

OCTOBER 19, 2010

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

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, October 19, 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

-INFORMAL SESSION-

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) LAND ACQUISITION AND C) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session: +/- 149.7 acres, multiple tax parcels located along West Branch Rocky River in the uppermost northeastern corner of the County.

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 go into Closed Session for the following purposes: A) Business Location and Expansion, B) Land Acquisition and C) Consult with Attorney.

The Board went into Closed Session at 5:20 p.m. and came back into Open Session at 6:08 p.m.

(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 8, 10, 13, 15, and 16.

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

-FORMAL SESSION-

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

CITIZEN PARTICIPATION

PROCLAMATIONS AND AWARDS - NONE

AWARDS/RECOGNITION

(1B1) STORM WATER SERVICES VOLUNTEER RECOGNITION

The Board recognized and thanked volunteers involved in protecting and restoring water quality conditions in Charlotte-Mecklenburg. The volunteers were introduced by Rusty Rozzelle, Water Quality Program Manager.

(1B2) CUSTOMER SERVICE HEROES AND GERALD G. FOX EMPLOYEE OF THE YEAR AWARD

The Board recognized and thanked the County's 2010 Customer Service Hero Award Winners. They were introduced by Blake Hart, Office of Strategic Organizational Improvement, Enterprise Analyst. The winners were:

Service Quality: Tara Williams, DSS-Youth & Family Services
Ethics: Jennifer Williams, Sheriff, Inmate Finance Specialist
Timeliness: Jacqui Wolochwianski, CSS, Social Work
Courtesy & Respect: Marsha Williams, Sheriff, Deputy
Communications: Jeff Griffin, LUESA, Code Enforcement.

The Board also recognized and thanked Danisa Concepcion from the Department of Social Services, winner of the 2010 Gerald G. Fox Employee of the Year Award. She received a \$600 check from the Employer's Associations, sponsor of the award, in recognition of this accomplishment.

(2) PUBLIC APPEARANCE

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

John Maye addressed the proposed school closings being considered by the Charlotte-Mecklenburg Board of Education. Mr. Maye said since the Board was the funding source for schools that this matter may eventually come before the Board. He asked the Board to consider the impact of the proposed school closings. He said in some instances it would result in 1) having empty buildings, 2) having structures that would lay dormant which would invite crime, and 3) it would cause a decrease in property values. He asked the Board to consider the ramifications of what's happening with the schools and the recommendations from School Superintendent Dr. Peter Gorman and his staff to the Board of Education. Mr. Maye said he'd like to see Board members take a position on this issue.

Norbert Goode addressed the closing of the Belmont library. He addressed how youth in the Belmont neighborhood benefit from having a library in their neighborhood. Mr. Goode said he would prefer seeing books placed in a community center rather than sold to generate income. Mr. Goode said it concerned him when he sees a local government agency "showing itself in a poor light" in the news. Mr. Goode said he knows the Board works "hard" to correct those

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problems. He encouraged the Board to work “as hard as it can for good, clean government.”

Jack Stratton said he was a federal prosecutor and that he has a federal lawsuit filed “to get back the hundreds of millions of dollars that you’ve defrauded from the federal government over the last ten years, abusing the bodies of little children.” Mr. Stratton said the Board had “chosen not to investigate this and to conspire together to cover this up.” Mr. Stratton then proceeded to criticize County Attorney Bethune’s law firm and specifically Attorney Robert Adden. He informed County Attorney Bethune that his firm would be added to his lawsuit. Mr. Stratton said his allegations were “that this Board is in a conspiracy, a criminal conspiracy, with the juvenile court judges and your agents in the Department of Social Services.” Mr. Stratton referenced former judge Libby Miller and how she was no longer on the bench. According to Mr. Stratton, former judge Libby Miller said in her last political campaign, “Jack Stratton is the worst thing that ever happened to me.” Mr. Stratton went on to say to the Board, “I can assure you that I’m going to be the worst thing that ever happened to each one of you.” Further, that he’s alleging a Title 18, 242 conspiracy.

(3) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Andrea Arterburn to the Adult Care Home Community Advisory Committee for a one-year term expiring October 30, 2011.

Note: She is replacing Barbara Edwards.

CRIMINAL JUSTICE CITIZEN’S ADVISORY COMMITTEE

Motion was made by Commissioner Clarke, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Renee Barfield to the Criminal Justice Citizen’s Advisory Committee as the District 4 representative to fill an unexpired term expiring May 31, 2012.

Note: She is replacing Ezekiel Burns.

Commissioner Clarke nominated all District 5 applicants for appointment consideration to the Criminal Justice Citizen’s Advisory Committee: Gerard Carroll, Thomas Derham, John Fortson, Gloria Johnson, Jeffrey Johnson, Michale Knowles, Janet Lama, Kevin Leonard, James Mathis, III, Sean Mulhall, Charles Payne, Lloyd Scher, and Wells Van Pelt, Jr.

Note: An appointment will occur on November 3, 2010

JUVENILE CRIME PREVENTION COUNCIL

Motion was made by Commissioner Clarke, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Lopa Thakkar to the Juvenile Crime Prevention Council as the Substance Abuse Professional representative for a two-year term expiring October 31, 2012.

ZONING BOARD OF ADJUSTMENT

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Michael Knotts to the Zoning Board of Adjustments (City of Charlotte) for a three-year term expiring September 30, 2013.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

(6) MANAGER’S REPORT

(6A) LIBRARY TASK FORCE

County Manager Jones addressed the Library Task Force as it related to a proposed appropriation of up to \$75,000 from contingency to support the Future of the Library Task Force.

Note: The Design Team process phase of the Future of the Library Task Force has been completed and the members of the Task Force have been selected. One of the deliverables provided by the Design Team was an estimated cost for the Task Force process, including project management, facilitation, communication, citizen involvement, and research costs. The total estimated budget is approximately \$225,000 including expenses for the Design Team process phase. In July, the Library received a grant for \$75,000 from the Community Catalyst Fund of the Foundation for the Carolinas (FFTC) to fund the Task Force. The Library plans to request additional funding in the amount of \$75,000 (for a total of \$150,000) from the FFTC based on the Design Team’s estimated budget. The remaining costs will be offset by Mecklenburg County and Charlotte Mecklenburg Library.

Comments

Commissioner Clarke asked would funds come from unrestricted contingency or the restricted contingency for public library services. *The response was from the unrestricted contingency.*

Commissioner Dunlap asked about past uses of the contingency fund. Commissioner Dunlap said he recalled some requests being turned down and that he was having a “hard time” trying to put this request in “perspective.”

County Manager Jones addressed past uses of the contingency fund.

Commissioner Dunlap said he had difficulty understanding the cost associated with this effort to come up with a solution. He asked would the Board receive an accounting of how the funds would be spent. *The response was yes.*

County Manager Jones said he asked James Woodward, Chancellor Emeritus at UNC Charlotte and chairman of the Task Force to come and address the Board at its November 3, 2010 meeting regarding the task force’s schedule and what they plan to look at. County Manager Jones said included in the process was periodic updates to the Board and the Library Board of Trustees and that there would be an extensive citizen involvement component.

Commissioner Murrey said he viewed this as “seed money” for potential savings going forward.

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Commissioner Leake said she would like to see the task force's budget.

Commissioner Leake asked who had the task force employed to do this work. *The response was the Lee Institute, if funding is made available.*

Commissioner Leake asked were other companies sought and if so, how many. *The response was that discussions were held with other local meeting planners, however, who they were was not known at this point.*

Commissioner Leake asked would additional funds be requested in addition to the \$75,000. *The response was that the Board was being asked to appropriate up to \$75,000 and it's not anticipated that additional funds would be requested.*

Commissioner Leake asked how much was the Library Board being asked to contribute. *The response was \$7,500.*

Commissioner Cogdell said he, too, would like to receive more specifics with respect to how the funds would be used.

Commissioner Cooksey said he would like more information regarding what the final work product was going to be.

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 defer until the Board's November 3, 2010 meeting, consideration to approve appropriating up to \$75,000 from contingency to support the Future of the Library Task Force.

(6B) MECKLENBURG OPEN DOOR REPLACEMENT

General Manager Michelle Lancaster addressed the Request for Information that was issued on September 17, 2010 to provide the continuum of services that Mecklenburg Open Door currently provides for the County.

It was noted the continuum of services included the following:

- The community support team
- Transitional residential services, which is a 38-bed unit for individuals who are returning to the community from Broughton Hospital.
- The recovery solutions program, which is the jail diversion initiative
- Permanent supportive housing, which includes Group Homes
- A walk-in clinic and telemedicine services
- Development of a twelve bed crisis stabilization unit that meets all state facility standards and will be focused on jail diversion

Five proposals were received:

- True Behavioral Health Care
- BWB Connections
- Psychotherapeutic Services
- RHA Health Services
- Monarch

Monarch was selected to begin services, hopefully, before or on December 1, 2010.

Monarch CEO, Dr. Peggy Terhune, Ph.D addressed the Board.

Dr. Terhune went over Monarch's history/experience, budget, staff, and services.

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

Comments

Commissioner Clarke asked if Monarch had audited financial statements. *The response was yes.*

Commissioner Clarke asked who was Monarch's outside auditor and where were they located. *The response was that the current firm was Davidson, Holland, Whitesell, however, they change firms periodically. Davidson, Holland, Whitesell is located in Hickory, North Carolina.*

Commissioner Clarke asked about the size of Monarch's Board of Directors and the chair. *The response was Monarch has an 18 member board, chaired by Angela Barbee, Bank Manager for First Citizens Bank in Albemarle, North Carolina.*

Commissioner Clarke asked if Monarch planned to hire any of the employees of Mecklenburg Open Door. *The response was yes because the people being served are critically important and current Mecklenburg Open Door employees have built relationships with their clients. Dr. Terhune said Monarch would be bringing in its own management team and other staff. She said Monarch would be providing significant oversight on a daily basis.*

Commissioner Cogdell asked Dr. Terhune to address Monarch's previous experience in this area with other local governments, which was done.

Commissioner Cogdell asked had Monarch been subjected to post payment review audits. *The response was yes.*

Commissioner Cogdell asked did staff request from Monarch findings of post payment review audits or any other audits by LME's. *Dr. Terhune said she didn't think that was asked but that information was readily available. Further, that staff did ask had Monarch received any Type A deficiencies or had its license revoked or threatened and the response was no.*

Commissioner Cogdell asked had Monarch ever had a service withdrawn. *The response was no.*

Commissioner Dunlap asked had Monarch ever partnered with other mental health agencies to deliver their services. *The response was Monarch collaborates all the time because Monarch doesn't provide every single service. Also, that Monarch has good relationships with other providers.*

Commissioner Dunlap asked how Monarch manages the other agencies that it partners with, which was addressed.

Commissioner James referenced an alleged practice at Mecklenburg Open Door of advancing employees funds/employee loans. He asked what was Monarch's policy with respect to advancing money to employees. *The response was that Monarch doesn't do this. Further, that they have a lot of financial controls. What they are considering is letting employees cash in some of their paid time off because when they leave Monarch, if they're an hourly employee, they get a week paid time off. Thus, if they're advanced time, the company really isn't out of anything. Dr. Terhune said employees can also borrow against their retirement.*

Commissioner James asked would criminal background checks and drug testing be done on employees transferring over to Monarch. *The response was yes. Also, they would be run through the health care register, their references would be checked, and they'll have to complete an application and sign it. Dr. Terhune said the only three things that would prevent them from being hired would be their criminal background check (a significant criminal record), if they're on the health care registry, and/or a positive drug screening.*

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Commissioner James asked if Monarch used e-verify or something similar. *The response was yes, ADP Screening and Selection Services.*

Commissioner James asked was the contract award to transfer it to Monarch for the future or how does staff plan to address the issue of whether the County would continue to be in this business. *General Manager Lancaster said this didn't include the Shelter Plus Care program or Meck Promise.*

Commissioner James asked would the Board still have to make a decision regarding the Shelter Plus Care program. *The response was yes. General Manager Lancaster said Area Mental Health staff was working on a draft agreement with the Charlotte Housing Authority.*

Commissioner James asked how many Mecklenburg Open Door employees were a part of the Shelter Plus Care program. *The response was that the County was now managing the Shelter Plus Care program.*

Commissioner James said he would like to know how many of the employees that are transferred have outstanding employee loans because they would have a liability to someone.

Commissioner Leake asked about Board of Director terms, which was addressed.

Commissioner Leake asked where was Dr. *Terhune's* office located. *The response was in Albemarle.*

Commissioner Leake asked would Monarch be operating an office in Mecklenburg County. *The response was yes.*

Commissioner Leake asked was Monarch's staff diverse. *The response was yes.*

Commissioner Leake asked was it necessary for the Board to approve this contract award or was it the County Manager's decision. *The response was that the County Manager is authorized, through the budget ordinance, to sign contracts of this nature.*

Commissioner Leake asked would the County Manager be the one held accountable if Monarch doesn't fulfill their obligation. *County Manager Jones said yes.*

Commissioner Cooksey asked about the selection process for Monarch's Board of Directors and where do they reside, which was addressed.

Commissioner Cooksey asked how much was the contract with Monarch going to cost. *General Manager Lancaster said around \$4 million.*

Commissioner Cooksey asked was it a fixed price or does Monarch get paid on a per patient basis. *General Manager Lancaster said she believed it was a combination of both. General Manager Lancaster said these types of things would be negotiated.*

Commissioner Cogdell said he would have thought the evaluation process would have included asking for previous audits by regulatory agencies. *General Manager Lancaster said Monarch provided audits from previous years but staff didn't asked for the specific types of audits as referenced by Commissioner Cogdell.*

This concluded the discussion. No action was necessary by the Board.

CONSENT ITEMS

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to approve the following item(s):

(7) APPROVAL OF MINUTES

Approve minutes of Regular meeting held October 5, 2010 and Closed Session held October 5, 2010.

(9) NC DIVISION OF WATER RESOURCES GRANT

Reject a Grant Award from the North Carolina Department of Environment and Natural Resources, Division of Water Resources for the Briar Creek Stream Restoration Project.

Note: On December 18, 2007, the Board of County Commissioners adopted a Resolution to approve a grant application for the amount of \$667,000 to the N.C. Department of Environment and Natural Resources, Division of Water Resources. The purpose of the grant was to restore a 5,000 foot segment of Briar Creek between Randolph and Providence Roads, with an estimated total cost for the stream restoration work of approximately \$1,000,000. By letter dated September 27, 2010, the State informed the County that it was awarding the County only \$225,000 for construction of this stream restoration project. The project included the construction of a greenway trail and pedestrian bridge across Briar Creek, also with an estimated cost of approximately \$1,000,000. The plan was to construct the greenway and pedestrian bridge at the same time as the stream restoration work as it is important that both portions be constructed simultaneously. Since there are no grants or County funds available to construct the greenway and pedestrian bridge portion of this combined project, and both portions of this project should be constructed simultaneously, County Storm Water staff recommended that the Board of County Commissioners reject the grant award for the Briar Creek stream restoration project.

(11) CONSERVATION DECLARATION AGREEMENT – US 521 LANDFILL (FOXHOLE)

Authorize the County Manager to negotiate and execute a Conservation Declaration Agreement with the Army Corps of Engineers – Wilmington Division for wetlands mitigation on portions of Tax Parcels # 223-061-03, 223-071-01, and 223-052-02.

(12) GOVERNMENT DISTRICT PARKING DECK – RETAIL TENANT LEASE

Adopt the resolution entitled “Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Cluck ‘N Cup, LLC, Owner of Cluck ‘N Cup restaurant.”

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

(14) STATE SECONDARY ROAD PROGRAM FY 2010 – 2011

A) Receive a report from the North Carolina Department of Transportation on the Secondary Road Program for Mecklenburg County for construction to be completed during FY 2010 – 2011.

B) Approve the State Secondary Road Program for FY 2010 – 2011 for Mecklenburg County.

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

THIS CONCLUDED ITEMS APPROVED BY CONSENT

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

(8) BUDGET AMENDMENT – STRUCTURED DAY PROGRAM (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate \$39,078 in additional State funding for the Structured Day Program.

Note: Funds will be used to expand housing options, educational and vocational assistance and psychiatric services for offenders as well as purchase bus passes for transportation. The Structured Day Program is a day reporting center for probationers residing in Mecklenburg County.

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

(10) BUDGET AMENDMENT – HEALTH DEPARTMENT (INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to recognize, receive and appropriate additional revenue of \$615,922 for the Health Department to reflect actual State and Federal allocations.

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

(13) ROBINSON VFD FIRE EQUIPMENT FINANCING

Motion was made by Commissioner Leake, seconded by Commissioner James and carried 7-0 with Commissioners Bentley, Clarke, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to adopt a resolution to approve financing of fire equipment by Robinson VFD.

Note: The Robinson Volunteer Fire & Rescue Department is seeking approval of financing for fire apparatus and equipment. The United States Internal Revenue Code requires that for such financing to be carried out on a tax exempt basis, the BOCC must first approve the financing. Adoption of this resolution will not make the County liable for repayment of the loan from BB&T to the Robinson Volunteer Fire and Rescue Department.

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

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

Commissioner Cogdell returned to the dais.

(15) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2010-2011 ADOPTED BUDGET

Motion was made by Commissioner Clarke, seconded by Commissioner Cogdell and carried 6-2 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, and Roberts voting yes and Commissioners James and Leake voting no, to approve Charlotte-Mecklenburg Schools (CMS) Budget Amendments.

Note: The Board of Education requested approval of changes in the allocation of the County appropriation by purpose and/or function of the amount included in the Board of County Commissioners (BOCC) budget resolution on June 15, 2010. As part of the approved FY 2011 budget, the BOCC approved a total operating funding level of \$302,250,000 for CMS. The previous allocations were established by County staff only as placeholders in the budget resolution, subject to revision by CMS. The County staff placeholders excluded \$2,300,000 in fines & forfeitures. CMS amendments include the appropriation of fines & forfeitures, which is included in the FY11 Adopted Budget. The changes are the result of CMS adjustments and reductions required to adjust CMS' expenditure level to the County appropriation of \$302,250,000. These changes are only adjustments in the allocation of funds. No additional funds are being requested. These adjustments have been approved by the Board of Education. When the Board of Education's approved budget varies by 10% or more within the purpose and/or function categories from the allocation placeholders in the budget resolution, the BOCC must approve the variance for it to occur.

Commissioner Leake removed this item from Consent for clarity purposes. She also requested a copy of CMS' financial audit for fiscal years 2009 and 2010.

Budget/Management Director Hyong Yi said 2010 may not be available yet but that staff would provide the Board with the link to CMS's financial audit which was on-line.

Commissioner Leake, chairman of the Board's Education Liaison Ad Hoc Committee, noted for the record that she has attempted for the last two years to set up a meeting with representatives from the Board of Education but to no avail.

(16) AMENDMENT – PUBLIC APPEARANCE POLICY

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, to amend the Public Appearance Policy to specify that requests for funding must be made at the Board's annual budget public hearing and not at a Regular meeting.

Commissioner Leake removed this item from Consent for clarity purposes. Clerk to the Board Janice S. Paige explained the amendment.

Policy recorded in full in Minute Book 45-A, Document # _____.

STAFF REPORTS AND REQUESTS - NONE

COUNTY COMMISSIONERS REPORTS AND REQUESTS - NONE

COMMISSION COMMENTS – General comments were made at this time by various

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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 Cogdell, seconded by Commissioner Clarke and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:26 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman