wasn’t working out.

Mr. Curl said it really depended on a county’s cycle. He said a county needs to determine what its revaluation cycle is going to be and stay on schedule regardless of the economy or what happens politically. He said then you can regulate your staff size and decide if you want to do it all in-house or bring in outside expertise to assist. He said the decision should not be based on number of parcels per appraiser. Mr. Curl said in non-revaluation years, if you don’t have a lot
of appeals and your construction levels aren’t high, what would all of those people do. He said
the County had a lot of “clean up” work to be done currently but as time moves on in the
future, the County would want to manage its cost.

Commissioner Bentley asked with respect to the BER Appeals process who was the Clerk to the
Board. Mr. Curl said it was the tax assessor or his/her designee.

Commissioner Bentley asked what role should the Clerk to the Board of Equalization and
Review play. Mr. Curl said the Clerk was there to answer technical questions or process
questions. He said the Clerk kept records and minutes from the hearing. He said the Clerk
should also make sure the BER doesn’t make decisions that create inequities.

Commissioner Bentley asked what should be the dialogue between the Clerk and the BER
outside of the formal hearing as it relates to a specific appeal. Mr. Curl said it should be on the
evidence. He said the BER would then need to decide if it agreed with both sides, the County,
or the taxpayer. He said the Clerk was to make sure the BER knows, with respect to
commercial properties, that fee based appraisals were the norm and not lease fee.

Commissioner Bentley said if a certain number of appeals came in from a neighborhood, for
Example, 50% of the parcels appealed, shouldn’t that signify that there’s an issue that would
warrant a relook at that neighborhood. Mr. Curl said yes.

Commissioner Bentley asked if that occurred with the County’s 2011 Revaluation. Mr. Curl said
not to his knowledge, but Pearson’s didn’t ask that question.

Commissioner Roberts asked about the neighborhoods that were randomly selected and how
did Pearson’s ensure that it was a typical, specifically, accurate look at the county, which was
addressed.

Commissioner Roberts asked was it correct that just because a neighborhood wasn’t listed in
the report, didn’t mean it wasn’t one of the ones that had issues. Mr. Curl said that was
correct.

Commissioner Roberts asked about the timeframe for fixing the issues, which was addressed.

Commissioner Dunlap asked was it mandatory by state law that the entire county be
revaluated at one time. The response was yes.

Commissioner Dunlap asked how typical was it for the assessor to report to someone other
than the Board of County Commissioners. Mr. Curl said he didn’t know the answer, but in most
counties the assessor reported to the Board, because they’re appointed by the Board. Mr. Curl
said it varied depending on the county’s reporting structure, as long as the assessor was
appointed by the Board.

Commissioner Dunlap said if the assessor is appointed by the Board, then they should report to
the Board.

Commissioner Dunlap said per the report, it appeared that staffing was an issue and while it
was management’s responsibility to respond to the staffing issue, he’s not sure if competing
departmental requests, prevented this need from making it to the Board level.

Commissioner Dunlap questioned whether the County had the latest technology to capture
what needed to be captured as it related to revaluation. Mr. Curl said Pearson’s did not assess
that, but that the County had very up-to-date, modern tools.

Commissioner Dunlap asked who was responsible for reporting home additions, such as a
Mr. Curl said the homeowner should report it. He said it could be tracked through building permits. He said there were other ways it could be tracked electronically as well.

Commissioner Clarke asked would it make sense from an appraiser’s perspective to appraise different classes of property in different years in order to maintain equity in values. For example, could you do all the commercial property in year two and all residential property in year four. Mr. Curl said it would be difficult to do under current state law.

Commissioner Clarke said if it was possible, would that be a good approach. Mr. Curl said it could be done that way.

Mr. Curl said it could also be accomplished by doing revaluations more frequently than every eight years, perhaps every four years.

Commissioner Clarke said he would like to receive some specific recommendations about how to accomplish getting what needed to get accomplished within a certain timeframe with respect to staffing needs.

Commissioner Clarke questioned whether it was 150 or 151 randomized neighborhoods reviewed, since both figures were used in the report. Mr. Curl explained that the Scope of Work required that Pearson’s review 150 but they exceeded that.

Commissioner Clarke asked was that the same for the 50 and 52 neighborhoods referenced. Mr. Curl said yes.

Commissioner Clarke asked Mr. Curl to clarify his comment that “statistically” the County did a good job, which he did.

Mr. Curl said the problem came about with respect to the older, heterogeneous neighborhoods, which he said was not unique to Mecklenburg county.

Commissioner Clarke asked if Pearson’s looked at where the major errors were and then at the appeals to see to the extent which errors were corrected or inequities corrected. Mr. Curl said yes, it should be addressed in the final report.

Commissioner Leake asked how could seniors be better served in this process. Mr. Curl said you have to go out into the community and communicate the information, perhaps at district meetings.

Commissioner Leake asked what would be the appropriate staffing recommendation for Mecklenburg County. Mr. Curl said that was a multi-layer question because you have to establish what it is you plan to do in a reappraisal process or a cycle of reappraisals; and what’s the most cost effective way to accomplish that. Mr. Curl said this was not something Pearson’s explored.

Commissioner Leake asked Mr. Curl for his opinion on having an advisory board involved in this process. Mr. Curl said that was entirely up to the County. He said he’d seen it done multiple ways and that it goes back to what would give citizens the most “bang for their buck.” Mr. Curl said it was good to have citizen input. He said citizen input was good at any time, not just when it came to reappraisals.

County Manager Jones asked about Pearson’s recommendations for addressing neighborhoods with issues and what the impact would be on taxpayers assessed values if those inequities were addressed. Would their values go up or down? Mr. Curl said Pearson’s did not go into that level of detail based on the timeframe they were working under.
County Manager Jones asked Mr. Curl to comment on the impact on the overall taxbase, up or down. Mr. Curl said if it was both up and both down and just equalized, his guess would be that it would be the same or if anything a net increase in the taxbase.

County Manager Jones asked would any change in the assessed value be retroactive for 2011 or going forward. Mr. Curl said that would be a question for Attorney Ham Wade.

County Manager Jones asked Mr. Curl for a recommendation regarding when the next Mecklenburg County revaluation should occur. Mr. Curl said it would be whenever the County established a schedule. He said it could be done on a two or four year cycle. He said the “worst” thing the County could do would be to go into it without proper planning of what’s to be accomplished. Mr. Curl said the County would need to execute a plan and then simply piece by piece accomplish that reappraisal. Mr. Curl said in his opinion the County would need five—six months of planning and a minimum of two years to do it, with “strong” project management.

County Manager Jones asked Mr. Curl to comment on the letter the County received from David Baker with the State Department of Revenue regarding sales ratios, that said Mecklenburg County’s reappraisal score was fairly well and within the acceptable ranges.

County Manager Jones asked how do you reconcile what Pearson’s was telling the County with Mr. Baker’s letter.

Mr. Curl said statistically the County only had 13,000 sales that they looked at and that when the state department of revenue took those sales and applied them and when you go back and sample those same sales, “it’s going to look good.” Mr. Curl said it was like looking at a picture of a bed that’s perfectly made up, but if you pull the bedspread back, you’ll have some “lumps and holes” that the bedspread covered up. Mr. Curl said “statistically” that’s what happened.

County Manager Jones asked Mr. Curl if he agreed with what Mr. Baker said in the letter. Mr. Curl said yes, because that’s all Mr. Baker had to look at. Mr. Curl said Mr. Baker did a statistical analysis and that the job from that perspective was correct.

Chairman Cogdell asked about the location of neighborhoods with major issues, which was addressed.

Chairman Cogdell asked about the appeals process, which was addressed.

Chairman Cogdell asked was it correct to say that if staff in the Assessor’s Office had worked more closely with constituents that submitted an informal appeal, then there could have been some opportunity to improve the number of appeals to the BER. Mr. Curl said that was correct. He said if that had been done, he wouldn’t be appearing before the Board.

Chairman Cogdell asked County Manager Jones if there was any request to the Board from the Manager to add staffing positions to the Assessor’s office in the FY 12 budget.

County Manager Jones said his recollection was that there was a request to provide funding for technology but not for staff.

LUESA Director Cary Saul said there were requests for funding to complete the 2011 revaluation in the FY 11, 12, and 13 budgets and they were approved each year. Director Saul said the funds were mainly for contracted outside services, such as mailings and etc.

Commissioner Dunlap asked whether during either of those budget years mentioned by Director Saul, if there was a request for additional staff that went through the Assessor’s
supervisor that did not get to the County Manager.

Director Saul said from 2008 to the present, staff was reduced. He said he believed there were 27 appraisers and now there are 25 or 26. He said no staff was added during that time.

Chairman Cogdell asked about the number of property record cards reviewed, which was addressed.

Chairman Cogdell asked about the wording on the informal notice and whether it could have tracked more clearly the language that’s in the statute. The response was yes.

Chairman Cogdell asked was it a statutory requirement that the assessor or his/her designee serve as the Clerk to the Board of Equalization and Review. The response was yes.

Chairman Cogdell asked when would the final report be ready. Mr. Curl said the goal was to have it ready on Friday, November 16, 2012 and presented at the Board’s November 20, 2012 meeting.

Commissioner Dunlap questioned the ability of the current Board to get this matter acted upon between now and the time the current Board left office.

Chairman Cogdell said it had been suggested to him by the County Manager that the Board meet on November 27, 2012.

County Attorney Bethune suggested that if the Board wanted to hold a meeting on November 27, to continue discussion of this matter, the Board could recess the meeting on the 20th to the 27th.

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

Commissioner James said he wanted to know from staff how was the problem going to be fixed.

Chairman Cogdell said his expectation was that staff and Pearson’s would make recommendations for addressing the issues at the November 20 meeting. County Manager Jones said that was correct.

County Manager Jones said prior to the Board making the decision to have a review of the 2011 Revaluation, he made some public statements. He said one of the statements made was that the County should not hire anyone to do an outside review of the 2011 Revaluation, because the County had a built in audit review process with the informal appeals process, done by staff, the BER, and if it was not satisfactory at those two levels then those that were appealing their cases had the opportunity to go to the state property tax commission.

County Manager Jones said for the record, based on Pearson’s report, he was wrong in that recommendation. County Manager Jones said he had learned some things out of the Review that was going to be very helpful and instrumental going forward, especially with respect to future revaluations.

Chairman Cogdell said he respected and appreciated the County Manager acknowledging that he was wrong in his recommendation.

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

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

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, and Pendergraph voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:04 p.m.

______________________________
Janice S. Paige, Clerk
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, Charlotte, N.C. 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 20, 2012.

ATTENDANCE

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

Absent:  None

Note: Commissioner Neil Cooksey passed away on October 10, 2012.

- 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 Cogdell, after which the matters below were addressed.

AWARDS/RECOGNITION

(12-0701) APPOINTMENT OF DISTRICT 5 COUNTY COMMISSIONER

Chairman Cogdell read into the record, a letter he received from the Republican Party, today, November 20, 2012 that stated:

“Pursuant to Article 10 of the Mecklenburg County Republican Party Plan of Organization, a special meeting of the executive committee was duly called and convened on Thursday, November 15 for the sole purpose of making a recommendation to fill the vacancy created by the death of Commissioner Neil Cooksey. The members of the executive committee from the county commission District 5 voted unanimously by acclamation to recommend Matthew Ridenhour to fill the District 5 vacancy on the Board of County Commissioners. Neil Cooksey served this community well and will be deeply missed. Sincerely, Gideon Moore, Mecklenburg County Republican Party Chairman.”

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph and Roberts voting yes, to appoint Matthew Ridenhour to the Mecklenburg Board of County Commissioners to complete the unexpired term of former Commissioner Neil Cooksey, District 5 representative.
NOVEMBER 20, 2012

Note: Commissioner Neil Cooksey passed away on October 10, 2012, leaving vacant the District 5 seat on the Mecklenburg Board of County Commissioners. Mr. Matthew Ridenhour was elected as the District 5 representative to the Mecklenburg Board of County Commissioners in the general election held November 6, 2012 for a two-year term effective December 3, 2012. To ensure that District 5 continues to be represented in the interim, it was being recommended that Mr. Ridenhour be appointed to complete former Commissioner Neil Cooksey’s term. G.S. 153A-27.1 gives the Board of County Commissioners the authority to appoint someone to fill the unexpired term of Commissioner Neil Cooksey.

Chairman Cogdell then called on Clerk to the Board Janice S. Paige to administer the Oaths of Office to Commissioner Matthew Ridenhour.

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

REMOVAL OF ITEMS FROM CONSENT

No items were identified at this time for removal from consent.

STAFF BRIEFINGS - NONE

(12-0676, 12-0680, 12-0693) CLOSED SESSION – CONSULT WITH ATTORNEY, PERSONNEL MATTER AND LAND ACQUISITION

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel #129-101-70 located at 2701 E. Independence Boulevard.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney, Personnel Matter and Land Acquisition.

*The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:05 p.m.*

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

-FORMAL SESSION-

Chairman Cogdell called this portion of the meeting to order, which was followed by invocation by Commissioner Clarke, the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.

AWARDS/RECOGNITION

(12-0701) APPOINTMENT OF DISTRICT 5 COUNTY COMMISSIONER
Chairman Cogdell read into the record, a letter he received from the Republican Party today, November 20, 2012 that stated:

“Pursuant to Article 10 of the Mecklenburg County Republican Party Plan of Organization, a special meeting of the executive committee was duly called and convened on Thursday, November 15 for the sole purpose of making a recommendation to fill the vacancy created by the death of Commissioner Neil Cooksey. The members of the executive committee from the county commission District 5 voted unanimously by acclamation to recommend Matthew Ridenhour to fill the District 5 vacancy on the Board of County Commissioners. Neil Cooksey served this community well and will be deeply missed. Sincerely, Gideon Moore, Mecklenburg County Republican Party Chairman.”

Chairman Cogdell then called on District Court Judge Rickye McKoy-Mitchell to administer the Oaths of Office to Commissioner Matthew Ridenhour.

Chairman Cogdell acknowledged the Board’s action taken earlier in the meeting, as noted above, to appoint Matthew Ridenhour to the Mecklenburg Board of County Commissioners to complete the unexpired term of former Commissioner Neil Cooksey, District 5 representative. Chairman Cogdell said the vote was unanimous, and that Commissioner Matthew Ridenhour took the Oaths of Office at that time as well.

(12-0677) PUBLIC APPEARANCE

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

Dr. Ron Virmani M.D. addressed his dismissal from Presbyterian Hospital here in Charlotte/Mecklenburg County. Dr. Virmani said he was discriminated against and that the peer review process at Presbyterian Hospital was bias. Dr. Virmani asked the Board to look into his dismissal and to assist him in getting resolution to his current status. He shared a petition and asked Board members to sign it as well, to help him “obtain fairness and justice from Presbyterian Hospital.

A copy of handouts from Dr. Virmani is on file with the Clerk to the Board.

(12-0671) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to reappoint Charlene Barr, Camelia Bittle and Irene Carande to the Adult Care Home Advisory Committee for three-year terms expiring November 30, 2015.

AIR QUALITY COMMISSION

Motion was made by Commissioner Roberts seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Fern Paterson to the Air Quality Commission as a General Public representative to fill an unexpired term expiring August 31, 2013.

She replaces William Nash.
CITIZEN’S TRANSIT ADVISORY GROUP

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Matt Covington to the Citizen’s Transit Advisory Group to fill an unexpired term expiring June 30, 2013.

He replaces Rhonda Odom.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Rob Kidwell to the Industrial Facilities & Pollution Control Financing Authority for a six-year term expiring October 31, 2018.

He replaces Michael McNamara.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Darrell Gregory to the Juvenile Crime Prevention Council as the Non-Profit representative to fill an unexpired term expiring November 30, 2012 and to fill a three-year term expiring November 30, 2015.

He replaces Franklin Freeman.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Sharon Morton to the Nursing Home Community Advisory Committee for a one-year term expiring November 30, 2013.

She replaces Josephine Baker.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to reappoint Connie Harris to the Waste Management Advisory Board for a three-year term expiring September 30, 2015.

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

Consent Items

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to approve the following item(s):
(12-0653) CAPITAL RESERVE EXPENDITURE REQUEST - ST. MARY’S CHAPEL

Authorize and appropriate the expenditure of $12,000 from the St. Mary’s Chapel Capital Reserve Fund to install irrigation along the King’s Drive and 4th Street area of the chapel grounds.

(12-0654) FIRST AMENDMENT TO THE AGREEMENT OF SALE FOR COUNTY PROPERTY TO FIBER MILLS, LLC

Adopt a resolution entitled, “Mecklenburg County Board of Commissioners Resolution Authorizing the First Amendment to the Agreement to Sell Property to Fiber Mills, LLC.”

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0657) ROMARE BEARDEN PARK - PROPERTY DEED RESTRICTIONS

Authorize the County Manager to execute all documents necessary for the placement of a Deed Restriction related to the removal of underground storage tanks on Tax Parcel #073-022-05 (a portion of Romare Bearden Park) as required by the State of North Carolina.

(12-0661) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITIONS

1. Accept the “Offer of Sale of Real Estate” from Ashley Louise Webb Henry, Elizabeth C. Webb, and Allison Linley Webb, owners of property at 3211 Cullman Avenue (Tax Parcel 08303125) for $130,000.

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

(12-0662) MOORESVILLE TO CHARLOTTE TRAIL CROSS JURISDICTION/MUMPO PL PLANNING GRANT

1. Approve Mecklenburg County as a recipient for a NCDOT PL Planning Grant, and recognize the $35,000 Grant.

2. Approve the Memorandum of Agreement between the participating jurisdictions and create a Capital Reserve Fund to receive matching funds the MUMPO PL Grant and matching funds in the minimum amount of $1,200 to be received from each jurisdiction participating in the planning effort.

3. Authorize the County Manager to negotiate and execute the agreement listed above.

Memorandum of Agreement recorded in full in Minute Book _____ Document # ______.

(12-0663) TAX REFUNDS

Approve refunds in the amount of $1,496,893.03 and interest as statutorily required to be paid as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.
(12-0665) MCALPINE CREEK GREENWAY WEIR REPLACEMENT/BRIDGE DESIGN AND PAVING

Approve McKim and Creed as the design firm for the McAlpine Creek Greenway Weir Replacement/Bridge Design and Greenway Paving without going through the RFQ process because its familiarity with the project will provide greater efficiency and effectiveness, as authorized by NCGS 143-64.32.

(12-0668) CAPITAL RESERVE EXPENDITURE REQUEST - AQUATIC FACILITIES

Authorize and appropriate the expenditure of $30,000 from the Consolidated Aquatic Capital Reserve to install new lockers in the men’s and women’s locker rooms and paint the walls at Marion Diehl Recreation Center Pool. Authorize and appropriate the expenditure of $3,500 to replace tables at Ray’s Splash Planet and $1,000 to replace benches at the Marion Diehl Pool.

(12-0675) MINUTES


(12-0685) SECOND AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY

Adopt a resolution authorizing the County Manager to negotiate and execute a Second Amendment to the Agreement of Sale for three (3) parcels of land (+/- 11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Spectrum Investment Services, Inc.

Resolution recorded in full in Minute Book _____Document # _____.

(12-0688) ARCHITECT SELECTION

Authorize the County Manager to negotiate and execute a contract with Moseley Architects, for engineering design, contract documents and construction administration services as required for upgrades and/or replacement of the detention security systems at the Mecklenburg County Jail facilities, and if negotiations with this firm are unsuccessful, approve negotiations with the second-ranked firm.

Note: The second-ranked firm was Buford Goff & Associates.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

______________________________

(12-0682) NAMING OF COUNTY FACILITY

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to open the public hearing on Mecklenburg County’s proposal to name the Health
Department building located at 249 Billingsley Road, as the "Commissioner Neil C. Cooksey, Sr. Health Center."

No one appeared to speak.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to close the public hearing and approve naming the Health Department building located at 249 Billingsley Road, as the "Commissioner Neil C. Cooksey, Sr. Health Center."

Note: At its November 7, 2012 meeting, the Board received an application submitted by Commissioner Bentley to name the Health Department southeast building in honor of the late Commissioner Neil C. Cooksey, Sr. Pursuant to the County’s facility naming policy, the Board set a public hearing for consideration and approval of the facility naming proposal.

Commissioner Clarke returned to the dais.

Allyson Cooksey, wife of Commissioner Cooksey, son Charlie and daughter Anna were present. Mrs. Cooksey expressed sincere thanks to the Board for bestowing this honor upon her husband. Daughter Abbey Gail was away at college.

Note: The Board also recognized Commissioner Cooksey’s service to the community by presenting the family with the plaque he would have received upon leaving office, in recognition of Commissioner Cooksey’s service on the Board for the 2010-2012 Term of Office.

(12-0693) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to adopt a resolution authorizing the County Manager to negotiate and execute all documents necessary for the joint acquisition of Tax Parcel #129-101-70 (+/- 5.12 acres) which operates as the Charlotte Inn Hotel on Independence Blvd. with the City of Charlotte, and to transfer the County’s 50% undivided interest in the property to the City of Charlotte.

Resolution recorded in full in Minute Book _____, Document # _____.

PUBLIC HEARINGS - 6:30 PM

(12-0613) STREET LIGHTING FINAL ASSESSMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions; and to open a public hearing on Street Lighting Preliminary Assessment Rolls for Mecklenburg County’s participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

No one appeared to speak.
Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to close the public hearing on Street Lighting Preliminary Assessment Rolls for Mecklenburg County’s participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions and adopt Final Assessment Resolutions for Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

Resolutions recorded in full in Minute Book _____ Documents # ______, ______, ______, ______, ______, ______ and ______.

ADVISORY COMMITTEE REPORTS - NONE

STAFF REPORTS & REQUESTS

(12-0556)   AMENDMENTS - FIRST WARD PROJECT LAND EXCHANGE AND DEVELOPMENT AGREEMENTS

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to adopt Resolution Approving Amendments to Economic Development Grant and Reimbursement Agreement, and Related Agreements, with Levine Properties and its Affiliates for First Ward Development.

General Manager Bobbie Shields addressed this matter.

Resolution recorded in full in Minute Book _____ Document # ______.

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0683)   AUDIT REVIEW COMMITTEE REPORT

The Board received a verbal report from Commissioner Clarke on behalf of the Audit Review Committee. The following was noted:

- There’s an annual audit of the County’s financial statements done by an outside firm.
- The firm currently being used is Cherry, Bekaert & Holland.
- The results of the County’s financial audit were very positive.
- The County received a clean audit opinion for the fiscal year that ended June 30.
- There were recommendations made to management by Cherry, Bekaert & Holland that management responded to.
- The committee was pleased to know that management accepted those recommendations and plans to implement them.
- A number of the recommendations had to do with information technology matters.
- A Single audit was also done of various programs.
- The results of the Single audit said there were deficiencies in some instances. For example, with respect to eligibility to participate in some programs, but in most, if not all instances, the County was able to produce the documentation to show that the person was indeed eligible.
- In general, the Single audit report was one the committee found acceptable.
- The committee received a report from the County’s Internal Audit Department, as well.
The committee received a report from a group formed to do contract compliance work in the new Human Services Finance Division. This was an effort to make sure agencies were complying with the terms and provisions of the contracts the County had with them and to make sure the County was doing what it needed to do to comply with the contracts as well.

The committee also reviewed a matter that came to its attention through an anonymous report to Commissioner James. The matter was whether there might have potentially been some fraud, abuse, or waste in connection with a transportation program for people living in the two percent of Mecklenburg County that’s still considered rural or non-urban. The committee satisfied itself, after a thorough internal review by staff, that there had not been any fraud, abuse, or waste. There were some committee members that did have some questions regarding the transportation program, which was funded through a grant from the state Department of Transportation.

The committee regularly receives reports regarding the County’s employee report line, which was an anonymous way for employees to report suspected fraud, abuse, or waste. Per the latest report, there were only two such instances, both of which proved not to be fraud, abuse, or waste, per Internal Audit’s investigation.

It was noted the employee report line was a part of the County’s compliance effort.

Also, there’s a Chief Compliance Officer, which was something the late Commissioner Neil Cooksey was an initiator of.

Note: Commissioners Bentley, Dunlap, and James are the other members of the Board’s Audit Review Committee.

PARK IMPROVEMENTS DEVELOPMENT AND REIMBURSEMENT AGREEMENT, DOUBLE OAKS REDEVELOPMENT

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to adopt Resolution approving the Park Improvements Development and Reimbursement Agreement with the Charlotte-Mecklenburg Housing Partnership to support the redevelopment of the former Double Oaks Apartment site.

General Manager Bobbie Shields presented this matter.

Resolution recorded in full in Minute Book Document # ______.

MANAGER’S REPORT

2011 REVALUATION REVIEW

The Board received Pearson’s Appraisal Service’s written report on its 2011 Revaluation Review and the County Manager’s recommendations.

Cary Saul, Director of LUESA introduced Emmett Curl with Pearson’s Appraisal Service, who was present to respond to any questions.

A copy of the report and the County Manager’s recommendations is on file with the Clerk to the Board.

The following persons appeared to speak:

Barb Scott commented on the County Manager’s recommendations in response to the Pearson’s Report. Ms. Scott said she wanted to know the plan forremedying the 2011
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Revaluation errors. She also questioned County staff’s involvement in “cleaning up” what they “messed” up. Ms. Scott said it was not okay that 1) property taxes were assessed based on wrong assessment values, 2) these overpayments are ignored in the interest of “looking to the future”, and 3) that the very “ineffective” managers who created “this mess” be given the task of cleaning it up.

Bob Bruton commented on the County Manager’s recommendations in response to the Pearson’s Report. Mr. Bruton spoke in opposition to staff’s involvement and the Board of Equalization in “cleaning up the “mess,” he said they created. Mr. Bruton said everyone involved should be relieved of their duties. Mr. Bruton said Pearson’s should be brought in to provide guidance on how appraisals should be done and to train new staff. Mr. Bruton also stated that if the County received a “clean” financial audit, then the reserves should be there for taxpayers to get a refund.

Ron Kelly said the Board needed to find a way to be creative and fix the problem. He suggested the following:

- Go back and declare a retraction of the 2011 Assessed Values and revert to the 2003 Assessed Values. Then use the 2011 County budget and set the tax rate to make the revenues collected neutral for the County.
- Refund overpayments. Leave undervalued properties alone... fix at next Reval. If amount to be refunded is a budget problem, do it over the next 2 years with credits.
- Give anyone that finds this action unacceptable the right to a full Appeal process.
- This would require one-time legislation from the State.

A copy of Mr. Bruton’s recommendations and other comments is on file with the Clerk to the Board.

Rita Wilson said she did not appeal the revaluation of her home, because she trusted county government, but no longer has any trust in county government. Ms. Wilson said that trust “dissipated” when 1) three of the commissioners wanted to silence members of the community when they wanted to make objections and voice their complaints about the revaluation back in March, 2) when the chairman of the Board of Equalization and Review (BER) came before the Board and instead of making suggestions or a presentation that had to do with the community’s complaints, he applauded the work of the County Assessor when appeals were still being heard. Ms. Wilson said the BER chairman was the head of an impartial body, supposedly the adjudicator of disputes between the taxpayer and County, and 3) the County Manager’s statement that a review of the 2011 Revaluation was not appropriate.

Ms. Wilson said “how could it not be appropriate” to assure that the people of this county were being taxed in an “equitable and fair manner.”

John A. Scott addressed past comments made by Tax Assessor Garrett Alexander, County Manager Jones, and David Baker from the State Department of Revenue regarding the 2011 Revaluation, that it had been done correctly. Mr. Scott said “the revaluation of 2011 has failed to get a vote of confidence from the citizens of Mecklenburg County. Mr. Scott said the Mecklenburg County median assessed-to-market ratio as of January 1, 2012 was 100.15, which meant the median property sold in the county during 2011 was assessed for more than its sales price.”

A copy of Mr. Scott’s comments is on file with the Clerk to the Board.

Robert Stone asked the Board to consider either a general redo or a limited neighborhood redo of the 2011 property revaluation, but to exempt entities from the new review that already gone through any of the appeals processes, informal or before the BER associated with the 2011 revaluation and received and accepted a reduction in value. Mr. Stone said he went through the appeals process and reached an acceptable agreement regarding his property. Mr.
Stone said it would be “grossly” unfair to subject him and others that had already gone through the process to do it again. He said a lot of time and money was spent going through the process.

A copy of Mr. Stone’s comments is on file with the Clerk to the Board.

Commissioner Dunlap entered the meeting.

Kathy Davis expressed concern that there was not a recommendation from the County Manager regarding correcting errors made in the 2011 Revaluation, such that there would be a retroactive adjustment of values as of January 1, 2011 and that proper retribution and refunds would be made for any over assessments. Ms. Davis said this was unacceptable to thousands of property owners who were over assessed for 2011 and now 2012, that paid taxes based on a “greatly flawed” reevaluation and not on actual property values. Ms. Davis said citizens would not have any confidence in the County if it allowed any parties that had a “hand” in the 2011 Revaluation to be a part of “fixing” the issues, either retroactive or going forward. Ms. Davis said the BER also failed the citizens of the County by not performing their duties to ensure the Assessor’s Office had fairly and equitably valued properties. Ms. Davis said the chairman of the BER stated the Assessor’s Office had done an “excellent” job and that an audit would be a “waste” of taxpayer money. Ms. Davis said the current BER should be excused and a new BER appointed as soon as possible. Ms. Davis said the BER was to have been “the checks and balances, but instead stepped aside and turned the other way and let the inequities continue.” Ms. Davis said the situation needed to be corrected on a retroactive and going forward basis by independent parties that had no part of the 2011 Revaluation.

Cornelius Town Mayor and State Senator-Elect Jeff Tarte and Mayor Pro-tem Lynette Rinker and Town Commissioner Chuck Travis appeared before the Board.

Mayor Pro-tem Rinker read into the record a resolution passed by the Cornelius Town Board of Commissioners on November 19, 2012.

Whereas, Mecklenburg County conducted a countywide property tax revaluation to be effective January 1, 2011; and

Whereas, General Statute 105-283 states all property, real and personal shall as far as practical be appraised or valued at its true value in money; and

Whereas, the revaluation that was completed has been flawed with problems from minor infractions to a failure to follow commonly accepted standards and practices, resulting in citizens being denied fair and equitable treatment and due process under the law, as well as, not being taxed at the true value of their property; and

Whereas, the Town of Cornelius Board of Commissioners formerly requested the County hire an outside independent auditor to evaluate and audit the tax assessor’s office performance of the 2011 Revaluation; and

Whereas, on July 3, 2012, Mecklenburg County hired Pearson’s Appraisal Services, Inc. to perform an independent review of the 2011 Revaluation; and

Whereas, Pearson’s Appraisal Services has completed their review and have found errors, inequities and inconsistencies, as well as, customer service and procedural inadequacies, now, therefore,

Be it Resolved, by the Board of Commissioners of the Town of Cornelius, that they hereby formerly support and request that the Board of County Commissioners hire new, qualified staff or engage an independent consultant to independently evaluate and correct all findings and recommendations in the Pearson’s Report, reconstitute the membership of the Board of Equalization and Review and to fully protect Mecklenburg County citizens property rights by seeking statutory authority to redo the 2011 Revaluation and conduct a new revaluation on receiving that authority.
Mayor Pro-tem Rinker said this was the third time over the last ten months that the Cornelius Town Board of Commissioners had appeared before the Board to address this issue. Mayor Pro-tem Rinker said it was time for this issue to be "fixed."

Mayor Tarte said he felt the Board had the responsibility and the authority to 1) address the issue of fixing the 2011 Revaluation and 2) deciding how to avoid a reoccurrence of what occurred with the 2011 Revaluation.

Mayor Tarte said with respect to what the Board felt it lacked from a legislative level, that he as a N.C. Senator-Elect, along with Representative Bill Brawley, would assist the County in any way it could to address this matter from a legislative perspective.

Town Commissioner Travis encouraged the Board to fix the 2011 Revaluation problem.

This concluded public speakers on this matter.

Chairman Cogdell noted that the tax assessor position was an appointed position by the board of county commissioners and the person holding the position could only be removed or reappointed by the board of county commissioners.

Chairman Cogdell went on to announce that Mecklenburg County Assessor, Garrett Alexander submitted his resignation and that the Board voted unanimously to accept his resignation.

County Manager Jones, prior to presenting his recommendations in response to Pearson’s Report, acknowledged for the record, the comment he made at the Board’s recent Public Policy meeting on this issue. The comment made then and now, was that he was “wrong” back in May when he made the recommendation that the County not undertake an audit of the 2011 Revaluation.

County Manager Jones said he was “wrong,” because he’d learned some things about quality control and customer service that would not have come through a normal appeals process that he “espoused” as the way the County should go.

County Manager Jones said the Pearson’s Report was very valuable to him as a manager.

County Manager Jones proceeded with sharing his recommendations.

**County Manager’s Recommendations**

**Goals:**
1. Identify and address inequities in neighborhoods
2. Develop a detailed work plan for next revaluation
3. Build a strong culture of customer service within the Assessor’s Office

**Immediate Board Actions:**
1. Approve amending the Pearson’s Appraisal Service contract to identify all the neighborhoods where there are major issues of inequity. Estimated cost: $180,000. Estimated time to complete: 90 days
2. Direct the County Manager to issue a Request for Proposal (RFP) to solicit bids to rework all the neighborhoods identified by Pearson’s Appraisal Service where there are major issues of inequity. Although the final scope of work will be contingent on completion of #1 above, staff can begin
developing the RFP immediately. Estimated cost range: $1.5 million to $2.5 million. Estimated time to complete: 12 months from award of contract, including the appeal process.

3. Direct the Assessor to address the minor issues, consistent with the Pearson’s Appraisal Service findings and recommendations

4. Direct the County Manager and Assessor to develop a detailed work plan for the next revaluation that would include:
   a. Updating property record cards
   b. A strategy to assess value in complex areas, particularly pre—1980 heterogeneous neighborhoods (e.g., field visits, contracting with appraisers experienced with type of neighborhood)
   c. Project management of areas with a high volume of appeals
   d. Quality control strategies
   e. Construction cost and commercial market studies
   f. Commercial appraisal approach (e.g., emphasis on income approach)
   g. Informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing informal appeals)
   h. Procedures for Board of Equalization and Review, including role of Assessor and staff
   i. Projected organization and staffing model, other resources and associated cost to implement the work plan and maintain ongoing operations of the Assessor’s Office.
   Note: The detailed work plan will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson’s Appraisal Service for consistency with recommendations. The plan also will be disseminated to the public for input/feedback. Pearson’s review of the plan will be included in the contract amendment referenced in #1 above. The detailed work plan is estimated to be developed by June, 2013.

5. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that are more convenient to both appellants and Board members.

Note: In addition to the other BER-related recommended changes to be addressed as part of the detailed work plan per 4h above, staff will develop recommended changes in the recruitment and appointment process for Board selection of BER members to expand the pool of qualified candidates to serve on the BER.

Legislative Considerations:
Staff believes that all of the Pearson recommendations can be implemented under existing state law. If, in the implementation of these recommendations, statutory barriers are identified, proposed legislative changes will be presented to the Board. Additionally, consideration should be given to seeking legislative changes that offer additional clarity. This could include legislation that specifies how much time property owners have to file an appeal, as well as clarification of current language on deadlines associated with the BER adjournment date. County staff also recommends working with the NCACC and/or NC Assessor’s Association to support consistency in the wording used in revaluation notices.

Management Actions:
The County Manager will develop a customer service enhancement action plan that will be initiated by contracting with an outside firm to conduct a customer service assessment of the Assessor’s Office. Based on the assessment findings and recommendations, an action plan will be developed to reform and transform the Assessor’s Office whereby customer service and satisfaction is and will remain a top priority.

It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan.
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Comments

Commissioner Bentley stated in her comments that the 2011 Revaluation was not “transparent, efficient, nor deserving of the public’s trust” and that per the Pearson’s Report, nor was it “equitable.”

Commissioner Bentley said there were five areas of concern from the Pearson’s Report that needed to be noted for the record: 1) Customer Service, 2) Work Ethic and Professional Expertise (It was noted that it had been 17 years since countywide property data was reviewed in the field.) 3) Project Management, 4) Technology and Staffing, and 5) the Board of Equalization and Review.

Commissioner Bentley said she hoped the Board would do “the right thing” to make citizens whole and “most importantly, to restore trust and confidence in this Board and in this county government.”

Commissioner James referenced the resolution that authorized the Pearson’s study of the 2011 Revaluation and the portion that stated there would be no change to the 2011 values. Commissioner James said that statement should be removed from any new resolution that’s approved. Commissioner James said it should be stated that the 2011 Revaluation was “screwed up” and it’s the Board’s job to “fix it.”

Commissioner James said people “deserved” tax refunds. Commissioner James said there were a lot more taxpayers impacted that weren’t addressed in the study.

Commissioner James said it would be good to see if the County could legally go back to 2003 as suggested by one of the speakers.

Commissioner James said persons involved in an error of this magnitude should be “held accountable,” and not be involved in “fixing the problem.”

Commissioner James said the Board needed to take responsibility for getting this matter fixed.

Commissioner James said the Board should indicate in any resolution going forward, a reversal of the statement that the 2011 Revaluation would stand; that the Board would fix the 2011 Revaluation and give refunds; and going forward the “buck” would stop with the Board and that persons hired by the Board would report directly back to the Board, in addition to anyone else in the County that would be handling this matter.

Commissioner Roberts said the Board needed to determine legally whether or not it could give refunds.

Commissioner Roberts said the following also would need to be considered:

- The timeframe -Based on the information provided and the timeframe for looking at neighborhoods and adjusting values, you’d be looking at three years of tax payments, which “begs the question” of do you refund current owners or former owners; because many properties would have changed hands during that timeframe?
- Do you look at entire neighborhoods?
- Do you refund those that appealed and received a decrease, if a value came back higher than that decrease?
- What about properties that didn’t exist in 2011?
How would you adjust for new construction and/or additions?

What about properties that were undervalued, would they be billed for three years?

County Attorney Bethune said currently there was no legislation that would allow the Board to give refunds. County Attorney Bethune said the question for the Board would be whether it wanted to seek such legislation.

County Attorney Bethune said if legislation was sought, there needed to be discussion with the City of Charlotte and the Towns, because they would be impacted as well.

Commissioner Roberts said the process was definitely flawed.

Commissioner Roberts mentioned the software issue that was noted in the report and suggested going forward the County make sure it was using or obtained the best software available.

Commissioner Roberts also suggested going forward that the appraisal report card be accessible to the public on-line.

Commissioner Roberts said several Commissioners had suggested changes and/or additions to the County Manager’s recommendations.

Commissioner Pendergraph said he supported a redo of the 2011 Revaluation, but legislative authority would be needed to do so and that getting such legislation approved would probably be very difficult.

Commissioner Pendergraph suggested the County hire someone to immediately deal with those neighborhoods that had major and minor issues and get them “fixed.” He said if the County was “fortunate enough” to get the needed legislation to allow the County to do a complete redo of the 2011 Revaluation, then the County would be “one step ahead of the game.”

Commissioner Pendergraph asked whether those with major and minor issues that would have been addressed, prior to getting the legislation, have to be a part of the complete redo as well.

County Attorney Bethune said what the Board was trying to do was to assign accurate values to these properties as of 2011, as though it had been done right. County Attorney Bethune said that’s what’s talked about in the County Manager’s report. He said the question becomes, once you get those values correct and equitable, what do you do with that? Do you use those values only for taxes going forward, which is currently what’s allowed by law, or do you go back and try to do something relative to the taxes that have already been billed and paid for the preceding years during the time when the values were not accurate and equitable? County Attorney Bethune said this involved two different pieces.

County Attorney Bethune said you have to do the former to get the values right before you could do the latter. He said you can’t determine what needed to be refunded until you get the values accurate.

County Attorney Bethune said the Pearson’s Report talked about getting the values accurate, which could be done under existing law, but it only effects taxes going forward.
Commissioner Pendergraph asked was it correct that if the County did the areas with major issues and minor issues over and it was determined that these properties were over taxed, that under the current law the County can’t give them a refund.

County Attorney Bethune said that was correct. He said, however, those that appealed their value, either informally or with the BER, or the Property Tax Commission and got their values adjusted, they would get refunds.

County Attorney Bethune said if the legislation wasn’t done right, then it could result in making a “bad situation worse.” County Attorney Bethune said it would need to be done “thoughtfully, carefully, with a lot of input from a lot of people, looking at lots of different issues, to make sure it’s been dealt with comprehensively.” He said it was a complicated issue.

County Attorney Bethune said the legislation, if obtained, would be statewide. He said you do not get local legislation with respect to property tax issues. Thus, it would effect other counties in the state.

Commissioner Dunlap acknowledged that there were inequities with respect to the 2011 Revaluation.

Commissioner Dunlap emphasized County Attorney Bethune’s comment that this matter had to be dealt with “carefully and thoughtfully.”

Commissioner Dunlap said there were several recommendations being presented with respect to handling this matter, the County Manager’s, Chairman Cogdell’s, Commissioner Bentley’s, and Commissioner Clarke’s.

Commissioner Dunlap suggested the Board delay taking action, until it had ample time to review the various recommendations and to schedule a special meeting to further discuss the matter and at that time take action.

County Attorney Bethune said if the Board’s desire was to defer taking action on this matter at tonight’s meeting, then the Board could at the conclusion of tonight’s meeting, recess the meeting until a date, time, and place certain.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, but was later withdrawn, to meet Tuesday, November 27, 2012 for the purpose of considering which recommendation the Board would take action on with respect to the 2011 Revaluation.

After further discussion, a poll was taken with respect to meeting Tuesday, November 27, 2012 at 5:00 p.m. and a majority of the Board indicated that they would be willing to meet.

Commissioner Clarke said he agreed with Commissioner James’ comment that there needed to be an on-going Board oversight role with respect to the activities that would be undertaken to correct errors in the 2011 Revaluation.

Commissioner Clarke suggested Chairman Cogdell’s recommendation plan be the Board’s starting point on Tuesday, November 27, since it incorporated the recommendations of both he and Commissioner Bentley; and that Board members work from that with respect to any additional changes they felt needed to be included.

Commissioner Clarke said he’d like to see another paragraph added that would give the Board’s Audit Review Committee the authority and the obligation to oversee the entire process that the Board was considering undertaking to correct errors in the 2011 Revaluation.
Commissioner Clarke asked Commissioner James for his thoughts around having the Board’s Audit Review Committee involved.

Commissioner James said his concern was that he did not think those who caused the problem should be involved in fixing it.

Commissioner James said he was confused as to why correction letters could be sent and adjustments made for property owners in the Cornelius lake area, but not to other property owners, whom the Board now knows values were incorrect.

Commissioner James said he was okay with the Board’s Audit Review Committee being involved, but he did not “want to let this process off the hook” by saying a committee was going to do it, but in reality “it’s still the Manager; it’s still the people at the Assessor’s Office; it’s still all those other people who should not be responsible for it.”

Commissioner James said he would rather have Pearson’s do it and report directly back to the Board. Commissioner James said that way if there was a problem, Pearson’s could inform the Board of it directly.

County Attorney Bethune said staff would provide the Board with information clarifying what was done in the Cornelius lake area referenced by Commissioner James and the current situation.

Commissioner Clarke noted that the Board’s Audit Review Committee consisted of four of the Board’s returning commissioners.

Commissioner Leake said she was concerned for all areas of the county, those with major and minor issues.

Commissioner Leake requested information by Tuesday, November 27 on the amount paid to Pearson’s Appraisal Services, staff cost, and how much it would cost to continue this process.

Commissioner Ridenhour said per his assessment, the community had “more faith” in Pearson’s Appraisal Service, then it did in the County government. He said this was a problem that must be addressed going forward.

Commissioner Ridenhour said the 2011 Revaluation needed to be corrected. He said all neighborhoods needed to be looked at, not just the ones in Pearson’s Report.

Commissioner Ridenhour expressed concern for the current BER and felt a new BER was needed going forward.

Chairman Cogdell read his proposed recommendation plan into the record, which is noted below.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
ACTION IN RESPONSE TO FINDINGS AND RECOMMENDATIONS ARISING OUT OF THE 2011 REVALUATION REVIEW

Goals:

1. Identify and address major issues of inequity in all neighborhoods in the County wherever they may exist.

2. Develop a detailed work plan and accelerated timetable for next revaluation.
3. Build a strong culture of customer service within the Assessor’s Office.

4. Restore trust and confidence in the capacity of the Assessor’s Office to undertake fair and accurate countywide revaluations and in the Board of Equalization and Review to fairly and justly review citizen appeals.

**Immediate Board Actions:**

1. Approve amending the Pearson’s Appraisal Service contract to engage Pearson’s services to identify all other neighborhoods where there are or may be major issues of inequity. Estimated cost: $180,000. Estimated time to complete: 90 days

2. Direct the County Manager to assign day to day operational oversight of the Assessor’s Office to a General Manager that shall report monthly, day to day operations to the Audit Review Committee of the Board of County Commission. Direct the County Manager to task the General Manager with performing a departmental structure evaluation of the Assessor’s office and bring forth recommended changes that mirror best practices of like-sized counties. Direct the County Manager to begin a national search for a replacement of the Mecklenburg County tax assessor to be appointed by the Board on or before July 1, 2013.

3. Direct the County Manager to issue a Request for Proposal (RFP) to solicit bids from Pearson’s and other qualified consulting firms to rework all of the neighborhoods Pearson’s Appraisal Service has or will identify in which there are major issues of inequity. Although defining the final scope of work will be contingent upon Pearson completing the engagement described in paragraph #1 above, the Manager and his staff can begin developing the RFP immediately. The current estimated cost of the rework of all neighborhoods in which major inequities exist ranges from $1.5 million to $2.5 million. The estimated time to complete the rework is 10 months from date of award of contract, including the appeal process.

4. Direct the assigned General Manager to develop and oversee a process to address the minor issues Pearson has identified or will during the extended period of Pearson’s service to the County in a manner that is consistent with Pearson’s recommendations. The process developed by the General Manager for addressing minor issues shall be brought to the Board’s Audit Review Committee within 60 days for final review and approval prior to implementation. Pearson’s Appraisal Service shall be asked to provide feedback to the Board on the effectiveness of the minor issue corrective measures recommended by the General Manager prior to Audit Review Committee and full Board consideration and/or approval.

5. Direct the County Manager, in consultation with Pearson’s Appraisal Service, to develop a detailed work plan for the next revaluation that would include:

a. Updating property record cards;

b. Developing a strategy to insure that the County does a first rate, highly customized job of assessing property values in complex areas, particularly pre—1980 heterogeneous neighborhoods;

c. Using project management of areas with a high volume of appeals;

d. Developing strategies for quality control of all activities in Assessor’s Office;

e. Engaging appraisers and consultants to conduct construction cost and commercial market studies;

f. Evaluating the feasibility of greater use of the income approach to assessing commercial properties;

g. Establishing informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing informal appeals, mandatory explanation to property owners for denial of adjustment);
h. Revising operating procedures for the Board of Equalization and Review, including the roles of Assessor and his staff in interacting with the BER members. Review, develop and implement, where necessary, rules of ethics for BER members and Assessor’s Office staff during any periods where the BER is in session; and

i. Developing a projected organization and staffing model, which outlines other resources and associated costs to implement the work plan and maintain ongoing operations of the Assessor’s Office.

Note: The detailed work plan, which will include a timetable for each part of the work plan and will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson’s Appraisal Service for consistency with that firm’s recommendations. The plan also will be disseminated to the public for input/feedback. Pearson’s review of the plan will be included in the contract amendment referenced in paragraph #1 above. The detailed work plan is estimated to be developed by June, 2013. The work plan should include for each of 5(a)-5(i) an estimated cost/benefit analysis with an estimate of the overall incremental cost of implementing the work plan.

6. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that are more convenient to both appellants and Board members. The newly elected Chairman of the Board (BOCC) shall appoint a subcommittee to review current BER policies and practices and recommend to the full Board (BOCC) appropriate and necessary changes that would bring the BER practices and operating procedures more in alignment with the Goals outlined in paragraphs 1-4 above. This sub-committee of the Board (BOCC) shall work in consultation with Pearson’s Appraisal Service and county staff per the direction of paragraph 5(h) to develop an appeals hearings process that is customer-focused and time efficient, while maintaining the integrity of the process and compliance with the Machinery Act.

Actions addressing the 2011 property revaluation:

7. Direct staff to develop a process for recruiting potential BER members, to expand the pool of qualified candidates to serve on the BER.

Legislative Action

Staff believes that all of Pearson’s recommendations can be implemented under existing state law, however, where county staff discovers for whatever reason, that it is necessary to amend state law to implement any of Pearson’s recommendations, county staff shall promptly present proposed legislative changes to present to the Board for consideration.

Additionally, staff will consider requesting changes to statutory language that would clarify such matters as how much time property owners have to file an appeal and the deadlines associated with the BER adjournment date.

County staff is directed to continuing working with the North Carolina Association of County Commissioners and the NC Assessor’s Association to support consistency in the wording used in the revaluation notices.

Management Actions (Not requiring Immediate Board Approval):

The County Manager is directed to develop a customer service improvement plan for the Assessor’s Office. The first step shall be to contract with an outside firm to conduct an independent customer service assessment of the Assessor’s Office and make findings and recommendations for improvement. The goal of the improvement plan will be to reform and transform the Assessor’s Office and make customer service and satisfaction a top priority.
It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan. The Manager is directed to prepare for the Board’s review and approval an estimate of the cost to taxpayers of both developing and implementing the improvement plan, including the cost of any additional part-time or full-time employees.

Chairman Cogdell said what he read, in many respects, incorporated the suggestions brought forth by Commissioners Bentley and Clarke based on the framework that was initially presented by the County Manager. Chairman Cogdell said it was not ideal for anyone, but it was what the Board could do within the guidelines or limitations of state law. He said this was a “good faith effort” to remedy the issues that were identified. Chairman Cogdell said this was an on-going process and that a future board would have to identify specific legislative agenda issues that need to be brought forward to the Mecklenburg Legislative Delegation and that hopefully changes would be made to address the concerns brought forward by Commissioners James, Bentley, Pendergraph, and others.

Commissioner James referenced the RFP process and asked since Pearson’s found “flaws” all over the county, would all neighborhoods be looked at. Chairman Cogdell said yes, every neighborhood in the county.

Chairman Cogdell asked Tom Durham, chairman of the Board’s Citizens Revaluation Advisory Committee to comment on the Board’s discussion.

Mr. Durham asked Emmett Curl with Pearson’s to comment on the estimated cost for Pearson’s to identify all other neighborhoods where there were or may be major issues of inequity.

Mr. Curl said Pearson’s estimate of $180,000 and estimated completion time of within 90 days was referring to using a methodology to go through and try to identify the remaining major and minor neighborhoods of the remaining 1,100 that they have not been through. Mr. Curl said they could go through all 1,100 but it would take possibly more time and effort then what’s in the estimate provided to the Board. Mr. Curl said they would use a methodology that would still funnel down and not go through all 1,100. He said they may not go through neighborhoods that were built in the 2000’s. He said they could go through, just to ensure that everyone was looked at, but it would be more cost and time to do so.

Mr. Curl said he would get back to the County with an estimate of what the additional cost and time would be.

Mr. Durham suggested the Board appoint a new Citizen’s Revaluation Advisory Committee (CRAC) and that the term of the committee be for one year. He said it should also be a one year term for the Board of Equalization and Review and that no one serve more than four years. Mr. Durham said that would be good for checks and balances purposes.

Mr. Durham said there had been a lot of comments about the Assessor’s staff and that he attended numerous BER hearings and was dismayed by some of the comments made by staff. Mr. Durham said there were a lot of people, however, in the Assessor’s Office and all of them should not be “penalized” for the acts of a few. He said staff in the Assessor’s Office worked hard.

Mr. Durham said he was confident that Pearson’s Appraisal Service, and particularly Mr. Curl, could work with staff in the Assessor’s Office and get them where they needed to be.

Mr. Durham said a redo of the 2011 Revaluation would be expensive and time consuming.

Mr. Durham said Pearson’s Appraisal Service had put together a “fine game plan” and that the Board had added to that plan “very well.” Mr. Durham said the Citizen’s Revaluation Advisory
Committee was very supportive of both. He suggested the Board move forward immediately and also seek at the same time, the legislative authority that’s needed.

Mr. Durham suggested the Board let Pearson’s Appraisal Service do the 44 major and the 45 minor that they said staff could do. He said the Board should allow Pearson’s Appraisal Service to keep a “firm hand on the helm” at the Assessor’s Office as the Board goes through this process.

Mr. Durham thanked the Board for allowing him and other members of the Citizen’s Revaluation Review Committee to serve.

Commissioner Dunlap said there needed to be concern for all neighborhoods and not just those identified by Pearson’s Appraisal Service.

Commissioner Dunlap reiterated that the Board needed time to review the various recommendations.

It was the consensus of the Board to meet at 3:00 p.m. on Tuesday, November 27, 2012 to continue this discussion.

MANAGER’S REPORT

UPDATE ON MECKLINK

MeckLink Director Phil Endress gave an update regarding MeckLink’s progress in implementing the Medicaid Waiver and converting to a Managed Care Organization (MCO).

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

The following was noted:

- The Mercer report was received regarding the County’s 120 day Readiness Review and staff has since developed a Plan of Corrective Action and a Plan of Development, which was submitted to the state.
- There’s a 60 day Readiness visit scheduled for November 29, 2012.
- The new go-live date is tentatively scheduled for February 1, 2013.
- With respect to the project plan submitted, staff was 77% of the way through completion of that plan.
- 190 full time staff on board
- 32 vacancies will be filled between now and February 1, 2013.
- 20 positions are being held off, until it’s actually known what the need was for those positions.
- Overall the department is at 88% of its staffing component.
- Test scenarios were being ran with the information technology system.
- 139 contracts have been fully executed.
- The credentialing process was being finalized.
- Approximately 300 licensed independent practitioners have been identified in Mecklenburg County that the County would be contracting with, pending the results of the credentialing process.
- Staff has met with state representatives in Raleigh, twice. It’s felt that the last meeting held went well, but there were still concerns expressed regarding the County’s readiness, as well as, of others in the state.
- Things were on target for a February 1, 2013 go live date.

**Commissioner James returned to the dais.**
Commissioner Clarke asked about dialogue with the state regarding this matter. Director Endress said the dialogue had been “minimal.” He said the state continues to express concern that the County was not committed to this process and won’t be ready to go live.

Director Endress said he wasn’t sure what the state was basing that on. He said the state had not been back for a visit to see what had been accomplished. He said staff provides the state with bi-weekly updates regarding the County’s Project Plan. He said no communication had been received to date regarding those updates or the Corrective Plan of Action that was submitted.

Commissioner Clarke suggested Director Endress be mindful of the change that would be occurring on the state executive level, which could or could not impact this matter.

Director Endress said it was his understanding that a decision would be made either by the current secretary or current director of Medicaid on or before New Year’s Eve, regarding Mecklenburg County’s going live February 1, 2013.

Director Endress said it was his understanding that once that decision was made, it probably would not be reexamined by the new administration in a timely manner.

Commissioner Clarke asked was the decision to be made regarding whether the County would go live February 1, 2013.

Director Endress said the decision would be whether the County would go live February 1, 2013 or merge with some other LME/MCO in the state.

County Manager Jones asked whether it was felt that per the field visit by Mercer on November 29, 2012 that staff would get an indication with respect to the County’s readiness. Director Endress said he was “cautiously” optimistic that staff would.

Commissioner Bentley asked what was staff doing to address the concerns expressed by the state to convince them that the County would be ready on February 1, 2013. Director Endress said monthly and bi-weekly reports were being sent to the state.

Commissioner Bentley asked who was it exactly, DHHS or state legislators, that think the County would not be ready February 1, 2013. Director Endress said there were questions at both levels based on the Mercer 120 day Report. Director Endress said the Mercer report basically said the County would not be ready.

Director Endress said staff had been very busy. He said all of the go live policies and procedures had been approved with respect to what the reporting mechanisms would be, who would be reporting, and what those reports would contain for daily operations.

Director Endress said staff was confident that when Mercer returned on November 29, 2012, they would see an organization that would be ready to go live February 1, 2013.

Commissioner Bentley said she wanted to make sure there was not a disconnect between what elected officials in Raleigh believed about the County’s readiness and the leadership of DHHS.

Commissioner Bentley said suggested to Director Endress that it was important to engage legislators, to assure them that the County would be ready in February.

This concluded the discussion on this matter.
Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to defer taking up the following items until the November 27, 2012 meeting.

(12-0672) BOARD OF COMMISSIONERS PLAQUE AND CERTIFICATE PRESENTATION

(12-0673) PRESENTATION OF GAVELS

Note: Gavels are presented to members of the Board who served as Board Chairman during the 2010-2012 term of the Board of County Commissioners, to recognize their service to the Board, Mecklenburg County government and the community in the role of Chairman.

(12-0674) UNVEILING OF CHAIRMAN PORTRAITS

(12-0678) REMARKS BY OUTGOING COMMISSIONERS

COUNTY COMMISSIONERS REPORTS & REQUEST

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

(12-0656) CAPITAL RESERVE EXPENDITURE REQUEST – OUTDOOR RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to authorize and appropriate expenditure not to exceed $6,800 from the Outdoor Recreation Capital Reserve for the repair and purchase of outdoor recreation equipment.

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

(12-0659) MECKLENBURG TRANSPORTATION ADVISORY BOARD (TAB)

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

1) Amend the Transportation Advisory Board Bylaws and Extend the Terms of the Current Members as recommended.

2) Appoint Evelyn F. Newman as Chair of the Mecklenburg County Transportation Advisory Board.

Note: The Mecklenburg County Transportation Advisory Board (TAB) assists Department of Social Services Mecklenburg Transit System (MTS) in establishing short- and long-range goals. The purpose of the TAB is to provide citizen input and evaluation of transportation issues. The TAB serves as a mechanism for community outreach and support, supports initiatives, and proposes services enhancements for increased ridership and cost-effective programs for human services. The amendment to the Bylaws will allow current TAB members to continue with initiatives and remain in compliance with North Carolina Department of Transportation (NCDOT) contractual and grant requirements.
Below are the current members being reappointed, per the Board’s motion.

FY13 TAB Membership
(Per Category Required by Community Transportation Grant)

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

Darryl Crenshaw, Mecklenburg County Veterans Services, (Ex-Officio non-voting member) - Appointed FY11 - Reappointment with three year term to expire FY16

Christopher White, LifeSpan Employment/Enrichment Services - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

Myra Green, Director, Char-Meck Senior Center @ Shamrock - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

Mike Taylor, Mecklenburg County DSS, (Ex-Officio non-voting member) - Appointed FY11 - Reappointment with three year term to expire FY16

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

Laura Lynn Ceasar, CMG Express - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

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

Evelyn Newman, Individual Community Activist - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

Sandra Peake, American Red Cross - Appointed FY09 - Expires FY12 - Reappointment with three year term to expire FY16

Bettye Mills, PALS Adult Day Care - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

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 - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

Angela Schlottman, Centralina Council of Governments - Area Agency on Aging - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

Nate Huggins, Matthews Town Representative - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

A copy of the By-laws is on file with the Clerk to the Board.

Commissioner Leake removed this item from Consent for more public awareness.
NOVEMBER 20, 2012

(12-0660) CAPITAL RESERVE EXPENDITURE REQUEST - PARK & RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to authorize and appropriate expenditure not to exceed $5,000 from the Park & Recreation McDowell Capital Reserve to purchase one electric utility vehicle for use by maintenance staff at the McDowell campground.

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

(12-0666) GRANT APPLICATION - STATE AID FOR MOSQUITO CONTROL (ENVIRONMENTAL HEALTH)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to approve submitting a $5,000 grant application to State Aid for Mosquito Control. If awarded, recognize, receive and appropriate awarded funds for the grant period.

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

Commissioner Bentley returned to the dais.

(12-0667) SENIOR CENTER REPORT

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

1. Receive a report on a feasibility study regarding the potential consolidation of senior centers.
2. Appropriate from restricted contingency $65,000 to the Levine Senior Center in Matthews, NC.

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

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

(12-0669) BUDGET AMENDMENT & NEW POSITIONS - REGISTER OF DEEDS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to amend the Register of Deeds budget by recognizing, receiving and appropriating additional fee revenue in the amount of $107,000, and approve creation of three additional positions.

Note: The cost for these additional resources is $82,000 for staffing through the remainder of FY13, and $25,000 for temporary labor for a total of $107,000. Additional revenue that is generated by the increase transactions will be used to pay for the additional cost.

Commissioner Leake removed this item from Consent for more public awareness.
(12-0685) LITTLE ROCK APARTMENTS EASEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, approve conveyance by Horizon Acquisition Corp., a subsidiary of the Charlotte Housing Authority, owner of the Little Rock Apartments, of a seven-foot permanent easement for the purpose of installing and maintaining geogrid fabric fencing.

Note: Little Rock Apartments, Charlotte, NC is a multi-family housing project for which the County provided conduit financing in 2003. The bonds issued by the County are secured by a Multifamily Deed of Trust, Assignment of Rents and Security Agreement. The County has no obligation to make any payments on these bonds. The Charlotte Housing Authority has determined that it is in its interests to facilitate the construction of the adjacent Boulevard Senior Apartments (HOPE VI site) in accordance with its approved site plan for Little Rock, by providing a seven-foot permanent easement to allow the adjacent property owner to install and maintain geogrid fabric fencing related to a retaining wall. In accordance with the Deed of Trust, the easement cannot be granted without County consent.

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

(12-0658) GREENWAY DONATIONS - MCALPINE AND BARTON CREEKS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to accept donation of the following Tax Parcels:

(1) #213-101-68 (+/- 0.61 acres) from Bolouri Properties, Inc. on McAlpine Creek
(2) #047-291-61 (+/- 2.551 acres) from Walden Station Properties, LLC on Barton Creek

Note: Tax Parcel #213-101-68 is being donated by Bolouri Properties, Inc. as part of the subdivision approval for the Sardis Gardens Adult Day Care development. The property is within the floodplain and will add to greenway assemblage along McAlpine Creek Greenway. Tax Parcel #047-291-61 is being donated by Walden Station Properties, LLC as part of the approval process for Walden Station Apartments Phase II. The property will add to greenway assemblage along Barton Creek.

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

(12-0681) DISTRICT 2 UPDATE

The Board received an update on issues and events in District 2 from Commissioner Leake. The following was noted:

- A newsletter sponsored by University Park area
- The death of a 17 year old male, Lamar Furr
- Thanks expressed to the pastor of First Baptist Church West for a program initiative to help prevent youth from getting into gangs, sessions are held on Saturdays.
- Thanks to the Webber family for the new Hyde Park Estates entrance signage built in memory of a community leader
Recent dinner held at East Stonewall AME Zion church by the West End community, Beatties Ford Road area

Recognition of Dr. Drummond’s retirement from a major church here in the community.

(12-0680) CLOSED SESSION – PERSONNEL MATTER

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to go into Closed Session to discuss Personnel Matter.

*The Board went into Closed Session at 9:54 p.m. and came back into Open Session at 12:07.*

*Commissioner Clarke was not present when the Board came back into Open Session and was absent for the remainder of the meeting.*

MEETING RECESSED

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, that the meeting be recessed until 3:00 p.m. Tuesday, November 27, 2012.

__________________________________________

Janice S. Paige, Clerk
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, Charlotte, N.C. 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 20, 2012.

ATTENDANCE

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

Absent: None

Note: Commissioner Neil Cooksey passed away on October 10, 2012.

- 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 Cogdell, after which the matters below were addressed.

AWARDS/RECOGNITION

(12-0701) APPOINTMENT OF DISTRICT 5 COUNTY COMMISSIONER

Chairman Cogdell read into the record, a letter he received from the Republican Party, today, November 20, 2012 that stated:

“Pursuant to Article 10 of the Mecklenburg County Republican Party Plan of Organization, a special meeting of the executive committee was duly called and convened on Thursday, November 15 for the sole purpose of making a recommendation to fill the vacancy created by the death of Commissioner Neil Cooksey. The members of the executive committee from the county commission District 5 voted unanimously by acclamation to recommend Matthew Ridenhour to fill the District 5 vacancy on the Board of County Commissioners. Neil Cooksey served this community well and will be deeply missed. Sincerely, Gideon Moore, Mecklenburg County Republican Party Chairman.”

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph and Roberts voting yes, to appoint Matthew Ridenhour to the Mecklenburg Board of County Commissioners to complete the unexpired term of former Commissioner Neil Cooksey, District 5 representative.
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Note: Commissioner Neil Cooksey passed away on October 10, 2012, leaving vacant the District 5 seat on the Mecklenburg Board of County Commissioners. Mr. Matthew Ridenhour was elected as the District 5 representative to the Mecklenburg Board of County Commissioners in the general election held November 6, 2012 for a two-year term effective December 3, 2012. To ensure that District 5 continues to be represented in the interim, it was being recommended that Mr. Ridenhour be appointed to complete former Commissioner Neil Cooksey’s term. G.S. 153A-27.1 gives the Board of County Commissioners the authority to appoint someone to fill the unexpired term of Commissioner Neil Cooksey.

Chairman Cogdell then called on Clerk to the Board Janice S. Paige to administer the Oaths of Office to Commissioner Matthew Ridenhour.

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

REMOVAL OF ITEMS FROM CONSENT

No items were identified at this time for removal from consent.

STAFF BRIEFINGS - NONE

(12-0676, 12-0680, 12-0693) CLOSED SESSION – CONSULT WITH ATTORNEY, PERSONNEL MATTER AND LAND ACQUISITION

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Tax Parcel #129-101-70 located at 2701 E. Independence Boulevard.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to go into Closed Session for the following purposes: Consult with Attorney, Personnel Matter and Land Acquisition.

The Board went into Closed Session at 5:21 p.m. and came back into Open Session at 6:05 p.m.

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

- FORMAL SESSION -

Chairman Cogdell called this portion of the meeting to order, which was followed by invocation by Commissioner Clarke, the Pledge of Allegiance to the Flag, and introductions; after which, the matters below were addressed.

AWARDS/RECOGNITION

(12-0701) APPOINTMENT OF DISTRICT 5 COUNTY COMMISSIONER
Chairman Cogdell read into the record, a letter he received from the Republican Party today, November 20, 2012 that stated:

“Pursuant to Article 10 of the Mecklenburg County Republican Party Plan of Organization, a special meeting of the executive committee was duly called and convened on Thursday, November 15 for the sole purpose of making a recommendation to fill the vacancy created by the death of Commissioner Neil Cooksey. The members of the executive committee from the county commission District 5 voted unanimously by acclamation to recommend Matthew Ridenhour to fill the District 5 vacancy on the Board of County Commissioners. Neil Cooksey served this community well and will be deeply missed. Sincerely, Gideon Moore, Mecklenburg County Republican Party Chairman.”

Chairman Cogdell then called on District Court Judge Rickye McKoy-Mitchell to administer the Oaths of Office to Commissioner Matthew Ridenhour.

Chairman Cogdell acknowledged the Board’s action taken earlier in the meeting, as noted above, to appoint Matthew Ridenhour to the Mecklenburg Board of County Commissioners to complete the unexpired term of former Commissioner Neil Cooksey, District 5 representative. Chairman Cogdell said the vote was unanimous, and that Commissioner Matthew Ridenhour took the Oaths of Office at that time as well.

(12-0677) PUBLIC APPEARANCE

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

Dr. Ron Virmani M.D. addressed his dismissal from Presbyterian Hospital here in Charlotte/Mecklenburg County. Dr. Virmani said he was discriminated against and that the peer review process at Presbyterian Hospital was bias. Dr. Virmani asked the Board to look into his dismissal and to assist him in getting resolution to his current status. He shared a petition and asked Board members to sign it as well, to help him “obtain fairness and justice from Presbyterian Hospital.

A copy of handouts from Dr. Virmani is on file with the Clerk to the Board.

(12-0671) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to reappoint Charlene Barr, Camelia Bittle and Irene Carande to the Adult Care Home Advisory Committee for three-year terms expiring November 30, 2015.

AIR QUALITY COMMISSION

Motion was made by Commissioner Roberts seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Fern Paterson to the Air Quality Commission as a General Public representative to fill an unexpired term expiring August 31, 2013.

She replaces William Nash.
CITIZEN’S TRANSIT ADVISORY GROUP

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Matt Covington to the Citizen’s Transit Advisory Group to fill an unexpired term expiring June 30, 2013.

He replaces Rhonda Odom.

INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Rob Kidwell to the Industrial Facilities & Pollution Control Financing Authority for a six-year term expiring October 31, 2018.

He replaces Michael McNamara.

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Darrell Gregory to the Juvenile Crime Prevention Council as the Non-Profit representative to fill an unexpired term expiring November 30, 2012 and to fill a three-year term expiring November 30, 2015.

He replaces Franklin Freeman.

NURSING HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to nominate and appoint Sharon Morton to the Nursing Home Community Advisory Committee for a one-year term expiring November 30, 2013.

She replaces Josephine Baker.

WASTE MANAGEMENT ADVISORY BOARD

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to reappoint Connie Harris to the Waste Management Advisory Board for a three-year term expiring September 30, 2015.

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

Consent Items

Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to approve the following item(s):
(12-0653) CAPITAL RESERVE EXPENDITURE REQUEST - ST. MARY’S CHAPEL

Authorize and appropriate the expenditure of $12,000 from the St. Mary’s Chapel Capital Reserve Fund to install irrigation along the King’s Drive and 4th Street area of the chapel grounds.

(12-0654) FIRST AMENDMENT TO THE AGREEMENT OF SALE FOR COUNTY PROPERTY TO FIBER MILLS, LLC

Adopt a resolution entitled, “Mecklenburg County Board of Commissioners Resolution Authorizing the First Amendment to the Agreement to Sell Property to Fiber Mills, LLC.”

Resolution recorded in full in Minute Book _____ Document # _____.

(12-0657) ROMARE BEARDEN PARK - PROPERTY DEED RESTRICTIONS

Authorize the County Manager to execute all documents necessary for the placement of a Deed Restriction related to the removal of underground storage tanks on Tax Parcel #073-022-05 (a portion of Romare Bearden Park) as required by the State of North Carolina.

(12-0661) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITIONS

1. Accept the “Offer of Sale of Real Estate” from Ashey Louise Webb Henry, Elizabeth C. Webb, and Allison Linley Webb, owners of property at 3211 Cullman Avenue (Tax Parcel 08303125) for $130,000.

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

(12-0662) MOORESVILLE TO CHARLOTTE TRAIL CROSS JURISDICTION/MUMPO PL PLANNING GRANT

1. Approve Mecklenburg County as a recipient for a NCDOT PL Planning Grant, and recognize and receive the $35,000 Grant.

2. Approve the Memorandum of Agreement between the participating jurisdictions and create a Capital Reserve Fund to receive matching funds the MUMPO PL Grant and matching funds in the minimum amount of $1,200 to be received from each jurisdiction participating in the planning effort.

3. Authorize the County Manager to negotiate and execute the agreement listed above.

Memorandum of Agreement recorded in full in Minute Book _____ Document # _____.

(12-0663) TAX REFUNDS

Approve refunds in the amount of $1,496,893.03 and interest as statutorily required to be paid as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.
(12-0665) MCALPINE CREEK GREENWAY WEIR REPLACEMENT/BRIDGE DESIGN AND PAVING

Approve McKim and Creed as the design firm for the McAlpine Creek Greenway Weir Replacement/Bridge Design and Greenway Paving without going through the RFQ process because its familiarity with the project will provide greater efficiency and effectiveness, as authorized by NCGS 143-64.32.

(12-0668) CAPITAL RESERVE EXPENDITURE REQUEST - AQUATIC FACILITIES

Authorize and appropriate the expenditure of $30,000 from the Consolidated Aquatic Capital Reserve to install new lockers in the men’s and women’s locker rooms and paint the walls at Marion Diehl Recreation Center Pool. Authorize and appropriate the expenditure of $3,500 to replace tables at Ray’s Splash Planet and $1,000 to replace benches at the Marion Diehl Pool.

(12-0675) MINUTES


(12-0686) SECOND AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY

Adopt a resolution authorizing the County Manager to negotiate and execute a Second Amendment to the Agreement of Sale for three (3) parcels of land (+/- 11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Spectrum Investment Services, Inc.

Resolution recorded in full in Minute Book _____Document # _____.

(12-0688) ARCHITECT SELECTION

Authorize the County Manager to negotiate and execute a contract with Moseley Architects, for engineering design, contract documents and construction administration services as required for upgrades and/or replacement of the detention security systems at the Mecklenburg County Jail facilities, and if negotiations with this firm are unsuccessful, approve negotiations with the second-ranked firm.

Note: The second-ranked firm was Buford Goff & Associates.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12-0682) NAMING OF COUNTY FACILITY

Motion was made by Commissioner Bentley, seconded by Commissioner Roberts and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to open the public hearing on Mecklenburg County’s proposal to name the Health
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Department building located at 249 Billingsley Road, as the "Commissioner Neil C. Cooksey, Sr. Health Center."

No one appeared to speak.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to close the public hearing and approve naming the Health Department building located at 249 Billingsley Road, as the "Commissioner Neil C. Cooksey, Sr. Health Center."

Note: At its November 7, 2012 meeting, the Board received an application submitted by Commissioner Bentley to name the Health Department southeast building in honor of the late Commissioner Neil C. Cooksey, Sr. Pursuant to the County's facility naming policy, the Board set a public hearing for consideration and approval of the facility naming proposal.

Commissioner Clarke returned to the dais.

Allyson Cooksey, wife of Commissioner Cooksey, son Charlie and daughter Anna were present. Mrs. Cooksey expressed sincere thanks to the Board for bestowing this honor upon her husband. Daughter Abbey Gail was away at college.

Note: The Board also recognized Commissioner Cooksey's service to the community by presenting the family with the plaque he would have received upon leaving office, in recognition of Commissioner Cooksey's service on the Board for the 2010-2012 Term of Office.

(12-0693) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to adopt a resolution authorizing the County Manager to negotiate and execute all documents necessary for the joint acquisition of Tax Parcel #129-101-70 (+/- 5.12 acres) which operates as the Charlotte Inn Hotel on Independence Blvd. with the City of Charlotte, and to transfer the County’s 50% undivided interest in the property to the City of Charlotte.

Resolution recorded in full in Minute Book ______, Document # ______.

PUBLIC HEARINGS - 6:30 PM

(12-0613) STREET LIGHTING FINAL ASSESSMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to acknowledge receipt of certification that a notice of the public hearing was mailed by first class mail to all property owners in the Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions; and to open a public hearing on Street Lighting Preliminary Assessment Rolls for Mecklenburg County’s participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Coffey, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

No one appeared to speak.
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Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to close the public hearing on Street Lighting Preliminary Assessment Rolls for Mecklenburg County’s participation in the Street Lighting Assessment project for the Capps Hollow, Cardinal Woods, Coffey, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions and adopt Final Assessment Resolutions for Capps Hollow, Cardinal Woods, Hearthstone, McGinnis Village, Mountain Point, Mountain Point Estates, Royal Oaks and Spicewood Subdivisions.

Resolutions recorded in full in Minute Book _____ Documents # ______, ______, ______, ______, ______, ______, ______ and ______.

ADVISORY COMMITTEE REPORTS - NONE

STAFF REPORTS & REQUESTS

(12-0556) AMENDMENTS - FIRST WARD PROJECT LAND EXCHANGE AND DEVELOPMENT AGREEMENTS

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to adopt Resolution Approving Amendments to Economic Development Grant and Reimbursement Agreement, and Related Agreements, with Levine Properties and its Affiliates for First Ward Development.

General Manager Bobbie Shields addressed this matter.

Resolution recorded in full in Minute Book _____ Document # ______.

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0683) AUDIT REVIEW COMMITTEE REPORT

The Board received a verbal report from Commissioner Clarke on behalf of the Audit Review Committee. The following was noted:

- There’s an annual audit of the County’s financial statements done by an outside firm.
- The firm currently being used is Cherry, Bekaert & Holland.
- The results of the County’s financial audit were very positive.
- The County received a clean audit opinion for the fiscal year that ended June 30.
- There were recommendations made to management by Cherry, Bekaert & Holland that management responded to.
- The committee was pleased to know that management accepted those recommendations and plans to implement them.
- A number of the recommendations had to do with information technology matters.
- A Single audit was also done of various programs.
- The results of the Single audit said there were deficiencies in some instances. For example, with respect to eligibility to participate in some programs, but in most, if not all instances, the County was able to produce the documentation to show that the person was indeed eligible.
- In general, the Single audit report was one the committee found acceptable.
- The committee received a report from the County’s Internal Audit Department, as well.
The committee received a report from a group formed to do contract compliance work in the new Human Services Finance Division. This was an effort to make sure agencies were complying with the terms and provisions of the contracts the County had with them and to make sure the County was doing what it needed to do to comply with the contracts as well.

The committee also reviewed a matter that came to its attention through an anonymous report to Commissioner James. The matter was whether there might have potentially been some fraud, abuse, or waste in connection with a transportation program for people living in the two percent of Mecklenburg County that’s still considered rural or non-urban. The committee satisfied itself, after a through internal review by staff, that there had not been any fraud, abuse, or waste. There were some committee members that did have some questions regarding the transportation program, which was funded through a grant from the state Department of Transportation.

The committee regularly receives reports regarding the County’s employee report line, which was an anonymous way for employees to report suspected fraud, abuse, or waste. Per the latest report, there were only two such instances, both of which proved not to be fraud, abuse, or waste, per Internal Audit’s investigation.

It was noted the employee report line was a part of the County’s compliance effort.

Also, there’s a Chief Compliance Officer, which was something the late Commissioner Neil Cooksey was an initiator of.

Note: Commissioners Bentley, Dunlap, and James are the other members of the Board’s Audit Review Committee.

PARK IMPROVEMENTS DEVELOPMENT AND REIMBURSEMENT AGREEMENT, DOUBLE OAKS REDEVELOPMENT

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to adopt Resolution approving the Park Improvements Development and Reimbursement Agreement with the Charlotte-Mecklenburg Housing Partnership to support the redevelopment of the former Double Oaks Apartment site.

General Manager Bobbie Shields presented this matter.

Resolution recorded in full in Minute Book Document # ______.

MANAGER’S REPORT

(12-0621) 2011 REVALUATION REVIEW

The Board received Pearson’s Appraisal Service’s written report on its 2011 Revaluation Review and the County Manager’s recommendations.

Cary Saul, Director of LUESA introduced Emmett Curl with Pearson’s Appraisal Service, who was present to respond to any questions.

A copy of the report and the County Manager’s recommendations is on file with the Clerk to the Board.

The following persons appeared to speak:

Barb Scott commented on the County Manager’s recommendations in response to the Pearson’s Report. Ms. Scott said she wanted to know the plan for remedying the 2011
Revaluation errors. She also questioned County staff’s involvement in “cleaning up” what they “messed” up. Ms. Scott said it was not okay that 1) property taxes were assessed based on wrong assessment values, 2) these overpayments are ignored in the interest of “looking to the future”, and 3) that the very “ineffective” managers who created “this mess” be given the task of cleaning it up.

Bob Bruton commented on the County Manager’s recommendations in response to the Pearson’s Report. Mr. Bruton spoke in opposition to staff’s involvement and the Board of Equalization in “cleaning up the “mess,” he said they created. Mr. Bruton said everyone involved should be relieved of their duties. Mr. Bruton said Pearson’s should be brought in to provide guidance on how appraisals should be done and to train new staff. Mr. Bruton also stated that if the County received a “clean” financial audit, then the reserves should be there for taxpayers to get a refund.

Ron Kelly said the Board needed to find a way to be creative and fix the problem. He suggested the following:

- Go back and declare a retraction of the 2011 Assessed Values and revert to the 2003 Assessed Values. Then use the 2011 County budget and set the tax rate to make the revenues collected neutral for the County.
- Refund overpayments. Leave undervalued properties alone... fix at next Reval. If amount to be refunded is a budget problem, do it over the next 2 years with credits.
- Give anyone that finds this action unacceptable the right to a full Appeal process.
- This would require one-time legislation from the State.

A copy of Mr. Bruton’s recommendations and other comments is on file with the Clerk to the Board.

Rita Wilson said she did not appeal the revaluation of her home, because she trusted county government, but no longer has any trust in county government. Ms. Wilson said that trust “dissipated” when 1) three of the commissioners wanted to silence members of the community when they wanted to make objections and voice their complaints about the revaluation back in March, 2) when the chairman of the Board of Equalization and Review (BER) came before the Board and instead of making suggestions or a presentation that had to do with the community’s complaints, he applauded the work of the County Assessor when appeals were still being heard. Ms. Wilson said the BER chairman was the head of an impartial body, supposedly the adjudicator of disputes between the taxpayer and County, and 3) the County Manager’s statement that a review of the 2011 Revaluation was not appropriate.

Ms. Wilson said “how could it not be appropriate” to assure that the people of this county were being taxed in an “equitable and fair manner.”

John A. Scott addressed past comments made by Tax Assessor Garrett Alexander, County Manager Jones, and David Baker from the State Department of Revenue regarding the 2011 Revaluation, that it had been done correctly. Mr. Scott said “the revaluation of 2011 has failed to get a vote of confidence from the citizens of Mecklenburg County. Mr. Scott said the Mecklenburg County median assessed-to-market ratio as of January 1, 2012 was 100.15, which meant the median property sold in the county during 2011 was assessed for more than its sales price.”

A copy of Mr. Scott’s comments is on file with the Clerk to the Board.

Robert Stone asked the Board to consider either a general redo or a limited neighborhood redo of the 2011 property revaluation, but to exempt entities from the new review that already gone through any of the appeals processes, informal or before the BER associated with the 2011 revaluation and received and accepted a reduction in value. Mr. Stone said he went through the appeals process and reached an acceptable agreement regarding his property. Mr.
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Stone said it would be “grossly” unfair to subject him and others that had already gone through the process to do it again. He said a lot of time and money was spent going through the process.

A copy of Mr. Stone’s comments is on file with the Clerk to the Board.

Commissioner Dunlap entered the meeting.

Kathy Davis expressed concern that there was not a recommendation from the County Manager regarding correcting errors made in the 2011 Revaluation, such that there would be a retroactive adjustment of values as of January 1, 2011 and that proper retribution and refunds would be made for any over assessments. Ms. Davis said this was unacceptable to thousands of property owners who were over assessed for 2011 and now 2012, that paid taxes based on a “greatly flawed” revaluation and not on actual property values. Ms. Davis said citizens would not have any confidence in the County if it allowed any parties that had a “hand” in the 2011 Revaluation to be a part of “fixing” the issues, either retroactive or going forward. Ms. Davis said the BER also failed the citizens of the County by not performing their duties to ensure the Assessor’s Office had fairly and equitably valued properties. Ms. Davis said the chairman of the BER stated the Assessor’s Office had done an “excellent” job and that an audit would be a “waste” of taxpayer money. Ms. Davis said the current BER should be excused and a new BER appointed as soon as possible. Ms. Davis said the BER was to have been “the checks and balances, but instead stepped aside and turned the other way and let the inequities continue.” Ms. Davis said the situation needed to be corrected on a retroactive and going forward basis by independent parties that had no part of the 2011 Revaluation.

Cornelius Town Mayor and State Senator-Elect Jeff Tarte and Mayor Pro-tem Lynette Rinker and Town Commissioner Chuck Travis appeared before the Board.

Mayor Pro-tem Rinker read into the record a resolution passed by the Cornelius Town Board of Commissioners on November 19, 2012.

Whereas, Mecklenburg County conducted a countywide property tax revaluation to be effective January 1, 2011; and

Whereas, General Statute 105-283 states all property, real and personal shall as far as practical be appraised or valued at its true value in money; and

Whereas, the revaluation that was completed has been flawed with problems from minor infractions to a failure to follow commonly accepted standards and practices, resulting in citizens being denied fair and equitable treatment and due process under the law, as well as, not being taxed at the true value of their property; and

Whereas, the Town of Cornelius Board of Commissioners formerly requested the County hire an outside independent auditor to evaluate and audit the tax assessor’s office performance of the 2011 Revaluation; and

Whereas, on July 3, 2012, Mecklenburg County hired Pearson’s Appraisal Services, Inc. to perform an independent review of the 2011 Revaluation; and

Whereas, Pearson’s Appraisal Services has completed their review and have found errors, inequities and inconsistencies, as well as, customer service and procedural inadequacies, now, therefore,

Be it Resolved, by the Board of Commissioners of the Town of Cornelius, that they hereby formerly support and request that the Board of County Commissioners hire new, qualified staff or engage an independent consultant to independently evaluate and correct all findings and recommendations in the Pearson’s Report, reconstitute the membership of the Board of Equalization and Review and to fully protect Mecklenburg County citizens property rights by seeking statutory authority to redo the 2011 Revaluation and conduct a new revaluation on receiving that authority.
Adopted this 19th day of November 2012

Mayor Pro-tem Rinker said this was the third time over the last ten months that the Cornelius Town Board of Commissioners had appeared before the Board to address this issue. Mayor Pro-tem Rinker said it was time for this issue to be “fixed.”

Mayor Tarte said he felt the Board had the responsibility and the authority to 1) address the issue of fixing the 2011 Revaluation and 2) deciding how to avoid a reoccurrence of what occurred with the 2011 Revaluation.

Mayor Tarte said with respect to what the Board felt it lacked from a legislative level, that he as a N.C. Senator-Elect, along with Representative Bill Brawley, would assist the County in any way it could to address this matter from a legislative perspective.

Town Commissioner Travis encouraged the Board to fix the 2011 Revaluation problem.

This concluded public speakers on this matter.

Chairman Cogdell noted that the tax assessor position was an appointed position by the board of county commissioners and the person holding the position could only be removed or reappointed by the board of county commissioners.

Chairman Cogdell went on to announce that Mecklenburg County Assessor, Garrett Alexander submitted his resignation and that the Board voted unanimously to accept his resignation.

County Manager Jones, prior to presenting his recommendations in response to Pearson’s Report, acknowledged for the record, the comment he made at the Board’s recent Public Policy meeting on this issue. The comment made then and now, was that he was “wrong” back in May when he made the recommendation that the County not undertake an audit of the 2011 Revaluation.

County Manager Jones said he was “wrong,” because he’d learned some things about quality control and customer service that would not have come through a normal appeals process that he “espoused” as the way the County should go.

County Manager Jones said the Pearson’s Report was very valuable to him as a manager.

County Manager Jones proceeded with sharing his recommendations.

**County Manager’s Recommendations**

**Goals:**
1. Identify and address inequities in neighborhoods
2. Develop a detailed work plan for next revaluation
3. Build a strong culture of customer service within the Assessor’s Office

**Immediate Board Actions:**
1. Approve amending the Pearson’s Appraisal Service contract to identify all the neighborhoods where there are major issues of inequity. Estimated cost: $180,000. Estimated time to complete: 90 days
2. Direct the County Manager to issue a Request for Proposal (RFP) to solicit bids to rework all the neighborhoods identified by Pearson’s Appraisal Service where there are major issues of inequity. Although the final scope of work will be contingent on completion of #1 above, staff can begin
developing the RFP immediately. Estimated cost range: $1.5 million to $2.5 million. Estimated time to complete: 12 months from award of contract, including the appeal process.

3. Direct the Assessor to address the minor issues, consistent with the Pearson’s Appraisal Service findings and recommendations

4. Direct the County Manager and Assessor to develop a detailed work plan for the next revaluation that would include:
   a. Updating property record cards
   b. A strategy to assess value in complex areas, particularly pre—1980 heterogeneous neighborhoods (e.g., field visits, contracting with appraisers experienced with type of neighborhood)
   c. Project management of areas with a high volume of appeals
   d. Quality control strategies
   e. Construction cost and commercial market studies
   f. Commercial appraisal approach (e.g., emphasis on income approach)
   g. Informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing informal appeals)
   h. Procedures for Board of Equalization and Review, including role of Assessor and staff
   i. Projected organization and staffing model, other resources and associated cost to implement the work plan and maintain ongoing operations of the Assessor’s Office.
   Note: The detailed work plan will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson’s Appraisal Service for consistency with recommendations. The plan also will be disseminated to the public for input/feedback. Pearson’s review of the plan will be included in the contract amendment referenced in #1 above. The detailed work plan is estimated to be developed by June, 2013.

5. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that are more convenient to both appellants and Board members.

   Note: In addition to the other BER-related recommended changes to be addressed as part of the detailed work plan per 4h above, staff will develop recommended changes in the recruitment and appointment process for Board selection of BER members to expand the pool of qualified candidates to serve on the BER.

Legislative Considerations:
Staff believes that all of the Pearson recommendations can be implemented under existing state law. If, in the implementation of these recommendations, statutory barriers are identified, proposed legislative changes will be presented to the Board. Additionally, consideration should be given to seeking legislative changes that offer additional clarity. This could include legislation that specifies how much time property owners have to file an appeal, as well as clarification of current language on deadlines associated with the BER adjournment date. County staff also recommends working with the NCACC and/or NC Assessor’s Association to support consistency in the wording used in revaluation notices.

Management Actions:
The County Manager will develop a customer service enhancement action plan that will be initiated by contracting with an outside firm to conduct a customer service assessment of the Assessor’s Office. Based on the assessment findings and recommendations, an action plan will be developed to reform and transform the Assessor’s Office whereby customer service and satisfaction is and will remain a top priority.

It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan.
Commissioner Bentley stated in her comments that the 2011 Revaluation was not “transparent, efficient, nor deserving of the public’s trust” and that per the Pearson’s Report, nor was it “equitable.”

Commissioner Bentley said there were five areas of concern from the Pearson’s Report that needed to be noted for the record: 1) Customer Service, 2) Work Ethic and Professional Expertise (It was noted that it had been 17 years since countywide property data was reviewed in the field.) 3) Project Management, 4) Technology and Staffing, and 5) the Board of Equalization and Review.

Commissioner Bentley said she hoped the Board would do “the right thing” to make citizens whole and “most importantly, to restore trust and confidence in this Board and in this county government.”

Commissioner James referenced the resolution that authorized the Pearson’s study of the 2011 Revaluation and the portion that stated there would be no change to the 2011 values. Commissioner James said that statement should be removed from any new resolution that’s approved. Commissioner James said it should be stated that the 2011 Revaluation was “screwed up” and it’s the Board’s job to “fix it.”

Commissioner James said people “deserved” tax refunds. Commissioner James said there were a lot more taxpayers impacted that weren’t addressed in the study.

Commissioner James said it would be good to see if the County could legally go back to 2003 as suggested by one of the speakers.

Commissioner James said persons involved in an error of this magnitude should be “held accountable,” and not be involved in “fixing the problem.”

Commissioner James said the Board needed to take responsibility for getting this matter fixed.

Commissioner James said the Board should indicate in any resolution going forward, a reversal of the statement that the 2011 Revaluation would stand; that the Board would fix the 2011 Revaluation and give refunds; and going forward the “buck” would stop with the Board and that persons hired by the Board would report directly back to the Board, in addition to anyone else in the County that would be handling this matter.

Commissioner Roberts said the Board needed to determine legally whether or not it could give refunds.

Commissioner Roberts said the following also would need to be considered:

- The timeframe -Based on the information provided and the timeframe for looking at neighborhoods and adjusting values, you’d be looking at three years of tax payments, which “begs the question” of do you refund current owners or former owners; because many properties would have changed hands during that timeframe?

- Do you look at entire neighborhoods?

- Do you refund those that appealed and received a decrease, if a value came back higher than that decrease?

- What about properties that didn’t exist in 2011?
• How would you adjust for new construction and/or additions?

• What about properties that were undervalued, would they be billed for three years?

County Attorney Bethune said currently there was no legislation that would allow the Board to give refunds. County Attorney Bethune said the question for the Board would be whether it wanted to seek such legislation.

County Attorney Bethune said if legislation was sought, there needed to be discussion with the City of Charlotte and the Towns, because they would be impacted as well.

Commissioner Roberts said the process was definitely flawed.

Commissioner Roberts mentioned the software issue that was noted in the report and suggested going forward the County make sure it was using or obtained the best software available.

Commissioner Roberts also suggested going forward that the appraisal report card be accessible to the public on-line.

Commissioner Roberts said several Commissioners had suggested changes and/or additions to the County Manager’s recommendations.

Commissioner Pendergraph said he supported a redo of the 2011 Revaluation, but legislative authority would be needed to do so and that getting such legislation approved would probably be very difficult.

Commissioner Pendergraph suggested the County hire someone to immediately deal with those neighborhoods that had major and minor issues and get them “fixed.” He said if the County was “fortunate enough” to get the needed legislation to allow the County to do a complete redo of the 2011 Revaluation, then the County would be “one step ahead of the game.”

Commissioner Pendergraph asked whether those with major and minor issues that would have been addressed, prior to getting the legislation, have to be a part of the complete redo as well.

County Attorney Bethune said what the Board was trying to do was to assign accurate values to these properties as of 2011, as though it had been done right. County Attorney Bethune said that’s what’s talked about in the County Manager’s report. He said the question becomes, once you get those values correct and equitable, what do you do with that? Do you use those values only for taxes going forward, which is currently what’s allowed by law, or do you go back and try to do something relative to the taxes that have already been billed and paid for the preceding years during the time when the values were not accurate and equitable? County Attorney Bethune said this involved two different pieces.

County Attorney Bethune said you have to do the former to get the values right before you could do the latter. He said you can’t determine what needed to be refunded until you get the values accurate.

County Attorney Bethune said the Pearson’s Report talked about getting the values accurate, which could be done under existing law, but it only effects taxes going forward.
Commissioner Pendergraph asked was it correct that if the County did the areas with major issues and minor issues over and it was determined that these properties were over taxed, that under the current law the County can’t give them a refund.

County Attorney Bethune said that was correct. He said, however, those that appealed their value, either informally or with the BER, or the Property Tax Commission and got their values adjusted, they would get refunds.

County Attorney Bethune said if the legislation wasn’t done right, then it could result in making a “bad situation worse.” County Attorney Bethune said it would need to be done “thoughtfully, carefully, with a lot of input from a lot of people, looking at lots of different issues, to make sure it’s been dealt with comprehensively.” He said it was a complicated issue.

County Attorney Bethune said the legislation, if obtained, would be statewide. He said you do not get local legislation with respect to property tax issues. Thus, it would effect other counties in the state.

Commissioner Dunlap acknowledged that there were inequities with respect to the 2011 Revaluation.

Commissioner Dunlap emphasized County Attorney Bethune’s comment that this matter had to be dealt with “carefully and thoughtfully.”

Commissioner Dunlap said there were several recommendations being presented with respect to handling this matter, the County Manager’s, Chairman Cogdell’s, Commissioner Bentley’s, and Commissioner Clarke’s.

Commissioner Dunlap suggested the Board delay taking action, until it had ample time to review the various recommendations and to schedule a special meeting to further discuss the matter and at that time take action.

County Attorney Bethune said if the Board’s desire was to defer taking action on this matter at tonight’s meeting, then the Board could at the conclusion of tonight’s meeting, recess the meeting until a date, time, and place certain.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, but was later withdrawn, to meet Tuesday, November 27, 2012 for the purpose of considering which recommendation the Board would take action on with respect to the 2011 Revaluation.

After further discussion, a poll was taken with respect to meeting Tuesday, November 27, 2012 at 5:00 p.m. and a majority of the Board indicated that they would be willing to meet.

Commissioner Clarke said he agreed with Commissioner James’ comment that there needed to be an on-going Board oversight role with respect to the activities that would be undertaken to correct errors in the 2011 Revaluation.

Commissioner Clarke suggested Chairman Cogdell’s recommendation plan be the Board’s starting point on Tuesday, November 27, since it incorporated the recommendations of both he and Commissioner Bentley; and that Board members work from that with respect to any additional changes they felt needed to be included.

Commissioner Clarke said he’d like to see another paragraph added that would give the Board’s Audit Review Committee the authority and the obligation to oversee the entire process that the Board was considering undertaking to correct errors in the 2011 Revaluation.
Commissioner Clarke asked Commissioner James for his thoughts around having the Board’s Audit Review Committee involved.

Commissioner James said his concern was that he did not think those who caused the problem should be involved in fixing it.

Commissioner James said he was confused as to why correction letters could be sent and adjustments made for property owners in the Cornelius lake area, but not to other property owners, whom the Board now knows values were incorrect.

Commissioner James said he was okay with the Board’s Audit Review Committee being involved, but he did not “want to let this process off the hook” by saying a committee was going to do it, but in reality “it’s still the Manager; it’s still the people at the Assessor’s Office; it’s still all those other people who should not be responsible for it.”

Commissioner James said he would rather have Pearson’s do it and report directly back to the Board. Commissioner James said that way if there was a problem, Pearson’s could inform the Board of it directly.

County Attorney Bethune said staff would provide the Board with information clarifying what was done in the Cornelius lake area referenced by Commissioner James and the current situation.

Commissioner Clarke noted that the Board’s Audit Review Committee consisted of four of the Board’s returning commissioners.

Commissioner Leake said she was concerned for all areas of the county, those with major and minor issues.

Commissioner Leake requested information by Tuesday, November 27 on the amount paid to Pearson’s Appraisal Services, staff cost, and how much it would cost to continue this process.

Commissioner Ridenhour said per his assessment, the community had “more faith” in Pearson’s Appraisal Service, then it did in the County government. He said this was a problem that must be addressed going forward.

Commissioner Ridenhour said the 2011 Revaluation needed to be corrected. He said all neighborhoods needed to be looked at, not just the ones in Pearson’s Report.

Commissioner Ridenhour expressed concern for the current BER and felt a new BER was needed going forward.

Chairman Cogdell read his proposed recommendation plan into the record, which is noted below.

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

**ACTION IN RESPONSE TO FINDINGS AND RECOMMENDATIONS ARISING OUT OF THE 2011 REVALUATION REVIEW**

**Goals:**

1. Identify and address major issues of inequity in all neighborhoods in the County wherever they may exist.

2. Develop a detailed work plan and accelerated timetable for next revaluation.
3. Build a strong culture of customer service within the Assessor’s Office.

4. Restore trust and confidence in the capacity of the Assessor’s Office to undertake fair and accurate countywide revaluations and in the Board of Equalization and Review to fairly and justly review citizen appeals.

**Immediate Board Actions:**

1. Approve amending the Pearson’s Appraisal Service contract to engage Pearson’s services to identify all other neighborhoods where there are or may be major issues of inequity. Estimated cost: $180,000. Estimated time to complete: 90 days

2. Direct the County Manager to assign day to day operational oversight of the Assessor’s Office to a General Manager that shall report monthly, day to day operations to the Audit Review Committee of the Board of County Commission. Direct the County Manager to task the General Manager with performing a departmental structure evaluation of the Assessor’s office and bring forth recommended changes that mirror best practices of like-sized counties. Direct the County Manager to begin a national search for a replacement of the Mecklenburg County tax assessor to be appointed by the Board on or before July 1, 2013.

3. Direct the County Manager to issue a Request for Proposal (RFP) to solicit bids from Pearson’s and other qualified consulting firms to rework all of the neighborhoods Pearson’s Appraisal Service has or will identify in which there are major issues of inequity. Although defining the final scope of work will be contingent upon Pearson completing the engagement described in paragraph #1 above, the Manager and his staff can begin developing the RFP immediately. The current estimated cost of the rework of all neighborhoods in which major inequities exist ranges from $1.5 million to $2.5 million. The estimated time to complete the rework is 10 months from date of award of contract, including the appeal process.

4. Direct the assigned General Manager to develop and oversee a process to address the minor issues Pearson has identified or will during the extended period of Pearson’s service to the County in a manner that is consistent with Pearson’s recommendations. The process developed by the General Manager for addressing minor issues shall be brought to the Board’s Audit Review Committee within 60 days for final review and approval prior to implementation. Pearson’s Appraisal Service shall be asked to provide feedback to the Board on the effectiveness of the minor issue corrective measures recommended by the General Manager prior to Audit Review Committee and full Board consideration and/or of approval.

5. Direct the County Manager, in consultation with Pearson’s Appraisal Service, to develop a detailed work plan for the next revaluation that would include:

   a. Updating property record cards;
   
   b. Developing a strategy to insure that the County does a first rate, highly customized job of assessing property values in complex areas, particularly pre—1980 heterogeneous neighborhoods;
   
   c. Using project management of areas with a high volume of appeals;
   
   d. Developing strategies for quality control of all activities in Assessor’s Office;
   
   e. Engaging appraisers and consultants to conduct construction cost and commercial market studies;
   
   f. Evaluating the feasibility of greater use of the income approach to assessing commercial properties;
   
   g. Establishing informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing informal appeals, mandatory explanation to property owners for denial of adjustment);
h. Revising operating procedures for the Board of Equalization and Review, including the roles of Assessor and his staff in interacting with the BER members. Review, develop and implement, where necessary, rules of ethics for BER members and Assessor’s Office staff during any periods where the BER is in session; and

i. Developing a projected organization and staffing model, which outlines other resources and associated costs to implement the work plan and maintain ongoing operations of the Assessor’s Office.

Note: The detailed work plan, which will include a timetable for each part of the work plan and will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson’s Appraisal Service for consistency with that firm’s recommendations. The plan also will be disseminated to the public for input/feedback. Pearson’s review of the plan will be included in the contract amendment referenced in paragraph #1 above. The detailed work plan is estimated to be developed by June, 2013. The work plan should include for each of 5(a)-5(i) an estimated cost/benefit analysis with an estimate of the overall incremental cost of implementing the work plan.

6. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that are more convenient to both appellants and Board members. The newly elected Chairman of the Board (BOCC) shall appoint a subcommittee to review current BER policies and practices and recommend to the full Board (BOCC) appropriate and necessary changes that would bring the BER practices and operating procedures more in alignment with the Goals outlined in paragraphs 1-4 above. This sub-committee of the Board (BOCC) shall work in consultation with Pearson’s Appraisal Service and county staff per the direction of paragraph 5(h) to develop an appeals hearings process that is customer focused and time efficient, while maintaining the integrity of the process and compliance with the Machinery Act.

Actions addressing the 2011 property revaluation:

7. Direct staff to develop a process for recruiting potential BER members, to expand the pool of qualified candidates to serve on the BER.

Legislative Action

Staff believes that all of Pearson’s recommendations can be implemented under existing state law, however, where county staff discovers for whatever reason, that it is necessary to amend state law to implement any of Pearson’s recommendations, county staff shall promptly present proposed legislative changes to present to the Board for consideration.

Additionally, staff will consider requesting changes to statutory language that would clarify such matters as how much time property owners have to file an appeal and the deadlines associated with the BER adjournment date.

County staff is directed to continuing working with the North Carolina Association of County Commissioners and the NC Assessor’s Association to support consistency in the wording used in the revaluation notices.

Management Actions (Not requiring Immediate Board Approval):

The County Manager is directed to develop a customer service improvement plan for the Assessor’s Office. The first step shall be to contract with an outside firm to conduct an independent customer service assessment of the Assessor’s Office and make findings and recommendations for improvement. The goal of the improvement plan will be to reform and transform the Assessor’s Office and make customer service and satisfaction a top priority.
It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan. The Manager is directed to prepare for the Board’s review and approval an estimate of the cost to taxpayers of both developing and implementing the improvement plan, including the cost of any additional part-time or full-time employees.

Chairman Cogdell said what he read, in many respects, incorporated the suggestions brought forth by Commissioners Bentley and Clarke based on the framework that was initially presented by the County Manager. Chairman Cogdell said it was not ideal for anyone, but it was what the Board could do within the guidelines or limitations of state law. He said this was a “good faith effort” to remedy the issues that were identified. Chairman Cogdell said this was an on-going process and that a future board would have to identify specific legislative agenda issues that need to be brought forward to the Mecklenburg Legislative Delegation and that hopefully changes would be made to address the concerns brought forward by Commissioners James, Bentley, Pendergraph, and others.

Commissioner James referenced the RFP process and asked since Pearson’s found “flaws” all over the county, would all neighborhoods be looked at. **Chairman Cogdell said yes, every neighborhood in the county.**

Chairman Cogdell asked Tom Durham, chairman of the Board’s Citizens Revaluation Advisory Committee to comment on the Board’s discussion.

Mr. Durham asked Emmett Curl with Pearson’s to comment on the estimated cost for Pearson’s to identify all other neighborhoods where there were or may be major issues of inequity.

Mr. Curl said Pearson’s estimate of $180,000 and estimated completion time of within 90 days was referring to using a methodology to go through and try to identify the remaining major and minor neighborhoods of the remaining 1,100 that they have not been through. Mr. Curl said they could go through all 1,100 but it would take possibly more time and effort then what’s in the estimate provided to the Board. Mr. Curl said they would use a methodology that would still funnel down and not go through all 1,100. He said they may not go through neighborhoods that were built in the 2000’s. He said they could go through, just to ensure that everyone was looked at, but it would be more cost and time to do so.

Mr. Curl said he would get back to the County with an estimate of what the additional cost and time would be.

Mr. Durham suggested the Board appoint a new Citizen’s Revaluation Advisory Committee (CRAC) and that the term of the committee be for one year. He said it should also be a one year term for the Board of Equalization and Review and that no one serve more than four years. Mr. Durham said that would be good for checks and balances purposes.

Mr. Durham said there had been a lot of comments about the Assessor’s staff and that he attended numerous BER hearings and was dismayed by some of the comments made by staff. Mr. Durham said there were a lot of people, however, in the Assessor’s Office and all of them should not be “penalized” for the acts of a few. He said staff in the Assessor’s Office worked hard.

Mr. Durham said he was confident that Pearson’s Appraisal Service, and particularly Mr. Curl, could work with staff in the Assessor’s Office and get them where they needed to be.

Mr. Durham said a redo of the 2011 Revaluation would be expensive and time consuming.

Mr. Durham said Pearson’s Appraisal Service had put together a “fine game plan” and that the Board had added to that plan “very well.” Mr. Durham said the Citizen’s Revaluation Advisory
Committee was very supportive of both. He suggested the Board move forward immediately and also seek at the same time, the legislative authority that’s needed.

Mr. Durham suggested the Board let Pearson’s Appraisal Service do the 44 major and the 45 minor that they said staff could do. He said the Board should allow Pearson’s Appraisal Service to keep a “firm hand on the helm” at the Assessor’s Office as the Board goes through this process.

Mr. Durham thanked the Board for allowing him and other members of the Citizen’s Revaluation Review Committee to serve.

Commissioner Dunlap said there needed to be concern for all neighborhoods and not just those identified by Pearson’s Appraisal Service.

Commissioner Dunlap reiterated that the Board needed time to review the various recommendations.

It was the consensus of the Board to meet at 3:00 p.m. on Tuesday, November 27, 2012 to continue this discussion.

**MANAGER’S REPORT**

**UPDATE ON MECKLINK**

MeckLink Director Phil Endress gave an update regarding MeckLink’s progress in implementing the Medicaid Waiver and converting to a Managed Care Organization (MCO).

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

The following was noted:

- The Mercer report was received regarding the County’s 120 day Readiness Review and staff has since developed a Plan of Corrective Action and a Plan of Development, which was submitted to the state.
- There’s a 60 day Readiness visit scheduled for November 29, 2012.
- The new go-live date is tentatively scheduled for February 1, 2013.
- With respect to the project plan submitted, staff was 77% of the way through completion of that plan.
- 190 full time staff on board
- 32 vacancies will be filled between now and February 1, 2013.
- 20 positions are being held off, until it’s actually known what the need was for those positions.
- Overall the department is at 88% of its staffing component.
- Test scenarios were being ran with the information technology system.
- 139 contracts have been fully executed.
- The credentialing process was being finalized.
- Approximately 300 licensed independent practitioners have been identified in Mecklenburg County that the County would be contracting with, pending the results of the credentialing process.
- Staff has met with state representatives in Raleigh, twice. It’s felt that the last meeting held went well, but there were still concerns expressed regarding the County’s readiness, as well as, of others in the state.
- Things were on target for a February 1, 2013 go live date.

*Commissioner James returned to the dais.*
Commissioner Clarke asked about dialogue with the state regarding this matter. Director Endress said the dialogue had been “minimal.” He said the state continues to express concern that the County was not committed to this process and won’t be ready to go live.

Director Endress said he wasn’t sure what the state was basing that on. He said the state had not been back for a visit to see what had been accomplished. He said staff provides the state with bi-weekly updates regarding the County’s Project Plan. He said no communication had been received to date regarding those updates or the Corrective Plan of Action that was submitted.

Commissioner Clarke suggested Director Endress be mindful of the change that would be occurring on the state executive level, which could or could not impact this matter.

Director Endress said it was his understanding that a decision would be made either by the current secretary or current director of Medicaid on or before New Year’s Eve, regarding Mecklenburg County’s going live February 1, 2013.

Director Endress said it was his understanding that once that decision was made, it probably would not be reexamined by the new administration in a timely manner.

Commissioner Clarke asked was the decision to be made regarding whether the County would go live February 1, 2013.

Director Endress said the decision would be whether the County would go live February 1, 2013 or merge with some other LME/MCO in the state.

County Manager Jones asked whether it was felt that per the field visit by Mercer on November 29, 2012 that staff would get an indication with respect to the County’s readiness. Director Endress said he was “cautiously” optimistic that staff would.

Commissioner Bentley asked what was staff doing to address the concerns expressed by the state to convince them that the County would be ready on February 1, 2013. Director Endress said monthly and bi-weekly reports were being sent to the state.

Commissioner Bentley asked who was it exactly, DHHS or state legislators, that think the County would not be ready February 1, 2013. Director Endress said there were questions at both levels based on the Mercer 120 day Report. Director Endress said the Mercer report basically said the County would not be ready.

Director Endress said staff had been very busy. He said all of the go live policies and procedures had been approved with respect to what the reporting mechanisms would be, who would be reporting, and what those reports would contain for daily operations.

Director Endress said staff was confident that when Mercer returned on November 29, 2012, they would see an organization that would be ready to go live February 1, 2013.

Commissioner Bentley said she wanted to make sure there was not a disconnect between what elected officials in Raleigh believed about the County’s readiness and the leadership of DHHS.

Commissioner Bentley said suggested to Director Endress that it was important to engage legislators, to assure them that the County would be ready in February.

This concluded the discussion on this matter.
Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to defer taking up the following items until the November 27, 2012 meeting.

(12-0672) BOARD OF COMMISSIONERS PLAQUE AND CERTIFICATE PRESENTATION

(12-0673) PRESENTATION OF GAVELS

Note: Gavels are presented to members of the Board who served as Board Chairman during the 2010-2012 term of the Board of County Commissioners, to recognize their service to the Board, Mecklenburg County government and the community in the role of Chairman.

(12-0674) UNVEILING OF CHAIRMAN PORTRAITS

(12-0678) REMARKS BY OUTGOING COMMISSIONERS

COUNTY COMMISSIONERS REPORTS & REQUEST

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

(12-0656) CAPITAL RESERVE EXPENDITURE REQUEST – OUTDOOR RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to authorize and appropriate expenditure not to exceed $6,800 from the Outdoor Recreation Capital Reserve for the repair and purchase of outdoor recreation equipment.

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

(12-0659) MECKLENBURG TRANSPORTATION ADVISORY BOARD (TAB)

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

1) Amend the Transportation Advisory Board Bylaws and Extend the Terms of the Current Members as recommended.

2) Appoint Evelyn F. Newman as Chair of the Mecklenburg County Transportation Advisory Board.

Note: The Mecklenburg County Transportation Advisory Board (TAB) assists Department of Social Services Mecklenburg Transit System (MTS) in establishing short- and long-range goals. The purpose of the TAB is to provide citizen input and evaluation of transportation issues. The TAB serves as a mechanism for community outreach and support, supports initiatives, and proposes services enhancements for increased ridership and cost-effective programs for human services. The amendment to the Bylaws will allow current TAB members to continue with initiatives and remain in compliance with North Carolina Department of Transportation (NCDOT) contractual and grant requirements.
Below are the current members being reappointed, per the Board’s motion.

**FY13 TAB Membership**  
(Per Category Required by Community Transportation Grant)

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

- **Darryl Crenshaw**, Mecklenburg County Veterans Services, *(Ex-Officio non-voting member)* - Appointed FY11 - Reappointment with three year term to expire FY16
- **Christopher White**, LifeSpan Employment/Enrichment Services - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14
- **Myra Green**, Director, Char-Meck Senior Center @ Shamrock - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14
- **Mike Taylor**, Mecklenburg County DSS, *(Ex-Officio non-voting member)* - Appointed FY11 - Reappointment with three year term to expire FY16

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

- **Laura Lynn Ceasar**, CMG Express - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

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

- **Evelyn Newman**, Individual Community Activist - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15
- **Sandra Peake**, American Red Cross - Appointed FY09 - Expires FY12 - Reappointment with three year term to expire FY16
- **Bettye Mills**, PALS Adult Day Care - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15

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 - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15
- **Angela Schlottman**, Centralina Council of Governments - Area Agency on Aging - Appointed FY09 - Expires FY12 - Reappointment with two year term to expire FY15
- **Nate Huggins**, Matthews Town Representative - Appointed FY09 - Expires FY12 - Reappointment with one year term to expire FY14

*A copy of the By-laws is on file with the Clerk to the Board.*

Commissioner Leake removed this item from Consent for more public awareness.
NOVEMBER 20, 2012

(12-0660) CAPITAL RESERVE EXPENDITURE REQUEST - PARK & RECREATION

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to authorize and appropriate expenditure not to exceed $5,000 from the Park & Recreation McDowell Capital Reserve to purchase one electric utility vehicle for use by maintenance staff at the McDowell campground.

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

(12-0666) GRANT APPLICATION - STATE AID FOR MOSQUITO CONTROL (ENVIRONMENTAL HEALTH)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to approve submitting a $5,000 grant application to State Aid for Mosquito Control. If awarded, recognize, receive and appropriate awarded funds for the grant period.

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

Commissioner Bentley returned to the dais.

(12-0667) SENIOR CENTER REPORT

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

1. Receive a report on a feasibility study regarding the potential consolidation of senior centers.
2. Appropriate from restricted contingency $65,000 to the Levine Senior Center in Matthews, NC.

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

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

(12-0669) BUDGET AMENDMENT & NEW POSITIONS - REGISTER OF DEEDS (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to amend the Register of Deeds budget by recognizing, receiving and appropriating additional fee revenue in the amount of $107,000, and approve creation of three additional positions.

Note: The cost for these additional resources is $82,000 for staffing through the remainder of FY13, and $25,000 for temporary labor for a total of $107,000. Additional revenue that is generated by the increase transactions will be used to pay for the additional cost.

Commissioner Leake removed this item from Consent for more public awareness.
(12-0685) LITTLE ROCK APARTMENTS EASEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, approve conveyance by Horizon Acquisition Corp., a subsidiary of the Charlotte Housing Authority, owner of the Little Rock Apartments, of a seven-foot permanent easement for the purpose of installing and maintaining geogrid fabric fencing.

Note: Little Rock Apartments, Charlotte, NC is a multi-family housing project for which the County provided conduit financing in 2003. The bonds issued by the County are secured by a Multifamily Deed of Trust, Assignment of Rents and Security Agreement. The County has no obligation to make any payments on these bonds. The Charlotte Housing Authority has determined that it is in its interests to facilitate the construction of the adjacent Boulevard Senior Apartments (HOPE VI site) in accordance with its approved site plan for Little Rock, by providing a seven-foot permanent easement to allow the adjacent property owner to install and maintain geogrid fabric fencing related to a retaining wall. In accordance with the Deed of Trust, the easement cannot be granted without County consent.

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

(12-0658) GREENWAY DONATIONS - MCALPINE AND BARTON CREEKS

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to accept donation of the following Tax Parcels:

1. #213-101-68 (+/- 0.61 acres) from Bolouri Properties, Inc. on McAlpine Creek
2. #047-291-61 (+/- 2.551 acres) from Walden Station Properties, LLC on Barton Creek

Note: Tax Parcel #213-101-68 is being donated by Bolouri Properties, Inc. as part of the subdivision approval for the Sardis Gardens Adult Day Care development. The property is within the floodplain and will add to greenway assemblage along McAlpine Creek Greenway. Tax Parcel #047-291-61 is being donated by Walden Station Properties, LLC as part of the approval process for Walden Station Apartments Phase II. The property will add to greenway assemblage along Barton Creek.

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

(12-0681) DISTRICT 2 UPDATE

The Board received an update on issues and events in District 2 from Commissioner Leake. The following was noted:

- A newsletter sponsored by University Park area
- The death of a 17 year old male, Lamar Furr
- Thanks expressed to the pastor of First Baptist Church West for a program initiative to help prevent youth from getting into gangs, sessions are held on Saturdays.
- Thanks to the Webber family for the new Hyde Park Estates entrance signage built in memory of a community leader
Recent dinner held at East Stonewall AME Zion church by the West End community, Beatties Ford Road area
Recognition of Dr. Drummond’s retirement from a major church here in the community.

(12-0680) CLOSED SESSION – PERSONNEL MATTER

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, to go into Closed Session to discuss Personnel Matter.

The Board went into Closed Session at 9:54 p.m. and came back into Open Session at 12:07.

Commissioner Clarke was not present when the Board came back into Open Session and was absent for the remainder of the meeting.

MEETING RECESSED

Motion was made by Commissioner Roberts, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour and Roberts voting yes, that the meeting be recessed until 3:00 p.m. Tuesday, November 27, 2012.

Janice S. Paige, Clerk
NOVEMBER 27, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

The Board of Commissioners of Mecklenburg County, North Carolina, met in Recessed Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, N.C. at 3:00 p.m. on Tuesday, November 27, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Bill James, Vilma Leake, Jim Pendergraph, Matthew Ridenhour, and Jennifer Roberts

County Manager Harry L. Jones, Sr.

County Attorney Marvin A. Bethune

Clerk to the Board Janice S. Paige

Absent: None

Note: Commissioner Neil Cooksey passed away on October 10, 2012.

-FORMAL SESSION-

Note: This was a recessed Regular meeting from Tuesday, November 20, 2012.

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

Chairman Cogdell called the meeting to order, which was followed by introductions, after which, the matters below were addressed.

MANAGER'S REPORT

Note: Commissioner Leake asked who was acting as the County Assessor, in light of former Assessor Garrett Alexander’s resignation. Chairman Cogdell said no one at this time. He said the appointment of a new County Assessor would be a matter for the incoming Board to decide.

(12-0621) 2011 REVALUATION REVIEW

The Board continued its discussion of Pearson's Appraisal Service's written report on the County’s 2011 Revaluation Review and the County Manager’s, as well as, Chairman Cogdell, Commissioners Bentley, Clarke, and Robert’s recommendations in response to the report.

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

The Board took the following actions:

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
ACTION IN RESPONSE TO FINDINGS AND RECOMMENDATIONS ARISING OUT OF THE 2011 REVALUATION REVIEW
AGENDA ITEM #12-0621
Motion was made by Commissioner Pendergraph, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve the Goals noted below, items 1-4.

**Goals:**

1. Identify and address major issues of inequity in all neighborhoods in the County.

2. Develop a detailed work plan and accelerated timetable for next revaluation.

3. Build a strong culture of customer service within the Assessor’s Office.

4. Restore trust and confidence in the capacity of the Assessor’s Office to undertake fair and accurate countywide revaluations and in the Board of Equalization and Review to fairly and justly review citizen appeals.

**Immediate Board Actions:**

Actions addressing future property revaluations:

Commissioner Roberts questioned the use of the caption ‘Actions addressing future property revaluations’ under the heading of Immediate Board Actions. Commissioner Roberts said the items listed under Immediate Board Actions addressed fixing current problems as well as future revaluations. In light of Commissioner Roberts’ comment, it was the consensus of the Board to delete the phrase ‘Actions addressing future property revaluations’ under the heading of Immediate Board Actions.

Commissioner Leake said it was important that neighborhoods with minor issues be addressed also, not just those with major issues.

Commissioner Bentley asked was the County required by law to solicit bids with respect to having someone rework all of the neighborhoods. County Attorney Bethune said there was no legal requirement to issue a Request for Proposal.

Commissioner Bentley asked, in light of County Attorney Bethune’s response, would it be okay for the County to continue to use Pearson’s Appraisal Service to do additional work. County Attorney Bethune said yes.

Commissioner Bentley said she would recommend the Board continue to use the services of Pearson’s Appraisal Service.

**Commissioner Dunlap entered the meeting.**

**Immediate Board Action #1**

Commissioner Leake asked would County staff be involved in identifying other neighborhoods with issues of inequity. Chairman Cogdell clarified that Pearson’s Appraisal Service would be responsible for identifying all other neighborhoods where there were or might be major issues of inequity, as stated in Immediate Board Action #1.

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Immediate Board Action #1 as
presented with the addition of the following language from the County Manager’s revised recommendations: This should be prioritized by reviewing pending appeals with the Property Tax Commission, then pending 2012 appeals to the BER, then all other neighborhoods. Thus, Immediate Board Action #1 reads as follows

1. Approve amending the Pearson’s Appraisal Service contract to engage Pearson’s services to identify all other neighborhoods where there are or may be major issues of inequity. This should be prioritized by reviewing pending appeals with the Property Tax Commission, then pending 2012 appeals to the BER, then all other neighborhoods. Estimated cost: $180,000. Estimated time to complete: 90 days.

Immediate Board Action #2

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Immediate Board Action #2 as presented with the addition of the following language: Pending the appointment of a new tax assessor by the Board of County Commissioners. Thus, Immediate Board Action #2 reads as follows

2. Direct the County Manager to assign day to day operational oversight of the Assessor’s Office to a General Manager, pending the appointment of a new tax assessor by the Board of County Commissioners. Expand the Pearson contract to include the evaluation of the departmental structure of the Tax Assessor’s office and bring forth recommended changes that mirror best practices of like-sized counties.

Immediate Board Action #3

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Immediate Board Action #3 using the wording from the County Manager’s revised recommendations in its entirety, instead of the language proposed in Chairman Cogdell’s proposal; and with the addition of the phrase, Subject to the Board of County Commissioners approval as suggested by Chairman Cogdell and accepted by the makers of the motion. Thus, Immediate Board Action #3 reads as follows

3. Direct the County Manager to have staff immediately begin reworking neighborhoods where Pearson’s has identified major issues using the same priorities as in #1 above. Staff may need to contract for additional resources, subject to the Board of County Commissioners’ approval, and/or expertise based on Pearson’s guidance. Staff will be directed to rework the neighborhoods under Pearson’s guidance, and that Pearson’s must review staff recommendations to determine that it meets Pearson’s definition of acceptable before being provided to the BER for approval. By doing this, reworking the neighborhoods can begin immediately and concurrent with Pearson’s identifying other neighborhoods where there are major issues of inequity.

Prior to the above vote on #3, Commissioner James asked about the cost associated with #3. County Manager Jones said the cost was not known at this time, however, it should be less than $1.5 million. He said staff would report back on cost.

Commissioner Pendergraph asked was any work done with respect to commercial properties. Director Cary Saul said commercial properties were looked at and would be going forward.

Commissioner Pendergraph said it was important that commercial properties be looked at also.
Commissioner Bentley asked that staff request an estimate from Pearson’s Appraisal Service with respect to cost and time after Pearson’s had taken a comprehensive review of all of the Board recommendations. County Manager Jones said staff would do that.

Immediate Board Action #4

Motion was made by Commissioner Clarke, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Immediate Board Action #4 as presented with the addition of the following language: with the advice and assistance of Pearson’s. Thus, Immediate Board Action #4 reads as follows:

4. Direct the assigned General Manager, with the advice and assistance of Pearson’s to develop and oversee a process to address the minor issues Pearson has identified, or will, during the extended period of Pearson’s service to the County in a manner that is consistent with Pearson’s recommendations. The process developed by the General Manager for addressing minor issues shall be brought to the Board within 60 days for review and approval prior to implementation. Pearson’s Appraisal Service shall be asked to provide feedback to the Board on the effectiveness of the minor issue corrective measures recommended by the General Manager prior to Board consideration of approval.

Immediate Board Action #5

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Immediate Board Action #5 as presented, but with the deletion of the words cost/benefit analysis and instead say cost analysis in the Note section of #5, as suggested by Commissioner Bentley and accepted by the makers of the motion. Thus, Immediate Board Action #5 reads as follows:

5. Direct the County Manager, in consultation with Pearson’s Appraisal Service, to develop a detailed work plan for the next revaluation that would include:

a. Updating property record cards;

b. Developing a strategy to insure that the County does a first rate, highly customized job of assessing property values in complex areas, particularly pre—1980 heterogeneous neighborhoods, including a review and identification of software that is suitable to the size and structure of the county (e.g., by field visits or contracting with appraisers experienced with the types of neighborhoods);

c. Using project management of areas with a high volume of appeals;

d. Developing strategies for quality control of all activities in Assessor’s Office;

e. Engaging appraisers and consultants to conduct construction cost and commercial market studies;

f. Evaluating the feasibility of greater use of the income approach to assessing commercial properties;

g. Establishing informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing
informal appeals, mandatory explanation to property owners for denial of adjustment); 

h. Revising operating procedures for the Board of Equalization and Review, including the roles of Assessor and his staff in interacting with the BER members. Review, develop and implement, where necessary, rules of ethics for BER members and Assessor’s Office staff during any periods where the BER is in session; and 

i. Developing a projected organization and staffing model, which outlines other resources and associated costs to implement the work plan and maintain ongoing operations of the Assessor’s Office.

Note: The detailed work plan, which will include a timetable for each part of the work plan and will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson’s Appraisal Service for consistency with that firm’s recommendations. The plan also will be disseminated to the public for input/feedback. Pearson’s review of the plan will be included in the contract amendment referenced in paragraph #1 above. The detailed work plan is estimated to be developed by June, 2013. The work plan should include for each of 5(a)-5(i) an estimated cost analysis with an estimate of the overall incremental cost of implementing the work plan.

Note: Commissioner Bentley suggested that Immediate Board Action #7 as presented by Chairman Cogdell’s proposal, be #6 and that #6 be #7. There was no objection to Commissioner Bentley’s suggestion. Thus, #6 and #7 below reflect that suggestion.

Immediate Board Action #6

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Immediate Board Action #6 as presented, but with the following additional language: 1) as suggested by Commissioner Clarke and accepted by the makers of the motion, add ‘all current BER members’ with respect to the removal of members; 2) as suggested by Commissioner Roberts and accepted by the makers of the motion, ‘that all current BER members be allowed to apply to serve again, relevant to the new requirements and that consideration be given to geographic expertise/diversity when appointing members to the BER’; 3) as suggested by Chairman Cogdell and echoed by Commissioner James and accepted by the makers of the motion ‘that Pearson’s make a recommendation to the Board’. Thus, Immediate Board Action # 6 reads as follows:

6. Direct staff to develop a timeframe and process for removing all current BER members and appointing new highly skilled and qualified BER members and utilize the CRAC and Pearson’s to make recommendations to the BOCC in identifying the most qualified applicants as a part of the BER appointment process. In addition, that all current BER members be allowed to apply to serve again, relevant to the new requirements and that consideration be given to geographic expertise/diversity when appointing members to the BER.

Prior to the vote on #6, Commissioner Clarke asked County Attorney Bethune about the statutory requirement with respect to removing members from the BER. County Attorney Bethune said per the Board resolution establishing the BER, the Board has the authority to remove someone from the BER at anytime, with or without cause, which was consistent with the legislation.

Commissioner Dunlap brought the issue of not removing everyone to the Board’s attention, which Commissioner Roberts then suggested the wording noted in the above motion.

Director Saul asked for clarification with respect to the current BER and whether they were still in
Actions addressing the 2011 property revaluation:

Immediate Board Action #7

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Immediate Board Action #7 as presented and noted below.

7. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that are more convenient to both appellants and Board members. The newly elected Chairman of the Board (BOCC) shall appoint a subcommittee to review current BER policies and practices and recommend to the full Board (BOCC) appropriate and necessary changes that would bring the BER practices and operating procedures more in alignment with the Goals outlined in paragraphs 1-4 above. This sub-committee of the Board (BOCC) shall work in consultation with Pearson’s Appraisal Service and county staff per the direction of paragraph 5(h) to develop an appeals hearings process that is customer focused and time efficient, while maintaining the integrity of the process and compliance with the Machinery Act.

Immediate Board Action #8

Motion was made by Commissioner James, seconded by Commissioner Bentley, to approve Immediate Board Action #8 as presented, but with the additional language that the Board supports in concept, legislation to provide refunds with interest to taxpayers, as well as levies where needed.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 5-4 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioners Bentley, James, Pendergraph, and Ridenhour voting no, to approve Immediate Board Action #8 as presented and noted below.

8. Direct the County Attorney to consult with the N.C. School of Government, N.C. Department of Revenue, N.C. Assessor’s Association, the City of Charlotte, and all Mecklenburg County towns regarding the legality, implications and consequences of any possible state legislation authorizing retroactive property appraisals back to January 1, 2011 necessary to eliminate inequities identified in the Pearson report that would include issues of resulting taxpayer reimbursement and taxpayer levies, and report his findings back to the Board within 60 days.

Prior to the above vote on #8, Commissioner James asked Director Saul was it correct that his record keeping system and the tax assessor’s system could keep complete and accurate records of any and all differences between the 2011 and 2012 values, before and after, and who or what entity may or may not be owed money. Director Saul said he “believed that to be correct.”

Commissioner James asked this out of concern that if the Board received the legislation needed to grant refunds that it would be known, who was entitled to those refunds.

Management Actions (Not requiring Immediate Board Approval):

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve Management Actions (Not requiring Immediate
The County Manager is directed to develop a customer service improvement plan for the Assessor’s Office. The first step shall be to contract with an outside firm to conduct an independent customer service assessment of the Assessor’s Office and make findings and recommendations for improvement. The goal of the improvement plan will be to reform and transform the Assessor’s Office and make customer service and satisfaction a top priority.

It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan. The Manager is directed to prepare for the Board’s review and approval an estimate of the cost to taxpayers of both developing and implementing the improvement plan, including the cost of any additional part-time or full-time employees.

Motion was made by Commissioner Bentley, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to accept the Pearson’s Appraisal Service, Inc. Report on the Review of the Mecklenburg County 2011 Revaluation in full, presented on November 20, 2011.

Below is the final statement, per the above motions.

MECKLENBURG COUNTY BOARD OF COMMISSIONERS
ACTION IN RESPONSE TO FINDINGS AND RECOMMENDATIONS ARISING OUT OF THE 2011 REVALUATION REVIEW
AGENDA ITEM #12-0621

The Pearson’s Appraisal Service Incorporated Report on the Review of the Mecklenburg County 2011 Revaluation in full presented on November 20, 2011 is accepted.

Goals:

1. Identify and address major issues of inequity in all neighborhoods in the County.

2. Develop a detailed work plan and accelerated timetable for next revaluation.

3. Build a strong culture of customer service within the Assessor’s Office

4. Restore trust and confidence in the capacity of the Assessor’s Office to undertake fair and accurate countywide revaluations and in the Board of Equalization and Review to fairly and justly review citizen appeals.

Immediate Board Actions:

1. Approve amending the Pearson’s Appraisal Service contract to engage Pearson’s services to identify all other neighborhoods where there are or may be major issues of inequity. This should be prioritized by reviewing pending appeals with the Property Tax Commission, then pending 2012 appeals to the BER, then all other neighborhoods. Estimated cost: $180,000. Estimated time to complete: 90 days.

2. Direct the County Manager to assign day to day operational oversight of the Assessor’s Office to a General Manager, pending the appointment of a new tax assessor by the Board of County Commissioners. Expand the Pearson contract to include the evaluation of the departmental structure of the Assessor’s Office and bring forth recommended changes that mirror best practices of like-sized counties.
3. Direct the County Manager to have staff immediately begin reworking neighborhoods where Pearson’s has identified major issues using the same priorities as in #1 above. Staff may need to contract for additional resources and/or expertise subject to the Board of County Commissioners approval based on Pearson’s guidance. Staff will be directed to rework the neighborhoods under Pearson’s guidance, and that Pearson’s must review staff recommendations to determine that it meets Pearson’s definition of acceptable before being provided to the BER for approval. By doing this, reworking the neighborhoods can begin immediately and concurrent with Pearson’s identifying other neighborhoods where there are major issues of inequity.

4. Direct the assigned General Manager, with the advice and assistance of Pearson’s to develop and oversee a process to address the minor issues Pearson has identified or will during the extended period of Pearson’s service to the County in a manner that is consistent with Pearson’s recommendations. The process developed by the General Manager for addressing minor issues shall be brought to the Board within 60 days for review and approval prior to implementation. Pearson’s Appraisal Service shall be asked to provide feedback to the Board on the effectiveness of the minor issue corrective measures recommended by the General Manager prior to Board consideration of approval.

5. Direct the County Manager, in consultation with Pearson’s Appraisal Service, to develop a detailed work plan for the next revaluation that would include:

a. Updating property record cards;

b. Developing a strategy to insure that the County does a first rate, highly customized job of assessing property values in complex areas, particularly pre—1980 heterogeneous neighborhoods, including a review and identification of software that is suitable to the size and structure of the county (e.g., by field visits or contracting with appraisers experienced with the types of neighborhoods);

c. Using project management of areas with a high volume of appeals;

d. Developing strategies for quality control of all activities in Assessor’s Office;

e. Engaging appraisers and consultants to conduct construction cost and commercial market studies;

f. Evaluating the feasibility of greater use of the income approach to assessing commercial properties;

g. Establishing informal appeal objectives and standards (e.g., face-to-face meetings with property owners, one appraiser working all appeals in a neighborhood, deadlines for notices and managing informal appeals, mandatory explanation to property owners for denial of adjustment);

h. Revising operating procedures for the Board of Equalization and Review, including the roles of Assessor and his staff in interacting with the BER members. Review, develop and implement, where necessary, rules of ethics for BER members and Assessor’s Office staff during any periods where the BER is in session; and

i. Developing a projected organization and staffing model, which outlines other resources and associated costs to implement the work plan and maintain ongoing operations of the Assessor’s Office.

Note: The detailed work plan, which will include a timetable for each part of the work plan and will be presented to the Board for any revision and/or concurrence. Prior to presentation to the Board, the detailed work plan will be reviewed by Pearson’s Appraisal Service for consistency with that firm’s recommendations. The plan also will be disseminated to the public for input/feedback. Pearson’s review of the plan will be included in the contract amendment referenced in paragraph #1 above. The detailed work plan is estimated to be developed by June, 2013. The work plan should include for
each of 5(a)-5(i) an estimated cost analysis with an estimate of the overall incremental cost of implementing the work plan.

6. Direct staff to develop a timeframe and process for removing all current BER members and appointing new highly skilled and qualified BER members and utilize the CRAC and Pearson’s to make recommendations to the BOCC in identifying the most qualified applicants as a part of the BER appointment process. All current BER members will be allowed to apply to serve again, relevant to the new requirements and consideration should be given to geographic expertise and diversity when appointing members to the BER.

7. Direct the Board of Equalization and Review (BER) to implement changes to its process for scheduling hearings that is more convenient to both appellants and Board members. The newly elected Chairman of the Board (BOCC) shall appoint a subcommittee to review current BER policies and practices and recommend to the full Board (BOCC) appropriate and necessary changes that would bring the BER practices and operating procedures more in alignment with the Goals outlined in paragraphs 1-4 above. This sub-committee of the Board (BOCC) shall work in consultation with Pearson’s Appraisal Service and county staff per the direction of paragraph 5(h) to develop an appeals hearings process that is customer focused and time efficient, while maintaining the integrity of the process and compliance with the Machinery Act.

Actions addressing the 2011 property revaluation:

8. Direct the County Attorney to consult with the N.C. School of Government, N.C. Department of Revenue, NC Assessor’s Association, the City of Charlotte, and all Mecklenburg County towns regarding the legality, implications and consequences of any possible state legislation authorizing retroactive property appraisals back to January 1, 2011 necessary to eliminate inequities identified in the Pearson report that would include issues of resulting taxpayer reimbursement and taxpayer levies, and report his findings back to the Board within 60 days.

Management Actions (Not requiring Immediate Board Approval):

The County Manager is directed to develop a customer service improvement plan for the Assessor’s Office. The first step shall be to contract with an outside firm to conduct an independent customer service assessment of the Assessor’s Office and make findings and recommendations for improvement. The goal of the improvement plan will be to reform and transform the Assessor’s Office and make customer service and satisfaction a top priority.

It is estimated that it will take 120 days for the County Manager to contract with the outside firm and develop the action plan. The Manager is directed to prepare for the Board’s review and approval an estimate of the cost to taxpayers of both developing and implementing the improvement plan, including the cost of any additional part-time or full-time employees.

County Manager Jones announced that he would assign General Manager Bobbie Shields to oversee the County Assessor’s Office until a permanent county assessor was appointed by the Board.

County Manager Jones said as staff moved forward with implementing the recommendations approved by the Board, that if staff ran into “road blocks” or encounter difficulties or barriers along the way, that would require a modification, revision, or deletion of any aspect of the approved recommendations, that staff would come back to the Board and ask the Board to do so.
County Manager Jones said he didn’t anticipate there would be any problems, but it should be kept in mind that staff would be implementing many of the recommendations, while at the same time moving forward with preparing for next year’s budget.

Commissioner Leake asked that the Board be kept abreast of the progress made with respect to implementing the recommendations.

Chairman Cogdell expressed thanks to the current Board of Equalization and Review, the Citizen’s Revaluation Advisory Committee, and Pearson’s Appraisal Service for all of its work. He also thanked County Manager Jones for acknowledging publically that he “erred” in recommending that the Board not go down this avenue of reviewing the 2011 Revaluation.

Chairman Cogdell also thanked the public for its interest in this matter and for voicing their concerns.

(12-0680) CLOSED SESSION – PERSONNEL MATTER

Commissioner Clarke, on behalf of the Board's Compensation Committee, announced that in Closed Session held on November 20, 2012, the Board voted to amend Section 6. Vacation, Sick Leave, and Other Fringe Benefits of the County Manager’s Employee Agreement, to state that the County agrees to pay for health insurance for his spouse until she becomes Medicare eligible, whether or not the Employee is employed by the County.

Commissioner Clarke said that was the principle change. He said the Board made other changes to “clean up” the agreement by removing provisions that were only applicable until December 31, 2011 and were no longer applicable at all.

Commissioner Clarke said the amendment to Section 6 of the County Manager’s Employment Agreement may not be a substantive change to the agreement, but perhaps a clarification of potentially ambiguous language in the contract.

Motion was made by Commissioner Dunlap, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, to approve the amendment to Section 6. Vacation, Sick Leave, and Other Fringe Benefits of the County Manager’s Employment Agreement, to read as follows: Employee will be eligible for the normal fringe benefits (including health and life insurance) and sick leave as accorded other County employees. In addition, Mecklenburg County agrees to pay for health insurance for Employee’s spouse until she becomes Medicare eligible, whether or not the Employee is employed by the County.

(12-0672) BOARD OF COMMISSIONERS PLAQUE AND CERTIFICATE PRESENTATION

County Manager Jones presented plaques to outgoing members of the Board for serving the 2010-2012 term: Chairman Harold Cogdell, Jr.; Vice Chairman Jim Pendergraph; and Commissioner Jennifer Roberts. Certificates were given to those members returning to the Board for another term, 2012-2014 Commissioners Bentley, Clarke, Dunlap, James, and Leake.

(12-0673) PRESENTATION OF GAVELS

County Manager Jones presented a ceremonial gavel to the 2010-2011 Chairman of the Mecklenburg Board of County Commissioners, Jennifer Roberts and to the 2011-2012 Chairman of the Mecklenburg Board of County Commissioners, Harold Cogdell, Jr.
NOVEMBER 27, 2012

Note: Gavels are presented to members of the Board who served as Board Chairman during the 2010-2012 term of the Board of County Commissioners, to recognize their service to the Board, Mecklenburg County government and the community in the role of Chairman.

(12-0674) UNVEILING OF CHAIRMAN PORTRAITS

County Manager Jones unveiled Commissioner Roberts’ portrait in recognition of her service as Chairman of the Board of County Commissioner December 4, 2006 - December 5, 2011 and Chairman Cogdell’s portrait in recognition of his service as Chairman of the Board of County Commissioner December 4, 2011 - December 5, 2012.

(12-0678) REMARKS BY OUTGOING COMMISSIONERS

Final remarks were made by outgoing Commissioners: Chairman Harold Cogdell, Jr.; Vice Chairman Jim Pendergraph; and Commissioner Jennifer Roberts.

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, Ridenhour, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 5:38 p.m.

______________________________
Janice S. Paige, Clerk
DECEMBER 3, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

The Board of Commissioners of Mecklenburg County, North Carolina, met in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, located at 600 East Fourth Street, Charlotte, N.C. at 6:00 p.m. on Monday, December 3, 2012.

ATTENDANCE

Present: Chairman Patricia Cotham and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Trevor Fuller, Bill James, Vilma Leake, Kim Ratliff and Matthew Ridenhour
County Manager Harry L. Jones, Sr.
County Attorney Marvin Bethune
Clerk to the Board Janice S. Paige

Absent: None

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CALL TO ORDER - SWEARING-IN CEREMONY

County Manager Harry L. Jones, Sr. called the Swearing-In Ceremony for the 2012-2014 Mecklenburg County Board of Commissioners to order.

County Manager Jones presided until the election of a temporary chairman.

INVOCATION

Bishop George E. Battle, Jr., Senior Bishop, A.M.E. Zion Church gave the invocation.

PRESENTATION OF COLORS

The Mecklenburg County Sheriff’s Office Color Guard conducted the presentation of colors, which was followed by the Pledge of Allegiance to the Flag.

OATHS OF OFFICE, BOARD OF COUNTY COMMISSIONERS

The Oaths of Office were administered by the Honorable Lisa Bell, Chief District Court Judge, 26th Judicial District of NC to the following persons who were elected to the Mecklenburg County Board of Commissioners in the general election held November 6, 2012 for a two-year term expiring Monday, December 1, 2014:

Patricia Cotham, At-Large
Kim Ratliff, At-Large
Trevor Fuller, Jr., At-Large
Karen Bentley, District 1
Vilma Leake, District 2
George Dunlap, District 3
Dumont Clarke, District 4
Matthew Ridenhour, District 5
Bill James, District 6

Copies of the Oaths are on file with the Clerk to the Board.
Board members took their seats around the dais.

County Manager Jones congratulated Board members on their election to office. County Manager Jones said he and his staff looked forward to working with the Board.

**ELECTION OF TEMPORARY CHAIRMAN**

County Manager Jones called for nominations for the election of a Temporary Chairman, until such time that a permanent chairman was elected.

Motion was made by Commissioner Dunlap seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to nominate/elect Commissioner Dumont Clarke as Temporary Chairman of the Mecklenburg County Board of Commissioners.

Note: No other nominations were made for the position of temporary chairman.

County Manager Jones turned the gavel over to Commissioner Dumont Clarke.

**ELECTION OF CHAIRMAN**

Temporary Chairman Dumont Clarke called for nominations for the election of Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 3, 2013.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to nominate/elect Commissioner Patricia “Pat” Cotham as Chairman of the Mecklenburg County Board of Commissioners for a one-year term, expiring December 3, 2013.

Note: No other nominations made for the position of chairman.

Commissioner Clarke turned the gavel over to Chairman Patricia “Pat” Cotham.

**ELECTION OF VICE-CHAIRMAN**

Chairman Patricia “Pat” Cotham called for nominations for the election of Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring December 3, 2013.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to elect Commissioner Kim Ratliff as Vice-Chairman of the Mecklenburg County Board of Commissioners for a one-year term expiring, December 3, 2013.

Note: No other nominations were made for the position of vice-chairman.

**REMARKS**

Commissioners made remarks in the following order:

Commissioner Bill James, District 6
Commissioner George Dunlap, District 3
Commissioner Karen Bentley, District 1
ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and unanimously carried, with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:32 p.m.

Note: A reception followed in the Lobby of the Charlotte-Mecklenburg Government Center.
MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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, Charlotte, N.C. 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 4, 2012.

ATTENDANCE

Present: Chairman Patricia Cotham and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Trevor Fuller, Bill James, Vilma Leake, Kim Ratliff and Matthew Ridenhour
County Manager Harry L. Jones, Sr.
County Attorney Marvin Bethune
Clerk to the Board Janice S. Paige

Absent: None

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-INFORMAL SESSION-

Commissioners Bentley, Clarke, and Ridenhour were away from the room when the meeting was called to order and until noted in the minutes.

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0689, 12-0690, 12-0691, 12-0697, 12-0700, and 12-0713.

STAFF BRIEFINGS - NONE

(12-0703, 12-0706) CLOSED SESSION – CONSULT WITH ATTORNEY AND PERSONNEL MATTER

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-0 with Commissioners Cotham, Dunlap, Fuller, James, Leake, and Ratliff voting yes, to go into Closed Session for the following purpose: Personnel Matter.

The Board went into Closed Session at 5:24 p.m. and came back into Open Session at 6:00 p.m.

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

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.
Chairman Cotham called this portion of the meeting to order, which was followed by invocation by Commissioner Clarke, and the Pledge of Allegiance to the Flag; and then introductions; after which, the matters below were addressed.

Note: Cub Scout Pack 13 from University City Methodist Church participated in the Pledge of Allegiance to the Flag.

AWARDS/RECOGNITION

(12-0719) INDUCTION INTO THE ORDER OF THE HORNET

Motion was made by Commissioner Fuller, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to induct former Commissioner Harold Cogdell, Jr. and Commissioner Jennifer Roberts into the Order of the Hornet.

Note: The Order of the Hornet was established in 1972. It is bestowed by the Board of County Commissioners on those 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.

Former Commissioners Neil C. Cooksey and Jim Pendergraph were previously inducted. The late Commissioner Neil C. Cooksey was inducted on October 16, 2012 and Commissioner Jim Pendergraph on November 5, 2008, having served in the capacity of Sheriff of Mecklenburg County.

Former Commissioners Cogdell and Roberts thanked the Board for bestowing this honor upon them. They also thanked County staff for all of their work and the community for allowing them to serve.

County Manager Jones left the meeting and was absent for the remainder of the meeting. General Manager Michelle Lancaster sat in on his behalf.

PUBLIC APPEARANCE

(12-0704) PUBLIC APPEARANCE

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

Barb Scott addressed the 2011 Revaluation. She acknowledged the action taken by the previous Board to continue to look into the 2011 Revaluation, which she said was appreciated. Ms. Scott said the commitment made, however, by the previous Board, mainly dealt with the future. Ms. Scott encouraged the current Board to “make right” the County’s mistake to individual taxpayers and provide refunds to those who overpaid taxes based on erroneous assessed values.

APPOINTMENTS – NONE

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

(12-0695) PFEIFFER UNIVERSITY TEFRA

Motion was made by Commissioner Bill James, seconded by Commissioner George Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to open the Pfeiffer University TEFRA public hearing.

At 6:55 p.m., the Chairman announced that the Board would proceed to hold a public hearing and would hear anyone who wished to be heard on the proposed issuance by the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the “Authority”), of its Educational Facilities Revenue Bonds (the “2012 Bonds”), in one or more series, in an aggregate principal amount not to exceed $20,000,000, the proceeds of which will be loaned to Pfeiffer University (the “University”) for the following purposes:

1. To pay all or a portion of the costs of (a) certain capital improvements to the University’s Misenheimer campus facilities, including (i) the renovation and furnishing of the Harris Science Building, including improvements to clinical labs, offices, classroom facilities and a first-floor lecture hall, (ii) improvements to the heating, ventilation and air conditioning systems for, and other infrastructure improvements to, the Administration Building, Merner Hall, Rowe Hall, the Knapp Health and Fitness Center and the Merner Center, (iii) improvements and upgrades to the campus’s communications systems, information technology infrastructure and computer equipment and (iv) other improvements to, and furnishings and equipment for, various campus facilities (collectively, the “2012 Misenheimer Projects”); and (b) certain capital improvements to the University’s Charlotte campus facility, including (i) renovations to the Jay Center lecture hall, (ii) improvements and upgrades to the campus’s communications systems, information technology infrastructure and computer equipment and (iii) other improvements to, and furnishings and equipment for, the Charlotte campus facility (collectively, the “2012 Charlotte Projects,” and together with the 2012 Misenheimer Projects, the “2012 Projects”);

2. To refinance a loan from Sodexo Management, Inc. (formerly Sodexo Management, Inc.) to the University in the original principal amount of $1,290,059.00, the proceeds of which were used to finance all or a portion of the costs of certain energy savings improvements to various facilities on the University’s Misenheimer campus (collectively, the “Sodexo Misenheimer Projects”) and to the University’s Charlotte campus facility (collectively, the “Sodexo Charlotte Projects,” and together with the Sodexo Misenheimer Projects, the “Sodexo Projects”), including, as the case may be for each facility, replacement windows, improvements to the heating, ventilation and air conditioning systems and utility infrastructure and the purchase and installation of water conservation equipment and insulation;

3. To refund in advance of their maturity $13,180,000 aggregate principal amount of the North Carolina Capital Facilities Finance Agency Variable Rate Educational Facilities Revenue Bonds (Pfeiffer University), Series 2006, originally issued in the aggregate principal amount of $17,850,000 (the “2006 Bonds”), the proceeds of which were loaned to the University to provide funds (a) to pay all or a portion of the costs of various capital improvements to the University’s Misenheimer campus facilities, including improvements to the Stokes Student Center and various housing facilities (collectively, the “2006 Projects”); (b) to refund in advance of their maturities (i) the North Carolina Capital Facilities Finance Agency Tax-Exempt Adjustable Mode Capital Facilities Revenue Bonds (Pfeiffer University), Series 2001, the proceeds of which were loaned to the University to finance and refinance various capital improvements to the University’s Misenheimer campus, including (A) renovations to and equipment for the Knapp Health and Fitness Center and for Mitchell Gymnasium, (B) additions to and equipment for the Harris Science Building, (C) renovations to and equipment and furnishings for Jane Freeman Hall and (D) the purchase of land for campus expansion (collectively, the “2001 Projects”); (ii) the North Carolina Capital Facilities Finance Agency Tax-Exempt Adjustable Mode Capital Facilities Revenue Bonds (Pfeiffer University), Series 2002A, the proceeds of which were loaned to the University to refinance the construction, equipping and furnishing of a 72-bed student housing facility on the University’s Misenheimer campus (the “2002 Project”); and (iii) the North Carolina...
Capital Facilities Finance Agency Tax-Exempt Revenue Bonds (Pfeiffer University), Series 2003, the proceeds of which were loaned to the University to provide funds to pay all or a portion of the costs of various energy-related improvements to the University’s Misenheimer campus (the “2003 Project,” and together with the 2006 Projects, the 2001 Projects and the 2002 Project, the “Prior Projects”); and (c) to pay certain costs incurred in connection with the issuance of the 2006 Bonds; and

(4) to pay certain costs incurred in connection with the issuance of the 2012 Bonds.

The University owns and operates, or will own and operate, all of the facilities and equipment to be financed or refinanced with the proceeds of the 2012 Bonds. The Prior Projects, the Sodexo Misenheimer Projects and the 2012 Misenheimer Projects are or will be located on the University’s Misenheimer campus located at 48380 Highway 52 in the Village of Misenheimer, Stanly County, North Carolina. The Sodexo Charlotte Projects and the 2012 Charlotte Projects are or will be located on the University’s Charlotte campus located at 4701 Park Road in the City of Charlotte, Mecklenburg County North Carolina.

On November 19, 2012, a notice of public hearing was published in The Charlotte Observer, a copy of the affidavit of publication being attached, setting forth a general, functional description of the type and use of the facilities to be financed and refinanced, the maximum principal amount of the 2012 Bonds, the initial owner, operator or manager of the facilities and the location of the facilities, among other things.

The names, address and testimony of the persons who were present and who offered comments on the proposed issuance of the 2012 Bonds or who responded in writing to the notice of public hearing are as follows: [None.]

The Chairman of the Board inquired elsewhere in and around the meeting room to determine whether there were any other persons who wished to speak at the public hearing. The Chairman of the Board determined that no other persons who wished to speak at the public hearing were found.

After the Board had heard all persons who had requested to be heard, Commissioner Dumont Clarke moved that the public hearing be closed. The motion was seconded by Commissioner Bill James and was adopted, 8-0.

Commissioner Dumont Clarke introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE BONDS (PFEIFFER UNIVERSITY PROJECTS), IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $20,000,000

WHEREAS, Pfeiffer University, a North Carolina nonprofit corporation (the “University”), has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the “Authority”), issue its Educational Facilities Revenue Bonds (Pfeiffer University Projects), in one or more series (the “2012 Bonds”), in an aggregate principal amount not to exceed $20,000,000 for the following purposes:

(1) to pay all or a portion of the costs of (a) certain capital improvements to the University’s Misenheimer campus facilities, including (i) the renovation and furnishing of the Harris Science Building, including improvements to clinical labs, offices, classroom facilities and a first-floor lecture hall, (ii) improvements to the heating, ventilation and air conditioning systems for, and other infrastructure improvements to, the Administration Building, Merner Hall, Rowe Hall, the Knapp Health and Fitness Center and the Merner Center, (iii) improvements and upgrades to the campus’s communications systems, information technology infrastructure and computer equipment and (iv) other improvements to, and furnishings and equipment for, various campus facilities (collectively, the “2012 Misenheimer Projects”); and (b) certain capital improvements to the University’s Charlotte campus facility, including (i) renovations to the Jay Center lecture hall, (ii) improvements and upgrades to the campus’s communications systems, information technology infrastructure and computer equipment and (iii) other improvements to, and furnishings and equipment for, the Charlotte...
to refinance a loan from Sodexo Management, Inc. (formerly Sodexho Management, Inc.) to the University in the original principal amount of $1,290,059.00, the proceeds of which were used to finance all or a portion of the costs of certain energy savings improvements to various facilities on the University’s Misenheimer campus (collectively, the “Sodexo Misenheimer Projects”) and to the University’s Charlotte campus facility (collectively, the “Sodexo Charlotte Projects,” and together with the Sodexo Misenheimer Projects, the “Sodexo Projects”), including, as the case may be for each facility, replacement windows, improvements to the heating, ventilation and air conditioning systems and utility infrastructure and the purchase and installation of water conservation equipment and insulation;

(3) to refund in advance of their maturity $13,180,000 aggregate principal amount of the North Carolina Capital Facilities Finance Agency Variable Rate Educational Facilities Revenue Bonds (Pfeiffer University), Series 2006, originally issued in the aggregate principal amount of $17,850,000 (the “2006 Bonds”), the proceeds of which were loaned to the University to provide funds (a) to pay all or a portion of the costs of various capital improvements to the University’s Misenheimer campus facilities, including improvements to the Stokes Student Center and various housing facilities (collectively, the “2006 Projects”); (b) to refund in advance of their maturities (i) the North Carolina Capital Facilities Finance Agency Tax-Exempt Adjustable Mode Capital Facilities Revenue Bonds (Pfeiffer University), Series 2001, the proceeds of which were loaned to the University to finance and refinance various capital improvements to the University’s Misenheimer campus, including (A) renovations to and equipment for the Knapp Health and Fitness Center and for Mitchell Gymnasium, (B) additions to and equipment for the Harris Science Building, (C) renovations to and equipment and furnishings for Jane Freeman Hall and (D) the purchase of land for campus expansion (collectively, the “2001 Projects”); (ii) the North Carolina Capital Facilities Finance Agency Tax-Exempt Adjustable Mode Capital Facilities Revenue Bonds (Pfeiffer University), Series 2002A, the proceeds of which were loaned to the University to refinance the construction, equipping and furnishing of a 72-bed student housing facility on the University’s Misenheimer campus (the “2002 Project”); and (iii) the North Carolina Capital Facilities Finance Agency Tax-Exempt Revenue Bonds (Pfeiffer University), Series 2003, the proceeds of which were loaned to the University to provide funds to pay all or a portion of the costs of various energy-related improvements to the University’s Misenheimer campus (the “2003 Project,” and together with the 2006 Projects, the 2001 Projects and the 2002 Project, the “Prior Projects”); and (c) to pay certain costs incurred in connection with the issuance of the 2006 Bonds; and

(4) to pay certain costs incurred in connection with the issuance of the 2012 Bonds:

WHEREAS, the projects to be financed and refinanced with proceeds of the 2012 Bonds (collectively, the “Projects”) are or will be initially owned and operated by the University;

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the 2012 Bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the area in which the Projects are located, after a public hearing held following reasonable public notice;

WHEREAS, the Board of Commissioners (the “Board”) of the County of Mecklenburg, North Carolina (the “County”) is the “applicable elected representative” of the County for the Projects located within the County;

WHEREAS, the University has requested that the Board approve the Authority’s issuance of the 2012 Bonds and the financing and refinancing of the Projects located within the County in order to satisfy the requirements of Section 147(f) of the Code; and

WHEREAS, the Board, following notice duly given in the form attached hereto as Exhibit A (the “TEFRA Notice”), held a public hearing today regarding the Authority’s issuance of the 2012 Bonds and the financing and refinancing of the Projects and now desires to approve the Authority’s issuance of the 2012 Bonds and the financing and refinancing of the Projects in accordance with the Code;

BE IT RESOLVED by the Board as follows:
Section 1. Pursuant to and in satisfaction of the requirements of Section 147(f) of the Code, the Board hereby approves (a) the Authority’s issuance of the 2012 Bonds in an aggregate principal amount not to exceed $20,000,000 and (b) the financing and refinancing of the Projects located in the County.

Section 2. The County has no responsibility for the payment of the principal of or interest on the 2012 Bonds or for any costs incurred by the University with respect to the 2012 Bonds or the Projects.

Section 3. This resolution is effective immediately on its passage.

On motion of Commissioner Dumont Clarke, seconded by Commissioner Bill James, the foregoing resolution entitled “RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF MECKLENBURG, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE BONDS (PFEIFFER UNIVERSITY PROJECTS), IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $20,000,000” was duly adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Trevor Fuller, Bill James, Vilma Leake, Kim Ratliff and Matthew Ridenhour

NAYS: None.

Extracts and Resolution recorded in full in Minute Book _____ Document # _______.

(12-0696) NCDOT COMMUNITY TRANSPORTATION GRANT APPLICATION

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to open the public hearing on the Mecklenburg County Department of Social Services’ submittal of an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2013-2014.

Chairman Cotham 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 Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to close the public hearing on the Mecklenburg County Department of Social Services’ submittal of an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2013-2014.
Transportation Grant for Fiscal Year 2013-2014; and adopt a Resolution granting approval for Mecklenburg County to submit an application for the North Carolina Department of Transportation’s Community Transportation Grant for Fiscal Year 2013-2014; and recognize, receive and appropriate awarded funds for the grant period.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION
Section 5311
FY 2014 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by Commissioner Bill James and seconded by Commissioner George Dunlap for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, Mecklenburg County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related 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 _____ Document # _______.

ADVISORY COMMITTEE REPORTS - NONE

MANAGER’S REPORT

(12-0717) APPOINTMENT OF COUNTY ASSESSOR

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to appoint General Manager Bobbie Shields as Mecklenburg County Assessor to complete the unexpired term vacated by C. Garrett Alexander, effective upon the administration of the oath of office; and direct the Clerk to the Board to administer the oath of office and file it in the Clerk’s permanent records.
Note: County Assessor C. Garrett Alexander resigned. Former County Assessor Alexander's term was scheduled to expire July 1, 2013.

Per G.S. 105 294(a), whenever a vacancy occurs in this office, the board of county commissioners shall appoint a qualified person to serve as county assessor for the period of the unexpired term.

STAFF REPORTS & REQUESTS

(12-0702) UPPER MCALPINE CREEK GREENWAY

The Board received an update on the status of the Upper McAlpine Creek greenway reach and the related relief sewer project.

Gwen Cook, Planner, Mecklenburg County Park and Recreation Department gave the update.

Note: Charlotte-Mecklenburg Utility Department (CMUD) has planned for years to install a relief sewer along McAlpine Creek. The 12-mile project is being completed in phases. Recently, Phase 3 was awarded for construction and will impact Upper McAlpine Creek Greenway in mid-late 2013. This greenway is one of the oldest in the County system. Park and Recreation Department staff has been working with CMUD to plan for the future of this greenway. The new greenway design must consider changes in environmental regulations, the need to provide an accessible surface, the need to reduce long-term maintenance cost and the ability to provide a quality greenway for many years. Park and Recreation staff and CMUD have agreed that the 5K running course in McAlpine Creek Park will continue to operate each year between August 1 and December 15 to allow the primary competitive events to proceed uninterrupted.

Comments

Commissioner Ridenhour asked about surfacing types, going from a granular to a paved, which was addressed.

Commissioner Ridenhour suggested there be as much shoulder as possible for runners.

Commissioner Clarke asked about funding for the project, which was addressed.

Commissioner Clarke said sometimes with projects of this type, value engineering occurs, which meant doing it more cheaply. Commissioner Clarke said this could lead to some compromises with respect to shoulders and trying to accommodate the running community. Commissioner Clarke said he hoped that wouldn’t happen, but if staff learned of that possibility, that the Board be informed.

Commissioner Leake asked about the cost of the project, which was addressed.

Chairman Cotham thanked Ms. Cook for her presentation.

No action was taken and/or required at this time.

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

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0705) 2013 MEETING SCHEDULE
DECEMBER 4, 2012

Chairman Cotham presented the Board’s proposed 2013 Meeting Schedule. It was noted that the meeting schedule could be changed at a later date, if the Board chose to do so.

Chairman Cotham said there was a desire by some commissioners, to consider holding some of the meetings at a different time and/or location. Chairman Cotham said consideration of this could take place at the Board’s Strategic Planning Conference.

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke, to add the second and fourth Tuesdays of every month, with the exception of the months of July and August, to the Board’s 2013 Meeting Schedule as Budget/Public Policy meetings.

Commissioner Dunlap said he made the motion, in light of the comment made by Chairman Cotham and because some of the new commissioners had expressed a desire to have meetings where they could learn more about the County, which could be done by adding some additional Budget/Public Policy workshops. Commissioner Dunlap said it might be simpler to add the additional meetings now, for public information purposes and later cancel the meeting if it’s not needed.

After further discussion regarding scheduling, meeting room availability, and the need to move forward with officially publishing a 2013 Meeting Schedule, Commissioner Dunlap withdrew his motion.

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve the Mecklenburg County Board of Commissioners 2013 Meeting Schedule as presented.

A copy of the 2013 Meeting Schedule is on file with the Clerk to the Board.

CONSENT ITEMS

(12-0689) BUDGET AMENDMENT - FLEET RESERVE (REVENUE/EXPENSE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to recognize and appropriate in the Fleet Reserve Fund $39,783.09, proceeds from the auction of decommissioned County vehicles.

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

Commissioners Ratliff and Ridenhour left the dais and were away until noted in the minutes.

(12-0690) CODE ENFORCEMENT IBA FUNDING AND STAFFING - LUESA

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, James, and Leake voting yes, to recognize and appropriate $263,265 in additional revenue; and approve adding 4 Inspector level III positions, designated to focus on the Inspection by Appointment program.

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

Jim Bartl, director of Land Use and Environmental Services Agency Code Enforcement Division addressed this matter.
Commissioner James left the meeting and was absent for the remainder of the meeting.

(12-0691)  CODE ENFORCEMENT FUNDING AND STAFFING - LUESA

Motion was made by Commissioner Fuller, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, and Leake voting yes, to recognize and appropriate $912,235 in additional permit revenue and approve adding 14 positions to address the increase in customer service demand, as follows:

Nine Inspector level III positions
Two Inspections Supervisor positions
Two Plans Examiner positions
One Plans Review Facilitator position

Commissioner Fuller removed this item from Consent for better clarity, which he said was provided via of an email from Jim Bartl, director of Land Use and Environmental Services Agency Code Enforcement Division.

Commissioner Ridenhour returned to the dais.

(12-0692)  INSURANCE REIMBURSEMENTS

Motion was made by Commissioner Fuller, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, and Ridenhour, voting yes, to recognize, receive and appropriate insurance reimbursement funds in the amount of $31,894 for Park and Recreation Department and $3,653 for Business Support Services Agency - Business Financial Management (BSSA-BFM).

Note: All reimbursements were for stolen and damaged items.

Commissioner Ratliff returned to the dais.

(12-0697)  GRANT APPLICATION - CENTRALINA MOBILITY MANAGEMENT AGENCY

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Ratliff, and Ridenhour voting yes, to approve Resolution of Support for Centralina Mobility Management Agency NCDOT, Targeted Transit Assistance Program FY 13-14 Grant Application.

Note: The Centralina Council of Governments has been working on developing a Mobility Management Agency (MMA) for the nine-county region since late-2011. Representatives of Mecklenburg DSS, Mecklenburg Veteran Services Office, Mecklenburg Council on Aging, Charlotte Area Transit System, and Disability Rights and Resources have been active participants in the process. While the long-term goal of the MMA is to fund itself through a combination of private and public funds, it will require initiation through the use of public transportation funds, administered through the North Carolina Department of Transportation (NCDOT). The NCDOT Division of Public Transportation recently released an announcement for grant applications for funds to implement projects helping the elderly and persons with disabilities. Centralina intends to apply for $240,000 in FTA Section 5310 funds to implement the broadly supported activities from the planning process. This agency, housed within Centralina, would provide a one-call/one-click resource for residents to learn about what transportation resources are available to them, as well as provide travel training on how to use transit services. The MMA will also develop a volunteer transportation program for the region, which will allow private individuals, non-profits, and other interested organizations, such as VFW posts or religious congregations, to...
volunteer their time to provide trips to the elderly, persons with disabilities, and veterans. The MMA would not initiate service until July 2013 or later, due to contract authorization from the NCDOT.

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

*Resolution recorded in full in Minute Book _____ Document # ______.*

(12-0700) **TAX REFUNDS**

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Ratliff, and Ridenhour voting yes, to approve refunds in the amount of $56,776.07 and interest as statutorily required to be paid as requested by the Assessor resulting from clerical errors, audits and other amendments.

Commissioner Fuller removed this item from Consent for better clarity regarding the types of refunds addressed in this item.

County Attorney Bethune said the refunds referenced in Agenda Item #700 were for various reasons, including refunds associated with the 2011 Revaluation. County Attorney Bethune said the refunds associated with the 2011 Revaluation were for persons who appealed their values timely, who paid their taxes at the higher value, and their appeal resulted in a decrease in the taxes to be paid. Thus, those persons were entitled to a refund, plus interest.

*A list of the refund recipients is on file with the Clerk to the Board.*

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

(12-0713) **TRANSFER OF VEHICLES, OFFICE SUPPLIES AND EQUIPMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to approve pursuant to G.S. 160A-279, the adoption of a resolution approving the transfer of six vehicles, office supplies, and equipment to RHA Health Services, Inc., a community-based agency that provides transportation to people that are homeless who require mental health and substance abuse case management, support services, psychiatric treatment, nursing services and medication management.

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

*Resolution recorded in full in Minute Book _____ Document # ______.*

(12-0721) **BOARD BULLETIN**

Motion was made by Commissioner Fuller seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to receive the County Manager’s Board Bulletins published since the last Board meeting.

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**ADJOURNMENT**
Motion was made by Commissioner Clarke, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:43 p.m.

Janice S. Paige, Clerk

Patricia Cotham, 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 11, 2012.

ATTENDANCE

Present: Chairman Patricia Cotham and Commissioners Karen Bentley, Dumont Clarke, George Dunlap, Trevor Fuller, Vilma Leake, Kim Ratliff and Matthew Ridenhour
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: Commissioner Bill James

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

The meeting was called to order by Chairman Cotham, after which the matter below was addressed.

2012 QUALITY OF LIFE STUDY UPDATE

The Board received a report on the 2012 Quality of Life Study.

County Manager Jones made opening remarks and then turned the presentation over to Assistant to the County Manager Timothy Tibbs.

Assistant to the County Manager Tibbs was assisted in the presentation by Dr. Owen Furuseth from the University of North Carolina Charlotte and Dashboard Creator Tobin Bradley with the County’s GIS Department. The following was noted:

- Background of how this effort came about
- Quality of Life Project Goals

Commissioner Clarke entered the meeting.

- To build greater collaboration between all local government entities
- To expand the geography of the Quality of Life study countywide
- To create a user-friendly Web-based dashboard

- Quality of Life Local Government Partners
- Project Team
- 2012 Quality of Life Improvements
- How the Study can be used
- Comprehensive Coverage-Finer Grained Neighborhoods
- Expanded Scope of Quality of Life Variables, 2000-2010
  - Social Dimension
  - Physical Dimension
  - Crime Dimension
  - Economic Dimension
• 2012 Quality of Life Variables/Dimension Framework
  o Community Character
  o Community Engagement
  o Community Economics
  o Education
  o Environment
  o Community Health
  o Housing
  o Community Safety
• New Analytical Framework
• Next Steps

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

Comments

Commissioner Leake asked about the involvement of Johnson C. Smith University in this effort. Assistant Tibbs said going forward there would be an opportunity for other community engagement by entities that weren’t involved originally.

Dr. Furuseth from the University of North Carolina Charlotte said the University had a cooperative agreement with Johnson C. Smith University in terms of the Quality of Life Study for the University.

Commissioner Bentley asked was the Community Cabinet and Project Partners the same. Assistant Tibbs explained that they were two different groups. He said the Community Cabinet was mainly staff representatives from the various partners.

Commissioner Bentley asked about the Community Health variable and was there any way to drill down further to determine specific health issues by zip codes. Dr. Furuseth said it was his understanding that this would be one of the next steps in this process.

Commissioner Bentley asked about the American Community Survey, which was addressed.

Chairman Cotham asked how would this study and data benefit the average citizen, which was addressed.

Assistant Tibbs said the Study was developed for two users, the average citizen who wanted to know about their neighborhood and wanted to work with their neighborhood groups to see how they might be able to effect change in their neighborhood. The other user was decision makers who would be making decisions regarding public policy.

Commissioner Fuller asked how often would the Study be updated. The response was every two years.

Commissioner Bentley asked if it was known whether the Centralina Council of Governments planned to use this data or other possible community partners. Associate General Manager Leslie Johnson said there had been discussion amongst the non-profit agencies that were members of the Community Cabinet, such as the Housing Authority, United Way, The Foundation for the Carolinas and that they were excited about possibly using the data.

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

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

Motion was made by Commissioner Bentley, seconded by Commissioner Fuller and unanimously carried with Commissioners Bentley, Clarke, Cotham, Dunlap, Fuller, Leake, Ratliff, and Ridenhour voting yes, that there being no further business to come before the Board that the meeting be adjourned at 4:20 p.m.

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Janice S. Paige, Clerk

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Patricia “Pat” Cotham, Chairman
DECEMBER 18, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 18, 2012.

ATTENDANCE

Present: Chairman Patricia Cotham and Commissioners Dumont Clarke, George Dunlap, Trevor Fuller, Bill James, Vilma Leake, Kim Ratliff, and Matthew Ridenhour. County Manager Harry L. Jones, Sr. County Attorney Marvin Bethune. Clerk to the Board Janice S. Paige.

Absent: Commissioner Karen Bentley.

-INFORMAL SESSION-

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

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

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0707, 12-0708, 12-0709, 12-0720, 12-0722, 12-0726, 12-0730, 12-0752.

STAFF BRIEFINGS - NONE

(12-0746, 12-0754) 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: Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC and Jerry Alan Reese vs. Mecklenburg County, City of Charlotte.

County Attorney Bethune said the Board did not need to go into Closed Session to discuss Business Location and Expansion because that matter was removed from the agenda.

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Fuller, James, Leake, and Ridenhour voting yes, to go into Closed Session to Consult with Attorney.
The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 5:51 p.m.

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

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

-FORMAL SESSION-

Chairman Cotham called this portion of the meeting to order, which was followed by invocation by Commissioner Clarke, and the Pledge of Allegiance to the Flag; and then introductions; after which, the matters below were addressed.

Note: Boy Scouts Troop 11 from Providence Methodist Church participated in the Pledge of Allegiance to the Flag.

AWARDS/RECOGNITION - NONE

(12-0732) PUBLIC APPEARANCE

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

Catherine Kouri addressed the denial of her refund for overpayment of 2007 taxes on land parcel #18306115. A copy of an e-mail from Ms. Kouri describing her situation was provided to the Board.

A copy of Ms. Kouri’s e-mail is on file with the Clerk to the Board.

Chairman Cotham asked the County Manager to review Ms. Kouri’s concern and provide the Board with a response.

(12-0736) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Ratliff and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to nominate and appoint Julianne Burke and Evelyn Moses to the Adult Care Home Advisory Committee for one-year terms expiring December 30, 2013.

They replace Carol O’Dell and Linda Olige.

FIRE COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Ratliff and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to reappoint Don Monteith to the Fire Commission for a three-year term expiring January 30, 2016.
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Motion was made by Commissioner James, seconded by Commissioner Fuller and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to nominate and appoint Harley Cook to the Fire Commission to fill an unexpired term expiring March 2, 2013.

*He replaces Donald Beard.*

PERSONNEL COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to nominate and appoint Eric McMillan to the Personnel Commission to fill an unexpired term expiring January 31, 2014.

*He replaces Jonathan Tobe.*

MANAGER’S REPORT

(12-0743) 2013 LEGISLATIVE AGENDA

Assistant to the County Manager Brian Francis presented the proposed Mecklenburg County 2013 Legislative Agenda for the 2013 General Assembly Session. The items were as follows:

Staff recommendations
1. Remove the sunset on Domestic Violence Fatality Review team and adjust the composition of the team.
2. Make uniform the penalties for various locally collected taxes.
3. Broaden the permitted uses of storm water fees.
4. Support legislation to enact the policies of the Board related to revaluation.
5. Protect Mecklenburg County’s ability to implement the Mecklink MCO.

Commissioner Requests
1. Remove members of MPO and RPO from the state ethics regime. (Clarke)

Guiding Principles
1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government

_A copy of the proposed Legislative agenda is on file with the Clerk to the Board._

Staff Recommendations

Motion was made by Commissioner Dunlap, seconded by Commissioner Ratliff and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve including the following legislative matter in Mecklenburg County’s 2013 Legislative Agenda for the 2013 General Assembly Session:

1. Remove the sunset on Domestic Violence Fatality Review team and adjust the composition of the team.
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Action: (1) Re-authorize the Mecklenburg Domestic Violence Fatality Prevention and Protection Review Team, without a sunset provision, which otherwise will terminate by June 15, 2014. (2) Amend Section 1.(c) Composition to add: A representative from the Domestic Violence District Court, a representative from the Magistrate’s Office, a representative from the Sheriff’s Office, a representative from the faith community, a representative from the N.C. Department of Probation, and to delete: a representative from emergency services personnel.

Note: If additional counties seek to form a Team, the language may need to be broadened to accommodate different representation needs in different counties.

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve including the following legislative matter in Mecklenburg County’s 2013 Legislative Agenda for the 2013 General Assembly Session:

2. Make uniform the penalties for various locally collected taxes.

Action: Establish a uniform rate of three-fourths of one percent (0.75%) per month or fraction thereof for the following taxes: prepared food and beverage tax, short-term leases and rentals of vehicles, short-term leases and rentals of heavy equipment, and leases and rental of U-Drive-it vehicles and motorcycles. Secondly, to also submit this item to the North Carolina Association of County Commissioners for inclusion in their agenda.

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and carried 6-2 with Commissioners Clarke, Cotham, Dunlap, Leake, Ratliff, and Ridenhour voting yes and Commissioners Fuller and James voting no, to approve including the following legislative matter in Mecklenburg County’s 2013 Legislative Agenda for the 2013 General Assembly Session:

3. Broaden the permitted uses of storm water fees.

Requested Action: Amend N.C. General Statute153A-277 with the intention of clarifying the public purpose and associated public benefits for a county having additional flood mitigation techniques that can be funded by revenue from the storm water fee.

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and carried 7-1 with Commissioners Clarke, Cotham, Dunlap, James, Leake, Ratliff, and Ridenhour voting yes and Commissioner Fuller voting no, to approve including the following legislative matter in Mecklenburg County’s 2013 Legislative Agenda for the 2013 General Assembly Session:

4. Support legislation to enact the policies of the Board related to revaluation.

Motion was made by Commissioner Ratliff, seconded by Commissioner James and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve including the following legislative matter in Mecklenburg County’s 2013 Legislative Agenda for the 2013 General Assembly Session:

5. Protect Mecklenburg County’s ability to implement the Mecklink MCO.
Commissioner Requests

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to approve including the following legislative matter in Mecklenburg County's 2013 Legislative Agenda for the 2013 General Assembly Session as recommended by Commissioner Clarke:

Remove members of MPO and RPO from the state ethics regime.

Requested Action: Delete requirement that a MPO be treated as a board for purposes of Chapter 138A of the General Statutes. Delete any requirement that members of an MPO or RPO file a statement of economic interest with the State Ethics Commission.

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cotham, Dunlap, Fuller, James, Leake, Ratliff, and Ridenhour voting yes, to support the following Guiding Principles as it relates to the Legislative Agenda for the 2013 General Assembly Session:

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government

(12-0750) MEDICAID WAIVER IMPLEMENTATION UPDATE

The Board received an update on the Medicaid waiver implementation. General Manager Michelle Lancaster and Director of MeckLINK Behavioral Healthcare Phil Endress gave the update. The following was covered:

- Overview of MeckLINK Behavioral Healthcare
- Background on Medicaid Waiver Project
- December Waiver Implementation Update.

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

Comments

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

Commissioner Leake asked about the hiring of staff, which was addressed.

Commissioner Dunlap asked about 1) the credentialing process for providers, 2) coverage of current Medicaid consumers not included in the 76% covered by contracted providers, and 3) process for selection of providers by consumers, which were all addressed.

Commissioner Fuller asked about 1) the nature of the contracts between the County and providers, and 2) the process for determining which providers get selected to perform a service for the County, which were addressed.

Commissioner Ridenhour asked about the repayment of the $8.4 million approved by the previous Board to fund the start-up costs, which was addressed.
This concluded the discussion of this matter.

PUBLIC HEARINGS

(12-0733) LIMITED OBLIGATION REFUNDING 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 the amendment to an installment financing contract in order to refinance all or a portion of the obligations thereunder. Under the contract, the County obtained financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, in the amount of $34,720,000 to finance the Projects described in the Notice of Public Hearing.

The Chairman announced that the notice of the public hearing was published in The Charlotte Observer on or before December 8, 2012.

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 or who responded in writing to the notice of public hearing, are as follows: None.

After the Board had heard all persons who had requested to be heard, Commissioner Clarke moved that the public hearing be closed. The motion was seconded by Commissioner Dunlap and was adopted 7-0.

* * *

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

RESOLUTION AUTHORIZING AND APPROVING REFINANCING AMENDMENTS TO AN INSTALLMENT FINANCING RELATING TO CERTIFICATES OF PARTICIPATION (2008B MECKLENBURG COUNTY)

WHEREAS, financing and refinancing 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 refinancing amendments to an installment financing contract that financed certain capital projects;

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

(1) First Supplemental Installment Financing Agreement to be dated as of January 1, 2013 (the “Supplemental Agreement”) between the County and Mecklenburg County Public Facilities Corporation (the “Corporation”);

(2) First Supplemental Trust Agreement to be dated as of January 1, 2013 (the “Supplemental Trust Agreement”) between the Corporation and Deutsche Bank National Trust Company, as trustee;
WHEREAS, the Board of Commissioners of the County wants to approve those documents 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 refinancing amendment that (a) such proposed installment financing contract amendment is necessary or expedient to the County, (b) such proposed installment financing contract amendment, under current circumstances, is preferable to a bond issue of the County for the same purpose, (c) the sums estimated to fall due under such proposed installment financing contract amendment 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 amendment 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 refinancing amendment 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 amendment 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 thereof 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 Supplemental Agreement, the Escrow Agreement and the Purchase Contract, in the form submitted to this meeting, is hereby approved, and the Chairman of the Board, the County Manager, the Director of Finance, any Deputy Director of Finance, and the Clerk to the Board are each hereby authorized and directed to execute and deliver each of those documents, on behalf of the County, with such changes, insertions or omissions as each may approve, the execution thereof by any of them to constitute conclusive evidence of such approval.

5. The Supplemental Trust Agreement, in the form submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions or omissions as appropriate.

6. The Official Statement, in the form submitted to this meeting, is hereby approved, in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof in connection with the public offering and sale of the 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. 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 refinancing. Execution of the Agreement Amendment by the Chairman of the Board, the County Manager, the Director of
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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 refinancing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the documents referred to above.

9. This Resolution shall become effective immediately upon its adoption.

Commissioner Dunlap seconded the motion and the motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Trevor Fuller, Vilma Leake, Kim Ratliff, and Matthew Ridenhour

NAYS: None.

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0734) GENERAL OBLIGATION REFUNDING BONDS

REPORT FROM CLERK

The Clerk to the Board of Commissioners reported to the Board of Commissioners that the bond order entitled “BOND ORDER AUTHORIZING THE ISSUANCE OF $276,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” which had been introduced on November 7, 2012, had been published in a qualified newspaper on or before December 12, 2012, with notice that the Board would hold a public hearing thereon on December 18, 2012. 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 1.56% of the assessed valuation of property in the County subject to taxation.

*       *       *

PUBLIC HEARING ON BOND ORDER

Commissioner Clarke moved that the Board proceed to hold a public hearing on the bond order. The motion was seconded by Commissioner Fuller and was adopted 7-0.

At 7:50 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. None

After the Board had heard all persons who requested to be heard, Commissioner Clarke moved that the public hearing be closed. The motion was seconded by Commissioner Ratliff and was adopted 7-0.

*       *       *

ADOPTION OF BOND ORDER

Commissioner 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 $276,000,000 REFUNDING BONDS OF THE COUNTY OF MECKLENBURG” introduced at the meeting of the Board of Commissioners held on November 7, 2012. The motion was seconded by Ratliff and was adopted by the following vote:
AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Trevor Fuller, Vilma Leake, Kim Ratliff, and Matthew Ridenhour

NAYS: None.

Commissioner James was not present at the meeting at the time this matter was considered.

*       *       *

RESOLUTION AUTHORIZING ISSUANCE OF REFUNDING BONDS

Commissioner Ratliff moved adoption of the following resolution, the motion was seconded by Commissioner Leake, and the resolution was read by the above title.

WHEREAS, the bond order hereinafter described has taken effect, and it is desirable to make provision for the issuance of bonds authorized thereby;

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

Section 1. Pursuant to and in accordance with the refunding bond order adopted by the Board of Commissioners on December 18, 2012, the Issuer shall issue its bonds in the aggregate principal amount not to exceed $276,000,000.

Section 2. The bonds to be issued pursuant to the bond order described in the preceding paragraph shall be designated “General Obligation Refunding Bonds, Series 2013A” (the “Bonds”). The Bonds shall be dated the date of their delivery, and shall bear interest from their date at a rate or rates that shall be determined upon the private sale of the Bonds, and interest shall be payable on June 1, 2013, and semi-annually thereafter on December 1 and June 1. The Bonds shall mature on December 1, 2013 and thereafter on December 1 in years and amounts as determined upon the private sale of the Bonds.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

The Bonds shall be deemed to refund each of the issues of bonds being refunded within the respective periods of usefulness of the capital projects financed by each of the issues of bonds being refunded.

Section 3. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”) or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the Bonds in the principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on and principal of the Bonds will be payable at the times described above, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of those participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or
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(b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC in a manner consistent with DTC’s rules and procedures. If the Issuer fails to arrange for another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates in denominations of $5,000 or integral multiples thereof.

Section 4. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners of the Issuer, and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of that Commission or of a representative designated by that Secretary, and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided below.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature appears on any Bonds shall cease to be that officer before the delivery of those Bonds, that manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond those persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it has been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

Section 5. The Bonds and the endorsements thereon shall be in substantially the following form:

<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>December 1, _____</td>
<td>January 29, 2013</td>
<td>584002</td>
</tr>
</tbody>
</table>

REG underrated OWNER: CEDE & CO.

PRINCIPAL SUM: ______________________ DOLLARS

The County of Mecklenburg (the “County”), a county of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the County, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202 (the “Bond Registrar”), the principal sum shown above and to pay to
the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the County, interest on that principal sum from the date of this bond or from the June 1 or December 1 next preceding the date of authentication to which interest shall have been paid, unless the date of authentication is a June 1 or December 1 to which interest shall have been paid, in which case from that date, interest to the maturity hereof being payable on June 1, 2013, and semi-annually thereafter on June 1 or December 1 of each year, at the rate per annum specified above, until payment of the principal sum. The interest so payable on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for that interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding that interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, a bond order adopted by the Board of Commissioners of the County on December 18, 2012 (the “Bond Order”) and a resolution adopted by that Board (the “Resolution”) to provide funds, together with any other funds that may be provided, to refund all or a portion of the County’s outstanding Variable Rate General Obligation Public Improvement Bonds, Series 2003B, Variable Rate General Obligation Public Improvement Bonds, Series 2004B, General Obligation Public Improvement Bonds, Series 2005A, General Obligation Refunding Bonds, Series 2005C which are subject to mandatory sinking fund redemption on February 1, 2013, General Obligation Public Improvement Bonds, Series 2007A, General Obligation Park and Recreation Bonds, Series 2008A, and General Obligation Public Improvement Bonds, Series 2008B.

[Insert sinking fund redemption provisions if there are term bonds.]

[Include the following if the bonds are subject to optional redemption.]

[The bonds maturing on and after December 1, 20__, shall be subject to redemption prior to their stated maturities at the option of the County on or after December 1, 20__, in whole or in part at any time at a redemption price equal to ___ % of the principal amount of each bond to be redeemed, together with accrued interest thereon to the redemption date. If less than all the bonds are called for redemption, the County shall determine the maturities and the amounts thereof of the bonds to be redeemed. If less than all the bonds of any one maturity are called for redemption, the bonds of such maturity to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or an integral multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by $5,000. For so long as a book-entry system is used for determining beneficial ownership of the bonds, if less than all of the bonds within a maturity are to be redeemed, The Depository Trust Company (“DTC”) shall determine by lot the amount of interest of each Direct Participant in the bonds to be redeemed.

Not more than forty-five (45) days nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of redemption to be mailed, postage prepaid, to DTC or its nominee. On the date fixed for redemption, that notice having been given, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of those bonds or portions thereof on that date and, if moneys for payment of the redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon the surrender hereof.

The notice of redemption may state that the County retains the right to rescind such notice on or prior to the scheduled redemption date, and such notice and redemption shall be of no effect if such notice is rescinded. Any redemption may be rescinded in whole or in part at any time prior to the scheduled redemption date if the County gives notice thereof on or prior to the scheduled redemption date in the manner provided above for redemptions. Any bonds as to which redemption has been rescinded shall remain outstanding.]

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be
responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated January 29, 2013.

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 Order and Resolution.

COUNTY OF MECKLENBURG
DIRECTOR OF FINANCE, as Bond Registrar
ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

the within Bond and irrevocably appoints ____________________________

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated: ____________________________

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of
the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer
Agent Medallion Program (STAMP) or similar program.

Section 6. If the Bonds are subject to optional redemption, those Bonds maturing on and after
December 1 of a year to be determined at the private sale of the Bonds shall be subject to redemption prior to
their stated maturities at the option of the County on or after December 1 of the preceding year in whole or in
part at any time at a redemption price equal to a percentage of the principal amount of each Bond to be
redeemed to be determined at the private sale of the Bonds, together with accrued interest thereon to the
redemption date.

If less than all the Bonds 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 so called for redemption and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

Section 7. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution, and bearing interest at the same rate.

The transfer of any Bond may be registered only on the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for the Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of the Bond so surrendered, of the same maturity, and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to the exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of that mailing or of any Bond called for redemption in whole or in part pursuant to this Section.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any Bond and the interest on any Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon that Bond and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to commercial standards then applicable and for the timely payment of principal and interest with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the “Bond Registrar”), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office as Director of Finance, 600 East Fourth Street, 11th Floor, Charlotte, NC 28202, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 8. The Director of Finance is hereby authorized to determine and approve any details necessary in connection with the sale of the Bonds, including without limitation the principal amount of Bonds,
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interest rates, maturity years and amounts, and redemption provisions not included herein. Such details shall be reflected in the Bond certificates.

Section 9. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.

Section 10. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), to the extent required to preserve the exclusion from gross income of interest on such Bonds for federal income tax purposes.

Section 11. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

Section 12. The Issuer hereby authorizes the officers of the Issuer designated therein to execute and deliver an Escrow Deposit Agreement, Bond Purchase Agreement and Official Statement relating to the Bonds in such forms as may be approved by them, their execution thereof constituting conclusive evidence of such approval. The Preliminary Official Statement and the Official Statement are hereby authorized for use in connection with the sale of the Bonds.

Section 13. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking Board (“MSRB”):

(a) by not later than seven months from the end of each fiscal year of the Issuer, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.

(b) by not later than seven months from the end of each fiscal year of the Issuer, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and - Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;
(2) non-payment related default, if material;
(3) unscheduled draws on debt service reserves reflecting financial difficulties;
(4) unscheduled draws on any credit enhancements reflecting financial difficulties;
(5) substitution of any credit or liquidity providers, or their failure to perform;
(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
(7) modification to the rights of the beneficial owners of the Bonds, if material;
(8) bond calls, if material, and tender offers;
(9) defeasances;
(10) release, substitution or sale of any property securing repayment of the Bonds, if material;
(11) rating changes;
(12) bankruptcy, insolvency, receivership or similar event of the Issuer;
(13) the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
(14) appointment of a successor or additional trustee or the change of name of a trustee, if material; and
(d) in a timely manner, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The Issuer shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Issuer may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;
(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and
(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 14. The investment banking firm of First Southwest Company is hereby authorized to serve as financial advisor to the Issuer (the “Financial Advisor”) in connection with sale and issuance of the Bonds. The Financial Advisor and its affiliates are hereby expressly authorized to bid for the purchase of the Bonds.

The motion was adopted by the following vote:
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AYES: Commissioners Dumont Clarke, Patricia Cotham, George Dunlap, Trevor Fuller, Vilma Leake, Kim Ratliff, and Matthew Ridenhour

NAYS: None.

Extracts/Resolutions recorded in full in Minute Book _____ Documents # ______, ______ and _______.

ADVISORY COMMITTEE REPORTS - NONE

STAFF REPORTS & REQUESTS

(12-0724) REVALUATION REVIEW WORK PLAN IMPLEMENTATION

The Board received a status report on the revaluation review work plan, per Pearson's Appraisal Service, Inc. report.

General Manager/County Assessor Bobbie Shields gave the report. The following was covered:

- Goals of Revaluation Action Plan
- The County's Organizational Vision and the Assessor’s Office Mission
- 2011 Revaluation Work Plan with emphasis on “Immediate Board Action Items” (1-8)
- Proposed Contract with Pearson’s Appraisal Services
- Proposed Contract with Customer Service Solutions
- Key dates for Board action.

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

Comments

Commissioner Clarke asked what was the future Board action date of May 7, 2013 for approval of the revaluation process referring to. General Manager/County Assessor Shields said it was referring to the next revaluation. General Manager Shields said staff wants to make sure that when the next revaluation was performed that it’s done right, there’s good data, and that everyone is on board and understands what’s being done, and the public is informed.

Commissioner Clarke asked whether the cost estimate shown took into account the cost for implementing the customer service improvement recommendations. General Manager/County Assessor Shields said it was to develop a plan for customer service.

Commissioner Clarke said he wanted to make sure that as the County goes through this process of customer service improvements, that the Board is informed of the cost to implement the various improvements. Commissioner Clarke said the public needed to be aware of the cost as well.

Commissioner Leake asked if other companies applied to be considered to help the County develop the customer service improvement plan. General Manager/County Assessor Shields said Customer Service Solutions was a company that the County already had an existing contract with. He said the County was pleased with the services they currently provide.

Commissioner Leake asked was a representative from Customer Service Solutions present. General Manager/County Assessor Shields said no. General Manager/County Assessor Shields said they asked if he wanted them to attend the meeting, but he told them it wouldn’t be necessary.
Commissioner Leake said going forward, she would like for persons the County planned to do business with for matters of this nature to be present at the meeting.

Commissioner Leake asked about the location and size of Customer Service Solutions, which was addressed.

Commissioner Dunlap asked about neighborhoods that might not be identified as having major issues and how would an individual get their concern addressed. General Manager/County Assessor Shields said each year if there’s a change or a mistake, individuals have a recourse to appeal their value. General Manager/County Assessor Shields said individuals with concerns about information on their property card should contact the County Assessor’s Office.

Commissioner Dunlap asked was there a way of assessing whether the cost that Pearson’s was going to charge the County, was in fact the best cost. General Manager/County Assessor Shields said Pearson’s Appraisal Service came in, in a relatively short timeframe and established creditability in the community and provided the County with a useful and creditable report. He said Pearson’s proposal was based on $600 per person, per day, which is $75 per hour, which includes their overhead, such as hotel, travel, etc. General Manager/County Assessor Shields said when you look at all of those factors, staff felt Pearson’s cost was reasonable.

General Manager/County Assessor Shields said the County could have sought bids, but the previous Board was very specific that they wanted to extend the contract with Pearson’s. He said there was a sense of urgency to continue moving forward.

Commissioner Fuller asked with respect to the major issues, was it correct that in order to determine where the major issues were that every neighborhood in the county would have to be looked at. General Manager/County Assessor Shields said there was technology available that would make the job easier. He said when staff reports back, dealing with the minor issues, staff would share that process. General Manager/County Assessor Shields said with the appraisers that the county had and the level of experience, staff knows how to triage and identify where the problems might be.

General Manager/County Assessor Shields said this would take a lot of review but he doesn’t think, based on the process that staff intend to use, that they’ll have to touch every parcel. He said using the process they have, it’s felt they’ll have accurate data, a good tax record, and a good representation of true value.

County Manager Jones said what he recalled from the Pearson’s report was that they referred to looking at major issues in what they characterized as heterogeneous communities. County Manager Jones said heterogeneous communities were defined as communities constructed prior to 1980. As such, he doesn’t believe that it will require a look at all neighborhoods, but primarily those that were pre 1980 and heterogeneous in nature.

Commissioner Fuller said he was concerned that when the term major issues is used and it only applies to some neighborhoods without reviewing all neighborhoods, that you’ll wind up “in the same place” that we were after the 2011 revaluation.

Commissioner Fuller said he was concerned that there may be people who were not as vocal after the conclusion of the 2011 revaluation, who will find themselves having a reason to now be vocal. Commissioner Fuller said the County needed to “get this thing done “right.”

Commissioner Fuller said he was concerned that if all neighborhoods are not reviewed that there will be a “lingering distaste” from the public that the County has not been “fair” to everybody.
General Manager/County Assessor Shields said Pearson’s was proposing a review of the remaining 1100 neighborhoods. He said Pearson’s intends to do the comprehensive review that Commissioner Fuller talked about.

General Manager/County Assessor Shields said what staff was trying to point out with respect to the homogeneous and heterogeneous neighborhoods was that they would be reviewed and if Pearson’s finds that this is an area where they know that its right, it doesn’t mean that they would not have reviewed it, but the level of review may not be as detailed as it was for the heterogeneous neighborhoods. General Manager/County Assessor Shields said Pearson’s plans to do what Commissioner Fuller was concerned about, so that there would be no neighborhood that would say they weren’t reviewed.

Commissioner Fuller asked about the additional resources that might be needed and the costs associated with that, which was addressed.

Commissioner Fuller asked when did staff think the County would be ready do the next revaluation. General Manager/County Assessor Shields said sometime between 2015 and 2019.

Chairman Cotham expressed concern for the timetable in hiring a permanent County Assessor. Chairman Cotham said she thought the process would have started sooner than what was outlined.

Chairman Cotham said she hoped there would be a lot involvement between Pearson’s and staff at the Assessor’s Office because Pearson’s experience would be of much value.

Chairman Cotham asked that it be kept in mind with respect to the evaluation of the Assessor’s Office, that perhaps Pearson’s should do this and offer recommendations, rather than the County Manager.

Chairman Cotham expressed interest and concern for the customer service component.

Chairman Cotham expressed disappointment that Customer Service Solutions was not present. Chairman Cotham said she’d like to meet representatives from Customer Service Solutions.

Chairman Cotham said she’d like to receive weekly updates that would be shared with the Board.

Commissioner Ridenhour suggested that Customer Service Solutions be asked to attend the next meeting of the Board and share what their vision was for improving customer service and how they plan to accomplish their objectives.

Chairman Cotham said perhaps Customer Service Solutions could be invited to a future Budget/Public Policy meeting.

Chairman Cotham thanked General Manager/County Assessor Shields for the update.

Motion was made by Commissioner Dunlap, seconded by Commissioner Ratliff, to:
1) Approve a Work Plan for revaluation review as presented by staff
2) Authorize the County Manager to execute a contract amendment with Pearson's Appraisal Service, Inc.
3) Authorize the County Manager to negotiate an agreement with Customer Service Solutions to develop a customer service improvement plan for the Assessor's Office.

Substitute motion was made by Commissioner Fuller, seconded by Commissioner Leake and failed 4-3 with Commissioners Clarke, Dunlap, Ratliff, and Ridenhour voting no and
Commissioners Cotham, Fuller, and Leake voting yes, to: 1) Approve a Work Plan for revaluation review as presented by staff. 2) Authorize the County Manager to execute a contract amendment with Pearson's Appraisal Service, Inc. and 3) to table action to authorize the County Manager to negotiate an agreement with Customer Service Solutions to develop a customer service improvement plan for the Assessor’s Office, until the Board’s January 2, 2013 meeting at which time Customer Service Solutions would be asked to appear before the Board to address any questions Board members may have.

The vote was then taken on the original motion, but in three parts as noted below.

Motion was made by Commissioner Ratliff, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Ratliff, and Ridenhour voting yes, to approve a Work Plan for revaluation review as presented by staff.

Motion was made by Commissioner Ratliff, seconded by Commissioner Fuller and carried 7-0 with Commissioners Clarke, Cotham, Dunlap, Fuller, Leake, Ratliff, and Ridenhour voting yes, to authorize the County Manager to execute a contract amendment with Pearson’s Appraisal Service, Inc.

Motion was made by Commissioner Ratliff, seconded by Commissioner Dunlap and carried 4-3 with Commissioners Clarke, Dunlap, Ratliff, and Ridenhour voting yes, and Commissioners Cotham, Fuller, and Leake voting no, to authorize the County Manager to negotiate an agreement with Customer Service Solutions to develop a customer service improvement plan for the Assessor’s Office.

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

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

RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO TRUST AGREEMENT AND CONVERSION OF INTEREST RATE MODE ON VARIABLE RATE CERTIFICATES OF PARTICIPATION (2008A MECKLENBURG COUNTY)

WHEREAS, the Issuer previously issued its $124,960,000 Variable Rate Certificates of Participation (2008A Mecklenburg County) (the “Certificates”) pursuant to a Trust Agreement dated as of February 1, 2008 (the “Original Trust Agreement”);

WHEREAS, the Certificates were originally issued in the Weekly Rate Period pursuant to the terms of the Original Trust Agreement;

WHEREAS, the Issuer wants the interest rate mode for the Certificates to be converted (the “Conversion”) to a Index Floating Rate on January 29, 2013 (the “Effective Date”) pursuant to the provisions set forth in a First Amended and Restated Trust Agreement dated as of the Effective Date (the “Amended Trust Agreement”);

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

1. Amended Trust Agreement;
2. Reoffering Circular (the “Reoffering Circular”) relating to the Certificates;
DECEMBER 18, 2012

Certificate Purchase Agreement (the “Purchase Contract”) among Wells Fargo Bank, National Association (the “Underwriter”), the County and the Corporation;

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

1. The Conversion is hereby authorized and approved. The County Manager, the Director of Finance and any Deputy Director of Finance are authorized to take such action as may be advisable in connection with the negotiation of the above documents 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.

2. The Purchase Contract, 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 that document, 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.

3. The Amended Trust Agreement, in the form submitted to this meeting, is hereby approved in substantially such form, with such changes, insertions or omissions as appropriate.

4. The Reoffering Circular, in the form submitted to this meeting, is hereby approved, in substantially such form, with such changes, insertions and omissions as appropriate, and the use thereof in connection with the public offering and sale of the Certificates is hereby authorized.

5. The Chairman of the Board, the County Manager, the Director of Finance, or any Deputy Director of Finance, the Clerk to the Board and the County Attorney are each hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this Resolution.

6. This Resolution shall become effective immediately upon its adoption.

Commissioner Leake seconded the motion and the motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, Trevor Fuller, Vilma Leake, and Matthew Ridenhour

NAYS: None.

Commissioner Clarke introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title:

RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO TRUST AGREEMENT AND CONVERSION OF INTEREST RATE MODE ON VARIABLE RATE CERTIFICATES OF PARTICIPATION (2006 MECKLENBURG COUNTY)

Upon motion of Commissioner Clarke, seconded by Commissioner Leake, the following resolution was passed by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, Trevor Fuller, Vilma Leake, and
DECEMBER 18, 2012

Matthew Ridenhour

NAYS: None.

Note: Commissioners Dunlap, James, and Ratliff were not present at the meeting at the time this matter was considered.

*          *          *          *          *          *

BE IT RESOLVED by the Board of Commissioners (the “Board”) of the County of Mecklenburg, North Carolina (the “Issuer”):

WHEREAS, the Issuer previously issued its $108,000,000 Variable Rate Certificates of Participation (2006 Mecklenburg County) (the “Certificates”) pursuant to a Trust Agreement dated as of February 1, 2006 (the “Original Trust Agreement”);

WHEREAS, the Certificates were originally issued in the Weekly Rate Period pursuant to the terms of the Original Trust Agreement;

WHEREAS, the Issuer wants the interest rate mode for the Certificates to be converted (the “Conversion”) to a Bank-Bought Index Floating Rate on January 10, 2013 (the “Effective Date”), with U.S. Bank National Association (the “Bank Holder”) to own all the outstanding Certificates, all pursuant to the provisions set forth in a First Amended and Restated Trust Agreement dated as of the Effective Date (the “Amended Trust Agreement”) and a Continuing Covenant Agreement dated as of January 1, 2013 (the “Covenant Agreement”);

1. The Conversion and the terms of the Amended Trust Agreement and the Covenant Agreement are hereby authorized and approved.

2. Each of the officers of the Board, the County Manager and the County Director of Finance and employees are authorized and directed to execute and deliver any certificates or documents they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this resolution and the documents described above, such execution and delivery to be conclusive evidence of the approval and authorization thereof by the Board.

3. This resolution shall take effect upon its passage.

Extracts/Resolutions recorded in full in Minute Book ______ Documents # ______and ______.

(12-0737) GENERAL OBLIGATION BONDS

RESOLUTION AUTHORIZING ISSUANCE OF BONDS

Commissioner Leake moved adoption of the following resolution, the motion was seconded by Commissioner Fuller, 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 park and recreation facilities bond order adopted by the Board of Commissioners on September 3, 2008, 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 February 20, 2013.
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 $80,000,000. 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 February 20, 2013.

3. Pursuant to and in accordance with the community college 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 $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 February 20, 2013.

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 2013B” (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 February 20, 2013, 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 September 1, 2013, and semi-annually thereafter on March 1 and September 1. The Bonds shall mature annually on March1, as follows:

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<tr>
<th>Year</th>
<th>Principal Amount</th>
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<th>Principal Amount</th>
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<td>2014</td>
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<td>2024</td>
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<td>2015</td>
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<td>2023</td>
<td>5,000,000</td>
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<td>5,000,000</td>
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</table>

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated on an interest payment date, in which event it shall bear interest from that interest payment date, or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, 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:

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, 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, 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 September 1, 2013, 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 3, 2008 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, 2024, shall be subject to redemption prior to their stated maturities at the option of the County on or after March 1, 2023, 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 to and registered in the name of DTC or its nominee and immobilized in its custody. The book entry system will evidence beneficial ownership of the bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of participants and other nominees of beneficial owners. The County will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through participants.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon those books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in form satisfactory to the Bond Registrar. Upon any registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this
bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Orders or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated February 20, 2013.

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: February 20, 2013

ASSIGNMENT
DECEMBER 18, 2012

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.

8. The Bonds maturing on and after March 1, 2024 shall be subject to redemption prior to their stated maturities at the option of the Issuer on or after March 1, 2023, 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 Issuer 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.

9. 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.

10. 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.

11. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners and the Director of Finance of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by the Local Government Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by the Local Government Commission.
12. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), to the extent required to preserve the exclusion from gross income of interest on the Bonds for federal income tax purposes.

13. The Chairman of the Board of Commissioners and the Clerk to the Board of Commissioners, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

14. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking Board (“MSRB”):

(a) by not later than seven months from the end of each fiscal year of the Issuer, audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution.

(b) by not later than seven months from the end of each fiscal year of the Issuer, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading “The County - Debt Information and Tax Information” in the Official Statement relating to the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

1. principal and interest payment delinquencies;
2. non-payment related default, if material;
3. unscheduled draws on debt service reserves reflecting financial difficulties;
4. unscheduled draws on any credit enhancements reflecting financial difficulties;
5. substitution of any credit or liquidity providers, or their failure to perform;
6. adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. modification to the rights of the beneficial owners of the Bonds, if material;
8. bond calls, if material, and tender offers;
9. defeasances;
10. release, substitution or sale of any property securing repayment of the Bonds, if material;
11. rating changes;
12. bankruptcy, insolvency, receivership or similar event of the Issuer;
13. the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
appointment of a successor or additional trustee or the change of name of a trustee, if material; and

(d) in a timely manner, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The Issuer shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Issuer may discharge its undertaking described above by transmitting the documents referred to above to any entity and by any method authorized by the U.S. Securities and Exchange Commission.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”) as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interest of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

The motion was adopted by the following vote:

AYES: Commissioners Dumont Clarke, Patricia Cotham, Trevor Fuller, Vilma Leake, and Matthew Ridenhour

NAYS: None.

Extracts/Resolution recorded in full in Minute Book _____ Document # ______.

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0744) AUDIT REVIEW COMMITTEE APPOINTMENTS – CHAIRMAN COTHAM

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 5-0 with Commissioners Clarke, Cotham, Fuller, Leake, and Ridenhour voting yes, to reappoint the following Board and staff representatives to the Board’s Audit Review Committee: Commissioners Dumont Clarke (Chairman); George Dunlap; Karen Bentley; and Bill James; County Manager Harry L. Jones, Sr.; and General Manager John McGillicuddy.
Note: The resolution that established the Audit Review Committee (ARC) states the ARC will comprise of five voting members and two non-voting ex officio members appointed by the Board of County Commissioners. The five voting members will comprise of four members of the Board of County Commissioners, two from each political party, all of whom should be financially literate as determined by the Board; and one outside person who has experience in accounting and auditing and who is appointed through the advisory board appointment process. The County Manager and a staff member designated by the County Manager will serve as the two non-voting ex officio members. Appointments are normally made in December of each year. The primary duty of the ARC is the overseeing of the County’s independent audit, the recommendation for selection of the independent auditor and resolution of audit findings.

(12-0751) SELECTION OF VOTING DELEGATE - NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS LEGISLATIVE CONFERENCE - CHAIRMAN COTHAM

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 5-0 with Commissioners Clarke, Cotham, Fuller, Leake, and Ridenhour voting yes, to appoint Commissioner Ratliff as the Board’s voting delegate for the North Carolina Association of County Commissioners (NCACC) 2013 Legislative Goals Conference to be held January 24-25, 2013 in Durham, N.C. (Durham County).

Commissioner Ratliff returned to the meeting.

(12-0745) SMALL BUSINESS CONSORTIUM UPDATE – COMMISSIONER LEAKE

The Board received a verbal update from Commissioner Leake and Pamela Lue-Hing regarding the Small Business Consortium.

Note: The Small Business Consortium began holding bi-monthly meetings in 2011. The group has grown in attendance from approximately five attendees per meeting to its current attendance of approximately 60 attendees per meeting. Meetings are held bi-monthly, with lunch provided by small businesses in the Charlotte-Mecklenburg community. During the meetings, attendees are provided with networking opportunities, updates on contracting opportunities with the City, County and State, and hear messages from speakers on issues of importance to small businesses.

Ms. Lue-Hing addressed how participants have benefited from attending the Small Business Consortium meetings. Ms. Lue-Hing said the purpose of the consortium was to 1) to build collaborations with the county, city, and the state and to educate business owners about the certification processes with the various entities, 2) to provide business development and education to business owners and make them aware of resources available in the community, and 3) to network and encourage business owners to build collaborations and partnerships to maximize all opportunities. She thanked Commissioner Leake for being instrumental in getting the consortium started and other Commissioners for their support.

CONSENT ITEMS

Motion was made by Commissioner Ratliff, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to approve the following item(s):

(12-0712) PURCHASE AGREEMENT - HAZARD MITIGATION PROGRAM – LAND USE & ENVIRONMENTAL SERVICES AGENCY (LUESA)
Authorize the County Manager to negotiate and execute a contract with THC, Inc. to provide professional land acquisition services for implementation of current and future flood mitigation projects.

(12-0715) BUDGET AMENDMENT - LUESA-AIR QUALITY (REVENUE INCREASE)

A. Recognize, receive and appropriate $2,254,000 in FY13 Congestion Mitigation and Air Quality (CMAQ) grant funds from the NC Department of Transportation.

B. Authorize the County Manager to execute the contracts with NCDOT.

C. Authorize the carry forward of unspent funds to subsequent years until completion of the project.

(12-0723) LEASE OF FIRST WARD PROPERTY

Adopt a resolution titled “Mecklenburg County Board of Commissioners Resolution Declaring Intent To Lease Property to Levine Properties, Inc.”

Note: On May 13, 2010, Mecklenburg County, Levine Properties, Inc. and the City of Charlotte entered into an Economic Development Grant and Reimbursement Agreement (the “EDGA”) for the development of the First Ward area in Charlotte, NC. The public-private venture includes the construction of a public park, above-ground parking facilities, other infrastructure improvements and private development (the "First Ward Project"). To support the implementation of the First Ward Project, Mecklenburg County and Levine Properties desire to enter into a Lease to permit Levine Properties to occupy, use and lease the County’s property bounded by North Brevard, East 8th, East 9th, and North Caldwell Streets. Levine Properties, Inc. intends to use the property for the staging of materials and parking for construction related purposes, rental of parking spaces for income, and to use the building at the corner of 9th & Brevard for its own use and/or subleasing. Because the development work in First Ward will benefit the County as a party of the public-private venture, the land will be leased to Levine Properties for $1 per year with the County sharing in any net income from subleasing the building and/or parking rental. Under the EDGA, the County will ultimately be responsible for the cost of Park construction, so keeping overhead costs low for construction staging will benefit the County. The County Manager will negotiate a lease consistent with the following business terms: Location -- County-owned property bounded by North Brevard, East 8th, Caldwell, and East 9th Streets (Parcels #08006301, #08006304, #08006308 and #08006311); Building at 400 East 9th St./Total Area -- Land: Approximately 2.49 acres; Building: 8,544 square feet/Lease Term -- Two years/Base Lease Rate -- Construction Related Premises: $1 per year/Building Premises -- Tenant to pay County 70% of net rental income from subleases/Parking Premises -- Tenant to pay County 50% of net rental income/Improvements/Facility Maintenance -- Tenant shall be responsible for all improvements related to initial occupancy and all necessary routine and preventative facility maintenance and capital improvements. Utilities and Services -- Tenant shall be responsible for payment of all utilities and services, and other costs associated with the premises, except property taxes.

Resolution recorded in full in Minute Book _____ Document # _____.

(12-0729) TAX REFUNDS

Approve refunds in the amount of $628.79 and interest as statutorily required to be paid as requested by the Assessor resulting from clerical errors, audits and other amendments.
A list of the refund recipients is on file with the Clerk to the Board.

(12-0731) CAPITAL RESERVE EXPENDITURE REQUEST - MCDOWELL NATURE CENTER (PARK AND RECREATION)

Authorize and appropriate expenditure not to exceed $34,000 from the McDowell Park Capital Reserve for renovations and improvements to the McDowell Nature Center.

(12-0738) BOARD BULLETIN

Receive the County Manager’s Board Bulletins published since the last Board meeting.

Note: The Board Bulletin is a newsletter distributed by the County Manager to keep the Board informed about policy matters and other key issues related to Mecklenburg County government.

(12-0740) MINUTES


(12-0741) RESOLUTION APPROVING TRANSFER OF EQUIPMENT TO PSYCHOTHERAPEUTIC SERVICES, INC.

Pursuant to G.S. 160A-279, adopt a resolution approving transfer of equipment to Psychotherapeutic Services, Inc., a community-based agency that provides crisis prevention, wellness self-management, recovery education and recovery training, in a community education resource center setting, to people in mental health and addiction recovery.

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0753) LEASE AGREEMENT - LATTA EQUESTRIAN CENTER

Adopt a resolution authorizing a lease agreement with Country Times Carriages, LLC for the overall management, routine daily maintenance and operation of the Latta Equestrian Center.

Resolution recorded in full in Minute Book _____ Document # ______.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12-0707) BUDGET AMENDMENT - SAMHSA GRANT FUNDS FOR PSO (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to:

1) Approve acceptance of Substance and Mental Health Services Administration (SAMHSA)
grant funding through a subcontract with Duke University to provide substance abuse treatment services over five years in Charlotte, NC for people with and at high-risk for HIV and recognize, receive and appropriate $179,498 for the first grant year funding.

Note: Services will begin in January, 2013.

2) Approve establishing two new positions with grant funding: 1 full-time counselor; and 1 full-time case manager.

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

(12-0708) BUDGET AMENDMENT - DSS (REVENUE INCREASE/DECREASE)

Motion was made by Commissioner Fuller, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to amend the Department of Social Services (DSS) FY13 Budget to decrease certain revenues, and recognize, receive and appropriate other revenues as noted below.

A. Adult Day Care: increase federal revenue $12,288 and state revenue $10,362.
B. Home and Community Care Block Grant (HCCBG): increase of $94,488 federal revenue and $52,861 state revenue.
C. Low Income Energy Assistance & Crisis Intervention Payments Administration (LIEAP/CIP): increase federal revenue $92,538.
D. Rural Operating Assistance Program (ROAP): increase state revenue $317,933.
E. Social Services Block Grant (SSBG): decrease federal revenue ($573,172).
F. State In-Home: increase federal revenue $4,803.
G. Low Income Energy Assistance Program (LIEAP): increase federal revenue $202,569.

Commissioner Fuller removed this item from Consent for better clarity, which he said was provided by staff.

(12-0709) BUDGET AMENDMENT - SHERIFF’S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Fuller and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to:

1. Recognize and appropriate for the Sheriff’s Special Revenue Fund, $75,490 from Inmate Commissary.

Note: All funds collected through Jail commissary operations are used for inmate education, library and self-sufficiency programs as well as supplies and equipment to support programs.

2. Recognize and appropriate for the Sheriff's Special Revenue Fund, $57,545 from Vocational Facility telephone revenue.

Note: All funds received from 16.8 percent of commissions from the inmate telephone system are used for inmate education programs.

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake requested information be provided to her regarding how the funds are allocated specifically.
Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to recognize, receive and appropriate additional federal funds in the amount of $50,000 to provide services to individuals with traumatic brain injury (TBI) within Mecklenburg County.

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

Motion was made by Commissioner Fuller, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to: Receive MeckLink's Monthly Financial Report.

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

Commissioner Fuller removed this item from Consent for better clarity, which he said was provided by staff.

Motion was made by Commissioner Fuller, seconded by Commissioner Ridenhour and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to:

A) Recognize, receive and appropriate Federal funds in the amount of $379,732 from the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services.
B) Recognize, receive and appropriate State funds in the amount of $829,068 from the North Carolina Division of Mental Health, Developmental Disabilities and Substance Abuse Services.

Commissioner Fuller removed this item from Consent for better clarity, which he said was provided by staff.

(12-0730) WIC PROGRAM LEASE

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to adopt a resolution authorizing the County Manager to negotiate and execute a lease with Charlotte East, LLC for office space for the Women, Infants, and Children (WIC) program.

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

Resolution recorded in full in Minute Book _____ Document # ______.

(12-0752) SERVICE AGREEMENT - CERNER APPLICATION SERVICE PROVIDER HOSTING - HEALTH DEPARTMENT

Motion was made by Commissioner Fuller, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to approve five-year Cerner Application Service Provider (ASP) Agreement for Hosting and Use of Practice Management and Electronic Health Record System.

Commissioner Fuller removed this item from Consent by mistake.

(12-0754) CLOSED SESSION – CONSULT WITH ATTORNEY

Motion was made by Commissioner Leake, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, to adopt the Mecklenburg County Board of Commissioners Resolution on Agreement with Bryton Investments.

Resolution recorded in full in Minute Book _____, Document # ______.

ADJOURNMENT

Motion was made by Commissioner Clarke, seconded by Commissioner Ratliff and carried 6-0 with Commissioners Clarke, Cotham, Fuller, Leake, Ratliff, and Ridenhour voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:21 p.m.

______________________________  ____________________________
Janice S. Paige, Clerk                                      Patricia “Pat” Cotham, Chairman