

MAY 5, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA  
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 8:00 a.m. on Monday, May 5, 2008.

ATTENDANCE

**Present:** Chairman Jennifer Roberts and Commissioners  
Karen Bentley, Dumont Clarke  
Norman A. Mitchell, Sr. and Valerie C. Woodard  
County Manager Harry L. Jones, Sr.  
County Attorney Marvin Bethune  
Clerk to the Board Janice S. Paige

**Absent:** Commissioners J. Daniel Bishop, H. Parks Helms, Bill James  
and Dan Ramirez

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

*The meeting was called to order by Chairman Roberts.*

*The Board met with members of the Mecklenburg County Legislative Delegation. The following members of the Delegation were present: Senators Dan Clodfelter and Malcolm Graham, Representatives Becky Carney, Ruth Samuelson, and Martha Alexander.*

*Also present, Superior Court Judge Robert P. Johnston, Clerk of Superior Court Martha Curran, District Attorney Peter Gilchrist, and Trial Court Administrator Todd Nuccio.*

**(1) MECKLENBURG COUNTY LEGISLATIVE PRIORITIES**

Assistant to the County Manager Deborah Goldberg outlined the agenda for the meeting. It was noted that after the County and Court presentations, the meeting would be turned over to Charlotte-Mecklenburg Schools and Central Piedmont Community College. Thus, ending the Board's meeting with the Delegation.

*Ms. Goldberg reviewed the legislative accomplishments of 2007. The following was noted:*

- A plan for permanent Medicaid relief for counties through a swap with sales tax
- Counties were given the authority to pursue a local option sales tax or land transfer tax
- Also for Mecklenburg County specifically, 8 of the County's 11 legislative priorities were approved:
  - Investment opportunities as it relates to Other Post Employment Benefits
  - Additional positions for the Clerk of Superior Court
  - Expansion of the Library Board of Trustees
  - One additional school nurse (*Note: The County funds its other 120 school nurses.*)
  - Authority to allow County-owned vehicles to be used for carpooling by both Mecklenburg County employees and non-County employees to assist in the County's air quality improvement efforts
  - Authority to charge lower building permit fees for "green" buildings

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- Authority to sell or lease real estate by private sale

**Ms. Goldberg reviewed the County's 2008 Legislative Priorities for the Short Session and requests of partner organizations that the County supports. See below.**

### **2008 Mecklenburg County Legislative Priorities**

- Adopt legislation to allow Mecklenburg County to refund Law Enforcement Service District Taxes in the case of annexation.
- Increase the daily reimbursement rate for housing state inmates in county jails.
- Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places.
- Seek changes to Section 14.16(a) of the 2007 Appropriations Act which makes counties responsible for court telephone costs beginning July 2008.
- Reinstate the exemption for counties and municipalities for advancing facilities fees, General Court of Justice fees and miscellaneous fees enumerated in G.S. 7A-308.

### **Mecklenburg County supports the following requests of our partner organizations:**

- Support legislation to provide greater discretion at the county level to establish fees for the inspection of food and lodging facilities. (*NC Association of County Commissioners & NC Association of Local Health Directors*)
- Increase state funding for child care subsidies. (*NC Association of County Directors of Social Services*)
- Revise elder abuse statutes and launch Adult Protective Service pilot program. (*NC Association of County Directors of Social Services*)
- Support restoration of funding for Juvenile Crime Prevention Councils (JCPC). (*NC Association of County Commissioners*)

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

*Note: Members of the Delegation were given copies of the County's Fiscal Year Focus 2007-08 Report (A summary of the County's Key Issues, Strategies and Initiatives) and the 2007 Performance Report.*

***Copies are on file with the Clerk to the Board.***

### Comments

Rep. Samuelson asked about the housing of state inmates, specifically, 1) Why, 2) the reimbursement rate, & 3) What would happen if the County refused to house them. *The response was active sentences between one and ninety days are served in local jails throughout the state. The reimbursement rate is \$18.00 per day. Sentences longer than ninety days are to be served in state prison, however, often persons serving more than ninety days remain in local jails. With respect to whether or not the County can refuse to house state inmates, staff will follow-up with the Sheriff's office for an answer.*

Rep. Samuelson asked if the County housed state inmates for other counties that don't have adequate facilities. *The response was no, not to the staff present, knowledge. It was noted that the cost to house an inmate varies across the state but that it's probably okay to generally say that \$18.00 per day was not adequate.*

Commissioner Clarke asked what the federal reimbursement rate was for housing inmates. *The response was \$103 per day.*

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Sen. Clodfelter asked about the status of the uncertain boundaries between Mecklenburg County and Union County, an issue raised in 2002. Sen. Clodfelter said in 2002, the state surveyed the boundary line and submitted the proposed boundary line to both counties, but there's nothing on record with the state verifying that this matter was approved by Mecklenburg or Union. *The response was that staff would look into this matter.*

Rep. Samuelson asked about Health Inspections of restaurants and how often are they occurring. *Bobbie Cobb with the Health Department said the County was almost at a 100% compliance rate.*

Sen. Clodfelter asked how was the County's financial results with respect to tracking Medicaid in light of the changes that occurred and whether the results were in line with the County's projections. *The response was that things were pretty much as projected.*

Sen. Clodfelter asked that the Delegation be kept informed with regards to this issue; to let them know of any significant diversions plus or minus of what was projected.

***Commissioner Woodard entered the meeting.***

Commissioner Clarke addressed the County's priority requesting that counties with populations in excess of 695,000 at the 2000 census be allowed to adopt ordinances regulating smoking in public places. He encouraged the Delegation to support the request.

Sen. Clodfelter said he believes there was support of this by the restaurant association as a statewide bill and but not a local bill because of the competitive issue; because some restaurants have it and some do not. He said some of the lawyers have said a local bill is not permitted under the State constitution. He noted also that Rep. Alexander gave this her all but the House didn't support it.

Rep. Alexander said it would be difficult to get approval of this as a statewide bill, even with the restaurant association's support. The reason is because the support of the rural parts of the state is not there, in light of the tobacco farms in these areas.

Commissioner Clarke noted he has property in the rural part of the state, on which tobacco is grown, and he supports the ban.

Rep. Samuelson said she has heard concern regarding the way the fines associated with this were set up.

Sen. Clodfelter noted there was not consensus amongst the delegation on this issue and that in order for something to be submitted for the Short Session there has to be agreement on the part of the entire Delegation.

This concluded the discussion of the County's Legislative Priorities.

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

## **(2) MECKLENBURG COURTS PRIORITIES**

Trial Court Administrator Todd Nuccio reviewed the Courts' priorities. The presentation covered the following:

- FY 2007-2009 Expansion – Budget Review – Significant Progress – Budget-Funded Positions
- Other Accomplishments

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- Renewed Legislation Requests
- New Legislation Requests
- Renewed Budget Requests
- New Budget Requests

*A copy of the Courts Legislative Agenda is on file with the Clerk to the Board.*

*Commissioner Mitchell entered the meeting during the discussion of the Renewed Legislation Requests.*

Comments

Sen. Clodfelter complimented court officials for continuing to make this type of presentation to the Delegation. He said Mecklenburg County is the only judicial district in the state doing this. He asked court officials to encourage their colleagues around the state to do this as well with their legislative delegations.

The Honorable Judge Johnson said an urban coalition was formed and meets annually, sometimes bi-annually and that this has been a topic of discussion; so hopefully, other judicial districts will begin doing this with their delegations.

Chairman Roberts in response to a question raised by someone in the audience concerning the need for more District Attorneys, stated that elected officials are aware of the over burdened court system that exists here in the County and that something does need to be done to make our streets safer and to make the criminal justice system work more efficiently.

Chairman Roberts said she appreciates the efforts of the public that have helped draw attention to this issue. She said the County is working on this issue with its Jail Master Plan that's being worked on. Chairman Roberts said "we should be outraged; we are outraged" and that the Board appreciates the partnership with the state to try to help the County improve this situation.

Sen. Clodfelter noted the following with respect to the Courts presentation:

- Use of Workload Formulas for Apportionment of Personnel was in last year's budget for a number of the classes of personnel. He thinks there will be a formula for the district attorneys this year. He said they have it in for the Clerks and the support personnel.
- With respect to Budgetary Independence of Judicial Branch, most of that passed, however, the transfer of authority piece did not.
- With respect to Supreme Court Rule Making, this probably will not get approved because the Supreme Court is not supportive of it.

Commissioner Clarke noted for the public's awareness that the state budget is a two-year budget and that gains have been made with respect to additional funded positions. However, there are still additional positions pending, with the hope that the state will fund those positions within 2007-2009.

Sen. Clodfelter said the positions pending for the 2008-09 budget will probably hold. He doesn't think they'll be lost because they're programmed into the budget for the upcoming year.

Sen. Clodfelter said he would provide the Board with information regarding the number of positions allocated to Mecklenburg County in the last two years.

Sen. Clodfelter said the real question is whether additional funds can be found to go beyond what's already in the budget. He said the two challenges they have this year are 1) an item

received from the Juvenile Crime Prevention Council, that's a key part of the gang strategy, which is about \$26 million. 2) The Chief Justice has made it priority that something be done

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about judicial salaries to retain personnel, which is about \$30 million.

Sen. Clodfelter said the Delegation won't know until after they find out what the final revenue collections are, as to how much additional revenue is available and at that point, they'll start working on getting some of those additional dollars.

Commissioner Clarke said he was glad to know those positions would remain because he was concerned in light of expected revenue projections.

Sen. Clodfelter said the key to getting positions in the last two years was anchored three years ago when they were able to get the commitment to start capturing and keep in the court system, the monies raised within the system from filing fees and other fees collected in the system. Sen. Clodfelter said this provided a source of revenue that could be held onto and not turned over to the general fund.

Chairman Roberts noted that there are a lot of things in process to help Mecklenburg's court system function more effectively. Also, that a Study Commission will be put together soon to look at the jail population and a jail bond for the fall.

Sen. Clodfelter asked since counties are being required to pay for court telephone costs beginning in July, what impact that would have on Mecklenburg. *The response was that it would have less effect in terms of building new infrastructure because the new courthouse has updated phones and that the known costs would be maintenance.*

Sen. Graham addressed gang and crime prevention when it comes to youth. Sen. Graham said he hopes the Board and Charlotte City Council will begin doing more locally in terms of preventing youth from getting into gangs and crime, in terms of utilizing more resources through Park and Recreation, for example, by keeping recreation centers open longer hours as summer approaches. He noted also the City of Charlotte's Youth Employment Division and the Mayor's Youth Program and that perhaps these programs should be year round rather than just for the summer. Sen. Graham said there needs to be more discussion on the local level regarding what can be done to keep youth away from gangs and criminal activity.

Sen. Graham acknowledged the state has a role and responsibility with respect to this issue as well, but that he hasn't heard anything locally that's being done other than "lock them up and throw away the keys" in terms of a strategy or community response in terms of what the local government bodies are doing to deter youth from gangs and crime, so they can be kept out of the system from "the start."

Chairman Roberts noted that Park and Recreation will be presenting a 10-Year Master Plan to the Board which will result in more collaboration with the school system to keep gyms open longer hours, collaboration with the YMCA, looking at green printing and where there's a lack of recreation facilities and programs for youth. It was noted that the Park and Recreation Director is considering establishing a Youth Recreation Core, which would be summer jobs for youth working on greenways, parks, etc.

Sen. Graham said he hopes there will be a partnership between the City and County as well as it relates to this issue.

Commissioner Woodard noted that she has mentioned in the past to the Board the possibility of setting aside some portion of a bond referendum for parks and/or education to be used for employing youth year round. Commissioner Woodard said she refers to this as "The Impossible Dream."

Commissioner Woodard said she would like to see this done by both the City and the County.

Chairman Roberts thanked the Delegation for coming and for their work.

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*This concluded the discussion.*

*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 9:31 a.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman