

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

APRIL 3, 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, April 3, 2007.

ATTENDANCE

Present: Vice-Chairman H. Parks Helms and Commissioners
Karen Bentley, Dumont Clarke, Bill James
Norman A. Mitchell, Sr. and Dan Ramirez
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Commissioners J. Daniel Bishop, Jennifer Roberts, and Valerie C. Woodard

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS - INSTITUTE FOR SOCIAL CAPITAL DATA SHARING AGREEMENT - DSS

The Board received a presentation regarding a proposed Data Sharing Agreement between the Department of Social Services (DSS), The University of North Carolina at Charlotte, and The University of North Carolina at Charlotte Institute for Social Capital, Inc.

Richard Jacobsen, Director of Social Services presented this matter to the Board.

Note: The Institute for Social Capital brings together local community-based organizations, government agencies and research institutions to compile, validate and analyze community data. The data to be shared with the Institute relating to eligibility for, and provision of, benefits and services to clients in Mecklenburg County will be combined with health and human services data from other agencies to create a comprehensive database from which qualified researchers and service agencies may obtain data not otherwise available. The NC Division of Social Services has reviewed the Agreement and has agreed that Mecklenburg County DSS should serve as the signator. All requirements for confidentiality of client records outlined in applicable NC statutes and administrative rules will be observed.

The following representatives from the University of North Carolina at Charlotte addressed the proposed agreement and the University's support of it: Dr. Joan Lorden, Provost and Vice Chancellor, Academic Affairs, James Woodward, Chancellor Emeritus, and Dr. Sharon Portwood, Executive Director Institute for Social Capital.

A copy of a handout distributed by Dr. Portwood is on file with the Clerk to the Board.

Commissioner Clarke asked Dr. Portwood which departments would be using the data. The

response was that it would vary.

Commissioner Clarke asked how was the Institute for Social Capital funded. The response was that they have a cooperation agreement with the University of N.C. at Charlotte, who provides some funding and they also receive grants.

Commissioner Ramirez expressed concern for individual privacy and HIPPA. The response was that they are aware of HIPPA and plan to adhere to those regulations.

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to approve Agreement for Cooperation and Data Sharing between Mecklenburg County Department of Social Services (DSS), the University of North Carolina at Charlotte (UNC-C), and the University of North Carolina at Charlotte Institute for Social Capital (ISC), pertaining to the transmission and use of data for research purposes; and direct the DSS Director to execute the Agreement.

Agreement recorded in full in Minute Book 43-A, Document # _____.

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

Prior to going into Closed Session, Nancy Brunnemer with Real Estate Services announced the following land acquisition matter to be discussed in Closed Session:

Tax Parcel 005-071-12 and Tax Parcel 005-071-11.

Attorney Bethune informed the Board that it was not necessary to go into Closed Session to Consult with Attorney or for Personnel Matter.

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 5:53 p.m. and came back into Open Session at 5:55 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board did not identify any items they wanted removed from consent and voted upon separately.

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

-FORMAL SESSION-

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

Note: The invocation included a “moment of silence” for slain Police Officers Sean Clark and Jeff Shelton.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) NATIONAL LIBRARY WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to adopt a proclamation designating April 15-21, 2007 as National Library Week in Mecklenburg County.

The proclamation was read by Commissioner Bentley and received by Charles Brown, Director Public Library of Charlotte-Mecklenburg County.

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

(1B) ALCOHOL AWARENESS MONTH

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to adopt a joint proclamation designating April 2007 as Alcohol Awareness Month in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Ramirez and received by Winona Chestnut, Director of Fighting Back.

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

(1C) SCOTTISH HERITAGE MONTH

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to adopt a proclamation designating April 2007 as Scottish Heritage Month.

The proclamation was read by Vice-Chairman Helms and received by Bob Deaton.

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

(1D) CHILD ABUSE AWARENESS AND PREVENTION MONTH

Motion was made by Commissioner Mitchell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to adopt a proclamation recognizing April 2007 as “National Child Abuse Awareness and Prevention Month” in Mecklenburg County.

The proclamation was read by Commissioner Mitchell and received by Natalie Jones.

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:

Carroll Gray & Ada Nicolay informed the Board of a WTVI new series called “Legacy,”

a 20 part series about the history of Leadership in the Charlotte community. It will start airing on Friday, April 6, 2007 and every Friday in April and May at 10:30 p.m.

Claudia Moses and Richard Lincoln, on behalf of Homeless Helping Homeless updated the Board on some of their activities and the needs of the homeless, specifically affordable housing and programs to assist in the transition. It was noted that DSS has approved a position to work with the SOAR initiative, which is an initiative to assist the homeless in filing for disability with the intent of lessening the waiting time for disability. They also asked the Board to accept and implement recommendations of a forthcoming 10-Year Plan to End Homelessness.

Blanche Penn, Dwayne Collins and Minister William Mohammad addressed the need for the community to pull together and organizations within the community to come together to help “our young people.” It was stated that youth need to be listened to, in order to find out what their needs are. They addressed a new initiative called “Youth Pulling It Up,” which will focus on the style of dress of youth and “pulling it up” for success. The event will kick off on April 28th.

Minister Mohammad addressed an initiative that began in February of this year in the Boulevard Homes and West Boulevard area to “curve and stop” the violence in this area working in accord with the Police Department. The initiative is entitled “100 Days of 100 Men to Curve the Violence.” Minister Mohammad said he would be back to the Board at the conclusion of the 100 days to share the results of this campaign.

Mary Short addressed Area Mental Health as a Local Management Entity (LME). Ms. Short also addressed the needs of her daughter, Katie, who has a “severe and profound” developmental disability. Ms. Short said she was confused as to why the LME has stopped billing for incontinent supplies.

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

County Manager Jones informed Ms. Short that someone from staff would respond to her complaint by the end of the week.

Martin Davis addressed what he referred to as the “10th Anniversary” of Board of County Commissioners defunding the Arts & Science Council.

APPOINTMENTS

(3A) JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to waive the Board’s Advisory Board Attendance Policy for Akeena Blackmon, Trina Fullard, Lauri Garo and Jeff Hood, and reappoint these members to the Juvenile Crime Prevention Council for the remainder of their terms so that the continuity of the Council will remain intact.

Note: The Board did not vote on appointing either Alan Teitleman or Douglas Wilson, who were nominated at the March 20, 2007 meeting, because there are no available general public slots at this time. The Board will have an opportunity in May to consider these applicants to fill upcoming general public slots. Also, staff will move forward with seeking applicants to fill the Faith Community category, formerly held by Jacotron Potts, who failed to meet the attendance requirement.

Note: The Board received a revised listing from the one that was presented to them at the March 20, 2007 meeting of those Juvenile Crime Prevention Council members that had failed to meet the attendance requirement. It was noted in a memo from Joel Riddle, Assistant to the County Manager that he originally miscalculated the attendance, which was calculated on a fiscal year basis, rather than the required calendar year. This resulted in some persons who were thought to have failed the attendance requirement, to have actually met it.

(3B) APPOINTMENTS

BOARD OF EQUALIZATION AND REVIEW

The vote was taken on the following nominees for appointment to the Board of Equalization and Review:

JoAnne Allen	Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez
James Barnett	Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez
Victoria Matias	Voting Ceased

Vice-Chairman Helms announced that JoAnne Allen and James Barnett were appointed to the Board of Equalization and Review for one-year terms expiring April 7, 2008.

They are replacing David Fuller and Meredith Stoever.

BUSINESS EXPANSION AND FUNDING

The vote was taken on the following nominees for appointment to the Business Expansion and Funding Corporation:

Round One

Scott Brown	Commissioners Helms, Mitchell, and Ramirez
Joe Mynatt	Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez
Mark Yacovetta	Commissioners Bentley, Clarke, and Helms

Round Two

Scott Brown	Commissioners Clarke, Helms, James, Mitchell, and Ramirez
Mark Yacovetta	Voting Ceased

Vice-Chairman Helms announced that Scott Brown and Joe Mynatt were appointed to the Business Expansion and Funding Corporation to fill unexpired terms expiring April 30, 2007.

They are replacing Ervin Cobb and Patricia Pollack.

CITIZEN'S CAPITAL BUDGET ADVISORY COMMITTEE

The vote was taken on the following nominees for appointment to the Citizen's Capital Budget Advisory Committee:

Bo Boylan	Commissioners Bentley and James
James Diana	None
Norm Gundel	Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez
Wilton Savage	Commissioners Clarke, Helms, James, Mitchell, and Ramirez

Vice-Chairman Helms announced that Norm Gundel was appointed to the Citizen's Capital Budget Advisory Committee to fill an unexpired term expiring July 31, 2008 and Wilton Savage to fill an unexpired term expiring July 31, 2007.

They are replacing Jerome Alexander and Mark Leggett.

WASTE MANAGEMENT ADVISORY BOARD

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

Angela Haigler	Commissioners Bentley, Clarke, Helms, James, and Ramirez
Douglas Wilson	Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez

Vice-Chairman Helms announced that Angela Haigler was appointed to the Waste Management Advisory Board to fill an unexpired term expiring August 9, 2008 and Douglas Wilson for a three-year term expiring March 14, 2010.

(4) PUBLIC HEARINGS – NONE

(2A) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner James, seconded by Commissioner Mitchell and unanimously carried with Commissioners Bentley, Clarke, Helms, James, Mitchell, and Ramirez voting yes, to adopt a resolution of intent to exchange a +/- 45.1-acre portion of Tax Parcel 005-071-12 (Robbins Park site) for a +/- 55.8-acre portion of Tax Parcel 005-071-11, owned by Westmoreland Communities, LLC, both properties located off West Catawba Avenue in Cornelius.

Resolution recorded in full in Minute Book 43-A, Document # _____.

(5) ADVISORY COMMITTEE REPORTS

(5A) ENVIRONMENTAL REGULATORY GAP ANALYSIS

The Board received a report on the Regulatory Gap Analysis: Environmental Regulations for Major Development Projects Across Municipalities in Mecklenburg County.

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

The report was presented by Heidi Pruess, Environmental Policy Administrator and Andy Zoutewelle, Chair of the Environmental Policy Coordinating Council.

Note: This report identifies the unique land development review process for each municipality as well as federal, state, and local environmental requirements for major development projects. Conclusions identify a gap in current regulations that will be addressed by the proposed Post Construction Control Ordinance.

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

(5B) DOMESTIC VIOLENCE REPORT – 2006

The Board received the Domestic Violence Advisory Report for 2006.

The report was given by Donna Dukes, chair of the Domestic Violence Advisory Board and Julie Owens, member.

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

(5C) CHILD FATALITY PREVENTION AND PROTECTION TEAM 2006 ANNUAL REPORT

The Board received the Community Child Fatality Team Annual report as mandated by North Carolina State statute 7B-1409/1.

Note: The Community Child Fatality Team presents this report each year to allow the Board of County Commissioners to learn about causes of death for Mecklenburg County children and to provide suggestions on ways to prevent them in the future.

The report was presented by Natalie Jones and Dr. Stephen Keener.

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

MANAGER'S REPORT

(6A) STATUS OF SENIORS INITIATIVE UPDATE – DSS

The Board received an update on the Mecklenburg County Status of Seniors Initiative.

Note: In preparation for the coming wave of aging baby boomers, the Board adopted as part of its Vision 2015 Plan the concept of a senior-friendly community which values dignity and independence for all older adults. The Status of Seniors Initiative brought together aging advocates, public and private sector stakeholders and citizens to develop recommendations and begin looking at policy changes in support of this vision. A number of the recommendations have been implemented and progress is being made. The update addressed what has been accomplished so far, what is currently in process, and what plans are being made to address other concerns of the aging community.

The report was presented by Richard Jacobsen, Director, Department of Social Services and John Eller, Services for Adults Director

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

(6B) CMS FUNDING EVALUATION GUIDELINES - DEFERRED

It was the consensus of the Board to postpone receiving a presentation on the CMS Funding Guidelines that incorporates data from the CMS Superintendent's budget request for FY08 until the April 10, 2007 Budget/Public Policy meeting, since all Commissioners were not present.

(6C) PRELIMINARY FY2008 REVENUE ESTIMATES AND FUNDING REQUESTS

It was the consensus of the Board to postpone receiving a presentation on preliminary revenue estimates and funding requests for FY2008 until the April 10, 2007 Budget/Public Policy meeting, since all Commissioners were not present.

CONSENT ITEMS

Motion was made by Commissioner Mitchell, seconded by Commissioner Clarke and carried 5-0, with Commissioners Bentley, Clarke, Helms, Mitchell, and Ramirez voting yes, to approve

the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held March 20, 2007, Budget/Public Policy Meeting held March 13, 2007, and Closed Session meeting held March 7, 2007.

(8) WORK RELEASE & RESTITUTION CENTER RESIDENTS FUNDS – SHERIFF’S OFFICE

Recognize, receive and appropriate interest collected from the Work Release and Restitution Center’s residents’ funds in the amount of \$17,355 for the Mecklenburg County Sheriff’s Office Work Release and Restitution Center.

(9) REGISTER OF DEEDS ENHANCEMENT/PRESERVATION SPECIAL REVENUE FUND

Recognize \$580,000 of fee revenue in the Register of Deeds Enhancement/Preservation Special Revenue Fund and appropriate the amount for automation and preservation enhancements.

(10) AQUATIC CENTER CAPITAL RESERVE REQUEST

Authorize a capital reserve expenditure of \$22,485 from funds accrued from Mecklenburg County Aquatic Center revenues to install an ultra-violet water treatment system in the warm pool area.

(11) DESTRUCTION OF DOCUMENTS – LUESA

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

Note: These records are comprised of 392 commercial plans permitted Feb 2005.

(12) STREET LIGHTING PRELIMINARY ASSESSMENT ROLLS – SET PUBLIC HEARING

To adopt resolutions setting a public hearing on May 15, 2007 at 6:30 p.m. on Street Lighting Preliminary Assessment Rolls for the Brantley Oaks, Capps Hollow, Cardinal Woods, Coffey Creek/Ayrshire Glen, Hearthstone, Highland Park, McGinnis Village, Mountain Point, Mountain Point Estates, Ridgewood, Royal Oaks, Spicewood, Stewarts Crossing, and Wilson Glen Subdivisions.

Resolutions recorded in full in Minute Book 43-A, Documents # _____ - _____.

(13) MYERS PARK TRINITY LITTLE LEAGUE LEASE AGREEMENT

Approve a resolution of intent for a lease agreement between Mecklenburg County and Myers Park Trinity Little League for the operation and maintenance of the baseball fields at Randolph, Grier Heights, Independence, and Pearl Street parks for youth programming and for general public recreation use; and direct Clerk to the Board to publish Notice of Intent.

Resolution recorded in full in Minute Book 43-A, Document # _____.

(14) CHARLOTTE JUNIOR SOCCER LEASE AGREEMENT

Approve a resolution of intent for a lease agreement between Mecklenburg County and Charlotte Junior Soccer Foundation, Inc., for the operation and maintenance of the soccer fields at Randolph, Independence, Freedom, Pearl Street and Latta parks for youth programming and for general public recreation use; direct Clerk to the Board to publish Notice of Intent.

Resolution recorded in full in Minute Book 43-A, Document # _____.

(15) FUNDING ADJUSTMENT – AREA MENTAL HEALTH AUTHORITY

- A) Approve, recognize, receive and appropriate State funds in the amount of \$100,480 for Adult Mental Health HUD 811 Housing Funding.

Note: These funds will be used to assist in covering the capital shortfall associated with the Mental Health Association HUD 811 Metrolina #6 & 7 apartments.

- B) Approve transfer of Local Management Entity (LME) funding for dedicated LME projects to the Technology Reserve Fund in the amount of \$400,000.

Note: On May 16, 2006, the Board of County Commissioners approved request to carry over unspent LME designated state funding of \$400,000 for a new computer system to integrate with the state's billing system. These funds are restricted for this purpose only. This request is to transfer these funds from the operating budget to the Technology Reserve fund since funds will not be spent this fiscal year. These funds are to be used exclusively by the Area Mental Health Department.

- C) Approve and recognize the addition of 4 new positions for the Local Management Entity (LME), two positions in Utilization Management and two in Provider Relations.

Note: These positions will be funded entirely with state funds currently budgeted.

(16) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION DEMONSTRATION GRANT

Recognize, receive and appropriate Department of Juvenile Justice and Delinquency Prevention (DJJDP) demonstration grant funds in the amount of \$43,500 for Multi-Systemic Therapy services as recommended by the Mecklenburg County Juvenile Crime Prevention Council.

(17) ENGINEER SELECTION – TESTING AND INSPECTION SERVICES MULTIPLE PROJECTS

Authorize the County Manager to negotiate a fee and execute a contract as needed with (5) five firms for the Engineering Testing and Inspection Services for Behavioral Health Center, Northwest Health Facility, Medical Examiner Relocation, Revolution Regional Sports & Learning Academy, and Youthful Offender Jail North:

- ECS Carolinas, LLP.
- S&ME, Inc.
- ESP Associates, P.A.
- PSI Engineering
- WPC, Inc.

(18) ENGINEER SELECTION – BUILDING SYSTEMS COMMISSIONING SERVICES

Authorize the County Manager to negotiate a fee and execute contracts as needed with (2) two firms: KLG Jones and System WorCx for Building Systems Commissioning Services for the Youthful Offender Addition to Jail North and future phases of Freedom Mall Renovations.

(19) TAX REFUNDS

Approve refunds in the amount of \$11,931 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.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS - NONE

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

ADJOURNMENT

Motion was made by Commissioner Mitchell, seconded by Commissioner Bentley and carried 5-0, with Commissioners Bentley, Clarke, Helms, Mitchell, and Ramirez voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:55 p.m.

Janice S. Paige, Clerk

H. Parks Helms, Vice-Chairman