

APRIL 28, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 3:00 p.m. on Tuesday, April 28, 2009.

ATTENDANCE

Present: Vice-Chairman Harold Cogdell, Jr. and
Commissioners Dumont Clarke
George Dunlap, Bill James
Wilma Leake and Daniel Murrey
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: Chairman Jennifer Roberts and Commissioners Karen Bentley and Neil
Cooksey

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

The meeting was called to order by Vice-Chairman Cogdell.

Vice-Chairman Cogdell noted the topics scheduled for discussion, 1) Half-Cent Sales Tax Bill – HB 148 Congestion Relief/Intermodal Transport Fund, 2) Board Vision Affirmation and Scorecard Changes, and 3) FY09 Program Review.

Prior to the start of the meeting, the Board received an update from Health Director Wynn Mabry and Assistant to the County Manager Deborah Goldberg.

Health Director Dr. Wynn Mabry gave an update on the Swine Flu Virus.

Comments

Commissioner Clarke asked Dr. Mabry, as Health Director, does he have the authority to isolate persons. *The response was yes and the process was explained.*

Commissioner Leake asked about coordination with Charlotte-Mecklenburg Schools, which was addressed.

Commissioner Murrey entered the meeting.

Commissioner James said he feels Dr. Mabry has things under control, but his concern is there needs to be a procedure in place in times of emergencies, an emergency plan. A plan that would link the Board with emergency service providers in times of disasters. Commissioner James said he's speaking of those instances where elected officials need to make decisions, with respect to that disaster, but because of that disaster, the Board is unable to meet at the Government Center. What would be the Board's means of communicating as a body in order to make decisions?

Commissioner James said he feels a plan is needed, with respect to emergency preparedness.

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Vice-Chairman Cogdell said he recalled years ago that Charlotte City Council and Board of County Commissioners received a briefing with respect to Emergency Preparedness and perhaps this is something that needs to occur again at some point in the future.

Assistant to the County Manager Deborah Goldberg gave an update on Surface Transportation Act Funding for information purposes.

Assistant Goldberg said the County received a request from U.S. Representative Kissell's office regarding the Surface Transportation Act. It was noted that every five – six years the Surface Transportation Act is reauthorized, thus, it'll be up this upcoming year.

Assistant Goldberg said the County would be eligible to apply for greenway funds and that staff plans to apply for funding for two projects, Mallard Creek Greenway and Little Sugar Creek.

The amount to be requested is around \$5 million for design and construction.

No action was taken or required by the Board.

(1) BRIEFING ON HALF-CENT SALES TAX BILL - HB148 CONGESTION RELIEF/INTERMODAL TRANSPORT FUND

Vice-Chairman Cogdell said it was his understanding that a resolution will be on Board's next agenda regarding HB 148 Congestion Relief/Intermodal Transport Fund, per the request of the Chairman. Thus, he thought it would be good for the Board to receive a briefing on HB 148, prior to consideration of that matter.

A Bill To Be Entitled

An Act To Establish A Congestion Relief And Intermodal Transportation 21st Century Fund; To Provide For Allocation Of Those Funds To: (1) Local Governments And Transportation Authorities For Public Transportation Purposes, (2) Short-Line Railroads, For Assistance In Maintaining And Expanding Freight Service Statewide, (3) Railroads For Intermodal Facilities, Multimodal Facilities, And Inland Ports, (4) Make Capital Improvements On Rail Lines To Allow Improved Freight Service To The Ports And Military Installations, (5) Expand Intercity Passenger Rail Service; To Extend Levels Of Local Transit Funding Authorization To Three Urban Regions; And To Allow Other Local Governments Options For Local Transit Funding.

Keith Parker, Director of Charlotte Area Transit System was present to address questions.

Director Parker said he was not representing the City of Charlotte, nor was he advocating for or against HB 148. The following was noted:

- HB148 allows the urban areas of the Triad, and the Triangle to have the same access as Charlotte to a set of prescribed revenue sources for transit, and allows contiguous counties in each of those urban areas to be able to access a new 1/4¢ local option sales tax for transit purposes.
- The City Council's Government Affairs Committee met on Friday, April 24 and voted to recommend the following: that Mecklenburg County be included in HB148 language to authorize an additional 1/2¢ sales tax for transit, to be approved by the voters. The motion passed unanimously by Patsy Kinsey, Susan Burgess, Andy Dulin and John Lassiter.
- It was noted that Charlotte City Council has discussed the bill but has not taken any action. The matter was deferred until Council's next meeting.

Comments

Commissioner Dunlap said his concern is that the matter is being discussed in isolation of other requests, such as that of the Committee of 21. Commissioner Dunlap said he thinks the Board needs to be aware of the total impact of all of these requests before it can consider adoption of a resolution with respect to HB 148.

General Manager Michelle Lancaster said the Committee of 21 does plan to come before the Board with a final report, but the specific date is unknown at this time.

Commissioner Dunlap asked for clarity with respect to the County's support of the bill and asked wouldn't the County still have the option of exercising the authority or not. *General Manager Lancaster said that's correct, approval doesn't mean automatic implementation. The matter would have to be put before the voters.*

Commissioner Dunlap asked for clarity with respect to whether or not the County already has a half cent sales tax but has not exercised its right to levy it. *The response from County Manager Jones was that the Board has the authority to go before the voters for the levy of a quarter-cent sales tax. This authority was given two years ago by the General Assembly when they took over responsibility for the Medicaid Program and there was a swap out of Article 44 of the State tax law.*

Commissioner Dunlap asked was HB 148 for transit only. *The response was yes.*

Commissioner Murrey asked if the current quarter cent sales tax authorization that the County has, was limited with respect to what it can be used for. *The response was that it's very broad with respect to what it can be used for, capital and general operating.*

Commissioner Murrey asked currently where does Mecklenburg County stand compared with other large counties in terms of its sales tax rate. *The response was that Mecklenburg County has the highest in the state. Mecklenburg County is a half cent higher than most of the other counties and a quarter cent higher than those that have been successful in having the quarter cent passed, which has only been a few.*

Commissioner Murrey asked about the impact of HB 148 on CATS if passed and the voters approved it. Would it impact the speed of transit projects? *The response by Director Parker was that you would still have to weigh how much revenue was coming in. Mr. Parker said because of the downturn in the economy, there has been a significant decrease in the amount of revenue that has come in versus what was projected.*

Director Parker said with respect to any additional revenue, it could be approached in several different ways. He said you could speed up the existing 2030 Transit Plan adopted in 2006 or the Metropolitan Transit Commission (MTC) could direct some other use of the funds for specific projects.

Commissioner Murrey asked about the University Line and the North Mecklenburg I-77 Line.

Director Parker said these two projects were presented to the MTC, but the challenge the MTC is faced with is the economy and revenues being down. Thus, you can't build out those two projects at the same time, instead the MTC is going to have to wait until more revenue is available because of an upgrade in the economy or there's an infusion of revenue in some other form.

Director Parker said his recommendation to the MTC has been to wait until the revenue picture turns around and then make a decision. He said if the revenue picture does not turn around and it takes a sustained period of time to move the projects forward, then a decision would have to be made with respect to which project to move forward with. Director Parker said they are not at that point yet and that his staff has not made a recommendation with respect to which project to move forward with.

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Commissioner Murrey asked what would be the timeframe for making that decision. *The response was that the current plan, with respect to both projects, is that there is another year and half to two years of engineering work that needs to be done before staff would be at a point to set a budget and timeline for the projects.*

Director Parker said it would be his intent to come up with a way through growth in the existing sales tax to build both projects or do something in terms of how to schedule the two, to try and keep the two projects moving forward at the same time.

Commissioner Murrey asked how does the streetcar line fit into this discussion and is it more likely to get done if this tax becomes available. *The response was that the MTC with the approval of the 2030 Transit Plan prioritized projects and timeframes for when projects would get done. Director Parker said the Streetcar project isn't scheduled to be operating until 2018, but that several City Council members and members of the community have expressed a desire for the streetcar project to begin earlier than 2018. Further, that a task force was put together, per City Council's directive, and have developed recommendations for City Council's consideration with respect to speeding this project up, however, no method of paying for this change has been identified. Director Parker said the matter of moving the projects up would have to go back to the MTC because they decide which projects get done and when.*

Commissioner Murrey asked would the MTC have control over the use of the proposed half cent sales tax. *The response was yes, unless the legislation prescribed otherwise.*

Commissioner Murrey asked was it correct to say that the streetcar project could get done two ways, 1) if the MTC changes it priorities and 2) if Charlotte City Council decides to do it on their own. *The response was yes, that's correct.*

Commissioner Murrey asked about the Independence Corridor and the mode of transportation to be used, which was addressed. *It was noted that a task force will be put together to study this issue.*

Commissioner Murrey asked would HB 148 impact Charlotte/Mecklenburg County's ability to get a road tax alternative.

County Manager Jones said it's a difficult question to answer. County Manager Jones said he thinks it may be tough, but it's not out of the realm of possibility.

County Manager Jones said there are other issues relative to roads that could impact Mecklenburg County. He said one being, a bill that he believes is being offered by Senator Rand of Cumberland County and Senator Clodfelter that looks at transferring the responsibility of secondary roads to counties. County Manager Jones said there are about 700 miles of secondary roads in Mecklenburg County and that he doesn't think getting those roads will provide the necessary revenue that would be required to maintain them. Thus, the County would have to decide how it would pay for the maintenance of those roads.

Commissioner Murrey asked had there been any discussion of an amendment to the bill so that it could be used for transit and roads. *General Manager Lancaster said it's her understanding that amendment was put in and was defeated in the House.*

Commissioner James said he doesn't think this matter should be on the Board's May 5, 2009 agenda and if it is, he would not support it.

Commissioner James said he doesn't know why the County would do this when the Board has said it's going to live within its means.

Commissioner Leake said she doesn't feel the Board has received enough information to take any action. Further, she's received numerous calls and e-mails from constituents asking why is the Board considering this, especially in light of the current economy.

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Commissioner Leake said she would not support a request for Mecklenburg County to have the authority to levy this tax.

County Manager Jones clarified that the Board was not being asked to approve a tax, only to consider including Mecklenburg County's name in the legislation, which would give the County the authority to levy an additional half cents tax, subject to voter approval.

Commissioner Leake asked about the Committee of 21, which was addressed by County Manager Jones.

Commissioner Clarke asked Director Parker what was the revenue forecast for the current fiscal year using the existing half cent sales tax. *The response was \$75 million.*

Commissioner Clarke asked what will be the actual or what's expected. *The response was \$63 million.*

Commissioner Clarke asked, with respect to HB 148, wasn't Wake County just wanting what Mecklenburg County already has. *The response was yes.*

Commissioner Clarke said a lot of people do not understand, with respect to the existing half cent sales tax, that the only role the County has is the collection of the tax, which is then turned over to the City of Charlotte.

Director Parker explained the role of the MTC and noted the MTC sets policy but Charlotte City Council approves contracts and the budget.

Commissioner Clarke suggested the Chairman, who serves as the Board's representative on the MTC, provide the Board with more updates on what's taking place with the MTC.

Commissioner Clarke said he feels the County would be "shooting itself in the foot" if it pursues this, especially since the County hasn't done anything with the quarter cent authority that it already has, yet now it's considering another half-cent sales tax.

Commissioner Clarke said he was not supportive of the matter being on the May 5th agenda either.

Commissioner Clarke said there are some expected changes on the way with respect to sales taxes and this is what the Board should be focusing on.

Commissioner Murrey said he feels this isn't the time to do this.

Commissioner Dunlap asked about the project timelines associated with the 2030 Transit Plan, which was addressed by Director Parker.

Commissioner Dunlap asked would passage of this legislation result in the 2030 Transit Plan being completed sooner. *The response was potentially but it would depend on how the revenues come in. Further, the way that funds are currently coming in, CATS would have a tough time building everything that's in the plan within that timeframe.*

Director Parker noted that neither the CATS staff nor the MTC have advocated for this legislation.

Commissioner Dunlap said he doesn't think this matter should be placed on the May 5 agenda either.

Vice-Chairman Cogdell said he didn't want to give the impression that the Board is undermining the Chairman's desire to place this matter on the May 5 agenda, in her absence. However, he thought it was important to have discussion of this matter prior to May 5.

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Vice-Chairman Cogdell said he feels the overall needs of the community have to be considered before moving forward on this matter.

Vice-Chairman Cogdell said he doesn't want to send a message to Raleigh one way or the other with respect to this matter and hopes this matter is not placed on May 5 agenda.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

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

(2) BOARD VISION AFFIRMATION AND SCORECARD CHANGES

Planning and Evaluation Director Leslie Johnson addressed the Board's Vision and Scorecard changes.

Board's Community Vision 2015

"In 2015 Mecklenburg County will be a community of pride and choice for people to Live, Work, and Recreate."

The proposed changes dealt with the following issues:

1. Pretrial Inmate Rate change to Functional Capacity of Jails
2. Customer & Stakeholder Satisfaction Rating change to Customer Satisfaction Stakeholder Satisfaction
3. Open Space & Parks Index change maintain but have targets to align to the recently approved 2017 Parks Master Plan.

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

Comments

Commissioner James asked about Change #3 Open Space & Parks Index and noted that the Board didn't approve the details of the 2017 Master Plan but the concept of it.

Commissioner James said he was not opposed to changes 1 and 2.

Commissioner James said he doesn't think it's reasonable to adopt Change # 3 without having some type of clarification as to how you bridge the gap between the County's current finance limitations and the land theory of the plan. Commissioner James said the theory of the plan is \$1.25 billion over 10 years.

Commissioner James said the scorecard is going to rate this based upon whether the County achieves the Master Plan goals and using the 2017 Parks Master Plan, you would have red lights all the time, even though the reason for the red lights is because the County never completely "lock itself around" spending a \$125 million a year on parks.

On a related matter, Commissioner James said something staff is to follow up on, per the Strategic Planning Conference is developing some red, yellow, and green lights for crime, such as how crime is measured and benchmarked.

Director Johnson, with respect to Commissioner James' comments on Change # 3, said staff is aware of the issue he has raised and realize these are long term goals. Further, staff plans to develop from the operational side, what are the realistic annual targets that should be set to help make progress towards the goals.

Director Johnson noted that all of the measures are generally based on long term goals.

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Commissioner James asked that Change # 3 be amended to indicate that the 2017 Master Plan was approved in concept and note also that it's to be in compliance with the County's debt policy.

Director Johnson said staff would move forward and accept these changes as proposed and amend the data collection methodology to support what was proposed.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

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

(3) FY09 PROGRAM REVIEW

Director Johnson addressed FY09 Program Review. The following was covered:

- Evaluation Criteria
 - Relevance
 - Performance
 - Efficiency

- Program Category Summaries
- Services at a Glance
- Services Summaries

The Board was provided a copy of the FY2009 Program Review – Performance Assessment Ratings Executive Summary document.

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

Comments

Commissioner Clarke asked if service providers viewed this as a report card. *The response was yes, to a certain degree because they recognize it's a rating of their service.*

Commissioner Clarke asked when staff does its review of an agency's strengths and weaknesses is it done in consultation with the agency or is the information just given to them. *The response was it's a combination of both. Director Johnson explained the process.*

Commissioner Leake said she would like to see information with respect to an agency's budget, including salary information, and how much is going toward administrative costs versus services.

Commissioner Leake said she's also concerned about duplication of services. Further, that she's received complaints regarding funds being allocated to certain agencies and then other agencies or organizations have to go to that agency for funding, when it's all taxpayer's money.

Commissioner Leake said she wants to make sure agencies are held accountable and that if there are other agencies serving children or that want to serve children or senior citizens that they be given an opportunity to do so.

Commissioner Clarke asked Commissioner Leake to be more specific with respect to what agency or agencies she's referring to.

Commissioner Leake said she would make it known and at the opportune time.

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Commissioner Dunlap said it appears there are contracted agencies and in-house agencies that are doing the same thing and receiving about the same amount of money. He asked if any type of analysis is done to determine if in-house agencies can be just as successful as the contracted agency. *The response was that the program review process will show opportunities for consolidation but doesn't address implementation. It was noted and explained that other steps come in to play when it comes to implementation.*

Commissioner Dunlap said he's concerned the County is laying off persons, yet keeping contracted agencies. Commissioner Dunlap said he would get with Director Johnson to learn more of how this works.

Vice-Chairman Cogdell asked about the upcoming budget process, which was addressed.

This concluded the discussion. The above is not inclusive of every comment but is a summary.

ADJOURNMENT

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake and Murrey voting yes, that there being no further business to come before the Board, that the meeting be adjourned at 5:33 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Vice-Chairman