

JULY 6, 2010

**MINUTES OF MECKLENBURG BOARD OF COUNTY 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, July 6, 2010.

**ATTENDANCE**

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

**Absent:** Commissioner Karen Bentley

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**-INFORMAL SESSION-**

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

**(1) STAFF BRIEFINGS – NONE**

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

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: Property owned by Doral II Limited Partnership, Colonnade Drive, 132 units of Doral Apartments.

***Commissioner James left the meeting and was absent until noted in the minutes.***

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Land Acquisition, B) Business Location and Expansion and C) Consult with Attorney.

***The Board went into Closed Session at 5:07 p.m. and came back into Open Session at 6:15 p.m.***

***Commissioner James was present when the Board came back into Open Session. He entered 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 7, 11, 16, 19, 20, 21, and 23.

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

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**-FORMAL SESSION-**

*Commissioner James gave the invocation, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.*

*Commissioner Clarke was absent when the Formal Session was called to order and until noted in the minutes.*

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

**(1A1) BIG BROTHERS BIG SISTERS BIG DAY AT THE LAKE DAY**

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating July 24, 2010 as "Big Brothers Big Sisters Big Day At The Lake Day" in Mecklenburg County.

*Note: Big Brothers Big Sisters of Greater Charlotte's mission is "Helping children in need reach their potential through professionally supported one-to-one mentoring relationships with measurable impact." Big Brothers Big Sisters of Greater Charlotte was founded in 1972 and is an affiliate of Big Brothers Big Sisters of America. On July 24, 2010 they will hold their annual "Big Day at the Lake Day" on Lake Norman for participating youth, their families and for volunteers.*

The proclamation was read by Commissioner Cogdell.

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

**AWARDS/RECOGNITION**

**(1B1) NACO ACHIEVEMENT AWARDS**

The Board recognized the following County departments that received NACo Achievement Awards for outstanding programs and services:

- Suicide Prevention – Area Mental Health
- Food Stamp Information System Interface – Information Services & Technology
- Leave of Absence Process – Human Resources
- United Family Service Partnership – Community Support Services
- Electronic Plan Management – Code Enforcement
- Interactive Plan Review – Code Enforcement
- Community Gardens – Park and Recreation
- Naturally Home Schooled – Park and Recreation
- Water Park Halloween – Park and Recreation
- Camp Charity – Park and Recreation

*Commissioner Clarke entered the meeting.*

-Adaptive Kayaking – Park and Recreation

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

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

**(2) PUBLIC APPEARANCE**

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

William Bailey spoke in opposition of House Bill 1380 (Medical Marijuana Act). Mr. Bailey said N.C. needed a performance bill, which he said would fill budget gaps for the state and each county. Mr. Bailey addressed a proposed new economic performance bill entitled: Manufacturing Marijuana For Personal Use. He said N.C. residents 21 years or older with a Fire Marshal inspection from his or her county, within the boundaries of N.C., could apply for a state license to manufacture marijuana in the privacy of his or her home annually. Mr. Bailey addressed the benefits of his proposed bill.

**(3A) APPOINTMENTS**

**ALCOHOLIC BEVERAGE CONTROL BOARD**

*Note: Prior to the vote below, Commissioner Dunlap addressed the recommendation of the Board’s Ad Hoc Committee on Alcoholic Beverage Control Board Appointments. Commissioner Dunlap was a member of the committee.*

***A copy of the Committee’s recommendation is on file with the Clerk to the Board.***

The vote was taken on the following nominees for appointment to the Alcoholic Beverage Control Board:

**Round One**

Robert Burroughs	None
Edward Coker	None
David Conway	Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Murrey and Roberts
Harry Lomax	Commissioners Clarke, Cooksey, James and Roberts
Betty Newsam	None
Don Reid	None
Mary Richardson	Commissioners Cogdell, Dunlap, Leake, and Murrey
Lloyd Scher	None

**Round Two**

Robert Burroughs	None
Edward Coker	None
Harry Lomax	Commissioners Clarke, Cogdell, Cooksey, James, Murrey and Roberts

**JULY 6, 2010**

Betty Newsam	None
Don Reid	None
Mary Richardson	Commissioners Dunlap and Leake
Lloyd Scher	None

Chairman Roberts announced the appointment of David Conway and Harry Lomax to the Alcoholic Beverage Control Board for terms that expire on June 30, 2013.

*Mr. Lomax is replacing Mary Richardson. Mr. Conway currently serves on the board.*

#### **BUILDING DEVELOPMENT COMMISSION**

The vote was taken on the following nominees for appointment to the Building Development Commission:

Rhett Keller	None
Kevin Silva	Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

Chairman Roberts announced the appointment of Kevin Silva to the Building Development Commission as a General Public representative for a three-year term expiring July 31, 2013.

*He is replacing Wanda Towler.*

#### **CRIMINAL JUSTICE CITIZEN'S ADVISORY COMMITTEE**

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

Renee Barfield	None
Ezekiel Burns	Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts
	<i>Voting Ceased</i>

D. Franklin Freeman

Chairman Roberts announced the appointment of Ezekiel Burns as the District 4 representative to the Criminal Justice Citizen's Advisory Committee to fill an unexpired term expiring May 31, 2012.

*He is replacing Shaune Peterson.*

#### **GROUND WATER ADVISORY COMMITTEE**

The vote was taken on the following nominee for appointment to the Ground Water Advisory Committee:

Edwin Sullivan	Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts
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Chairman Roberts announced the appointment of Edwin Sullivan to the Ground Water Advisory Committee as the Industry/Manufacturing representative to fill an unexpired term expiring May 31, 2012.

*Mr. Sullivan is completing the remainder of his term.*

**HOMELESS PREVENTION COMMUNITY BASED BOARD**

The vote was taken on the following nominees for appointment to the Homeless Prevention Community Based Board:

**Human Services Representative**

Christopher Jackson	None
Annabelle Suddreth	Commissioners Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

*Voting Ceased*

M. Lori Thomas  
Keith Wilson

**Education Representative**

Richard McElrath	Commissioner Leake
M. Lori Thomas	Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Murrey, and Roberts

Chairman Roberts announced the appointment of Annabelle Suddreth to the Homeless Prevention Community Based Board for a three-year term expiring June 30, 2013 as the Human Services representative and M. Lori Thomas for a two-year term expiring June 30, 2012 as the Education representative.

**(3B) NOMINATIONS/APPOINTMENTS**

**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to 1) reappoint Julie Elliott, Evelyn Hochstat, Joan Kirk to the Adult Care Home Community Advisory Committee for a three-year term expiring June 30, 2013, 2) nominate and appoint Patricia Fletcher to the Adult Care Home Community Advisory Committee for a one-year term expiring July 31, 2011.

*She is replacing Delvenia Crowell.*

**HISTORIC LANDMARKS COMMISSION**

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Paula Lester to the Historic Landmarks Commission for a three-year term expiring July 31, 2013.

**JUVENILE CRIME PREVENTION COUNCIL**

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

**JULY 6, 2010**

Murrey and Roberts voting yes, to nominate and appoint Laura Johnson to the Juvenile Crime Prevention Council as the Business representative to fill an unexpired term expiring June 30, 2011.

*She is replacing Eric Threatt.*

#### **MOUNTAIN ISLAND LAKE MARINE COMMISSION**

Commissioner Dunlap nominated all applicants for appointment consideration to the Mountain Island Lake Marine Commission: They were Bryan Abernathy, Rhiannon Bowman, Thomas Brasse, Anthony Conant, Robert Keith, Margaret Morgan, and Trip Wheeler.

*Note: An appointment will occur on August 3, 2010. Commissioner Dunlap noted for the public's awareness that there have been some recommended changes that have caused a lot of division in the community where the lake is located. Commissioner Dunlap said the problem the Board had to "deal with" was "when you know the position that these people have already taken on the issue, and you appoint people knowing their position." Commissioner Dunlap said "it's as if you're supporting a particular position." Commissioner Dunlap said this was something the Board needed to discuss.*

*Chairman Roberts said at the Board's Natural Resources Committee meeting held earlier that members of the Mountain Island Lake Marine Commission were present. Chairman Roberts said the Committee would provide an update regarding the report from the Mountain Island Lake Marine Commission at the next regular meeting and prior to voting on the nominees.*

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

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Edna Fielder-Sherer, Deborah Miller, Brenda Williams, Peggy McClain, and Judy Smith to the Nursing Home Community Advisory Committee for a three-year term expiring June 30, 2013.

#### **PARK AND RECREATION COMMISSION**

Commissioner Leake nominated Sheryl Smith for appointment consideration to the Park and Recreation Commission as a Central Region1 representative.

Chairman Roberts said she'd received a request from the Park and Recreation Commission asking that the Board only nominate applicants at this meeting, in order to give the Park and Recreation Commission an opportunity to review all of the applicants and to subsequently make a recommendation.

Commissioner Cogdell nominated all remaining eligible applicants as follows: Beverly Lawson (Central Region 1), Philip Carey (Northern Town), Douglas Burnett (South Region 1) **At-Large** Joe Pata, Elaine Powell, and Sheryl Smith; **North Region 1** Tracey Matthew and Elaine Powell; **North Region 3** Kendel Bryant and Pamela Gordon.

*Note: Appointments will occur on August 3, 2010 and/or pending receipt of a recommendation from the Park and Recreation Commission.*

***Commissioner Cooksey left the meeting and was absent until noted in the minutes.***

**(3C) CITIZEN'S REVALUATION ADVISORY COMMITTEE**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint members to the 2010 Citizens' Revaluation Advisory Committee as recommended and as follows: Thomas Derham, Linda Cunningham, Barbara Hochstetter, Veronica Barnes, John Byers, David Fuller, and Michael Brown in an advisory capacity.

*Note: It is the responsibility of the Committee to:*

- a. *Meet with staff and Property Assessment and Land Records Management to review overall operations.*
- b. *Review the revaluation process.*
- c. *Review appraisal methods.*
- d. *Study statistical reports as to the progress of the 2011 Revaluation*
- e. *Report their conclusions to the Board of County Commissioners and make recommendations.*

**(4) PUBLIC HEARINGS – NONE**

**(5) ADVISORY COMMITTEE REPORTS – NONE**

**MANAGER'S REPORT**

**(6B) UPDATE ON STATE BUDGET**

County Manager Jones and Assistant to the County Manager Brian Francis gave an update on the State budget. The following was noted:

- The State budget was approved and signed by Governor Beverly Perdue on July 1, 2010.
- The State budget includes some new items that were just included prior to adoption, including the final decision with respect to lottery funds.
- Staff has not had ample time at this point to gather and analyze all of the potential impacts of the State budget on the County's budget.
- Often the administrative details associated with the State budget are not known until four – eight weeks after its adoption and sometimes longer.

***Commissioner Cooksey returned to the dais.***

- It's too soon to make any decision in response to the State budget.
- If, in the future, it's determined that cuts may need to be made based on the impact of the State budget on the County's budget, the usual process would be followed. The process includes notifying key partners, such as the Charlotte-Mecklenburg Board of Education, Central Piedmont Community College, the Public Library of Charlotte/Mecklenburg, outside agencies, County departments, and residents served by the County.
- The FY 2011 budget contains \$2 million appropriated as contingency for cuts in state funding.

The following was covered by Assistant to the County Manager Francis.

- Changes in lottery funds
  - Per cuts made by the State in lottery funding, for Mecklenburg County it's a \$9 million difference from what the County would have received under the previous general statute and what the budget act appropriates.

**JULY 6, 2010**

- A portion of that cut will go directly to school systems, but it's not known at this time how those funds will be allocated.
- In the County's budget, less was budgeted than what was statutorily provided and as a result, the lottery net impact is believed to be about \$4.1 million in shortfall. These funds were budgeted to pay for Charlotte-Mecklenburg Schools' debt service. Thus, this is not an area of the budget where spending cuts can be made in order to absorb this. This is a mandatory expense that the County will have to find funding elsewhere for.
- Preliminary information on the impact of State budget items on County departments as known to date
  - What's known to date is that it looks like the Sheriff's Office, unlike last year, will not see any negative impacts from the state budget.
  - Area Mental Health has some potential good news, the \$4.5 million in cuts last year has been restored, however, there are cuts in other areas of Area Mental Health that will probably offset that. Staff is still trying to determine the net impact.
  - \$9 million has been allocated for psychiatric beds, which is a statewide number. What that means for Mecklenburg County is not known at this point.
  - In the Department of Social Services there seems to be a series of small cuts.
  - In the Health Department there's concern for funds for immunization for children. Also, environmental health lost \$6,000.
- If you set aside the lottery funds, the \$2 million appropriated as a contingency for state budget cuts will probably be sufficient to cover the various small cuts that staff has seen in the state budget.
  - The contingency that the State legislature has put in place based on the possibility that federal Medicaid funding will not be extended as they have anticipated came from a variety of areas.
  - The area of greatest potential impact to the County would be a one percent across the board cut for state agencies, which would equal a statewide cut of \$177 million effective January 1, 2011.

#### Comments

Commissioner Leake requested a copy of Assistant Francis' comments.

Commissioner Leake asked about the use of lottery funds for teachers. *Assistant Francis said the General Assembly has said the lottery funds would go to fund education.*

County Manager Jones said per discussions with School Superintendent Dr. Peter Gorman, the school system is in the "same situation" as the County. They are attempting to analyze the impact of the reductions and analyze how much of the lottery funds they might receive.

County Manager Jones said the County can't draw the conclusion that because the County loses \$4.1 million that there's a corresponding amount of \$4.1 million that will go to CMS. He explained that the funds are placed in a pool and allocated throughout the state. Thus, the impact of the lottery funds on CMS is unknown at this point.

Commissioner Leake said it was her understanding the General Assembly was setting aside monies for Mecklenburg County that would retain teachers and lower class sizes.

Commissioner Leake asked about stimulus money. *Assistant Francis said there was a lot of stimulus money in the state's budget.*



**JULY 6, 2010**

Commissioner Leake asked was stimulus money to be allocated for education. *Assistant Francis said it's allocated across the budget. He said a big part of it is for Temporary Assistance for Needed Families (TANF).*

Commissioner James said he wanted to make sure Dr. Gorman and others understand there's an "asterisk" next to the amount the County provided to them two weeks ago with the adoption of the County's budget.

Commissioner James asked had Dr. Gorman been informed that it may be September before he knows an answer.

County Manager Jones said he spoke with Dr. Gorman and Dr. Gorman indicated to him that he understands there's the "possibility" of further funding reductions to CMS.

Commissioner Clarke said the Board of Education needed a clear contingency plan if the County is unable to absorb the full impact of the state budget cuts. Commissioner Clarke asked County Manager Jones to mention this to Dr. Gorman.

Commissioner Clarke asked was the change in the lottery funds by the General Assembly for one year only. *Assistant Francis said technically this was a one year change because there was not a change made in the general statute. Assistant Francis said there have been times, however, when special provisions within the state budget, such as this, tend to be there "year after year."*

Chairman Roberts said it may be good to discuss the Board's federal legislative agenda sooner rather than later, as suggested by Commissioner Clarke, particularly out of interest in legislation impacting Medicaid and unemployment benefits.

Commissioner Cogdell asked Assistant Francis to get information from the North Carolina Association of County Commissioners on the impact of the change in the appropriations formula on the various counties within the state.

Commissioner Leake asked that the Board be informed of communications between the County Manager and Superintendent Dr. Gorman, so that the Board will know what the status is with respect to CMS funding. Commissioner Leake said this was needed in light of the Board's summer meeting schedule. She said the Board needed to be kept up to date in between meetings. Commissioner Leake asked that this request be reflected in the minutes.

Commissioner Clarke asked what was the projected increase in the state's sales tax collections. *Assistant Francis said it's his understanding the state was projecting an increase, but it's less than the increase originally projected last year.*

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

#### **(6A) LIBRARY FUNDING**

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to direct the County Manager to negotiate and execute agreements with the towns of Cornelius and Mint Hill and the City of Charlotte considering their financial contribution to the Charlotte-Mecklenburg Public Library as outlined in the information provided by staff.

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

**JULY 6, 2010**

*Note: Mayor Ted Biggers, Jr. of Mint Hill addressed this matter prior to the above vote.*

Commissioner Dunlap addressed having the quarter-cent sales tax or a designated fund for the library. Commissioner Dunlap said it was his understanding the Board has to tentatively approve whether to take this question to the voters in the form of the referendum in November.

County Attorney Bethune said tonight was not the Board's final opportunity to consider this matter.

Commissioner Dunlap requested this matter (quarter-cent sales tax) be placed on the August 3, 2010 agenda.

Attorney Bethune asked Commissioner Dunlap to share with him his proposal for presenting this matter to the voters, so he could make sure any restrictions he may be considering were ones authorized by statute in terms of limiting the use of the funds.

Chairman Roberts said she thinks it has to be for general county purposes.

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

#### **(2A1) CLOSED SESSION – LAND ACQUISITION**

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to:

1. Accept the "Agreement of Purchase and Sale of Real Estate" from Doral II Limited Partnership, owner of 132 units of the Doral Apartments (Tax Parcel 159-01-145) for \$3,137,890.
2. Adopt a resolution of intent to exchange personal property (fixtures and equipment) in the apartment complex to be acquired from the Doral II Limited Partnership for permanent and temporary easements.
3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.
4. Adopt a Resolution Approving Transfer of Reusable Building Materials to Habitat for Humanity of Charlotte, Inc. to allow for salvage of materials prior to demolition.

***Resolutions recorded in full in Minute Book 45-A, Documents # 1 and # 2.***

#### **CONSENT ITEMS**

**Motion was made by Commissioner Dunlap, seconded by Commissioner Murrey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 7, 11, 16, 19, 20, 21, and 23 to be voted upon separately:**

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

**JULY 6, 2010**

Recognize, receive and appropriate insurance reimbursement funds in the amount of \$34,871 for Real Estate Services and \$1,438 for Area Mental Health.

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

**(9) TAX REFUNDS**

Approve tax refunds in the amount of \$12,417.37 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.***

**(10) GRANT APPLICATION – HEALTH DEPARTMENT**

Approve the submission of a grant application for \$140,000 to fund a contract social worker for the Community Alternatives Program CAP/DA Program for a two-year period from the Sisters of Mercy Foundation effective January 1, 2011 and; if awarded, recognize, receive and appropriate such funds.

**(12) CONSERVATION RESTRICTIONS ON COUNTY PROPERTY**

Authorize the County Manager to execute Conservation Declarations on the following County properties for stream restoration projects funded by NC Clean Water Management Trust Fund along Little Sugar Creek:

- (a) Between Elizabeth Avenue and E. 4<sup>th</sup> Street: Tax Parcels 125-09-601 & 125-09-501
- (b) Between E. 3<sup>rd</sup> Street and Charlottetowne Avenue: Tax Parcel 125-09-306
- (c) Between Charlottetowne Avenue and the former Baxter Street: Tax Parcel 125-22-704

**(13) HAZARD MITIGATION PROGRAM - FLOODPLAIN ACQUISITION**

1. Accept the "Offer of Sale of Land" from Vera E. Johnson of 1806 Shannonhouse Drive (Parcel ID: 099-08-423) for \$76,155.75.
2. Accept the "Offer of Sale of Land" from Christina G. Castellanos of 1750 Shannonhouse Drive (Parcel ID: 099-08-425) for \$108,000.00.
3. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structures for training exercises.

**(14) APPOINTMENT OF REVIEW OFFICERS**

Amend "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2" to add the name of Lauren Blackburn and delete the names of Kris J. Krider and Nick Polimeni.

***Resolution recorded in full in Minute Book 45-A, Document # 3.***

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

**JULY 6, 2010**

Approve the purchase of a 275-foot wide strip of land (+/- 7.37 acres) from Tax Parcel 019-371-02 on Holbrooks Road for \$15,000 per acre from The Sherrill's Group, LLC.

*Note: The additional acreage would enhance the County's goal of creating a buffer against development along the western border of the Holbrooks Road Landfill.*

**(17) DESTRUCTION OF DOCUMENTS – DEPARTMENT OF SOCIAL SERVICES**

Approve the destruction of copies of fiscal and time sheet records by the Department of Social Services in accordance with State requirement and applicable County policy.

**(18) OFFICE SUPPLIES CONTRACT**

Approve a unit price contract to Office Depot for providing office supplies to all departments for a term of three years with the option to renew up to two additional one-year terms. The annual expenditures are estimated to be \$800,000.

**(22) BUDGET AMENDMENT – LIBRARY (REVENUE INCREASE)**

Recognize, receive and appropriate \$700,000 from funds provided by the City of Charlotte for Library operations.

*Note: The City of Charlotte has agreed to provide up to \$1,400,000 to support Library operations in Fiscal Year 2011. The funds will be disbursed in the same manner as the funds in the County's restricted contingency. The first half is available immediately and the second half will be appropriated if the County agrees to release its remaining funding.*

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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**(7) APPROVAL OF MINUTES**

Chairman Roberts removed this item from Consent to request an addition to the minutes of June 15, 2010. The addition was to add the following statement to Item (18) Maintenance Contract – Library Facilities as a notation: Chairman Roberts asked whether this represented any savings over current year services and staff replied yes, about half million in the first year.

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend the minutes of June 15, 2010 as suggested by Chairman Roberts, which was to add the following statement to Item (18) Maintenance Contract – Library Facilities as a notation: Chairman Roberts asked whether this represented any savings over current year services and staff replied yes about half million in the first year.

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve minutes of Regular meeting held June 15, 2010 as amended and Closed Session held, June 1, 2010.

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

**(11) BUDGET AMENDMENT – REVENUE INCREASE (IST)**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 6-0 with Commissioners Clarke, Cooksey, James, Leake, Murrey, and Roberts voting yes, to authorize the County Manager to enter into agreements with the City of Charlotte for temporary use of Mecklenburg County employees to work on City technology projects for an initial term of one year, and to recognize, receive and appropriate \$226,555 in revenue from the City of Charlotte for IT project management and application development services.

Commissioner Leake removed this item from Consent for more clarification. County Manager Jones explained how the contractual arrangement would work.

**(16) PURCHASE OF EXTERIOR LIGHT FIXTURES – LITTLE SUGAR CREEK GREENWAY**

Motion was made by Commissioner Leake, seconded by Commissioner Cooksey and carried 6-0 with Commissioners Clarke, Cooksey, James, Leake, Murrey, and Roberts voting yes, to approve a contract in the amount of \$265,583 to Graybar, Inc. for the purchase of exterior light fixtures for the Little Sugar Creek Greenway project.

Commissioner Leake removed this item from Consent for clarification regarding the bidding process. County Attorney Bethune explained how the “U.S. Communities Contract” process worked.

***Commissioner James left the meeting and was absent until noted in the minutes.***

**(19) PLAYGROUND EQUIPMENT CONTRACTS**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 5-0 with Commissioners Clarke, Cooksey, Leake, Murrey, and Roberts voting yes, to approve contracts for providing park and playground equipment, surfacing, site furnishings and related products and services for a term of five years with the option to renew up to two additional one- year terms to the following companies: Gametime, Inc., Fort Payne, AL; KOMPAN Tacoma, WA; Miracle Recreation, Monnet, MO; Playland, Inc., Carrolton, GA.

Commissioner Leake removed this item from Consent for clarity regarding the award of the contract to companies outside of Mecklenburg County. Karen Ruppe with Procurement Services said no companies within the County submitted a bid. Ms. Ruppe said Miracle Recreation and Playland do have facilities in N.C. The locations shown represent where these companies are headquartered.

***Commissioners James and Dunlap returned to the dais.***

**(20) BODY ARMOR CONTRACT – SHERIFF’S OFFICE**

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to approve a unit price contract with Lawmen’s Safety Supply, Inc. for providing Safariland Body Armor based on available Special Revenue funding to the Mecklenburg County Sheriff’s Office (MCSO) for a term of two (2) years and authorize the County Manager to renew with possible price adjustments for three (3) additional one-year terms.

Commissioner Leake removed this item from Consent for clarity regarding the award of the contract to a company outside of Mecklenburg County. County Manager Jones said the

**JULY 6, 2010**

contractor's headquarters was in Raleigh, N.C. and that they have an office in Charlotte.

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

**(21) TRAIL OF HISTORY CONTRACT FOR ART DONATION**

Motion was made by Commissioner James, seconded by Commissioner Clarke and carried 6-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve and authorize the County Manager to execute a contract with the Trail of History, Inc. for Placement of Art on Little Sugar Creek Greenway to Celebrate and Remember the History of Charlotte-Mecklenburg.

*Note: The Trail of History, Inc. (TOH) seeks to preserve the history of Mecklenburg County by gifting to the County 21 figurative bronze sculptures or similar artworks representing people who had significant impact on the development of Mecklenburg County. The first artwork, a bronze representation of Captain James Jack riding his horse with the May 20, 1775 Mecklenburg Declaration of Independence to the Continental Congress in Philadelphia, has already been accepted as a gift by the BOCC and will be part of the Trail of History. TOH will fund all artworks, their installation and a maintenance endowment to be managed by Park and Recreation. The Maintenance Endowment Fund has been designed to cover maintenance cost of the Artworks, however, should the Maintenance Endowment Fund be exhausted, the County will incur this cost and perform the on-going maintenance of the Artworks. TOH seeks to donate all 21 artworks to Mecklenburg County. Park and Recreation has designed Little Sugar Creek Greenway between East 7<sup>th</sup> Street and Morehead Street and has accounted for the placement of the artwork as part of that design. In addition to the artworks, there will be associated literature, website and on-site interpretation to tell the story of the Trail of History and share the individuals' stories. TOH will coordinate with Park and Recreation for final placement, design, installation and maintenance requirements.*

Commissioner Leake removed this item from Consent for clarity regarding the use of local artists and their works in this process. County Manager Jones explained how this particular donation would be handled.

Commissioner Leake asked would the endowment amount set aside for maintenance cover the entire maintenance cost or would the County have to contribute. *The response was that staff would get answer.*

***Agreement recorded in full in Minute Book 45-A, Document # 4.***

***Commissioner Murrey returned to the dais.***

**(23) PUBLIC ART PROGRAM – OPERATING CONTRACT AND ANNUAL WORK PLAN**

Commissioner Leake removed this item from Consent.

Chairman Roberts said local artists need to be encouraged, supported and nurtured.

Chairman Roberts requested information on how many of the artists listed in the work plan were local, out of state, and out of the country. She also wants the Public Art Commission and the Arts and Science Council to assure the Board that they were continuing to try and seek more local artists and artists representative of the community.

Commissioner Leake removed this item from Consent to express concern for authorizing the

**JULY 6, 2010**

County Manager to negotiate and execute an agreement for the administration of the Public Art Program for Mecklenburg County, when he serves on the Arts and Science Council.

*Note: County Manager Jones serves as an ex-officio member.*

Commissioner Leake said she thought this was a conflict of interest on the County Manager's part.

Commissioner Clarke asked Attorney Bethune if he thought this was a conflict of interest for the County Manager. *Attorney Bethune said yes.*

Attorney Bethune said it's not illegal, but it was a conflict of interest if you look at the conflict of interest principles. Attorney Bethune said the County Manager was "basically negotiating with himself."

Commissioner Clarke asked how then, could it be negotiated. *Attorney Bethune said the Board could authorize the Chairman to negotiate it and bring it back to the Board for approval.*

Commissioner Murrey asked County Manager Jones if he was a non-voting ex-officio member. *County Manager Jones said he does not vote.*

County Attorney Bethune said it would still be a conflict because the County Manager participates in discussions.

Commissioner James questioned why the Buy American policy wouldn't apply to the purchase of art. He'd like to see it apply. Commissioner James said he'd like to send the matter back to the Arts and Science Council for them to take another look at it to see can't they find American artists.

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and carried 6-1 with Commissioners Clarke, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioner James voting no, to:

- 1) Authorize the County Attorney and the Chairman of the Board to negotiate and execute an Agreement for the administration of the Public Art Program for Mecklenburg County.
- 2) Receive and approve the ASC Public Art Work Plan-FY2011 for Mecklenburg County.

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

#### **STAFF REPORTS AND REQUESTS**

##### **(24) BUSINESS INVESTMENT PROGRAM GRANT: CITCO FUND SERVICES**

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 6-1 with Commissioners Clarke, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes and Commissioner James voting no, to approve a resolution authorizing the County Manager to negotiate and execute a contract for a Business Investment Program grant to Citco Fund Services for a total estimated amount of \$63,406.

*Note: This project entails the opening of a new office by Citco Fund Services, a hedge fund administrator with more than 20 offices around the world, including in North America, the Caribbean, Europe and Asia and Australia. Citco offers a complete range of accounting, investor relations, shareholder and corporate services to hedge funds and other collective investment funds. The project will include a capital investment of approximately \$3 million beginning in 2010. The*

**JULY 6, 2010**

*investment will be in building improvements and new business personal property. It will create 144 new jobs over the first 3 years with a projected average annual salary of approximately \$79,000. The County's grant is equal to 90% of the taxes that will be paid by Citco over 3 years and will be subject to the County's standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis shows a present value of net benefits to the County of \$454,086 over 6 years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.*

John Allen, Economic Development Director addressed this matter.

***Resolution recorded in full in Minute Book 45-A, Document # 5.***

**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 Murrey, seconded by Commissioner Cooksey and carried 7-0 with Commissioners Clarke, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 9:24 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman