

AUGUST 4, 2009

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, August 4, 2009.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, Harold Cogdell, Jr.
Neil Cooksey, George Dunlap, Bill James
Wilma Leake and Daniel Murrey
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None.

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS - QUALIFIED SCHOOL CONSTRUCTION BONDS

The Board received information on Qualified School Construction Bonds.

Finance Director Dena Diorio reported on this issue. The following was covered in the presentation:

Overview

- Tax credit bonds whereby the issuer receives a tax credit; the County does not pay interest.
- The NC Dept. of Public Instruction (DPI) has been designated the agency to administer the program.
- Mecklenburg County received a direct allocation of \$25,962,000 in CY 2009 and CY2010.
- Submitted an application to DPI by July 31, 2009 to claim allocation.
- Bonds not issued by December 31, 2009 are subject to reallocation by the State.

Issues

- Market for the bonds is soft.
- Investors waiting for additional guidance from the Treasury regarding the stripping of the tax credits.
- Guidance not expected until September 2009.
- Response from DPI needed by mid-September to allow sufficient time to issue the bonds in the event the County's request is denied.

Issuance Considerations

Recommendations and Next Steps

- Formally request that the County's allocation be rolled over to FY2011.
- If approval not received by mid-September begin the process to issue the bonds.

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

Comments

Commissioner Clarke asked if this was a "once in a lifetime opportunity" to issue debt at zero percent interest. *The response was yes.*

Commissioner Dunlap asked was \$25 million the limit per year. *Director Diorio explained the direct allocation process.*

Commissioner Dunlap asked what amount could the County anticipate borrowing and still be in compliance with its Debt Policy. *Director Diorio said doing \$25 million per year would not have a negative impact on the County's debt ratio.*

Commissioner Dunlap asked what happens if more is received. *Director Diorio said as long as the County doesn't go over \$150 million, it should be okay.*

Commissioner James said this was a good idea and that you just have to decide the best time to allocate.

Commissioner James asked when discussion would take place about sub-allocations or limits. *Director Diorio said staff plans to provide options to the Board at the first meeting in October.*

Commissioner Cogdell asked for clarification on the recommendation for deferral to 2011 and was it because of the county's limited capacity at the present time. *Director Diorio said yes and also because of the limited market. Director Diorio said there are not a lot of investors "out there."*

Commissioner Cogdell asked what happens if you go out to sell and no one is interested. *Director Diorio said the risk you run if there's no demand for the bond, is that you could potential sell them at a discount. Director Diorio said the goal is to sell them dollar for dollar.*

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 formally request that the County's allocation be rolled over to calendar year 2010, with the understanding that if it can't be rolled over that staff will move forward to get it done this year.

Prior to the above vote, Commissioner James said he wants to understand Charlotte/Mecklenburg Schools (CMS) Capital Plan how certain CMS projects got on the latest list.

Commissioner Cooksey asked that staff look to see if there are any other opportunities for the County to take advantage of.

Commissioner Cogdell said it's important to think about the message that's sent to Raleigh when you say Mecklenburg County wants to be able to "issue all the debt it can possibly issue," so if someone else out here doesn't want to issue this year, we want it." Commissioner Cogdell said he's "curious about what message that sends when other decisions totally outside of the framework of this gets contemplated in Raleigh."

Director Diorio said staff would not ask for an additional allocation but that because of the way

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the state has allocated the money back to the school districts, there are very small districts that can't do anything with what they've received because they don't have the capacity. Thus, its anticipated that those funds will come back to the state and go back into the "pot."

Director Diorio said staff would not ask for an additional allocation without first coming to the Board.

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matters to be discussed in Closed Session: Tax Parcel 003-331-02 and Tax Parcel 080-063-09 and 10.

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 go into Closed Session for the following purposes: A) Business Location and Expansion, B) Land Acquisition and C) Consult with Attorney.

The Board went into Closed Session at 5:40 p.m. and came back into Open Session at 6:47 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 7, 12, 14, 16, 18, 19, 21, 24, 25, 26, 31, 32, and 34, to be voted on separately.

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

-FORMAL SESSION-

Invocation was given by Commissioner James, 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) WOMEN'S EQUALITY DAY

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating August 26, 2009 as Women's Equality Day.

The proclamation was read by Chairman Roberts and received by Dr. Angelia Fryer and other members of the Women's Advisory Board.

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

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(1B) 90TH BIRTHDAY OF MECKLENBURG COUNTY DSS

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 adopt a proclamation recognizing August 4, 2009, the 90th birthday of Mecklenburg County DSS.

The proclamation was read by Commissioner Leake and received by Director of Social Services Mary Wilson and members of her Senior Executive Team.

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

(1C) MEN TAKING CHILDREN TO SCHOOL ON THEIR FIRST DAY

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating August 25, 2009 as “Men Taking Children to School on Their First Day.”

The proclamation was read by Commissioner Cogdell and received by Blanche Penn with Winners Plus.

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

(1D) 2009 NACO ACHIEVEMENT AWARDS

The Board Recognized County departments for receiving 2009 NACo Achievement Awards for the following programs:

- Capital Improvement Projects Mapping System – GIS, IST, and County Manager’s Office
- Veterans Services Office Outreach – Veterans Services
- Healthy Futures Starting in the Kitchen – Health Department
- E-Plan Review-NC - LUESA
- Grant to Replace Aging Diesel Engines - LUESA
- Accessible Mountain Bike Trail – Park and Recreation
- MeckTeen Chefs – Park and Recreation
- Physical Education Teacher In-Service – Park and Recreation
- Solar GEM – Park and Recreation
- SEALS – Park and Recreation
- Natural Enhancements Service Park and Recreation
- Go Get Them and They Will Come – Park and Recreation

Note: The National Association of Counties’ Achievement Award Program is a non-competitive program that recognizes counties for improving the management of and services provided by county government. Since the program’s inception in 1970, the Achievement Award Program has honored hundreds of county government initiatives that have improved service delivery, achieved greater cost efficiency, provided finer customer service and helped to develop a better-trained workforce. Mecklenburg County was honored with 12 Achievement Awards this year.

Commissioners James and Clarke left the dais and were away until noted.

A description of each program is on file with the Clerk to the Board.

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Commissioner Cooksey nominated all applicants for appointment consideration to the Charlotte Mecklenburg Community Relations Committee:

Lori Fletcher
Earl Foxworth, Jr.
Azania Herron
Jibril Hough
Sharon Ingram
Barry Kirby
Patrick Rivenbark
Amad Shakur
Rebecca Vincent

Note: An appointment will occur on September 1, 2009.

CITIZEN'S TRANSIT ADVISORY GROUP

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 reappoint Robert Bischoff and Robert Zuckerman to the Citizen's Transit Advisory Group for a two-year term expiring June 30, 2011.

JUVENILE CRIME PREVENTION COUNCIL

Commissioner Cooksey nominated all eligible applicants for the Business Community slot for appointment consideration to the Juvenile Crime Prevention Council:

Laura Johnson
Eric Threatt

Note: An appointment will occur on September 1, 2009.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Commissioner James nominated all applicants for appointment consideration to the Mountain Island Lake Marine Commission:

Anthony Conant
Robert Keith
Howard Wheeler III

Note: An appointment will occur on September 1, 2009.

PARK AND RECREATION COMMISSION

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 reappoint Brenda McMoore, Norman Mitchell, David Morgan and Jeffery Tarte to the Park and Recreation Commission for a three-year term expiring June 30, 2012.

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

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Leake, Murrey and Roberts voting yes, to nominate and appoint Charles McRee to the Park and Recreation Commission as the Central Park District III representative for a three-year term expiring June 30, 2012.

He is replacing Kirkwood Otey.

STORM WATER ADVISORY COMMITTEE

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 John Buric to the Storm Water Advisory Committee for a three-year term expiring June 30, 2012 as the Legal Professional representative.

He is replacing Fred Monroe.

WASTE MANAGEMENT ADVISORY BOARD

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

Rita Brannon
Chad Faubel
Connie Harris
Laila Macs
Rita Plyler

Note: An appointment will occur on September 1, 2009.

WOMEN'S ADVISORY BOARD

Commissioner Cogdell nominated all applicants for appointment consideration to the Women's Advisory Board:

Natalie Bingham, Deborah Bosley, Takisha Boyd, Chia-Li Chien, Victoria Chopra, Jenifer Daniels, Sue Ann Davis, Zaria Davis-Humphries, Crystal Dempsey, Jill Dinwiddie, Laura Everett, Andrea Ferguson, Beverly Foster, Bliss Green, Laurel Grier, Shanna Hoover, Beverly Hunt, Alice Jackson, Kathryn Johnson, Angela Joyner, Sharon Lachow-Blumberg, Brook Maybach, Kate Maynard, Simona Mitchell-Kelly, Shalawn Moore, Mary Murphy, Mariana Nunez, Felicia Parker-Rodgers, Constance Purcell, Stacey Rose, Bellverie Ross, Deborah Snowdon, Najeedah Stover, Melba Streeter, Heather Swindells, Catherine Ann Wargo, Lisa Yarrow, Mimi Zelman

Note: An appointment will occur on September 1, 2009.

(3C) PUBLIC ARTS 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 appoint Katrina Streiner to the Public Art Commission

for a three-year term ending June 30, 2012 as recommended by the Arts & Science Council.

She is replacing Pamela Lawton.

PUBLIC HEARINGS

(4A) ABANDONMENT & CLOSING OF ROADWAYS NEAR CHARLOTTE-DOUGLAS AIRPORT

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 open a public hearing to hear comments on whether to abandon and close twelve sections of roadways and their rights-of-way in the vicinity of the Charlotte-Mecklenburg International Airport.

No one appeared to speak.

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 close the public hearing on whether to abandon and close twelve sections of roadways and their rights-of-way in the vicinity of the Charlotte-Mecklenburg International Airport and adopt the order to abandon and close twelve sections of roadways and their rights-of-way in the vicinity of the Charlotte-Mecklenburg International Airport.

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

(4B) NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION

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 the open public hearing to receive comments on the Mecklenburg County Department of Social Services request to submit an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2009-2010 funding.

Chairman Roberts read the following statement:

Voluntary Title VI Public Involvement

Title VI of the Civil Right's Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency's federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering **process is completely voluntary and** that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1830 or email at slipscomb@ncdot.gov.

No one appeared to speak.

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 close the public hearing and adopt a Certified

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Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2009-2010; and to recognize, receive and appropriate grant funds when awarded.

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

ADVISORY COMMITTEE REPORTS

(5A) PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN

The Board received a report on the Arts and Science Council Public Art Work Plan for FY2010.

The report was given by Scott Provancher, president of the Arts and Science Council, Brad Thomas, Chair of the Public Arts Commission, and Jean Greer, Vice President of Public Art & Creative Individuals of Public Art, Arts and Science Council.

The report covered the following:

- Status of Projects
- FY09 & FY10 Projects on Hold

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

It was noted that with respect to the 2010 Work Plan, the Public Arts Commission will not begin any new County projects during FY2010, but will continue on existing projects.

Comments

Commissioner Bentley commented on the Shuffle Town Project. Commissioner Bentley said many residents of this area contacted her and said they felt the community had not been involved in the project and felt the wrong message had been sent regarding the history of Shuffle Town, "in the sense that it was the intent of the artwork to waive goodbye to their history and look forward to their future." Commissioner Bentley said that may have been a miscommunication.

Commissioner Bentley said community engagement is important and some residents informed her that they were not aware of how they could have gotten involved. Commissioner Bentley said she would like to receive information on the notification and engagement process as it relates to community involvement.

Commissioner Bentley said area residents also wanted to know if there was any flexibility in how the dollars could have been spent. Commissioner Bentley said she's aware that the County is bound by the one percent policy, but she said maybe there's a way to remain within the policy but use those dollars for some interactive playground equipment that could still have some art value to it. Commissioner Bentley asked that the Arts Commission have dialogue regarding how the dollars, "in a practical sense, particularly in times like this one, when times are tight" can be used in a more flexible way.

Commissioner Leake asked what participation does the County have in the public arts process other than voting on the work plan. Commissioner James noted the one percent funding.

Commissioner Leake asked about community participation and the selection process. She noted that often persons inquire about various pieces of public art. Commissioner Leake said she's been asked about the hand statute across from the courthouse and its meaning but couldn't provide any information about it.

Ms. Greer addressed the role of the Public Art Commission, that of the Arts and Science Council

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board and the selection process.

Mr. Provancher said in the future, additional information would be provided regarding the various projects, so that Board members will be more informed and hopefully able to address questions from constituents.

Commissioner Cooksey asked for clarification on how it's decided as to what type of art will be selected for a particular facility, which was addressed by Ms. Greer. He said he noticed in some instances the art work is abstract and in other instances it's more practical and fits in with the nature of the facility.

Ms. Greer in her remarks acknowledged that there's an array of various art pieces throughout the County. Ms. Greer said this is how it should be because each part of the community is different and each agency and their needs are different.

Commissioner Cooksey said from a public perception standpoint, "if people can touch and feel and use the artwork, they can appreciate more than looking at something and saying, I wonder what that is."

Commissioner Cooksey asked if the one percent comes out of bond funding. *The response was yes.*

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

Chairman Roberts asked about the balance between local artists and out of state or regional artist. *The response was that 30% (12 out of 30 projects) were local/regional artists.*

Chairman Roberts emphasized the importance of supporting local artists as much as possible.

Mr. Provancher noted that the selection of an artist is not just about aesthetics, but it's about an artist that's often able to accomplish very large scale public art pieces and has a history of doing so successfully over long fabrication periods.

Commissioner Cooksey asked were the projects on hold because of the fact that the underlining project is on hold. *The response was yes.*

Commissioner Cooksey asked had there been any discussion about putting some projects on hold just because of the financial situation the County is in and perhaps funding them at a later date. *The response was that they were told in October of 2008 not to move forward with existing funds in 2009. It was noted that contracts were cut back in October 2008, in order to not spend full value on some of the contracts.*

County Real Estate Services Director Mark Hahn clarified that the Public Arts Commission's funding follows the County's, which is one percent of the design and construction costs, so when County projects are put on hold because of funding, then so are the art projects that go along with that facility.

Commissioner James addressed the one percent and asked should consideration be given to spending a half percent on art and the other half could be used to build more buildings, in light of the current economy.

Commissioner Murrey echoed Chairman Roberts' comments regarding the use of local artists and stated, "the purpose of the Arts & Science Council is not to just expose us to great art and to broaden our horizons, but to also cultivate great art." He said the Board would love to see Charlotte be a place that cultivates great artists and great public artists as well as smaller scale artists. Commissioner Murrey said it's important to keep this in mind and in the forefront as the arts community grows here in Charlotte/Mecklenburg. Commissioner Murrey said Charlotte

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needs to be known as a place where artists can come and thrive and that one way to do that is have our local arts funding going to local artists.

Commissioner Cooksey said he noticed that for some of the projects, private funding had been received. He encouraged the ASC to continue to seek partners and to leverage the funds received from the County.

Motion was made by Commissioner Murrey, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to authorize the County Manager to negotiate and execute an Agreement for the administration of the Public Art Program for Mecklenburg County; and to receive and approve the ASC Public Art Work Plan-FY2010 for Mecklenburg County.

MANAGER'S REPORT

(6) RECEIVE MANAGER'S REPORT

Legislative Update

Assistant to the County Manager Brian Francis gave a legislative update, with respect to the County's legislative agenda. An update was also given on the State Budget.

The following was noted, with respect to Mecklenburg County's 2009 Legislative Agenda:

- Community Support Services Request - 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. **(This was adopted by the State Legislature. Effective September 15, the County's Community Support Services will convene the first meeting of that team.)**
- LUESA-Code Enforcement Request - Revise NC Public Records Law to allow NC Professional Seals to have a higher level of security with respect to electronic records requests. **(This was adopted by the State Legislature.)**
- Park and Recreation Request - Increase the threshold at which Mecklenburg County and municipalities within the county may use force account qualified labor. Park and Recreation request **(This was adopted by the State Legislature.)**
- Eliminate the requirement of an elected official recommendation for notary public applicants in counties with more than fourteen thousand notaries public. **(This was adopted by the State Legislature.)**
- Adopt local legislation so that the Board of County Commissioners will not have to hold hearings to approve excise tax refunds. This authority will be delegated to the County Manager. **(This was adopted by the State Legislature.)**
- 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. **(This was adopted by the State Legislature and done so as statewide legislation. Smoking will be banned in public places and all places of employment, effective January 2, 2010.)**

Assistant Francis mentioned also, legislation regarding the public/private reimbursement agreements.

State Budget:

- Today the Senate approved the Conference report, which was the negotiated budget bill between the House and Senate. The House has also approved it. A second reading on the budget bill will occur on tomorrow, August 5, 2009.

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- The Governor held a press conference and indicated that she will sign the budget, if it's passed on August 5, 2009.
- Staff is going through the budget to determine its impact on counties. Staff, however, has some sense that generally there are areas that will not necessarily be good for county finances.
- There will be some funding cuts from the state level.
- There will be some tax changes, particularly with respect to the beer and wine beverage tax.

Comments

Chairman Roberts asked when would staff know the impact of the state budget on the County. *The response was that some information will be provided to the Board in the County Manager's upcoming weekly Board Bulletin and more detailed information will be provided over the next few weeks.*

Commissioner Leake asked about the Superintendent of Education and the status of her case. *Assistant Francis noted that the Governor appointed a CEO of Public Instruction, although there is a statewide elected Superintendent of Public Instruction, and that the Superintendent of Public Instruction sued and said it was a violation of the constitution for her not to have day to day oversight. The courts agreed with her argument. Assistant Francis said it's his understanding that the CEO has stepped down and that the Superintendent of Public Instruction has day to day oversight.*

Commissioner Leake asked about the status of the state budget. *The response was that the budget is scheduled to be approved on tomorrow, August 5, 2009 and that the Governor has indicated she will sign the budget once approved and it's delivered to her.*

Commissioner Leake asked about stimulus funds, with respect to Mecklenburg County. *Assistant Francis said it's complicated because the stimulus money is basically filtering through existing programs. He said some stimulus money is through competitive grants and the county is applying for some of those grants. Further, that some stimulus money has flowed to the state and that the state has broad discretion as to how to use it. The state has used some of it to balance the state budget. Also, there is some stimulus money that will flow to the County through the regular distribution formula. It's believed that some of that has been received, but it's been coming "bit by bit."*

Commissioner Leake asked would the Board be informed when stimulus money is received and for what purpose. *County Manager Jones said yes.*

Jail Annex Tour

County Manager Jones reminded Board members of the scheduled tour of the Jail North, Temporary Jail Annex on August 6 and 12, 2009. He encouraged Commissioners to go on the tour and to contact Assistant to the County Manager Nyki Hardy if they're interested in going. County Manager Jones said he also plans to invite former Commissioners who were in office at the time the decision was made regarding the jail annex.

Commissioner Cogdell returned to the dais.

(2B) CLOSED SESSION – LAND ACQUISITION

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to execute necessary documents for the purchase of Tax Parcel 003-331-02 (70.86 acres) from Frank Jacobus for \$1,900,000.

(36) FIRST WARD PARK AND DEVELOPMENT AGREEMENTS AND LAND

ACQUISITION

John Allen, Economic Development Director addressed the First Ward Park and Development Agreements and Land Acquisition matter. He was assisted by Levine Properties Attorney Jeff Brown, Dennis Rash on behalf of UNC-Charlotte, Jim Garges, Director of Park and Recreation, and Nancy Brunnemer with Real Estate Services.

Note: The proposed development agreements will create a new mixed-used area in First Ward through a public-private partnership between the City of Charlotte, Mecklenburg County, UNC Charlotte and Levine Properties (and their affiliates such as Seventh Street Investors LLC). The First Ward Project would fulfill the vision of the 2010 Center City Plan to provide an urban park in First Ward, address the need for public parking in uptown, support UNC Charlotte's urban campus, provide a possible venue for Center City's farmers' market and provide a catalyst for new jobs, economic development and retail in the urban core.

Comments

Commissioner James asked about the value of the Charlotte/Mecklenburg Schools' (CMS) property. *The response by Nancy Brunnemer was that it's believed to be \$1.8 million.*

Commissioner James asked about the difference in the value of the CMS property versus the City of Charlotte's property. *The response was the CMS property is larger.*

Commissioner James asked about the status of CMS. *Ms. Brunnemer said she thinks the Board of Education will discuss the matter at their next meeting.*

Commissioner James asked whether the Board of Education discussed it previously at their last meeting. *Ms. Brunnemer said it was discussed in their last closed session meeting.*

Commissioner James asked was a vote taken. *Attorney Bethune said no public action was taken.*

Commissioner James asked about the date of the appraisal, which was addressed by Ms. Brunnemer.

Commissioner James said at some point he would like to understand the difference in the values of the City's appraisal and that of the County. *Ms. Brunnemer addressed one difference involving a sidewalk easement and the cost associated with it.*

Commissioner Leake said she'd heard from residents of First Ward who are concerned about accessibility to the park property. Commissioner Leake said it's her understanding that the park would be open to everyone and that she hopes this message is relayed to the public.

Commissioner Leake asked would this project have any impact on the Little Rock AME Zion Church property in any way. *Director Allen said he was not aware of any impact.*

Commissioner Leake asked about the value of the County's property and the Levine property, which was addressed by Director Allen.

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve in concept, as it relates to the First Ward Park and Redevelopment, the Economic Development Grant and Reimbursement Agreement, and

related agreements between the County and the developer, and authorize staff to finalize negotiations and bring final versions of the agreements back to the Board at the appropriate time.

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

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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 approve acquisition of portions of City Tax Parcels 080-063-11 and 080-063-12 in First Ward including +/- .2342-acre for +/- \$717,094 to be added to the City/County Land Transfer Ledger and authorize the County Manager to negotiate and execute all documents necessary to complete the acquisition.

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

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

CONSENT ITEMS

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 7, 12, 14, 16, 18, 19, 21, 24,25, 26, 31, 32, and 34, to be voted on separately.

(8) DESTRUCTION OF DOCUMENTS (LUESA-PALRM)

Approve the disposal/destruction of LUESA (PALRM) tax assessment documents in accordance with North Carolina records retention and disposition policies. Destruction will occur in compliance with statutes.

Note:

Tax Assessment Records Disposal- July 2009		
Box count	Description	Years
54	RMV Monthly Correspondence and Release and Rebill information 1993-2004	1993-2004
13	RMV Billing Scrolls 1993-1995	1993-1995
1	RMV Change of County forms MAV-1	1998-1998
2	RMV Proration (refund and release) information 1999-2004	1994-2004
1	PERSPROP Late Billing 1996-1998 ALL	1996-1998
2	RMV Appeals Resolved	1993-1998
17	PERSPROP Listings 1994	1994-1995
8	PERSPROP Rebill/Releases	1993-1994
7	PERSPROP Monthly Correspondence	1994-1995
42	PERSPROP Voided Accounts	1996-1998
4	PERSPROP Extension Requests	1998-1998
2	PERSPROP BUS Audit Summaries	1996-1997
14	PERSPROP BUS Leased Eqpt purges and voids	1989-1998
2	PERSPROP BUS Audit Travel Requisitions	1997-1999
9	PERSPROP AUDITS	1993-1998
178		

(9) AGREEMENT FOR THE PROTECTION, DEVELOPMENT AND IMPROVEMENT OF FOREST LAND

Adopt "Agreement for the Protection, Development, and Improvement of Forest Land in Mecklenburg County."

Note: This is reoccurrence of a one (1) year agreement with a 40% County and 60% State funding split establishing a County Office of the North Carolina Forestry Service with duties and

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responsibilities as specified in the agreement.

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

(10) FUNDING ADJUSTMENTS - CLOSE OUT STORM WATER GRANTS

Approve the reduction of various storm water grant budgets to reflect actual expenditures at the end of the grant period.

Approve the transfer of unused local match to the Storm Water Capital Reserve Fund.

Note: The grants listed below have ended and require budget reductions to reflect actual revenues received and actual expenditures incurred.

The following grants were used to purchase properties located in the floodplain and miscellaneous water and land projects:

NCDENR Mint Hill LID ended 12/29/06 (\$11,498)

SWIM TMDL ended 03/30/08 (\$12,441)

Natural Resources Conservation Grant ended 1/31/06 (\$15,998)

312 Rocklyn (FMA 2004-001) ended 6/30/08 (\$1,161)

134 Placid Place (FMA 2004-002) ended 6/30/08 (\$1,264)

Westfield / Rocklyn (PDM 2005-01) ended 6/30/09 (\$2,212)

Letter of Map Change ended 6/30/08 (\$1)

These grants were returned to the grantor due to owner non-participation.

110 Placid Place (FMA 2004-003) returned to grantor 6/08 (\$222,372)

Sentinel Post Elevation returned to grantor 5/09 (\$124,940)

This grant was returned to the grantor after the site was found to be unsuitable for the BMP project originally proposed due to contamination and legal issues:

Little Sugar Creek Restore Project (Phase 4, Belmont) returned to grantor 2/07 (\$1,488,201)

(11) FUNDING ADJUSTMENTS - CLOSE OUT AIR QUALITY GRANTS

Approve the reduction of various air quality grant budgets to reflect actual expenditures at the end of the grant period.

Note: The following grants have ended and require budget reductions to reflect actual revenues received and actual expenditures incurred:

Air Quality Vehicle Retrofit Grant ended June 2008 – (\$1,680)

FY06 Air Quality PM2.5 Grant ended March 2008 – (\$19,349)

(13) WEB CONTENT FILTERING SYSTEM PURCHASE

Approve the request to purchase Palo Alto, a web content filtering system, from H1C Network Security Solutions LLC.

Note: This product will replace current network devices to provide filtering of Internet traffic

which: blocks access to inappropriate web sites, scans web traffic for malware and viruses, and prevents any file transfer from instant messaging traffic. This product is essential to ensure the security of the County's Internet. The current solution is outdated and the vendor is dropping support, necessitating a replacement.

(15) ORDER OF COLLECTION

Approve the Order of Collection empowering the Tax Collector to bill and collect 2009 taxes.

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

(17) WATER QUALITY MONITORING EQUIPMENT

1) Approve the purchase of water quality monitoring equipment as authorized by the sole source exemption of G.S. 143-129(e) (6).

2) Approve a contract with YSI, Inc for the purchase water quality monitoring equipment in the amount of \$128,523.

(20) RYAN WHITE MINORITY AIDS INITIATIVE FUNDING (MAI) ITEM WAS REMOVED

(22) AREA MENTAL HEALTH FINANCIAL REPORTS

1) Recognize and receive Area Mental Health May 2009 Monthly Financial Report.

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. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

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

	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
Revenue Source			
Medicaid & CAP	15,178,693	10,863,503	71.57%
State and Federal	34,319,491	24,898,984	72.55%
Third Party/Other	150,541	77,990	51.81%
Grants	5,172,641	2,638,071	51.00%
County	45,167,108	37,308,001	82.60%
Total Revenues	99,988,474	75,786,549	75.80%

	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
Service Continuum			
Children's Developmental Services	6,909,463	5,872,151	84.99%
Child & Adolescent Services	15,786,960	10,472,379	66.34%
Adult Mental Health	13,248,440	6,750,321	50.95%
Adult Substance Abuse	14,350,366	12,085,203	84.22%
Local Management Entity	11,268,435	8,122,197	72.08%
BHC Randolph	20,075,073	17,609,260	87.72%
Developmental Disabilities	18,349,737	14,875,038	81.06%
Total Expenditures	99,988,474	75,786,549	75.80%

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

2) Recognize and receive the Fourth Quarter 2009 Area Mental Health Report.

Note: In accordance with General Statute 122C-115.1(e), within 30 days of the end of each quarter of the fiscal year, the program director of the county program shall present to each member of the board of county commissioners a budgetary statement and balance sheet that details the assets, liabilities, and fund balance of the county program. This information shall be read into the minutes of the meeting at which it is presented. The director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.

Financial Management

	Budget	Actual	% Received
Revenue Source			
Medicaid & CAP	15,178,693	12,483,097	82.24%
State and Federal	34,319,491	31,109,670	90.65%
Third Party/Other	150,541	81,716	54.28%
Grants	5,172,641	3,160,629	61.10%
County	44,809,609	41,043,290	91.59%
Total Revenues	99,630,975	87,878,402	88.20%

	Budget	Actual	% Spent
Service Continuum			
Children's Developmental Services	6,860,563	6,464,392	94.23%
Child & Adolescent Services	15,507,214	12,576,660	81.10%
Adult Mental Health	13,186,899	8,196,909	62.16%
Adult Substance Abuse	14,354,199	14,007,886	97.59%
Local Management Entity	11,147,290	9,481,598	85.06%
BHC Randolph	20,075,073	19,908,504	99.17%
Developmental Disabilities	18,499,737	17,242,453	93.20%
Total Expenditures	99,630,975	87,878,402	88.20%

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

(23) STATESVILLE ROAD RIGHT OF WAY FOR CITY OF CHARLOTTE

Authorize the County Manager to execute deed to convey to the City:

Permanent street right of way; and

Permanent utility, storm drainage and temporary construction easements along Nevin Community Park's Statesville Road frontage.

Note: This request is generated by the widening of Statesville Road along the frontage of both the above park and adjoining Ranson Middle School. The subject conveyance will be from Tax Parcels 045-421-01 and 045-421-02 which are part of the parkland deeded to the County in the 1992 merger of the City and County Park and Recreation departments. The inter-local agreement for that transaction provides that easements and right of way over former City property will be transferred to the City at no cost. Fee simple conveyances (for street right of way) require Board approval. The areas to be conveyed are:

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<i>Parcel #</i>	<i>Street R.O.W.</i>	<i>Util. Esmt.</i>	<i>Storm Dr. Esmt.</i>	<i>Temp. Const. Esmt.</i>
045-421-01	11,231 sq. ‘	302 sq. ‘	1,596 sq. ‘	14,228 sq. ‘
045-421-02	12,564 sq. ‘	286 sq. ‘	1,866 sq. ‘	18,967 sq. ‘

Right of way and easements are also required along the frontage of Ranson Middle School. The roadway project will include combining the vehicular ingress/egress to the school with the current location of the park entrance and the addition of a traffic signal at this entrance. The bus entrance for the school will remain at its existing location. Changes to the landscaping and signage at the new park/school entrance drive will be included in the roadway project.

(27) AREA MENTAL HEALTH – CAP-MR/DD CONTRACT SELECTIONS FOR SUPPLIERS

Area Mental Health – Medicaid Community Alternatives Program for Persons with Mental Retardation/ Developmental Disabilities (CAP-MR/DD) Contract Selections for Suppliers

(28) BEHAVIORAL HEALTH CENTER FIRE SPRINKLER ADDITION-RENOVATION

Award a contract to Southside Constructors Inc for the installation of a wet pipe fire sprinkler system and upgrades to the fire alarm system at the Behavioral Health Center - Randolph.

(29) EVERGREEN NATURE PRESERVE MASTER PLAN

Approve the master plan for the development of Evergreen Nature Preserve.

Note: Evergreen Nature Preserve is a 77 acre parcel of parkland, located in the

Sheffield/Winterfield neighborhoods in east Charlotte. It is the county’s closest nature preserve to uptown Charlotte, and combined with the wooded sections adjacent to it still owned by the city and part of the Evergreen Cemetery represents over 100 acres of woodlands within minutes of uptown.

Originally proposed as a district park (athletic/active park), many area residents petitioned the county to preserve the land as a nature preserve for passive recreation. In 2002, the park was designated as nature preserve. For the past seven years, the preserve and simple trails have been open to the public for hiking, wildlife watching, and passive recreation, however no master plan was ever completed nor has any capital improvements ever been initiated.

(30) FLAT BRANCH NATURE PRESERVE MASTER PLAN

Approve the master plan for the development of Flat Branch Nature Preserve.

Note: Flat Branch Nature Preserve is a 42 acre parcel of parkland, located across the street from Flat Branch Community Park and Polo Ridge Elementary School on Tom Short Road in southern Mecklenburg County. The preserve protects one of best examples of a mafic depression, or upland depression swamp forest. It is mainly wooded with delineated wetlands occurring throughout the site, which are seasonally wet.

The master planning process for the nature preserve began in October 2007 with the first community workshop. A second community workshop was held October 22, 2008. A third community workshop was held February 25, 2008, at which time both the South Park District Advisory Council and the Stewardship Advisory Council unanimously approved the master plan. The plan was then presented to the Park & Recreation Commission and approved by unanimous

consent on May 12, 2009.

(33) RAY'S SPLASH PLANET CAPITAL RESERVE REQUEST

Authorize a capital reserve expenditure of \$60,000 from funds accrued through Ray's Splash Planet revenues to replace fitness equipment and lifeguard stands.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Cooksey returned to the dais.

(7) APPROVAL OF MINUTES

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve minutes of Budget/Public Policy meetings held May 12 and May 26, 2009; and minutes of Regular Meeting held July 7, 2009 with the following amendment: Under the section of the minutes: Commissioner Comments, to correct the spelling of the late Judge Johnson's name. It should read Clifton Johnson rather than Clifford Johnson.

Chairman Roberts removed this item from Consent in order to bring the above needed amendment to the Minutes of Regular meeting held July 7, 2009, to the Clerk to the Board's attention.

(12) CONVEYING OF PROPERTY - SHERIFF'S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the conveying of property (eight (8) Panasonic laptops and eight (8) vehicle computer stands) from the Mecklenburg County Sheriff's Office to the Jones County Sheriff's Office.

Commissioner Leake removed this item from Consent for more public awareness.

Note: Per North Carolina General Statute G.S. 160A-280, donations to other governmental units of any equipment deemed to be obsolete, surplus or unused are allowed.

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

(14) WALMART COMMUNITY GRANT—SHERIFF'S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate funds awarded to the Sheriff's Office from Walmart Corporation for Community Outreach in the amount of \$1,250.

Commissioner Leake removed this item from Consent for more public awareness.

Note: The Mecklenburg County Sheriff's Office Master Deputies and the Hometown Heroes (501(c)(3)) received a community grant from Walmart for their joint efforts. The Sheriff's Office

grant will fund supplies for the Community Service operations.

(16) REVENUE FOR LAND DEVELOPMENT – LUESA SOUTH

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate \$158,499 for Land Development and carry forward the unspent balance at June 30, 2010 to FY11.

Commissioner Leake removed this item from Consent in order to get clarification on the type of bond referenced in this matter. Attorney Bethune explained.

Note: Funds are being received due to the default of a bond obligation for completion of subdivision requirements in Traditions at Lawyers Glen. A letter of credit was provided by Portrait Homes for completion of this work on June 12, 2006. Mecklenburg County found the developer in default of the bond obligation due to the work not being completed. The funds received by the County will be used to complete improvements required by the Town of Mint Hill Subdivision ordinance. Any funds remaining after completion of these improvements will be returned to Portrait Homes and their guarantor, The Private Bank and Trust Co.

(18) FOUR MILE CREEK GREENWAY - MATTHEWS – CONSTRUCTION CONTRACT

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to award a construction contract to On-Site Development, Inc. for a total amount of \$ 1,300,904 for the construction of the Four Mile Creek Greenway – Matthews Project.

Commissioner Leake removed this item from Consent for more public awareness.

(19) NURSE FAMILY PARTNERSHIP PROGRAM FUNDING

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to recognize, receive and appropriate \$49,500 from the Mecklenburg Partnership for Children for the Nurse Family Partnership program.

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

Note: The Nurse Family Partnership (NFP), a nationally recognized, evidence-based nurse home visitation program helps to transform the lives of first-time, low-income parents and their children. The Mecklenburg County Health Department will collaborate with Community Health Services to provide these services.

(24) STIMULUS GRANT MOU FOR WIRELESS DATA NETWORK

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to authorize the County Manager to negotiate and approve a MOU with the City of Charlotte and other government entities for development of a Federal stimulus grant for a Wireless Data Network.

Commissioner Leake removed this item from Consent in order to get clarification on what this

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matter was all about and the amount of funds involved. Director of Information Services and Technology Jerry Pinkard addressed this matter.

Commissioner Cooksey asked for clarification with respect to the parties providing a list of resources that they would contribute to the system, which was addressed by Director Pinkard.

Commissioner Cooksey asked about the on-going maintenance cost and asked that it be included in the information that comes back to the Board.

Note: The County plans to partner with the City of Charlotte and several other government entities, including UNCC, CPCC, CMS, Charlotte Housing Authority, Public Library, and several towns for development of a Federal stimulus grant for a Wireless Data Network. The purpose of the grant is to build a broadband wireless data network to be used by public safety, other government agencies, education, and a group of low income customers through Charlotte Housing Authority.

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

(25) HR POLICY AMENDMENT – PERSONNEL COMMISSION

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to amend the Board's Personnel Commission policy to add language excluding immediate household or immediate family members of City or County employees from serving on the Personnel Commission.

Commissioner Leake removed this item from Consent for more public awareness.

(26) AREA MENTAL HEALTH – MECKCARES STOMP OUT THE STIGMA FAMILY FUN DAY

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to approve receipt of donated school supplies, goods, and monetary donations for Area Mental Health MeckCARES participants to be distributed to program participants; and

Approve, recognize, receive and appropriate cash donations in the amount of \$2,000 to the MeckCARES program.

Commissioner Leake removed this item from Consent for more public awareness. Area Mental Health Director Grayce Crockett addressed this matter.

Note: MeckCARES is a grant-funded initiative that is building a system of care partnership among local child-serving agencies, families and the community. The purpose is to improve outcomes for youth ages 10-21 that have severe emotional challenges and their families. Many of the families who participate in this initiative are identified as economically disadvantaged. AMH MeckCARES will host a Stomp Out the Stigma Family FUN Day at Starlight Skating Rink on Wednesday, August 19th from 5:00-8:00 pm.

(31) CONSOLIDATED GOLF CAPITAL RESERVE REQUEST

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Leake, Murrey and Roberts voting yes, to authorize a capital reserve expenditure of \$22,000 from funds accrued through golf course

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revenues for the emergency replacement of the 20-ton roof top HVAC unit at the Renaissance Park Golf Course.

Commissioner Leake removed this item from Consent for more public awareness.

Commissioner Dunlap returned to the dais.

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

(32) DOCK LEASE AGREEMENT WITH DUKE ENERGY CAROLINAS, LLC

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to

1. Authorize the County Manager to negotiate and execute a Lease agreement with Duke Energy Carolinas, LLC.
2. Adopt Resolution Declaring Intent to Sublease Property to US National Whitewater Center for the term of the True Public Marina Lease; and direct the Clerk to publish notice of the Board's Intent to Lease.
3. Authorize sublease of the Property under the True Public Marina Lease to US National Whitewater Center for a term of less than one year.

Commissioner Leake removed this item from Consent in order to get clarification on what this matter was about. Director of Park and Recreation Jim Garges addressed this issue.

Prior to the above vote, Attorney Bethune noted that he was informed today, that Duke Energy is proposing a slightly different version of the lease; therefore, he would asked that where ever in

the documents say True Public Marina Lease, that it be changed to read Lease agreement. Attorney Bethune explained that the lease the County enters into may have a slightly different title, then originally thought.

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

Commissioner Bentley returned to the dais.

(34) PARK AND RECREATION BUDGET AMENDMENT

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to recognize and appropriate \$210,000 in aquatic instructional fee revenue in Park and Recreation budget.

Commissioner Leake removed this item from Consent, in order to acknowledge the opening of the pools at West Charlotte and Providence High Schools for the summer for use by the general public. James Alsop with Park and Recreation addressed the opening of the pools.

Commissioner Leake asked would this continue throughout the remainder of the summer and was this a permanent arrangement for the future. Mr. Alsop said a short term agreement was written with CMS to iron out some of the processes and uses and access of the schools. He said the pools will be open from August 3 through August 20, 2009. Mr. Alsop said staff is going to work with CMS to see if swim lessons can be offered on Saturdays while school is in session; and then in the spring/summer they would operate like neighborhood pools. Commissioner Leake asked about maintenance. The response was that it was being handled by Park and Recreation

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and they staff will work with CMS contractors as well to make sure nothing is missed.

(21) HEALTH CAROLINA PUBLIC HEALTH FOUNDATION FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to Recognize, receive and appropriate \$15,000 from the Health Carolina Public Health Foundation to participate in Quality Improvement training.

Commissioner Leake removed this item from Consent for more public awareness and to get clarification on who would be providing the training. The response was the Center for Public Health Quality will provide the training.

Commissioner Cooksey returned to the dais.

STAFF REPORTS AND REQUESTS

(35) MECKLENBURG COUNTY FACILITY NAMING POLICY

The Board received a report from Assistant to the County Manager Nyki Hardy regarding a proposed Mecklenburg County Facility Naming Policy. It was noted that the following changes were made to the proposed policy, per Board feedback when originally presented at the July 7, 2009 meeting. 1) the addition of a background check; 2) a public hearing would be held; 3) changes made to some of the language for consistency purposes, with respect to an individual's contributions to the community; & 4) the insertion of a time requirement on naming facilities after former elected officials (15 years).

It was noted that 15 years was only a recommendation and that if the Board desires a different timeframe, the policy would be revised to reflect the Board's desired timeframe.

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

Comments

Commissioner Dunlap suggested changing the time requirement on naming facilities after former elected officials from 15 years to 10 years. Commissioner Dunlap said if a former elected official is out of office for 10 years, that more than likely they will not run again. Thus, a lesser number would be more appropriate. Commissioner Dunlap said although he suggested 10 years, that's an arbitrary number as well.

Commissioner Cooksey said he also felt 15 years was too long of a timeframe, and suggested a clause be inserted to state that if a former elected official passed prior to the timeframe stated in the policy, that the Board does not have to wait until that timeframes passes before naming a facility after that individual, if that's the desire of the Board.

Commissioner Bentley said she could support 10 years.

Commissioner Leake suggested 3-5 years and that the Board has the latitude to waive the timeframe, if a former elected official passed and it was the desire of the Board to name a facility after that individual.

Commissioner Murrey suggested 6 years and concurred with the suggestion that that if a former elected official passed prior to the timeframe stated in the policy that the Board does not have to wait until that timeframes passes before naming a facility after that individual, if that's the desire

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of the Board. Commissioner Murrey said although he prefers 6 years, that it should be somewhere between 5 or 10 years.

Commissioner Clarke said he would like the proposed policy brought back to the Board for consideration after further revisions.

Commissioner Clarke suggested changing the wording of Section VII to make it read in the singular tense, thus it would read: A facility shall only be named for an elected official once a minimum of (5) years has passed or the person reaches the age of 72 since the individual last served in elected office, including a deceased individual. After further discussion, Commissioner Clarke decided to remove his recommendation with respect to age.

Commissioner Bentley said her motivation for bringing up the issue of a timeframe at the July 7 meeting, was because she feels if a facility is named after a former elected official and that official decides to run for office again, it gives that individual an unfair advantage, as it relates to name recognition.

Commissioner Clarke said his rationale behind having a timeframe was the general thought that there needs to be a “cooling off” period after an individual is no longer in office before a decision is made to name a building after that individual, which is why he suggested two years at the July 7 meeting.

Commissioner Cogdell suggested a 5 year timeframe.

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

Commissioner Cogdell said some of the language in the proposed policy seemed “a little confusing,” noting that it’s probably the “lawyer” in him. He suggested staff come back with two or three drafts that the Board would have the option of voting on. He suggested Attorney Bethune

take a look at the proposed policy, and in particular, the use of the terms “shall and may” and how they are applied.

Commissioner Cogdell referenced Section IX, which states “exceptions to this policy may be made by the Board of County Commissioners as it determines appropriate.” Commissioner Cogdell said with that language included in the policy that ultimately it serves no purpose for having a policy, that it get backs to just having five votes and you can name a facility anything you want to.

Commissioner Cogdell said his comments, with respect to changes in the policy, were not a reflection of staff’s work because he knows staff worked hard on this.

Commissioner Cogdell said the draft options could reflect the various timeframes that were mentioned and that the language be revised to make it clear about the deceased individual versus the non-deceased and making sure there are different sections in dealing with what the timeframes are with regard to their eligibility.

Commissioner Dunlap suggested Board members provide staff with their comments and concerns regarding documents that the Board will be considering adopting, prior to the meeting.

County Manager Jones reminded the Board that in this particular instance, staff submitted to the Board, prior to the meeting and in advance of the agenda going out, a draft of the policy but no response was received.

County Manager Jones said staff will again provide a revised proposed policy to the Board for feedback, prior to the September 1, 2009 meeting, which is the next meeting of the Board.

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County Manager Jones encouraged the Board to make staff aware in advance of any questions, so that a final document can be prepared for the Board's consideration, one that the Board can either vote up or down.

Commissioner Cooksey suggested the Board get consensus on the issues that appear to be outstanding, per the discussion, so that staff can be given some direction on moving forwarding.

Commissioner Cooksey said one issue is that of immediate eligibility of a former elected official when he or she dies, thus, there would be no waiting period if it's the desire of the Board to name a facility after that individual. It was the consensus of the Board to support this suggestion.

Commissioner Cooksey said the second issue had to do with the timeframe for being out of office before an elected official is eligible for consideration. It was the consensus of the Board to support 5 years.

Commissioner Cooksey asked for clarification with respect to the meaning of elected office and whether it means county elected office or any elected office. The response was any elected office.

Commissioner Clarke referenced Section IX which states "exceptions to this policy may be made by the Board of County Commissioners as it determines appropriate" and asked if everyone would be agreeable to changing it in order to add the words "only if it's the unanimous vote of all members of the Board and delete the words "as it determines appropriate." There was not a consensus to change Section IX.

Commissioner Dunlap noted that with five votes the Board could take whatever action it determined appropriate.

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to defer consideration of adopting a policy for naming and/or renaming of county facilities, until

the September 1, 2009 meeting; and that staff report back at that time with a revised policy, based on the Board's feedback, expressed at tonight's meeting.

Commissioner Clarke suggested the policy say, that there are two buildings that will not be named after anyone, the Mecklenburg County Courthouse and Charlotte/Mecklenburg Government Center. It was the consensus of the Board to support Commissioner Clarke's suggestion.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(37) NCACC VOTING DELEGATE (CHAIRMAN ROBERTS)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to appoint Chairman Roberts as the Board's voting delegate and Commissioner Leake as the alternate for the 2009 Annual North Carolina Association of County Commissioners (NCACC) Conference to be held August 27-30, 2009 in Catawba County, N.C.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(38) CMS LAW ENFORCEMENT JOINT AGENCY AGREEMENT (CHAIRMAN ROBERTS)

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake and Roberts voting yes, to

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approve joint agreement between The Charlotte Mecklenburg Board of Education and the Board of County Commissioners, consented by the Sheriff of Mecklenburg County, which will extend the territorial jurisdiction of the Charlotte-Mecklenburg Schools Police Department into all of Mecklenburg County.

Prior to the above vote, Commissioner Cogdell left the meeting and was absent for the remainder of the meeting.

Prior to the above vote, CMS Chief of Police Bud Cesena addressed this issue, specifically, issues concerning their area of authority and their relationship with the Sheriff's Office and the Charlotte-Mecklenburg Police Dept. as raised by Commissioner Leake.

It was noted that this gives CMS Law Enforcement county-wide jurisdiction versus only on school property.

COMMISSION COMMENTS – General comments by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy. None were made.

ADJOURNMENT

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:49 P.M.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman