

NOVEMBER 18, 2008

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA  
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, November 18, 2008.

ATTENDANCE

**Present:** Chairman Jennifer Roberts and Commissioners  
Karen Bentley, J. Daniel Bishop, Dumont Clarke  
George Dunlap, H. Parks Helms  
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:** Commissioner Bill James

---

**-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 item identified was Item 22.

**(2A, 2B) CLOSED SESSION – A) CONSULT WITH ATTORNEY, B) PERSONNEL MATTER**

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

*The Board went into Closed Session at 5:40 p.m. and came back into Open Session at 6:00 p.m.*

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

---

NOVEMBER 18, 2008

**-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) RECOGNIZE “FATHER OF THE YEAR” ESSAY CONTEST WINNERS**

The Board recognized the winners of the essay contest on “Father of the Year” and “Father Figure of the Year.”

Ledger Morrisette with Charlotte-Mecklenburg Community Relations and Pinkney Colin with Urban Restoration addressed the essay contest.

*Note: The essay contest was part of a town hall meeting held in celebration of fathering throughout Mecklenburg County. One of the purposes was to spotlight the positive ways in which men are impacting the lives of children throughout the community. The goal was to inspire uninvolved men to play a more active role in the lives of their children and other children.*

The following students and their Father and/or Father Figure were present and read their essay: Sanjana Murthy (father: Kulukuru-Krishan Murthy) and Shannae Dorsey (father figure: Houston “Pete” Colman, her uncle).

*A list of the winners and runner ups is on file with the Clerk to the Board.*

**(1B) GIS DAY**

Motion was made by Commissioner Mitchell, seconded by Commissioner Helms, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to proclaim Wednesday, November 19, 2008 Geographic Information Systems (GIS Day) in Mecklenburg County.

*Note: In Mecklenburg County, government employees are working more efficiently because of Geographic Information System (GIS) technology. GIS technology supports eGov strategies by supporting mobile workers and customers, expanding self-service capabilities, and improving usability and integration of data. Internal, as well as external customers of Mecklenburg County agencies as well as 311 are able to complete business transactions quicker and retrieve answers to their questions more efficiently. GIS combines geography and technology to significantly improve decision making that involves the location, distribution, or impact of people, places, and events in Mecklenburg County.*

The proclamation was read by Commissioner Clarke.

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

**(2) PUBLIC APPEARANCE**

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

Mark Dorsett and Claudia Moses, on behalf of the Homeless Services Network, addressed Homeless Awareness Month (November). They also asked for a moment of silence, which was acknowledged, in memory of those homeless individuals here in Mecklenburg County that

**NOVEMBER 18, 2008**

passed away in 2008. The names of 38 individuals were read. The passing of the late Commissioner Valerie C. Woodard was also acknowledged. They also announced the Homeless Awareness Walk scheduled for Saturday, November 21, 2008 at 10:00 a.m. at Crisis Assistance Ministry.

Larry Brackett addressed inflation and property values, the 1977 Neighborhood Reinvestment Act, bank mergers, and loans made by banks to persons who did not have the financial resources to pay them back.

Pastor Brenda Stevenson asked the Board and the community to assist her ministry in feeding the needy at Thanksgiving time. Pastor Stevenson gave out her contact information for those wanting to make a donation.

**(3A) APPOINTMENTS**

**CITIZEN'S CAPITAL BUDGET ADVISORY COMMITTEE**

Motion was made by Commissioner Helms, seconded by Commissioner Ramirez, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to appoint Mr. Budd Berro as Chairman of the Citizen's Capital Budget Advisory Committee for the duration of his term.

*He is replacing Michael Murdock.*

**PUBLIC HEARINGS**

**(4A) REAL ESTATE EXCISE TAX REFUND REQUEST**

Motion was made by Commissioner Ramirez, seconded by Commissioner Mitchell, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to hold a hearing on request by the Law Office of George H. Sperry, Jr. for reimbursement of North Carolina excise tax in the amount of \$330.00.

No one appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Ramirez, and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to close the hearing the on request by the Law Office of George H. Sperry, Jr. for reimbursement of North Carolina excise tax in the amount of \$330.00 and approve the reimbursement.

**(2B) CLOSED SESSION – PERSONNEL MATTER**

Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to approve changes in the County Manager's contract to strike language from **Section 6. Vacation/Sick Leave And Other Fringe Benefits** of the contract, so that **Section 6 now reads:** 'Employee will be eligible for the normal fringe benefits (including health and life insurance) and sick leave as accorded other County employees. In addition, Mecklenburg County agrees to pay Employee's contribution for health insurance and to pay for health insurance for Employee's spouse.'

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

**(6) MANAGER'S REPORT - NONE**

**CONSENT ITEMS**

**Motion was made by Commissioner Ramirez, seconded by Commissioner Helms and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, to approve the following item(s) with the exception of Item 22, to be voted upon separately:**

**(7) APPROVAL OF MINUTES**

1) Approve minutes of Regular Meeting held November 5, 2008, Budget/Public Policy Meeting held October 14, 2008, and Closed Session minutes of November 5, 2008 (2a1 & 2a2), October 21, 2008 (2a1 & 2a2), October 7, 2008 (2b5, 2b6, 2c, & 2d), January 2, 2008 (2a1), and December 18, 2007 (2a4).

2) Approve amendment to Closed Session Minutes of October 21, 2008 (2b1).

**(8) TAX REFUNDS**

Approve refunds in the amount of \$24,535.33 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) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**

Receive as Information that JH Food Management, owner of Joe's Cafe, has decided not to enter into the Lease in the retail portion of the Government District Parking Deck at 4<sup>th</sup> and McDowell Streets, approved by the Board on October 7, 2008.

*Note: At the County Commission meeting on October 7, 2008, the Commission adopted a resolution entitled, "Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to JH Food Management, Owner of Joe's Cafe." JH Food Management proposed leasing space in the retail portion of the Government District Parking Deck at 4<sup>th</sup> and McDowell Streets for an Asian cuisine restaurant. However, due to the current downturn in the economy, the owners of Joe's Café have decided to not move forward with leasing the space.*

**(10) REVISIONS TO THE LAND USE & ENVIRONMENTAL SERVICES FEE ORDINANCE AND THE BUILDING-DEVELOPMENT ORDINANCE**

1) Amend the LUESA Fee Ordinance, revising plan review fees to allow collection of OnSchedule permit fees at application for review, and retention of plan review costs on projects which are abandoned for 120 days or longer.

2) Revise the Building-Development Ordinance, adding the definition of "Abandoned Projects," and adding a section on "Destruction of Plans," clarifying the timeframe for destroying plans which are not picked up by the applicant.

*Note: A second reading will be required, since all nine Commissioners were not present. This matter will be placed on the Board's December 2, 2008 agenda.*

**(11) PROCEDURES FOR ADVISORY BOARD APPOINTMENTS**

Approve revised Board Policy for Procedures for Advisory Board Appointments.

*Policy recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

**(12) OUTSIDE AGENCY FUNDING TRANSFER**

Approve a transfer of funds in the amount of \$112,500 awarded to Physician's Reachout during the FY09 Outside Agency funding process to Community Health Services.

*Note: Community Health Services (CHS) acquired the Mecklenburg County Medical Society on November 1, 2008. CHS requests all funding previously awarded by Mecklenburg County to the Mecklenburg County Medical Society Foundation for the Physician's Reachout program be transferred based on the acquisition.*

**(13) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION**

1. Accept the "Offer of Sale of Land" from Matthew Koeman owner of 833 Sharon Amity Road for \$290,000.
2. Accept the "Offer of Sale of Land" from Jack and Betty Bruce the owners of 2235 Jennie Linn Drive for \$54,000.
3. 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 properties under the Hazard Mitigation Program. This action will purchase and remove the above properties from the floodplain.*

**(14) GREENWAY DONATIONS – MCALPINE CREEK**

Accept the donation of +/- 1.1555 acres of floodplain on Tax Parcels 193-073-03 and 193-073-04 from the Charlotte Housing Authority (CHA).

*Note: The subject parcels are located on the south side of Margaret Wallace Road across the creek from the McAlpine Creek Greenway. The Charlotte Housing Authority is purchasing these parcels subject to a required dedication of floodplain to the County resulting from an approved rezoning. The balance of these two parcels and all of Tax Parcel 193-073-02 are being purchased by CHA for an affordable housing residential development. Pending suitable site conditions and a future agreement with CHA, the greenway trail may be extended across the creek to provide a pedestrian connection to the residential development.*

**(15) CAPITAL PROJECT ORDINANCE – LAND BONDS**

Amend the *Land Bonds Approved in November 6, 2007 Referendum* ordinance.

*Note: This action will provide budgetary authority for continuation of land acquisitions with bonds approved in the November 2007 referendum.*

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

**(16) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2008-2009  
ADOPTED BUDGET**

Approve Charlotte-Mecklenburg Schools (CMS) Budget Amendments.

*Note: The Board of Education requested approval of changes in the allocation of the county appropriation by purpose and/or function of the amount included in the Board of County Commission (BOCC) budget resolution in June of 2008. The BOCC is required to approve any reallocation of funds submitted by the Board of Education that exceeds ten percent within the purpose and/or function categories of the approved county appropriation. The changes are the result of CMS adjustments and reductions required to adjust CMS' expenditure level to the County appropriation of \$351,366,785. These changes are only adjustments in the allocation of funds. No additional funds are being requested. These adjustments have been approved by the Board of Education.*

**(17) AREA MENTAL HEALTH AUTHORITY MONTHLY FINANCIAL REPORTS**

Recognize and receive Area Mental Health Authority Monthly Financial Reports for the period ending July 30, 2008 and August 31, 2008.

**AREA MENTAL HEALTH AUTHORITY  
Statement of Revenues and Expenses  
FY 2009, For the period ending July 30, 2008**

	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
<b>Revenue Source</b>			
Medicaid & CAP	13,711,864	154,127	1.12%
State and Federal	34,163,861	45,963	0.13%
Third Party/Other	97,293	4,957	5.09%
Grants	3,484,632	0	0.00%
County	44,452,423	2,850,224	6.41%
<b>Total Revenues</b>	<b>\$95,910,073</b>	<b>\$3,055,271</b>	<b>3.19%</b>

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
<b>Service Continuum</b>			
Children's Developmental Services	7,022,635	442,798	6.31%
Child & Adolescent Services	14,722,725	111,201	0.76%
Adult Mental Health	11,152,137	39,847	0.36%
Adult Substance Abuse	13,232,808	400,070	3.02%
Local Management Entity	11,664,196	386,845	3.32%
BHC Randolph	20,020,073	1,632,749	8.16%
Developmental Disabilities	18,095,499	41,760	0.23%
<b>Total Expenditures</b>	<b>\$95,910,073</b>	<b>\$3,055,271</b>	<b>3.19%</b>

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

NOVEMBER 18, 2008

**AREA MENTAL HEALTH AUTHORITY**  
**Statement of Revenues and Expenses**  
**FY 2009, For the period ending August 31, 2008**

	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
<b>Revenue Source</b>			
Medicaid & CAP	13,786,864	1,287,061	9.34%
State and Federal	34,282,838	5,651,574	16.49%
Third Party/Other	97,293	17,638	18.13%
Grants	3,484,632	72,552	2.08%
County	47,351,099	2,993,200	6.32%
<b>Total Revenues</b>	<b>\$99,002,726</b>	<b>\$10,022,024</b>	<b>10.12%</b>

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
<b>Service Continuum</b>			
Children's Developmental Services	7,022,635	1,094,431	15.58%
Child & Adolescent Services	14,841,702	772,240	5.20%
Adult Mental Health	13,411,010	426,974	3.18%
Adult Substance Abuse	13,387,657	1,501,299	11.21%
Local Management Entity	12,224,150	1,421,390	11.63%
BHC Randolph	20,020,073	3,265,498	16.31%
Developmental Disabilities	18,095,499	1,540,192	8.51%
<b>Total Expenditures</b>	<b>\$99,002,726</b>	<b>\$10,022,024</b>	<b>10.12%</b>

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

*Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet. 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.***

**(18) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH AUTHORITY**

Recognize, receive and appropriate State funds in the amount of \$203,735 for the purpose of Walk-In Crisis and Immediate Psychiatric Aftercare funding.

*Note: These funds will be used for the purpose of hiring a new psychiatrist not currently employed by the state or LME, the hiring of other support staff and the purchase of equipment for the Walk-In Crisis and Immediate Psychiatric Aftercare site(s) by a private provider.*

**(19) FEDERAL WORK FIRST COUNTY BLOCK GRANT (WFCBG) - DSS**

Amend the Fiscal Year 2009 adopted budget by reducing the appropriation for the Federal Work First County Block Grant budget by \$20,536.

*Note: The North Carolina Department of Health and Human Services through the General Assembly reduced federal funding for the Work First County Block Grant (WFCBG) program.*

**(20) PROJECT CARE FUNDS AWARDED - DSS**

Recognize, receive and appropriate \$86,250 in State funds awarded by the North Carolina Department of Health and Human Services, Division of Aging and Adult Services for Project CARE.

**(21) FOSTER CARE AND ADOPTION ASSISTANCE RATE ADJUSTMENTS**

Approve, recognize and authorize the new State-wide rates for foster care and adoption assistance.

*Note: The State of North Carolina has increased the rates for foster care and adoption assistance effective December 1, 2008. The State rates for both foster care and adoption assistance are as follows: \$475 for ages 0-5, \$581 for ages 6-12, \$634 for ages 13-18.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

---

**(22) NORTH CAROLINA COMMUNITY SAILING LEASE ARRANGEMENT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez, and Roberts voting yes, to authorize the County Manager to negotiate and execute a long term lease, development and operating agreement between Mecklenburg County and North Carolina Community Sailing for a community rowing and sailing center at Blythe Landing Park.

*Commissioner Dunlap removed this item from Consent for more clarification on how this came about. Greg Jackson with Park and Recreation addressed this issue.*

*Agreement recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

**STAFF REPORTS AND REQUESTS**

**(23) BOND CONVERSION RESOLUTION**

The Board considered adopting a resolution for conversion of 2006A general obligation bonds interest rate mode.

Commissioner H. Parks Helms introduced the following resolution, the title of which was read:

RESOLUTION AMENDING THE EXHIBIT RELATING TO THE COUNTY'S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2006A AND AUTHORIZING THE



**NOVEMBER 18, 2008**  
CONVERSION OF SUCH BONDS TO A LONG-TERM INTEREST RATE FOR A PERIOD  
TO BE DETERMINED AND RELATED DOCUMENTATION;

BE IT RESOLVED by the Board of Commissioners of the County.

**Section 1.** The Board of Commissioners has determined and does hereby find and declare as follows:

- (a) The County has issued its Variable Rate General Obligation Bonds, Series 2006A (the "Bonds"), which heretofore have borne interest at a weekly interest rate.
- (b) The Board of Commissioners has determined that because of disruptions in the credit markets the County could achieve economic benefits from converting the Bonds to bear interest at a fixed rate for a period to be determined.
- (c) In connection with that conversion, it is beneficial to amend in certain respects Exhibit 1 to the resolution relating to the Bonds adopted on November 15, 2005 (the "Resolution").

**Section 2.** Exhibit 1 of the Resolution is amended as set forth in Exhibit A hereto, together with such changes consistent with the general tenor hereof and thereof as the County Manager or Director of Finance, with the advice of counsel, may deem appropriate, their execution of the closing certificates in connection with the conversion of the interest rate on the Bonds to evidence conclusively the authorization and approval thereof. Such amendments shall become effective upon the consent of the holders of the Bonds.

**Section 3.** All officials and staff members of the County are each hereby authorized to execute on behalf of the County the various certificates, proofs, instruments or other documents, including the related offering and remarketing documents, to be executed in connection with the amendment of the Resolution, the conversion of the interest rate on the Bonds, the remarketing of the Bonds at the converted interest rate and related agreements. All actions previously taken by the County and its representatives in connection therewith are hereby ratified and approved.

**Section 4.** This resolution shall take effect upon its passage.

The foregoing resolution was seconded by Commissioner George Dunlap and adopted by the following vote:

AYES: Commissioners Karen Bentley, Dan Bishop, Dumont Clarke, George Dunlap, H. Parks Helms, Norman A. Mitchell, Sr., Dan Ramirez, and Jennifer Roberts

NAYS: None

*Extracts and Resolution recorded in full in Minute Book 44-A, Document # \_\_\_\_\_.*

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**REMARKS BY OUTGOING COMMISSIONERS**

Remarks were made by those Commissioners who will not be returning to the Board for the Board County Commission Term of 2008-2010. Each addressed having had the opportunity to serve the community in this capacity. They also expressed thanks to the community and to staff

for having had this opportunity to serve.

The remarks were made in the following order:

**NOVEMBER 18, 2008**

**Commissioner Dan Ramirez** – At-Large (Has served two terms for a total of four years)

**Commissioner Dan Bishop** - District 5 (Has served two terms for a total of four years)

**Commissioner Norman A. Mitchell, Sr.** – District 2 (Has served 5 terms for a total of 10 years)

**Commissioner H. Parks Helms** – At-Large (Has served eight terms for a total of 16 years; nine years as Chairman and two years as Vice-Chairman)

*Note: County Manager Jones acknowledged during this time, the service of the late County Commissioner Valerie C. Woodard (District 3), who would have been returning to the Board were it not for her passing. Commissioner Woodard passed unexpectedly on October 3, 2008.*

**ADJOURNMENT**

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez, and unanimously carried, with Commissioners Bentley, Bishop, Clarke, Dunlap, Helms, Mitchell, Ramirez and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 7:42 p.m.

---

Janice S. Paige, Clerk

---

Jennifer Roberts, Chairman