

**JUNE 4, 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 Wednesday, June 4, 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.  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** None.

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**-INFORMAL SESSION-**

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

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

**(1A) STAFF BRIEFINGS - NONE**

**(2A, B, C, D) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B)  
CONSULT WITH ATTORNEY, C) LAND ACQUISITION, D)  
PERSONNEL MATTER**

Prior to going into Closed Session, Attorney Bethune announced that the Land Acquisition Matter concerned Cavalier Apartments; also, that it would not be necessary for the Board to go into Closed Session to Consult with Attorney.

Motion was made by Commissioner Bentley, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, and Roberts voting yes, to go into Closed Session to discuss A) Business Location and Expansion, C) Land Acquisition, and D) Personnel Matter.

*The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:00 p.m.*

*Commissioner Woodard was present when the Board came back into Open Session. She entered the meeting during Closed Session.*

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

The Board didn't 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.*

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**-FORMAL SESSION-**

*Invocation was given by Commissioner Mitchell, 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) CAROLINA PUBLIC SECTOR STAR AWARD**

The Board recognized and accepted the Carolina Public Sector STAR Award from the North Carolina Department of Labor awarded to the Specialized Park Services Division and the Administration Office Building staff within Mecklenburg County Park and Recreation.

The award was presented by N. C. Commissioner of Labor Cherie Berry and received by Park and Recreation Director Jim Garges and members of his staff.

*Note: This is the highest safety award that can be received in the State. The Carolina Star Programs are designed to recognize and promote effective safety and health management. In STAR, management, labor, and OSHA establish a cooperative relationship/partnership at a workplace that has implemented a strong program.*

*The Star Program is a Partnership between: Management \* Employees \* OSHA*

*Public Sector Star—Recognizes state agencies and local governments for their leadership and success in providing a safe and healthy work environment.*

*There are currently only eight (8) recognized Public Sector Star locations in North Carolina.*

*Mecklenburg County Park and Recreation Department – Specialized Park Services Division will be the first Park and Recreation agency to receive the Carolina Public Sector Star Award and the 9<sup>th</sup> Public agency.*

**(2) PUBLIC APPEARANCE**

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

Sheliah Ward from Los Angeles, California, said her son's civil rights, human rights, patient rights, and his constitutional rights were violated. She said her son was tricked and admitted to a mental hospital. Ms. Ward said her son thought he was going to visit his father at a mental hospital but he was instead admitted. Ms. Ward said her son's aunt caused this to happen. Ms. Ward asked for assistance with getting her son out of a mental hospital. She said he was at Randolph Hospital.

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Chairman Roberts acknowledged that someone on staff has spoken with Ms. Ward regarding her situation.

Jimmie L. Hackett, Sr., on behalf of the Metrolina Bail Bond Association, addressed jail overcrowding. Mr. Hackett said he wanted to clarify a misconception in the community that bail bonding agents do not want to do small and high risk bonds, thus adding to the overcrowding. Mr. Hackett said this was not the reality of the matter. He said each bonding agent is held 100% liable for each principle they caused to be released from custody. He said like any other business, it requires bonding agents to make the choice that enhances their chances to remain in business. Mr. Hackett said over 50% of their business currently consist of small to high risk bonds. Mr. Hackett said one of the reasons for the overcrowding has to do with the number of federal inmates being housed. Mr. Hackett encouraged the Board to make “the reasonable adjustments necessary to give more protection to the citizens of Mecklenburg and surrounding counties by balancing the inmate population to maximize the functional use of our jail facilities.”

Martin Davis referenced a recent article written about Commissioner James in the Charlotte Observer by Ed Williams, Editor of the Editorial Pages. Mr. Davis expressed opposition to what Mr. Williams said and thanked Commissioner James for his response to the article and his stance on issues. Mr. Davis also read graphic verbiage from the play Angels in America and expressed opposition to the County’s funding of the Arts and Science Council.

**(3) APPOINTMENTS**

**ALCOHOLIC BEVERAGE CONTROL BOARD**

The vote was taken on the following nominees for appointment to the Alcoholic Beverage Control Board:

**Round One**

Colvin Edwards	Commissioners Bentley and Woodard
Mary Howerton	Commissioners Bishop, Clarke, and Helms
Angeles Ortega-Moore	Commissioners James, Mitchell, Ramirez, and Roberts

**Round Two**

Colvin Edwards	None
Mary Howerton	Commissioners Bishop, Clarke, and Helms
Angeles Ortega-Moore	Commissioners Bentley, James, Mitchell, Ramirez, Roberts, and Woodard

Chairman Roberts announced the appointment of Angeles Ortega-Moore to the Alcoholic Beverage Control Board for a three-year term expiring June 30, 2011.

*She is replacing Spencer Thompson effective July 1, 2008.*

**BOARD OF EQUALIZATION AND REVIEW**

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

Unithia McGruder	Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard
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Voting Ceased

John Newitt  
Christopher Olds  
Pamela Williams

Chairman Roberts announced the appointment of Unithia McGruder to the Board of Equalization and Review to fill an unexpired term expiring April 7, 2009.

*She is replacing Kenneth Friedman.*

## **PARK AND RECREATION COMMISSION**

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

### **East Park District**

Robert Brisley	None
Hubert Helms	None
Kim Weissinger	Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard

### **South Park District**

Ed Barnhardt	None
Greg Folmar	None
Mark Loflin	None
Tim Morgan	Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Ramirez, Roberts, and Woodard

Chairman Roberts announced the appointment of Kim Weissinger to the Park and Recreation Commission as an East Park District Representative and Tim Morgan as a South Park District Representative both for a three-year term expiring June 30, 2011.

*They are replacing James Brown and Larry Huelsman effective July 1, 2008.*

## **PLANNING COMMISSION**

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

Deborah Edwards	Commissioners Clarke and Helms
Steven Firestone	Commissioners Bentley, Bishop, James, Mitchell, and Woodard

Voting Ceased

Christopher Olds  
Kevin Silva  
Qian Wang

Chairman Roberts announced the appointment of Steven Firestone to the Planning Commission for a three-year term expiring June 30, 2011.

*He is replacing Mark Loflin effective July 1, 2008.*

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**PUBLIC BROADCASTING AUTHORITY**

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 appoint Mike Boggs to the Public Broadcasting Authority for a three-year term expiring June 30, 2011 and Lal C. Vishin to fill an unexpired term expiring June 30, 2010.

*They are replacing Ronnie Bryant effective immediately (Lal Vishin) and Carolyn Mints effective July 1, 2008 (Mike Boggs).*

**(2C) CLOSED SESSION – LAND ACQUISITION**

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 authorize the County Manager to amend the “Agreement of Purchase and Sale of Real Estate” from Cavalier Associates Limited Partnership, owner of Cavalier Apartments (Tax Parcels 12710C97, 12710C98 and 12710C99) to extend the closing date from the present last date for closing of June 13, 2008.

**(4) PUBLIC HEARINGS – NONE**

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

**(6) RECEIVE MANAGER’S REPORT**

The Board received a FY 2008-2009 Budget Update presented by County Manager Jones and Budget/Management Director Hyong Yi.

The presentation addressed:

- Additional Revenue in the amount of \$3 million
- Funding Options:
  - Put into restricted contingency for Justice & Safety Task Force to allocate for crime fighting and public safety needs
  - Do not increase tax rate by 1 cent
- Next Steps

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

Comments

Commissioner James asked staff how it came up with the \$3 million. *The response was that the \$3 million in additional revenue was a function of changing the assumptions behind investments. It was noted that the County is generally conservative, especially in this economic climate, but staff is now seeing a different trend and have concluded the Federal Reserve will not lower their interest rate any further.*

Director Yi said the lottery piece was pretty straight forward.

Commissioner James asked staff how it came up with the decision to allocate the additional revenue to criminal justice.

County Manager Jones said he made that decision and his reasoning was because of recent public

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concern and interest in addressing the local criminal justice system. Also, in light of the Board's action to appoint a task force to address this issue. County Manager Jones said the County should be in a financial position to respond to recommendations that may come from the task force, in whole or in part. County Manager Jones said this would provide an identified revenue stream to respond from.

For clarity purposes, County Manager Jones said that's not to suggest that had the amount of additional revenue been more, that he would have necessarily recommended that all of it go for this purpose. He noted further that \$1 million for this purpose was already a part of his recommended budget, which he said the Board could put "strings" on if it wanted to.

Commissioner James asked could the Board put the \$3 million in additional revenue along with the \$1 million in the Manager's Recommended Budget all in contingency. *The response was that the Board has a number of options.*

Commissioner Clarke asked for clarification with respect to placing the additional revenue in restricted contingency and using it for recommendations that may come from the task force; and whether that recommendation would be for a one-time expenditure or a possible re-occurring expense that becomes a built-in part of the budget going forward, such as a salary supplement for Assistant District Attorneys.

County Manager Jones said it could be used for either a one-time expense, such as electronic monitors, or a re-occurring expense, such as a salary supplement. County Manager Jones emphasized to the Board that whatever is done, to keep in mind the County is already spending about \$4.5 million annually on criminal justice support. He said when you add the additional \$1 million in his recommended budget and another \$3 million, that's \$7.5 million for criminal justice support.

County Manager Jones said the Board needs to "think through the issue of the accountability standards." "Does it make sense to say that you want to see some results for the expenditure of these public funds, County funds to support State requirements."

Commissioner Mitchell expressed concern for placing the additional \$3 million in restricted contingency. Commissioner Mitchell commented on the fact that the criminal justice system is a State responsibility. He said the County can't continue to take on the State's responsibility. He said the Board should not lose sight that it's responsible for addressing human services needs also. He said some of those funds could be used to fill in the gaps for public health and human services.

Commissioner Ramirez asked if staff had an idea about how much is needed for public safety.

County Manager Jones said staff can't cost it out until it's known what the Board wants to do specifically.

Commissioner James noted a past report presented to the Board's Community, Health, & Safety Committee several years ago (2005) that indicated a need for a minimum of 100 assistant district attorneys and at that time there were 41. Commissioner James said there are now 65 and the need is now 120. Commissioner James said this is something that's known.

Commissioner Woodard said the Board needs an update with respect to what is needed by the District Attorney's Office. Commissioner Woodard noted the District Attorney's Office receives assistance from other entities also and that the Board needs to know about that assistance as well. Commissioner Woodard said the criminal justice system involves more than just the District Attorney's Office. She said there are other key components and that they all have to work together.

Chairman Roberts said she was concerned about the Department of Social Services Re-directions that contributed to the additional \$3 million in new revenue. *It was noted that the department*

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*offered this for the “good of the County” to address other needs that the County Manager and the Board felt was important to address.*

Chairman Roberts asked for information on what the City of Charlotte has allocated for the criminal justice system.

Commissioner Mitchell asked could the additional \$3 million be placed in unrestricted contingency. *The response was yes, but that even in restricted contingency the Board could take a certain amount out for a specific purpose and the remaining amount can be used for any other purpose the Board would elect to use it for.*

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

## **CONSENT ITEMS**

**Motion was made by Commissioner Ramirez, 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**

1) Approve minutes of Regular Meeting held May 20, 2008; Closed Session held May 20, 2008 (2a) and April 15, 2008 (2b); and Budget/Public Policy Meeting held May 13, 2008.

2) Authorize the Clerk to amend the minutes of the May 7, 2008 meeting, so that Commissioner Bishop’s name can be deleted from the motion to adjourn the meeting. Commissioner Bishop was not at the dais when the meeting adjourned.

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

Approve refunds in the amount of \$3,784.85 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.*

### **(9) FEMA 2008 LETTERS OF MAP CHANGE PILOT PROGRAM**

1) Authorize the County Manager to negotiate and execute a Floodplain Mapping Activity Statement with the Federal Emergency Management Agency.

2) Recognize, receive, and appropriate an additional \$20,000 in funds from FEMA for the Letters of Map Change (LOMC) Pilot Program.

3) Authorize the County Manager to amend the funding agreement with FEMA for the Letters of Map Change (LOMC) Pilot Program.

4) Authorize the carry-forward of unspent funds for the duration of the grant.

*Note: On July 1, 2006 Charlotte-Mecklenburg became the first local government in the country to be given the authority to process Letters of Map Change (LOMCs) as part of a two-year FEMA pilot program. These LOMCs make conditional and permanent changes to our Flood Insurance Rate Maps, which are used for floodplain management activities such as rating flood insurance, regulating development, assessing existing flood risk, etc.*

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*These actions are necessary to extend the program and its funding, so that Charlotte-Mecklenburg Storm Water Services can continue to process LOMCs within Mecklenburg County, the City of Charlotte and all six towns. The agreement with FEMA will run through July 2010 and will reimburse the County for the actual cost of processing LOMCs.*

**(10) CARRY FORWARD FUNDS: DEPARTMENT OF SOCIAL SERVICES**

Approve carry forward of DSS funds from FY08 to FY09 as shown below.

1. Carry forward the remaining balance of the Good Friend/Volunteer Funds.

*Note: Good Friend/Volunteer Funds are used to assist DSS customers in meeting critical needs for cash assistance. Funds are donated through various organizations and citizens.*

2. Carry forward revenues received at year-end from reallocations disbursed by the State.

*Note: Reallocated revenues result from coding to capped revenue sources after funds have been exhausted, but service must continue to be provided.*

**(11) PURCHASE OF COMPOST WINDROW TURNER – LUESA**

Authorize the County Manager to negotiate and execute a one- time contract for the purchase of one (1) Compost Windrow Turner for a total amount of \$590,000 to the following lowest responsible bidder:

N40 Inc., Rockwell NC           \$590,000

**(12) SOLID WASTE INTERLOCAL AGREEMENTS – CURRENT PARTNERS (CITY OF CHARLOTTE, CORNELIUS, DAVIDSON, HUNTERSVILLE, MINT HILL, PINEVILLE)**

- 1) **Adopt a resolution approving a Solid Waste Interlocal Agreement with the City of Charlotte.**

**MECKLENBURG COUNTY**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT  
BETWEEN THE COUNTY OF MECKLENBURG AND THE CITY OF CHARLOTTE**

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the City of Charlotte have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the corporate limits of the City of Charlotte; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,



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BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the City of Charlotte in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

*Resolution & Agreement recorded in full in Minute Book 44-A, Document #130.*

- 2) **Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Cornelius.**

**MECKLENBURG COUNTY**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT  
BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF CORNELIUS**

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Cornelius have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Cornelius; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Cornelius in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

*Resolution & Agreement recorded in full in Minute Book 44-A, Document #131.*

- 3) **Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Davidson.**

**MECKLENBURG COUNTY**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT  
BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF DAVIDSON**

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Davidson have negotiated and

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wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Davidson; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Davidson in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

*Resolution & Agreement recorded in full in Minute Book 44-A, Document #132.*

- 4) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Huntersville.**

**MECKLENBURG COUNTY**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT  
BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF HUNTERSVILLE**

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Huntersville have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Huntersville; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Huntersville in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

*Resolution & Agreement recorded in full in Minute Book 44-A, Document #133.*

- 5) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Mint Hill.**

**MECKLENBURG COUNTY**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT**

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**BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF MINT HILL**

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Mint Hill have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Mint Hill; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Mint Hill in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

*Resolution & Agreement recorded in full in Minute Book 44-A, Document #134.*

- 6) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Pineville.**

**MECKLENBURG COUNTY**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
REVISED AND RESTATED SOLID WASTE INTERLOCAL AGREEMENT  
BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF PINEVILLE**

WHEREAS, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

WHEREAS, the County of Mecklenburg and the Town of Pineville have negotiated and wish to enter into that certain Revised and Restated Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Pineville; and

WHEREAS, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

BE IT RESOLVED by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Revised and Restated Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Pineville in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

*Resolution & Agreement recorded in full in Minute Book 44-A, Document #135.*

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**(13) SOLID WASTE INTERLOCAL AGREEMENT & ORDINANCE AMENDMENT –  
TOWN OF MATTHEWS**

**1) Adopt a resolution approving a Solid Waste Interlocal Agreement with the Town of Matthews.**

**MECKLENBURG COUNTY**

**RESOLUTION AUTHORIZING EXECUTION OF THE  
SOLID WASTE INTERLOCAL AGREEMENT**

**BETWEEN THE COUNTY OF MECKLENBURG AND THE TOWN OF MATTHEWS**

**WHEREAS**, N.C. Gen. Stat. §153A-445(a)(1), “Joint Exercise of Powers” and §160A-461, “Interlocal Cooperation Authorized,” authorizes units of local government to enter into agreements with each other in order to execute an undertaking by one unit of local government on behalf of another unit of local government; and

**WHEREAS**, the County of Mecklenburg and the Town of Matthews have negotiated and wish to enter into that certain Solid Waste Interlocal Agreement to deal with the management of municipal solid waste generated within the town limits of the Town of Matthews; and

**WHEREAS**, N.C. Gen. Stat. §160A-461 requires that such agreement “. . . shall be ratified by resolution of the governing board of each unit spread upon its minutes”; now, therefore,

**BE IT RESOLVED** by the Board of Commissioners of Mecklenburg County that the County Manager is hereby authorized and directed to execute the Solid Waste Interlocal Agreement between the County of Mecklenburg and the Town of Matthews, if approved by the Town of Matthews prior to July 1, 2008, in substantially the form attached to this resolution, with any necessary minor additions or deletions, and that this resolution shall be spread upon the minutes.

***Resolution & Agreement recorded in full in Minute Book 44-A, Document #136.***

**2) Approve an amendment to the Mecklenburg County Residential Solid Waste Fee Ordinance to delete the exclusion of the Town of Matthews.**

*Note: In 1993, the BOCC enacted the Mecklenburg County Residential Solid Waste Fee Ordinance. At that time the fee was imposed on all residences located in Mecklenburg County with the exception of those located within the Town of Matthews, since they were not part of the County Solid Waste system. With the Town of Matthews joining the system this exclusion needs to be deleted from the Ordinance.*

***Ordinance recorded in full in Minute Book 44-A, Document #137.***

**(14) CARRY FORWARD CODE ENFORCEMENT FUNDS FOR GREEN PERMIT  
REBATE PROGRAM**

Authorize the carry forward of the remaining balance in Green Permit Rebate funding not spent as of June 30, 2008 until expended for this program.

*Note: The Green Permit Rebate program provides building permit fee credits with a goal of promoting energy conservation and resource management through sustainable building practices.*

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**(15) CARRY FORWARD OF VOLUNTEER FIRE RADIO REPLACEMENT FUNDS**

Authorize the carry forward of funds in the amount of \$406,500 designated for replacement of VFD radio equipment from FY08 to FY09.

**(16) CARRY FORWARD OF PROPERTY ASSESSMENT FUNDING**

1) Authorize the carry forward of revaluation funding remaining at June 30, 2008 from FY08 to FY09 until expended.

2) Authorize the carry forward of \$420,000 not used in FY08 for a contract with Tax Management Associates to FY09 for revaluation.

**(17) LATTA PLANTATION NATURE PRESERVE EXPANSION**

Approve purchase of Tax Parcel 023-141-02 (+/- 3.55 acres) on Sample Road in Huntersville for \$70,000 from Duke Energy Carolinas, LLC.

*Note: This acquisition will expand the Latta Plantation nature preserve to approximately 1,343 contiguous acres.*

**(18) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORT**

Recognize and receive Area Mental Health Authority Monthly Financial Report.

**AREA MENTAL HEALTH AUTHORITY  
Statement of Revenues and Expenses  
FY 2008, For the period ending April 30, 2008**

	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
<b>Revenue Source</b>			
Medicaid & CAP	12,287,908	9,840,314	80.08%
State and Federal	35,865,737	24,142,278	67.31%
Third Party/Other	181,293	87,881	48.47%
Grants	4,518,732	2,099,085	46.45%
County	43,422,330	26,987,940	62.15%
<b>Total Revenues</b>	<b>\$96,276,000</b>	<b>\$63,157,498</b>	<b>65.60%</b>

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
<b>Service Continuum</b>			
Children's Developmental Services	7,105,879	5,114,409	71.97%
Child & Adolescent Services	14,949,254	7,806,175	52.22%
Adult Mental Health	11,486,193	5,079,513	44.22%
Adult Substance Abuse	14,343,317	10,346,149	72.13%
Local Management Entity	11,701,489	7,591,595	64.88%
BHC Randolph	18,946,633	15,598,248	82.33%
Developmental Disabilities	17,743,235	11,621,410	65.50%
<b>Total Expenditures</b>	<b>\$96,276,000</b>	<b>\$63,157,498</b>	<b>65.60%</b>

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

*Note: It's required that this information be inserted in the minutes.*

**(19) FUNDING ADJUSTMENTS AND CARRY FORWARD OF UNSPENT FUNDS – AREA MENTAL HEALTH AUTHORITY**

Approve funding adjustments and carry forward of unspent funds:

- 1) Authorize carry forward of unspent State Mental Health Trust Funds estimated to be \$929,654 at June 30, 2008.
- 2) Authorize carry forward of unspent State Local Management Entity (LME) system program funds estimated to be \$559,954 at June 30, 2008.
- 3) Authorize carry forward of unspent State Crisis Services program funds estimated to be \$966,899 at June 30, 2008.
- 4) Authorize carry forward of unspent County funds for the Recovery Solutions program estimated to be \$300,000 at June 30, 2008.
- 5) Approve, recognize, receive and appropriate State funds in the amount of \$305,000 for the CASAWORKS program and authorize the carry forward of unspent funds at year end.
- 6) Approve, recognize, receive and appropriate Federal funds in the amount of \$80,000 for the Safe and Drug Free Schools program and authorize the carry forward of unspent funds at year end.
- 7) Approve, recognize, receive and appropriate Federal funds in the amount of \$60,000 for the Safe and Drug Free Schools program and authorize the carry forward of unspent funds at year end.
- 8) Approve the establishment of one full time position in Substance Abuse Jail services program.

**(20) BACK CREEK GREENWAY DONATION**

Accept Tax Parcels 051-211-88 (7.252 acres) from FC Caldwell, LLC, in Old Stone Crossing for greenway purposes with respect to Back Creek.

**(21) HISTORIC LANDMARKS COMMISSION – REVOLVING FUND**

Recognize and appropriate \$455,000 proceeds from previous property sales for Historic Landmarks Commission projects.

**(22) FRIENDSHIP SPORTSPLEX CONTRACT APPROVAL**

Approve the Lease Agreement between Mecklenburg County and Friendship Missionary Baptist Church of Charlotte, Inc.

**(23) CARRY FORWARD FUNDING REQUEST – PARK AND RECREATION**

Approve carry forward of \$712,350 approved in the FY2008 Operating Budget for (i) the Renaissance and Revolution Park Golf Course management agreement contract terms with American Golf Corporation (\$474,750), and for (ii) a lease for various new ball field lighting (\$237,600).

**(24) RAY'S SPLASH PLANET CAPITAL RESERVE REQUEST**

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Recognize and appropriate \$17,000 from revenues accrued for Ray's Splash Planet capital reserve to replace and upgrade the facility video surveillance system.

**(25) DSS BUDGET AMENDMENT**

Amend the Department of Social Services' FY08 budget to recognize the \$11,259 in contributions for senior events and special donations in the Senior Citizen Nutrition Program (SCNP), and appropriate expenses in the same amount.

**(26) FEMA FLOOD INSURANCE RATE MAP MAINTENANCE FUNDING**

1) Authorize the County Manager to submit a grant request in the amount of \$900,000 with the Federal Emergency Management Agency; and if awarded, recognize, receive and appropriate the grant award.

2) Authorize the County Manager to negotiate and execute a Mapping Activity Statement between Mecklenburg County and the Federal Management Agency.

3) Authorize the carry-forward of unspent funds for the duration of the grant.

**(27) LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE REVISIONS  
(2<sup>ND</sup> READING)**

Amend the LUESA Fee Ordinance to reflect new fee for Land Development for the review of Traffic Impact Studies/Analysis (TIS) in the amount of \$5 per peak hour trip. (Second Reading)

*Ordinance Amendment recorded in full in Minute Book 44-A, Document #138.*

**(28) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT  
(2<sup>ND</sup> READING)**

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance (Second Reading) to increase the tipping fee charged for the disposal of Construction & Demolition Waste at the Foxhole Landfill from \$35 per ton to \$39 per ton.

*Note: This fee increase would be used to cover the additional costs to LUESA Solid Waste resulting from the new \$2.00 per ton Tipping Fee Tax imposed by the North Carolina General Assembly and increased operating costs at the Foxhole Landfill resulting from increased fuel and material costs. Of the fee increase, approximately \$1.00 per ton would be used to increase the operating hours of LUESA Solid Waste's four (4) full-service recycling centers.*

*Ordinance recorded in full in Minute Book 44-A, Document #139.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**STAFF REPORTS AND REQUESTS**

**(29) BUSINESS INVESTMENT GRANT: MIAS – ITEM REMOVED**

**(30) BUSINESS INVESTMENT GRANT: SENCERA INTERNATIONAL**

General Manager Bobbie Shields presented a Business Investment Grant for Sencera to the Board.

*Commissioner James left the dais and was absent until noted in the minutes.*

*Note: Headquartered in Charlotte, Sencera International Corporation (Sencera) is a research and development company in the renewable energy sector. Since its inception in 2003, Sencera has developed proprietary systems and machinery used to manufacture thin-film solar panels.*

*Recently, Sencera has decided to begin manufacturing solar panels, and is considering several options on where to locate this facility. Options include several sites in the Charlotte region, as well as Fremont, California, which has a strong and technologically skilled labor market. In Charlotte, Sencera would invest \$35 million to expand its existing facility located at 3101 Stafford Drive in West Charlotte. Sencera currently employs ten in Charlotte, and would add 65 new manufacturing jobs within three years, at an average salary of \$73,462.*

*The general terms and condition of this grant include:*

- A portion of the grant must be repaid if the company moves this investment from Mecklenburg County within 3 years of the end of the grant term.*
- Actual grant payments are based on the value of the investment as appraised by the Mecklenburg County Tax Office.*
- All property taxes due from the company must be paid before a grant payment is made.*

*The Charlotte City Council approved its portion of a Business Investment Grant on May 27, 2008.*

*The State of North Carolina is considering a One North Carolina Grant in the amount of \$62,000, which requires a local match. The company has agreed to expand in Mecklenburg County contingent on the awarding of state and local incentive grants*

*The company expects to make a decision by the end of June 2008.*

Motion was made by Commissioner Helms, seconded by Commissioner Mitchell and carried 6-1 with Commissioners Bentley, Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to approve the County's share of a Business Investment Grant to Sencera for a total estimated amount of \$672,176 over three years.

*Note: Total City/County grant is estimated at \$1,039,721.*

*Commissioner James returned to the dais and indicated that if he had been present at the time of the vote, he would have voted no.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(31) CRIMINAL JUSTICE SYSTEM IMPROVEMENTS (COMMISSIONER DUMONT CLARKE)**

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, to:

**1) Declare the Board's intent to authorize a ballot referendum in Mecklenburg County for November 2008 on the question of increasing the local option sales tax by one-quarter cent. The revenue would be used to fund additional, comprehensive improvements to the criminal justice system in Mecklenburg County.**



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2) Seek, but not necessarily make authorizing the ballot referendum dependent upon gaining legislative authority to make the ballot question read “for the purpose of funding comprehensive improvements to the criminal justice system in Mecklenburg County.”

3) In any event, direct the County Manager to develop (for the Board’s approval at the Board’s second meeting in October 2008) a procedure for accounting for the sales tax increase separately so the public will know how much money the County is receiving each year and a method of budgeting separately for the expenditure of the additional sales tax revenue so the public will know and can monitor how the County is spending the public's money to improve the criminal justice system.

*The following was noted by Commissioner Clarke, sponsor of the item.*

*A quarter-cent sales tax increase would raise approximately \$20.0 million in FY2009 and \$25.0 million in FY2010 of additional sales tax revenue for Mecklenburg County. If voters approved the increase, we would use these funds to pay for additional improvements to the criminal justice system in Mecklenburg County that are badly needed, including the following:*

- *Additional assistant district attorneys;*
- *A salary supplement for all assistant district attorneys to decrease the turnover rate;*
- *Process improvements in the existing intake center at Jail Central;*
- *Satellite intake centers for persons arrested by the police departments of the City of Charlotte and the six Mecklenburg towns;*
- *Expanded diversion program for mentally ill persons who are taking up space in our crowded jails that could be used for more serious offenders;*
- *Constructing and operating a new jail, including land purchase;*
- *Additional courtroom personnel to speed up trials for persons charged with crimes, including sheriff’s deputies, clerks, public defenders, and, in cooperation with the State, additional judges (“Court Sets”);*
- *Technology that would measurably improve the productivity of the judges and magistrates as well as all personnel in the District Attorney’s office, the clerk’s office and the public defender’s office;*
- *Additional electronic monitoring equipment for the police departments and officers needed to administer the monitoring programs for repeat offenders.*

*This list of possible uses of the additional revenue from a quarter cent sales tax is not intended to be exclusive. The ballot question should be drafted broadly so as to give the County Commission (in consultation with concerned members of the public, other elected officials, the City Managers, the Police Chiefs, the Sheriff, the District Attorney, the Public Defender, the Judges, the Trial Court Administrator, and the Administrative Office of the Courts) maximum flexibility in appropriating the additional revenue so long as it was used for the purpose of improving the administration of the criminal justice system in Mecklenburg County.*

*Under current State law the ballot question can only ask if the voters want the Board to have the authority to levy the tax, so additional legislative authority would be needed for the ballot question to be legally restrictive as to the use of the funds.*

The following persons addressed this issue:

Martin Davis spoke in opposition to the proposed tax increase and suggested possible budget cuts to avoid a tax increase.

Chris Bakis encouraged the Board to put pressure on Raleigh to address the court system needs in Mecklenburg County, since it’s a state responsibility. He spoke in opposition to a tax increase.

Natalie English on behalf of the Charlotte Chamber of Commerce asked the Board to defer

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taking action on this matter until there's been an opportunity for more input. At this point the Chamber does not have a position one way or the other. Ms. English pointed out that the County's proposed budget has over \$550 million in bonds in it and that the budget Charlotte City Council is proposing has over \$200 million in bonds in it. Ms. English said the Board should consider that what it may be asking the voters of Mecklenburg County to do is to vote for over \$800 million in bonds in November and to potentially vote for an additional quarter cent sales tax, "when they perceive that the economy is struggling, when they know that gas prices are rising, when they know that their food prices are rising; and that the unemployment rate is going up." Ms. English said the

Chamber would like to work with the County as it has done in the past to address the needs and that they would like that opportunity to do so.

Commissioners James and Bishop said they thought it was a matter of putting the "cart before the horse."

Commissioner James said the Board needs to get the authority first from the General Assembly, with respect to if they will allow the County to restrict this tax.

Substitute motion was made by Commissioner Bentley, seconded by Commissioner Bishop and failed 5-3 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop, and James voting yes, to table Commissioner Clarke's item until after a recommendation is received from the Justice and Safety Task Force.

The vote was then taken on the original motion and carried 5-3 with Commissioners Clarke, Helms, Mitchell, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and James voting no.

**(32) COUNCIL ON AGING APPROPRIATION (COMMISSIONER NORMAN A. MITCHELL)**

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms, and carried 7-1, with Commissioners Bentley, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes and Commissioner Bishop voting no, to appropriate \$100,000 from unrestricted contingency and allocate to the Council on Aging for the following purposes: 1) To help defray office relocation expenses for the Council on Aging, 2) To help launch a Senior Registry Program, and 3) To help offset an additional FTE who is transitioning from a graduate assistant's position to facilitate education program continuity.

*Note: Prior to the above vote, Commissioner James asked would the Council on Aging provide receipts verifying what the funds would be used for. As a result of that discussion, Commissioner Mitchell said he would include in his motion what the funds are to be used for. It was noted by Attorney Bethune that if the motion indicates the specific purposes then the contract will be written requiring the Council on Aging to spend the money on these purposes. Further, that County contracts require that the County can audit them.*

**COMMISSION COMMENTS – NONE**

**ADJOURNMENT**

Motion was made by Commissioner Woodard, seconded by Commissioner Mitchell, and carried

8-0, with Commissioners Bentley, Bishop, Clarke, Helms, James, Mitchell, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:42 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman