

**MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

**FEBRUARY 20, 2007**

**5:00 P.M.**

**NORTH CAROLINA  
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, February 20, 2007.

**ATTENDANCE**

**Present:** Chairman Jennifer Roberts and Commissioners  
Karen Bentley, J. Daniel Bishop, Dumont Clarke  
H. Parks Helms, Bill James, Norman A. Mitchell, Sr.  
Dan Ramirez and Valerie C. Woodard  
County Manager Harry L. Jones, Sr.  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** None

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**-INFORMAL SESSION-**

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

**(1A) STAFF BRIEFINGS – NONE**

**(2A)(2B)(2C) CLOSED SESSION - A) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO G.S. 105-259. (G.S. 143-318.11(A) (1) B) CONSULT WITH ATTORNEY AND C) PERSONNEL MATTER**

Prior to going into Closed Session, County Attorney Bethune announced that the Consult with Attorney matter had to do with the Adelpia Bankruptcy Proceedings. It was announced also that it was not necessary for the Board to go into Closed Session to discuss Personnel Matter.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to go into Closed Session to discuss the following matters: A) To Prevent Disclosure of Information that is Confidential Pursuant to G.S. 105-259. (G.S. 143-318.11(a) (1) and B) Consult with Attorney.

*The Board went into Closed Session at 5:41 p.m. and came back into Open Session at 5:55 p.m.*

**(3) REMOVAL OF ITEMS FROM CONSENT**

The Board identified items they wanted removed from consent and voted upon separately. The items identified were Items 9 and 17.

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

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**-FORMAL SESSION-**

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

**PROCLAMATIONS AND AWARDS**

**(1A) PARTNERS FOR PARKS DAY**

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt a proclamation designating March 1, 2007 as Partners For Parks Day in Mecklenburg County.

*The proclamation was read by Commissioner Bentley and received by Chris Perry, Priscilla Walters and Doug Youngblood on behalf of Partners for Parks.*

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

**(2) PUBLIC APPEARANCE**

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

Martin Davis gave his view of Commissioner Helms' stance on issues such as crime, education, and transit spending. He also commented on his view of Commissioner Helms' comments in a recent newspaper article regarding Former House Speaker Jim Black. Mr. Davis referred to Commissioner Helms as a "radical liberal." He also insinuated that Commissioner Helms condoned Mr. Black's behavior.

Tariq Bokhari and Ashley Oster informed the Board about the Charlotte Chamber's Young Professional Council and a program called "Engage Charlotte." It was stated that the mission of "Engage Charlotte" is to connect young professionals to the city and the region in order to retain their talent and contributions in the community.

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

Rev. Willie B. Simpson addressed the Annual "Wee/Kare" Festival to be held May 12, 2007 at Progress Park from 12:00 p.m. – 5:00 p.m. He asked the Board for their support by volunteering and/or making a financial contribution. The purpose of the event is to feed and clothe those in need and to provide a social, spiritual, musical and fun filled experience for the residents of the Belmont community and surrounding areas.

*A copy of a handout regarding the festival is on file with the Clerk to the Board.*

Patrice Ognodo, Executive Director of the Good Samaritan Center informed the Board about the upcoming "Taste of Africa" event on February 23, 2007 in recognition of the first anniversary of the African Council.

*Commissioner Ramirez returned to the dais.*

*Note: In response to Mr. Davis' comments with respect to Jim Black, Commissioner Helms noted the following:*

- *He believes in the “worth and dignity” of every person, no matter who they are, what they have done, the color of their skin, or what they’re worth.*
- *What he said in the Observer article referenced by Mr. Davis was that he was disappointed in Mr. Black and that he reminded the readers and those listening tonight, that the political arena in Raleigh, N.C. and everywhere can sometimes be very challenging.*
- *As we watch this tragic story unfold everyone needs to understand that there’s a real difference between condoning conduct and forgiving people for their conduct.*
- *Jim Black has been and is still his friend. He will remain his friend whatever the consequences that the courts impose upon him for his criminal wrong doing.*
- *This incident needs to be a reminder to “those of us that serve in the political arena,” who live day in and day out, the challenges of public service.*
- *He would hope that everyone would recognize the “fragile nature of humanity.”*
- *He said Jim Black is a perfect example of where a “good human being” can fail.*
- *Mr. Black’s failure is hurting Mr. Black, his family, and his friends, just as the public is hurting.*
- *He was “broken hearted” by this, but he refuses to be “one of those who is a friend in good times and who will turn his back in the bad times.”*
- *In closing, he said he read recently that “to err is human, and to forgive, is divine.”*

## **APPOINTMENTS**

### **(3A) RE-APPOINTMENTS/NOMINATIONS**

#### **INFORMATION SERVICES & TECHNOLOGY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to waive the Board’s attendance policy to allow the following persons to continue to serve out their terms on the Information Services & Technology Committee: Deborah Bell, Mike Brannon, Anne Marie Giuriceo, Chris Hughes, John Lillard, Joy Marshall, and Jon Vordermark. Secondly, to reappoint Chris Hughes for a three-year term expiring February 28, 2010. Thirdly, to nominate Dave Clarke for appointment consideration to the Information Services & Technology Committee.

*The appointment will occur on March 7, 2007.*

#### **MOUNTAIN ISLAND LAKE MARINE COMMISSION**

Commissioner James nominated all applicants for appointment consideration to the Mountain Island Lake Marine Commission. The applicants are Tom Alligood, Kevin Bachleda, Tim Bishop, and Robert “Gary” Keith.

*An appointment will occur on March 7, 2007.*

#### **PARK AND RECREATION COMMISSION**

Commissioner Helms nominated all eligible applicants for appointment consideration to the Park and Recreation Commission as the North Park district representative. The applicants are John Probst, Samuel Spencer, Jeffrey Tarte, and Christopher Willingham.

Chairman Roberts said a question had come up regarding the residency of Samuel Spencer. She asked staff to verify his residency as being in the North Park District.

*An appointment will occur on March 7, 2007.*

## **SHELTER FOR BATTERED WOMEN ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to reappoint Dana Cox to the Shelter for Battered Women Advisory Committee for a three-year term expiring January 21, 2010.

## **PUBLIC HEARINGS**

### **(4A) REAL ESTATE EXCISE TAX REFUND REQUEST**

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to hold a hearing on a request by Hamilton Moon Stephens Steele & Martin, L.L.P. for reimbursement of North Carolina excise tax in the amount of \$4,000.

No one appeared to speak.

Motion was made by Commissioner Bishop, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the hearing on the request by Hamilton Moon Stephens Steele & Martin, L.L.P. for reimbursement of North Carolina excise tax in the amount of \$4,000 and approve the reimbursement.

### **(4B) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATION**

Motion was made by Commissioner Woodard, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to open the public hearing to receive comments on the County's intent to submit a 2007 Community Development Block Grant Scattered Site Housing Application.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to close the public hearing on the County's intent to submit a 2007 Community Development Block Grant Scattered Site Housing Application and approve submittal of the County's 2007 Community Development Block Grant Scattered Site Housing Application.

### **(5) ADVISORY COMMITTEE REPORTS – NONE**

**(6A) MANAGER’S REPORT - JAIL TREATMENT OPTIONS – AREA MENTAL HEALTH**

County Manager Jones addressed jail overcrowding and rehabilitation of some existing facilities to address this need as a short term solution. He noted that long term solutions are also being looked at. Staff will report back to the Board on all of these matters.

Grayce Crockett, Area Mental Health Director and Connie Mele of her staff gave a report on Jail Diversion Programs. They reviewed the specifics of a proposed model for Mecklenburg County.

It was noted that the report was being presented as information only.

*Note: The Mecklenburg County Jail Diversion Model is a comprehensive, coordinated delivery system which will identify, divert from incarceration, and treat the mentally ill/substance abuser who is placed, or about to be placed, within the Criminal Justice System.*

*The Jail Diversion Model will divert the mentally ill/substance abuser from incarceration to the appropriate services that will treat the illness in the least restrictive and most clinically appropriate setting while also addressing legal issues and criminal behavior.*

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

Comments

Commissioner Helms suggested that staff consider changing the name of the program from Jail Diversion to perhaps Specialized Correction Services. Commissioner Helms said Jail Diversion gives the impression that persons who go through this program avoid going to jail, even though persons going through the program would still spend some time incarcerated.

Commissioner Helms said the term Jail Diversion would not have the broad public or the political support that will be needed for this type of program.

Commissioner Helms said it needs to be named something that conveys that “we’re not just keeping persons out of jail but that we’re actually doing something to prevent recidivism or to improve their life.”

Commissioner Helms said he could see this as being a stand alone facility.

Commissioner James said he agreed with Commissioner Helms, with respect to the need for a name change. Commissioner James said the term Jail Diversion could be misleading and may give the impression that persons are not being punished.

Commissioner James asked for additional information with respect to the following questions: 1) How many times can someone go through the program? (He feels there should be a limit and would like staff to provide a recommendation with respect to this.) 2) In other places where Jail Diversion programs exist, how many people are in the program more than once? 3) What’s the recidivism rate for persons that have gone through the program, six months later, one year later, and two years later? 4) Does the program stop the behavior? 5) For those that are chronic offenders, how early did this pool of individuals get started in crime?

Commissioner James said he would like to see a program to divert kids from dysfunctional households.

Director Crockett noted a new Area Mental Health program soon to be implemented that deals with 16 and 17 year olds that are in Jail North and Jail Central. She said what staff wants to do is to start a program where Area Mental Health would provide services to the families of those incarcerated, in conjunction with working with those incarcerated, so that when they’re released things will be improved.

County Manager Jones said jail overcrowding is what's driving this issue.

Commissioner Bentley asked had there been any collaboration with the Towns. *The response was that they were not specific stakeholders but there has been some discussion with some of the towns. It was noted that the majority of those incarcerated are not from the towns, which is why discussions have taken place with the Charlotte Mecklenburg Police Department, rather than the Town Law Enforcements. Staff said it was, however, open to discussing the model with the towns.*

Commissioner Bishop said he was concerned about the pace in moving forward with solutions, in light of the fact that there are inmates sleeping on the floor. He feels this should be a high priority and should be dealt with some urgency.

County Manager Jones said the approach staff is using is consistent with the direction of the Board. County Manager Jones said it's important that a thorough analysis of the jail overcrowding issue is done, to ensure that what ever is done, that it's the most appropriate thing to do.

County Manager Jones said he, too, feels this is an important and urgent matter.

Commissioner Clarke suggested that in reviewing this matter of jail overcrowding that consideration is given to how the efficiencies gained with the new courthouse will impact projections. Commissioner Clarke said what ever decisions come out of the General Assembly with respect to funding the judicial system in Mecklenburg County also needs to be taken into consideration.

Commissioner James said no matter where individuals are diverted to, that they should go through Sheriff's ICE program.

William Wesse, President of NAMI-Charlotte and Elizabeth Cobb addressed mental illness in general and spoke in support of the program being proposed by Area Mental Health.

## CONSENT ITEMS

**Motion was made by Commissioner James, seconded by Commissioner Clarke and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the following item(s) with the exception of Items 9 and 17 to be voted upon separately:**

### **(7) APPROVAL OF MINUTES**

Approve minutes of Special meeting held February 7, 2007, including Closed Session minutes of February 7, 2007.

### **(8) TAX REFUNDS**

Approve refunds in the amount of \$16,893 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

### **(10) COMMUNITY SUPPORT SERVICES – GRANT APPLICATION**

Approve the submission of a grant application for funding in the amount of \$216,482 from the Governor's Crime Commission to Community Support Services for the Project Safe Neighborhoods Program and recognize, receive and appropriate such funds as awarded.

*Note: Mecklenburg County Government has received funding for the Project Safe*

*Neighborhoods (PSN) program since 2002. PSN is a nationwide commitment to reduce gun crime in America by networking existing local programs that target gun crime and providing these programs with the additional tools necessary to be successful. This grant submission will fund the community outreach and media engagement components of the program. No match is required.*

**(11) RAILROAD EASEMENT AGREEMENTS**

Authorize the County Manager to negotiate and execute easement agreements with railroad companies to accommodate greenway trails.

*Note: As the Countywide greenway system expands, greenway trails will occasionally need to cross railroad lands to facilitate connectivity. In such cases, fees associated with the granting of the easement will be incorporated into the greenway project budget. A current example of this situation exists with the proposed crossing of the Little Sugar Creek Greenway beneath the CSX railroad bridge in the Belmont Community.*

**(12) CLEAN WATER MANAGEMENT TRUST FUND GRANT APPLICATION**

Authorize County staff to submit an application to the Clean Water Management Trust Fund for cost share funding for the acquisition of a portion of Tax Parcel 009-061-01.

*Note: Real Estate Services staff, working in conjunction with The Trust for Public Land, is proposing to submit a cost-share application to the NC Clean Water Management Trust Fund (CWMTF) for the acquisition of approximately 34 acres of Tax Parcel 009-061-01. This 39-acre tract, located along Gilead Road at McDowell Creek, encompasses approximately 16 acres of floodplain and provides a critical linkage (+/- 2,050 linear feet of creek frontage) for the future expansion of the McDowell Creek Greenway. The upland acreage has been identified for a potential future neighborhood park.*

**(13) SYSTEM OF CARE FUNDING - DSS**

Recognize, receive and appropriate \$3,231 in federal funds for the System of Care Grant.

*Note: The additional funds are provided to cover the cost for representatives from Mecklenburg County (two staff and one family partner) to attend the SOC Grantee Conference in Washington, DC. No County dollars required.*

**(14) REVISIONS – LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE**

Amend the LUESA Fee Ordinance to clarify permit requirements and establish an optional fee structure for high-rise residential projects. Second Reading.

*Ordinance recorded in full in Minute Book 43-A, Document # \_\_\_\_\_.*

**(15) INDEPENDENT AUDITOR**

Approve extending the appointment of Cherry Bekaert and Holland as external auditor for the year ended June 30, 2007.

**(16) BARK IN THE PARK EVENT SPONSORSHIP – PARK AND RECREATION**

- 1) Authorize the County Manager to negotiate and execute sponsorship agreements for the Bark in the Park event scheduled for April 28, 2007 at William R. Davie Park.
- 2) Amend the Park and Recreation Department budget to recognize and appropriate \$35,000

sponsorship funds and event fees for the Bark in the Park event.

3) Approve Dog Parks Capital Reserve ordinance for designated dog park user fees and other revenues.

*Ordinance recorded in full in Minute Book 43-A, Document # \_\_\_\_\_.*

**(18) INSURANCE REIMBURSEMENTS**

Approve, recognize and appropriate funds in the amount of \$1,399 for Sheriff's Office, \$13,390 for Real Estate Services, \$87,376 for Park and Recreation, \$1,582 for Land Use and Environmental Services and \$754 for Social Services.

*Note: All reimbursements are for stolen and damaged items.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(9) WOMEN'S COMMISSION – FUNDS RECEIVED**

Motion was made by Commissioner Woodard, seconded by Commissioner Clarke, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to recognize, receive and appropriate contribution of \$2,868 from Shelter Alliance to the Mecklenburg County Community Support Services Women's Commission Division for the Domestic Violence Unit.

*Note: Contribution from Shelter Alliance will be used for domestic violence victim services.*

*Commissioner Woodard removed this item from Consent for more public awareness.*

**(17) CMC-RANDOLPH, BEHAVIORAL HEALTH CENTER RENOVATIONS**

Motion was made by Commissioner Woodard, seconded by Commissioner James, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to award a construction contract to Randolph & Sons Builders Inc. in the amount of \$6,153,847 for renovations and additions to the CMC-Behavioral Health Center.

*Commissioner Woodard removed this item from Consent for more public awareness with respect to the MWSBE participation. Commissioner Woodard said this was a good example of a "good faith effort."*

**STAFF REPORTS AND REQUESTS - NONE**

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(19) ILLEGAL IMMIGRATION AND MEDICAID RESTRICTIONS - ITEM WAS REMOVED**

**(20) REPORT - MAYOR'S IMMIGRATION STUDY COMMISSION – ITEM WAS REMOVED**



**(21) FY2007 – 2008 BUDGET CALENDAR**

Motion was made by Commissioner James, seconded by Commissioner Mitchell, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the FY2007 – 2008 Budget Calendar.

*Note: The FY2007-2008 Budget Calendar highlights key dates such as Budget Public Policy Workshops, Presentation of the Manager’s Recommended Budget, Public Hearing, and Adoption of the Budget. In addition to the regularly scheduled Budget Public Policy Workshops, a second Budget Public Policy Workshop was proposed for the fourth Tuesday of the month starting in March to provide sufficient time to brief the Board on issues affecting the development of the FY2008 Budget.*

**FY2007 – 2008 Budget Calendar**

<b>Tuesday, March 13, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Tuesday, March 27, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Tuesday, April 10, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Tuesday, April 24, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Tuesday, May 8, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Tuesday, May 15, 2007</b>	<b>Presentation of Manager’s Recommended Budget</b>
<b>Tuesday, May 22, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Thursday, May 24, 2007</b>	<b>Public Hearing</b>
<b>Tuesday, May 29, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Wednesday, May 30, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Thursday, May 31, 2007</b>	<b>Budget/Public Policy Workshop</b>
<b>Tuesday, June 5, 2007</b>	<b>Budget Adoption</b>

**(22) SELECTION OF BOARD LIAISON TO NCACC**

Motion was made by Commissioner Mitchell, seconded by Commissioner Woodard, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to select Commissioner Clarke as the Board’s Legislative Liaison to the North Carolina Association of County Commissioners.

*Note: The North Carolina Association of County Commissioners is requesting that all 100 counties appoint one county commissioner as its Legislative Liaison. Each county’s Legislative Liaison will serve as a conduit of information between the Association (via your county’s appointed District Director) and your Board of Commissioners.*

*Responsibilities will include:*

- *Ensuring other county commissioners are aware of legislative developments concerning issues of importance to counties*
- *Placing items of statewide importance on county Board of Commissioners agendas to generate discussion and elevate public awareness*
- *Providing a local voice that local media can rely upon for information on legislative issues*
- *Setting up or making sure regular meetings with local legislators are taking place*
- *Providing feedback to your county’s Association District Director on what local legislators, fellow Board members, other officials and the general public are saying about bills and issues, and what issues are elevated in your county*

*The NCACC will provide counties with regular agenda items and will provide Legislative Liaisons with talking points and educational materials that can be used to boost media and public awareness of legislation that impacts counties. The Legislative Liaisons initiative is one part of the NCACC’s strategic goal to enhance the ability of county officials to represent counties and the NCACC on local and statewide issues.*

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

**ADJOURNMENT**

Motion was made by Commissioner James, seconded by Commissioner Ramirez, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:09 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman