

APRIL 15, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

**NORTH CAROLINA
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, April 15, 2008.

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.
Deputy County Attorney Sandra Bisanar
Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

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

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

(1A) STAFF BRIEFING – CENTER CITY VISION PLANNING

The Board received a presentation from Michael Smith, President of Charlotte Center City Partners regarding the Center City Visioning Process for development of a 2020 Vision Plan.

The presentation addressed the

- Changing Dynamics
- Planning Legacy
- Purpose of the Plan (To provide a development framework and planning recommendations for the center of the region; inspire public & private partnerships; capture the vision of the full community for their Center City)
- Scope, Management, and Organization of the Plan (Co-chairs: Harvey Gantt & Ann Caulkins)
- Process
- Adoption of the Plan by Charlotte City Council and the County Commission
- Estimated cost and funding (\$750,000 total with \$125,000 from both the City and County in their 09 and 010 budgets and Center City Partners; 18-month process)

Comments

Commissioner Helms expressed support of the process and hopes the County Manager will place this matter in his recommended budget.

County Manager Jones said he supports the 2020 Center City Visioning Process, however, he has informed Mr. Smith that he can't commit to funding on the part of the County at this time, in light of the budget shortfall that he's faced with in preparing his recommended budget.

Commissioner Bentley said she thinks it's "wise" to have the towns involved in this process.

Commissioner Ramirez commented on the importance of getting the entire community to understand this effort benefits everyone and not just a certain segment of the community.

Mr. Smith said everyone in the County should look at this as being "their" Center City and the middle of the region. Mr. Smith said they realize that they have to change the way the citizenry looks at this type of planning.

Commissioner Clarke suggested there be a focus on what the barriers are that causes people to feel or have the perception that the Center City is just for the "young and affluent."

Chairman Roberts said physical barriers need to be looked at also, such as parking and transit.

Commissioners Woodard and Bishop entered the meeting.

Commissioner Mitchell asked what happens if one of the entities can't participate financially. *The response was it would mean going back to the drawing board, with the possibility of it not occurring at all. It was noted that each entity has a "stake" in this process.*

Chairman Roberts thanked Mr. Smith for his presentation.

No action was taken or required at this time.

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

(1B) STAFF BRIEFING - CHARLOTTE REGIONAL VISITORS AUTHORITY

The Board received a proposal from Timothy E. Newman, Chief Executive Officer of the Charlotte Regional Visitors Authority (CRVA) regarding an appropriation of residual funds collected by the County from the occupancy tax and prepared food and beverage taxes.

Highlights:

- The CRVA proposes that an annual contract be developed between the County and CRVA for each of the years in which this appropriation is made with specific listing of expenditures per year.
- CRVA, for fiscal year 2009, propose to fund:
 - The athletic facility upgrades listed as priority projects by the County's Park and Recreation Department
 - County contributions to the CIAA Tournament, Sprint All-Star Race and other hospitality events that CRVA would normally come to the County for a budget request on.
- If these funds are appropriated, the CRVA would pledge not to come to the County for any requests for the budget in any year of the appropriation.
- The County Manager has informed Mr. Newman of the County's current budget concerns for FY09 and that he can't commit to anything at this time.

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- CRVA request continued funding from the County, as done in the past for certain events, if the County cannot make a contractual commitment beginning in FY 09.
- Noted also was a new forthcoming event, the ACC Football Championship, which will result in a request for support of this event, if an annual contract between the County and CRVA doesn't occur.

Mr. Newman said there have been discussions in Raleigh regarding a possible audit of what counties spend their hospitality tax on. Mr. Newman said if the County would agree to enter into a contract with CRVA, it would make the County "pretty air tight relative to all hospitality tax proceeds going to the hospitality industry."

Mr. Mohammad Jenatian, with the Hospitality and Tourism Alliance, spoke in support of the request.

Comments

Chairman Roberts asked whether CRVA's comment concerning funding Park and Recreation athletic facility upgrades means less operational funding needed for Park and Recreation. *The response was that this would be funding in addition to what's allocated to Park and Recreation.*

Commissioner James noted in response to Mr. Newman's statement regarding a state audit of how these taxes are spent, that an audit would show Mecklenburg County gives more than its share of taxes to the hospitality/cultural arts industry.

Commissioner Helms spoke in support of CRVA's request.

Commissioner Bishop asked staff to provide information on the areas in which residual funds collected by the County from the occupancy tax and prepared food and beverage taxes are appropriated.

Commissioner Clarke asked to see CRVA's plan for spending these funds, over multiple years.

No action was taken or required at this time.

Chairman Roberts thanked Mr. Newman for his presentation.

Commissioner Mitchell left the meeting and was absent until noted in the minutes.

(2A, B) CLOSED SESSION – A) CONSULT WITH ATTORNEY B) PROPERTY ACQUISITION

Prior to going into Closed Session, Attorney Bethune said the Consult with Attorney matter includes litigation involving Nikita Mackey v. Mecklenburg County; Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation; and Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC . The Property Acquisition matter has to do with various leasehold estates at Freedom Mall.

Motion was made by Commissioner Ramirez, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Ramirez, Roberts, and Woodard voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Property Acquisition.

Commissioner Mitchell returned to the meeting immediately following the vote on the motion.

The Board went into Closed Session at 6:05 p.m. and came back into Open Session at 6:15 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 Commissioner Helms which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS

(1A) FAIR HOUSING MONTH

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to adopt a joint proclamation designating April 2008 as "Fair Housing Month" in Charlotte/Mecklenburg County.

The Proclamation was read by Commissioner Woodard and received by Chapin Ferguson, chairman of the Community Relations Committee.

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

(2) PUBLIC APPEARANCE

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

Nate Huggins, President, Mecklenburg County Adult Daycare Association addressed adult daycare services.

(3) APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

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 nominate and appoint at tonight's meeting, Brenda Allison to the Adult Care Home Advisory Committee for a one-year term expiring April 30, 2009.

She is replacing Lavalette Featherstone.

BICYCLE COMMITTEE

The following persons were nominated for appointment consideration to the Bicycle Committee:

Elizabeth Barnhardt by Commissioner Ramirez

Jane Cacchione by Commissioner Bentley

An appointment will be made on May 7, 2008.

WASTE MANAGEMENT ADVISORY BOARD

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, to reappoint Gary Bies to the Waste Management Advisory Board for a three-year term expiring April 15, 2011.

Motion was made by Commissioner Helms, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to nominate and appoint at tonight's meeting, Angela Weicherding to the Waste Management Advisory Board to fill an unexpired term expiring June 30, 2010.

She is replacing Daniel Schenstorm.

(4) PUBLIC HEARINGS – ZONING PETITION #2008-001(C)

Chairman Roberts declared open the scheduled public hearing on Petition No. 2008-01(c) – Change in zoning from R-3 to R-8MF (CD) for approximately 3.77 acres located on the west side of Lancaster Highway between Southcrest Lane and Winghurst Drive. Petitioner: Sinacori Homes, LLC.

Note: Mark Loflin, Vice Chairman of the Zoning Committee of the Planning Commission and members George Sheild, Nina Lipton, Yolanda Johnson, Joel Randolph, and Stephen Rosenburgh were present for the public hearing.

Tom Drake with the Charlotte-Mecklenburg Planning Department identified the subject property on a map and explained the land uses and the zoning pattern of the surrounding area.

- This petition seeks approval for 22 town homes, with a resulting density of about 6.4 units per acre.
- The site is within Pineville's sphere of influence but not within the town's municipal limits or its extra-territorial jurisdiction (ETJ). Therefore, Mecklenburg County retains jurisdiction over the site.
- There is no adopted land use plan for this area.

The site plan which accompanies this petition contains the following provisions:

- Elevations included as part of the site plan indicate two-story town homes with two-car garages entered at the rears of the units. There is a private entry road with parallel parking on both sides.
- A 26-foot Class "C" buffer is provided, reduced in some areas to 19.5 feet by construction of a six-foot wooden privacy fence.
- Approximately 20 feet to be dedicated to NCDOT along Lancaster Highway for future widening. An eight-foot planting strip and six-foot sidewalk will run the length of the site.
- Interior trees will be planted.

Kevin Icard, Planning Director with the Town of Pineville, addressed the petition. Mr. Icard spoke in support of the rezoning request but said there were concerns regarding the type of parking and the number of parking spaces. He said the sidewalk issue was resolved. He shared information regarding overlay districts as a result of Pineville doing a massive rezoning of the entire town.

Mr. Icard said if this property is eventually annexed, it'll be rezoned and have an overlay district

applied to it, probably residential.

Commissioner Bishop asked how pending issues, such as parking, would be addressed. *The response by Mr. Drake was that it's expected that there will be a revised site plan on the part of the petitioner, depending on what the petitioner is willing to do. That revised site plan would be presented to the Zoning Committee during their deliberation.*

Commissioner James asked about CMS student projections, which was addressed. *It was noted that this petition will not generate a significant increase in the student population in this area.*

Russell Sinacori, the petitioner, addressed his request.

No one appeared to speak in opposition.

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

Motion was made by Commissioner Mitchell, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts and Woodard voting yes, to close the public hearing on Petition No. 2008-01(c) – Change in zoning from R-3 to R-8MF (CD) for approximately 3.77 acres located on the west side of Lancaster Highway between Southcrest Lane and Winghurst Drive. Petitioner: Sinacori Homes, LLC.

Note: The Board will not make a decision until a recommendation is received from the Planning Commission, which should occur at the May 20, 2008 meeting.

Members of the Zoning Committee left the meeting at this time.

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6A) JAILS MASTER PLAN

The Board received information from Kimme & Associates, Inc. /Law & Policy Associates with assistance from American University, on the County's Detention Operations Master Plan.

Dennis Kimme and Teri Martin gave the report. They were introduced by County Manager Jones.

Prior to the start of the presentation, County Manager Jones noted that Kimme would be providing a 'base' plan and a 'modified' plan if the County invests in system changes. Manager Jones said in light of the 'modified' plan, he is giving strong consideration to providing funding for those recommended changes in his budget recommendation. He said the costs for those services are not currently included in the gap in revenue that he previously informed the Board about with respect to next year's budget.

Kimme's presentation covered the following:

- Adult Jail Population History
- Overcrowding
- Base Plan Average Daily Population Projections
- Base Plan Facility Projections
- Base Plan Construction Costs
- Base Plan Annual Operational Costs

- Base Plan Combined Annual Cost Increases

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- Recommended Approaches to Managing Jail Population Size
 - Team Effort
 - Elements of Kimme & Associates Approach

 - Three Keys to Controlling Jail Population
 - Reduce volume of admissions/bookings
 - Increase police use of citations for those charged with low-level offenses
 - Divert mentally ill individuals charged with low-level offenses
 - Pre-warrant screening of citizen complaints by DA's office
 - Shorten pre-disposition stays
 - Expedite resolution of jailed misdemeanor cases
 - Expedite disposition of jailed non-homicide felony cases
 - Expedite resolution of jailed homicide cases
 - Prompt resolution of jailed probation violation cases
 - Establish system for supporting and monitoring results of population management efforts
- Modified Plan Average Daily Population Projections
- Modified Plan Facility Projections
- Modified Plan Construction Costs
- Modified Plan Annual Operational Costs
- Modified Plan Combined Annual Cost Increases
- Estimated Cost Avoidance From Implementing Consensus Changes
- Maintaining the Cost Reductions
- Savings through Change: Construction/Project Costs

Note: The full report of the Jails Master Plan will be made available to the Board at a later date.

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

Comments

Commissioner James asked was there national comparative data available for Mecklenburg County and peer communities, with respect to incarceration rates. *The response was it could be obtained, but it should be kept in mind that different states have different laws that impact the incarceration rate.*

Commissioner James said he would like to know how the gap between Mecklenburg County's incarceration rate and the national rate compares with other peer communities. He also wants to know the incarceration rate for the six towns within Mecklenburg County vs. the City of Charlotte vs. the zip codes within Charlotte (using the addresses of those incarcerated).

Commissioner James said he wants to know where this gap is being generated in Mecklenburg County.

Commissioner James said it's possible to fund Phase I out of the current budget without a tax increase using pay-go. Commissioner James said the Board could move pay-go into debt service for the jail for the period of time the County is doing Phase I and "save up some money" over the next five to seven years to pay for Phase II, each year incrementally.

Chairman Roberts said the report presented shows that the arrest and the intake have actually gone down. Chairman Roberts said it's her understanding that crime statistics are not going up and that the problem and inefficiency is with the pre-trial population and the average length of stay associated with that. Chairman Roberts said the County has some real obstacles with respect to processing, the court system and other areas of the criminal justice system, which contributes to the whole issue.

Commissioner Helms said the report is saying the criminal justice system in Mecklenburg County can't continue as is, that there needs to be some fundamental changes in the methods, the

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operational procedures and in what's being done in terms of the people that are being incarcerated.

Commissioner Helms said there are two things he feels that need to be done in moving forward; 1) more effective use of citations and 2) inmates that are mentally ill need to be separated from the general inmate population.

Commissioner Clarke commented on the complexity of the criminal justice system and the fact that it's ran by different groups. He questioned whether or not one of the issues that need addressing is management of the system. Commissioner Clarke said this issue isn't addressed in the report.

Commissioner Clarke said he's not sure if the structures to manage the resources in an effective way to achieve what the report is recommending currently exist.

Kimme's response was yes, Commissioner Clark is correct that the criminal justice system is a lot of moving parts that have to work in sync, which they said has not always been the case. It was stated further that in order for any of this to work, you would need to create a "czar" of criminal justice processes in the community or a permanent working group that actually tracks these things and tries to affect policy. Mr. Kimme said otherwise there's a possibility that the achievements of the study sort of "drift away" in implementation over time.

Chairman Roberts said there have been discussions with the County Manager regarding creating a blue ribbon commission to look at this entire issue overall, using as part of its findings information from the Kimme Report and American University. This commission would also bring the various groups together to get an overview of what's occurring.

Chairman Roberts said there's a lot more to this issue then just jail facilities.

Ms. Martin said in other communities they've worked with or observed, an essential piece of the work is to have an on-going management capacity, often located in the county management structure.

Commissioner Bishop expressed opposition to the idea of issuing more citations rather than incarcerating those that violate the law. *The response was that citations would be issued to those committing low level offenses, such as ordinance violations. It would not have a dramatic impact on the daily average population. Also, that the focus is not the citation piece but on improving efficiency and moving people through the system.*

Commissioner Bishop said he feels more jail facilities are needed and that the County should move in this direction.

County Manager Jones reminded the Board that the cost presented in the presentation was exclusive of the cost associated with land to build new facilities. He stated further that to build a pre-trial facility the County is going to be challenged in the downtown area. He said the County would have to have the Planning department involved if the County doesn't have the ability or cannot find the ability to build a jail in the downtown area. He said if it's not in close proximity to the existing jail and courthouse, then additional costs would be incurred, such as, transportation cost and/or technology cost (use of video conferencing). County Manager Jones said there are lots of things to be worked out with various partners in addressing this need.

Commissioner James asked about the status of the jail diversion concept. *County Manager Jones said he would have Area Mental Health Director Grayce Crockett provide the Board with an update.*

Commissioner Woodard said the importance of education should be kept in mind because

education is a preventive measure and that "once people are educated you have less incarceration."

No action was taken or required at this time.

Chairman Roberts thanked Kimme and Associates for the report.

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

CONSENT ITEMS

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 approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held April 1, 2008; Closed Session minutes of April 1, 2008 and January 15, 2008; Special Meeting held February 26, 2008.

(8) TAX REFUNDS

Approve refunds in the amount of \$82,062.33 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other information.

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

(9) GRANT APPLICATION – COMMUNITY SUPPORT SERVICES DEPARTMENT

Approve the submission of a grant application in the amount of \$191,593 from the Department of Health & Human Services – Administration for Children and Families to Community Support Services for the Domestic Violence Supportive Assistance Partnership Program;

Recognize, receive and appropriate the grant amount, when awarded; and approve carry forward of any unspent grant funds at June 30 to fiscal year 2009.

(10) LITERACY COLLABORATIVE – RESTRICTED CONTINGENCY FUNDS

Approve the release of \$150,000 from restricted contingency into the County Manager’s Office budget to fund summer literacy initiatives; and approve carry forward of any unspent funds at June 30, 2008 to the new fiscal year.

(11) SUNSET HILLS – CAPITAL RESERVE REQUEST

Authorize a capital reserve expenditure of \$12,340 from funds accrued through Sunset Hills Public Golf Course revenues to irrigate the golf course driving range.

(12) RAMSEY CREEK PARK – CAPITAL RESERVE REQUEST

Authorize an expenditure of \$12,775 from Park and Recreation Capital Reserve Funds for stabilization and erosion control measures along the shoreline of Ramsey Creek Park.

(13) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY

Approve funding adjustments as follows:

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- A. Approve, recognize, receive and appropriate Medicaid funds in the amount of \$7,595 in fiscal year 2007/08 and \$114,928 in fiscal year 2008/09 for Children's Developmental Services.
- B. Approve the establishment of two full time case coordinator positions in Children's Developmental Services.
- C. Approve, recognize, receive and appropriate Medicaid funds in the amount of \$56,000 for the purchase of durable and consumable goods for consumers enrolled in the Community Alternatives Program for Mental Retardation/Developmental Disabilities (CAP-MR/DD).
- D. Approve, recognize, receive and appropriate State funds in the amount of \$125,000 for the purpose of increasing perinatal and maternal substance abuse service capacity.
- E. Approve the establishment of one full time position in Child and Adolescent services to serve as a Liaison on a team to support children and families enrolled in MeckCARES, Mecklenburg County's system of care program for severely and emotionally disturbed children.
- F. Approve, recognize, receive and appropriate Federal funds for Shelter Plus Care program in the amount of \$684,978 for period March 2008 thru March 2009 and approve the carry forward of any unspent grant funds at June 30, 2008 to the next fiscal year.
- G. Approve, recognize, receive and appropriate State funds in the amount of \$36,000 for the purpose of Adult Mental Health HUD 811 Apartments.
- H. Reduce Area Mental Health – Adult Mental Health Services State funding in the amount of \$3,000. *Note: This decrease is necessary to align the Area Mental Health's FY08 budget with allocations from the North Carolina Division of Mental Health.*

(14) JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM GRANT

Approve submission of a \$250,000 grant application to the U.S. Department of Justice for mental health services at the jail. If awarded, recognize, receive, and appropriate the grant amount awarded.

(15) PERSONAL PROPERTY EXCHANGE WITH DORAL II LIMITED PARTNERSHIP

Adopt a resolution of intent to exchange personal property (fixtures and equipment) in the apartment complex to be acquired from Cavalier Associates Limited Partnership with Doral II Limited Partnership for its claims against the City and County for flood damages.

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

(16) LEASE FOR ATM MACHINE – 4TH STREET PARKING DECK

Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Bank of America, N.A."

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

(17) TANF DOMESTIC VIOLENCE REVENUE – DSS

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Recognize and receive and appropriate an additional \$17,000 for TANF Domestic Violence Revenue from the NC Division of Social Services.

(18) BUDGETARY ACTION – FREEDOM MALL

Recognize and appropriate \$73,300 from operation of Freedom Mall needed to fund expenditures for the Mall.

Note: Rental revenue generated from the operation of Freedom Mall is needed to fund expenditures for the Mall.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

STAFF REPORTS AND REQUESTS

(19) STD/HIV JAIL TESTING

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to approve the release of the \$350,000 from restricted contingency for STD/HIV jail testing services; and approve the carry forward of unused funding at June 30, 2008 to continue funding this new program through FY 2009.

Prior to the above vote, Bobby Cobb with the Health Department addressed this matter.

Comments prior to the vote:

Commissioner Woodard said another related issue that needs to be addressed is youth prevention of HIV/AIDS. She asked that the Health department take this under consideration to see what can be done.

Commissioner Mitchell asked when would testing begin. *The response was that a specific date could not be given, but it'll be in the very near future.*

Commissioner Mitchell asked would all prisoners be tested. *The response was that testing would initially occur during an inmate's physical, however, there are some inmates who are released prior to the time to have a physical.*

Commissioner Ramirez asked about the testing procedure and the tracking of inmates, which was addressed.

Commissioner Woodard asked would the test be given as a standard procedure or would the inmate's permission be needed. *The response was that the inmate's permission is needed. Inmates can choose not to have the test. It was noted that experience shows that most people prefer to have the test.*

Commissioner Bishop asked why do inmates have a choice as to whether or not they want to be tested. *The response was that the test is not required and that it would take a change in state law to make it mandatory.*

(24) MAGISTRATE PLACEMENT IN SATELLITE OFFICES

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The Board received information on a proposed pilot project to locate a magistrate in northern Mecklenburg County.

Chairman Roberts and Commissioner Bentley addressed this issue.

Jean Miller, Police Chief for the Town of Davidson spoke in support of the request. Chief Miller said she was also speaking on behalf of officials from the towns of Cornelius and Huntersville.

Kathryn Firmin-Sellers of United Family Services with the Lake Norman/Mooresville Region area office also spoke in support of the request. Amanda Wilson of United Family Services was also present.

Note: Kathryn Firmin-Sellers of United Family Services (UFS) has been working with the police chiefs in the Northern Towns to develop a pilot project to place a magistrate in Northern Mecklenburg County to improve efficiency and assist, in particular, with domestic violence cases. UFS is finding that a large portion of victims will not seek a protective order or other legal remedy because they would have to travel to Jail Central. Victims often lack transportation, either because they have no vehicle or because their abuser closely monitors and controls their mileage. In addition, victims have difficulty arranging child care for extended periods of time.

The issue was discussed with Chief District court Judge Fritz Mercer, and he asked Judge James Lanning to study the matter and provide a recommendation. Judge Lanning met with Ms. Sellers and police chiefs from the northern town February 4. Judge Lanning endorsed a proposal to assign a magistrate to North Mecklenburg County three evenings per week. The magistrate would be housed at Cornelius Police department free of charge with a secure, electronic link to the Magistrate's Office and Mecklenburg County Jail Central. United Family Services would provide a Victim Assistance staff person to assist the magistrate with his or her work.

The magistrate would assist both the public and law enforcement officers in (1) obtaining warrants and/or criminal summons, (2) involuntary commitments, (3) the 50B process, and (4) all other cases that do not involve direct contact with inmates (i.e. bonds). Advocates of the pilot project recommend that it operate for a minimum of six months prior to initial evaluation, and should be evaluated based on (1.) a steady increase in the magistrate caseload from the first to the sixth month, indicating that public and law enforcement will access the service as awareness of the service increases; and (2.) a satisfaction survey administered to law enforcement personnel and Victim Assistance clients.

Motion was made by Commissioner Helms, seconded by Commissioner Woodard and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to receive the information on a proposed pilot project to locate magistrate in the Northern Mecklenburg County; and to direct the Sheriff's Office to analyze the fiscal and operational impact of such a proposal and report back to the Board of County Commissioners.

Prior to the above vote, Commissioner James requested that a copy of this proposal be sent to the three southern towns. Chief Miller noted that the northern towns have been in contact with the southern towns regarding this proposal and that they have expressed an interest in a similar program.

Commissioner James said he would like for the report that comes back to the Board to include an analysis of the southern towns as well.

Commissioner Bentley noted also the involvement of the southern towns. Commissioner Bentley said there has been a lot of collaboration, including discussions about sharing a magistrate.

Commissioner Bentley asked how long does staff think it'll take to do the analysis.

Sheriff Daniel 'Chipp' Bailey said he was generally supportive of the proposal, but that there

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were some logistical questions to be answered. A specific timeframe could not be given, but it was noted that it may take a couple of weeks.

(20) NORTH CAROLINA BEHAVIORAL HEALTH PARTNERSHIP UPDATE

The Board received updated information about the progress of the North Carolina Behavioral Health Partnership development.

Grayce Crockett, Director of Area Mental Health gave the update.

Note: The Smoky, Guilford and Mecklenburg Local Managements Entities are in the process of developing a partnership which will result in each local Board approving a 160(a) interlocal agreement creating an entity which will manage the “back-office” functions of an LME to include Screening, Triage and Referral, Utilization Management, Billing and data management. This entity will create efficiencies and economies of scale freeing up administrative dollars to be spent on consumer services.

The update covered the North Carolina Behavioral Health Partnership

- Background
- Priorities
- Model
- Next Steps

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

No action was taken or required.

(2B) CLOSED SESSION – PROPERTY ACQUISITION

Motion was made by Commissioner Ramirez, seconded by Commissioner Bishop and unanimously carried with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, to adopt the following resolutions:

- 1) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To FL Specialty Operations, LLC For Suite 4 Of Freedom Mall
- 2) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Simply Fashion Stores, Ltd. For Suite 46-A Of Freedom Mall
- 3) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Measurement Incorporated For Suite 47-A Of Freedom Mall
- 4) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Foot Locker Stores, Inc. For Suite 22 Of Freedom Mall
- 5) Resolution Authorizing The Institution of Condemnation Proceedings For The Acquisition of The Leasehold Interest Belonging To Rainbow Apparel of America, Inc. For Suite 53 Of Freedom Mall

Resolutions recorded in full in Minute Book 44-A, Documents # _____, _____, _____, _____, and _____.

(21) BUSINESS INVESTMENT GRANT: TESSERA TECHNOLOGIES

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and James voting no, to approve Mecklenburg County's share of a Business Investment Grant to Tessera Technologies for a total estimated amount of \$503,119 over five (5) years. (Total County/City grant estimated at \$778,224).

Note: Tessera Technologies (Tessera), headquartered in San Jose, California is an advanced manufacturer of photonic and optical parts used in a variety of industries. In 2006, Tessera purchased Charlotte-based Digital Optics, a company that produces micro-optics for miniature cameras found in mobile phones, computers, security cameras, and other electronic devices.

Tessera currently employs 102 workers in Charlotte, and is contemplating a \$30 million expansion, which would add 185 new jobs over the next five years. Tessera's proposed expansion will occur at its existing facility located at 9815 David Taylor Drive, within the University Research Park.

Jaz Tunnell, Assistant to the County Manager presented this matter to the Board.

(22) BUSINESS INVESTMENT GRANT: SPEED CHANNEL

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-3 with Commissioners Clarke, Helms, Mitchell, Ramirez, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and James voting no, to approve Mecklenburg County's share of a Business Investment Grant to SPEED Channel, Inc. for a total estimated amount of \$625,169 over five (5) years. (Total County/City grant estimated at \$967,011).

Note: SPEED Channel, headquartered in Charlotte, NC is a cable and satellite television network, primarily devoted to coverage of various forms of auto racing. SPEED Channel currently employs 79 workers in a leased facility located at 9711 Southern Pine Boulevard. The company plans to move its corporate headquarters and build new production facilities when its lease expires in January 2009. SPEED Channel's plans include acquisition of the Verbatim Building, which is located at 1200 West W.T. Harris Boulevard (within the University Research Park). Creation of 34 new jobs and the retention of 79 existing jobs with an average wage of \$79,000

Jaz Tunnell, Assistant to the County Manager presented this matter to the Board.

Commissioner Woodard asked for a list of previously approved business investment grants and the location of the businesses.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(23) COUNTY CONTRACT LANGUAGE RELATING TO IMMIGRATION REFORM AND CONTROL ACT

Commissioner James addressed reconsidering adopting as policy additional contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants. He noted that he was not present when this matter was discussed on March 18, 2008.

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Commissioner James said he understands currently counties aren't required to use E-Verify, although eventually he feels this will change. Commissioner James said the additional language being proposed doesn't require more of contractors because many of the things mentioned in the language, contractors are already doing. He said the main difference is probably the part concerning the contractor agreeing to indemnify and hold and save the County harmless if there's a breach of contract.

Motion was made by Commissioner James, seconded by Commissioner Bishop, to reconsider adopting as policy additional contract language designed to help ensure that all contracts and projects of the County that utilize taxpayer funds do not support the employment of illegal immigrants.

Substitute motion was made by Commissioner Clarke, seconded by Commissioner Helms, to reaffirm the Board's previous action taken on March 18, 2008 with respect to this matter, which was to continue to use the current Mecklenburg County public contract language as it pertains to compliance with the Immigration Reform and Control Act.

Note: The County currently explicitly requires in most of its contracts that contractors comply with federal, state and local laws, ordinances and regulations. This language implicitly includes compliance with laws and regulations with respect to work eligibility. Failure to follow these laws could be treated by the County as a breach of contract, which was deemed to be sufficient.

Commissioner Woodard, chairman of the Board's Community Building Committee, that dealt with this matter on March 5, 2008 and recommended to the full Board on March 18, 2008 that the County continue with its current contract language, said the decision made on March 18 was the right decision.

Commissioner Helms said the issue of illegal immigrants is an issue that needs to be addressed on the federal level and needs to be dealt with at the point of entry.

Commissioner Bentley said she feels it's also a local issue.

Chairman Roberts said local governments across the country are "frustrated" because the federal government has not taken action as it relates to this issue. Chairman Roberts said in many cases around the country when local governments have tried to pre-empt the federal government and mandate best practices, they've ended up in court for violating civil liberties; partially because of errors on the part of the Social Security Administration.

The vote was then taken on the substitute motion made by Commissioner Clarke, seconded by Commissioner Helms and carried 6-3 with Commissioners Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard voting yes, and Commissioners Bentley, Bishop, and James voting no, to reaffirm the Board's previous action taken on March 18, 2008 with respect to this matter, which was to continue to use the current Mecklenburg County public contract language as it pertains to compliance with the Immigration Reform and Control Act.

Commissioner James said he would continue to bring this matter forward.

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

COMMISSION COMMENTS – NONE

ADJOURNMENT

Motion was made by Commissioner Helms, 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

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meeting be adjourned at 9:56 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman