

OCTOBER 5, 2010

**MINUTES OF MECKLENBURG BOARD OF COUNTY COMMISSIONERS  
MECKLENBURG COUNTY  
NORTH CAROLINA**

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, October 5, 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-**

*Chairman Roberts and Commissioners Bentley and James were absent when the meeting was called to order and until noted in the minutes.*

*The meeting was called to order by Vice-Chairman Cogdell, 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 there would not be a need to go into Closed Session to Consult with Attorney or to discuss Business Location and Expansion.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Clarke, Cogdell, Cooksey, Dunlap, Leake, and Murrey voting yes, to go into Closed Session for the following purpose: C) Personnel Matter.

*The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:03 p.m.*

*Chairman Roberts and Commissioners Bentley and James were present when the Board came back into Open Session. They entered the meeting during Closed Session.*

**(3) REMOVAL OF ITEMS FROM CONSENT**

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 11, 12, 13, and 17.

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

**-FORMAL SESSION-**

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

**CITIZEN PARTICIPATION**

**PROCLAMATIONS AND AWARDS**

**(1A1) NATIONAL ARTS AND HUMANITIES MONTH**

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a joint proclamation designating October 2010 as National Arts and Humanities Month in Charlotte/Mecklenburg County.

*The proclamation was read by Commissioner Murrey and received by Scott Provancher, president of the Arts and Science Council.*

*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:

Blanche Penn with Winners Plus Agency addressed an upcoming workshop entitled Let's Walk the Talk, Families and Schools Working Together, Understanding the School System. The forum will take place on October 18, 2010, 6:30 p.m. – 8:00 p.m. and October 23, 2010, 11:00 a.m. - 2:00 p.m. at the Sugar Creek Recreation Center. Ms. Penn said October was Parent Involvement Month and that it was acknowledged by Governor Perdue in the form of a proclamation.

Jack Stratton addressed juvenile cases and associated documents used by the courts. Mr. Stratton referenced 7B-506 which he said reads, "no juvenile shall be held without a hearing to determine the need for continued non-secured custody." Further, "at a hearing to determine the need for continued non-secured custody, the court shall receive testimony and all the burden shall be on the Department of Social Services to prove it." Mr. Stratton said seven day hearings were not held in Mecklenburg County, despite the seven day hearing document that has his name on it. Mr. Stratton said the document that exists that says he consented to his children being held in custody was "fake." He said his children have been held for ten years. Mr. Stratton said he never consented and he never had a hearing. Mr. Stratton said it was a "conspiracy." Mr. Stratton showed the Board what he said was a cassette recording of the court hearing "proving" that all of the people he named "lied." He said the court order he had was "fake."

James Brock Kitchen addressed the property tax exemption program for disabled veterans. Mr. Kitchen said he qualified for the exemption, even though he was told by the Tax Office that he did not. Mr. Kitchen, who has since been granted the disability exemption, wants to be exempt for years, prior to being determined eligible. Mr. Kitchen provided a handout to the Board regarding his concern.

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

**(3) APPOINTMENTS**

**CITIZEN'S TRANSIT ADVISORY GROUP**

The vote was taken on the following nominees for appointment to the Citizen's Transit Advisory Group:

Sheila Etheridge	None
Thomas Gilliam	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts <i>Voting Ceased</i>
Robert Watson	

Chairman Roberts announced the appointment of Thomas Gilliam to the Citizen's Transit Advisory Group to fill an unexpired term expiring June 30, 2011.

*Note: He is replacing Robert Zuckerman.*

**HISTORIC LANDMARKS COMMISSION**

The vote was taken on the following nominees for appointment to the Historic Landmarks Commission:

Sonya Young	None
John Shurley (A)	Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts <i>Voting Ceased</i>
Clara Alina Bartlett (A)	
Robert Cameron	
Zachary Deason	
Stephen Fairley	
Lisa Johnson	
Raymond McGill (A)	
Michael Mulder	
John Kenneth Pursley (A)	
Michael Schubert	

Chairman Roberts announced the appointment of John Shurley to the Historic Landmarks Commission to fill an unexpired term expiring July 31, 2011.

*Note: He is replacing Richard Mattson.*

**MOUNTAIN ISLAND LAKE MARINE COMMISSION**

The vote was taken on the following nominees for appointment to the Mountain Island Lake Marine Commission:

Trip Wheeler	None
Cathy Roche	Commissioners Bentley, Clarke, Cogdell, Cooksey, James, Murrey, and Roberts <i>Voting Ceased</i>
Bryan Abernathy	
Rhiannon Bowman	

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Thomas Brasse  
Benjamin Bringardner  
Robert Keith

Chairman Roberts announced the appointment of Cathy Roche to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2013

*Note: She is replacing Tim Bishop.*

**(4) PUBLIC HEARINGS – NONE**

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

**MANAGER'S REPORT**

**(6A1) LIBRARY FUNDING**

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution directing the County Manager to execute an interlocal agreement with the Town of Cornelius related to its interlocal agreement with the Public Library of Charlotte and Mecklenburg County.

**RESOLUTION AUTHORIZING EXECUTION OF AN  
INTERLOCAL AGREEMENT WITH THE TOWN OF CORNELIUS**

**WHEREAS**, Mecklenburg County (County) and the Town of Cornelius (Town) desire to enter into an interlocal agreement related to a separate interlocal agreement between the Town and the Public Library of Charlotte and Mecklenburg County ("PLCMC"); and

**WHEREAS**, more particularly, the Town will contribute \$175,000 in cash to PLCMC or to the County for the benefit of the PLCMC in quarterly payments during the period of July 1, 2010 – June 30, 2011; and

**WHEREAS**, the existing Lease Agreement between the County and Town for the Westmoreland Athletic Complex Property shall be converted to deed ownership by the Town with certain reverter and use restrictions; and

**WHEREAS**, the Town shall receive a recorded option to purchase the Cornelius branch library building and associated land at then appraised fair market value should it cease to be used as a library branch for any reason; and

**WHEREAS**, N.C. Gen. Stat. § 160A-461 requires that interlocal agreements between units of local government be ratified by resolution of the governing board of each unit and spread upon its minutes;

**Now, therefore, be it RESOLVED** by the Mecklenburg County Board of Commissioners that the attached Agreement is hereby approved and the County Manager, with the advice of legal counsel, is hereby authorized to (a) execute and deliver this Agreement in substantially the form presented and (b) execute and deliver such other documents, certificates, undertakings, agreements and other instruments as he may deem necessary or appropriate to effectuate the same; and (iii) that this resolution shall be spread upon the minutes.

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

Motion was made by Commissioner Cogdell, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a resolution directing the County Manager to execute an interlocal agreement with the Town of Mint Hill related to its interlocal agreement

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with the Public Library of Charlotte and Mecklenburg County.

**RESOLUTION AUTHORIZING EXECUTION OF AN  
INTERLOCAL AGREEMENT WITH THE TOWN OF MINT HILL**

**WHEREAS**, Mecklenburg County (County) and the Town of Mint Hill (Town) desire to enter into an interlocal agreement related to a separate interlocal agreement between the Town and the Public Library of Charlotte and Mecklenburg County ("PLCMC"); and

**WHEREAS**, more particularly, the Town will contribute \$175,000 in cash to PLCMC or to the County for the benefit of the PLCMC in quarterly payments during the period of July 1, 2010 – June 30, 2011; and

**WHEREAS**, the Town will receive either (i) reimbursement from the County in the amount of \$175,000 or (ii) at the election of the Town, services or land from the County that may otherwise be paid for by the Town valued at \$175,000, on or before July 1, 2018; and

**WHEREAS**, N.C. Gen. Stat. § 160A-461 requires that interlocal agreements between units of local government be ratified by resolution of the governing board of each unit and spread upon its minutes;

**Now, therefore, be it RESOLVED** by the Mecklenburg County Board of Commissioners that the attached Agreement is hereby approved and the County Manager, with the advice of legal counsel, is hereby authorized to (a) execute and deliver this Agreement in substantially the form presented and (b) execute and deliver such other documents, certificates, undertakings, agreements and other instruments as he may deem necessary or appropriate to effectuate the same; and (iii) that this resolution shall be spread upon the minutes.

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

*Note: General Manager Bobbie Shields addressed this matter prior to the above votes.*

**(6A2) AQUATIC CENTER**

County Manager Jones addressed the need for a capital expenditure for repairs at the Aquatic Center based on a facility maintenance assessment by Real Estate Services. County Manager Jones said the cost was about \$2.2 million to replace the HVAC equipment and controls as well as \$550,000 to replace the chiller and cooling tower.

County Manager Jones said he directed staff to use \$2.75 million of undesignated pay-go funds to address the critical infrastructure issues at the Aquatic Center.

Budget/Management Director Hyong Yi briefed the Board on this matter.

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

Comments

Commissioner Murrey asked would there be other large capital maintenance items coming forth during this fiscal year. He also asked if staff maintained a record of when capital equipment would need to be replaced. *Director of Real Estate Services Mark Hahn said yes staff keeps track of when capital equipment would need to be replaced. Director Hahn said there shouldn't be any other major replacements forthcoming the magnitude of the Aquatic Center.*

Commissioner Bentley asked about the \$12 million in pay-go funds for Charlotte-Mecklenburg Schools noted in Director Yi's presentation, specifically, whether any of the schools that may potentially be closed, included in the \$12 million. *Director Yi said he would get an answer for that question.*

Commissioner Clarke asked how long would the Aquatic Center be closed while the repairs were being done. *Director Hahn said the plan was for it to remain open during the repair work.*

**CONSENT ITEMS**

**Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to approve the following item(s):**

**(7) APPROVAL OF MINUTES**

- 1) Approve minutes of Regular meeting held September 21, 2010 and Closed Session held September 8, 2010.
- 2) Authorize the Clerk to amend the minutes of June 15, 2010 to correct the vote on Consent items from unanimous to 8-0.
- 3) Authorize the Clerk to amend the minutes of September 8, 2010 in order to place the following phrase in the correct location. "The Board thanked program participants and staff."

**(8) FLOOD HAZARD MITIGATION PLAN CONTRACT**

Authorize the County Manager to negotiate and execute a contract with AECOM Technical Services of NC, Inc. to provide professional engineering services related to the risk assessment and flood hazard mitigation plan.

**(9) REVISIONS TO THE MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE – SET PUBLIC HEARING**

- 1) Approve opening a public review and comment period beginning October 5, 2010 for the proposed revisions to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO); and
- 2) Schedule a public hearing as a timed item for 6:30 pm on November 16, 2010 to receive public comment and to adopt the proposed revisions to MCAPCO.

**(10) RELEASE OF REVERSIONARY DEED RESTRICTION**

Approve extinguishing the automatic reversion deed restriction on approximately .019 acres of land conveyed in 1982 by Mecklenburg County to the State of North Carolina for UNC Charlotte use and authorize the County Manager to execute all necessary documents to extinguish the reverter on that .019 acre portion of the property.

**(14) DESTRUCTION OF DOCUMENTS – LUESA**

Approve the disposal of LUESA (Code Enforcement Department) records and plans in accordance with North Carolina records retention policies.

*Note: These records comprise 5 boxes of old validated permits/documents dated January 1987 – June 1996.*

**(15) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE**

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Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Declaring Intent to Lease Property to Cluck 'N Cup, LLC, owner of Cluck 'N Cup restaurant."

*Note: Cluck 'N Cup, LLC, owner of Cluck 'N Cup restaurant (operated by Lynn Mussen), has submitted a proposal to lease one of the retail spaces attached to the Government District Parking Deck at 4<sup>th</sup> and McDowell Streets.*

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

**(16) POSITION CHANGE REQUEST – AREA MENTAL HEALTH**

Approve converting 1 full-time Case Coordinator position to 2 part-time Case Coordinator positions in the Area Mental Health Children's Developmental Services program.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**(11) RYAN WHITE PART A GRANT APPLICATION**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes to:

- 1) Approve the submission of a grant application for \$7,000,000 in Ryan White Part A funds covering the period of March 1, 2011 through February 28, 2012 from the U.S. Department of Health and Human Services, Health Resources and Services Administration under the Ryan White Treatment Modernization Act of 2006.
- 2) If awarded, recognize, receive and appropriate such funds.
- 3) Approve the allocation process involving regional participation in accordance with HRSA of the US Department of Health and Human Services guidelines.

Commissioner Leake removed this item from Consent for additional information.

Commissioner Leake said she would like to know if these funds were going to be held on the County's Health Department side or the hospital side. *County Manager Jones said the Health Department would be the lead agency and that they would be following the normal allocation process for distributing these funds.*

*Commissioner Leake said she would like to know how many grants have been received by the Health Department for Ryan White and how the funds have been allocated and spent for the last two years.*

**Commissioner Clarke returned to the dais.**

**(12) FAMILY PLANNING GRANT APPLICATIONS**

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Commissioner Leake removed Item 12 – Family Planning Grant Applications from Consent to ask about the change in the subject matter, the removal of Latino.

Commissioner Leake said she wanted to know how these funds were going to be used and spread out in the community at-large.

Commissioner Leake said she also wanted to know who would be monitoring this process.

County Manager Jones said the program would be managed and monitored by the Health Department under the leadership of Health Director Wynn Mabry.

Commissioner Bentley removed this item from Consent in order to ask the following questions:

- What's meant by comprehensive pregnancy prevention services?
- What are the specifics regarding the administration of the funds?
- What specific drugs would be purchased by the grant dollars coming to the County?

General Manager Michelle Lancaster said she would get answers and report back.

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey, to defer consideration of Item 12- Family Planning Grant Applications until the Board's October 19, 2010 meeting in order to receive the additional information, per the questions asked.

County Manager Jones said the Board could move forward with approving the submission of the grants, but not recognize, receive and appropriate the funds; thus, if the grants are received, the matter would have to come back to the Board for final approval.

Commissioner Cogdell asked about the submission deadline.

General Manager Lancaster said it was her understanding that in order to meet the submission deadline, approval was needed at tonight's meeting.

Chairman Roberts urged the Board not to defer, but to move forward with the submission of the grants.

Commissioner Cooksey removed this item from Consent to ask the following questions:

- Who is eligible to participate in the program?
- If it is specific to a particular ethnic group, what do you have to show to prove that you're a member of that ethnic group?

Commissioner Cooksey said he has a problem with programs that were not for all citizens of the County.

General Manager Lancaster said the reason the subject line changed (the removal of Latino) was because these are two separate grant applications. She said one application was for Latinos and the other was not limited to Latinos.

Commissioner Cooksey asked also whether any of these funds would go towards providing abortions or providing abortion counseling.

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

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and failed 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting no and



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Commissioners Bentley, Cooksey, and James voting yes, to defer consideration of Item 12 Family Planning Grant Applications until the Board's October 19, 2010 meeting in order to receive additional information, per the questions asked.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap, to 1) approve the submission of a grant application for \$125,000 per year for up to three years from the N.C. Department of Health and Human Services to support family planning services to the Latino population; and 2) approve the submission of a grant application for one-time \$10,000 to purchase long-acting contraceptives.

Commissioner Murrey suggested the Board move forward with the submission of the grant applications with the contingency that if it's determined the deadline was not between now and the Board's next meeting, that the application would not be submitted until all of the questions raised have been answered and the opportunity for a second consideration was given.

Commissioner Leake said she would not accept Commissioner Murrey's suggestion as a friendly amendment to her motion.

Substitute motion was made by Commissioner Murrey, seconded by Commissioner Dunlap to 1) approve the submission of a grant application for \$125,000 per year for up to three years from the N.C. Department of Health and Human Services to support family planning services to the Latino population; and 2) approve the submission of a grant application for one-time \$10,000 to purchase long-acting contraceptives, with the contingency that if it's determined the submission deadline was not between now and the Board's next meeting, that the application would not be submitted until all of the questions raised have been answered and the opportunity for a second consideration was given; however, if it is time-sensitive, then the submission of the applications would occur.

County Manager Jones said the applications were due by October 15<sup>th</sup>, which was before the Board's next meeting.

Commissioner Murrey withdrew his motion.

The vote was then taken on the motion below.

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap, and carried 6-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, Murrey, and Roberts voting yes and Commissioners Bentley, Cooksey, and James voting no, to 1) approve the submission of a grant application for \$125,000 per year for up to three years from the N.C. Department of Health and Human Services to support family planning services to the Latino population; and 2) approve the submission of a grant application for one-time \$10,000 to purchase long-acting contraceptives.

### **(13) AGREEMENT AMENDMENT – BALLANTYNE DISTRICT PARK**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey, and Roberts voting yes, to amend the agreement with the YMCA to extend the deadlines for the completion of Phase III facilities at the Ballantyne District Park.

*Note: The YMCA and Mecklenburg County are parties to a Land Development, Use and Maintenance Agreement dated October 12, 2000 (the "Original Agreement") regarding Ballantyne Community Park on Community House Road. At the time of the Original Agreement, the YMCA committed to help develop specific recreation amenities on the maintained premises in three*

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*phases. The YMCA and Mecklenburg County desire to extend the time limit for the completion of the Phase III facilities from October 12, 2010 to October 12, 2013.*

Commissioner Leake removed this item from Consent for more clarity. Lee Jones with Park and Recreation addressed this joint effort. Commissioner Leake said if she wanted to utilize one of the shelters at this park, would she be paying the County or the YMCA. *Mr. Jones said he would follow back up with an answer.*

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

***Vice-Chairman Cogdell chaired the remainder of the meeting.***

**(17) BUDGET AMENDMENT – DSS**

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to amend the Department of Social Services (DSS) Fiscal Year 2011 Adopted Budget to recognize, receive and appropriate \$1,278,278 of additional Federal revenue for the Crisis Intervention Program (CIP).

*Note: The Crisis Assistance Ministry is contracted by DSS to administer these funds by providing heating or cooling assistance to low-income households throughout Mecklenburg County.*

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

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

**STAFF REPORTS AND REQUESTS**

**(18) BUSINESS INVESTMENT PROGRAM GRANT: ABB, INC.**

Motion was made by Commissioner Bentley, seconded by Commissioner Murrey and carried 6-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Murrey voting yes and Commissioner James voting no, to adopt a resolution approving a Business Investment Program grant to ABB, Inc. for a total estimated amount between \$4,299,512 to \$5,305,953 and authorize the County Manager to negotiate and execute a contract.

*Note: This project entails the opening of a new high voltage power cable manufacturing plant in Huntersville by ABB Inc., an international company with US headquarters in Cary, NC. The company is a leader in power and automation technologies and operates in 100 countries. The project will include a capital investment of between \$84 and \$100 million beginning in 2011. The investment will be in building improvements and new business personal property. It will create 100 new jobs over the first 3 years with a projected average annual salary of approximately \$54,000. The County's grant is equal to 75% of the taxes that will be paid by ABB over 10 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 between \$1,149,185 and \$1,435,355 over 10 years. Both the Town of Huntersville and the State of North Carolina will provide financial assistance to this project.*

Economic Development Director John Allen addressed this matter prior to the above vote.

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

***Commissioner Leake returned to the dais.***

COUNTY COMMISSIONERS REPORTS AND REQUESTS

**(19A) EFFECTIVE & EFFICIENT GOVERNMENT COMMITTEE REPORTS  
EFFICIENCY OF BOARD MEETINGS (COMMISSIONER DUNLAP)**

Commissioner Dunlap, chairman of the Board's Effective & Efficient Government Committee presented the Committee's recommendations for meeting procedures/policy changes. He was assisted by General Manager John McGillicuddy.

Note: The other members of the Effective & Efficient Government Committee are Commissioners Clarke, Cooksey, and James.

The recommendations covered the following areas: Agenda Format, Proclamations, Public Appearance, and Advisory Board Appointment Procedures.

**Agenda Format**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Agenda Format Policy to make Section 3 (Request removal of items from Consent) the first order of business during the 5:00 p.m. – 6:00 p.m. portion of the meeting, rather than the last order of business.**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 7-1, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Murrey voting yes and Commissioner Leake voting no, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Agenda Format Policy to place Consent items at the end of the Agenda.**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendations for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Agenda Format Policy to 1) place Proclamations under Consent and 2) delete Section on Commissioners' Comments.**

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

**Proclamations**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendations for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Resolutions and Proclamations Policy as follows:**

- **Amend the existing policy to change the title of the policy to read Proclamations and Awards Policy, rather than Resolutions and Proclamations. Secondly, delete any reference to resolutions.**
- **Amend the existing policy to specify that proclamations to be considered by the Board**

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would be placed on the Board's Regular meeting agenda under Consent, unless the Board votes by super majority (7 votes) to place it under the Awards/Recognition section of the agenda. Note: This decision would be made during the 5:00 p.m. – 6:00 p.m. session.

- Amend the existing policy to indicate that proclamations would be formally presented at the requestor's event, upon request and upon the availability of a Board member and/or County staff member; or it may be mailed to or picked up by the requestor.
- Amend the existing policy to indicate that recognition of staff, advisory board chairs, and Order of the Hornet recipients would be done at a meeting of the Board's discretion.

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

### **Public Appearance**

Recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: Amend the Public Appearance Policy to specify in the policy that requests for funding must be made at the Board's annual budget public hearing and not at a Regular meeting.

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Public Appearance Policy to specify that four or more persons speaking on the same issue are considered a group and if less than four appear, they would receive 3 minutes each.**

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Public Appearance Policy to specify that Board members will not engage in dialogue with public appearance speakers.**

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Public Appearance Policy to specify that handouts and/or tokens from speakers shall be given to the Clerk, who will distribute these items to the Board at the conclusion of the meeting.**

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

### **Advisory Board Appointments**

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to specify that once someone is appointed to an advisory board/committee their application for any other advisory board/committee will be removed from the file.**

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Motion was made by Commissioner Leake, seconded by Commissioner Clarke and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy 1) to clarify that a majority vote of the Board means five votes; 2) to clarify that a person who is eligible for re-appointment may be re-elected by unanimous vote of all members of the Board present at the dais at the time of the vote, provided at least a majority of the entire membership of the Board (five members) is present at the dais and votes on the re-appointment.**

Motion was made by Commissioner Cooksey, seconded by Commissioner Leake and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to allow for the nomination and appointment of people at the same meeting by a unanimous vote of all members of the Board present at the dais at the time of the vote, provided at least a majority of the entire membership of the Board (five members) is present at the dais and votes on the re-appointment.**

Motion was made by Commissioner Bentley, seconded by Commissioner Leake and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy by adding that those applying for the following advisory boards will participate in an interview process by an ad hoc committee appointed in each instance by the Chairman: Alcoholic Beverage Control Board; Central Piedmont Community College Board of Trustees; Charlotte-Mecklenburg Planning Commission; Library Board of Trustees; Board of Equalization and Review; and Board of Motor Vehicle Review. Designated staff may serve as non-voting members. The ad hoc committee would be charged with bringing a recommendation(s) for appointment(s) back to the full board for consideration.**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to specify that people appointed to an advisory board may serve a total of two consecutive terms regardless of how long they served in the first term. Those serving on Boards that have four or six year terms, however, would only serve one term, i.e. Industrial Facilities and Pollution Control Financing Authority (six-year term), Library Board of Trustees and the Central Piedmont Community College Board of Trustees (four-year term). Secondly, specify that anyone having served two consecutive terms or one year term, where applicable, must wait at least one year before applying to serve again on any advisory board.**

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried

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8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to specify that the attendance requirement is 75% with no excused absences.**

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to clarify that those appointed to the Planning Commission, Bicycle Committee, and the Charlotte Mecklenburg Coalition for Housing are to adhere to Charlotte City Council's Attendance policy, since these are areas managed by the City of Charlotte. Also, amend the existing policy to clarify that people appointed to the Nursing Home Community Advisory Board and Adult Care Home Community Advisory Board must adhere to the attendance requirement mandated by statute for these boards.**

Motion was made by Commissioner Bentley, seconded by Commissioner Cooksey and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to specify that the annual appointment schedule will be posted on-line for public access.**

Motion was made by Commissioner Bentley, seconded by Commissioner Dunlap and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to change the length of time for applications to remain on file from two years to one year.**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and carried 8-0, with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, to approve the following recommendation for improving the efficiency of Board meetings, as recommended by the Board's Effective & Efficient Government (EEG) Committee, effective November 1, 2010: **Amend the Procedures for Advisory Board Appointments Policy to add under the Removal of Members From Advisory Boards with Cause section, C. Removal of Alcoholic Beverage Control Board Members With Cause.**

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

Commissioner Cooksey suggested the Board's Ethics Policy apply to members of the Board's Advisory Boards, Committees, and Commissions, unless they have a policy in place already. It was the consensus of the Board to discuss this matter when the Board gets to Item 19b.

**(20) REPORTING ILLEGAL IMMIGRANTS – DSS (COMMISSIONER JAMES)**

Commissioner James asked the Board to consider instructing the Department of Social Services (DSS) to ignore State and Federal regulations and disclose to the Sheriff/ICE/Homeland Security the details of ANY individuals within their files who have been determined to be illegal under

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the SAVE program to determine whether or not they are a threat to national security, have a criminal background, or associated with those that may be a security threat. This is to be required even if this results in litigation with either the State of North Carolina or the Federal Department of Agriculture; and 2) Establish procedures going forward to obtain the fingerprints of any individual who applies to DSS that the SAVE system identifies as an illegal alien (even if the applicant is on behalf of a third party). Effective January 11, 2011.

Commissioner James said his request was about “reporting” and not “deporting.”

Commissioner James said he felt the County had an “obligation” since September 11, 2001, “to ensure and participate in the national security of our country.”

Commissioner James said what concerned him was that the County, the Department of Social Services, has information on illegals that he felt should be provided to Homeland Security.

Commissioner Dunlap made the following motion since a motion had not been made by Commissioner James.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake, to move on to the next agenda item.

Substitute motion was made by Commissioner James, seconded by Commissioner Cooksey, to send a letter to the Department of Homeland Security to obtain information about how the County could privately report information concerning illegals from the Department of Social Services SAVE system database to the Department of Homeland Security.

The following persons spoke in opposition to Commissioner James’ request and criticized him personally for this and other matters he has said and/or brought before the Board as it relates to minorities.

LaWana Mayfield, Roxana Bendezu’, Hector Vacq, Ramon Guerra, Stacey Bonilla, German DeCastro, Maggie Giraud, Maudia Melendez, Rev. Kojo Nanafambu, Anthony Campillo, and Faith Neff.

No one appeared to speak in support of Commissioner James’ request.

Comments

Commissioner Cooksey said the immigration problem in the United States was “out of control.” He said the federal government has let this problem be out of control for the past twenty or twenty-five years. Commissioner Cooksey said there was not a more important responsibility of our federal government than controlling its own borders.

Commissioner Cooksey said he saw Commissioner James’ motion as being a way to create a dialogue with the Department of Homeland Security as to how Mecklenburg County can help them do their job to enforce our border security and “make us all safer as a community.”

Commissioner James said what he wanted was assurance that Mecklenburg County has reported to Homeland Security and that Homeland Security knows who’s in Mecklenburg County. He said whatever Homeland Security decides, was their responsibility.

Commissioner Murrey said he was supportive of federal immigration reform. He said conversation needs to be held on this subject, but that the way proposed by Commissioner James was not the way to go about it.

Commissioner Murrey suggested immigration reform be placed on the Board’s federal

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legislative agenda when the time was appropriate. He said this would provide the County with the opportunity to express to its representatives in Congress that Mecklenburg County was interested in national immigration reform being discussed and voted upon in Congress.

Vice-Chairman Cogdell said for years “our federal government has not addressed comprehensive immigration reform.” Vice-Chairman Cogdell said a comprehensive immigration reform bill was needed.

The vote was then taken on the substitute motion as follows.

Substitute Motion was made by Commissioner James, seconded by Commissioner Cooksey and failed 5-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Murrey voting no and Commissioners Bentley, Cooksey, and James voting yes, to send a letter to the Department of Homeland Security to obtain information from the Department of Homeland Security regarding how Mecklenburg County could privately report information concerning illegals from the Department of Social Services’ SAVE system database to the Department of Homeland Security.

**(19B) EFFECTIVE & EFFICIENT GOVERNMENT COMMITTEE REPORTS  
ETHICS POLICY (COMMISSIONER DUNLAP)**

Commissioner Dunlap, chairman of the Board’s Effective & Efficient Government Committee addressed and presented the Committee’s recommendation regarding a revised Code of Ethics for Mecklenburg County Officials. He was assisted by County Attorney Marvin Bethune.

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

Motion was made by Commissioner James, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, and Leake voting yes, to approve proposed changes to the Mecklenburg County Code of Ethics and repeal the Board’s Code of Conduct.

Prior to the above vote Commissioner James said he would like a file maintained regarding questions and answers provided to Board members in response to questions they may have regarding gifts that may be received and whether the acceptance of that gift would be in violation of the policy. Attorney Bethune said a file of opinions could be maintained in the Deputy County Attorney’s office for reference.

***Code of Ethics recorded in full in Minute Book 45-A, Document # \_\_\_\_\_.***

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

County Attorney Bethune addressed Commissioner Cooksey’s request that the Board’s Code of Ethics apply to persons serving on County Advisory Boards, Committees, and Commissions, unless they have a policy in place already.

It was noted that the Board currently had in place a resolution establishing a conflict of interest policy statement for members of County Boards, Agencies, Committees, and Commissions.

County Attorney Bethune said some of the wording in the resolution was consistent with the wording that was in the previous Code of Ethics, but was now inconsistent with the current Code of Ethics.

County Attorney Bethune suggested the Resolution Establishing a Conflict of Interest Policy



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Statement for Members of County Boards, Agencies, Committees, and Commissions be referred to the Board's Effective & Efficient Government Committee for review and a recommendation back to the Board.

It was the consensus of the Board to refer this matter to the Effective & Efficient Government Committee.

Attorney Bethune addressed the mandatory ethics training required by state law for members of governing boards during this calendar year (2010) and within one year of one's election. Attorney Bethune said a webinar would be offered for Board members early December, which would satisfy calendar year 2010 and the within one year of one's election requirement.

**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 Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Murrey voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:07 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