

SEPTEMBER 8, 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 Wednesday, September 8, 2010.

**ATTENDANCE**

**Present:** Chairman Jennifer Roberts and Commissioners  
Karen Bentley, 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:** None

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**-INFORMAL SESSION-**

***Commissioner Dunlap was 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.***

**(1A) STAFF BRIEFINGS - NONE**

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

Prior to going into Closed Session, Attorney Bethune announced the following Consult with Attorney matters to be discussed in Closed Session:

- Jerry Alan Reese vs. Mecklenburg County, the Mecklenburg County Public Facilities Corporation, 300 South Church Street, LLC, and R.B.C.
- Mecklenburg County vs. Time Warner Cable
- Jack Stratton vs. Mecklenburg County

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion, B) Consult with Attorney and C) Personnel Matter.

***The Board went into Closed Session at 5:05 p.m. and came back into Open Session at 6:57 p.m.***

***Commissioner Dunlap was present when the Board came back into Open Session. He 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 10, 12, 13, 14, 15, 17, 22, and 25.

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

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**-FORMAL SESSION-**

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

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

*Commissioner Clarke returned to the dais.*

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

**(1A1) NATIONAL ADULT DAY SERVICES WEEK**

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating September 19-25, 2010 as National Adult Day Services Week in Mecklenburg County.

*The proclamation was read by Commissioner Bentley and received by Nate Huggins.*

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

**(1A2) SENIOR CENTER MONTH**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation designating September 2010 as Senior Center Month in Mecklenburg County.

*The proclamation was read by Commissioner Leake and received by Bob Shaffer, President of Charlotte Mecklenburg Senior Centers Board of Directors and Trena Palmer, Executive Director of Charlotte Mecklenburg Senior Centers.*

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

**(2) PUBLIC APPEARANCE**

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

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James Brock Kitchen, a disabled veteran, addressed the payment of his property tax and garnishment of his savings. Mr. Kitchen addressed his desire to apply for the tax exclusion program because of his disability. He said because of the Veterans Administration’s backlog, he was unable to provide the needed documentation at the time he wanted to apply. Thus, he was informed by the tax office that proof of permanent disability was a requirement. Mr. Kitchen said this was a problem because when he carried documentation regarding his disability, he still was not successful. Mr. Kitchen left a handout for the Board’s review regarding his situation.

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

Reggie Singleton, director of The Males Place Program addressed the mission and purpose of The Males Place and activities that the students were involved in. He also addressed an upcoming trip to Ghana, West Africa for the participants.

Blanche Penn introduced members of the Silver Fox Cheerleaders. She announced that the squad would be going to Raleigh, N.C. on September 30<sup>th</sup> to compete against other seniors. The Silver Fox ages run from 55 to 75.

Belinda Cauthen, Special Education teacher and consultant with G. B. Tubman Services, addressed an upcoming parental workshop on October 18<sup>th</sup>, 6:30 p.m. - 8:30 p.m. and on October 23, 11:00 a.m. - 2:00 p.m. at the Sugar Creek Recreation Center. The workshops are being sponsored by Winners Plus Incorporated and G. B. Tubman Services. This will be the first in a series of parent involvement workshops, entitled Understanding the System, the Federal Laws Governing Our Education System.

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

**(3A) APPOINTMENTS**

**AIR QUALITY COMMISSION**

The vote was taken on the following nominees for appointment to the Air Quality Commission:

Terry Lansdell	None
Curtis Watkins	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Curtis Watkins to the Air Quality Commission to fill an unexpired term expiring August 31, 2012. Mr. Watson will serve as a General Public member.

*Note: He is replacing Tonisha Dawson.*

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

**BICYCLE COMMITTEE**

The vote was taken on the following nominees for appointment to the Bicycle Committee:

John Arciero	None
Thomas Crespo	None
Terry Lansdell	Commissioners Cooksey and James
Jane Wasilewski	Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts

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Chairman Roberts announced the appointment of Jane Wasilewski to the Bicycle Committee to fill an unexpired term expiring March 6, 2012.

*Note: She is replacing Kurt Robinson.*

### **INFORMATION SERVICES & TECHNOLOGY COMMITTEE**

The vote was taken on the following nominees for appointment to the Information Services & Technology Committee:

Edward Deason	Commissioner James
Tomeko Smith	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts

Chairman Roberts announced the appointment of Tomeko Smith to the Information Services & Technology Committee to fill an unexpired term expiring February 28, 2012.

*Note: She is replacing Jenifer Daniels.*

### **PARK AND RECREATION COMMISSION**

The vote was taken on the following nominees for appointment to the Park and Recreation Commission:

#### **North Region 3**

Kendel Bryant	Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts
Pamela Gordon	

Chairman Roberts announced the appointment of Kendel Bryant to the Park and Recreation Commission as a North Region 3 representative for a three-year term expiring June 30, 2013.

*Note: She is replacing Owen Furuseth.*

#### **Central Region 1**

Beverly Lawston	Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey, and Roberts
Sheryl Smith	

Chairman Roberts announced the reappointment of Beverly Lawston to the Park and Recreation Commission as a Central Region 1 representative for a three-year term expiring June 30, 2013.

#### **South Region 1**

Douglas Burnett	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts
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Chairman Roberts announced the appointment of Douglas Burnett to the Park and Recreation Commission as the South Region 1 representative for a three-year term expiring June 30, 2013.

*Note: He is replacing John Barry.*

**North Region 1**

Tracey Matthew  
Elaine Powell

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

Chairman Roberts announced the appointment of Elaine Powell to the Park and Recreation Commission as the North Region 1 representative for a three-year term expiring June 30, 2013.

*Note: She is replacing Bradley Pearce.*

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

**PUBLIC HEARINGS**

**(4A) STREET NAME CHANGE – A PORTION OF CROSSHAVEN DRIVE TO SARANITA LANE**

Motion was made by Commissioner Bentley, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to hear citizens' comments on the proposed renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

*Note: Due to new construction in the Palisades subdivision, one portion of Crosshaven Drive has been cut off from the other. This poses a problem, since both portions of the road should not have the same name. It is proposed that one portion of the road be renamed to Saranita Lane. Renaming this portion of the road will help eliminate confusion in locating the properties in case of an emergency.*

The following persons appeared to speak in support of the street name change: Brenda and Mike Peters. The Peters said the change was needed so that emergency vehicles won't get confused, as well as, service delivery vehicles. The Peters also referenced a development agreement that was signed agreeing to the name change.

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

The following person spoke in opposition to the street name change: Mary Little. Ms. Little asked the Board to defer renaming the street. Ms. Little said contrary to what the letter from the County said regarding this being necessary because of new construction, Palisades was in bankruptcy. Ms. Little said Palisades had not carried anything through with respect to the development agreement for this area. Ms. Little asked the Board to wait one-year or eighteen months before considering renaming the road. Ms. Little said the matter should be deferred until such time that additional development occurs. Ms. Little said the name Saranita Lane had something to do with the name of a development that was going to be built there, which has now gone away. She said the next developer may want to name it something else.

Motion was made by Commissioner Cogdell, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing to hear citizens' comments on the proposed renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

Commissioners Dunlap and Cooksey asked was this an urgent matter or could it be delayed as requested by Ms. Little.

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Rhonda Buckner, Addressing/Land Records Manager, Mecklenburg County GIS addressed this issue. Ms. Buckner addressed the need for the name change as it related to emergency vehicles being able to locate residents. She also addressed the history of the road.

Motion was made by Commissioner Clarke, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the renaming of a 2,200 foot section of existing Crosshaven Drive to Saranita Lane, beginning at the intersection of Snug Harbor Road.

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

**(4B) NCDOT RURAL OPERATING ASSISTANCE PROGRAM GRANT APPLICATION**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to open a public hearing to receive comments on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2010-2011 funding.

Chairman Roberts read the following statement:

***Voluntary Title VI Public Involvement***

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

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

*The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at [slipscomb@ncdot.gov](mailto:slipscomb@ncdot.gov).*

No one from the public appeared to speak.

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation's Rural Operating Assistance Program funding for fiscal year 2010-2011 and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2010-2011; and recognize, receive and appropriate grant funds when awarded.

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

Commissioner Leake asked about the County's funding match and who would be overseeing the allocation of these funds, both of which were addressed by Chairman Roberts.

Commissioner Cooksey asked for clarification on the amount of funding that would be coming from the state and the certainty of these funds from the state. Director of Social Services Mary

Wilson and staff member Sue Hancharik addressed these matters.

***Commissioner Bentley returned to the dais.***

The vote was then taken on the motion made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to close the public hearing on the Mecklenburg County Department of Social Services submittal of an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2010-2011 and adopt a Certified Statement for the Mecklenburg County Department of Social Services to submit an application for the NC Department of Transportation's Rural Operating Assistance Program for fiscal year 2010-2011; and recognize, receive and appropriate grant funds when awarded.

***Certified Statement recorded in full in Minute Book 45-A, Document # \_\_\_\_.***

***Commissioner Clarke returned to the dais.***

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

**ADVISORY COMMITTEE REPORTS**

**(5A) HIV COUNCIL UPDATE**

The Board received a report from the Mecklenburg County HIV/AIDS Council (MCHAC). It's 2009 Annual Report.

*Note: The Mecklenburg County HIV/AIDS Council is an advisory council created in 2005 by the Board to develop specific strategies and recommendations for a broad-based comprehensive community plan to eliminate HIV/AIDS in Mecklenburg County.*

Susan Garvey, a member of the Council, and Teresa Scheid, Ph.D. UNC-Charlotte gave the report. They were joined at the podium by Faye Marshall with Positive Connections and Deborah Warren with RAIN (Regional AIDS Interfaith Network).

***Commissioner Dunlap returned to the dais.***

The following was covered in the report:

- MCHAC Mission, Background, and Membership
- HIV/AIDS in Mecklenburg County
- HIV Disease Case Rates, 2005-08 Number of cases per 100,000
- The HIV/AIDS Population
- HIV/AIDS and African Americans
- Poverty and Poor Health
- The Impact of HIV/AIDS in Mecklenburg County
- Social and Economic Impacts of HIV/AIDS
- HIV Medications and Wait Lists
- MCHAC Accomplishments
- System Changes
- Services and Supports
- Problems with HIV Prevention and Care
- What Can the BOCC Do
  - Broader public awareness of the burden HIV/AIDS places on the community
  - Greater public awareness will help lessen stigma, and increase support for resources for both prevention efforts (to reduce the incidence of new HIV cases) as well as improving access to care for those living with HIV/AIDS.

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Dr. Scheid suggested the Board, in an effort to increase public awareness, recognize World AIDS Day, December 1<sup>st</sup>, by issuing a proclamation and/or recognizing HIV/AIDS Awareness Day later in the year. Dr. Scheid said the Council would also like to hold a Soul 2 Sole event on the steps of the Government Center. (Soul 2 Sole is an event to raise the community's awareness of HIV with a visual display of shoes, one pair for every newly reported case in the county.) She suggested the event be held on World AIDS Day.

She also suggested a link be placed on the County's website for persons to access information regarding HIV/AIDS.

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

Comments

Commissioner Murrey, chair of the Board's Health & Community Support Committee acknowledged the Committee's receipt of updates from the Council. Commissioner Murrey said the Committee was informed that Mecklenburg County continues to have one new diagnosis every day of someone with HIV. Commissioner Murrey said the good news, however, was that there were some very strong advocates working hard in the community to increase awareness, to try and reduce the stigma, and to try to work in new and innovative ways to address this disease. He thanked the Council for its work.

Commissioner Leake shared a handout with the Board regarding HIV and AIDS in America A Snapshot.

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

Commissioner Leake asked was this an epidemic. *Dr. Scheid said yes, according to the definition of epidemic and the Center for Disease Control.*

Commissioner Leake said the community needed to respond to this issue because it was an epidemic and a serious health issue.

Commissioner Leake said she was concerned about the grant funds received for addressing this issue. She requested the following information: 1) who's accountable for those grant funds, 2) how were the funds being spent, 3) what impact has been made per the receipt of the funds, 4) how successful has Mecklenburg County been in addressing this issue, 5) how were the Ryan White funds being spent Part A and Part D, 6) how is information being disseminated to school aged children and to the community at large, 7) who were the employees involved in administering the grant funds, and 8) who's received funding from the County via Ryan White.

Chairman Roberts told Dr. Scheid and others on the Council to count the County in with respect to holding a Soul 2 Sole event on December 1, 2010.

Commissioner Cogdell asked Dr. Scheid to elaborate more on the economic impact of HIV/AIDS and on how that number was calculated, which she did.

Commissioner Cooksey said the Board needed to understand how grant funds for HIV/AIDS were being spent to make sure they're being spent in the best way possible. He requested a report from Health Director Wynn Mabry or who ever would be the appropriate person, regarding what grant dollars were coming through the County, how they're being spent and were they being spent in the most appropriate way.

Chairman Roberts asked that an update be received at a future meeting regarding the Ryan White grant.

Faye Marshall encouraged the Board to take this issue seriously and to assist the Council and other advocate groups, to increase the public's awareness. She also addressed the need for services. Ms. Marshall said "our community is failing people that are living with HIV/AIDS." She said there should not be any individuals who can't get the medical care that they need when there were County dollars available for indigent care; as well as, persons who can't get case management services. Ms. Marshall said there needed to be a community-wide strategic plan to combat this issue. She encouraged the Board to assist in this effort.

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

## MANAGER'S REPORT

### (6B) ALCOHOLIC BEVERAGE CONTROL BOARD LEGISLATIVE CHANGES

The Board received a report from Alcoholic Beverage Control Board Chair Cleveland Edwards and Chief Executive Officer Paul Stroup regarding recent legislative changes applicable to Alcoholic Beverage Control Boards and actions the Board needed to take in response to those changes.

The report addressed:

- Accountability/Enforcement Reports
- ABC Board Financial Operations
- Compensation of General Manager
- Alcoholic Beverage Control Board Travel Policy
- Alcoholic Beverage Control Board Bonding Requirements
- Alcoholic Beverage Control Board Compensation

It was stated that action was needed by the Board of County Commissioners (the appointing authority) as it related to the Alcoholic Beverage Control Board's travel policy, bonding requirements and compensation, effective October 1, 2010. Below is a summary of each.

#### **ABC Board Travel Policy" Action Required**

Pursuant to 18B-700(g2) the appointing authority must annually approve the travel policy for the ABC Board.

The ABC Board's travel policy was revised in February, 2010. The ABC Board's policy is similar to the travel policy of Mecklenburg County government - for example: Requiring travelers to use available discounts/conference rates; limiting air travel to coach rates only; excluding reimbursement for personal phone calls; and requiring submission of receipts and expense reports for all travel expenses.

In addition, the Board's travel policy requires advance approval for travel in excess of \$1000, the same as the County's policy. Previously, the advance approval for such travel would have been given to the C.E.O. by the Board; however, consistent with the newly enacted language amending 18B-700, the ABC Board will now seek approval for travel in excess of \$1000 from the County's Finance Director.

The ABC Board is required to obtain formal approval of its travel policy from the Board of County Commissioners. Upon securing this approval from the BOCC, both the travel policy and the BOCC's approval will be forwarded to the NC ABC Commission, as required.

The ABC Board requests that the BOCC approve its travel policy as presented. (*Effective October 1, 2010.*)

#### **ABC Board Bonding Requirements" Action Required**

The statutes require that board members and employees be bonded. As part of the recently passed legislation, a new requirement was added that "the bond shall be payable to the local board and shall be approved by the appointing authority for the local board.

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The ABC Board already has in place a blanket employee dishonesty bond in the amount of \$65,000. Both board members and employees are covered.

The appointing authority must approve this bond. (*Effective October 1, 2010.*)

**ABC Board Compensation” Action Required**

Pursuant to 18B-700(g), each board member shall receive compensation not to exceed \$150 *per board meeting* (emphasis added) unless a different level is approved by the appointing authority.

The Board of County Commissioners approved monthly compensation amounts of \$500 for Board members/\$600 for Chairman, effective May 21, 1999.

Pursuant to 18B-700(g), each board member shall receive compensation not to exceed \$150 *per board meeting* (emphasis added) unless a different level is approved by the appointing authority.

Workload for Mecklenburg ABC Board members is not limited to board meetings. Board members are often involved in committee meetings and other oversight throughout the course of the month. For this reason, members of the Mecklenburg ABC Board have historically been paid compensation on a monthly basis. Because in other communities ABC board members sometimes collected compensation without even meeting, the General Assembly crafted legislation requiring compensation on a per meeting basis.

The statute also requires that the appointing authority approve compensation greater than \$150 per meeting. By adopting the recommended compensation plan, Mecklenburg ABC members will continue to receive the same compensation that they have received since 1999 as long as they continue to meet on a monthly basis.

The ABC Board requests that the BOCC approve a continuation of the existing compensation structure which provides board members with \$500 per month and the board chair with \$600 per month. (*Effective October 1, 2010.*)

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

Comments

Commissioner Leake asked Alcoholic Beverage Control Board CEO Stroupe what was his salary. *The response was \$150,000.*

Commissioner Leake asked Mr. Stroupe if he received a bonus, along with his annual salary. *The response was no.*

Commissioner Leake said she would like a copy of the Alcoholic Beverage Control Board’s budget and information on things they’ve done to help the community.

Commissioner Cooksey asked for clarification regarding Alcoholic Beverage Control Board compensation and the difference between what was presented and the current compensation set by the Board in 1999. *County Attorney Bethune explained the difference, which had to do with compensation per meeting versus per month.*

Commissioner Clarke asked was it necessary for the Alcoholic Beverage Control Board to meet every month. *Mr. Edwards said yes and addressed why.*

Commissioner Clarke with respect to making appointments to the Alcoholic Beverage Control Board (ABC Board) asked Mr. Edwards if he thought it would be helpful if the ABC Board reviewed the applications of applicants and offer a recommendation to the Board. *Mr. Edwards said, personally, he would not want to get involved in the individual selection. He said the ABC Board should, however, communicate to the Board with respect to the needs and talents in order to “round out” the ABC Board. Thus, he would be comfortable in offering a recommendation with respect to the type of talent needed rather than recommending a specific individual.*

Commissioner Clarke said he appreciated Mr. Edwards' response. He encouraged Mr. Edwards to have that discussion with fellow ABC Board members because their input would be helpful to the Board in the selection process.

This concluded the discussion.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Murrey and Roberts voting yes and Commissioner Leake voting no, to approve, as outlined in the report, the Mecklenburg County Alcoholic Beverage Control Board's (ABC Board): 1) Travel Policy, 2) the bond secured by the ABC Board, and 3) to set compensation for Mecklenburg ABC Board members at \$500 per meeting, not to exceed \$500 per month. Set compensation for the Board Chair at \$600 per meeting, not to exceed \$600 per month.

~~The Board thanked program participants and staff.~~

#### **(6D) THE OPPORTUNITY PROJECT (TOPS)**

The Board recognized employers and participants of "The Opportunity Project." They were introduced by Director of Social Services Mary Wilson.

*Note: As a part of the American Recovery and Reinvestment Act, the Mecklenburg County Department of Social Services received \$6,298,042 in TANF funds to employ 500 low-income people from February through September 30, 2010. Referred to locally as "The Opportunity Project," the initiative has employed 415 citizens as of August 20, 2010.*

Director Wilson said the County was half way through the money but that the program was scheduled to end September 30, 2010. Director Wilson said staff was hopeful that Governor Perdue and the Mecklenburg Delegation will approve extending the program through the end of December. Director Wilson said there was enough money already allocated to the County that it would be able to keep 470 people employed through the end of the year.

The Board thanked program participants and staff.

#### **(6A) LEGISLATIVE GOALS FOR NCACC**

Assistant to the County Manager Brian Francis presented the proposed legislative goals to be submitted to the NCACC. The goals were:

North Carolina Association of County Commissioners  
2011 Legislative Goals  
Staff recommendation

1. Allow counties to post public notices on a county web site rather than compel the purchase of advertising in local newspapers.
2. Amend G.S. 132-8.2 to allow code enforcement departments to maintain records in digital format rather than paper or microfilm.
3. Restore State-Aid to counties for the Department of Social Services.
4. Allow lottery funding allocations to revert the statutorily prescribed method.

Comments

Commissioner Clarke questioned the support of the NCACC for Goal 4 - Allow lottery funding allocations to revert the statutorily prescribed method. *Assistant Francis said he felt there would be unanimous support that the language revert that dictated how much be distributed to the counties. Assistant Francis said he suspects 49 counties would support Mecklenburg County to have the distribution formula revert and 50 other counties would be opposed.*

Commissioner James asked for clarification about Goal 3 - Restore State-Aid to counties for the Department of Social Services and if this included funding for The Opportunity Project (TOPS). *Assistant Francis said it did not. He said these were funds that have historically been paid to counties to administer social services.*

Commissioner James asked about the status of a request to seek legislation to prohibit the displaying of personal information of law enforcement personnel on the POLARIS website, Name Suppression of POLARIS (Property Ownership Land Records Information System) Online Property Records.

Chairman Roberts said the Board decided not to pursue that for various reasons, which was addressed at a previous meeting.

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

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 approve the following legislative goals to be submitted to the North Carolina Association of County Commissioners (NCACC).

North Carolina Association of County Commissioners  
2011 Legislative Goals

1. Allow counties to post public notices on a county web site rather than compel the purchase of advertising in local newspapers.
2. Amend G.S. 132-8.2 to allow code enforcement departments to maintain records in digital format rather than paper or microfilm.
3. Restore State-Aid to counties for the Department of Social Services.
4. Allow lottery funding allocations to revert the statutorily prescribed method.

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

**(6C) STATE BUDGET REPORT**

Budget/Management Director Hyong Yi gave a report and an analysis on state budget impacts to Mecklenburg County.

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

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

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

Comments

Commissioner Clarke asked about the reduction in lottery funds which was addressed.

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Commissioner Dunlap asked about the status of funding for Charlotte-Mecklenburg Schools (CMS). *Director Yi said as of to date, there was no need to go back to CMS and ask them for funds.*

Commissioner James asked about the list of Area Mental Health items that had impacts to service that do not have a known budget impact at this time. He asked why would the County transfer state funds and keep the programs, if there's some unknown factors about what's going to happen with Area Mental Health. He said the State may inform the County that's it's going to lose another million dollars because of other changes. Commissioner James asked why did staff move it all from County dollars to state dollars. Why wasn't some of it put in reserve to cover some of the other factors. *Director Yi said originally these services were state services and the State moved it off of their ledger. He said the County backed filled them because it was felt these were still important services. He said a dollar for dollar couldn't be provided but the County Manager provided what he could. Director Yi said now that the State was restoring the funding, the County funding for that particular service was no longer required.*

Director Yi addressed the items that do not have a known impact at this time.

Commissioner James asked about cuts to In-home Aid, which was addressed. *Director Yi said he would check on that matter and report back.*

Commissioner James asked how much was being used from fund balance in light of the State budget impacts. *Director Yi said fund balance was not being used. Director Yi said the County was using reallocated funds from Area Mental Health, for about \$4.5 million of it, and the balance was being made up, about \$750,000 of it, from the \$2 million state contingency fund that the County Manager recommended the Board set up as part of the this year's budget.*

Director Yi said the County was able to balance the budget and not touch any department or impact any service level from County funds. He said the County still had \$1.25 million remaining, should something else come "down the road" from the State.

This concluded the discussion. No action was taken or required.

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

### **(32) CRIMINAL JUSTICE ACTIVITIES UPDATE**

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Murrey, and Roberts voting yes, to defer receiving an update on the County's Criminal Justice Activities until the September 21, 2010 meeting.

*Note: Commissioner Clarke, Chairman of the Board's Criminal Justice Committee, suggested this matter be deferred, in light of the lateness of the hour and where the Board was in addressing items on the agenda. He said this would be a very detailed report and deserved the Board's full attention.*

**Chairman Roberts turned the gavel over to Vice-Chairman Cogdell.**

### **CONSENT ITEMS**

**Motion was made by Commissioner Murrey, seconded by Commissioner James and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, and Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 10, 12, 13, 14, 15, 17,**

22, and 25 to be voted on separately:

**(7) APPROVAL OF MINUTES**

Approve minutes of Regular meeting held August 3, 2010; Budget/Public Policy meetings held May 11, 2010, February 9, 2010, January 12, 2010; Special Meeting held April 27, 2010; and Closed Sessions held August 3, 2010, April 6, 2010, and February 16, 2010.

**(8) TAX REFUNDS**

Approve refunds in the amount of \$50,104.20 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.*

**(9) AUCTION FOR DISPOSAL OF SURPLUS EQUIPMENT**

1) Approve the list of personal property, (Exhibit A), as surplus, and

2) Adopt a resolution authorizing sale of surplus personal property by public auction at 10:00 am on Saturday, September 25, 2010 at 3301 Rotary Drive, Charlotte, NC.

*A list of the personal property, (Exhibit A), is on file with the Clerk to the Board.*

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

**(11) DESTRUCTION OF DOCUMENTS (TAX ASSESSOR'S OFFICE)**

Approve the disposal/destruction of tax assessment documents in accordance with North Carolina Records Retention and Disposition Schedule.

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

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

Amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate additional federal revenue resulting from Cost Allocation reimbursements for the DSS retiree medical insurance in the amount of \$297,820.

**(18) BUDGET AMENDMENT – AREA MENTAL HEALTH (REVENUE INCREASE)**

(A) Approve, recognize, receive and appropriate Federal funds in the amount of \$207,864 for the purpose of the Center for Prevention Resources (CPR) for the Western Region.

(B) Approve, recognize, receive and appropriate State service funds per annual state allocation letter in the amount of \$4,537,170.

(C) Reduce Federal funding in the amount of \$404,414 per annual state allocation letter.

(D) Approve, recognize, receive and appropriate State funds per annual state allocation letter in the amount of \$25,339 for Local Management Entity Systems Management (LME) funds.

**(19) BUDGET AMENDMENT – LUESA (REVENUE DECREASE)**

1. Approve the reduction of NC Clean Water Management Trust Fund Grant for two stream restoration grants along Little Sugar Creek (LSC):

- (a) CWMTF Grant No. 2006A-404 LSC 7<sup>th</sup> Street to 3rd Street Stream Restoration Project: Reduce the original grant amount by \$110,000 to \$890,000 and our required match amount by \$33,000 to \$267,000.
- (b) CWMTF Grant No. 2007-404 LSC 3rd Street to Charlottetowne Avenue Stream Restoration Project: Reduce the original grant amount by \$150,000 to \$465,000 and our required match amount by \$158,000 to \$504,000.

2. Authorize the County Manager to amend contracts between the NC Clean Water Management Trust Fund and Mecklenburg County.

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

**(20) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate funds in the amount of \$10,412 for Real Estate Services, \$8,724 for Park and Recreation, \$4,608 for Sheriff and \$3,624 for Land Use and Environmental Services.

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

**(21) HAZARD MITIGATION PROGRAM – FLOODPLAIN ACQUISITION**

1. Accept the “Offer of Sale of Land” from Jeffrey Perry of 1800 Shannonhouse Drive (Parcel ID: 099-08-424) for \$92,000.

2. Authorize the Charlotte-Mecklenburg Police and Fire Departments to utilize the structure for training exercises.

**(23) FIRE DISTRICT RESOLUTION / MAP**

Approve Mint Hill Fire District Map and Resolution.

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

**(24) CONSERVATION EASEMENT**

Authorize the County Manager to execute a Permanent Conservation Easement to the State of North Carolina on approximately 57 acres in connection with the restoration of a portion of the upper tributary to Clarke Creek on Tax Parcel 027-161-03.

**(26) CMS LAND EXCHANGE – FRED BROWN ROAD ELEMENTARY SCHOOL SITE IN HUNTERSVILLE**

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Decline the County's statutory right of first refusal on a portion of CMS owned Tax Parcel #019-261-27 in Huntersville to be conveyed to SMB Auburn, LLC by Charlotte-Mecklenburg Schools.

**(27) CHARLOTTE-MECKLENBURG SCHOOLS LEASE**

Authorize Charlotte-Mecklenburg Board of Education to negotiate and execute a lease with Bissell Dabbs Biggers, LLC for office space.

**(28) USDJ 2010 JUSTICE ASSISTANCE GRANT—SHERIFF'S OFFICE**

Recognize, receive and appropriate funds from the U. S. Department of Justice for a Justice Assistance Grant in the amount of \$232,310; and recognize, receive, and appropriate interest income earned on this grant during the term of this grant, in accordance with grant requirements.

**(29) FIRST AMENDMENT TO AGREEMENT OF SALE FOR COUNTY PROPERTY**

Adopt a resolution authorizing the County Manager to execute the First Amendment to the Agreement of Sale for three (3) parcels of land (+/- 11.33 acres) to be subdivided from Tax Parcels 125-071-20 and 125-071-25 and to be sold to Brooklyn Village LLC.

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

**(33) MEDIC FACILITY LEASE AMENDMENT**

Authorize County Manager to execute Second Amendment to Lease Agreement between Mecklenburg EMS Agency (Medic) and The Realty Associates Fund IX, L.P., for Medic headquarters at Crosspoint Center in Charlotte, NC consenting to the amended Lease Agreement.

*Note: Pursuant to the County's creation of the Mecklenburg EMS Agency, Mecklenburg County, The Charlotte Mecklenburg Hospital Authority (CMHA), Presbyterian Health Services Corporation (PHSC), Medic and Crescent Resources entered into a Tri-Party Agreement in November 1997 to support Medic's Lease from Crescent Resources of operational, dispatch, and office space for Medic. That Tri-Party Agreement provides that if the County takes over the responsibility for providing emergency medical services, the County would become the tenant under that Lease and therefore responsible for making lease payments. It also provides that the County is not bound by any amendments to the Lease unless it consents to the modifications. In November 2009, the BOCC approved the Amended and Restated Agreements which, among other things, formalized access to Medic's Unreserved Fund Balance and released the Hospitals from guaranteeing Medic's financial obligations, the County instead assuming that responsibility as guarantor. As a result of the Amended and Restated Agreement, the landlord (the successor in title to Crescent Resources) has agreed to execute a Second Amendment to Lease Agreement. One provision in the amended lease extends the base lease of Medic's current facilities, but also provides the opportunity for Medic to increase its operational space by 34,600 sq. ft. through 2015 with a five (5) year extension option. The successor landlord in interest, The Realty Associates Fund IX, L.P., has also agreed to allow necessary renovations to the facilities to accommodate the increased space and operational demands. To take advantage of the extended lease with the renovation option it is necessary to execute an amended lease agreement with the current landlord. The County is being required by the Landlord to sign the Second Amendment to Lease to consent to the amendment and thereby affirm its obligation to take over as tenant in the event that the County takes over the*

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responsibility of providing emergency medical services during the term of the amended lease agreement.

**Amended Lease Agreement recorded in full in Minute Book 45-A, Document # \_\_\_\_\_.**

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

***Chairman Roberts left the meeting and was absent for the remainder of the meeting.***

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

**(10) THOMPSON CHILD & FAMILY FOCUS BONDS**

Commissioner Harold Cogdell, Jr. introduced the following resolution, the title of which appeared on the agenda of this meeting:

APPROVAL IN PRINCIPLE OF SPECIAL PURPOSE PROJECT BONDS IN  
THE PRINCIPAL AMOUNT OF UP TO \$11,560,000 FOR THE BENEFIT  
OF THOMPSON CHILD & FAMILY FOCUS

**WHEREAS**, Thompson Child & Family Focus, a North Carolina nonprofit corporation (the "Borrower") has requested The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the "Authority") to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act (the "Act") of a capital project through the issuance of the Authority's special purpose project bonds; and

**WHEREAS**, the Borrower proposes that the proceeds of the bonds be used to (a) finance the construction and equipping of (i) an approximately 23,000 square foot child development facility located on an approximately 4.02 acre tract of land at 1645 Clanton Road, Charlotte, North Carolina and (ii) an approximately 16,000 square foot residential treatment facility located on the Borrower's campus (which consists of approximately 40 acres) located at 6800 St. Peter's Lane, Matthews, North Carolina (collectively, the "Project"); (b) refund all of the outstanding principal amount of the North Carolina Capital Facilities Finance Agency's \$3,550,000 Variable Rate Educational Facilities Revenue Bonds (Thompson Children's Home), Series 2000 (the "2000 Bonds"), the proceeds of which were used to finance the cost of (i) the construction and equipping of an approximately 21,464 square foot administration building and (ii) the renovation and equipping of four residential cottages, consisting of a total of approximately 26,624 square feet, located on the Borrower's campus at 6800 St. Peter's Lane, Matthews, North Carolina; and (c) pay certain costs of issuance of the Bonds; and

**WHEREAS**, the Project constitutes a "special purpose project" under the Act; and

**WHEREAS**, on August 26, 2010, the Authority held a public hearing with respect to the issuance of its Special Purpose Project Revenue Bonds (Thompson Child & Family Focus Project), Series 2010 (the "Bonds") in the principal amount of up to \$11,560,000 to finance the Project and refund the 2000 Bonds, as evidenced by a certificate and summary of public hearing attached to this resolution as Exhibit A; and

**WHEREAS**, the Authority on August 26, 2010, approved the issuance of the Bonds which will be sold in a private placement directly to Branch Banking and Trust Company (the "Bank"); and

**WHEREAS**, the Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including Mecklenburg County (the "County"), or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the County, but are payable solely from the revenues and other funds provided for in a loan agreement between the Authority and the Borrower, including draws on the Letter of Credit; and

**WHEREAS**, under Sections 159C-4 and 159C-8 of the Act, and Section 147 of the Internal

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Revenue Code of 1986, as amended (the "Code"), the issuance of Bonds under the Act must be approved in principle by the governing body of the county in which a special purpose project to be financed under the Act is located; now, therefore, be it

**RESOLVED** by the Board of Commissioners of Mecklenburg County, meeting in regular session in Charlotte, North Carolina, on September 8, 2010, that:

1. The issuance by the Authority of its Special Purpose Project Revenue Bonds (Thompson Child & Family Focus Project), Series 2010 (the "Bonds") in the principal amount of up to \$11,560,000 to finance the Project is hereby approved in principle.
2. The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.
3. The issuance of the Bonds in the principal amount of \$11,560,000 to refund existing bonds and to finance a special purpose project for Thompson Child & Family Focus is hereby approved for purposes of Section 159C-4 of the Act.
4. THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY AGENCY THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION OR ANY SUCH AGENCY, INCLUDING THE COUNTY.

Commissioner Dumont Clarke moved the passage of the foregoing resolution and Commissioner Bill James seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners Dumont Clarke, Harold Cogdell, Jr., George Dunlap, Bill James, and Vilma Leake

Nays: None

*Note: Commissioner Leake removed this item from Consent for more clarity. Attorney Bethune addressed this matter.*

***Extract/Resolution recorded in full in Minute Book 45-A, Document # \_\_\_\_\_.***

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

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

**(12) DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION FY2011 FUNDING**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to recognize and approve the allocation of the Department of Juvenile Justice and Delinquency Prevention (DJJDP) funds of \$1,415,682 for fiscal year 2011 as recommended by the Mecklenburg County Juvenile Crime Prevention Council (JCPC).

*Note: Commissioner Leake removed this item from Consent for more clarity. She asked were the agencies receiving the funding monitored. County Manager Jones said he would get that information and report back.*

**(13) BUDGET AMENDMENT – SHERIFF’S OFFICE (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to recognize and appropriate for the Sheriff’s Special Revenue Fund, \$116,114 from Inmate Commissary.

*Note: All funds collected through jail commissary operations to be used for inmate education, inmate library and self-sufficiency programs, as well as supplies and equipment to support programs.*

*Note: Commissioner Leake removed this item from Consent for more clarity.*

**(14) BUDGET AMENDMENT – DSS – LOW INCOME ENERGY ASSISTANT PROGRAM (REVENUE INCREASE)**

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate \$248,130 of additional Federal revenue for the administration of the Crisis Intervention Program (Low Income Energy Assistance Program (LIEAP)/Crisis Intervention Program (CIP).

*Note: Commissioner Leake removed this item for more public awareness.*

**(15) BUDGET AMENDMENT – DSS - FAMILY VIOLENCE PREVENTION (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) FY11 budget to recognize, receive and appropriate Family Violence Prevention Act Funds in the amount of \$18,677.

*Note: Commissioner Leake removed this item for more public awareness.*

**(17) BUDGET AMENDMENT – AREA MENTAL HEALTH – MECKCARES (REVENUE INCREASE)**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to

- (A) Approve receipt of donated school supplies, goods, and other non-monetary items for Area Mental Health MeckCARES to be distributed to program participants.

*Note: A) MeckCARES is a grant-funded initiative that is building a system of care partnership among local child-serving agencies, families and the community. The purpose is to improve outcomes for youth ages 10-21 who have severe emotional challenges, and their families.*

- (B) Approve, recognize, receive and appropriate cash donations in the amount of \$1,150 to the MeckCARES program.

*Note: B) To support youth and families in Mecklenburg County, MeckCARES has partnered with Starlight Skating Rink to encourage the community to participate in the 4th Annual MeckCARES Family FUN Day. This event allows families to enjoy a day of fun and recreation while learning about valuable children's mental health resources—while providing back-to-school supplies and support for area families with items that help position a young person for academic success.*

*Note: Commissioner Leake removed this item for more public awareness. She also asked were there other agencies or programs that could be a part of this. County Manager Jones said he would follow-up with staff and report back.*

**(22) CAPITAL RESERVE REQUEST – PARK AND RECREATION**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to authorize and appropriate a capital expenditure of \$75,000 from the Consolidated Aquatic Capital Reserve Account to fund the following: 1) Paint locker rooms at Mecklenburg County Aquatic Center (MCAC) - \$12,338. 2) Remove floor islands and repair flooring in locker rooms at MCAC – \$22,700. 3) Relocate suit dryer in both locker rooms at MCAC - \$500. 4) Replace sink tops and install skirting, new plumbing and new mirrors in the locker rooms at MCAC - \$32,962. 5) Install security cameras at Marion Diehl Pool - \$6,500.

*Note: Commissioner Leake removed this item from Consent for clarity. She asked if funds could be made available to help maintain some of the programs that were cut because of budget constraints. County Manager Jones explained that these funds were slated for a specific purpose.*

**(25) LEASE AGREEMENT**

Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 5-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting yes, to 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.

*Note: Commissioner Leake removed this item from Consent for clarity. Attorney Bethune addressed this matter.*

**STAFF REPORTS AND REQUESTS**

**(30) ADMINISTRATIVE WAIVER – ROOM OCCUPANCY AND PREPARED FOOD & BEVERAGE TAXES**

Finance Director Dena Diorio and Tax Collector Neal Dixon addressed the County's current Room Occupancy and Prepared Food & Beverage Tax Ordinances.

*Note: The Board of County Commissioners requested that a study be completed and a recommendation made to answer two questions regarding the administration of the Room Occupancy and Prepared Food & Beverage taxes.*

*The Board of County Commissioners (Board) asked the Finance Director and Tax Collector to answer two questions regarding the administrative waiver process:*

- 1. When the ownership of a business transfers to a new owner, do the administrative waivers reset for that business?*
- 2. Is it possible to create an administrative grace period by resetting the administrative waivers to zero for a business, even when there is no change in ownership, after a specified period of time following the third administrative waiver without delinquency?*

***Commissioner Leake left the dais and was away for the remainder of the meeting.***

Tax Collector Dixon said the answer to the first question was that a buyer of a business was liable for the taxes of the former owner.

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The answer to the second question was that our current ordinances do not permit the three administrative waivers to be reset after a specified grace period; however, the Board may change the ordinances to establish a grace period that resets the waiver count after a specific period of time if it chooses to do so. Other than the statutes that affect liability following an ownership transfer, there are no prohibitive statutes that prevent the modification of the RO/PF&B ordinances to allow for this to be changed.

Tax Collector Dixon said staff was asking the Board to reaffirm the current Room Occupancy and Prepared Food & Beverage Tax Ordinances to maintain current administrative waivers for these taxes.

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

Comments

Commissioner Dunlap asked was there any way that the Board could establish some type of regulation or maybe place it on the County's legislative agenda to make sure current owners notify potentially new owners of any tax liens. *Attorney Bethune said the Board could ask the General Assembly to adopt a new law, but what Commissioner Dunlap was referring to was a normal due diligence that any business owner should be doing when they buy a business.*

Commissioner Dunlap said what he was trying to do was to make it such that the obligation was on the owner of the business prior to the sale, so the Board doesn't have to "deal with the problem."

Attorney Bethune said he didn't know if that would keep the Board from having to deal with the problem because the owner may or may not disclose that information. He said the Board could ask the General Assembly to adopt a law requiring business owners to disclose that information but if they don't, "they're long gone" and the new buyer still has the same problem.

Vice-Chairman Cogdell asked could this matter be discussed further when the Board addressed its State Legislative agenda. *The response was yes.*

Commissioner Clarke asked if someone forms a new entity and buys the assets, would they be liable for the taxes that the former owner owed. *The response was yes.*

**Since a quorum was not present, no action could be taken.**

Vice-Chairman Cogdell thanked staff for the presentation.

### **(31) BUY AMERICAN POLICY**

General Manager John McGillicuddy addressed the County's current Buy American Policy.

*Note: On January 6, 2009, the Board asked the County Manager to research and provide recommendations regarding potential changes to the Board's Buy American Policy, as well as additional work staff would undertake in record keeping and reporting that would be associated with the revised policy. Specifically, the County Manager was asked to consider if and how the following could be accomplished:*

- 1. Expanding the existing policy to include allowable contracted services such as IT maintenance or phone assistance (e.g., technical support)*
- 2. Include in the policy the definition of an American product as one that has at least 50% of its materials or labor costs from American sources*

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- 3. Include in the policy a requirement that records be maintained that document purchase decisions when non-US-made products are selected over American-made products*

General Manager McGillicuddy said staff was asking the Board to reaffirm the current policy and practice of giving preference in purchasing American-made supplies except when such preference would cost more than the lowest responsible bidder or when the quality of the supplies does not meet desired specifications.

**Since a quorum was not present, no action could be taken.**

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

Vice-Chairman Cogdell thanked General Manager McGillicuddy for the presentation.

**COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE**

**COMMISSION COMMENTS – NONE**

**ADJOURNMENT**

Motion was made by Commissioner Dunlap, seconded by Commissioner Clarke and carried 4-0 with Commissioners Clarke, Cogdell, Dunlap, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 11:05 p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman

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Harold Cogdell, Jr., Vice-Chairman