

NOVEMBER 5, 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, November 5, 2008.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

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

(1A) STAFF BRIEFINGS – NONE

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 14 and 23.

(2A) CLOSED SESSION – CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session:

- Vicky Ritch vs. Mecklenburg County
- Jerry Alan Reese vs. Mecklenburg County, Brooklyn Village, LLC

Motion was made by Commissioner James, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to go into Closed Session for the following purpose: Consult with Attorney.

The Board went into Closed Session at 5:37 p.m. and came back into Open Session at 5:42 p.m.

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 Bentley, 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) NATIONAL ADOPTION AWARENESS MONTH

Motion was made by Commissioner Bentley, seconded by Commissioner Ramirez and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to adopt a proclamation proclaiming November 2008 as National Adoption Awareness Month.

The proclamation was read by Commissioner Bentley and received by Paul Risk, Director of Youth and Family Services and Bet Levine, Senior Social Services Manager, Youth and Family Services.

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

(1B) MECKLENBURG COUNTY MILITARY VETERAN AND RETIRED EMPLOYEES WEEK

Motion was made by Commissioner Mitchell, seconded by Commissioner Bentley, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to adopt a proclamation proclaiming November 9 through 15, 2008 as "Mecklenburg County Military Veteran and Retired Employees Week."

The proclamation was read by Commissioner Mitchell and received by Robert "Bob" Weeks, Director of Veterans Services.

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

(1C) INDUCTIONS INTO THE ORDER OF THE HORNET - ARTHUR GRIFFIN AND JAMES "JIM" PENDERGRAPH

Motion was made by Commissioner Mitchell, seconded by Commissioner James, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to induct Arthur Griffin into the Order of the Hornet.

Mr. Griffin thanked the Board for bestowing this honor upon him.

Note: Mr. Griffin is a past Charlotte-Mecklenburg Board of Education Chairman.

Motion was made by Commissioner Mitchell, seconded by Commissioner James, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to induct James "Jim" Pendergraph into the Order of the Hornet.

Mr. Pendergraph thanked the Board for bestowing this honor upon him.

Note: Mr. Pendergraph is the former Sheriff of Mecklenburg County.

Note: The Order of the Hornet was established in 1972. It is bestowed by the Board of County

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Commissioners on persons who have displayed valor or high order of service uniquely and specifically to the citizens of Mecklenburg County. This is the highest honor the Board bestows for service to the community.

Note: Prior to the above vote on the induction of James Pendergraph, Olma Echeverri spoke in opposition to Mr. Pendergraph's induction into the Order of the Hornet. Ms. Echeverri said she was opposed because of Mr. Pendergraph's stance with respect to the immigrant community.

MANAGER'S REPORT

(6A) JUSTICE AND PUBLIC SAFETY TASK FORCE

County Manager Jones addressed the Justice and Public Safety Task Force and called upon Dr. Harry Nurkin and former Senior Resident Superior Court Judge Shirley L. Fulton, Co-chairs, to present the Task Force's report. The following was covered:

- The Executive Summary
- Task Force Membership
- Task Force Process
- Summary of Recommendations (Total of 16)
 1. Establish Oversight Function
 2. Align Police Departments/District Attorney Priorities
 3. Focus on Part One Chronic Offenders
 4. Create Criminal Justice System Report
 5. Complete Information Systems Review
 6. Collaborate with Charlotte-Mecklenburg Schools and Public Schools
 7. Expand Use of Specialty Courts
 8. Implement Alternative Solutions to Incarceration
 9. Examine Staffing/Salaries
 10. Target Juvenile/Jail Programs
 11. Maximize Use of Monitoring Devices
 12. Conform to American Bar Association Performance Standards
 13. Increase Police Visibility
 14. Follow-up on Property Crimes
 15. Effectively Use Citations and Warning Tickets
 16. Increase Support of Victims
- Full Recommendations/Key Observations
- Conclusion

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

Christy Wright, on behalf of Neighbors for a Safer Charlotte (NSC), spoke in support of the Task Force recommendations. She said they strongly support moving forward immediately with the following recommendations, which they consider to be a high priority:

- **# 2** Align Police Departments/District Attorney Priorities (NSC suggested tactic – Use of community prosecutors)
- **# 3** Focus on Part One Chronic Offenders (NSC suggested this be based on the number of arrests and not convictions)
- **# 9** Examine Staffing/Salaries
- **#1** Establish Oversight Function

Ms. Wright emphasized the continued support of NSC.

Comments

Commissioner James asked about funds that were set aside in the budget with respect to the Task Force recommendations, which was addressed.

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County Manager Jones and General Manager Michelle Lancaster said staff would report back to the Board at a later date regarding the expenditures of funds, as it relates to the Task Force Recommendations.

Commissioner James referenced an e-mail received from a member of the Town of Matthews Board of Commissioners that he'd received from Rob Hunter, Police Chief for the Town of Matthews, regarding the Task Force Final Report.

Commissioner James said according to Chief Hunter, "the police chiefs for the six towns were not aware of the meetings, nor invited to attend until learning of the meetings last month." ...

Commissioner James asked that the e-mail be included in the minutes. *Note: E-mail is noted at the end of the minutes.*

Task Force Co-chair Dr. Nurkin said the Task Force listened intently to the chiefs of all of the towns and invited them to each of the meetings. It was noted that many of the chiefs and many of the heads and subheads of the various criminal justice divisions attended every meeting and participated. He said all comments were welcomed.

Commissioner James requested a report on how Mecklenburg County's staffing compare to national staffing standards, as it relates to Task Force Recommendation #9 Examine Staffing/Salaries.

Motion was made by Commissioner Helms, seconded by Commissioner Clarke, to receive the Justice and Public Safety Task Force Final Report with appreciation and to consider taking action with respect to the recommendations at the December 2, 2008 meeting, which is when the new Board will be in place.

Commissioner Bishop offered an amendment, which was accepted by Commissioners Helms and Clarke, makers of the original motion, to move forward tonight with approval of Recommendation #1 Establish Oversight Function (Establish a function/position within Mecklenburg County and a permanent Citizen Advisory Committee to promote collaboration and coordination across all components of the Criminal Justice System. The function/position will be given authority to establish performance measures; will work with the Citizen Advisory Committee; will recommend funding priorities related to the Criminal Justice System to the County Manager; and will seek to increase effectiveness of the Criminal Justice System.

The vote was taken on the motion as amended and was as follows:

Motion was made by Commissioner Helms, seconded by Commissioner Clarke, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to receive the Justice and Public Safety Task Force Final Report with appreciation and approve Recommendation #1 Establish Oversight Function (Establish a function/position within Mecklenburg County (to be filled hopefully in 30 days) and a permanent Citizen Advisory Committee (to be in place as recommended by the Task Force within 90 days) to promote collaboration and coordination across all components of the Criminal Justice System. The function/position will be given authority to establish performance measures; will work with the Citizen Advisory Committee; will recommend funding priorities related to the Criminal Justice System to the County Manager; and will seek to increase effectiveness of the Criminal Justice System. Further, that the Board considers taking action with respect to the other 15 recommendations at the December 2, 2008 meeting, which is when the new Board will be in place.

(2) PUBLIC APPEARANCE

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

Dwayne Collins, on behalf of the Black Political Caucus, spoke in support of Commissioner George Dunlap's appointment and congratulated him. He asked Commissioner Dunlap to continue the work of the late Commissioner Valerie C. Woodard as the representative of District 3 and to continue to champion for the following, as did Commissioner Woodard: Ensuring that County advisory boards and commissions are diverse in their membership; that the County HIV/AIDS Advisory Task Force is more visible; that minority contractors get their fair share of County contracts; and finally, to bring closure to the issue between the citizens of District 3 and the Park and Recreation Department as it relates to the new Eastway Park and Recreation Center that's being erected within the Briarwood Community.

Jim Bensman, Town of Cornelius Commissioner, expressed thanks to outgoing Commissioners and congratulated those that will be coming on board. He encouraged those remaining and those that will be coming on board, to hold themselves to a high standard of conduct, especially when it comes to race relations.

Commissioners Bentley and Ramirez left the dais and were away until noted in the minutes.

(3A) APPOINTMENTS

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Dunlap, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to appoint Aaron Cabbs and Taylor Manchester as the Youth 18 and under representatives and Lopa Thakkar as the Substance Abuse Agency representative, to the Juvenile Crime Prevention Council for two-year terms expiring October 31, 2010.

Note: Ms. Thakkar is replacing Trina Fullard. The youth are filling vacant slots.

PUBLIC HEARINGS

(4A) ABANDONMENT AND CLOSING – A 0.4 MILE SECTION OF FRANK VANCE ROAD (SR 2045)

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to open a public hearing to hear citizen's comments on the proposed abandonment and closing of a 0.4 mile section roadway and right-of-way of Frank Vance Road located at the intersection of Beatties Ford Road.

No one appeared to speak in opposition.

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to close the public hearing on the proposed abandonment and closing of a 0.4 mile section roadway and right-of-way of Frank Vance Road located at the intersection of Beatties Ford Road and adopt the Order for Closing a 0.4 mile section roadway and right-of-way of Frank Vance Road located at the intersection of Beatties Ford Road.

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

(4B) ABANDONMENT AND CLOSING – A 0.12 MILE SECTION OF HIGHWORTH LANE

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Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to open a public hearing to hear citizen's comments on the proposed abandonment and closing of a 0.12 mile section roadway and right-of-way of Highworth Lane located at the intersection of Nance Cove Road and Island Lake Drive.

No one appeared to speak in opposition.

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 7-0 with Commissioners Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, to close the public hearing on the proposed abandonment and closing of a 0.12 mile section roadway and right-of-way of Highworth Lane located at the intersection of Nance Cove Road and Island Lake Drive and adopt the Order for Closing a 0.12 mile section roadway and right-of-way of Highworth Lane located at the intersection of Nance Cove Road and Island Lake Drive.

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

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

Commissioners Bentley and Ramirez returned to the dais.

(6B) ALTERNATIVE WORK WEEK FEASIBILITY

The Board received the County Manager's report on feasibility of implementing alternative work schedule.

The following was noted: On August 5, 2008, the Board directed the County Manager to research the feasibility and implications of implementing an alternative work schedule that would result in the County's operating hours moving to a ten-hour day for five days a week, thereby providing County employees an option to work four 10-hour days. The Board also directed the County Manager to take action deemed appropriate based on the analysis. The full report includes the research, supporting documentation and staff recommendations identified to address the Board's request. Based on this research, the County Manager has directed staff to implement the recommendations provided in the report as follows:

- Maintain existing official operating hours (M-F, 8 a.m. – 5 p.m.)
- Consistent with current policy, continue implementing alternative work schedules on a case-by-case basis, and clarify criteria department directors should use in deciding when alternative work schedules are appropriate
- Expand opportunities for teleworking
- Increase the use of transit benefits provided to County employees

Commissioner Ramirez thanked the County Manager for the report, which he had asked be done.

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

(6C) JOINT LETTER TO DELEGATION ON CMS AUDIT

County Manager Jones informed the Board that the Charlotte-Mecklenburg Board of Education does not wish to send a joint letter to the Mecklenburg County Congressional Delegation

regarding the issue of Free and Reduced Lunch in CMS and the U. S. Department of Agriculture's response to CMS; in particular, the response noted in the e-mail from Regina

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Bartholomew, General Counsel to the Board of Education regarding a response from the U.S. Department of Agriculture (USDA). The letter was to be signed by Board Chairman Roberts and Board of Education Chairman Joe White.

It was noted that the Board of Education directed the Superintendent not to conduct an audit, as it relates to this matter.

Commissioner James suggested the Board move forward with sending the letter, even if it's just from the County.

Motion was made by Commissioner James, seconded by Commissioner Mitchell, to send a letter to the Mecklenburg County Congressional Delegation regarding the issue of Free and Reduced Lunch in CMS and the U. S. Department of Agriculture's response to CMS; in particular the response noted in the e-mail from Regina Bartholomew, General Counsel to the Board of Education regarding a response from the U.S, which is to be attached to the letter.

Commissioner Dunlap, former member of the Board of Education, said the Charlotte-Mecklenburg Board of Education was not supportive of sending a letter because it puts federal dollars received by Charlotte-Mecklenburg Schools in jeopardy.

Commissioner Dunlap said this was an issue for the Charlotte-Mecklenburg Board of Education and not the Board of County Commissioners.

After further discussion, Commissioner Mitchell withdrew his second to the motion and Commissioner James withdrew the motion. Thus, no action was taken.

CONSENT ITEMS

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve the following item(s), with the exception of Items 14 and 23 to be voted upon separately:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held October 21, 2008, Special Meeting held October 30, 2008, and Closed Session held October 21, 2008.

(8) INSURANCE REIMBURSEMENTS

Approve, recognize and appropriate insurance reimbursement funds in the amount of \$1,490 for General Services, \$21,987 for Park & Recreation, \$11,893 for Sheriff and \$380,999 for Land Use and Environmental Services.

Note: All reimbursements are for stolen and damaged items.

(9) REVENUE FOR LAND DEVELOPMENT – LUESA NORTH

Recognize, receive and appropriate \$248,441 for Land Development and carry forward the unspent balance at June 30, 2009 to FY10.

Note: Funds are being received due to the default of a bond obligation for completion of

subdivision requirements in Vermillion Phase 4 Map 7. A letter of credit was provided by Crosswinds at Vermillion, LLC for completion of this work on October 5, 2007. The letter of

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credit was not renewed prior to its expiration date of October 5, 2008.

The funds will be used to complete improvements required by the Town of Huntersville Subdivision Ordinance. Any funds remaining after completion of these improvements will be returned to Crosswinds at Vermillion, LLC and their guarantor, Wachovia Bank.

(10) MECKLENBURG COUNTY SOLID WASTE FEE ORDINANCE AMENDMENT

Approve an amendment to the Mecklenburg County Solid Waste Fee Ordinance.

Note: LUESA Solid Waste proposes to change the Mecklenburg County Solid Waste Fee Ordinance with a number of minor clarifications, additions and price modifications. The amended Fee Ordinance would become effective on December 1, 2008.

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

(11) AREA MENTAL HEALTH FIRST QUARTER FY 2009 REPORT

Recognize and receive the First Quarter 2009 Area Mental Health Report.

Financial Management

Revenue Source	Budget	Actual	% Received
Medicaid & CAP	\$ 13,786,864	\$ 1,731,845	12.56%
State and Federal	\$ 34,585,588	\$ 6,765,668	19.56%
Third Party/Other	\$ 97,293	\$ 23,787	24.45%
Grants	\$ 3,484,632	\$ 392,622	11.27%
County	\$ 47,351,099	\$ 7,815,564	16.51%
Total Revenues	\$99,305,476	\$16,729,485	16.85%

Service Continuum	Budget	Actual	% Spent
Children's Developmental Services	\$ 7,022,635	\$ 1,601,241	22.80%
Child & Adolescent Services	\$ 15,144,452	\$ 1,571,072	10.37%
Adult Mental Health	\$ 13,411,010	\$ 1,098,513	8.19%
Adult Substance Abuse	\$ 13,396,924	\$ 3,175,142	23.70%
Local Management Entity	\$ 12,214,883	\$ 1,948,163	15.95%
BHC Randolph	\$ 20,020,073	\$ 4,413,233	22.04%
Developmental Disabilities	\$ 18,095,499	\$ 2,922,120	16.15%
Total Expenditures	\$99,305,476	\$16,729,485	16.85%

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that

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details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented.

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

(12) FREEDOM CENTER CLEAN WATER MANAGEMENT TRUST FUND GRANT APPLICATION

Approve the submission of a grant application to the North Carolina Clean Water Management Trust Fund (CWMTF).

Note: If awarded, this \$675,690 CWMTF grant funding will be utilized to offset phase III construction costs for three rain gardens. The rain gardens are Best Management Practices (BMP's) used to treat on-site storm water runoff at the Freedom Center office complex.

(13) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, GRANT APPLICATION – DORAL APARTMENTS

Authorize the County Manager to submit a grant application(s) in an amount up to \$3.0M to the North Carolina Division of Emergency Management for the partial acquisition of the Doral Apartments.

(15) NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, GRANT APPLICATION – FLOOD PRONE PROPERTIES

Authorize the County Manager to submit a grant application in an amount up to \$975,000 to the North Carolina Division of Emergency Management for the acquisition of up to 7 flood prone properties.

(16) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION

1. Accept the "Offer of Sale of Land" from Michael Smith and Devin Smith owners of 2224 Jennie Linn Drive for \$67,000.
2. Accept the "Offer of Sale of Land" from Manuel De Jesus Alvarado the owner of 2230 Purser Drive for \$58,000.
3. Accept the "Offer of Sale of Land" from Charles Ryan Bentley the owner of 2237 Purser Drive for \$52,000.
4. Accept the "Offer of Sale of Land" from Charles Ryan Bentley the owner of 2236 Purser Drive for \$61,500.
5. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

Note: This action is necessary for the purchase of floodplain property under the Hazard Mitigation Program, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above property from the floodplain.

(17) NC DEPARTMENT OF TRANSPORTATION COMMUNITY

TRANSPORTATION GRANT - DSS

Decrease the FY 09 Adopted Budget for the NC Department of Transportation Community Transportation Grant.

Note: The NC Department of Transportation (NCDOT) has awarded a Community Transportation Grant to the Department of Social Services in the amount of \$564,923. This grant provides funding for the administrative and capital requirements of the Mecklenburg Transportation System. The grant amount is \$115,335 (\$1,035 administration, \$114,300 capital) less than the Adopted FY 09 Budget.

(18) WORK FIRST FUNCTIONAL ASSESSMENT PROGRAM - DSS

Recognize, receive and appropriate additional funds in the amount of \$96,600 from the North Carolina Department of Health and Human Services for the Work First Functional Assessment Program.

Note: These funds will be used to perform a Functional Evaluation and/or Vocational Assessment of Work First customers coded as disabled.

(19) DSS REVENUE AND EXPENSE ADJUSTMENT

Recognize, receive and appropriate additional funds in the amount of \$49,384 from the North Carolina Division of Aging and Adult Services.

(20) NEIGHBORHOOD PARK LAND ACQUISITION

Approve purchase of Tax Parcel 145-173-10 (+/- 0.233 acre) located on Amay James Avenue in the Reid Park neighborhood for \$7,000.

Note: This parcel will become part of the land assemblage for a new neighborhood park in the Reid Park area.

(21) STEWART CREEK LAND ACQUISITION

1) Approve purchase of Tax Parcel 065-143-05 located on S. Barlowe Road in the Lakewood area for \$7,600 owned by JA Properties of Charlotte.

2) Approve purchase of Tax Parcel 065-143-06 located on S. Barlowe Road in the Lakewood area for \$5,500 owned by JA Properties of Charlotte.

Note: These parcels will become part of the land assemblage for a new neighborhood park in the Reid Park area.

(22) SOLID WASTE EQUIPMENT FINANCING

Authorize the County Manager and the Director of Finance to negotiate and execute financing for acquisition of equipment and vehicles for use by the Solid Waste Division of LUESA.

(24) UNCC GREENWAY EASEMENT AGREEMENT

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Authorize the County Manager to negotiate and execute a Memorandum of Understanding between the County and the University of North Carolina at Charlotte to (1) reconfigure and reduce the area within the existing greenway easement on the campus and (2) become effective at the time construction of the greenway trail by the County begins.

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

(25) NORTH CAROLINA COMMUNITY SAILING LEASE ARRANGEMENT

Approve a resolution of intent for a lease agreement between Mecklenburg County and North Carolina Community Sailing for the development and operation of a community rowing and sailing center at Blythe Landing Park.

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

(26) ACQUISITION OF FLOOD-DAMAGED STRUCTURES - REVISED RESOLUTION

Adopt the revised Resolution for an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 27 and September 10, 2008 Storms

Note: On September 16, 2008, the Board adopted a Resolution which established an Eligibility & Prioritization Plan for a Voluntary Property Acquisition Program for Flooded Structures from the August 27 and September 10, 2008 Storms. The "Quick Buy" program strives to voluntarily acquire flood damaged properties located within the Floodplain that are at continued risk of loss of life, disruption of services, and damage due to future flooding.

The adoption of the revised Resolution will improve the consistency of the program and clarify the process for computing the purchase price before staff brings individual Offer of Sale of Land agreements to the Board for approval. The revisions clarify how damage deductions are determined for uninsured property owners. The proposed procedure would address uninsured properties consistent to how damages are determined for insured property owners. The revisions also clarify how expenditures related to flood clean-up and property repairs after the date of the flood are accounted for.

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

(27) EMERGENCY DEPARTMENT BUILDING ADDITION CMC-RANDOLPH, BEHAVIORAL HEALTH CENTER - FURNITURE FIXTURES AND EQUIPMENT

Rescind the October 7, 2008 Board Action awarding a purchase contract to Meadows Office Furniture in the amount of \$168,882 and award a purchase contract to Alfred Williams in the amount \$174,124.97 for the purchase of furniture fixtures and equipment for the Emergency Department addition, including both public and staff areas at the CMC-Randolph, Behavioral Health Center.

(28) MECKLENBURG COUNTY JAIL EXPANSION 2008 - ARCHITECT SELECTION

Authorize the County Manager to negotiate a fee and execute a contract with Little Diversified Architectural Consulting / HOK, for Master Planning and Architectural/Engineering Services for

the Mecklenburg County Jail Expansion 2008 and in the event negotiations with this firm are

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unsuccessful, approve negotiations with the other short-listed firm.

Note: The other short-listed firm is Pease Associates, Charlotte/DLR Group, Orlando Florida.

(29) STEELE CREEK VFD & RESCUE SERVICES, INC.

Adopt a resolution submitted by Steele Creek Volunteer Fire Department and Rescue Services, Inc. approving the incurrence by Steele Creek Volunteer Fire Department and Rescue Services, Inc. of up to \$490,959.01 indebtedness from First Citizens Bank and Trust Company to finance the acquisition of one Pumper/Rescue Truck.

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

(33) TRANSFER OF TITLE TO TWO 2005 MACK TRACTORS TO CAROLINAS HEALTHCARE SYSTEM

Accept title of two 2005 Mack tractors from Medic and transfer title to the tractors to Carolinas HealthCare System and authorize County Manager to execute necessary documents.

Note: The Charlotte-Mecklenburg Hospital Authority d/b/a Carolinas Medical Center (CMC) owns a mobile treatment facility which is comprised of two 54 ft. x 9ft. trailers and certain medical equipment (the "Mobile Treatment Facility"). Medic purchased two tractors designed to transport the Mobile Treatment Facility, so that the Mobile Treatment Facility could be used during emergency medical situations across the country. Medic no longer desires to own and maintain the Tractors and has agreed to transfer the Tractors to the County which will in turn transfer them to Carolinas HealthCare System.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(14) GREENWAY DONATIONS – PAW CREEK AND LITTLE SUGAR CREEK

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, and carried 8-0 with Commissioners Bentley, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to accept donation of the following properties on Paw Creek from HTL Development and on Little Sugar Creek from J&B Development and Management, Inc.

- 1) Tax Parcel 059-201-99 (+/- 4.64 acres)
- 2) Tax Parcel 173-071-59 (+/- 8.50 acres)
- 3) 50' Greenway Access Easement (Tax Parcel 173-061-01)

Note: Tax Parcel 059-201-99 is donated by HTL Development based on the approved subdivision plan for the Christen Creek subdivision. This parcel will add to greenway assemblage along Paw Creek, and is located in the Northwest Park District.

Tax Parcels 173-071-59 and a 50' greenway access easement on Tax Parcel 173-061-01 are donated by J&B Development and Management, Inc. based on the approved subdivision plan for

the Park South subdivision. This parcel will add to greenway assemblage along Little Sugar Creek, and is located in the South Park District.

Chairman Roberts removed this Item from Consent for more public awareness.

(23) BEREWICK PARK SITE LAND EXCHANGE

Commissioner Helms asked to be excused from voting on Item 23 – Berewick Park Site Land Exchange to avoid a conflict of interest.

Motion was made by Commissioner James, seconded by Commissioner Ramirez, and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Mitchell, Ramirez and Roberts voting yes, to excuse Commissioner Helms from voting on Item 23 – Berewick Park Site Land Exchange to avoid a conflict of interest.

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

Motion was made by Commissioner James, seconded by Commissioner Mitchell, and carried 7-0 with Commissioners Bentley, Clarke, Dunlap, James, Mitchell, Ramirez and Roberts voting yes, to adopt a resolution authorizing the County Manager to negotiate, execute and implement the exchange +/- 6 acres from County Tax Parcels 141-171-11, 141-171-25 and 141-171-23 for +/- 12 acres from Tax Parcels 141-171-22, 141-171-20, 141-171-01 and 141-291-06 owned by Dixie River Land Company.

Note: This is for the Berewick Park site.

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

Commissioner Helms returned to the dais.

Commissioner Bishop returned to the dais.

STAFF REPORTS AND REQUESTS

(30) WORK FIRST BIENNIAL COUNTY PLAN - DSS

Mary Wilson, Director of Social Services addressed the Mecklenburg County Work First County Plan for 2009-2011.

Motion was made by Commissioner Mitchell, seconded by Commissioner Ramirez, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to approve the Mecklenburg County Work First County Plan for 2009-2011.

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

(31) UNIFORM SCHEDULES OF VALUES, STANDARDS AND RULES FOR THE 2009 REAPPRAISAL

Motion was made by Commissioner Helms, seconded by Commissioner James, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, Ramirez and Roberts voting yes, to defer consideration to receive the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal and scheduling a public hearing on the Uniform Schedules of Values, Standards and Rules for 2009 Reappraisal until the December 2, 2008 meeting for consideration by the new Board.

The following persons spoke in opposition to moving forward with revaluation at this time, in light of the current economy: Representative Thom Tillis, N.C. House of Representatives,

District 98, Charlotte City Councilman Andy Dulin and Commissioner James Bensman, Town of Cornelius.

NOVEMBER 5, 2008

In a related matter, Town of Cornelius Commissioner Bensman said it disturbed him to find out from the Cornelius Town Manager, per a conversation he had with County Manager Jones, that his home and others on his street would be used as an example during the Tax Assessor's presentation at tonight's meeting. *(Note a presentation was not made, in light of the deferral.)*

Town Commissioner Bensman said he initially viewed this as an act of intimidation, as a result of being opposed to moving forward with revaluation and having voiced that opinion to the Board of Commissioners. Thus, according to Town Commissioner Bensman, highlighting him, or implying that he was going to get some type of personal benefit, such as getting a lower tax value on his home; or "even worse that if the appraisal goes forward that he would be targeted by an unjust appraisal." Town Commissioner Bensman said what he has now done or started to do, is to find an independent appraiser. He has also talked to an attorney.

Town Commissioner Bensman asked for a response to his concern.

Commissioner Bishop said he was told by County Manager Jones that he called the Cornelius Town Manager to inform him that he had gotten some requests for information as described by Town Commissioner Bensman and not that it was going to be used in a presentation.

Commissioner Bishop, in defense of County Manager Jones, said he has "never found him to do anything at all inappropriate with information about public officials." He's never found him to do "anything that would be intimidating." Commissioner Bishop also said with "all do respect" to Town Commissioner Bensman that it would have been far more better for him to have addressed this matter with County Manager Jones privately, rather than to make this accusation publicly.

Town Commissioner Bensman said that's not what was relayed to him. He said he was not accusing County Manager Jones of anything.

Commissioner Dunlap said he could perhaps clear this up and noted that Town Commissioner Bensman sent out an e-mail about revaluation and that one of the things said in the e-mail was that there were questions that could not be answered. Commissioner Dunlap said upon receipt of the e-mail, he forwarded it to County Manager Jones and said here are questions from Town Commissioner Bensman and he would like to be able to answer them.

Town Commissioner Bensman thanked the Board for the responses, but again, said this was not what was communicated to him.

County Manager Jones said he called the Cornelius Town Manager to let him know that he had gotten an inquiry about property, specifically Town Commissioner Bensman's, in the Cornelius area. Manager Jones said he called the Town Manager to give him heads up and to let Commissioner Bensman know that it could likely come up during the course of the discussion, "much like his property came up during the discussion of this issue several weeks ago."

County Manager Jones said there was nothing intended on his part to be intimidating. County Manager Jones said he does not work that way. County Manager Jones said to Commissioner Bensman, "if you believe that I did something that I shouldn't have done, I will publicly apologize to you, but there was nothing intentionally done to bring attention to you."

County Manager Jones said he was responding to an inquiry from one of his elected officials and out of respect for Commissioner Bensman he called his Town Manager to let him know.

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

(32) DEBT POLICY AMENDMENT

NOVEMBER 5, 2008

Finance Director Dena Diorio addressed a proposed revised debt policy. The following was covered:

- A Recap of what has occurred since presentations made on June 24, 2008 and September 9, 2008
- Highlights of Policy
- Options

Motion was made by Commissioner Helms, seconded by Commissioner Dunlap, and carried 5-3 with Commissioners Clarke, Dunlap, Helms, Mitchell, and Roberts voting yes and Commissioners Bentley, Bishop, and James, voting no, to adopt the revised debt policy.

Prior to the above vote, Commissioner James asked was there a way to keep Pay-go separated. He noted that the City of Charlotte has a “bucket” model, where basically everything is put in the bucket and that they have a tax rate going in and everything in there is basically segregated and you can’t touch it; and then the funds come out to pay the debt service. He said the County has this on an informal basis. He asked can the County do this. *The response was that once the appropriation for the debt service is made, those dollars are transferred into another fund so that it can only be used for pay-go.*

Commissioner James said using the “bucket” model the debt service and the impact on the budget stays the same year after year, because when the debt service goes down the money is not usable for other general purposes. Commissioner James suggested the County use the City of Charlotte’s “bucket” model to apply to all debt.

Director Diorio said she would look into what the City does.

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

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

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

E-MAIL INSERTION REQUEST: Commissioner James referenced an e-mail received from a member of the Town of Matthews Board of Commissioners that he’d received from Rob Hunter, Police Chief for the Town of Matthews, regarding the Task Force Final Report, Item 6a. See below.

NOVEMBER 5, 2008

From: Rob Hunter [mailto:rhunter@matthewspolice.org]

Sent: Wednesday, November 05, 2008 11:33 AM

To: Taylor, Jim; Bill Dixon; Buckley, Charles ; Gulley, Suzzane; Hazen Blodgett; Jeff Miller; Jim Taylor (work); Mayor R. Lee Myers; Nancy Lafond; Jill Pleimann; wkquery@matthewsnc.com

Cc: Annette Privette-Keller; Off. Stason Tyrell

Subject: FW: Justice and Public Safety Task Force Final Report and Presentation

Attached is a report being presented to the County Commission tonight from the Justice & Public Safety Task Force. This task force was appointed by the County Commission in July. Be aware that the police chiefs for the six towns were not aware of the meetings nor invited to attend until learning of the meetings last month. The CMPD chief and the sheriff had been given several opportunities to appear before the task force. We were given one opportunity, at one meeting - October 21st - to present any concerns or suggestions we may have, and we were asked to consolidate our presentation through two chiefs only.

That said, most of the recommendations are fairly generic - everyone within the CJ system needs to communicate more, establish the same priorities, etc. It does recommend the creation of a new (county-led) position and the permanent establishment of a Citizens Advisory Committee to "...promote collaboration and coordination across all components of the Criminal Justice System..." It suggests the BOCC appoint the members, and fund the full-time position.

As you will see, most recommendations that pertain to local law enforcement are written as if there is only CMPD within the county (11, 14, 15.) We will definitely voice our positions as this process continues.

I have to say that the chiefs from the "small" towns were distressed that (1) we were not considered when the task force began its investigation, and (2) were not given but one opportunity to voice our concerns after having invited ourselves into the process. While I don't think the BOCC can 'impose' any of the recommendations upon our towns, it is obvious that the primary position to be considered will be that of the City / CMPD as it effects case prosecution consideration, warrant applications, etc.

I'm available for questions you may have after reviewing the attached report.

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ADJOURNMENT

Motion was made by Commissioner Helms, seconded by Commissioner James, and carried 8-0, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, James, Mitchell, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:30 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman