

DECEMBER 16, 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, December 16, 2008.

ATTENDANCE

**Present:** Chairman Jennifer Roberts and Commissioners  
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.  
Neil Cooksey, George Dunlap, Bill James  
Vilma Leake and Daniel Murrey  
General Manager Bobbie Shields  
County Attorney Marvin A. Bethune  
Clerk to the Board Janice S. Paige

**Absent:** None.

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**-INFORMAL SESSION-**

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

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

**(2A, B) CLOSED SESSION – A) CONSULT WITH ATTORNEY AND B) LAND ACQUISITION**

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

- Property located on Stumptown Road in Huntersville
- Jerry Alan Reese vs. Mecklenburg County and Knights Baseball, LLC
- Jerry Alan Reese vs. Mecklenburg County, City of Charlotte, and Board of Education
- Jerry Alan Reese vs. Mecklenburg County and Brooklyn Village, LLC
- Jerry Alan Reese vs. Mecklenburg County, Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C. Corporation

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Consult with Attorney and B) Land Acquisition.

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

**(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 8, 9, 14, and 25.

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

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**-FORMAL SESSION-**

*Invocation was given by Chairman Roberts, 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) PRESENTATION OF PLAQUE AND INDUCTION INTO THE ORDER OF THE HORNET**

The Board presented an appreciation plaque to former County Commissioner H. Parks Helms for his service on the Board for the 2006-2008 term.

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct into the Order of the Hornet former County Commissioner H. Parks Helms in recognition of his service to Mecklenburg County.

Former Commissioner Helms thanked the Board for bestowing this honor upon him.

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

**(1B) INDUCTION INTO THE ORDER OF THE HORNET**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to induct former Register of Deeds Judy Gibson into the Order of the Hornet in recognition of her service to Mecklenburg County.

Former Register of Deeds Judy Gibson thanked the Board for bestowing this honor upon her.

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

**(2) PUBLIC APPEARANCE**

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

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Majid Alim-Obama addressed repeat offenders and the need for rehabilitation programs. Mr. Alim-Obama said jails aren't always the solution.

Mrs. Carol Deckbar addressed a septic system issue that she has been dealing with on her property. Mrs. Deckbar lives in the Beckingham Subdivision in Mint Hill. According to Mrs. Deckbar, there are three other homes in the neighborhood with the same or similar problem. Mrs. Deckbar said she and others were there to ask the Board's assistance in getting this problem resolved. Mrs. Deckbar said it was their contention that "the County Health Department issued a permit for the wastewater treatment system on our site that never met code."

Robby McClure spoke in support of the Deckbars and other neighbors in his neighborhood who have septic system issues. He doesn't have a problem with his system, however, Mr. McClure said problems of this nature impact the marketability of their properties.

Trish Thompson addressed a septic system issue that she, too, has been dealing with on her property. Mrs. Thompson also lives in the Beckingham Subdivision in Mint Hill. She spoke of how her children and pet are unable to go outside and play in their yard. Mrs. Thompson said they should be connected to the public sewer system.

Bill Grandy, C D Collins, Rev. Terrence J. Jones, and Bill Waltz addressed the Gaston East-West Connector "Garden Parkway" – Southern Route. A petition was submitted to the Board asking for the elimination of "any and all routes that contain K4A, K1B, and K1C road segments from consideration as thoroughfares for the proposed Garden Parkway." "Development of these segments would impact a significant number of residents and reduce the beauty and serenity of one of the most admired parts of Mecklenburg County. This combined with higher project costs and increased negative impacts on environmentally sensitive wetlands, rivers, coves and streams leads us to respectfully request that these southern segments be removed from consideration."

Jeff Barefoot spoke in opposition to the Garden Parkway Northern route and Southern route. He asked that consideration be given to "some variation of the middle route that has been on the thoroughfare plans for over twenty years." Mr. Barefoot also gave the Board a petition.

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

**(26) ROTARY CLUB DONATION FOR LITTLE SUGAR CREEK GREENWAY PROJECT**

Motion was made by Commissioner Cogdell, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate from the Rotary Club of Charlotte a gift of \$23,000 toward the clockwork for the tower which will be part of Little Sugar Creek Greenway.

**(3A) NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Cooksey, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Daniel Shain to the Adult Care Home Advisory Committee for a one-year term expiring December 31, 2009.

*He is replacing Stephen Flaherty.*

**AIR QUALITY COMMISSION**

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Commissioner Clarke nominated all applicants for appointment consideration to the Air Quality Commission:

Stephanie Carter-Tyson      *(Ms. Carter-Tyson was nominated but was later appointed to the Personnel Commission as noted in the minutes.)*

William Nash  
Jason White

*Note: An appointment will occur on January 6, 2009.*

#### **BICYCLE COMMITTEE**

Commissioner James nominated all applicants for appointment consideration to the Bicycle Committee:

John Arciero  
Jane Cacchione  
Kurt Robinson  
Jane Wasilewski  
Gerald Williams

*Note: An appointment will occur on January 6, 2009.*

#### **FIRE COMMISSION**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Philip Angelo to the Fire Commission to fill an unexpired term expiring December 31, 2009.

*He is replacing Andy Higgins.*

#### **NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Jenita Hooks to the Nursing Home Community Advisory Committee for a three-year term expiring December 31, 2011.

#### **PERSONNEL COMMISSION**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Stephanie Carter-Tyson and Simona Mitchell to the Personnel Commission for a three-year term expiring December 31, 2011.

*They are replacing Andrea Corbett and William Crigger.*

#### **WASTE MANAGEMENT ADVISORY BOARD**

Commissioner James nominated all applicants for appointment consideration to the Waste Management Advisory Board:

Chad Faubel  
Connie Harris  
Jeremy O'Brien  
Rita Plyler  
Martin Sanford

*Note: An appointment will occur on January 6, 2009.*

**(3B) MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Harry Weatherly to the Mecklenburg EMS Joint Agency Board of Commissioners for a three-year term expiring December 31, 2011.

**(4) PUBLIC HEARINGS – NONE**

**(5A) ADVISORY COMMITTEE REPORTS**

**GREENWAY LAND ACQUISITION STUDY GROUP REPORT**

Motion was made by Commissioner James, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to receive the report from the Greenway Study Group and refer it to the Board's Natural Resources Committee.

*Note: On March 18, 2008, the Board approved the formation of a study group to develop recommendations around the greenway planning process, paying special attention to the protection of private property rights. The group ultimately identified two overarching issues 1) the use of eminent domain, and 2) planning and communication.*

Former County Commissioner Tom Cox, Greenway Study Group Chairman presented the report. Julie Clark with Park and Recreation and Scott McClure, Park Commissioner, commented on this as well.

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

**MANAGER'S REPORT**

**(6A) JUSTICE AND PUBLIC SAFETY TASK FORCE**

The Board received the Justice and Public Safety Task Force Report.

Retired Judge Shirley Fulton, Co-chair of the Task Force, gave the report.

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

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell, to receive the Justice and Public Safety Task Force Report and refer it to the Board's Criminal Justice Committee for a recommendation back to the full Board, with respect to implementation of the Task Force recommendations; and that the Board's Criminal Justice Committee report back in 60 days. Secondly, that the position of Justice Accountability Director be reinstated in order to

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move forward with recruitment efforts.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley, 1) to direct the County Manager to convene a meeting within 30 days with the appropriate Town and City of Charlotte leaders and law enforcement officials respectively, the Sheriff's Office, the District Attorney's Office, and from Charlotte-Mecklenburg Schools, to consider the Task Force recommendations; 2) that the Task Force Co-chairs be a part of that meeting to convey input on behalf of the Task Force; 3) that the County Manager make a recommendation back to the Board within 45 days on how to spend the \$2 million placed in restricted contingency for Public Safety & Crime Prevention, to hire additional staff to supplement the capacity of the District Attorney's Office.

General Manager Michelle Lancaster noted that the Criminal Justice Advisory Group (CJAG), which is a group established in 2005 by County Manager Jones, has and still is in the process of reviewing the Task Force recommendations. It was noted also that persons represented on CJAG comprise of those mentioned by Commissioner Cooksey in his substitute motion.

After further discussion, Commissioners Murrey and Cogdell agreed to amend the original motion to change the report back time to 45 days.

After further discussion, Commissioner Cogdell asked Commissioner Murrey to amend the original motion to indicate that the first matter of business for the Board's Criminal Justice Committee be consideration of, if and how the Board should appropriate the \$2 million in restricted contingency. Commissioner Murrey accepted this amendment.

General Manager Lancaster noted the four priorities that have been identified by CJAG to date: 1) To work on the chronic offenders issue; 2) To coordinate and identify priorities between all police departments and the District Attorney's Office; 3) To deal with technology issues in the entire system, and 4) To deal with recruitment and retention, and salary issues of all parties of the system.

After further discussion, Commissioner Bentley asked Commissioner Cooksey to amend the substitute motion to indicate that if the matter is referred to the Board's Criminal Justice Committee that there be a full presentation with respect to where the Criminal Justice Advisory Group is on this issue that accomplishes what Commissioner Cooksey stated in the first part of his motion. Commissioner Cooksey accepted this amendment.

Julie Eiselt with Neighbors for a Safer Charlotte asked the Board to move forward with implementing the recommendations of the Task Force. Also, that the Board consider what it's going to ask the state for with assistance in this matter.

Myra Clark, executive director of the Center for Community Transition addressed the issue of re-entry into the community by those that have been incarcerated.

Chairman Roberts noted that included in the Board's 2009 Legislative Agenda is a request "to appropriate additional state funding for the justice and public safety systems in Mecklenburg County. Local funds should be in addition to state funding and not used to reduce or supplant funding for our district."

The vote was then taken on all three parts of the substitute motion as amended and as follows:

1) Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley

and failed 5-4 with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, James, and Leake voting yes, to direct the County Manager to provide to the Board's Criminal Justice Committee, within 30 days, a full presentation with respect to where the Criminal Justice Advisory Group is in their discussions and actions taken, as

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it relates to the recommendations of the Justice and Public Safety Task Force.

2) Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, that the Task Force Co-chairs be a part of that meeting to convey input on behalf of the Task Force.

3) Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Bentley and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Bentley, Cooksey, and James voting yes, to direct the County Manager to make a recommendation back to the Board within 45 days on how to spend the \$2 million placed in restricted contingency for Public Safety & Crime Prevention, to hire additional staff to supplement the capacity of the District Attorney's Office.

The vote was then taken on the original motion as amended, as follows:

Motion was made by Commissioner Murrey, seconded by Commissioner Cogdell and carried 5-4

with Commissioners Clarke, Cogdell, Dunlap, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, Leake, and James voting no, to receive the Justice and Public Safety Task Force Report and refer it to the Board's Criminal Justice Committee for a recommendation back to the full Board with respect to implementation of the Task Force recommendations; and that the Board's Criminal Justice Committee report back in 45 days. Secondly, that the position of Justice Accountability Director be reinstated in order to move forward with recruitment efforts. Thirdly, that the first matter of business for the Board's Criminal Justice Committee be consideration of, if and how the Board should appropriate the \$2 million in restricted contingency for Public Safety & Crime Prevention.

*Note: Commissioner Clarke suggested to staff that the position's title be changed to something other than Justice Accountability Director. Commissioner Clarke said the title is not descriptive of the role of the position. He suggested calling it the Mecklenburg County Criminal Justice System Effectiveness Coordinator.*

*Commissioner Murrey noted that although receiving an update on the work of the CJAG was not a part of his motion, he would encourage the Chair of the Board's Criminal Justice Committee to hear from that group and to take their work into consideration as well.*

#### **(6B) COUNTY MANAGER'S 2008-2009 STRATEGIC MANAGEMENT PLAN**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the County Manager's 2008-2009 Strategic Management Plan as presented with the following amendments: 1) to add an item that would involve progress on implementation (measurable progress) of the Justice and Public Safety Task Force recommendations as approved by the Board of County Commissioners; and 2) that the one professional development seminar to be attended be at reasonable expense to the County.

*Note: The amendment regarding the one professional development seminar was initiated by a question raised by Commissioner James with respect to whether the location of that seminar should be restricted in light of the economic environment. It was the consensus of the Board that it not be specific but expense associated with it is reasonable.*

*The amendment regarding progress on implementation of the Justice and Public Safety Task Force recommendations was initiated by Commissioners Cogdell and Clarke.*

General Manager Michelle Lancaster presented this matter, in the absence of County Manager Jones.

Organizational Vision

*To be the best local government service provider.*

Values & Guiding Principles

- **Ethics:** We work with integrity.
- **Customers:** We serve our customers with dignity and respect
- **Employees:** We recognize employees as our most important resource.
  
- **Excellence:** We invest in learning and improving.
- **Teams:** We work as a team, respecting each other.
- **Accountability:** We focus on results

Personal Philosophy

*It is my privilege to serve.*

- Establish an ad hoc committee to evaluate the current method of funding care for the medically indigent and to recommend changes if needed. (continued from FY07)
- Examine the interlocal agreement that created MEDIC to determine whether changes in services delivery and funding should be made. (continued from FY07)
- Attend one professional development seminar.
- Develop a comprehensive plan to enhance citizen involvement by developing goals, strategies and performance measures. (from the MeckConnect pilot data)
- Establish methodology and begin to collect data to eliminate all grey lights from the Community & Corporate Scorecard
  - Domestic Violence Abuse Rate
  - Workforce Development Rate
  - Workforce Representation

**(6C) BUDGET UPDATE**

The Board received information regarding steps being taken to manage the budget in light of current economic conditions.

General Manager Bobbie Shields gave the update on behalf of County Manager Jones.

The following was noted:

- Departments have been directed to identify ways to reduce and/or eliminate spending this fiscal year.
  
- Departments were directed to prepare options for reducing spending by 5% based on the Board’s priorities and in preparation for FY 2010.



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- Departments have just submitted those options, which will be reviewed to determine potential savings to the County, as well as, projected consequences.
- County services only represent 44% of the total County budget.
- It would be inequitable to expect County departments to bare the full burden of balancing the FY2010 budget when County business partners are contributors to the expected gap.
- Charlotte-Mecklenburg Schools (CMS) operations, not including debt service, represent 34% of this current year's budget; with debt service 44%.
- Central Piedmont Community College (CPCC) operations represent 3.5%, not including debt service, with debt service 4.2%.
- County Manager Jones plans to ask County major business partners (CMS & CPCC) to identify potential savings totaling 5% of this fiscal year's funding to help with the budget situation expected next fiscal year.
- County Finance will continue to work with business partners and County departments to identify potential reductions in capital spending to minimize the increase in debt service for next fiscal year.

Budget/Management Director Hyong Yi addressed this matter, with respect to revenues and projections.

Commissioner James requested information on which outside agencies are and are not participating in the 5% reduction.

Commissioner Dunlap requested information on how much would the County save if vacant positions aren't filled. General Manager Shields noted that staff has looked at those numbers and are projecting a savings of 3% - 4%.

No action was taken or required on this matter. It was presented as information only.

#### **(6D) HALL HOUSE INITIATIVE**

The Board received an update on the status of the Hall House Initiative (temporary housing for families of homeless CMS students).

*Note: A Child's Place, the Charlotte Housing Authority, the Salvation Army and Charlotte Mecklenburg Schools have been lead collaborators in efforts to provide temporary housing for families of homeless CMS students. They have requested supportive services and funding from the County (\$160,000).*

General Manager Janice Jackson gave the report. Annabelle Suddreth with a Child's Place and Charles Woodruff, director of the Charlotte Housing Authority addressed questions.

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to appropriate \$80,000 from contingency to help fund the Hall House Initiative.

Substitute motion was made by Commissioner Cogdell, seconded by Commissioner James and carried 7-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey, and Roberts voting yes and Commissioners Dunlap and Leake voting no, to appropriate \$80,000 from contingency to help fund the Hall House Initiative, contingent upon the Critical Needs Task Force matching the County's contribution dollar for dollar.

#### **(6E) RESCIND RESOLUTION WHICH RESOLUTION ADVANCED MECKLENBURG COUNTY'S REVALUATION SCHEDULE FROM JANUARY 1, 2011, TO JANUARY 1, 2009**

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Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to adopt a resolution entitled, Resolution of the Mecklenburg County Board of Commissioners To Rescind The Resolution Adopted March 21, 2006, Which Resolution Advanced Mecklenburg County's Revaluation Schedule From January 1, 2011, to January 1, 2009.

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

**(28) BUSINESS INVESTMENT GRANT: LUPOLD HYDROTECHNIK GMBH**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to approve the County's share of a Business Investment Grant to Lupold Hydrotechnik GmbH for a total estimated amount of \$80,012 over three years.

(Total

City/County grant is estimated at \$127,890).

*Note: Headquartered in Germany, Lupold Hydrotechnik GmbH is a manufacturer of hydraulic lifting devices and specialty valves, used in a variety of products including forklifts, pallet jacks, barber shop chairs, and automotive assembly lifts. Lupold currently operates a manufacturing plant in Germany and has recently decided to open a U.S. plant to serve their primary US customer, Bosch Rexroth, located near Greenville, South Carolina.*

*In addition to sites near Greenville and Anderson, SC, Lupold is considering two sites in Charlotte: One on Texland Boulevard near Westinghouse Drive, and the other on Horseshoe Lane near the airport.*

*This project meets all of the following BOCC-approved requirements for a three-year Business Investment Grant:*

- A taxable investment of at least \$3 million up to \$4.9 million.*
- 24 new jobs with an average wage of \$48,000 (121% of the average for the Charlotte-Gastonia-Rock Hill M.S.A.), with the potential for 22 additional jobs by 2013.*
- The facility is located in the Business Investment Zone.*
- There is competition for this project from South Carolina.*
- As shown on the attached Fiscal Impact Analysis, a Business Investment Grant would result in a positive net present value of \$16,570 for Mecklenburg County.*

*The company expects to make a decision by January 2009.*

John Allen, Economic Development Director presented this matter.

*Note: Commissioner Cogdell suggested the Board's Economic Development Committee review and reevaluate the current business investment model and policy being used for business investment grants.*

**CONSENT ITEMS**

**Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 8, 9, 10, 14, and 25 to be voted upon separately:**

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular Meeting held December 1, 2008 (Swearing-In), December 2, 2008

and Closed Session minutes of December 2, 2008.

**(11) CONVEYING OF PROPERTY – SHERIFF’S OFFICE**

Approve the conveying of property from the Mecklenburg County Sheriff’s Office to Charlotte-Mecklenburg Schools.

*Note: This action will allow the Mecklenburg County Sheriff’s Office to transfer property that is no longer needed from the former Security operations because of dissolution of the operation. This property consists of fourteen (14) HP Compaq laptops and ten (10) mounts.*

**(12) RECEIPT OF PROPERTY – SHERIFF’S OFFICE**

Approve the receipt of property from the City of Charlotte from the distribution of Homeland Security related equipment purchased using Urban Areas Security Initiative (UASI) Grant and Metropolitan Medical Response System (MMRS) funds.

*Note: This action will allow the Mecklenburg County Sheriff’s Office to receive the following equipment valued at \$300,500.*

- ❖ 800 MHz Radios
- ❖ EOD Alert Canine and Associated Training
- ❖ Mobile Satellite Communication System

**(13) NOTICE OF AMENDMENTS TO GROUNDWATER WELL REGULATIONS**

Instruct the Clerk to the Board to publish a notice of proposed amendments to the Mecklenburg County Groundwater Well Regulations to be considered by the Board on January 6, 2009.

*Note: This amendment would modify the Groundwater Well Regulations to align the requirements for water quality standards for private wells with that of the USEPA water quality standards.*

**(15) DONATION – A123 HYMOTION PLUG-IN CONVERSION KITS**

Accept the donation of two A123 Hymotion Plug-In Conversion kits from Duke Energy to convert two County hybrid vehicles to plug-in hybrids.

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

- 1) Reduce State funding in the amount of \$667,907 due to a decrease in Non-Cross Area Service Program Community service funds.
- 2) Reduce State funding in the amount of \$295,510 due to a decrease in Local Management Entity Systems Management funds.
- 3) Reduce State funding in the amount of \$24,634 due to a decrease in Cross Area Service Program Community service funds.

**(17) 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 2009, For the period ending October 31, 2008**

<b>Revenue Source</b>	<b><u>Budget</u></b>	<b><u>Actual</u></b>	<b><u>% Received</u></b>
Medicaid & CAP	13,786,864	3,407,245	24.71%
State and Federal	35,171,892	8,320,779	23.66%
Third Party/Other	97,293	29,812	30.64%
Grants	3,484,632	759,042	21.78%
County	47,351,099	12,074,245	25.50%
<b>Total Revenues</b>	<b>\$99,891,780</b>	<b>\$24,591,123</b>	<b>24.62%</b>

<b>Service Continuum</b>	<b><u>Budget</u></b>	<b><u>Actual</u></b>	<b><u>% Spent</u></b>
Children's Developmental Services	7,022,635	2,098,121	29.88%
Child & Adolescent Services	17,143,686	3,016,330	17.59%
Adult Mental Health	11,566,942	1,969,776	17.03%
Adult Substance Abuse	13,396,924	3,847,465	28.72%
Local Management Entity	12,214,883	2,657,616	21.76%
BHC Randolph	20,381,200	6,546,960	32.12%
Developmental Disabilities	18,165,510	4,454,856	24.52%
<b>Total Expenditures</b>	<b>\$99,891,780</b>	<b>\$24,591,123</b>	<b>24.62%</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 report is on file with the Clerk to the Board.***

**(18) TAX REFUNDS**

Approve refunds in the amount of \$23,258.81 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 tax refund recipients is on file with the Clerk to the Board.***

**(19) INSURANCE REIMBURSEMENTS**

Approve, recognize and appropriate funds in the amount of \$1,500 for General Services, \$39,410 for Park & Recreation, \$3,584 for Sheriff, \$24,955 for Land Use and Environmental Services and \$1,598 for Social Services.

*Note: All reimbursements are for stolen and damaged items.*

**(20) DESTRUCTION OF DOCUMENTS – LUESA**

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Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

*Note: These records are comprised of:*

- *Nine (9) boxes of permitting and inspections records. These records have been imaged, stored and migrated to an online system for secure retrieval over the Internet.*
- *Journeyman: 3/89 – 10/01 = 316*
- *Miscellaneous Forms: 07/01/95 – 03/25/02 = 1260*
- *Daily Deposits: 01/02/07 – 06/28/07 = 6383*
- *Daily Revenue: 03/26/07 – 10/01/07 = 7248*
- *Dead Bonds: 12/14/05 – 06/12/06 = 20*
- *Daily Work: 10/02/07 – 11/02/07 = 969*
- *Monthly Reports: 09/06 – 12/06, 02/07 – 06/07 = 6044*

**(21) RESOLUTION ADOPTING AN ORDINANCE LEVYING A TAX ON GROSS RECEIPTS DERIVED FROM SHORT TERM LEASE OR RENTAL OF HEAVY EQUIPMENT**

Adopt resolution and ordinance empowering the Tax Collector to levy and collect gross receipts taxes on short-term leases and rentals of heavy equipment.

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

**(22) RESOLUTION AUTHORIZING INTERLOCAL TAX COLLECTION AGREEMENT WITH THE CITY OF CHARLOTTE TO COLLECT THE CITY'S GROSS RECEIPTS TAXES ON HEAVY EQUIPMENT**

Adopt resolution authorizing the County Manager to enter into an agreement with the City of Charlotte to collect the City's gross receipt taxes on the short-term lease or rental of Heavy Equipment under the terms and conditions negotiated by the County Manager.

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

**(23) CONTRIBUTION FOR TREE PLANTING AT WESTERLY HILLS PARK**

Recognize, receive and appropriate \$13,300 from The City of Charlotte-Mecklenburg Storm Water Services for the installation of approximately thirty-eight (38) trees in Westerly Hills Park.

**(24) CHARLOTTE-MECKLENBURG SCHOOLS LAND CONVEYANCES**

Authorize County Manager to decline County's statutory right of first refusal for tracts of land owned by the Board of Education to permit conveyances of tracts to others:

1) To the Town of Matthews .22-acre portion of Tax Parcel 227-211-02 including Ag Building;

2)(a) to Bobby and Mickie Mayhew .6269-acre portion of Parcel 007-121-01;

2)(b) To the Town of Cornelius .1215- acre road right of way, .3708-acre new sidewalk easement area, .3755-acre temporary construction easement area from portions of Tax Parcels 007-121-12, -11, -10, -09, -08;

3) To the City of Charlotte .44-acre from Tax Parcel 113-361-18 on Walkers Ferry Road and .115-acre from Tax Parcel 061-081-02 on Denver Avenue.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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**(8) CERTIFICATION OF LOCAL APPROVAL FOR NON-PROFIT ORGANIZATIONS – CRISIS ASSISTANCE MINISTRY - ITEM WAS REMOVED FROM THE AGENDA**

**(9) SHERIFF'S SPECIAL REVENUE FUND**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and appropriate for the Sheriff's Special Revenue Fund, \$124,000 from Inmate Commissary.

*Note: This action will increase the FY09 budget for this Special Revenue Fund which is generated from inmate commissary sales in detention facilities and allow the Sheriff's Office to enter into contracts and expend money in accordance with the special revenue fund ordinance.*

Commissioner Leake removed this item from Consent for clarification purposes. Rachel Vanhoy with the Sheriff's Office explained what this matter was about.

**(10) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM REIMBURSEMENT—SHERIFF'S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize, receive and appropriate funds from the Bureau of Justice Assistance (BJA) in the amount of \$874,947 related to the State Criminal Alien Assistance Program (SCAAP).

*Note: SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period. Funds received will be utilized for correctional purposes as required by the grant.*

Commissioner Leake removed this item from Consent for clarification purposes. Rachel Vanhoy with the Sheriff's Office explained what this matter was about.

**(14) VIDEO POKER REVENUE—SHERIFF'S OFFICE**

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and receive funds from Video Poker investigations in the amount of \$24,149 and appropriate \$3,563 and \$20,586 to Charlotte-Mecklenburg Schools and the Mecklenburg County Sheriff's Office Special Revenue fund, respectively.

*Commissioner Leake removed this item from Consent for clarification purposes. Rachel Vanhoy with the Sheriff's Office explained what this matter was about.*

**(25) NATIONAL FOOTBALL LEAGUE (NFL) GRANT MATCH – PARK AND RECREATION**

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve applying to the National Football League and Local Initiatives

Support Coalition for a grant up to \$200,000.

*Note: The National Football League and Local Initiatives Support Coalition are accepting applications for capital improvements to athletic fields. Working with Partners for Parks, the Park and Recreation Department can apply to receive up to a \$200,000 grant to build one or two football/soccer fields at Eastway Park. The Panthers organization believes we have a strong application to build one or two football fields at the new Eastway Park. This is a challenged neighborhood and would be very well received. The Park and Recreation Department would fund the remaining field cost up to \$250,000 from 2008 Pay As You Go funding. This is similar to the grant received to install the synthetic field at Revolution Park.*

Commissioner Leake removed this item from Consent for clarification purposes. Park and Recreation Director Jim Garges explained what this matter was about.

Commissioner Cogdell asked to receive a report on the County's policy with respect to use of fields within the park and recreation system. He's particularly interested in those that have leasehold interest by a non-profit or private entity.

**STAFF REPORTS AND REQUESTS**

**(27) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION, QUICK BUY**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to

1. Accept the "Offer of Sale of Land" from Edwin and Yvette Smith owners of 5121 Dolphin Lane for \$88,612.61.
2. Accept the "Offer of Sale of Land" from Otis and Betty Stroud owners of 5125 Dolphin Lane for \$97,281.97.
3. Accept the "Offer of Sale of Land" from David and Mary Bouchelle owners of 5130 Dolphin Lane for \$80,923.27.
4. Accept the "Offer of Sale of Land" from James Gregory owner of 5200 Dolphin Lane for \$64,721.23.
5. Accept the "Offer of Sale of Land" from Yolanda and Dedric Alexander owners of 5201 Dolphin Lane for \$116,975.29.
6. Accept the "Offer of Sale of Land" from William LeGrand owner of 5207 Dolphin Lane for \$68,779.37.
7. Accept the "Offer of Sale of Land" from Reginald and Bonnie Anderson owners of 5409 Dolphin Lane for \$135,539.68.
8. Accept the "Offer of Sale of Land" from Sandra Gripper owner of 5415 Dolphin Lane for

\$68,178.58.

9. Accept the “Offer of Sale of Land” from Corey and Laura Jones owners of 2965 Dunlavin Way for \$119,609.12.

10. Accept the “Offer of Sale of Land” from Earle E. Knott Jr. owner of 5122 Kildare Drive for \$69,521.31.

11. Accept the “Offer of Sale of Land” from Stephen and Araminta Johnson owners of 1230 Morningside Drive for \$257,662.85.

12. Accept the “Offer of Sale of Land” from Jerome and Shelia Dickens owners of 1732 Shannonhouse Drive for \$94,407.97.

13. Accept the “Offer of Sale of Land” from Franklin Bumgardner owner of 1142 Willhaven Drive for \$289,805.98.

14. Accept the “Offer of Sale of Land” from Edwin and Joan Cude owners of 2947 Dunlavin Way for \$160,019.40.

15. Accept the “Offer of Sale of Land” from Reed and Cynthia Harper owners of 3007 Harbinger for \$231,188.95.

16. 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, as amended at the November 1, 2005 BOCC meeting. This action will purchase and remove the above properties from the floodplain.*

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

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the purchase price for +/- 34.21 acres at \$75,000 per acre (+/- \$2,565,750 total) included in tax parcels 009-341-01, 009-101-66, 009-101-28, 009-341-99, 009-103-05, 009-105-92, 009-105-94 and 009-105-95 for a middle school site on Stumptown Road in Huntersville, as requested by Charlotte-Mecklenburg Schools.

**(29) 2009 N.C. LEGISLATIVE AGENDA**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap, to receive and approve the Manager’s recommended legislative agenda for the 2009 session of the General Assembly as presented and including the addition of the smoking in public places matter as recommended by Chairman Roberts.

**2009 N.C. General Assembly  
Recommended Mecklenburg County Legislative Agenda**

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**Mecklenburg County Priorities**



## DECEMBER 16, 2008

- Appropriate additional state funding for the justice and public safety systems in Mecklenburg County. Local funds should be in addition to state funding and not used to reduce or supplant funding for our district.
- Adopt legislation to establish and support the development of a Domestic Violence Fatality Prevention and Protection Review Team in Mecklenburg County, including immunity for service providers, to prevent the occurrence of domestic violence related deaths and promote collaboration among community service providers.
- Revise NC Public Records Law to allow NC Professional Seals to have a higher level of security with respect to electronic records requests.
- Increase the threshold at which Mecklenburg County and municipalities within the county may use force account qualified labor.
- Authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.
- Eliminate the requirement of an elected official recommendation for notary public applicants in counties with more than fourteen thousand notaries public. (*Commissioner Clarke*)
- Adopt local legislation so that the Board of County Commissioners will not have to hold hearings to approve excise tax refunds. (*former Commissioner Bishop*)
- Support the N.C. Association of County Directors of Social Services (NCACDSS) request to remove burdensome voter registration requirements imposed on DSS and other public assistance agencies by State Board of Elections.
- Support the N.C. Association of County Directors of Social Services (NCACDSS) request to make a continued commitment to the funding that has been allocated to NC FAST (Families Accessing Services through Technology) and support increased funding to allow NC FAST to become a reality for Mecklenburg County in North Carolina.
- Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places. (*Chairman Roberts*)

Substitute motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to receive and approve the Manager's recommended legislative agenda for the 2009 session of the General Assembly as presented, but excluding the following Items, which will be voted upon separately:

- Authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.
- Adopt legislation to allow Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places. (*Chairman Roberts*)

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and failed 5-4 with Commissioners Bentley, Cooksey, Dunlap, James, and Leake voting no and Commissioners Clarke, Cogdell, Murrey, and Roberts voting yes, to approve including in the legislative agenda for the 2009 session of the General Assembly a request to authorize Mecklenburg County to levy a vehicle registration fee to fund local air emissions reduction programs.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and carried 7-2 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioners Bentley and Cooksey voting no, to approve including in the legislative agenda for the 2009 session of the General Assembly a request to adopt legislation to allow

**DECEMBER 16, 2008**

Boards of Health (or Boards of County Commissioners in counties where the duties of the Board of Health have been assumed by the Board of County Commissioners) in counties with populations in excess of 695,000 at the 2000 census to adopt ordinances regulating smoking in public places.

*Note: Don Willard, Air Quality Director addressed the County's air emissions reduction program, prior to the above vote.*

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

## **COUNTY COMMISSIONERS REPORTS AND REQUESTS**

### **(30) SELECTION OF VOTING DELEGATE FOR NCACC LEGISLATIVE GOALS CONFERENCE (CHAIRMAN ROBERTS)**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James,

Leake, Murrey and Roberts voting yes, to appoint Commissioner Clarke as the voting delegate for the NCACC Legislative Goals Conference to be held January 15-16, 2009 in Raleigh, N.C. and Commissioner Dunlap as the alternate.

### **(31) BOCC COMMITTEE ASSIGNMENTS (CHAIRMAN ROBERTS)**

Chairman Roberts noted that in order to better align the Board Committees with the current priorities/issues facing the Board of Commissioners, she is requesting to change the name of the Community Health & Safety Committee to Health & Community Support Committee; additionally, dissolution of the Youth & Families Committee and create a Criminal Justice Committee. Finally, that the Board's Economic Development Committee become a standing committee rather than ad hoc.

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve changes to the Board Committee structure as outlined by Chairman Roberts and to receive as information the 2008-09 committee membership and schedule.

*Note: The changes are to change the name of the Community Health & Safety Committee to Health & Community Support Committee additionally; dissolution of the Youth & Families Committee and create a Criminal Justice Committee. Finally, that the Board's Economic Development Committee become a standing committee rather than ad hoc.*

The Committees are as follows:

#### **Criminal Justice Committee**

*This committee is responsible for making recommendations regarding the efficiency and effectiveness of the criminal justice system in Mecklenburg County.*

Chairman: Dumont Clarke / Members: Karen Bentley, Harold Cogdell, George Dunlap

#### **Natural Resources Committee**

*This committee is responsible for making recommendations that support Mecklenburg County having a vibrant and diverse economy, while protecting its natural resources and enhancing the quality of life.*

Chairman: Jennifer Roberts / Members: Neil Cooksey, Vilma Leake, Dan Murrey

**DECEMBER 16, 2008**

**Health & Community Support Committee**

*This committee is responsible for making recommendations to improve the health and well being of Mecklenburg County residents with emphasis on children, seniors and families.*

Chairman: Dan Murrey / Members: Karen Bentley, Harold Cogdell, Vilma Leake

**Effective & Efficient Government Committee**

*This committee is responsible for making recommendations that support Mecklenburg County providing services in a highly effective, efficient and inclusive manner, and be accountable for results.*

Chairman: George Dunlap / Members: Dumont Clarke, Neil Cooksey, Bill James

**Economic Development Committee**

*This committee is responsible for making recommendations that contribute to business and job growth in Mecklenburg County.*

Chairman: Harold Cogdell / Members: Neil Cooksey, George Dunlap, Dan Murrey

**The 2008-09 ad hoc committees are:**

**Education Liaison Committee**

*This committee is responsible for recommending processes and practices that foster positive communication and working relationships between elected and appointed officials of Mecklenburg County, Charlotte-Mecklenburg Schools and Central Piedmont Community College.*

Chairman: Vilma Leake / County Members: Karen Bentley, Dan Murrey

**Community Building Committee**

*This committee is responsible for making recommendations that build the community's capacity to meet the needs of a diverse population, and to increase the appreciation of different ethnicities and cultures as valued parts of the community.*

Chairman: Karen Bentley / Members: Harold Cogdell, Vilma Leake, Dan Murrey

**Compensation Committee**

*This committee will review the compensation of the County Manager.*

Chairman: Dumont Clarke / Members: George Dunlap, Bill James, Jennifer Roberts

***A list of the committees and their meeting times and staff contacts is on file with the Clerk to the Board.***

**(32) AUDIT REVIEW COMMITTEE APPOINTMENTS (CHAIRMAN ROBERTS)**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint the following Board and staff representatives to the Audit Review Committee: Commissioners Dan Murrey and Bill James, County Manager Harry L. Jones, Sr., and General Manager John McGillicuddy.

**(33) "BUYING AMERICAN" POLICY CHANGE (COMMISSIONER JAMES)**

**DECEMBER 16, 2008**

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to defer consideration of Item 32 “Buying American” Policy Change (Commissioner James) until the January 6, 2009 Regular meeting.

**COMMISSION COMMENTS** – No 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.

**ADJOURNMENT**

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourning at 12:02 a.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman