

SEPTEMBER 1, 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, September 1, 2009.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners
Karen Bentley, Dumont Clarke, 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: Commissioner Harold Cogdell, Jr.

-INFORMAL SESSION-

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

(1) STAFF BRIEFINGS - NONE

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: First Ward Park. Attorney Bethune said there was no Consult with Attorney matter to be discussed in Closed Session.

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

Motion was made by Commissioner Murrey, seconded by Commissioner Bentley and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session to discuss Land Acquisition.

The Board went into Closed Session at 5:25 p.m. and came back into Open Session at 6:03 p.m.

Commissioner Dunlap was present when the Board came back into Open Session. He returned to the meeting during Closed Session.

(3) REMOVAL OF ITEMS FROM CONSENT

SEPTEMBER 1, 2009

The Board identified item(s) they wanted removed from Consent and voted upon separately. The items identified were Items 14, 16, 17, 18, 19, 22, 23, 24, 27, 28, and 29.

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

-FORMAL SESSION-

Invocation was given by Commissioner Leake, 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 – NONE

(15) MEMORIAL FOR BRADLEY W. DAVIS

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to recognize and appropriate in the capital reserve fund a donation of \$35,000 from the leadership of LandDesign, Inc. for Little Sugar Creek Greenway. Approve the placement of memorial footplates in honor of Bradley W. Davis at either end of the pedestrian footbridge located between Pearl Park Way and Morehead Street on Little Sugar Creek Greenway.

Prior to the above vote, Director of Park and Recreation Jim Garges addressed this issue. He was joined at the podium by representatives from LandDesign, Inc., who thanked the Board for recognizing Mr. Davis in this manner. Edward Schweitzer and Dale Stewart spoke on behalf of LandDesign, Inc.

Note: Bradley W. Davis, who passed away on December 5, 2007, was a former chair of the Mecklenburg County Park and Recreation Commission and a founding principal of LandDesign, Inc. Mr. Davis had significant and far-reaching influence on the built environment in Charlotte, with an emphasis on parks and open space. His volunteer and professional work spanned decades of aggressive growth in the region. During his service as chair of the Park and Recreation Commission, he helped start Partners for Parks.

(2) PUBLIC APPEARANCE

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

Pam Barrett, with Hospice and Palliative Care - Charlotte Region, addressed end of life issues and health care reform. Ms. Barrett said end of life decisions and advance care directives are often topics that folks shy away from discussing. Ms. Barrett said N. C. has been progressive in this area and recently updated its advance care directives laws. Ms. Barrett said Mecklenburg County has one of the most comprehensive Hospice and Palliative Care services in the country. Ms. Barrett said it's felt, however, that this is being threatened because of the "politics" surrounding health care reform. Ms. Barrett said if the Board is going to support a bi-partisan resolution to support health care reform it's important that accurate information about the purpose of advance care planning, along with hospice and palliative care be clarified. Ms. Barrett concluded by thanking the Board for its past support of advance care planning.

(3A) APPOINTMENTS

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The vote was taken on the following nominees for appointment to the Charlotte-Mecklenburg Community Relations Committee:

Round One

Lori Fletcher	Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
Earl Foxworth, Jr.	Commissioner Leake
Azania Herron	None
Jibril Hough	Commissioner Murrey
Sharon Ingram	Commissioners Clarke, Dunlap, James, and Roberts
Barry Kirby	Commissioners Bentley and Cooksey
Patrick Rivenbark	None
Amad Shakur	None
Rebecca Vincent	None

Note: Only the names of those persons receiving votes in Round One were considered.

Round Two

Earl Foxworth, Jr.	Commissioner Leake
Jibril Hough	Commissioner Murrey
Sharon Ingram	Commissioners Clarke, Dunlap, and Roberts
Barry Kirby	Commissioners Bentley, Cooksey, and James

Round Three

Earl Foxworth, Jr.	None
Jibril Hough	None
Sharon Ingram	Commissioners Clarke, Dunlap, Murrey, and Roberts
Barry Kirby	Commissioners Bentley, Cooksey, Leake, and James

Note: Only the names of those persons receiving votes in the previous Round were considered.

Round Four

Sharon Ingram	Commissioners Clarke, Dunlap, Murrey, and Roberts
Barry Kirby	Commissioners Bentley, Cooksey, Leake, and James

Chairman Roberts announced the appointment of Lori Fletcher to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring July 2, 2011.

She is replacing Steve Goodrich.

Note: The remaining vacancy will be brought back to the Board at the September 15, 2009 meeting for consideration, since voting on remaining candidates resulted in a tie vote, 4-4.

JUVENILE CRIME PREVENTION COUNCIL

The vote was taken on the following nominees for appointment to the Juvenile Crime Prevention Council:

SEPTEMBER 1, 2009

Laura Johnson
Eric Threatt

Commissioners Dunlap and Roberts
Commissioners Bentley, Clarke, Cooksey, James, Leake,
and Murrey

Chairman Roberts announced the appointment of Eric Threatt to the Juvenile Crime Prevention Council as the Business category representative for a two-year term expiring June 30, 2011.

He is replacing Paul Strickland.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to defer appointments to the Mountain Island Lake Marine Commission until the next round of nominations/appointments and to continue to accept applications.

Note: Prior to the above vote, Commissioner Bentley said she was informed by the chairman of the Mountain Island Lake Marine Commission that the Commission was not aware this matter was being considered by the Board at this time. The chairman asked that the matter be deferred until later in the month to give those that have expressed interest an opportunity to apply.

WASTE MANAGEMENT ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Waste Management Advisory Board:

Rita Brannon	None
Chad Faubel	Commissioner Cooksey
Connie Harris	Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
Laila Macs	Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Murrey, and Roberts
Rita Plyler	Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts

Chairman Roberts announced the appointments of Connie Harris to the Waste Management Advisory Board for a three-year term expiring September 30, 2012 and Laila Macs and Rita Plyler to the Waste Management Advisory Board to fill unexpired terms expiring March 14, 2010.

They are replacing Elaine Powell, Daniel Schenstrom and Shawn Brady.

WOMEN'S ADVISORY BOARD

The vote was taken on the following nominees for appointment to the Women's Advisory Board:

Natalie Bingham	None
Deborah Bosley	Commissioner Cooksey
Takisha Boyd	None
Chia-Li Chien	None
Victoria Chopra	None
Jenifer Daniels	None

SEPTEMBER 1, 2009

Sue Ann Davis	Commissioner Cooksey
Zaria Davis-Humphries	None
Crystal Dempsey	None
Jill Dinwiddie	None
Laura Everett	None
Andrea Ferguson	None
Beverly Foster	Commissioners James and Leake
Bliss Green	None
Laurel Grier	None
Shanna Hoover	None
Beverly Hunt	None
Alice Jackson	None
Kathryn Johnson	None
Angela Joyner	None
Sharon Lachow-Blumberg	None
Brook Maybach	None
Kate Maynard	None
Simona Mitchell-Kelly	None
Shalawn Moore	None
Mary Murphy	None
Mariana Nunez	None
Felicia Parker-Rogers	None
Constance Purcell	None
Stacey Rose	None
Bellverie Ross	None
Deborah Snowdon	None
Najeedah Stover	Commissioners Bentley, Clarke, Dunlap, Murrey, and Roberts
Melba Streeter	None
Heather Swindells	None
Catherine Ann Wargo	None
Lisa Yarrow	Commissioners Bentley, Clarke, Dunlap, James, Murrey, and Roberts

Voting Ceased

Mimi Zelman

Chairman Roberts announced the appointments of Najeedah Stover to the Women’s Advisory Board to fill an unexpired term expiring October 31, 2009 and Lisa Yarrow to fill an unexpired term expiring April 30, 2012.

They are replacing Robert Fuller and Deirdira Henderson.

(3B) WASTE MANAGEMENT ADVISORY BOARD CHAIRMAN

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint current Vice-Chairman Daryle Benson as Chairman of the Waste Management Advisory Board for the duration of his term.

He is replacing Shawn Brady as Chairman.

(3C) MINT HILL PLANNING BOARD

SEPTEMBER 1, 2009

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Mr. Roger Hendrix to the Mint Hill Planning Board as an Extraterritorial Jurisdiction Member (ETJ) as recommended by the Town of Mint Hill Board of Commissioners for a term to expire June 30, 2011.

(4) PUBLIC HEARINGS – NONE

ADVISORY COMMITTEE REPORTS

(5A) AUDIT REVIEW COMMITTEE

Commissioner Murrey, chairman of the Audit Review Committee, presented the Audit Review Committee Report, which included a proposed change in the composition of the committee.

Commissioner Murrey covered the following:

- Follow-up on Department of Social Services (DSS) Matters
 - Giving Tree
 - Use of Credit Cards
 - Vendor Charges
 - Frequency of Audits
 - Good Friends Additional Review
 - Vouchers
 - Compliance Program at DSS
 - Structure & Reporting

It was noted that there were three follow-up issues the Committee will be receiving reports on from staff, after which, the Committee will report back to the Board. Those items are 1) Frequency of Audits (including staffing for the Internal Audit Department), 2) Compliance Program at DSS, & 3) Structure & Reporting.

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

Comments

Commissioner Cooksey asked about the difference between a credit card and a procurement card, which was explained by Deputy Finance Director Gail Murchison.

Chairman Roberts asked about additional staff for the Internal Audit Department. Commissioner Murrey said currently the Committee feels at least three additional staff is needed at a minimum. It was noted that Senior Staff and the Internal Audit Department were asked to report back to the Committee on the number of staff members necessary to meet optimal auditing schedules for core and critical audits.

Commissioner Clarke asked that the minutes of the Audit Review Committee held on August 18, 2009 reflect him being present as well.

Commissioner Murrey addressed the composition of the Audit Review Committee.

Commissioner Murrey said the Committee agreed to recommend to the full board that the

composition of the Committee be revised to eliminate the two staff members as voting members of the Committee, to avoid any conflict of interest, and instead have them serve as non-voting ex-officio members.

SEPTEMBER 1, 2009

Commissioner Murrey said consensus could not be reached with regard to any further changes but that the Committee did discuss the following:

- Whether the Committee should become one of the Board's subcommittees with four Commissioners
- Whether there should be two Commission members and three outside members
- Whether there should be four Commission members and one outside member

Comments

Chairman Roberts recommended the addition of two more Commission members, one from each Party for a total of four.

Motion was made by Commissioner James, seconded by Commissioner Bentley, to approve an amendment to the Mecklenburg County Resolution Establishing An Audit Review Committee changing the composition of the Audit Review Committee by deleting the two members of management staff and adding two additional County Commissioners for a total of four Commissioners, two from each party and all of whom should have some type of financial or business expertise; and maintain the one outside person appointed through the advisory board process.

Commissioner Dunlap questioned the stipulation that appointed Board members be required to have financial or business expertise. Commissioner Dunlap said there could come a time when the Board would not have any CPA's or persons with financial experience, which would mean, there would be no one to serve on the committee, based on Commissioner James' motion.

Commissioner James said he recommended this because that's what's recommended in all of the literature regarding audit review committees.

Commissioner Dunlap said anyone that serves on the County Commission should be deemed eligible to serve.

Commissioner Cooksey said he would like the Committee to remain small. Commissioner Cooksey said he doesn't see where two additional Commissioners on the Committee "add much" in terms of being able to make a full report to the Board. Commissioner Cooksey noted also that sometimes this committee deals with confidential and sensitive matters, which is sometimes best handled by a smaller group of people.

Substitute Motion was made by Commissioner Cooksey, seconded by Commissioner James, and failed 6-2 with Commissioners Bentley, Clarke, Dunlap, Leake, Murrey, and Roberts voting no and Commissioners Cooksey and James voting yes, to approve an amendment to the Mecklenburg County Resolution Establishing An Audit Review Committee changing the composition of the Audit Review Committee by deleting the two members of management staff, who would instead serve as non-voting ex-officio members; thus the Audit Review Committee would be comprised of three members, two commissioners, one from each party and one outside member.

Commissioner Clarke offered an amendment to the original motion which was accepted by the makers of the original motion, Commissioners James and Bentley, to delete the two members of

management staff , who would instead serve as non-voting ex-officio members; add two additional County Commissioners for a total of four commissioners, two from each party and all

of whom should be "financially literate" as determined by the Board of County Commissioners; and maintain the one outside person with experience in accounting and auditing and appointed through the advisory board appointment process.

SEPTEMBER 1, 2009

The vote was then taken on the original motion as amended and noted below.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 7-1 with Commissioners Bentley, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes and Commissioner Cooksey voting no, to approve an amendment to the Mecklenburg County Resolution Establishing An Audit Review Committee in order to change the composition of the Audit Review Committee by deleting the two members of the management staff (the County Manager and General Manager), who would instead serve as non-voting ex-officio members, and add two additional County Commissioners for a total of four commissioners, two from each party, all of whom should be financially literate as determined by the Board; and to maintain the one outside person that has experience in accounting and auditing.

Note: The outside person would continue to be appointed through the advisory board appointment process.

Note: The above is not inclusive of every comment but is a summary.

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to appoint Commissioners Bentley and Clarke as the two additional commission members of the Audit Review Committee.

MANAGER'S REPORT

(6A) MECKLENBURG COUNTY JAIL EXPANSION PROJECT UPDATE

General Manager Michelle Lancaster addressed the County's Jail Expansion Project. She was joined by Bob Goble from Carter Goble Lee, Jim Keisler from Little/HOK, and Bill Lorenzo from Balfour Beatty Construction. Sheriff Chipp Bailey was also present and participated in the presentation.

The following was covered:

- Background Information
 - Kimme Study
 - Board Actions
- Optimization Planning Strategies
 - Mecklenburg County Sheriff Office (MCSO) Policies, Practices, Procedures
 - Classification/Housing Analysis
 - Architectural Programming Process
 - 2020 Master Plan
- Value Management Strategies
- Project Cost (Total Estimated Project Cost Range: \$220 million to \$240 million)
- Costing Process and Assumptions
- Annual Operating Costs
- Proposed Opening Schedule
- Annual Operating Savings Using Phased Implementation
- Advantages to Project Continuation
- Mecklenburg County/MCSO Needs

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

Note: Sheriff Bailey encouraged the Board to be proactive and to move forward with the project. Sheriff Bailey said this is not a situation of, "if we build it, they'll come," but rather, it's a situation of "either way we do this, they're going to come."

Comments

Commissioner Dunlap addressed inmate re-entry into society. He asked would the proposed new facility have training rooms. *The response from Sheriff Bailey was yes.*

Commissioner Dunlap asked about the handling of change orders, which was addressed by the consultants.

Commissioner Dunlap said he was concerned about security and asked about additional security measures, such as fencing around the entire complex. He also asked about the appearance of the exterior of the facility and surrounding landscape. Each concern was addressed by the consultants.

Commissioner James asked about funding for the project and what's the capital flow plan. *The response from General Manager Lancaster was that the design phase is anticipated to be between 12 to 18 months. Construction would be between 24 to 36 months. Further, that staff anticipates building the entire facility and only opening portions of the facility. Thus, it's not a phased building approach, but a phased opening of the facility.*

Commissioner James asked about the point in time when most of the funds would be spent. *The response from General Manager Lancaster was that staff is still "massaging the cash flow." Further, that the largest year of cash need for this project that's anticipated is FY2012 and per conversations with County Finance, the debt capacity would be around \$250 million and that \$100 million would be needed for this project. In FY2011, where you would probably have the most limited debt capacity (around \$150 million), it's anticipated that \$80 million would be needed, however, staff is still working to refine these numbers.*

General Manager Lancaster said staff needs to know the Board's intent with respect to this project in order to come back in October with debt capacity recommendations.

Commissioner James asked would COPs continue to be used. *The response from General Manager Lancaster was yes.*

Commissioner Leake asked about the number of beds and how is that determined, which was addressed by the consultants.

Commissioner Leake expressed concern for the need to build another jail versus educating and nurturing children. Commissioner Leake said her preference would be to use the funds that will be spent on building a new jail facility on something that would impact the community in a different way, "rather than spending it on incarceration."

Commissioner Leake said she would not support building a new jail facility.

Commissioner Clarke thanked staff and the consultants for their work on this project, noting that a year ago the estimated cost for building a new jail facility was \$362 million and now that cost has been reduced by 40%.

Sheriff Bailey said he encourages what Commissioner Leake said regarding addressing the youth of the community and working with them and families working with their own children to keep them from "going in the wrong direction." Sheriff Bailey said that's critical in order to stop

building jails and the only way it can be done is through the community coming together as a

whole to turn the youth around and "put them on the right track." Sheriff Bailey said it's critical, however, that for the safety of the community that jails continue to be built until the community reaches that point.

Commissioner Clarke commented on the way the proposed facility has been sized and the

estimated cost.

Commissioner Clarke said it's probably correct that the consultants have assumed the County will follow through with the recommendations in the Kimme Report to reduce the pre-trial population. Commissioner Clarke said that's important for everyone to remember because the Board will not only be making a decision with respect to building a new jail, but some "hard" decisions also about following through on those recommendations in the Kimme Report.

Commissioner Clarke said if the decision is made to move forward with building a new jail, as it has been presented, then you really can't "back away" from the recommendations in the Kimme Report as to how the County should go about controlling the growth of the pre-trial population.

Commissioner Clarke said he would like to know, in case he gets asked, has staff considered buying the vacant condominium building on Caldwell Street and turning it into a jail. Would it not be cheaper? *The response from General Manager Lancaster was that it would not be suitable because it was intended for residential use and that half of the building is a parking deck. Further, that staff did consider this when the building first became available.*

Sheriff Bailey said the critical part with respect to building a jail is to make sure that those who are put in the jail remain there. Sheriff Bailey said in a jail facility there's a lot of thickness of walls, a different structure of doors, etc.

Commissioner Clarke asked for clarification on the timeframe, which General Manager Lancaster addressed.

Commissioner Clarke asked whether the County's jail population was growing at about the anticipated rate of the County's growth. *The response from Sheriff Bailey was that historically the jail population has grown about 150 inmates per year. Sheriff Bailey said this year there was a little downturn in the spring but last month it started to increase.*

Commissioner Bentley asked about inmate projections, per the Kimme Report, and what the projection would be without implementing the recommendations of the report. *General Lancaster said the total projection anticipated for 2020 was 5,111 with a bed shortfall of 2,335.*

Commissioner Bentley commented on the annual operating costs and asked what on-going discussions have taken place between the County Manager's staff and County Finance regarding how to accommodate this significant expense in the County's operating budget. *The response from General Manager Lancaster was that staff really hasn't started talking about this in great detail, but that a meeting recently occurred where the numbers were reviewed for the first time. General Manager Lancaster said the County Manager's staff and County Finance will be meeting regarding this issue.*

Commissioner Bentley asked were the figures in the report for salaries and benefits only. *The response from General Manager Lancaster was yes.*

Commissioner Bentley asked what additional annual operating cost is anticipated. *The response from General Manager Lancaster was non-labor costs, medical services, food services, maintenance, utilities, and transportation. It was noted that staff is working with the Sheriff's Office to determine these costs.*

Commissioner Bentley asked was it possible the County could be looking at \$33-\$35 million annually, in today's dollars. *The response from General Manager Lancaster was yes.*

Commissioner Cooksey asked about construction, which was addressed by the consultants.

Commissioner Cooksey asked about the average daily inmate population, which was addressed by Sheriff Bailey.

SEPTEMBER 1, 2009

Commissioner Cooksey asked about the residency of inmates. *The response from Sheriff Bailey was that the majority of the inmates come from this area.*

Commissioner Cooksey asked why not replicate the jail annex model, rather than building a new jail. *The response from Sheriff Bailey was that it has to do with the type or classification of inmates that are housed in the Jail Annex, which he said is different from those that would be in a main jail facility. Sheriff Bailey said the annex houses minimum security inmates and that it can also house low medium. Also, that the Jail Annex facility is very land expansive.*

Commissioner Murrey asked about the Kimme Report, which was addressed by General Manager Lancaster and the consultants.

Commissioner Murrey questioned the projections referenced in the report and the validity of the projection model used by Kimme.

Commissioner Murrey asked whether Kimme or others in this field, do retrospective reviews to determine the accuracy of their projection model. Commissioner Murrey said he wants to make sure the County is paying attention to the real data that it has now that may indicate that the model itself was flawed and maybe \$220 million is more than what's needed for this project. *General Manager Lancaster and the consultants responded to Commissioner Murrey's concern. It was noted that staff feels "pretty" confident in Kimme's data and their ability to trend the data. It was acknowledged that this year, there is some difference which staff can't really explain, but sometimes this does happen. It was noted that Kimme used 10 years of historic data as a database to build their projections on, which those in this field have found is a valid way to do it. Further, that doing it this way tends to give you enough of a database that once you run the statistical test for reliability, you'll come out with a "decent" correlation.*

Commissioner Murrey asked what proportion of the jail population have issues that make it challenging to avoid recidivism. *Sheriff Bailey said roughly 70-75 percent of the jail population suffers from some type of mental illness or a dually diagnosed substance abuse/mental illness problem. Sheriff Bailey addressed resources that are in place to help these types of inmates, as well as, staff training.*

Sheriff Bailey said because of changes in the mental health system in NC over the years, jails become a "holding place" for many individuals with mental illness, which he said should not be the case.

Commissioner Murrey thanked the Sheriff for all of his efforts to address the issue of education and job training among inmates and for addressing issues of substance abuse. Commissioner Murrey said his concern is that the underlying problem is not being addressed by building a new jail.

Commissioner Murrey said the mental health issues of the community are not being managed well and as a result, people are being locked up, keeping the community safe, which he appreciates, but that the numbers are never going to be reduced until a way is found to address the underlying problem. Commissioner Murrey said "it's incumbent upon the Board to figure out a way to do that," and to work with the state to see what options are available to do things differently.

Sheriff Bailey said he and his staff would support any efforts by the Board to reduce the amount of mental illness in the jail as far as diverting those individuals somewhere else.

Chairman Roberts asked if the total cost of \$220 million include the renovation of jail north. *The response from the consultants was yes.*

Chairman Roberts asked about the youthful offenders facility. *Sheriff Bailey said that part of the*

SEPTEMBER 1, 2009

facility is complete and will probably open in October with enough positions to open four Pods. Sheriff Bailey said five Pods were delayed because of budgetary reasons.

Chairman Roberts asked about the total cost to operate the youthful offenders facility. *Staff said they would get that information to the Board.*

Chairman Roberts commented on the recommendations in the Kimme Report and from the Criminal Justice Task Force on reducing the jail population. Chairman Roberts asked about the handling of those with mental illness and how many beds will be available for this population. *General Manager Lancaster said she believes about 12-15 beds.*

Area Mental Health Director Grayce Crockett also addressed this issue. It was noted that this month there should be 16 beds for the Recovery Solutions Program, which will provide an alternative to the incarceration.

Chairman Roberts asked Director Crockett to give her assessment of the Recovery Solutions Program. *Director Crockett said the program is working and that additional beds will be needed. Further, staff is in the process of bringing up some crisis stabilization beds with a provider that staff is working with. Director Crockett said these beds will be available for CMPD use and would allow them to bring individuals to this location, because they may not require jail but need to be assessed for some type of psychiatric difficulty.*

Director Crockett said the community needs more in-patient beds, because there's been a loss of in-patient beds over the last 10-15 years.

Chairman Roberts asked about the cost of the crisis stabilization beds. *Director Crockett said she would get that information for the Board.*

Chairman Roberts asked about the length of stay, as it relates to pre-trial. Also, what have the results been since the County added additional funds to the District Attorney's Office, to Court Sets, and etc. to help speed up court processing to reduce the average length of stay for people that are waiting to go to trial.

General Manager Lancaster said unfortunately staff has not seen any movement in the District Attorney's Office with respect to staff recruitment for a "variety" of reasons. General Manager Lancaster said she would be going to Raleigh on Friday with the District Attorney to meet with the Chief Justice and Director and Deputy of the Administrative Office of the Courts to discuss technology and some of the issues that have come about since the Board approved a significant amount of funding for staffing for the District Attorney's Office, that to date they have not been able to utilize.

General Manager Lancaster said staff has seen some changes in how the case management process is being handled, as a result of moving that function from the District Attorney's Office to the Trial Court Administrator's Office.

General Manager Lancaster said staff has piloted this through different categories of how the District Attorney's Office works. She said property crime was the first one done and that problem areas were identified as to how cases could be better moved along. General Manager

Lancaster said this is probably the area where staff has seen the most movement, but unfortunately staff is still seeing some difficulty in its relationship with the Administrative Office of the Courts and how staff can move some of those positions and the funding for those positions quicker.

Chairman Roberts, for clarification purposes, asked was staff saying the District Attorney's Office has not hired any additional District Attorneys. *General Manager Lancaster said none of the positions approved in January have been recruited.* Chairman Roberts said this was not

SEPTEMBER 1, 2009

good news.

Chairman Roberts asked if the average length of stay was known. *General Manager Lancaster said 19 days.*

Chairman Roberts said although a lot of work and effort has gone into this issue that “what we see is that the County is one piece of a system that needs a lot of fixing in a lot of areas.”

Commissioner James asked Attorney Bethune if the County was still subject to the law regarding qualified low bids. *Attorney Bethune said they would have to follow the same bid procedures that the County would have to follow in the selection of their contractors.*

Commissioner James said he asked this because every time the County engages in a large Contract, there’s always been a discussion about MWSBE goals, because the law requires that it be the lowest qualified bidder. Commissioner James suggested the Board receive a primer or summary on how NC county law differs from the City’s or Board of Education’s laws as it relates to MWSBE. Commissioner James said you can’t accept the second lowest qualified bidder just to improve on one’s MWSBE numbers.

General Manager Lancaster said staff would be happy to provide that information, but with respect to construction projects, the County has a good history of MWSBE participation. Also, Balfour Beatty Construction/Rodgers Builders has a strong commitment to MWSBE participation and that it’s not by taking the low bidder but by implementing different strategies to make sure the word is getting out to persons that are qualified and meet the MWSBE criteria. It was noted that the goal they have set for themselves is 25 percent.

Commissioner Dunlap said with respect to the County’s MWSBE program, he would like to receive a report on the impact of losing two positions for the program and the County’s ability to go out and recruit, especially on the procurement side for minority vendors.

Chairman Roberts asked General Manager Lancaster was there any action needed by the Board at this time. *General Manager Lancaster said she would love to see the Board vote tonight to provide direction to staff with respect to moving forward or not with the project, rather than waiting until October to provide that direction. General Manager Lancaster said it would help staff in putting together the forthcoming report from County Finance regarding debt capacity.*

Motion was made by Commissioner James, seconded by Commissioner Bentley, to proceed with the jail expansion project as outlined by staff and in the range of \$220-\$240 million.

Substitute motion was made by Commissioner Leake and seconded by Commissioner Murrey

and failed 5-3 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James voting no and Commissioners Leake, Murrey and Roberts voting yes, to defer a decision with respect to moving forward with the jail expansion project until October.

The vote was then taken on the original motion and carried 6-2 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, and Roberts voting yes, and Commissioners Leake and Murrey voting no, to proceed with the jail expansion project as outlined by staff and in the range of

\$220-\$240 million.

Note: The above is not inclusive of every comment but is a summary.

(6B) H1N1 UPDATE

SEPTEMBER 1, 2009

The Board received an update on the status of Mecklenburg County's pandemic/business continuity planning and preparedness/prevention efforts regarding H1N1 flu.

General Manager Shields introduced the item and then turned the presentation over to Health Director Dr. Wynn Mabry and Medical Director Dr. Stephen Keener.

The following was noted:

- Novel influenza A (H1N1) is a new flu virus of swine origin that emerged in March and April 2009, and quickly spread as a global pandemic causing the World Health Organization (WHO) to raise the pandemic alert level to Phase 6 on June 11, 2009. This level is an indicator of the spread of the virus, not the severity of illness caused by the virus.
- The expectation is that incidences of the virus will increase dramatically in the fall and winter.
- Mecklenburg County Government is responsible for providing community leadership and coordination on H1N1.
- The Health Department is working with the medical community, hospitals, first responders, schools, and others on all aspects of identification, treatment, control, and prevention of H1N1.
- Other county agencies are also responding to and preparing for the consequences of this Pandemic, including Public Service and Information, Human Resources, and Information Services and Technology.
- The Health Department's plan involves four areas: Threat Awareness, Prevention and Protection Activity, Disease Outbreak Response, and Recovery Activity.
- The disease is in the community. It began in the spring and has continued into the summer and is at a "fairly" low level presently, but there is concern it may surge in the fall and winter.
- The plan has been reviewed and approved at the state level
- One of the important things in executing the plan is creating the right organization to do that and even though public health is in the lead in terms of owning the plan and organizing the response, the execution of the plan is far beyond the Health Department's capacity, which is why the department depends so much on communication, collaboration, and cooperation with internal agencies and external partners.
- This matter is organized under what's referred to as an incident command system, which is a system established by FEMA.
- H1N1 did originally start out being called the swine flu but the Center for Disease Control (CDC) revised the name, partly to distance it from the swine flu that was around in 1976. Also, because this is a virus that is made up of several different parts, including part bird and part human.
- This is a new virus.
- It started in Mexico.

- In terms of its severity it's pretty similar to what is experienced every winter with seasonal influenza outbreaks.
- Symptoms consist of a fever, accompanied by respiratory symptoms, such as a cough, running nose, congestion, and a sore throat.
- It has generally been a mild illness, however, it's important to note that in previous pandemics of influenza, the first wave of mild illness was followed by subsequent waves of more severe illness. Thus, this possibility should not be ignored with H1N1.
- The virus is spread through respiratory droplets from coughing and sneezing that contaminates surfaces and is subsequently picked up by hands and spread to the eyes, nose and mouth.
- Currently, only severely ill or hospitalized patients are being tested for H1N1.
- Testing is being used more as a surveillance tool than a diagnostic tool.
- There are several surveillance tools being used in Mecklenburg County.

SEPTEMBER 1, 2009

- The Health Department is partnering with Charlotte/Mecklenburg Schools and utilizing the data they gather daily regarding absences.
- The Health Department also plans to contact day cares, private schools, and local colleges and universities for similar data.
- Current data shows the County's incidence of influenza like illness is approximately 2 percent, which is a "fairly" low level. Also, about 95 percent of the tests that have been done on those with influenza like illness that of the positive tests about 95 percent are H1N1.
- Influenza like illness due to H1N1 is different than it is in seasonal influenza in that 55 percent of the disease incidence occurs in children less than 17 years old and 30 percent occurs in adults from 18-49.
- There's a high risk of severe disease for women that are pregnant, young children and young adults with chronic medical conditions.
- The H1N1 vaccine should be available in October.
- The prevention strategy is that of a mitigation strategy, whereby, the Health Department is trying to modify the force and intensity and impact of this illness.
- The majority of the population has no resistance to this virus.

Dr. Mabry said the Health Department has no means to completely eradicate it, but is trying to help the medical community and citizens to deal with an illness that as it is known currently can basically attack a younger part of the population. Dr. Mabry said currently those that are generally healthy are able to deal with disease pretty well and recover.

Dr. Mabry said the uncertainty is it's just not known how much this is going to change in the "near term," but it is known that certain parts of the population need to have extra special protection because of their "inherent vulnerability."

Dr. Mabry said one of the most important things in terms of protection is control measures. A major public risk communication effort is underway to remind individuals that it's "their personal responsibility" if they or a family member are ill, to try to refrain from going to work or sending kids to school. Dr. Mabry said to do so is a "great disservice to employees and children that are exposed."

Dr. Mabry noted the following activities the Health Department is encouraging the public to engage in for personal protection.

- 1) That people take care of themselves by getting the proper rest, diet, and exercise, because the more worn down you are the more vulnerable you are
- 2) Keep your hands washed constantly or use an alcohol based hand sanitizer if soap and water are not available
- 3) Avoid touching your mouth, nose, and eyes
- 4) If you have symptoms protect others from your coughing or sneezing by using tissues or
- 5) coughing or sneezing into your sleeve if you don't have a tissue
- 6) Keep common surfaces clean, including designated play areas for children
- 7) Stay at home if you're ill. Further, that if you have the influenza like symptoms it's recommended by the CDC that you stay home 24 hours after the fever resolves, when you're not taking anti-fever medication.
- 8) It's being recommended that those that are most vulnerable for seasonal influenza to get the influenza vaccine as early as possible
- 9) Stay informed

Comments

Commissioner James asked about preventive measures where people congregate at school, public or private schools. Commissioner James said often children won't indicate that they're sick and that parents often send children to school even if they're ill.

SEPTEMBER 1, 2009

Commissioner James asked what process does Charlotte/Mecklenburg Schools (CMS) have in place to screen children to see if there's a sign of illness. Commissioner James asked will school staff or students wear a mask if they come to school ill.

Dr. Keener said several weeks ago, top CMS administrators met and addressed some of those issues. Dr. Keener said CMS has put into place mechanisms where they have educated all of the teachers to be on the look for children with symptoms. Once a child has been identified they will be isolated at school and their parent will be called to pick them up.

Dr. Keener said CMS has decided not to use masks because it's felt that would further stigmatize the child. Dr. Keener noted also that it's very important that once the child is home that he or she stays home and not go out and play with others.

Commissioner James asked if contact would be made with private schools. *The response was yes.*

Commissioner James asked whether CMS has or plans to purchase more hand sanitizer and/or do they need assistance in this area. *Dr. Keener said CMS has discussed this issue and the need for this type of item to be available. Dr. Keener said he could respond to the question of whether CMS needs help with obtaining these items.*

Dr. Mabry noted with respect to school buses, that it's important students wash their hands when they get off of the bus and before going to class. Dr. Mabry said he doesn't feel CMS, at least at this time, has come up with a way to continually keep buses free of contaminated droplets.

Commissioner James said he's concerned about this issue and that if CMS doesn't take it seriously, it could get "bad really quick." Commissioner James said he thinks the worst thing that can be done is to "underestimate" the seriousness of this virus.

Chairman Roberts asked about access and delivery when the vaccine comes in. *Dr. Mabry said a Decision was made at the national level as to how the vaccine would be distributed. He said the Health Department would not want to be a central logistical source. He said that's not the way the seasonal influenza vaccine is distributed. Dr. Mabry said the system that's used is one wherein the pharmaceuticals basically distribute to providers on a sort of pre-scheduled basis. Further, that this is what has been decided for the H1N1 vaccine. There will be a general distribution to the providers. Dr. Mabry said he understands that it does raise some questions and concerns about who's going to get it and what are the controls in terms of enforcing the priorities. Dr. Mabry said that's when you have to rely on the professional commitment of the medical community to follow CDC guidelines, because the vaccine will be in scarce supply to begin with.*

Chairman Roberts asked is the recommendation that parents contact their physician once they learn the vaccine is available. *Dr. Mabry said yes and that the providers that know the family best will make the best decisions.*

Dr. Mabry said the Health Department will have to deal with families that don't have a "medical home."

Dr. Mabry said this should not be a major cost issue for the community because the government is providing the vaccine, so there won't be a vaccine charge. He's not sure, however, if there'll be an administrative charge.

Commissioner Cooksey asked if hand sanitizer was effective. *Dr. Keener said yes (alcohol based), but that it's not recommended for situations where there is visible soil on the hands, which would call for soap and water.*

SEPTEMBER 1, 2009

Chairman Roberts thanked Dr. Mabry and Dr. Keener for the update.

No action was taken or required at this time.

Note: The above is not inclusive of every comment but is a summary.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(34) ENERGY-SAVINGS PERFORMANCE CONTRACTING (COMMISSIONER BENTLEY)

Motion was made by Commissioner Clarke, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to direct the County Manager and County Real Estate Services to issue an RFP for hiring a private-sector Energy Service Company (ESCO) or companies and enter into a guaranteed performance contract(s) on select County-owned facilities (as identified by County Real Estate Services) where significant energy savings can be achieved through performance contracting.

Prior to the above vote, Commissioner Bentley and Director of Real Estate Services Mark Hahn addressed this matter.

Note: County Real Estate Services has conducted energy audits and made progress toward improving energy efficiencies at some County-owned buildings. However, through the process of performance contracting, greater cost savings can be realized more quickly at no cost to the County, thereby making significant dollars available for other County services.

Energy-Savings Performance Contracting (EPC) is a paid-from-savings programmatic solution used aggressively (especially now) across the country and advocated and legislated here in NC. It is, in fact, true stimulus in that the chosen EPC provider procures efficient technologies from local manufacturers, hires local mechanical, electrical and plumbing (MEP) contractors, finances the project through the use of local banks (B of A has historically been the largest financier of these types of programs) while reducing emissions and improving the quality and comfort of the County's infrastructure. Additionally, most projects utilize M/WBE participation in an effort to support those interests. All is guaranteed by the EPC provider and all is paid for from an existing budget set aside to pay the utility companies (which is forever rising due to rate increases). The entire program is paid-from-savings, including any fees/profit sought from the ESCO (Energy Service Company). Therefore, no additional dollars from the County would be spent above what is currently being spent on utilities at the facility.

Director Hahn noted that there is one possible impact, but staff isn't sure at this time, which is as staff looks at other facilities, whether or not there would be a need for additional project management staff if the project gets large or very complex or a large number of facilities.

Chairman Roberts asked if staff was considering partnering with the Public Library of Charlotte/Mecklenburg County. *The response was not at this time. The focus at this time is with County partners (depts.) where staff can manage those facilities and have the jurisdiction to do so. Director Hahn said with respect to other agencies that would probably have to be handled*

by their boards. He said many agencies are already doing this, for example, CMS is doing it and it's believed that Central Piedmont Community College is considering it also.

STAFF REPORTS AND REQUESTS

(31) MECKLENBURG COUNTY FACILITY NAMING POLICY

SEPTEMBER 1, 2009

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley, to adopt a policy for naming and/or renaming of county facilities as presented, entitled Mecklenburg County Facility Naming Policy.

Substitute motion was made by Commissioner Leake, seconded by Commissioner James, and failed 4-4 with Commissioners Bentley, Clarke, Cooksey, and Dunlap voting no and Commissioners James, Murrey, Leake, and Roberts voting yes, to adopt a policy for naming and/or renaming of county facilities as presented, entitled Mecklenburg County Facility Naming Policy but with an amendment to Section VI. Facilities owned or leased by Mecklenburg County shall only be named for an elected official if: a) A minimum of five (5) years has passed since the individual last served in elected office, excluding elected officials who are deceased, by changing the timeframe from five (5) to three (3) years.

Substitute motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 7-1 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Murrey, and Roberts voting yes and Commissioner Leake voting no, to adopt a policy for naming and/or renaming of county facilities as presented, entitled Mecklenburg County Facility Naming Policy, but with an amendment to Section XI. Exceptions to this policy may be made by unanimous vote of the Board of County Commissioners, by changing unanimous to majority.

Assistant to the County Manager Nyki Hardy presented this matter to the Board.

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

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

(32) SWIMMING FROM PARK PROPERTY

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to amend Section 7 of the Mecklenburg County Park and Facilities Ordinance to allow lake swimming in designated areas.

Director of Park and Recreation Jim Garges and staff member Greg Jackson addressed presented this matter to the Board.

Note: Mecklenburg County banned lake swimming at McDowell Park in the 1970s after several people drowned. Since that time, the subject of opening up beach swimming areas has been debated several times. Lake Norman, Mountain Island Lake, Lake Wylie and the Catawba River

are a great natural resource to which citizens have limited access unless they can afford a boat or water front property. Opening up lake front beaches with designated swimming areas will allow more people to have access to this resource. For this to happen, an amendment is needed to amend Section 7 of the Mecklenburg County Park and Facilities Ordinance to read as follows:

SECTION 7: No person shall bathe, wade, or swim in any water features in any park except in designated swim areas, spray grounds, swimming or wading pools, or enter public waters from any park to bathe, wade or swim except in connection with special events authorized by the

Director. This section does not prohibit ingress or egress to or from a park by way of swimming in public waters.

This is the first action that would start a series of steps necessary to make lake swimming a reality. Once the ordinance is changed, staff would host community workshops to gain citizen feedback on the recommended location. After the community workshops, a consultant would have to be hired to design the swimming area. The design can then be submitted to Duke Energy in a FERC application to lease the swimming area from Duke. This process can take 18-24

SEPTEMBER 1, 2009

months. In addition, capital and operating funds will have to be identified. The overall time frame from changing the ordinance to actual opening of a swimming area is estimated to take approximately 3 years.

Note: Since all Commissioners were not present, this matter will come back to Board for a Second Reading at the September 15, 2009 meeting.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(33) RESOLUTION SUPPORTING HEALTH CARE REFORM (CHAIRMAN ROBERTS)

Chairman Roberts presented a proposed Resolution Supporting Health Care Reform.

Jen Algire, Executive Director of Community Health Services spoke in support of the proposed resolution.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey to approve a resolution entitled: A Resolution of The Mecklenburg County Board of Commissioners In Support of The Passage of Comprehensive Federal Health Reform Legislation and instruct staff to forward the resolution to members of Mecklenburg County's congressional delegation as well as to President Obama.

Comments

Commissioner Bentley said she agrees reform is necessary, however, she has concern for some of the language in the resolution.

Commissioner Bentley said she like would to know more about the 10 percent of children in Mecklenburg County that may be without health insurance as referenced in the resolution; specifically, what these children are faced with and what they look like relative to health coverage and what's preventing them, locally, from getting coverage.

Commissioner Bentley said with respect to the County's contribution towards indigent care, that there may be some unintended consequences if "we don't reform correctly," which could pose significantly more cost impact on the County's budget.

Commissioner Bentley read an e-mail that the Board received from Greg Gombar, Chief Finance Officer for Carolinas Healthcare System and said she shared his sentiments expressed in the e-mail. A portion of the e-mail stated that Carolinas Healthcare System "supports any well thought out efforts to reform and improve the healthcare delivery system in the U. S." Further, that Carolinas Healthcare System is supportive of the initiatives proposed that have "proven results." Also, that although they believe reform is needed, they are concerned with the pace and the dramatic change that will take place in safety net hospitals, like those affiliated with Carolinas Healthcare System, the employees, physicians, and patients. Further, that this is a complex issue that should not be rushed.

Commissioner Bentley said according a study conducted the Lewin Group, a Healthcare

consulting firm, and based on the bill that's currently on the table in Congress, it's projected that hospitals, collectively, in the U.S. could see their net annual income fall by almost \$62 billion, which roughly eliminates hospital margins. Commissioner Bentley said this is something the Board needs to be aware of and the impact that may have on local hospitals.

Commissioner Bentley said she could not support urging Congress to enact comprehensive health reform legislation without delay before the end of its first session as stated in the resolution. Commissioner Bentley said she thinks the Board needs to encourage "thoughtfulness,

SEPTEMBER 1, 2009

creativity, and deliberation in a bi-partisan manner,” which she said has not occurred.

Commissioner Bentley said she’s concerned that by Mecklenburg County and other county boards across the country approving this resolution that it may send the wrong message and that urgency of time and the result boxed in by an artificial timeframe, may not “get us the best result and may ultimately end up costing our counties more in the long run.”

Commissioner Bentley said she does not deny some of the eight points noted in the resolution and that perhaps that’s a legislative package that the County should put together and advocate for as a separate topic.

Commissioner Murrey said he agrees that this is a complex issue and worthy of deliberation, however, his concern is that deliberation on how to reform healthcare has been going on for as long as he can remember and “nothing has been done about it.”

Commissioner Murrey said he feels the only way to achieve a more “rational” healthcare system is to provide universal coverage.

Commissioner Murrey said people worry about rationing with a new system but that rationing already exist, but it’s based on economics, whether you can pay or whether you can get in, and not on medical necessity, which he said is not a rational way to run a healthcare system.

Commissioner Murrey said the first step towards getting a rational healthcare system is “universal coverage and the first step towards that is some sort of rational financing plan, universal financing that could lead to rational treatment plans, like medical homes.

Commissioner Cooksey said he shared a lot of the concerns expressed by Commissioner Bentley.

Commissioner Cooksey said he doesn’t feel the issue is whether or not reform is needed, but rather, what will that reform or “overhaul” look like. Commissioner Cooksey said it’s not about the question of “doing nothing, but “doing the right thing.”

Commissioner Cooksey said what needs to be reformed and isn’t addressed is the malpractice insurance system. Commissioner Cooksey said a reformation of that system would do dramatic things to bring down health care costs.

Commissioner Cooksey said he thinks the resolution promotes urgency over “getting it right,” which he feels is important.

Chairman Roberts highlighted the eight points referenced in the resolution, with respect to what the reform legislation should do:

1. restore the partnership between county and federal governments;
2. provide access to affordable, quality health care to all;
3. invest in public health, including health promotion and disease and injury prevention;
4. stabilize and strengthen the local health care safety net system, especially Medicaid and disproportional share hospital (DSH) payments;
5. invest in the development of the health professional and paraprofessional workforce;
6. ensure that county health agencies have the resources to meaningfully use health information technology;
7. enable elderly and disabled persons to receive the services they need in the least restrictive environment; and
8. reform the delivery and financing of health services in the jail system.

The vote was then taken on the motion as noted below.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey carried 5-2 with

SEPTEMBER 1, 2009

Commissioners Clarke, Dunlap, Leake, Murrey and Roberts voting yes and Commissioners Bentley and Cooksey voting no, to approve a resolution entitled: A Resolution of The Mecklenburg County Board of Commissioners In Support of The Passage of Comprehensive Federal Health Reform Legislation and instruct staff to forward the resolution to members of Mecklenburg County's congressional delegation as well as to President Obama.

Resolution recorded in full in minute book 44-A, Document # _____.

CONSENT ITEMS

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 Commissioners Bentley, Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items: 14, 16, 17, 18, 19, 22, 23, 24, 27, 28, and 29, to be voted upon separately.

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held August 4, 2009 and Closed Sessions held August 4, 2009 and July 7, 2009.

(8) RAY'S SPLASH PLANET CAPITAL RESERVE REQUEST

Authorize a capital reserve expenditure of \$35,000 from funds accrued through Ray's Splash Planet revenues to replace chairs, lobby furniture, tables and replace the floor in the pre-school room.

(9) FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT

- 1) Authorize the County Manager to submit a grant request in the amount of \$15,000 to the Federal Emergency Management Agency.
- 2) If awarded, recognize, receive and appropriate the grant funds awarded and authorize the County Manager to execute the contract.
- 3) Authorize the carry-forward of unspent funds at the end of the fiscal year for the duration of the grant.

(10) AUCTIONS FOR DISPOSAL OF EQUIPMENT

- 1) Approve the list (Exhibit A), included in the agenda material, as surplus, and
- 2) Adopt a resolution authorizing sale of personal property by public auction on September 19, 2009. This auction will be conducted by Rogers Realty and Auction Company Inc.

Resolution and Exhibit A recorded in full in minute book 44-A, Document # _____.

(11) DSS BUDGET AMENDMENT

Amend the Department of Social Services' FY 2010 budget to recognize, receive and appropriate additional funding from the Home and Community Care Block Grant and Family Caregiver Support Program Grant.

SEPTEMBER 1, 2009

(12) INTERLOCAL TAX COLLECTION AGREEMENT – HEAVY EQUIPMENT

Adopt this resolution authorizing the County Manager to enter into an agreement with the towns of Davidson, Huntersville, Matthews, Mint Hill, and Pineville to collect the 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 # _____.

(13) REVISED INTERLOCAL TAX COLLECTION AGREEMENTS – AD VALOREM

Adopt a resolution authorizing Mecklenburg County to modify the existing agreement with Cornelius, Huntersville, Matthews, Mint Hill, and Pineville to collect real estate, personal property, and other fees and taxes for the towns.

Resolution recorded in full in minute book 44-A, Document # _____.

(20) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Recognize and receive Area Mental Health Monthly Financial Report.

**AREA MENTAL HEALTH AUTHORITY
Statement of Revenues and Expenses
FY 2010, For the period ending July 31, 2009**

Revenue Source	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
Medicaid & CAP	13,711,864	0	0.00%
State and Federal	34,137,811	0	0.00%
Third Party/Other	97,293	1,091	1.12%
County	41,880,415	3,501,387	8.36%
Total Revenues	89,827,383	3,502,478	3.90%

Service Continuum	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
Children's Developmental Services	7,001,354	602,343	8.60%
Child & Adolescent Services	13,548,699	185,765	1.37%
Adult Mental Health	7,775,818	152,489	1.96%
Adult Substance Abuse	12,867,126	425,955	3.31%
Local Management Entity	10,382,360	605,087	5.83%
BHC Randolph	19,268,029	1,346,873	6.99%
Developmental Disabilities	18,984,452	183,965	0.97%
Total Expenditures	89,827,838	3,502,478	3.90%

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.

(21) CONSERVATION RESTRICTIONS ON COUNTY PROPERTY

(1) Authorize the County Manager to execute Conservation Declarations on the following County properties to facilitate stream restoration projects:

- (a) Torrence Creek and Torrence Creek Trib. #2: Tax Parcels: 015-091-04, 015-371-48, 015-381-97, 015-351-99, 015-352-45, 015-104-99, 015-302-99, 015-293-01, 015-104-84, 015-321-32, 015-104-98, 015-105-15, 017-471-71, 017-471-77, 017-471-31, 017-475-50, 017-158-08, 017-145-77, 017-145-98, and 017-145-97.
- (b) McAlpine Creek: Tax Parcels: 213-351-02, 213-351-05, 213-351-06, 213-091-08, 213-091-09, and 213-091-10.

(25) EXCISE TAX REFUND REQUESTS

Delegate to the County Manager the Board's authority to determine whether to grant or deny a refund of overpaid excise taxes under the authority granted to Mecklenburg County by S.L. 2009-110. As required by the statute, the Board retains the responsibility to conduct a public hearing on any request for refund denied by the County Manager.

(26) H1N1 FUNDING

Recognize, receive and appropriate \$125,000 from the NC Division of Health and Human Services, Preparedness Program for H1N1 planning activities.

Note: It is anticipated that funding will be received for 3 phases. Phase I H1N1 funding is focused on planning activities, Phase II for community mitigation, communications, and to augment mass vaccination planning, and Phase III funding will be for implementation of mass vaccinations. This funding is the initial allocation allocated to Mecklenburg County.

(30) PURCHASE OF SYSTEMS FURNITURE

Approve purchase of systems furniture for the Revolution Sports and Learning Academy.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioners Murrey and Dunlap left the dais and were absent until noted in the minutes.

(14) TAX COLLECTOR'S ANNUAL SETTLEMENT FOR FISCAL YEAR 2009

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 5-0 with Commissioners Bentley, Clarke, Cooksey, Leake, and Roberts voting yes, to receive and accept the Tax Collector's Settlement.

Note: The Tax Collector's Settlement is submitted to the Board of County Commissioners in accordance with North Carolina General Statute 105-373(3) and is to be entered into the records of the Board of County Commissioners as directed by statute.



MECKLENBURG COUNTY
Office of the Tax Collector

To: Board of County Commissioners
Harry L. Jones, Sr., County Manager
Dena Diorio, Finance Director

From: Neal L. Dixon, Tax Collector

Date: August 11, 2009

Subject: Tax Collector's Settlement for Fiscal Year 2009

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector's report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2008-2009 (Tax year 2008).

Total FY 2009 Tax charged to the Tax Collector for Collection: \$836,026,474.57

Real Estate & Personal Property Tax

<u>Tax Charged</u>	<u>Net Levy</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
\$775,140,087.73	\$767,733,798.04	\$757,381,199.75	\$12,036,206.31	98.65%

Registered Motor Vehicle Tax

<u>Tax Charged</u>	<u>Net Levy</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
\$ 60,886,386.84	\$ 59,537,687.94	\$ 51,749,834.97	\$ 8,189,136.11	86.91%

Combined Total

<u>Tax Charged</u>	<u>Net Levy</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
\$836,026,474.57	\$827,271,485.98	\$809,131,034.72	\$20,225,342.42	97.80%

The totals above reflect the uncollected taxes for all tax bills. Of this total, the Tax Collector was barred by the U.S. Bankruptcy Court from collecting 858 real estate, personal property and registered motor vehicle tax bills totaling \$612,802.21. When the above totals are adjusted to remove this amount from the Tax Collector's charge, the real and personal collection percentage increased to 97.89%.

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Commissioner Bentley removed this item from consent in order to find out the process for collecting the uncollectives, which was addressed by Tax Collector Neal Dixon.

Commissioner Clarke left the dais and was absent for the remainder of the meeting.

Commissioner Murrey returned to the dais.

(16) AREA MENTAL HEALTH QUALITY IMPROVEMENT PLAN

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 5-0 with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to approve and recognize the Quality Improvement Plan for 2009 and the 2008 Quality Improvement Evaluation.

Note: As the governing body for Area Mental Health, the BOCC is provided an evaluation of the

SEPTEMBER 1, 2009

effectiveness of the quality improvement program for the past year and the Quality Improvement Plan for the coming year.

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

Commissioner Cooksey commented on the importance of employee safety and asked that consideration be given to including in the next plan, measures to make sure employees are in a safe environment and that they maintain good physical health.

Director of Area Mental Health Grayce Crockett noted that the department does have a safety committee, that looks at these types of matters and that they will work on incorporating that into next year's Plan.

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

Commissioner Dunlap returned to the dais.

(17) PUBLIC RECREATIONAL FACILITY SUBLEASE AGREEMENT WITH THE U.S. NATIONAL WHITEWATER CENTER

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

(A) Adopt a resolution authorizing a long-term sublease agreement with the U.S. National Whitewater Center for the 0.3114 acres lying within the bed of Lake Wylie, leased from Duke Energy Carolinas, LLC.

(B) Authorize the County Manager to negotiate and execute a Public Recreational Facility (boat dock) sublease agreement with the U.S. National Whitewater Center.

Commissioner Leake removed this item from Consent for more public awareness. Park and Recreation Director Jim Garges addressed this matter.

Resolution recorded in full in minute book 44-A, Document # _____.

(18) ECONOMIC STIMULUS FUNDS – WEST BRANCH ROCKY RIVER GREENWAY

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

1) Approve application for up to \$1,100,000 of federal funding from the American Recovery & Reinvestment Act for the construction of West Branch Rocky River Greenway;

2) If awarded, approve, recognize, receive and appropriate any amounts awarded;

3) If awarded, authorize the County Manager to enter into a reimbursement agreement with NCDOT;

4) Adopt West Branch Rocky River Greenway Capital Project Ordinance and

5) Approve the use of Federal Disadvantaged Business Enterprise (DBE) special provision for bidding, instead of using the County M/W/SBE provisions, as required in order to obtain federal and NCDOT funding.

SEPTEMBER 1, 2009

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake requested a report at the next meeting regarding stimulus funds received by the County, thus far and what the funds are being used for. Chairman Roberts echoed the receiving of a report on stimulus funds received and suggested it fall under Manager's Report.

(19) FUNDING ADJUSTMENTS – AREA MENTAL HEALTH

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

(A) Approve, recognize, receive and appropriate federal funds in the amount of \$193,340 for Center for Prevention Resources.

(B) Approve, recognize, receive and appropriate Medicaid funds in the amount of \$300,000.

(C) Approve, recognize, receive and appropriate Medicaid funds in the amount of \$104,463.

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

(22) VITAL RECORDS STATE FEES

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve an amendment to Health Department Fee Schedule for fees collected on behalf of the State for a certified birth/death certificates from \$15 to \$24 required by NCGS G.S. 10.22 130A-93.1 effective August 24, 2009.

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

Commissioner Cooksey asked why was the Board being asked to approve and authorize this State tax increase. The response from Attorney Bethune was that the Board in the past has been asked to approve a fee schedule for the Health Department that reflects the fees the County is required to charge. So this action is needed so that the County's fee schedule will reflect the correct charges.

Commissioner Cooksey said he opposes the increase and wants the public to know that this is something that was approved by the State, thus the County has no choice in the matter.

(23) GRANT APPLICATION: MALES PLACE JOURNEY TO GHANA, WEST AFRICA – 2010

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve a \$10,000 grant application that has been submitted to the New Generation of African American Philanthropist (NGAAP) for funding to support a trip for 30 young men and adult mentors to Ghana, West Africa in June, 2010.

Commissioner Leake removed this item from Consent for more public awareness. Health Director Wynn Mabry explained this issue.

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

SEPTEMBER 1, 2009

(24) RYAN WHITE MINORITY AIDS INITIATIVE FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 5-0 with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to

- 1) Recognize, receive and appropriate year three MAI funding of \$406,274 from the U.S. Department of Health and Human Services, Health Resources and Services Administration under the Ryan White Treatment Modernization Act of 2006.
- 2) Approve the carry forward to the next fiscal year of any unspent grant funds at June 30, 2010.

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

(27) TEMPORARY FOOD ESTABLISHMENTS FEE INCREASE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 4-1 with Commissioners Bentley, Leake, Murrey, and Roberts voting yes and Commissioner Cooksey voting no, to

- 1) Approve permit fee increase from \$50 to \$75 required by NCGS 130A-248(d) effective August 15, 2009.
- 2) Amend the FY 2010 Food and Facilities Sanitation Program budget to recognize, receive and appropriate an additional \$9,300 resulting from the collection of the \$75 permit fee.

Commissioner Leake removed this item from Consent for more public awareness. Health Director Wynn Mabry explained this issue and noted that this is a State approved fee.

**(28) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
FY2010 FUNDING**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 5-0 with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of \$1,490,192 for fiscal year 2010 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

Commissioner Leake removed this item from Consent for more public awareness. Commissioner Leake requested a report on how these funds are being disseminated, to whom, how much, and how have these programs decreased the problem of juvenile delinquency. Commissioner Leake said funds are continuing to be allocated, but that the County is no receiving any results or reports.

Chairman Roberts noted that the program providers were listed in the agenda material but there was no information regarding what they do.

Commissioner Leake said nor was there information regarding salaries.

A copy of the funding allocation plan is on file with the Clerk to the Board.

**(29) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)
APPLICATION FOR EMERGENCY CONTINGENCY FUNDS**

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 5-0

SEPTEMBER 1, 2009

with Commissioners Bentley, Cooksey, Leake, Murrey, and Roberts voting yes, to authorize Mecklenburg County Department of Social Services to submit an application, to be included in the State of North Carolina application, to the U.S. Department of Health and Human Services for Emergency Contingency Funds to establish a Subsidized Employment program for TANF eligible participants.

Commissioner Cooksey removed this item from Consent to inquire about the amount of the grant and the County's match. Director of Social Services Mary Wilson explained this item.

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 Bentley, seconded by Commissioner Cooksey and carried 5-0 Commissioners Bentley, Cooksey, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 12:07 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman