

DECEMBER 21, 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, December 21, 2010.

**ATTENDANCE**

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

**Absent:** Commissioner Neil Cooksey

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**-INFORMAL SESSION-**

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

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

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 13, 14, 16, and 17.

**(2) STAFF BRIEFINGS - NONE**

**(3A, B) CLOSED SESSION – CONSULT WITH ATTORNEY AND PERSONNEL MATTER**

Prior to going into Closed Session, Attorney Bethune announced there was no personnel matter to be discussed in Closed Session.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purpose: A) Consult with Attorney.

***The Board went into Closed Session at 5:20: p.m. and came back into Open Session at 5:55 p.m.***

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

**-FORMAL SESSION-**

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

*Note: Chairman Roberts, on behalf of the Board, took a moment of personal privilege to extend sympathy to the family of Pete Cunningham, former member of the North Carolina General Assembly, House of Representatives, District 107, Mecklenburg County, who passed away today, Tuesday, December 21, 2010.*

**CITIZEN PARTICIPATION**

**(1) AWARDS/RECOGNITION – NONE**

**(2) PUBLIC APPEARANCE - NONE**

**APPOINTMENTS**

**(3A) NOMINATIONS/APPOINTMENTS**

**ALCOHOLIC BEVERAGE CONTROL BOARD**

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board:

Darryl Broome	by Commissioner James
Robert Burroughs	by Commissioner Cogdell
Huff Andrea	by Commissioners Cogdell and Leake
Jerry Hwang	by Commissioner Clarke
Betty Newsam	by Commissioners Cogdell and Leake
Thomas Porter	by Commissioner Leake
Don Reid	by Commissioner James
James Ross	by Commissioners Leake and James
Lloyd Scher	by Commissioner James
Brian Sisson	by Commissioner James
Emily Wu	by Commissioner Clarke

*Note: An appointment will occur following interviews of the above nominees by an ad hoc committee of the Board appointed by the Chairman. Per Board policy, persons seeking appointment to the Alcoholic Beverage Control Board must undergo an interview process.*

**NURSING HOME COMMUNITY ADVISORY COMMITTEE**

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Aida Bertsch and Ulrich Bertsch to the Nursing Home Community Advisory Committee for a one-year term expiring December 31, 2011.

*Note: They replace Alan Elam, Sr. and Delia Holder.*

**(3B) AUDIT REVIEW COMMITTEE**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint the following Board and staff representatives to the Audit Review Committee: Commissioners Dumont Clarke (Chairman), George Dunlap, Karen Bentley, Bill James, and ex-officio, non-voting members County Manager Harry L. Jones, Sr. and General Manager John McGillicuddy.

*Note: The term length is two years.*

**(3C) WASTE MANAGEMENT ADVISORY BOARD**

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint the following persons to the Waste Management Advisory Board as recommended by Charlotte City Council: Christopher Capellini to fill an unexpired term expiring November 4, 2012, Patrick Darrow for a three year term expiring September 30, 2013, and Jennifer White for a three year term expiring July 13, 2013.

*Note: They replace Collette Alston, Walter Bauer, and Rodney Conklin.*

**(3D) APPOINTMENTS TO EXTERNAL BOARDS**

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to:

- 1) Appoint Chairman Roberts to serve on the N.C. Blumenthal Performing Arts Center (NCBPAC) Board of Trustees for a two-year term expiring December 3, 2012.
- 2) Appoint Commissioner George Dunlap to the Centralina Economic Development Commission for a two-year term expiring December 3, 2012.
- 3) Appoint Commissioner Harold Cogdell, Jr. to the Charlotte-Mecklenburg Development Corporation for a two-year term expiring December 3, 2012.

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

**MANAGER'S REPORT**

**(6A) COUNTY MANAGER STRATEGIC MANAGEMENT PLAN**

County Manager Jones addressed his Fiscal Year 2010-2011 Strategic Management Plan, which was originally presented on December 7, 2010, but approval was deferred.

*Note: Each year, the County Manager provides to the Board a proposed Strategic Management Plan. This Plan serves as the annual work plan for the County Manager. The Plan establishes key strategic accountabilities for the County Manager that the Board uses as part of its annual performance evaluation of the County Manager.*

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County Manager Jones said, per the Board's directive on December 7, 2010, he followed up with Charlotte City Manager Curt Walton regarding pursuing functional consolidation discussions in fiscal year 2010-2011 and per that discussion, to possibly add this to the County Manager's 2010-2011 Strategic Management Plan. County Manager Jones said it was concluded that it would be better to defer those discussions until next fiscal year, so that both managers could concentrate their resources on what County Manager Jones refers to as change management initiatives that were underway.

County Manager Jones said the Strategic Management Plan before the Board was an ambitious list of activities. Further, that an additional item may be added once the Board receives the presentation from IBM regarding joint master planning.

County Manager Jones asked the Board to consider deferring adding the review of possible city/county functional consolidation issues until next fiscal year.

It was noted that timeline information had been added to the Strategic Management Plan, in response to Commissioner Bentley's question at the December 7, 2010 meeting.

There was no objection to County Manager Jones' request that city/county functional consolidation issues be deferred until next fiscal year, with respect to being placed on the Manager's Strategic Management Plan.

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve the County Manager's Strategic Management Plan for Fiscal Year 2010-2011 as noted below.

**County Manager  
Strategic Management Plan  
Fiscal Year 2010-2011**

Organizational Vision

*To be the best local government service provider.*

Values & Guiding Principles

- **Ethics:** We work with integrity.
- **Customers:** We serve our customers with dignity and respect
- **Employees:** We recognize employees as our most important resource.
- **Excellence:** We invest in learning and improving.
- **Teams:** We work as a team, respecting each other.
- **Accountability:** We focus on results

Personal Philosophy

*It is my privilege to serve.*

- Complete assessment of VFD service delivery structure and funding options.
  - Board received the staff assessment, options and recommendations on December 14, 2010. At its first meeting in January, the Board will be asked to approve moving forward with the staff recommendation.

Contact: Bobbie Shields

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- Participate in the “Envision Charlotte” Program with a goal of 20% reduction in energy usage for program buildings.
  - Participation is underway. The Board was briefed on Envision Charlotte at its December 7, 2010 meeting.

Contact: Bobbie Shields

- Develop and implement a compliance program.
  - Staff recommendations provided to County Manager/Executive Team – February 2010
  - Implementation – Immediately following approval by County Manager/Executive Team

Contact: John McGillicuddy

- Continue to implement financial management services structural and operational changes, including considering recommendations developed by Deloitte.
  - Ongoing Implementation – There are many action steps to this reform, so this is ongoing and will continue through FY2011 and FY2012
  - County Manager/Executive Team determine actions on Deloitte recommendations in January 2011

Contact: John McGillicuddy

- Finalize and implement changes to the capital investment planning and budgeting process.
  - Finalize: Key decisions/direction will occur starting at the Board’s Strategic Planning Conference
  - Implementation: Recommendations will be discussed/developed as part of the FY2012 budget process, culminating with the County Manager’s Recommended Budget and Board approval of the FY2012 budget

Contact: Hyong Yi and Dena Diorio

- Recommend additional library services for consolidation within Mecklenburg County/library or for outsourcing.
  - County Manager and Library Director have received and agreed in principle to staff recommendations. BOCC/BOT Subcommittee meeting on recommendations is being scheduled and expected to occur within 30 days.

Contact: John McGillicuddy

- Develop implementation strategies for the county’s consolidated Human Services Agency (HAS) that results in greater sharing of resources and more formal functional consolidation of services.
  - Merger of financial management functions within HSA departments to be initiated within 90 days; additional considerations in this area will occur as part of overall action steps for structural and operational changes in financial management services.

Contact: Michelle Lancaster

- Identify and implement additional shared services and /or internal consolidation of business support functions (e.g. Information and Technology Services, Human Resources, and Public Services and Information).
  - Identify: Process design for this project was approved by the County Manager/Executive Team on December 1, 2010. Implementation of the process has begun and is expected to culminate in 15 weeks (April 2010) with recommendations to the County Manager/Executive Team.

Contact: John McGillicuddy

- Complete the Vision 2020 process to revisit the Board's long-term vision for the community.
  - Vision 2020 process is underway. Public and employee input will be provided to and discussed by the Board at its Strategic Planning Conference (SPC). Based on Board direction at the SPC, staff will provide the Board in March/April with recommendations on revision or renewal of long-term vision for the community.

Contact: Leslie Johnson and Brian Cox

#### **(6B) REPORT ON AREA MENTAL HEALTH/LME**

General Manager Michelle Lancaster gave a report and recommendations regarding an assessment of Area Mental Health/LME. The report covered a review of Mecklenburg Open Door, the Shelter Plus Care grant, the HUD review, and the organizational review prepared by consultant Michael Moseley.

*Note: The County Manager's Office conducted an assessment of Mecklenburg County Area Mental Health/LME regarding its oversight and management of the HUD Shelter Plus Care grant and its sub-recipient vendor Mecklenburg Open Door. In addition, the assessment included a review of the LME leadership and operations as well as an assessment of financial management functions within the LME.*

#### Report Highlights

##### Shelter Plus Care Grant

- A County grant that was administered by Mecklenburg Open Door that was reviewed by HUD and found to have significant compliance problems. Per those problems, the grant was brought in-house.
- The Office of the Inspector General for HUD came in and conducted an audit of the grant.
- Staff does not have the Inspector General's final audit report. It should be received near the end of January.
- HUD has given the County, informally, all of the important recommendations that are going to be contained in the report and what the County should expect.
- The amount that the County will owe back to HUD is \$465,000 for the Shelter Plus Care grant.
- The components of that payback are made up of two items, \$11,000 and \$14,000 items, unsupported charges that were reimbursed in the grant.
- Also, there's \$440,000 in administrative cost that also lack supporting documentation.
- It's staff's understanding from HUD that the County will receive a letter from HUD at the end of January and the County will have time to sit down and review and negotiate

the County's payback.

- Also, if the County can provide additional documentation, HUD will allow the County to do that.
- A list of examples was given of things HUD found wrong with the grant.
- Positive feedback was received with respect to the service component of the grant.
- County employees were not following the policies and procedures regarding the review and validation of invoices.
- Employees were not following policies and procedures regarding appropriate documentation.
- Staff will report back to the Board after it receives the report from HUD.
- Staff's report will include recommendations with respect to what should be done going forward.
- All possible legal options will be considered, including all options in negotiating with HUD in order to get the amount owed to a number that the County could or could not support.

#### Mecklenburg Open Door

- The County no longer contracts with Mecklenburg Open Door, those services have been transferred to Monarch, Incorporated.
- Per the County's assessment, there were numerous issues regarding the review and validation of supporting documentation for reimbursement requests.
- There was not good/solid documentation for things the county was paying for.
- There are several issues staff continues to work with Mecklenburg Open Door board members on, such as, records management and retention.
- Additional documentation has been requested with respect to vehicles, computers, and furniture, including the location of these items, property of the county.
- A response is expected from the Mecklenburg Open Door board in the next couple of weeks.
- Mecklenburg Open Door has identified several vehicles and pieces of furniture that have been returned to the county, but there are still some items outstanding.

#### Financial Review by County Finance

- Area Mental Health has very well written financial policies and procedures.
- It is being recommended that there be a significant amount of training for the financial staff with a focus on financial reporting and approval of documents and timeliness.
- It was found that there was a lack of following the policies and procedures.
- The review by finance is still on-going.

#### The Moseley Report

- Michael Moseley is the former Area Mental Health Director for the State of N. C.
- Mr. Moseley's focus was to look at the organizational structure of Area Mental Health and management of the contracting process.
- The report provided eight recommendations which were reviewed.

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

County Manager Jones made the following comments.

- Mecklenburg County Area Mental Health has a very strong service culture.
- There are very few instances of areas where service delivery is lacking or where service performance oversight is deficient.

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- The County will continue to seek opportunities to improve service quality.
- The assessment revealed there's an urgent need to strengthen and enhance Area Mental Health's capability and performance in compliance oversight.
- This will require fundamental reform in Area Mental Health beginning in two critical areas as identified in the Moseley Report, leadership and financial management.
- Today, the County Manager received and accepted the resignation of Area Mental Health/LME director Grayce Crockett, effective January 11, 2011.
- This resignation makes leadership change the first priority in Area Mental Health.
- Interim director Carlos Hernandez will remain in this position, overseeing the day to day operations with hands on oversight from General Manager Michelle Lancaster.
- Also, Area Mental Health legal counsel, Elizabeth Nurkin, will serve as interim deputy director to place greater emphasis on compliance oversight, particularly in contract monitoring and management of LME's vendors.
- This combination of leadership will allow the county to move forward with all of the Moseley Report recommendations, which the County Manager fully supports.
- An outside consultant will probably have to be obtained to assist the county in making all of the changes recommended in the Moseley Report.
- The Moseley Report recommendations will be implemented before hiring a new director.
- It's envisioned that the next Director will have a very strong business management background and skills.
- The other priority is to reorganize the financial management function within Area Mental Health.
- The County Manager has directed that all financial management functions within Area Mental Health, the Department of Social Services, the Health Department, and Community Support Services be merged to create one finance division serving all of these areas.
- The new finance division will be directed by Gail Murchison, current Deputy Finance Director for the County.
- Director Murchison will continue to report to County Finance Director Dena Diorio.

### Comments

Chairman Roberts asked that the Moseley Report and the comments made regarding Mecklenburg Open Door be placed on-line. *General Manager Lancaster said the Moseley Report was on-line but in a different location but that it would also be placed on-line as part of the agenda information. With respect to HUD's report regarding the Shelter Plus Care grant, that report hasn't been received yet. The comments made were based on staff verbal exchanges.*

Commissioner Pendergraph asked for clarification regarding the administrative cost referenced by General Manager Lancaster, which was addressed.

Commissioner Pendergraph asked why was former director Crockett allowed to resign versus being terminated. *County Attorney Bethune said that was not a matter that could be discussed in open session.*

Commissioner Dunlap asked about the County's plan of action to hopefully avoid paying the full reimbursement that's been requested by HUD, which was addressed. It was noted that staff was trying to obtain needed documentation from Mecklenburg Open Door.

Commissioner Dunlap asked was it County staff or Mecklenburg Open Door staff that failed to follow policies and procedures. *The response was County staff.*



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Commissioner Dunlap asked was any action taken towards County staff. *The response was yes.*

Commissioner James commented on the \$465,000 owed to HUD and asked had consideration been given to seeing if Mecklenburg Open Door could be held liable via liability insurance they may have, including their board of directors. *The response was that all options were being considered, including suing Mecklenburg Open Door.*

Commissioner Bentley asked how many employees were not following policies and procedures. *The response was one (1).*

Commissioner Bentley asked was there a way of monitoring whether or not recommendations for improvement have been carried out which was addressed.

Commissioner Leake asked who was responsible for making sure things were being managed properly by Mecklenburg Open Door. *The response was former director Grayce Crockett.*

Commissioner Leake asked for clarification regarding comments made with respect to Area Mental Health's current structure which was addressed.

Commissioner Leake asked how many years had the County contracted with Mecklenburg Open Door. *The response was it's been a long time, the specific number of years could not be recalled. Staff said it would find out and share that information with the Board.*

Commissioner Leake asked when did the County recognize there were problems. *The response was September of this year.*

Commissioner Cogdell asked how many contracts did Area Mental Health have with outside vendors. *The response was hundreds but the specific number could not be cited.*

Commissioner Cogdell asked about Area Mental Health's budget. *The response was that \$40 million of Area Mental Health's budget was local dollars. The amount of flow through dollars could not be cited.*

Commissioner Cogdell asked for clarification regarding the \$465,000 that's owed and the components of that, which was addressed.

Commissioner Cogdell asked for clarification on the new finance structure for Area Mental Health, the Department of Social Services, the Health Department, and Community Support Services, which was addressed.

Commissioner Clarke asked how long had the County been operating as a Local Management Entity (LME). *The response was seven or eight years, the specific number of years could not be recalled.*

Commissioner Clarke commented on how former Director Grayce Crockett had to transition the County's Area Mental Health department from being a direct provider, to one that contracted services out via the LME.

Commissioner Clarke asked was it correct that since the County took over the Shelter Plus Care grant that it's operating as it should. *The response was yes.*

Commissioner Clarke asked if the County had adequate or enough staff with the right skill sets to operate a LME. *The response was staff will be looking at this.*

Commissioner Clarke said "despite the obvious failure to ensure that employees who had the

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responsibility of overseeing critical contracts weren't doing it properly, that Grayce Crockett did a commendable job in trying to help the organization shift from being a direct provider of services to being a LME, a manager of services that you've outsourced to others."

Chairman Roberts asked about consultant Moseley's background which was addressed.

**(4A) REAL ESTATE EXCISE TAX REFUND REQUEST**

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to hold a hearing on request by Palmetto Law Associates, LLP for reimbursement of overpayment of North Carolina excise tax in the amount of \$1,026.00, which was denied by the County Manager because it did not meet the statutory timeframe for making a request.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close hearing and deny the request by Palmetto Law Associates, LLP for reimbursement of North Carolina excise tax in the amount of \$1,026.00 on the grounds that it did not meet the statutory timeframe requirement for requesting a refund, which is within six months of paying the tax.

*Note: Palmetto Law Associates, LLP filed a N.C. General Warranty Deed in Mecklenburg County on April 5, 2007 that should have been filed in Union County. A corrected deed was filed in Union County on September 27, 2010. The request was reviewed by the County Manager and denied, per the authority given to him in SL 2009-110, which states if the county manager finds that the refund requested is not due, the board of county commissioners must conduct a de novo hearing on a request for refund. The request for refund was denied because it failed to meet the timeframe specified in GS105-228-37(a), which states a request must be received within six months after the date the tax was paid. In this particular case, the tax was paid in Mecklenburg County on April 5, 2007. The deadline for submitting a request for reimbursement was October 5, 2007. The request for reimbursement was received on December 1, 2010, three years later. The statute doesn't allow the Board to reverse the Manager's decision when the denial is based on failure to meet the timeframe for submitting a request.*

**STAFF REPORTS AND REQUESTS**

**(7A) BUSINESS INVESTMENT PROGRAM GRANT: SPX CORPORATION**

Motion was made by Commissioner Dunlap, seconded by Commissioner Cogdell and carried 7-1 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt a Resolution approving a Business Investment Program Grant to SPX Corporation for a total estimated amount of up to \$3,100,000 and authorize the County Manager to negotiate and execute a contract.

*Note: SPX Corporation is a Charlotte-based Fortune 500 manufacturer that provides highly-engineered solutions to customers in three primary areas:*

- *Infrastructure for the global energy and power sector*
- *Process equipment for the food and beverage industry*
- *Diagnostic tools for the automotive industry*

*In Charlotte, SPX employs 255 people at its corporate headquarters in Ballantyne, but expects to*

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*add 180 new jobs within the next five years. To accommodate this growth, SPX plans to build a new 230,000 square-foot office building in Ballantyne, after initially considering sites in South Park and Lancaster County, SC. The project will include a capital investment of \$65 million in real estate and business personal property, beginning in 2011. It will create 180 new jobs over the first five years with a projected average annual salary of approximately \$82,000. The company will also invest \$68 million in the acquisition of two new aircraft, which will be hangered in Charlotte. The County's grant is equal to 50% of the taxes that will be paid by SPX over five years on the new facility investment and 90% over five years on the aircraft and will be subject to the County's standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. The total estimated value of the County's five-year, 50%/90% grant is estimated to be \$3.1 million. A fiscal impact analysis shows a present value of net benefits to the County of \$4,905,286 over 10 years. Both the City of Charlotte and the State of North Carolina will provide financial assistance to this project.*

John Allen, Economic Development Director presented this matter to the Board prior to the above vote.

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

**(7B) STATE LEGISLATIVE AGENDA**

Brian Francis, Assistant to the County Manager, presented the County's proposed Legislative Agenda for 2011. See below:

*Note: Each year the Board of County Commissioners adopts a state legislative agenda that serves as the basis for the county's advocacy efforts with the North Carolina General Assembly.*

Mecklenburg County Proposed Legislative Agenda  
2011

1. Increase the efficiency of the Board of Equalization and Review by granting Mecklenburg County authority authorized in the General Statutes but not allowed under current local legislation. This includes increasing the size of the board.
2. Seek legislation necessary to provide Mecklenburg County greater flexibility in the funding and administering of law enforcement in the unincorporated area.
3. Revise selected general statutes to allow State, County and Municipal government to hold electronic drawings as a permanent record
4. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment.
5. Seek legislation necessary to implement the recommendations of the Library Task Force.
6. Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice.

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

7. Clarify S.L. 2010-158 to insure that secondary PSAPs that have inter-local agreements with Primary PSAPs are eligible for 911 funds and that decisions made by the 911 board are subject to the Administrative Procedures Act.

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8. Extend the special provision from the 2009 and 2010 budgets providing that County Departments of Social Service can use up to 5% of Child Care Development Fund Block Grant funds for administration.
9. If a vehicle registration fee is passed, designate that revenue be used in part to fund air quality programs.

Comments

Motion was made by Commissioner James, seconded by Commissioner Cogdell, to approve including in Mecklenburg County's 2011 Legislative Agenda, Items 1-8.

Commissioner Dunlap suggested adding a tenth item regarding a previous request to support Charlotte-Mecklenburg Board of Education's request for local flexibility regarding staff spending and the school calendar.

Commissioners James and Cogdell accepted Commissioner Dunlap's suggestion as a friendly amendment.

Commissioner Leake expressed concern for Item 6. Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice, which was addressed.

Commissioner Cogdell addressed the issue of counties financing and paying for the construction and maintenance of schools, yet counties have no ownership interest in schools.

Commissioner Cogdell asked was it true, there's nothing to keep a school system from selling a school that has been closed and using those funds for its operational budget.

Assistant Francis said it was his understanding that if the Board of Education has property they wish to dispose of, the County has the right of first refusal to buy it from the Board of Education. If the County doesn't wish to purchase it, then it can be sold on the open market.

County Attorney Bethune said he believed proceeds from the sale of property had to be used for capital purposes and couldn't be used for operational purposes. County Attorney Bethune said he would check to be sure.

Commissioner Cogdell asked was it true that what the county gets was the right to buy it back, even if the county was still paying the debt on the construction of it. *The response was yes, that's possible.*

Chairman Roberts asked was there a procedure for adding additional legislative items at a later date. *Assistant Francis said yes, but it becomes more difficult the longer we go into the session.*

Commissioner Cogdell said the issue he raised was complex, but one the Board needs to consider addressing at some point.

Assistant Francis said given the scope of the issue raised by Commissioner Cogdell, this was probably an item that's better suited to be a statewide issue and advocated by the State Association of County Commissioners. Further, that the county was probably past the point in

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the Association's process for this matter to be on the Association's 2011 agenda. He said if it's something the Board felt needed to be addressed in the next three-five years, then it should be ran through the Association's process with the goal of doing it in a subsequent General Assembly. Assistant Francis said if it's something the Board felt was urgent, then he would suggest putting it on as a placeholder, however, the prospect for success would be better long term than trying to do it in the short term.

Assistant Francis said another option would be to consider the General Assembly's study bills process, where they direct committees of the General Assembly to look at issues that they want to take action on in the next session. Assistant Francis said this could be one that could be placed on the legislative agenda to urge the General Assembly to study the issue of ownership of school buildings and how school property is disposed of when it's no longer used for its original purpose. He said this would allow the Board more time to study it at the local level in concert with the Board of Education, but would also raise the item to a statewide perspective.

Attorney Bethune said he would send the Board a memo regarding the issue of the Board of Education selling its assets. He suggested the Board wait until it received that information, which should assist the Board in framing the issue, before adding it to the legislative agenda.

It was the consensus of the Board to wait.

The vote was then taken on the motion as amended and noted below.

Motion was made by Commissioner James, seconded by Commissioner Cogdell and carried 7-0 with Commissioners Clarke, Cogdell, Dunlap, James, Leake, Pendergraph, and Roberts voting yes, to approve including in Mecklenburg County's 2011 Legislative Agenda the following legislative requests:

1. Increase the efficiency of the Board of Equalization and Review by granting Mecklenburg County authority authorized in the General Statutes but not allowed under current local legislation. This includes increasing the size of the board.
2. Seek legislation necessary to provide Mecklenburg County greater flexibility in the funding and administering of law enforcement in the unincorporated area.
3. Revise selected general statutes to allow State, County and Municipal government to hold electronic drawings as a permanent record
4. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment.
5. Seek legislation necessary to implement the recommendations of the Library Task Force.
6. Allow Mecklenburg County to provide website notification as an alternative to compulsory advertising purchases for the purpose of public notice.
7. Clarify S.L. 2010-158 to insure that secondary PSAPs that have inter-local agreements with Primary PSAPs are eligible for 911 funds and that decisions made by the 911 board are subject to the Administrative Procedures Act.
8. Extend the special provision from the 2009 and 2010 budgets providing that County Departments of Social Service can use up to 5% of Child Care Development Fund Block Grant funds for administration.

10. Support the Charlotte-Mecklenburg Board of Education's request for local flexibility regarding staff spending and the school calendar.

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Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke, to approve including in Mecklenburg County's 2011 Legislative Agenda the following legislative request: Item 9. If a vehicle registration fee is passed, designate that revenue be used in part to fund air quality programs.

Commissioner James questioned the use of the revenue for air quality programs. Commissioner James said there were other higher priority uses for any extra revenue generated.

Commissioner Dunlap asked for clarification regarding Item 9 and whether this was something the county was promoting. *Chairman Roberts said no, this was something that has been discussed by other counties.*

Commissioner Dunlap said he hopes it doesn't pass, but if it does, he's okay with it being used for air quality programs.

Commissioner Pendergraph questioned whether the request was to use all of the funds for air quality programs or a portion of it. He said there was a difference in the wording on the background sheet.

Commissioner Cogdell said he would amend his motion to state it all be used for air quality programs. Commissioner Clarke, who seconded Commissioner Cogdell's motion agreed to the amendment.

The vote was then taken on the motion as amended and noted below.

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and failed 4-3 with Commissioners Dunlap, James, Leake, and Pendergraph voting no, and Commissioners Clarke, Cogdell, and Roberts voting yes, to approve including in Mecklenburg County's 2011 Legislative Agenda the following legislative request: 9. If a vehicle registration fee is passed, designate that revenue be used in full to fund air quality programs.

Motion was made by Commissioner Cogdell, seconded by Commissioner Clarke and carried 4-3 with Commissioners Clarke, Cogdell, Dunlap, and Roberts voting yes, and Commissioners James, Leake, and Pendergraph voting no, to approve including in Mecklenburg County's 2011 Legislative Agenda the following legislative request: 9. If a vehicle registration fee is passed, designate that revenue be used in part to fund air quality programs.

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Chairman Roberts gave an update on the North Carolina Association of County Commissioners legislative agenda, per her service on the Legislative Committee of the North Carolina

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Association of County Commissioners (NCACC). It was noted that the NCACC won't finalize their legislative agenda until mid-January. Also, that the general scope and focus of the NCACC and the general policy positions proposed for the County were aligned with one another.

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

Chairman Roberts suggested a 5<sup>th</sup> General Policy Position regarding supporting legislation that enables consolidation of services and/or programs for increased efficiency and service and improved service delivery.

County Attorney Bethune said the Board had some flexibility already with regard to consolidating services via Interlocal Cooperation Agreement provisions.

Assistant Francis said what Chairman Roberts was wanting could be covered under the general policy of supporting legislation that grants greater flexibility to counties, which was already on the County's proposed list of positions.

Chairman Roberts acknowledged County Attorney Bethune's comments and accepted Assistant Francis's suggestion.

Assistant Francis then presented the following General Policy Positions for the Board's consideration.

#### General Policy Positions

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve including in Mecklenburg County's 2011 Legislative Agenda the following General Policy Positions:

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

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Assistant Francis then presented the following Elected Officials Goals for the Board's consideration:

1. Support an increase in the malt beverage tax to fund Substance Abuse programs. (Chairman Roberts, sponsor)
2. Provide flexibility to the Register of Deeds to reject documents suspected of being fraudulent. (Register of Deeds, David Granberry, sponsor)

Chairman Roberts addressed her request. No action was taken.

Register of Deeds David Granberry addressed his request.

Commissioner Clarke asked had the Register of Deeds Association taken a position on this.

Register of Deeds Granberry said he hadn't been able to generate much interest from the association. Further, that what he's proposing was a little different from what the association may have considered in the past.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve including in Mecklenburg County's 2011 Legislative Agenda the following Elected Officials Goal submitted by Register of Deeds David Granberry: Provide flexibility to the Register of Deeds to reject documents suspected of being fraudulent.

**COUNTY COMMISSIONERS REPORTS AND REQUESTS**

**(8A) BOCC COMMITTEE ASSIGNMENTS (CHAIRMAN ROBERTS)**

The Board received as information the BOCC committee assignments for 2010-2012 as assigned by the Chairman.

**MECKLENBURG COUNTY COMMISSION  
LIAISON ASSIGNMENTS  
As assigned by the Chairman of the Mecklenburg Board of County Commissioners  
2010-2012**

<b>Committee</b>	<b>Commissioner(s)</b>
Arts and Science Council	Jennifer Roberts
Building Development Commission	Neil Cooksey
Capital Budget Advisory (2)	Harold Cogdell & Neil Cooksey
Center City Partners	Jennifer Roberts
Centralina Council of Governments (1+1)	Jennifer Roberts & Harold Cogdell (Alt.)
Charlotte Area Fund (2)	Jennifer Roberts & Vilma Leake
Charlotte Chamber	Jennifer Roberts
Charlotte Mecklenburg Housing Partnership	Dumont Clarke
Charlotte Regional Partnership	Jennifer Roberts
Child Fatality Prevention Team	Jennifer Roberts & Vilma Leake
Education Budget Advisory Comm.	Harold Cogdell
Marine Commission	Karen Bentley
Mecklenburg, Union Metropolitan Planning Organization (MUMPO) (1+1)	Dumont Clarke & Harold Cogdell (Alt)
Metropolitan Transit Commission	Jennifer Roberts
Planning Liaison (3)	Neil Cooksey - Dumont Clarke & Harold Cogdell
Smart Start	Jennifer Roberts
Veterans Services	Jim Pendergraph
Volunteer Firemen's Association	George Dunlap
Women's Advisory Committee	Vilma Leake
WTVI	George Dunlap

There was only one change to the above assignments. Commissioner Pendergraph will serve as the Board's liaison to the Volunteer Firemen's Association, instead of Commissioner Dunlap.



*A copy of the updated list of Liaison Assignments is on file with the Clerk to the Board.*

**BOCC COMMITTEE ASSIGNMENTS 2010 - 2012**

**Criminal Justice Committee**

**Meeting Schedule: 1<sup>st</sup> Tuesday of the month – 3:00-5:00pm**

*This committee is responsible for making recommendations regarding the efficiency and effectiveness of the criminal justice system in Mecklenburg County.*

**Chairman: Jim Pendergraph**

Members: Karen Bentley, Harold Cogdell, Dumont Clarke

Staff Support: Michelle Lancaster

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**Health & Community Support Committee**

**Meeting Schedule: 3<sup>rd</sup> Tuesday of the month – 3:00-5:00pm**

*This committee is responsible for making recommendations to improve the health and well being of Mecklenburg County residents with emphasis on children, seniors and families.*

**Chairman: Vilma Leake**

Members: Karen Bentley, Harold Cogdell, Bill James

Staff Support: Michelle Lancaster

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**Effective & Efficient Government Committee**

**Meeting Schedule: 3<sup>rd</sup> Tuesday of the month – 3:00-5:00pm**

*This committee is responsible for making recommendations that support Mecklenburg County providing services in a highly effective, efficient and inclusive manner, and be accountable for results.*

**Chairman: George Dunlap**

Members: Dumont Clarke, Neil Cooksey, Jim Pendergraph

Staff Support: John McGillicuddy

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**Economic Development Committee**

**Meeting Schedule: 2<sup>nd</sup> Tuesday of the month – 1:30-3:00 pm**

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*This committee is responsible for making recommendations that contribute to business and job growth in Mecklenburg County.*

**Chairman: Harold Cogdell**

Members: Neil Cooksey, George Dunlap, Karen Bentley

Staff Support: Bobbie Shields

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**Natural Resources Committee**

**Meeting Schedule: 1<sup>st</sup> Tuesday of the month – 3:00-5:00pm**

*This committee is responsible for making recommendations that support Mecklenburg County having a vibrant and diverse economy, while protecting its normal resources and enhancing the quality of life.*

**Chairman: Jennifer Roberts**

Members: Neil Cooksey, Vilma Leake, Jim Pendergraph

Staff Support: Bobbie Shields

**The Ad Hoc Committees are:**

**1. Education Liaison Committee**

*This committee is responsible for recommending processes and practices that foster positive communication and working relationships between elected and appointed officials of Mecklenburg County, Charlotte-Mecklenburg Schools and Central Piedmont Community College.*

**Chairman: Jennifer Roberts**

County Members: Jim Pendergraph, Harold Cogdell, Jr., Vilma Leake

Staff Support: Harry Jones

**2. Compensation Committee**

*This committee will review the compensation of the County Manager.*

**Chairman: Dumont Clarke**

Members: George Dunlap, Bill James, Jennifer Roberts

Staff Support: Michelle Lancaster

**CONSENT ITEMS**

**Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to approve the following item(s):**

**(9) APPROVAL OF MINUTES**

Approve minutes of Regular meeting held December 7, 2010 and Special Meeting held

December 6, 2010.

**(10) 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:*

- 3256 Dead Bonds (4/06/08 – 1/01/09)

*Note: All persons, firms or corporations are required to post a surety or cash bond with LUESA. A dead bond is a bond that has been cancelled by the insurance company and/or by the principal if it is a cash bond. The account is closed and the bond is considered dead. The paperwork for a cash bond is returned to the customer or to the insurance company in the case of a surety bond.*

**(11) TAX REFUNDS**

Approve refunds in the amount of \$218,004.42 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 tax refund recipients is on file with the Clerk to the Board.***

**(12) INSURANCE REIMBURSEMENTS**

Recognize, receive and appropriate funds in the amount of \$4,687 for Real Estate Services, \$46,133 for Park and Recreation, \$3,918 for Sheriff's Office and \$1,388 for Health Department.

*Note: All reimbursements are for stolen and damaged items.*

**(15) CAPITAL RESERVE REQUEST – PARK & RECREATION (PICNIC SHELTER, LATTA NATURE PRESERVE)**

Appropriate expenditure of \$48,000 from the Park & Recreation "Recreation Facility" Capital Reserve account to construct a picnic shelter / outdoor classroom at the Latta Nature Preserve.

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

A) Recognize, receive and appropriate \$27,077 in Medicaid funds for the Children's Developmental Services program.

B) Approve the establishment of one full-time MH Licensed Clinician position in Children's Developmental Services.

C) Recognize, receive and appropriate State funds in the amount of \$12,000 for the First in Families project managed by Residential & Support Services, Inc.

**THIS CONCLUDED ITEMS APPROVED BY CONSENT**

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

**(13) COUNTY-WIDE GREENWAY DONATIONS**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, to accept donations of various tracts of land dedicated to the County for greenway purposes.

*Note: A list of the tracts is on file with the Clerk to the Board.*

Commissioner Leake removed this item from Consent for more public awareness and clarification. County Attorney Bethune addressed this matter.

**(14) LAND EXCHANGE - HABITAT FOR HUMANITY OF CHARLOTTE, INC.**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 5-0 with Commissioners Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to adopt a Resolution authorizing the exchange of County owned Tax Parcel 043-011-23 (+/- 0.344 acres) for the following seven parcels owned by Habitat for Humanity of Charlotte, Inc. (totaling +/- 13.456 acres) in the Reid Park neighborhood:

1. Tax Parcel #145-172-04, +/- 0.30 acres
2. Tax Parcel #145-172-10, +/- 8.163 acres
3. Tax Parcel #145-173-08, +/- 0.233 acres
4. Tax Parcel #145-173-11, +/- 0.79 acres
5. Tax Parcel #145-174-08, +/- 1.97 acres
6. Tax Parcel #145-186-04, +/- 1.2 acres
7. Tax Parcel #145-186-06, +/- 0.80 acres

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

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

*Commissioner Clarke returned to the dais.*

**(16) HEALTH AND WELLNESS TRUST FUND GRANT**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize, receive and appropriate \$300,000 from the Health and Wellness Trust Fund Commission over a two-year period beginning in July, 2010 for the Tobacco-Free Colleges Initiative Phase III.

*Note: A list of the colleges is on file with the Clerk to the Board.*

Commissioner Leake removed this item from Consent for more public awareness. She also asked that the Health Department consider adding Livingstone College to the list.

**(17) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT**

Motion was made by Commissioner Leake, seconded by Commissioner Cogdell and carried 6-0

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with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph, and Roberts voting yes, to recognize and receive Area Mental Health Monthly Financial Reports.

*Note: In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the board of county commissioners ad hoc reports as requested by the board of county commissioners.*

**AREA MENTAL HEALTH AUTHORITY  
Statement of Revenues and Expenses  
FY 2011, For the period ending October 2010**

	<u>Budget</u>	<u>Actual</u>	<u>% Received</u>
<b>Revenue Source</b>			
Medicaid & CAP	13,669,072	3,769,294	27.58%
State and Federal	29,970,786	10,917,105	36.43%
Third Party/Other	97,293	4,985	5.12%
County	44,963,374	8,453,445	18.80%
<b>Total Revenues</b>	<b>88,700,525</b>	<b>23,144,829</b>	<b>26.09%</b>
	<u>Budget</u>	<u>Actual</u>	<u>% Spent</u>
<b>Service Continuum</b>			
Children's Developmental Services	7,163,191	1,979,084	27.63%
Child & Adolescent Services	13,645,602	1,821,984	13.35%
Adult Mental Health	6,390,258	1,417,541	22.18%
Adult Substance Abuse	13,594,395	3,534,594	26.00%
Local Management Entity	8,596,537	2,205,363	25.65%
BHC Randolph	22,887,539	9,418,263	41.15%
Developmental Disabilities	16,423,003	2,768,000	16.85%
<b>Total Expenditures</b>	<b>88,700,525</b>	<b>23,144,829</b>	<b>26.09%</b>
<b>Net (Revenues - Expenditures)</b>	<b>0</b>	<b>0</b>	<b>100%</b>

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

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

**ADJOURNMENT**

Motion was made by Commissioner Cogdell, seconded by Commissioner Pendergraph and carried 6-0 with Commissioners Clarke, Cogdell, Dunlap, Leake, Pendergraph and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 8:45 p.m.

\_\_\_\_\_  
Janice S. Paige, Clerk

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Jennifer Roberts, Chairman