

JUNE 1, 2010

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, June 1, 2010.

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.

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**-INFORMAL SESSION-**

*Commissioners Bentley, Cogdell, Cooksey, and Dunlap were absent when the meeting was called to order and until noted in the minutes.*

*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 and Deputy County Attorney Tyrone Wade announced the following Land Acquisition and Consult with Attorney matters to be discussed in Closed Session:

Tax Parcel 087-041-08 located on W. Craighead Road  
Tax Parcel 145-179-19 located on Reid Avenue  
Tax Parcel 175-182-20 (+/- 0.18 acre) on Little Sugar Creek  
Mecklenburg County vs. Nortel PEC Government Solutions.

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 5-0 with Commissioners Clarke, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition and B) Consult with Attorney.

*The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:15 p.m.*

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*Commissioner Murrey was absent when the Board reconvened and until noted in the minutes.*

*Commissioners Bentley, Cogdell, Cooksey, and Dunlap were present when the Board came back into Open Session. They entered the meeting during Closed Session.*

**(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 11, 12, 13, 15, and 18.

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

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**-FORMAL SESSION-**

*Invocation was given by Commissioner Dunlap, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.*

**CITIZEN PARTICIPATION**

**(1A) PROCLAMATIONS AND AWARDS**

**ORDER OF THE HORNET – SUSAN BURGESS**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to induct Susan Burgess into the Order of the Hornet in recognition of her service to Mecklenburg County.

*Note: The Order of the Hornet was founded in the spirit of the early Mecklenburg patriots who signed the Mecklenburg Declaration of Independence on May 20, 1775 and proclaimed the County's Freedom from Britain more than a year before the U.S. Declaration of Independence was signed. Those early patriots valiantly fought for their independence during the Revolution and gave Lord Cornwallis such difficulties during his occupation of Charlotte that he termed the town a "hornet's nest" of rebellion. Because Susan Burgess reflects the honor, independence and fierce American patriotism that so stung Lord Cornwallis, she has been chosen for membership in the Order of the Hornet. Susan Burgess has faithfully served the citizens of Charlotte and Mecklenburg County with distinction for over 20 years, serving her constituents first on the Board of Education and then on the City Council of Charlotte. Susan Burgess gives great voice and energy to issues in which she believes; advocates for collaborative action with her colleagues and other elected officials; listens carefully to constituent's concerns; fights fiercely for strong neighborhoods and solid educational opportunities; and has long supported some of the most pressing public policy issues facing the City, the County and the greater Charlotte region. Susan Burgess has a history of dedicated public service and has lent her energy and expertise in a leadership role in numerous community organizations, associations, boards and committees, including the National League of Cities, the North Carolina League of Municipalities, the Centralina Council of Governments, Women in Municipal Government, the League of Women Voters, the Democratic Party, and countless others. The Board can pay no higher tribute to those who have given so generously of their time and talents to improve the quality of life for our citizens.*

Gillian Burgess, daughter of Susan Burgess, and Gillian's husband accepted the Order of the Hornet on behalf of her mother. They were joined by the grandchildren of Susan Burgess. Council member Burgess was unable to be present because of health reasons.

**AWARDS/RECOGNITION**

**(1B1) DONATIONS TO MECKLENBURG COUNTY AQUATIC FACILITIES**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to: 1) Recognize, receive and appropriate a \$7,000 cash donation from Wendy's and Swim Mac to fund the 2010 Mecklenburg County summer water safety program and learn to swim program. 2) Recognize Paddock Pools (Don Baker, CEO) and Swim Mac (Casey Corser, Marketing and Public Relations and Jeff Gaeckle, Board of Directors) for a donation valued at \$7,000 to weld the starting blocks at the Mecklenburg County Aquatic Center (MCAC).

James Alsop with Park and Recreation and Casey Corser on behalf of Swim Mac addressed the donation.

**(1B2) EMPLOYEE RECOGNITION**

The Board recognized Dr. James Worsely, Park and Recreation Manager East Region for receiving his Doctor of Philosophy in Leadership from N.C. A & T State University.

Park and Recreation Director Jim Garges introduced Dr. Worsely. Dr. Worsely thanked the Board for the recognition. He also thanked the leadership and staff of Park and Recreation for its support, as well as, his family.

**(2) PUBLIC APPEARANCE**

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

Beth Marlin gave an update on Primary Health-Care of Charlotte, P.A., which is her inner-city nursing practice located off of Beatties Ford Road. She was joined at the podium by a student from Haiti. Ms. Marlin left a copy of her resume' with the Board, a copy of which is on file with the Clerk to the Board.

Bob Watson, Sam Wilson, and Rob Dancy addressed break-ins at their Mini Storage businesses. Each expressed their disappointment in the response received from the Charlotte-Mecklenburg Police Department. They also addressed the impact of the thefts on their businesses with respect to profit.

Mr. Wilson also addressed a tax billing issue, per his receipt of a property tax bill that he said was for six years of back taxes, \$37,519.32. He said \$4,399.60 was interest. Mr. Wilson said the tax office failed to bill him. Mr. Wilson said he paid the taxes but had to go into his retirement savings to do so because his company's income was so low. He said the multiple break-ins he's experienced were a contributing factor. Mr. Wilson said it's his understanding that there were 1,800 other people that the County failed to bill. Mr. Wilson said if those persons were charged the same amount that he was charged that would be \$67,534,776. Mr. Wilson said it's his understanding also that these employees still worked for the County. Mr. Wilson said this should be corrected.

Mr. Wilson also spoke in opposition to the law enforcement service district tax that he pays but feels he's not receiving adequate services for it.

Commissioner Cogdell asked staff to report back in light of comments made by Mr. Wilson with respect to 1,800 taxpayers not being billed.

Majid Alim-Obama spoke in support of library services.

Kim Brown addressed a concern she had with Youth and Family Services.

Commissioner Dunlap asked that staff follow up with Ms. Brown regarding her concern.

**(3A) APPOINTMENTS**

**ALCOHOLIC BEVERAGE CONTROL BOARD**

Lloyd Scher addressed his interest in serving on the Alcoholic Beverage Control Board.

*Commissioner Murrey entered the meeting.*

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to defer making appointments to the Alcoholic Beverage Control Board until the Board's July 6, 2010 meeting. Secondly, in the interim, that all persons nominated at the May 18, 2010 meeting for appointment consideration to the Alcoholic Beverage Control Board be given the opportunity to interview with the Board's Alcoholic Beverage Control Board Ad Hoc Selection Committee, including David Conway, who is eligible for reappointment, and Edward Coker, if they desire to do so.

*Note: David Conway and Edward Coker were interviewed previously by the Ad Hoc Committee.*

*Note: Commissioner Cogdell requested that when the Ad Hoc Committee reports back with its recommendation that an explanation be given as to why those recommended were recommended over the other nominees. Members of the committee acknowledged the request and indicated that would be done.*

The nominees for appointment consideration to the Alcoholic Beverage Control Board are: David Conway, Mary Richardson, Robert Burroughs, Edward Coker, Harry Lomax, Betty Newsam, Don Reid, and Lloyd Scher.

**CENTRAL PIEDMONT COMMUNITY COLLEGE BOARD OF TRUSTEES**

The vote was taken on the following nominees for appointment to the Central Piedmont Community College Board of Trustees:

Judith Allison	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
Gerald Williams	None

Chairman Roberts announced the appointment of Judith Allison to the Central Piedmont Community College Board of Trustees Committee for a four-year term expiring June 30, 2014.

*She is replacing John Luby.*

**CRIMINAL JUSTICE CITIZEN'S ADVISORY COMMITTEE**

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen's Advisory Committee:

**DISTRICT 6 CATEGORY**

E. Thomas Bowers	Commissioners Cogdell, Dunlap, James, Leake, Murrey, and
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Roberts

*Voting Ceased*

Remaining nominees: Larry Bumgarner, Faye Carter, Scott Crytser, Greg Hagler, Sonia Howe, George Lisi, Richard Martin, Susan Oleson, Thomas Strini, JoeAnna Trotman, John Vaughan, and Henry Webb, III

Chairman Roberts announced the appointment of E. Thomas Bowers to the Criminal Justice Citizen’s Advisory Committee as the District 6 representative to fill an unexpired term expiring May 31, 2012.

*He is replacing Robert Raffety.*

**FAITH CATEGORY**

The vote was taken on the following nominees for appointment to the Criminal Justice Citizen’s Advisory Committee as the Faith representative:

Kevin Belk	None
Courtney Morrison	Commissioner Cooksey
Jerry (Geraldine) Mudge	Commissioners Bentley, Clarke, Cogdell, James, Murrey, and Roberts

*Voting Ceased*

Julie Transou

Chairman Roberts announced the appointment of Jerry “Geraldine” Mudge to the Criminal Justice Citizen’s Advisory Committee as the Faith Community representative to fill an unexpired term expiring May 31, 2011.

*She is replacing Douglas Allen.*

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

**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	None
Takisha Boyd	None
Victoria Chopra	None
Jenifer Daniels	None
Sue Ann Davis	None
Zaria Davis-Humphries	None
Crystal Dempsey	None
Deborah Early	None
Laura Everett	Commissioners Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts

*Voting Ceased*

Remaining nominees: Andrea Ferguson, Beverly Foster, Mary Hope, Alice Jackson, Deborah Jackson, Kathryn Johnson, Angela Joyner, Desiree Kane, Marguerite King, Sharon Lachow-Blumberg, Brook Maybach, Simona Mitchell-Kelly, Mary Murphy, Kathleen Odom, Letisha Perry, Kimberly Polkowski, Jacquelyn Powell, Constance Purcell, Stacey Rose, Bellverie Ross, Sandra

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Saburn, Deborah Snowdon, Melba Streeter, Janie Sumpter, Gay Thornton, JoeAnna Trotman, Aletia Tyson, Melissa Wansker, Catherine Ann Wargo, and Mimi Zelman

Chairman Roberts announced the appointment of Laura Everett to the Women's Advisory Board for a three-year term expiring June 30, 2013.

*She is replacing Jill Dinwiddie.*

*Commissioner Clarke returned to the dais.*

### **(3B) NOMINATIONS/APPOINTMENTS**

#### **CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS 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 Stefanie Austin to the Charlotte-Mecklenburg Community Relations Committee to fill an unexpired term expiring July 2, 2011.

*She is replacing Rebecca Vincent.*

#### **REGION F AGING ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Marilyn O'Connor and Katie Spegal to the Region F Aging Advisory Committee for a two-year term expiring June 30, 2012 and Michelle Lucas-Webb for a one-year term (alternate position) expiring June 30, 2011.

#### **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 reappoint Amy Ringwood to the Storm Water Advisory Committee for a three-year term expiring June 30, 2013.

### **PUBLIC HEARINGS**

#### **(4A) STREET ASSESSMENT PROJECT – FARMWOOD NORTH /STONE MOUNTAIN SUBDIVISION**

Motion was made by Commissioner Bentley, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to continue a Public Hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT).

The following persons spoke in opposition to the assessment:

Jeff Larson said he had concerns about the process, which he felt was "poorly" executed. Mr. Larson said with respect to the petition, initiated back in 1999 and that he signed, was described as being necessary in order to get the County to come out and look at the roads to see if something could be done. Mr. Larson said in 2002 the Board adopted the resolution based on that

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petition, which Mr. Larson said didn't acknowledge what the signees were signing. Mr. Larson said from a legal standpoint the petition was questionable. He said the petition did not meet the statutory requirement with respect to the percentage of signatures needed to proceed with the work, 75%. Mr. Larson said per a count of the signatures on the petition only 71% of the property owners signed. Mr. Larson said as of December 2002 if you look at the tax rolls and those who signed the petition, which initially was for exploratory purposes, only 27.5% of those people were actually property owners when this matter passed in December. Mr. Larson said "the process, even though intentions might have been good, there were a lot of people who were not fairly represented." He said there were a lot of things that indicate to a process that wasn't executed properly and in accordance with the General Statute."

Brad Martone said he was speaking as and for current owners who purchased lots long after the petition was circulated. He said they had no knowledge and gave no approval of the work or the impending bill. Mr. Martone said it's been nearly twelve years from the first petition circulation and the time the current owners were notified of any charge. He said for many of them this was the first time they'd heard of the road work in the area. Mr. Martone said when they received a letter about road work, they expected it was about future road work, since the roads were in such poor condition. He said they only found out about this issue when the bill arrived. Mr. Martone said "how could the County rely on current owners to tell future owners that there would be a bill coming." He said the burden it would seem would be with the County. Mr. Martone asked how could the previous owner even know that they would have any information to share, when the people who signed the petition have already said the petition was not for an agreement to pay for the work, but an agreement to come out and explore the possibility of doing the work. Mr. Martone said it seemed strange the County would "count the signatures of people who don't live there, have passed away, and then pass the bill on to someone years later." Mr. Martone said if it was expected to be a bill for future owners, a lien should have been attached to the lots. Mr. Martone said he questioned the legality of the bill since so much time had passed.

Kyle Clark said he opposed this matter in 2002, December 3rd and questioned the validity of the petition. He said he was told the County had the necessary percentage of the property owners for proceeding, 77%. Mr. Clark said per his review of the signed petition, the following things don't seem to matter: 1) The petition was circulated over a four year period. 2) There were several properties bought in 1999 that don't show the new owners or their signatures. 3) One owner died in 2000 but his signature remains and the new owner's name or signature doesn't appear. 4) At least three property addresses listed on the petition were not even a part of the assessment. 5) The County did not exercise due diligence in checking the tax records against the petition signatures. and 6) The County spent the money and wants to be reimbursed.

Mr. Clark said what did matter was 1) The County accepted the petition in good faith and acted upon it. 2) There were 110 properties listed with 172 property owners listed, and 128 signatures. He said the General Statute calls for 75% of the property owners, not 75% of the parcel owners, to sign the petition. He said 75% would be 129 signatures. The County had 128, "one short."

Mr. Clark said what mattered was "the County can't do math." He said the County was going to assess them and charge the maximum eight percent interest, but "ultimately" the County "messed up." Mr. Clark said the only "fair and equitable" decision the County could make was to "admit" its error and find a way not to penalize 110 property owners to pay for its mistake.

Comments

Commissioner Dunlap noted the community meeting held recently with respect to this issue.

Commissioner Dunlap noted the following points: 1) The petition, although done in good faith, did not meet the requirements of the North Carolina General Statutes. Thus, he doesn't feel the property owners should be assessed. 2) The petition did not connect the names with the agreement. 3) None of the documents were dated. 4) The homeowners association in existence at that time, no longer exist. 5) There are statutes of limitation. Commissioner Dunlap said this was something being considered that happened twelve years ago, with no sense of whether or not

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there was a statute of limitation. 6) The County wants to assess property owners because some believe it's the property that's assessed and not the owner."

Commissioner Dunlap said the process was "flawed" and that the property owners should not bear the "burden" of the County's error.

Commissioner James said it was correct this was a "mess," however, the Board was informed that if it relied on a flawed petition and did something that the neighborhood wanted done, it had an affirmative duty to make the assessment. Commissioner James said the Board had two choices, 1) assess the property owners benefiting from the streets or 2) have all the taxpayers of Mecklenburg County pay for that work.

Chairman Roberts asked County Attorney Bethune since the Board was statutorily obligated to make the assessment, and if it didn't make the assessment, was there a penalty from the state.

County Attorney Bethune said there's no statutory penalties stated in the statute. Attorney Bethune said there's nothing in the statute that says the state of North Carolina or the General Assembly has a right to come after the board of county commissioners.

Commissioner Cogdell asked would the County then potentially become liable to any taxpayer that's a resident of Mecklenburg County that was not being assessed the assessment.

County Attorney Bethune said he would have to research that question, but it's possible.

County Attorney Bethune said a taxpayer could bring an action against the Board, a writ of mandamus, requiring the Board to follow the law.

Commissioner Cooksey said the statute the County was operating under was cumbersome. He said Commissioner Clarke had a good suggestion at a previous meeting regarding changing the time in which the County could make the assessment to when the County had a clear estimate of what the cost for the project going forward was going to be. He said it should be done earlier in the process rather than having a ten or twelve year window, like in this instance.

Commissioner Cooksey said the "bottom line" was that there's a group of residents that received the benefit of the repairs, about \$125,000 worth of repairs. Commissioner Cooksey said it wasn't fair to charge the rest of the taxpayers for those repairs because they don't use those repairs on a regular basis.

Chairman Roberts said the Board was "between a rock and a hard place" and that going forward the County needed to make sure that things were documented. Chairman Roberts said the Board was obligated under state law to make the assessment.

This concluded the discussion, which is not inclusive of every comment but is a summary.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes and Commissioner Dunlap voting no, to close the public hearing on the Assessment of property owners in the Farmwood North/Stone Mountain Subdivision for funds spent on the improvement to roadways so as to bring them to acceptable standards for maintenance by the North Carolina Department of Transportation (NCDOT). Secondly, to adopt the Final Assessment Roll and Resolution for the Farmwood North/Stone Mountain roadway Improvements with the following changes: 1) change the interest rate from 8% to 4% and 2) to provide a 30% discount on the assessment if it's paid within 30 days of the publication by the tax collector of the confirmation of the final assessment roll.

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

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6A) MANAGER'S REPORT - REPORT FROM EMPLOYERS ASSOCIATION

County Manager Jones introduced Kenny Colbert, president of the Employers Association to address the status of the current labor market as it relates to recruitment, retention and current pay practices. Mr. Colbert was joined by Brandy Walser of the Employers Association.

Mr. Colbert said he's hearing consistently that business was getting better but it's a long, slow, gradual uptick in the economy.

Mr. Colbert said survey results show the economy improving and that businesses were going to start losing employees. He said there were employees in every business that want to make a move but there haven't been any jobs available. Mr. Colbert said with jobs being created, there would be a lot of movement in the latter part of 2010, with people "abandoning ship" and moving over to companies that have jobs or giving pay raises.

Mr. Colbert said Charlotte data mirrors the national data that companies were back to giving pay increases. He said pay increases would probably be somewhere in the 3% pay range. He said companies were hiring and creating new jobs.

Mr. Colbert said "slowly but surely" companies were giving back the match on 401k and giving bonuses that they haven't given over the last two years.

*A copy of Mr. Colbert's report is on file with the Clerk to the Board.*

Comments

Commissioner Bentley said in better economic times, employees moved between companies looking for broader responsibility and promotion opportunities. She asked what was data showing with respect to how this would look in the next year or two. *The response was that turnover rate would vary according to the economy. Further, that in the last eighteen months most of the turnover was the elimination of jobs, lack of work, and poor business conditions. Also, that when economic times were better, turnover mostly occurred for advancement. Mr. Colbert said he felt in 2010 it would be for advancement opportunities.*

Commissioner Dunlap with respect to the survey asked was there any distinction between governmental employers and the private sector. *The response was yes, but they did not breakout any of the individual questions on government versus any other type of business.*

Commissioner Dunlap asked if they were aware of any other governmental entities that were treating the job market differently. *Mr. Colbert said with respect to how government employers were doing, that based on what he's read in the newspaper, they're suffering, however, some of the smaller communities around were holding their own.*

Mr. Colbert said the key point when looking at job movement was that there were certain jobs in government that were unique to government, but, by far, the majority of the jobs pollenate with any other type of sector.

Commissioner Cogdell thanked County Manager Jones for the report, which was brought forth per questions raised by Commissioner Cogdell at a previous meeting regarding employees seeking other employment opportunities.

Commissioner Leake asked how much did it cost the County to obtain the report from the Employers Association. *The response was that there was no cost to the County. It was noted that*

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*the County and the City of Charlotte were members of the Employers Association and pay annual dues and in exchange receive a lot of human resources work for that. It was noted also that the Employers Association does surveys regularly and it was just coincidental that the County was looking for this type of information about the same time the Association was publishing it. Thus, it was not published for the County.*

Commissioner Clarke asked how often did the Employers Association conduct this survey. *The response was that a wage & salary survey was done every year, and they've done three economic surveys in the past 18 months. Mr. Colbert said they'll probably do another one in the fall.*

Commissioner Cooksey asked was there any additional information on employee retention and turnover and how that would compare in a governmental entity like Mecklenburg County versus a comparable private sector company. Commissioner Cooksey said he'd like to see what the trends were. *Mr. Colbert said they would provide that information.*

County Manager Jones said one area where the County was vulnerable was in the technology area. County Manager Jones said those skills were highly sought and easily transferable from the public sector to the private sector. County Manager Jones said he was aware of at least three individuals that have left the County's employ recently to work in the private sector for higher pay. He said these were fairly significant losses.

Commissioner Cooksey said he'd like to see the information to be provided by the Employers Association broken out by profession or industry, if it's available in that format.

#### **(6B) MANAGER'S REPORT BUDGET STRAW VOTE PROCESS**

Budget/Management Director Hyong Yi addressed the budget straw vote process to be used during the Board's budget deliberations.

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

*Note: Budget deliberations will start Thursday, June 3, 2010.*

No action was taken or required.

#### **CONSENT ITEMS**

**Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 11, 12, 13, 15, and 18 to be voted upon separately:**

#### **(7) APPROVAL OF MINUTES**

Approve minutes of Regular meeting held May 18, 2010.

#### **(8) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate funds in the amount of \$92,093 for Park and Recreation, \$6,217 for Real Estate Services and \$1,287 for Land Use and Environmental Services.

*Note: The County received insurance money based on claims for stolen and damaged items in the departments identified.*

#### **(9) CARRY FORWARD OF FUNDS – 2011 REVALUATION**

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Approve the carry forward to FY2011 of revaluation funds remaining at June 30, 2010.

**(10) CARRY FORWARD OF FUNDS – AREA MENTAL HEALTH**

Authorize carry forward of unspent State crisis service program funds estimated to be \$1,433,586 at June 30, 2010.

**(14) SOLE SOURCE VENDOR – FY2011**

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 of water quality monitoring equipment in the amount of \$103,750.

**(16) CONSTRUCTION CONTRACT – LITTLE SUGAR CREEK GREENWAY**

Authorize the County Manager to award a construction contract to Blythe Development Co. for a total amount of \$4,650,830, pending and upon receipt of written concurrence to award construction contract from NCDOT Division of Bicycle and Pedestrian Transportation.

**(17) CONTRACT FOR DISCARDED ELECTRONICS COLLECTION AND RECYCLING SERVICES**

Authorize the County Manager to negotiate and execute a contract with Creative Recycling Services, Inc., for Discarded Electronics collection and recycling services.

**(19) MODIFICATION OF ASSIGNMENT OF PARKING RIGHTS**

(1) Adopt Resolution modifying the Assignment of Parking Rights agreement between Mecklenburg County and Midtown Redevelopment Partners, LLC dated April 30, 2007.

(2) Recognize and receive \$10,000 from Midtown Redevelopment Partners, LLC as a contribution toward the Little Sugar Creek Greenway Capital project and appropriate that amount for additional capital expenditures associated with the Little Sugar Creek Greenway project.

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

**(20) HOLBROOKS ROAD LANDFILL BUFFER ACQUISITION**

Approve purchase of a 200-foot wide strip of land (+/- 5.5 acres) from Tax Parcel 019-371-02 on Holbrooks Road for \$15,000 per acre from The Sherrill's Group, LLC.

*Note: Acquisition of the subject property will provide an undisturbed buffer, and protection from future development, along the western boundary of the Holbrooks Road Landfill.*

**(21) WALKERS BRANCH GREENWAY DONATION**

Accept the donation of +/- 1.31 acres of Tax Parcel 219-051-04 on Walkers Branch from Arlene Elisha.

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*Note: The subject parcel is part of the land assemblage for the Walkers Branch Greenway in southwest Mecklenburg County. When developed, this greenway will provide linkages to neighborhoods located between the Steele Creek Greenway and South Tryon Street.*

**(22) TAX REFUNDS**

Approve refunds in the amount of \$6,195.90 to be made by the Finance Department as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

*A list of the refund recipients is on file with the Clerk to the Board.*

**(23) LEASE SPACE FOR DSS, CHILD SUPPORT ENFORCEMENT, AND COMMUNITY CORRECTIONS**

Authorize the County Manager to negotiate and execute a lease with Charlotte East, LLC for office space for the Department of Social Services, Child Support Enforcement, and Community Corrections.

**(24) CAPITAL RESERVE REQUEST – PARK & RECREATION (ST. MARY’S CHAPEL)**

Authorize and appropriate expenditure of \$15,000 from the St. Mary’s Chapel capital reserve account to replace pew cushions, purchase office and dressing room equipment, install landscape lighting, purchase decorative equipment for the sanctuary and strip and stain the altar floor and rail area.

*Note: Capital reserve funds have been accrued from a portion of the facility rental fees.*

**(25) SET PUBLIC HEARING – STREET NAME CHANGE**

Set a public hearing for 6:30 p.m. on June 15, 2010 to hear comments from citizens on the proposal to change the name of a portion of existing Belmeade Drive to Old Belmeade Drive.

**(26) SET PUBLIC HEARING – DSS GRANT APPLICATION**

Set a public hearing for June 15, 2010 to receive comments on the Mecklenburg County Department of Social Services’ grant for Fiscal Year 2011 – 2012 application for the NC Department of Transportation’s Section 5310 Elderly Individual and Individual with Disabilities Program, and direct the Clerk to publish notice of intent to hold a public hearing.

**(27) BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

1) Amend the Department of Social Services FY 2010 Budget to recognize, receive and appropriate \$100,000 for the Annie B. Casey Family Programs – Parent Partners.

2) Approve the carry forward to FY2011 of unspent Annie E. Casey Family Program grant funds at June 30, 2010.

**(28) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE DECREASE)**

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Reduce Medicaid revenue and associated expenses in the amount of \$451,551 due to the divestiture of child and adult community support services to community contract providers.

**(29) BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

- 1) Amend the Fiscal Year 2010 Adopted Budget by \$130,350 to recognize, receive and appropriate special children adoption funds,
- 2) Approve the carry forward to FY2011 of the unexpended balance of the \$130,350 special children adoption grant funds at June 30, 2010.

**(30) BUDGET AMENDMENT – DSS (REVENUE INCREASE)**

- 1) Recognize, receive, and appropriate the second allocation of Emergency Contingency Funds for the Subsidized Employment Program for TANF-eligible participants totaling \$2,327,154.
- 2) Approve the carry forward to FY11 of any unexpended subsidized employment grant funds at June 30, 2010. DSS estimates these unexpended funds at \$1.3 million.

**(31) REVENUE SHARING AGREEMENT FOR E-911 FUNDS**

Approve a resolution authorizing the execution of an amendment to the Restated Consolidated Shared Programs Joint Interlocal Agreement between Mecklenburg County and the City of Charlotte to reflect changes in State law with respect to 911 Public Safety Emergency Telephone Service.

*MECKLENBURG COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
AUTHORIZING EXECUTION OF AN AMENDMENT TO THE  
RESTATED CONSOLIDATED SHARED PROGRAMS JOINT INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY*

*WHEREAS, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, cities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina; and*

*WHEREAS, the City of Charlotte and Mecklenburg County entered into that certain Restated Consolidated Shared Programs Joint Undertaking Agreement (“Agreement”) made as of July 1, 1998, which Agreement, as amended, specifies the details and the financing of various programs or joint undertakings which are operated by one government or report for budget purposes to one government for the mutual benefit of both governments; and*

*WHEREAS, the City and County now desire to amend the portion of the Agreement dealing with “911 Public Safety Emergency Telephone Service” to reflect subsequent changes in State law (“Amendment”); now, therefore, be it*

*RESOLVED by the Mecklenburg County Board of Commissioners that the Amendment is hereby approved, the Chairman is hereby authorized to execute such Amendment in substantially the form attached to this Resolution, and that this Resolution shall be spread upon the minutes.*

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

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**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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*Commissioner Cooksey left the meeting and was absent for the remainder of the meeting.*

**(11) CARRY FORWARD OF FUNDS – PROJECT SAFE NEIGHBORHOOD GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 of funds remaining at June 30, 2010 for the Project SAFE Neighborhoods – Community Engagement Project to the Governor’s Crime Commission, serving as fiscal agent for the U.S. Department of Justice.

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

**(12) CARRY FORWARD OF FUNDS – DISPLACED HOMEMAKER/DIVORCE FILING FEES GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve the carry forward to FY2011 the funds remaining at June 30, 2010 for the Displaced Homemaker Divorce Filing Fees grant from the North Carolina Council for Women/Domestic Violence Commission to FY11.

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

**(13) DISPLACED HOMEMAKER GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve submission of a grant application to the North Carolina Council for Women/Domestic Violence Commission to Community Support Services, Women’s Commission Division for the New Choices Strategies for Success Program in the amount of \$58,351 (\$8,351 from “Displaced Homemaker State Funds” and \$50,000 from “Divorce Filing Fees”); and if awarded, recognize, receive and appropriate grant funds.

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

**(15) PURCHASE CONTRACT FOR FROZEN MEALS – DSS**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve a unit price contract for frozen meals to Valley Services, Inc. of Flowood, Fl, for a term of three years with the option to renew up to two additional one-year terms. Based on the number of clients currently receiving these services, the annual expenditures for this contract are estimated to be \$298,376.

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

**(18) PURCHASE CONTRACT – SHERIFF’S OFFICE UNIFORMS**

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and carried 8-0

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with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to defer taking action on the approving a unit price contract to Best Uniforms, Inc. for providing uniforms for all Sheriff's Office staff, for a term of three years with the option to renew up to two additional one-year terms, until the Board's July 6, 2010 meeting.

Prior to the above vote, the following occurred:

The following persons spoke in opposition to the award of the contract to Best Uniforms:

Justin Ellis and Michael Gorson with Showfetys, the low bidder, asked that the award of the contract to Best Uniforms, Inc. not be made and that further evaluation of their bid be done. They said they were confident their company could provide the service requested and welcomed the opportunity to clarify any miscommunication between Showfetys and the Sheriff's Office regarding their bid. Mr. Ellis said with respect to the inventory control component of the bid that it basically said that the company must have a proven fully operational automated inventory system on site. Mr. Ellis said there was a site visit to Showfetys but that was not the site at which the contract would be operated from. He said that would be the jail site. He said for Showfetys to have this software in place prior, would be impossible because they're not able to operate in the jail yet, until the previous vendor has vacated and a contract awarded. Mr. Ellis said it felt very unreasonable to assume that Showfetys should have this in place considering the financial outlay it would cost them without any guarantee of a contract prior to the award. He said if they were to receive the bid, they would have the software in place and up and running within the timeframe outlined in the bid.

A handout was provided to the Board, a copy of which is on file with the Clerk to the Board.

Rachel Vanhoy with the Sheriff's Office addressed the bidding process and projected savings. Ms. Vanhoy also noted that the Inventory Control component of the bid required that companies be able to demonstrate and provide samples of their reporting capability and at that time Showfetys was unable to do so. Ms. Vanhoy said Inventory Control was a large component of what was required because they rely so heavily on the ability to track their inventory. Ms. Vanhoy said that was the Sheriff's Office primary reason for not selecting Showfetys.

Comments

Commissioner Leake asked if the Sheriff's Office had done business previously with Best Uniforms, Inc. *Ms. Vanhoy said they were the current service provider for the Sheriff's Office and for the Charlotte-Mecklenburg Police Department.*

Commissioner Leake asked how long had the Sheriff's Office had a contract with Best Uniforms, Inc. *Ms. Vanhoy said from 2001-2007, per her recall.*

Commissioner Leake said she would like to see the uniforms from each of the companies if that was possible.

Commissioner Cooksey asked where was the Charlotte-Mecklenburg Police Department in their procurement process. *Ms. Vanhoy said it was her understanding that they've asked Showfetys to provide them with additional samples because their first samples were not approved. Ms. Vanhoy said the inventory control component that the Sheriff's Office had in its bid was not included in Charlotte-Mecklenburg Police Department's bid.*

Commissioner Cooksey asked was it clear in the specifications as to what the Sheriff's Office wanted versus Charlotte-Mecklenburg Police. *The response was yes.*

Commissioner Cooksey asked additional questions regarding the bidding process which were addressed.

Commissioner Cooksey asked was there a policy requiring that a certain number of bids be

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received before making an award. *Ms. Vanhoy said she would have to check with Procurement.*

County Manager Jones said County Attorney Bethune recommends the Board defer making a decision to allow him the opportunity to review this matter in more detail, to make certain that everything was done in compliance. Also, that it may take a month to review and address questions raised. Thus, staff would report back at the July meeting.

Commissioner James asked what was the difference between a Class A and Class B uniform, which was addressed.

Commissioner James asked was this an annual contract. *Ms. Vanhoy said yes but it's for three years with maybe two one-year renewals. Thus, overall it's a five year contract.*

Commissioner James asked was the difference between the two bidders \$55,000 annually. *The response was yes.*

Commissioner James said that difference was worth having a discussion about. He said he understood the difference in quality, but the Board needs to consider whether it wants to spend an additional \$55,000 per year.

Commissioner James said when staff reports back, he'd like to know where the uniforms were made. He noted this in light of the Buy America policy.

*Note: Commissioner Leake removed this item from Consent to make an inquiry regarding the cost.*

## **STAFF REPORTS AND REQUESTS**

### **(32) SOLID WASTE MANAGEMENT PLAN AMENDMENT**

Director of Land Use and Environmental Services Agency Cary Saul addressed a proposed amendment to the County's Solid Waste Management Plan.

*Note: North Carolina General Statute 130A-309.09A (b) requires all units of local government to prepare and approve a ten-year solid waste management plan. Mecklenburg County has done so and the current Solid Waste Management Plan was approved by the Board on May 5, 2009. Updates to the Solid Waste Management Plan must be submitted every three years or more frequently if there is a major change to the solid waste infrastructure, disposal capacity, or if there are new facilities requiring NCDENR Solid Waste permits. Such a change justifying an Amendment to the Solid Waste Management Plan recently occurred.*

*On April 14, 2010, the LUESA Director signed two Memoranda of Understanding with ReVenture Park Investments I, LLC ("ReVenture Project"), expressing the County's interest in entering into long-term contracts for residential and yard waste management. The ReVenture Project, which is still in the developmental stage, would construct a biomass-to-energy facility on the Clariant property north of the Whitewater Center in the western part of Mecklenburg County. This biomass-to-energy facility(ies) would receive its feedstock, directly from yard waste collected in Mecklenburg County and from a refuse-derived fuel prepared at ReVenture's Fuel Preparation facility, located on a separate site in Mecklenburg County. The County would direct all of the residential waste collected by the County's seven municipalities to ReVenture's Fuel Preparation Facility.*

*The proposed Amendments to the Solid Waste Management Plan do not limit the current yard waste and residential waste management options available to the County. Rather, they add an additional option, the ReVenture Project, to those currently available. For yard waste, the current option is the County's Compost Central Facility. For residential waste, there are two options: the currently contracted landfill capacity at the Republic Speedway Landfill; and the County-owned Foxhole Landfill.*

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*Should the Board approve this Amendment, it will be presented for approval to each of the governing bodies of the seven municipalities in Mecklenburg County that are partnered in the solid waste system through Solid Waste Interlocal Agreements. Then the Amendment would be submitted to NC DENR.*

*At its meeting of May 18, 2010, the Waste Management Advisory Board recommended that the Board approve the attached amendments to Sections 5 and 7 of the Mecklenburg County Solid Waste Management Plan dated July 1, 2009.*

Comments

Commissioner Dunlap asked for clarification on the County's process for disposal of waste currently and with using ReVenture. Director Saul addressed the process.

Commissioner Cooksey asked had a contract been entered into with ReVenture or if this approval allows staff to enter into negotiations with ReVenture. He also asked about cost. *The response was that this amendment would allow ReVenture to seek permits for their facilities. There would be deadlines ReVenture would have to meet. Further, that approval of the amendment only adds ReVenture as an alternative or option for the County to consider as staff moves forward with respect to managing the County's waste beginning 2012. Also, the cost that's been mentioned was \$25 per ton to process the waste.*

Commissioner Cooksey asked would staff come back with a final agreement for approval with ReVenture. *The response was yes and with a very detailed contract.*

Commissioner Leake asked how would this impact the situation in Matthews. *The response was that this had no impact on the Matthews incinerator at all.*

Commissioner Cogdell asked when did staff anticipate being at a point to consider a contract. *The response was probably early next year, 2011.*

The following persons spoke in opposition to the proposed amended Solid Waste Management Plan:

Bill Gupton with the Central Piedmont Sierra Club said this amendment was a major policy shift in how the County disposes of its municipal solid waste and yard waste. He asked the Board to consider the impact this would have on Compost Central and recycling activities. Mr. Gupton said the Central Piedmont Sierra Club did not have an official position with respect to the ReVenture project as of yet. He said ReVenture contacted and reached out to them and that they've toured their facility. Mr. Gupton said there were still a lot of questions and moving pieces that were yet to be answered before the Central Piedmont Sierra Club could establish a position. He said they were concerned the decision the Board was about to make would put the community on a path for the next twenty years that would radically alter the air, water, and soil quality of the County. Mr. Gupton said at first glance it would seem as if burning waste rather than burying it would make a good decision. He said the position of most major environmental groups was that the incineration and gasification was an incineration process amidst a significant amount of greenhouse gases and other toxins, which weren't in an acceptable form of energy generation. Mr. Gupton said if the Board has not satisfied 1) all of its questions regarding the actual process of gasifications and the health and environmental impact 2) looked at the impact this facility might have on the water quality regarding the amount of water and the impact on the Catawba River basin 3) looked at potential toxins and emissions from this, that the Board should defer making a decision. He asked the Board to consider establishing a citizens' stakeholder commission and holding a public hearing to address this issue.

Shannon Binns, a Board Supervisor for the Mecklenburg County Soil and Water Conservation District and on behalf of Sustain Charlotte, said he echoed Mr. Gupton's remarks. He said the decision with respect to what's to be done with the community's waste for the next twenty years was an important one that would have a myriad of consequences. He said any solid waste management decision of this magnitude would have significant environmental, health, and

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economic impacts, short term and long term. He said these impacts need to be understood before a decision was made. He said more input from the public should be sought. He said he was not opposing the ReVenture Project at this time but had serious concerns about its impact on air and water quality, particularly because it would increase the county's emission of greenhouse gases. Mr. Binns encouraged Board members to contact him if they would like a better understanding of gasification impacts from a scientific perspective.

Commissioner Murrey said this was an opportunity for the County. He said any energy that the County creates would create some greenhouse gases, unless it's solar or wind at this point. Commissioner Murrey said the question was whether it's more or less per mega watt created. He said this would give the County the opportunity to explore this as an option.

Commissioner Murrey asked Director Saul to comment on the impact of this on Compost Central and on recycling, which he did.

Commissioner Dunlap asked Director Saul whether approval of this amendment would preclude staff from going back and investigating the concerns raised about the impact on water, air quality, etc. *Director Saul said it would not. He said approval of the amendment means this was just an alternative that could be considered for disposal of waste. Director Saul said if staff felt it was not cost effective or environmentally safe, staff would bring it back and recommend the Board enter into an agreement.*

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt the Resolution Amending the Mecklenburg County Solid Waste Management Plan Dated July 1, 2009.

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

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

**(33) NAMING OF REVOLUTION REGIONAL SPORTS AND LEARNING ACADEMY**

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve naming Revolution Regional Sports and Learning Academy as the "Revolution Park Sports Academy."

Director of Park and Recreation Jim Garges presented this matter to the Board.

**(34) SMALL BUSINESS STRATEGY PLAN**

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve Mecklenburg County's participation with the City of Charlotte to implement a Small Business Strategy Plan in collaboration with our economic development partners.

County Director of Economic Development John Allen and Tom Flynn the City of Charlotte Economic Development Director presented this matter to the Board.

Prior to the above vote, Commissioner Bentley asked about the involvement of the Lake Norman Economic Development Corporation and the northern towns, which was addressed.

Commissioner Bentley said she would be glad to assist in engaging those on the northern end of the county.

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Commissioner Leake asked about and encouraged the involvement of Johnson C. Smith University and other schools of business locally.

Commissioner Leake said she hoped this would positively impact businesses along Beatties Ford Road and the “Mom & Pop” businesses.

**COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE**

**(2A) CLOSED SESSION LAND ACQUISITION**

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, to approve the conveyance of Tax Parcel 175-182-20 (+/- 0.18 acre) on Little Sugar Creek from Pegasus Properties of NC, LLC to the County for payment of +/- \$3,000 in delinquent taxes.

**COMMISSION COMMENTS** – 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 Clarke, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:17 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman